



As Residents of the Morongo Basin, We Have Questions About the New Joshua Tree Regulations

The Western Joshua Tree Conservation Act and Plan are some of the most complicated land use regulations and implementation actions, respectively, ever faced by California residents.

As residents with dozens to a hundred or more Joshua trees on our properties, our questions are going unanswered.

Permitting Questions

1. **When will the Department issue guidance to allow fire hardening of homes and communities?** California's forestry and insurance experts have provided detailed instructions to develop a "wildfire prepared home base" and "FireWise communities." We need to implement those steps to protect our properties and lower insurance costs.
2. **Why are there inconsistencies between the Act, the Plan, and the Department's actions?**
 - a. The Department has stated the Plan is not regulatory but provisions within the Act and Plan will make it regulatory.
 - b. The Act requires ITP applicants to minimize impact to avoid take. The Plan includes section 5.2.1 minimization guidance. At a public meeting, staff told permittees the guidance to minimize take is in the Plan, yet the Department insists the Plan is not a guide to regulations. [Delegated cities are providing minimization guidance that appears different from the State's](#). The question remains — how do we minimize impact to avoid take?
 - c. The Department included a 50' buffer around large trees in prior drafts and removed buffers in this draft. What are the buffers, how do they impact take, and is the science behind your decisions publicly available?
 - d. The Department has stated taking any part of a tree, including roots within 50' of a large tree will harm it, while also supporting tree relocation which involves a large tree spade cutting all roots 5' feet around the entire tree. Does digging or trenching near a tree cause harm or lead to the death of a tree?
 - e. Residents have decades of experience with building and trenching near trees and we know it hasn't impacted our trees. The Department's use of buffers to determine take is greatly complicating projects and conservation efforts, particularly as scientists have stated Joshua trees are currently ubiquitous and widespread. Shouldn't the Department prove encroaching on roots harms trees?
3. **Why are incidental take permitting fees arbitrary?**
 - a. The Morongo Basin is in the highest fee area with no explanation; the use of impact buffers to determine take means residents pay fees for trees that remaining standing; we will face double or triple dipping when paying ITP fees for the same tree on future projects; the rules the Department uses to determine

take and the total fee, appear arbitrary, hidden, could vary by staff member, and are continuously changing without Commission, NGO, or public scrutiny or input.

- b. [Delegated cities have developed reduced take fees for on-site tree relocation but the State has not.](#) Further complicating on-site relocations, digging a hole for the transplanted tree triggers take fees for the trees near its new location. Can we move trees on-site? Can we reduce fees? What cities have delegated authority?

Process Questions

4. Why have residents been left out of the Department's development of the Conservation Plan and permitting rules?

- a. The Department has taken the proper steps and consulted directly with the region's tribes, Federal representatives, and environmental NGOs to write the Act, develop regulations, and draft the plan. In addition, the Wildlife Conservation Board invited them to participate in the Joshua Tree Conservation Coalition. Why are residents not involved in providing input or invited to any of those meetings?
- b. In early 2024, Department staff requested public input on the plan, including [specifically asking for suggestions on buffers and ways to minimize impact.](#)
- c. In early 2025, we noticed staff stopped including resident input into the plan and the Department and Commission stopped addressing comment letters. Instead, the Department and Commission took a firm stance the Plan is not a regulatory document, our feedback is off topic, and we should come back in 2026.
- d. Based on our experience, the Department has never included residents or our representatives in any of the direct collaborative meetings and efforts. Should public collaboration suffer because the Department is struggling with, as they call it, "confusing" legislation?

5. When and how were Western Joshua Tree (WJT) incidental take permitting rules developed, why wasn't it a public process, and when will those rules be posted?

The Department developed the relocation protocols, called for in the Act, in July 2024 using a public process and the Act exempted relocation protocols from California's Administrative Procedures Act. However, the guide to minimization for permittees and WJT ITP rules called for in the Act have not gone through a public process, Office of Administrative Law (OAL), nor been publicly posted by the Department. Why is the Department allowed to control our private property using secret rules?

6. Why didn't the Department include local water agencies and public works departments in the development of the ITP permitting rules and the Conservation Plan as collaborative groups?

- a. The region's water, wastewater, water reuse, stormwater, flood control, and public works agencies are indicating they are concerned with the Department's implementation of Western Joshua Tree conservation planning and permitting.
- b. As residents who pay for those services, we face rising rates driven by the increasing cost of State regulations, declining water quality, increasing energy costs, and more frequent flooding and droughts. All challenges caused by the same climate emergency you're addressing in the conservation plan.
- c. Doesn't the state integrate climate change response planning across your agencies while also addressing California's affordability crisis? Why doesn't the Governor's Office of Land Use and Climate Innovation require the Department to

align Western Joshua Tree regulations with their climate adaptation planning, such as the Drought Resilience Interagency & Partners Collaborative? Why doesn't the Governor's fast-tracked housing initiative to streamline CEQA and Coastal Commission permitting also apply to CDFW's WJT permitting regulations for SFR projects in San Bernardino County?

People Questions

7. **Why has the Department not included planning for low and fixed income residents as part of the Conservation Plan, or when developing permitting rules, to understand the financial impacts on our community?** According to studies, 20% of the Morongo Basin's 70,700 residents live below the federal poverty line, and unemployment is higher than average. There are public health struggles, shortages of affordable housing, and local governments are struggling to meet their State mandated housing goals. We feel the Department's regulations are a regressive tax pulling money out of a community that can least afford it and placing it under your control.
8. **Can our local arborists and biologists please be authorized to develop Joshua Tree protection zones and plans for ITP applicants so we can build closer, protect the trees, and avoid take fees?** Our local arborists and biologists have decades of experience designing Joshua tree protection plans and zones to allow home construction and projects to come closer to a tree and avoid take. Yet local experts are not recognized within the Department's ITP process or the minimization guidance.
9. **The Department's implementation of the Western Joshua Tree Conservation Act is impacting property values and limiting development options on buildable urban lots throughout the Morongo Basin.**
 - a. What guidance can the Department provide so that real estate professionals can accurately disclose Western Joshua Tree-related permitting costs to prospective buyers?
 - b. Will the Department release a standard disclosure language or fact sheet to support consistent and transparent communication in property sales?
 - c. Can landowners whose parcels have lost economic value or use potential due to conservation restrictions access compensation from the WJT Conservation Fund?
 - d. Given that reductions in property value translate directly into diminished tax assessments, is the Department coordinating with local government to address the long-term fiscal impact on county and city budgets?
10. **Who was involved in writing the WJTCA?** The State's legislative database lists the author as Assemblymember Bauer-Kahan. We've heard the Department Director, Commissioner(s), and individual(s) from environmental NGOs were involved in writing the Act. For full transparency, who was involved in writing the language that's in the Act?

**Designated contacts for
Morongo Basin Residents for Reasonable Joshua Tree Regulations**

Ruieta DaSilva
Residents representative
ruieta@me.com

Alec Mackie
Landowners representative
alectrojan@gmail.com
818.261.3399

cc

Governor's Office of Land Use and Climate Innovation
Senator Rosilicie Ochoa Bogh
Assemblymember Greg Wallis
Assemblymember Juan Carillo
Assemblymember Rebecca Bauer-Kahan
Supervisor Dawn Rowe, Chair, San Bernardino County Board of Supervisors
Mayor Jeff Drozd, Town of Yucca Valley
Mayor Steven Bilderain, City of Twentynine Palms
Curtis Yakimow, City Manager, Town of Yucca Valley
Stone James, City Manager, City of Twentynine Palms