

RESOLUTION NO. 2022-81

RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY, RELATED TO DESIRE FOR UNIFORM ADOPTION OF WESTERN JOSHUA TREE REGULATIONS

On Tuesday, May 24, 2022, on motion of Supervisor Hagman, duly seconded by Supervisor Rutherford and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, on October 21, 2019, a petition to list the western Joshua tree (*Yucca brevifolia*) as threatened under the California Endangered Species Act (CESA) was submitted to the California Fish and Game Commission (Commission); and

WHEREAS, on March 11, 2020, the California Department of Fish and Wildlife (Department) provided the Commission with its evaluation of the petition to assist the Commission in making a determination as to whether the petitioned action may be warranted; and

WHEREAS, at its scheduled public meeting on September 22, 2020, the Commission found that sufficient information existed to indicate the petitioned action may be warranted and accepted the petition for consideration. Upon publication of the Commission's notice of its findings, western Joshua tree was designated a candidate species under CESA on October 9, 2020; and

WHEREAS, the Commission's action designating western Joshua tree as a candidate species triggered the Department's process for conducting a status review to inform the Commission's future decision on whether listing the species is warranted. The review process included independent peer review of a draft status review by persons in the scientific/academic community acknowledged to be experts on subjects relevant to the status review of the western Joshua tree and possessing the knowledge and expertise to critique the scientific validity of the status review contents; and

WHEREAS, at its scheduled public meeting on April 21, 2022, the Department provided the Commission with its status review that concludes, in part, that scientific evidence does not demonstrate that populations of the western Joshua tree are negatively trending in a way that would lead the Department to believe that the western Joshua tree is likely to be in serious danger of becoming extinct throughout all or a significant portion of its range in the foreseeable future. As a result, the Department recommended that the Commission find that the petition to list western Joshua tree as a threatened species is not warranted; and

WHEREAS, at its scheduled public meeting on June 16, 2022, the Commission is expected to consider the Department's status review and make a determination on whether to list the western Joshua tree as a threatened species under CESA; and

WHEREAS, notwithstanding the Commission's future action on the petition, San Bernardino County ("County") finds that the western Joshua tree provides a significant psychological and tangible benefit for both residents and visitors to the County that are deserving of additional management regulations to protect and preserve the western Joshua tree from the hazards identified by the Department in the status review report in the event the Commission concludes that the petition to list the western Joshua tree as a threatened species is not warranted.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, the Board of Supervisors of San Bernardino County declares that:

A. The County remains steadfast in its desire to further protect and preserve the western Joshua tree in the event the western Joshua tree is not granted protections under CESA, by reexamining

local regulation and exploring the adoption of uniform set of management regulations with other regulatory agencies that are designed to preserve and manage western Joshua tree habitat, implement disincentives to the destruction of western Joshua trees, and ensure proper enforcement.

B. The County is committed to protecting the western Joshua tree from unlawful destruction or unpermitted disturbance by levying significant fines against those offending individuals or agencies, including enforcing such violations as misdemeanor offenses.

C. The County is supportive of the establishment of a western Joshua tree mitigation fund and the development of a corresponding program to collect funding from fines and penalties assessed to those who unlawfully destroy, or remove without a permit, a western Joshua tree.

D. The County will evaluate and consider the implementation of a transplantation program that provides incentives for transplantation of western Joshua trees, promoting effective transplantation versus the removal of trees where feasible.

E. The County is supportive of the preparation of a western Joshua tree census, which can be tracked, updated, and monitored to ensure the species continues to thrive, and allows adjustments in practices and increased protections should the census demonstrate a significant deterioration in the prevalence or overall health of the western Joshua tree.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe
Curt Hagman

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

* * * * *

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of May 24, 2022. Item #110 JLL

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy