



Hernandez  
Environmental  
Services

**WESTERN JOSHUA TREE CENSUS REPORT  
FOR  
APN: 0631-201-68**

**SAN BERNARDINO COUNTY  
CALIFORNIA**

**Prepared for:**

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**MARCH 2024**

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## 1.0 Introduction

Hernandez Environmental Services (HES) was contracted by Massaro and Welsh and Associates to prepare a General Biological Assessment (GBA) for an approximately 7.5-acre project site in the unincorporated community of Joshua Tree, San Bernardino County, California. The project site consists of Assessor's Parcel Numbers (APN) 0631-201-68.

### 1.1 Purpose

The purpose of this report is to identify and locate all Western Joshua Tree's (WJT) on the project site and within a 50-foot buffer area around the project site. HES biologists took measurements, photographs, and descriptions of each tree to accurately determine the number of trees that will be impacted by project activities.

### 1.2 Project Location

The 7.5-acre property is located in an unincorporated community of Joshua Tree, San Bernardino County, California. The proposed Project site is located northeast of the intersection of Mercury Drive and Adele Lane. Specifically, the project site is located within Section 20, Township 1 North, Range 7 East, on the *Joshua Tree North* United States Geological Survey (USGS) 7.5-minute topographic quadrangles. The Project site center point latitude and longitude are 34° 14' 55.8975" North, 116° 18' 31.3395" West (Figures 1 and 2).

### 1.3 Project Description

The proposed project includes 15 dry campsites for both tent and RV camping, with no water, with each campsite containing a parking spot for one vehicle and a shade structure. All campsites are easily accessible through a hard packed soil road and a turnaround on the project site (Figure 3).

## 2.0 Regulatory Background

“Pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its September 22, 2020, meeting, accepted for consideration the petition submitted to list the WJT (*Yucca brevifolia*) as threatened or endangered under the California Endangered Species Act. Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife's written evaluation report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial

possibility the requested listing could occur. Based on that finding and the acceptance of the petition, the Commission is also providing notice that the western Joshua tree is a candidate species as defined by Section 2068 of the Fish and Game Code.”

On July 10, 2023, the WJT Conservation Act (WJTCA) was passed to conserve WJT and its habitat while supporting the states renewable energy and housing priorities. The WJTCA prohibits the importation, export, take, possession, purchase, or sale of any WJT in California unless authorized by California Department of Fish and Wildlife (CDFW). According to Section 1927.3 of the Fish and Game Code, the department may authorize, by permit, the taking of a WJT if all of the following conditions are met:

- (1) The permittee submits to the department for its approval a census of all WJT on the project site, including size information and photographs, that categorize the WJT according to the following size classes: (A) Less than one meter in height. (B) One meter or greater but less than five meters in height. (C) Five meters or greater in height.
- (2) The permittee avoids and minimizes impacts to, and the taking of, the WJT to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to a WJT.
- (3) The permittee mitigates all impacts to, and taking of, the WJT. The measures required to meet this obligation shall be roughly proportional in extent to the impact of the authorized taking of the species. When various measures are available to meet this obligation, the measures required shall maintain the permittee’s objectives to the greatest extent possible. All required measures shall be capable of successful implementation. The permittee shall ensure adequate funding to implement the mitigation measures. In lieu of completing the mitigation obligation on its own, the permittee may elect to satisfy this mitigation obligation by paying fees, pursuant to the fee schedule outlined in the WJTCA for deposit into the fund.
- (4) (A) The department may include permit conditions that require the permittee to relocate one or more of the WJT. If relocation is required, the permittee shall implement measures to assist the survival of relocated trees, and to comply with any other reasonable measures required by the department to facilitate the successful relocation and survival of the WJT. These relocation measures shall include, but are not limited to, all of the following:
  - i. A requirement that the relocated WJT is placed in a location and with proper orientation to improve its survival.
  - ii. A requirement that WJT are relocated at a time that maximizes their survival when feasible.
  - iii. A requirement that a desert native plant specialist be onsite to oversee relocation.

