

## Western Joshua Tree Status Update

In late 2019 the Center for Biological Diversity (CBD) filed a petition with the California Department of Fish and Game Commission (Commission) to list the Western Joshua Tree as a threatened species. The petition was subsequently accepted by the Department. This action began the process to determine if the Joshua Tree should be listed as threatened under the California Endangered Species Act (CESA).

Following the Commission's acceptance of the petition, a study period was established to review the claims by the CBD and temporary protections were provided to the Western Joshua Tree. In September of 2020 the Commission decided to designate the western Joshua tree as a candidate species while it completed its study.

Due to our serious concerns with the lack of a complete study being provided with the initial CBD petition, in 2020, the High Desert Association of REALTORS® joined a coalition which subsequently filed a lawsuit to challenge the process used by the Commission to consider the Western Joshua Tree as a potentially threatened species.

The latest filing by the coalition attorney's requests the court issue a Writ of Mandate directing the Commission to vacate its approval of the listing petition for consideration and to vacate the Commission's designation of the Western Joshua Tree as a candidate species.

Our concerns specifically are a belief that the CBD did not provide the required data for consideration in their application in many areas including: the current population of the species; the expected future population; the actual threat to the species (which was neither clearly defined nor was the species ability to respond--or not—addressed); and perhaps most importantly there was no consideration given to the current regulatory protections afforded the species.

The Commission's action in September of 2020 prompted the California Department of Fish and Wildlife (Department) to review the species as required by code. The status review and recommendation are expected to be based on the best available science, will include peer review and will take into consideration comments and information received.

If you choose to submit a letter regarding the permanent listing of the Western Joshua Tree as a threatened species it should be submitted now, during the ongoing status review period. All letters and studies will be forwarded to the Department for consideration during its preparation of the status review report.

The Department's status review is currently expected to be presented in April of 2022, so letters of concern should be submitted as soon as possible so they will receive full consideration in the status review report.

When the Commission has formally received the Department's status review at a public meeting, the public will be notified, and a decision hearing will be scheduled to determine if listing western Joshua tree under CESA is warranted. At the decision hearing, members of the public are welcome to participate.

Any further data or information related to the petitioned action and status review report should be directed to the California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244-2090, Attention Jeb Bjerke, or by email (preferred) to [nativeplants@wildlife.ca.gov](mailto:nativeplants@wildlife.ca.gov) (please include "Western Joshua Tree" in the subject line).

If you have any questions about the CESA petition process, please feel free to contact CESA analyst Jenn Greaves at (916) 902-9285 or at [fqc@fqc.ca.gov](mailto:fqc@fqc.ca.gov).