- (B) The department may limit relocation to certain size classes of trees.
- (C) By July 1, 2024, the department shall adopt guidelines and relocation protocols, based on the best available science, to relocate WJT successfully. The department shall consult with desert native plant specialists as part of the development of these guidelines and relocation protocols. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to the development, adoption, or amendment of guidelines and relocation protocols pursuant to this subparagraph.

### **3.0 Methodology**

HES conducted a focused WJT survey on February 15, 2024. The onsite evaluation complies with the CDFW Census Instructions. The entire project site was traversed on foot. HES systematically surveyed the site using parallel transects. All WJTs onsite and within a 50-foot buffer were mapped using a sub-meter Geographical Positioning System (GPS). A photograph of each tree was taken. The height from the middle of the base of the trunk to the top of the leaf furthest from the base of each WJT stem or trunk arising from the ground was obtained using a measuring tape. Current flower clusters or old flower stalks were not included in the measurements. Any leaning WJT were not measured perpendicular to the ground. No more than two measurements were used to measure WJT trunks that followed an unusual path.

Other data that was collected during the survey includes tree maturity; if fruits and/or flowers were present; and if the tree was living or dead. WJT only branches after flowering, so any tree that had flowers/fruits or more than one branch was considered mature. A tree was only recorded as having fruits if the fruits appeared to have been from the current growing season. Fruits that are starting to develop while flowers are present were also recorded. Any dark brown or small/undeveloped fruits were not recorded. According to the WJTCA a tree is considered dead if it meets at least one of the following criteria:

- (1) Has not burned and has no green leaves, no new growth on the main stem, and no basal sprouts.
- (2) Has partially or fully burned at least 18 months prior and otherwise satisfies paragraph (1).
- (3) Has fallen and is completely detached from its roots or has fallen and its roots are no longer in contact with the soil.

## 4.0 Results

### 4.1 Western Joshua Tree Census

A total of 2 WJTs were documented within the project boundary. No WJTs were found within 15 meters of the project boundary. No WJT found on site are classified as dead. WJT locations are displayed on Figure 3, *Joshua Tree Location Map*. Appendix A of this report, The WJT Census Table, contains all other data collected on the WJT documented within the project area.

The project site is not located within the area which qualifies for reduced Mitigation Fees for impacts to WJTs in California, as defined in the California Department of Fish and Wildlife Code (Section 1927). Table 1 organizes the WJTs within the project boundaries by the size classes defined in the WJT Conservation Act and their respective mitigation fees.

<b>Table 1.</b>			
<b>WJT Tree Size Class &amp; Mitigation Fee</b>			
<b>WJT Size Class</b>		<b>Number of WJT</b>	<b>Mitigation Fee</b>
A	Less than one meter in height	0	\$340
B	One meter or greater but less than five meters in height	2	\$500
C	Five meters or greater in height	0	\$2,500
<b>Total</b>		2	\$1,000

## 4.2 Impact Analysis

There are two existing structures and disturbed areas within the 50-foot buffer around one of the WJT on the project site. The proposed project will not result in new impacts within the 50-foot buffer around each tree on site. The proposed impacts include 0.27 acre of creosote bush scrub habitat and 1.83 acres of disturbed habitat. The proposed project would not result in direct impacts and removal of WJT (Figure 5).

## 5.0 Minimization and Mitigation Efforts

Based upon the findings of this report, it is recommended that the following measures be implemented as part of the project to avoid, minimize, or compensate for the anticipated impacts from project activities:

- No ground disturbing activities shall occur within 50 feet of the Western Joshua tree on site without prior authorization from CDFW and the County of San Bernardino.
- Any impacts to the Joshua tree or within 50 feet of the western Joshua tree would require compliance with the Western Joshua Tree Conservation Act (WJTCA) which was passed in July 2023 to conserve western Joshua tree and its habitat while supporting the state's renewable energy and housing priorities. The WJTCA authorizes CDFW to:
  - Permit the trimming and removal of hazardous or dead western Joshua trees.
  - Permit the incidental take of western Joshua trees under CESA provided the permittee meets certain conditions.


Any proposed impacts to the Joshua trees on site would require prior authorization from CDFW.

- The boundaries of the 50-Foot buffer around the trees on the project site shall be clearly delineated, prior to project activities with posted signs, posting stakes, flags, and/or rope or cord to avoid unauthorized take of an individual Joshua tree. The boundary around the trees shall remain in place until the completion of the project.

**6.0 Certification**

I hereby certify that the statements furnished above, the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: March 26, 2024

Signed:   
\_\_\_\_\_  
Juan J. Hernandez  
Principal Biologist



## **7.0 References**

California Department of Fish and Wildlife. 2024. Fish and Game Code of California, Division 2. Chapter 11.5. *Western Joshua Tree Conservation Act* Section 1927-1927.12.

# FIGURES

SAN BERNARDINO COUNTY

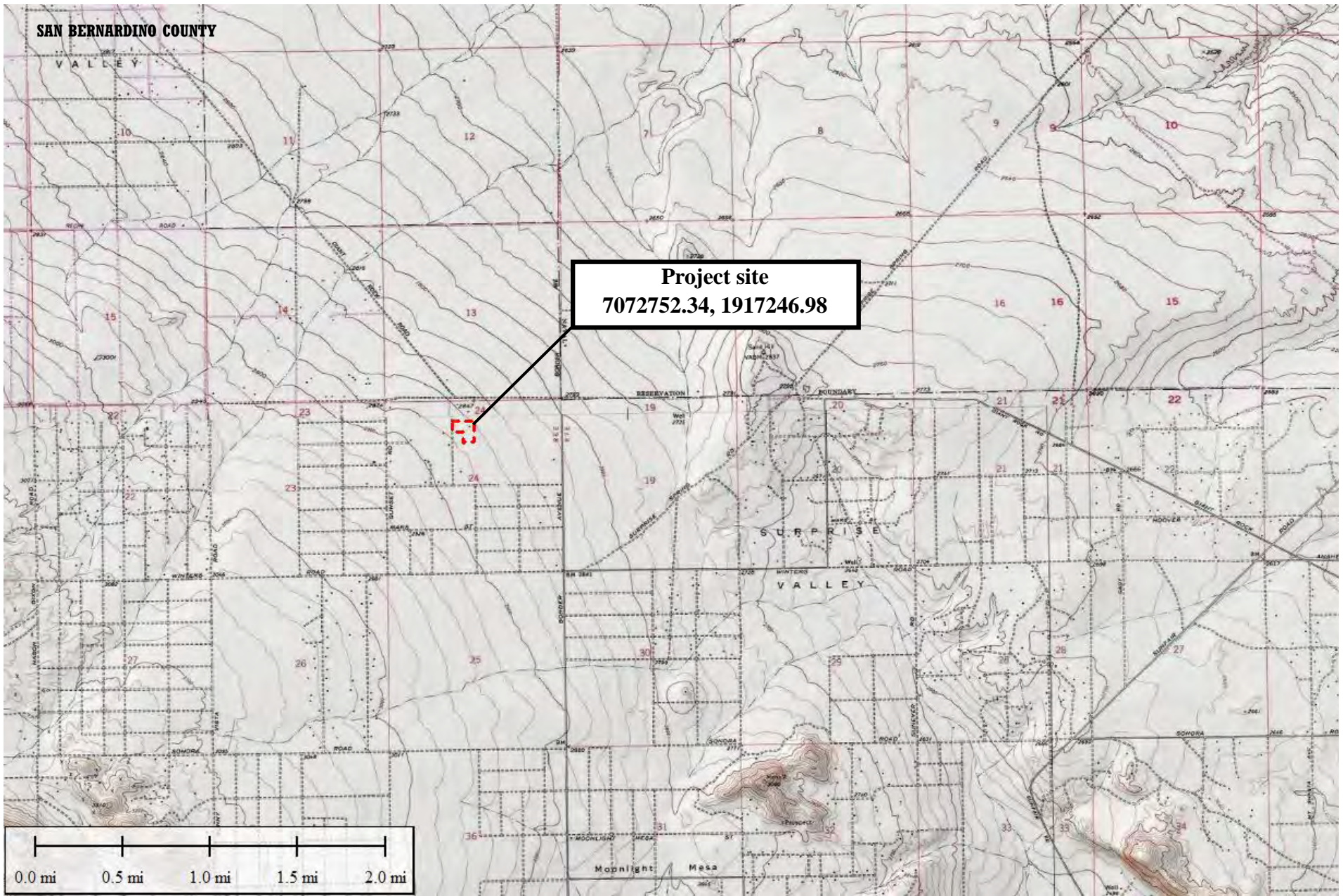


**Figure 1**  
Location Map  
APN 0631-201-68  
62076 Mercury Drive, Joshua Tree  
San Bernardino County, California

**Legend**  
Project site (7.5 acres)







**Figure 2**  
 Vicinity Map  
 APN 0631-201-68  
 62076 Mercury Drive, Joshua Tree  
 San Bernardino County, California

**Legend**  
 Project site (7.5 acres)

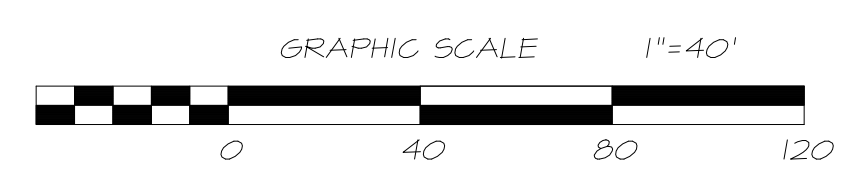
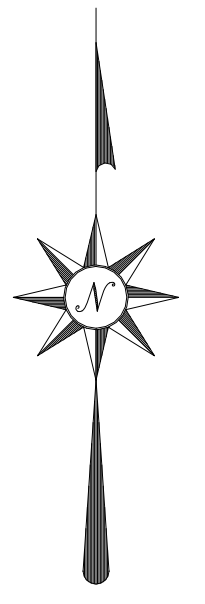
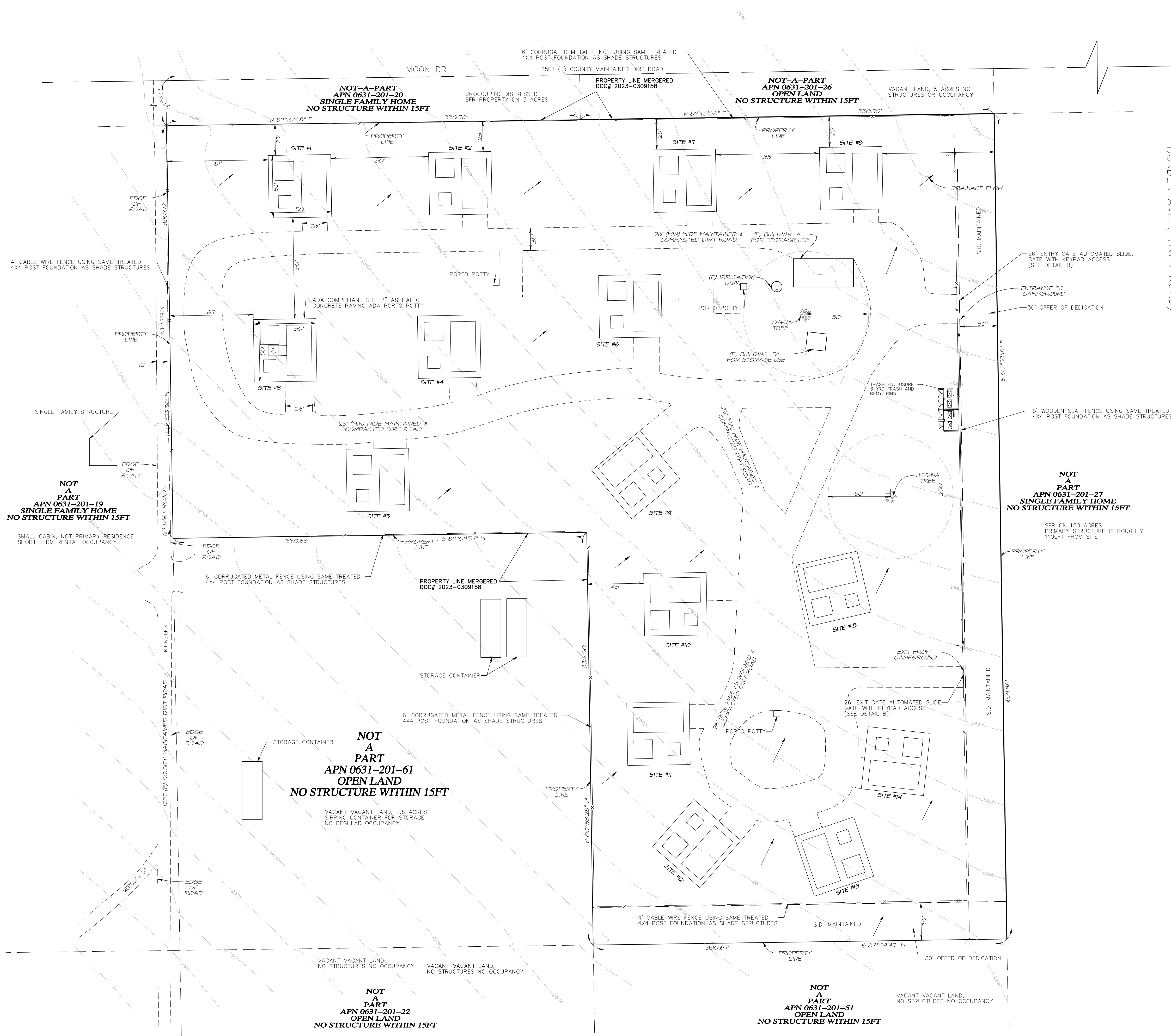




# CONDITIONAL USE PERMIT

## COUNTY OF SAN BERNARDINO

" OFFICIAL USE ONLY "



NO.	REVISIONS	DATE	INITIAL

APPROVED BY:  
  
PAUL T. WELSH, P.E., L.S.  
R.C.E. 37394 L.S. 5205

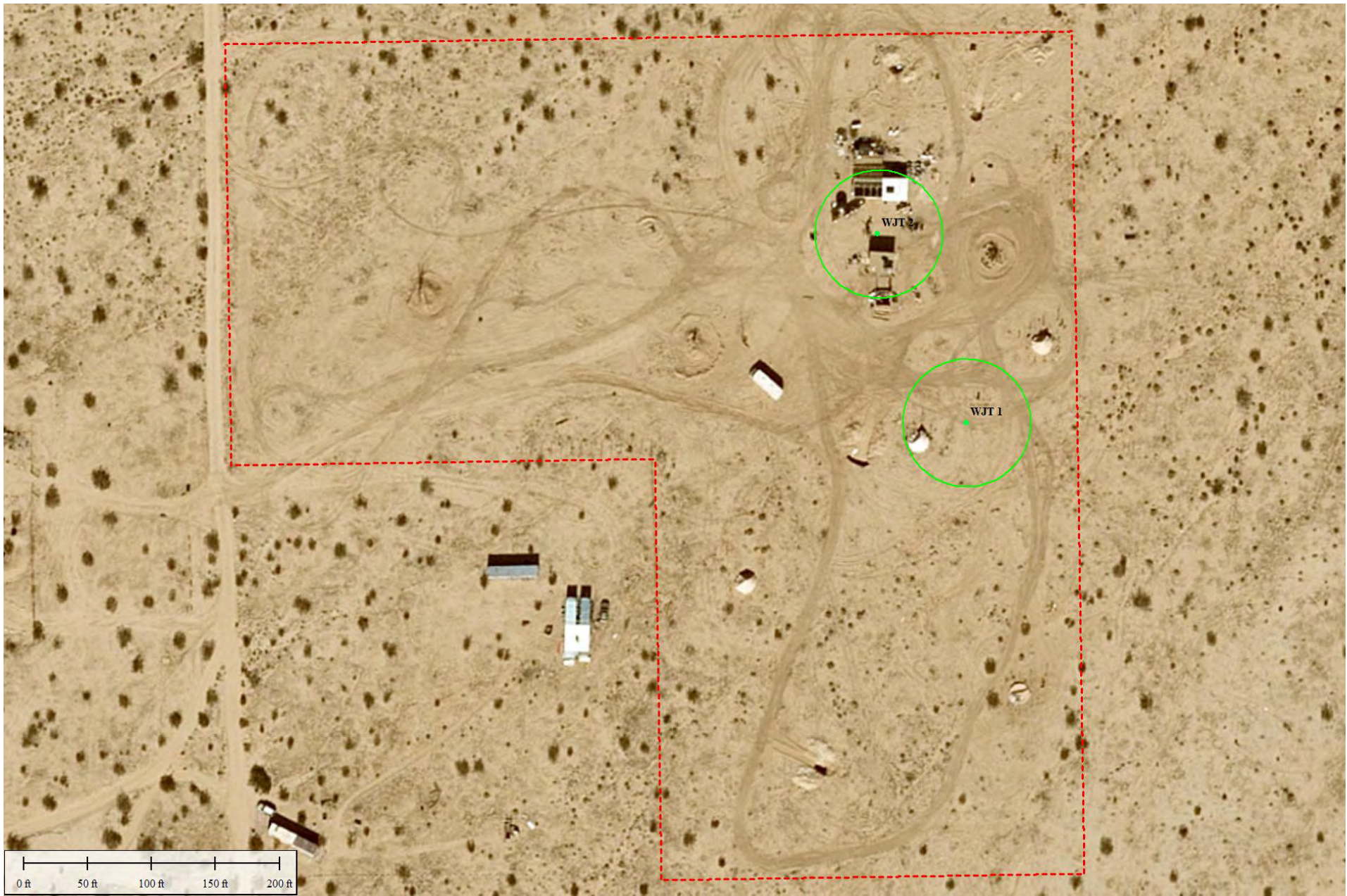


PLAN PREPARED BY:  
**MASSARO & WELSH**  
CIVIL ENGINEERS LAND SURVEYORS  
34840 YUCAIPA BLVD.  
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PREPARED: APRIL 2023

PREPARED FOR:  
**JT PROSPECTING LLC**  
447 HOWLAND CANAL  
VENICE, CA 90291  
JOSEPH MILBURN  
PH# 920-248-1133


PROJECT:  
**CONDITIONAL USE PERMIT**  
62076 MERCURY DRIVE  
JOSHUA TREE  
SHEET 2 OF 2 SHEET







**Figure 4**  
Western Joshua Tree Location Map  
APN 0631-201-68  
62076 Mercury Drive, Joshua Tree  
San Bernardino County, California

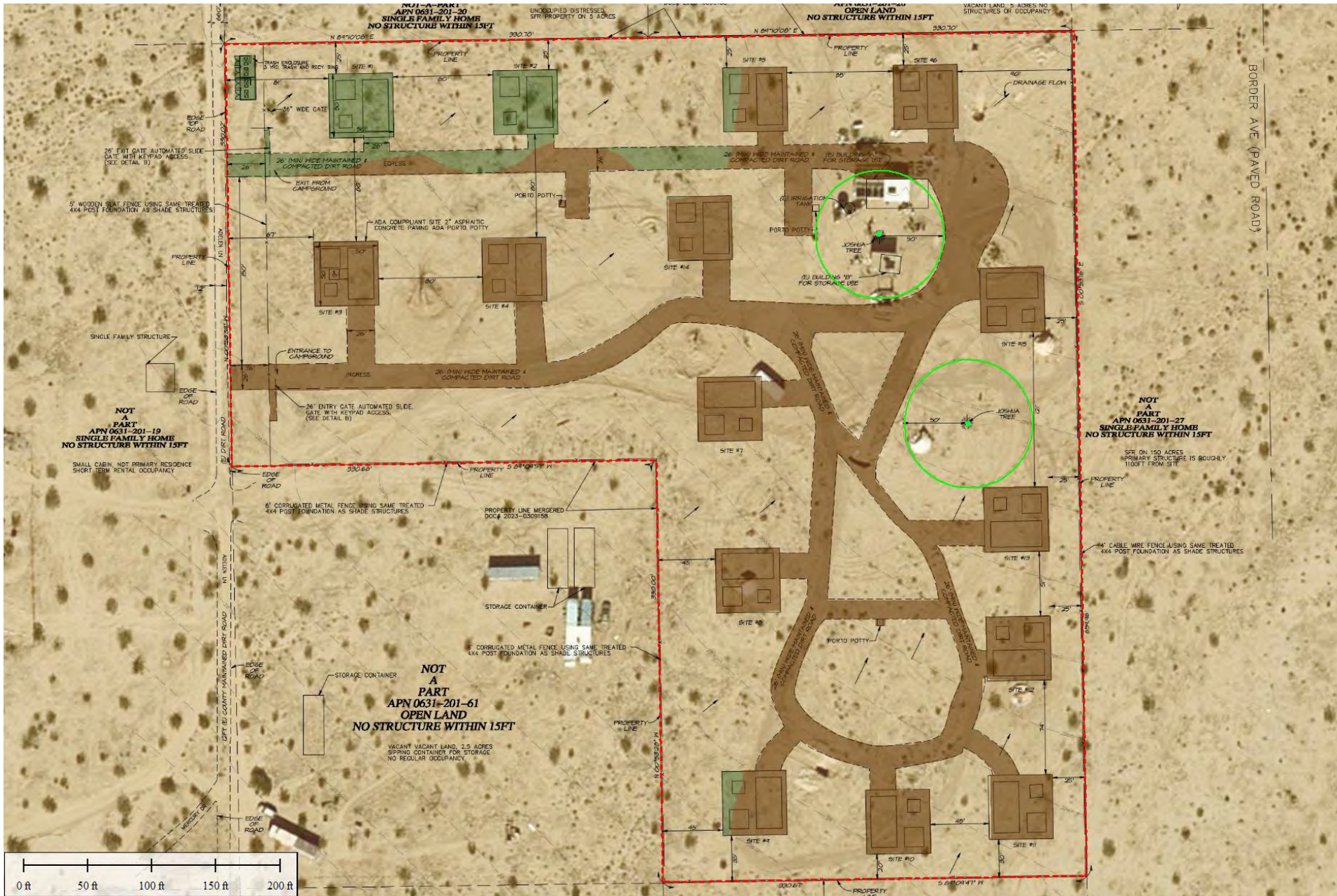
**Legend**

 Project site (7.5 acres)

 Western Joshua Tree  
 50 Foot Buffer







**Figure 5**  
 Impact Map  
 APN 0631-201-68  
 62076 Mercury Drive, Joshua Tree  
 San Bernardino County, California

**Legend**

- Project site (7.5 acres)
- Creosote bush habitat (0.27 acre)
- Disturbed habitat (1.83 acres)

- Western Joshua Tree
- 50 Foot Buffer



# **APPENDIX A**



Western Joshua Tree Census Table

Tree ID	Tree Latitude	Tree Longitude	Actual Height of Tree (m)	Size Class	Live or Dead?	Mature Tree (branched)	Flowering or Fruiting Stage?	Impact to Tree	Will project activities be within 15 meters of tree?
1	34.24878880	-116.30806377	1.82	B	Live	No	None	None	No
2	34.24919783	-116.30828535	3.04	B	Live	Yes	None	None	No

## **APPENDIX B**



WJT 1 with a 5-foot stick next to it for size reference.



WJT 2 with a 5-foot stick next to it for size reference,