



Town Council Agenda Report

Date: June 9, 2020 Item No. 12

To: Honorable Mayor and Town Council

Subject: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY OPPOSING THE PETITION TO LIST THE WESTERN JOSHUA TREE AS A THREATENED SPECIES

From: Douglas B. Robertson, Town Manager

Submitted by: Julie Ryan, Special Projects Manager
Town Manager's Office

Budgeted Item: Yes No N/A

RECOMMENDED ACTION

That the Town Council adopt Resolution No. 2020-23, a Resolution of the Town Council of the Town of Apple Valley opposing the petition to list the western Joshua Tree as a threatened species under the California Endangered Species Act (CESA).

BACKGROUND

On October 21, 2019, the California's Fish and Game Commission (FGC) received a petition from the Center for Biological Diversity to list western Joshua Tree (*Yucca brevifolia*) as endangered under CESA. On November 1, 2019, FGC staff transmitted the petition to the California Department of Fish and Wildlife (DFW) for review. A notice of receipt of petition was published in the California Regulatory Notice Register on November 22, 2019. FGC Code Section 2073.5 requires that DFW evaluate the petition and submit a written evaluation with a recommendation to FGC within 90 days of receiving the petition; under this section, DFW may request an extension of up to 30 days to complete the evaluation.

FGC received the evaluation and recommendation from DFW on March 16, 2020. Based on the petition and other information provided, possessed or received, DFW has determined that there is sufficient scientific information available to indicate that the petitioned action may be warranted and recommends that the petition be accepted and considered. FGC is scheduled to determine if listing may be warranted at its June 24-25, 2020, meeting. If FGC determines in June that listing may be warranted, DFW will review

the status of the species and provide FGC a written, peer-reviewed report before FGC makes a final determination about whether to list the species.

ANALYSIS

The petition submitted by the Center for Biological Diversity fails to provide scientific evidence to substantiate a decline of the Joshua tree population. Instead they seek threatened status for the western Joshua tree based on their prediction of a future decline due to global climate change. Approving such a petition would be an unprecedented expansion of CESA, allowing for other species protections based on possible future scenarios rather than hard data indicating a decline or specific threat to a species. In fact, there has not been any significant decline in Joshua Tree populations or habitat in over 40 years. The petition itself acknowledges that the western Joshua Tree is “not at imminent risk.”

To list the western Joshua tree as a threatened species under the CESA, which represents an unprecedented expansion of CESA, would place unworkable burdens on private landowners and local governments. The Joshua tree has received significant protection and attention at the state and federal levels, therefore making an additional protection unwarranted.

The Joshua tree has benefited from extensive conservation efforts and widely expanded habitat protections, many recent, which remove the need for threatened status. Just last year, the John D. Dingell Jr. Conservation, Management, and Recreation Act placed into protected statuses hundreds of thousands of acres of federal lands upon which Joshua Trees grow. Three years prior, nearly 2 million acres of desert lands containing Joshua Tree habitat were placed into protection using the Antiquities Act. Outside federal jurisdiction, the Joshua tree is protected under state law through the California Desert Native Plants Act, which requires permitting for removal. Additionally, most Joshua trees exist on land already protected by the state and federal governments.

While listing the Joshua tree as a threatened species would have little effect on its population, it would have a disastrous effect on local governments and economies. Our community is surrounded by federal lands, with little opportunity for new housing or economic development. Listing the western Joshua Tree as an endangered species would effectively halt future development at a time when these areas are grappling with housing shortages and rising homelessness.

FISCAL IMPACT

There is no fiscal impact to approving this Resolution.

ATTACHMENTS

- A. Resolution No. 2020-23

RESOLUTION NO. 2020-23

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, OPPOSING THE PETITION TO LIST THE WESTERN JOSHUA TREE AS A THREATENED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT

WHEREAS, on October 21, 2019, the California's Fish and Game Commission (FGC) received a petition from the Center for Biological Diversity to list western Joshua Tree (*Yucca brevifolia*) as endangered under the California Endangered Species (CESA); and

WHEREAS, on November 1, 2019, FGC staff transmitted the petition to the California Department of Fish and Wildlife (DFW) for review. A notice of receipt of petition was published in the California Regulatory Notice Register on November 22, 2019; and

WHEREAS, based on the petition and other information provided, possessed or received, DFW has determined that there is sufficient scientific information available to indicate that the petitioned action may be warranted and recommends that the petition be accepted and considered; and

WHEREAS, if FGC determines in June that listing may be warranted, DFW will review the status of the species and provide FGC a written, peer-reviewed report before FGC makes a final determination about whether to list the species; and

WHEREAS, the petition submitted by the Center for Biological Diversity fails to provide scientific evidence to substantiate a decline of the Joshua tree population; and

WHEREAS, approving such a petition would be an unprecedented expansion of CESA, allowing for other species protections based on possible future scenarios rather than hard data indicating a decline or specific threat to a species; and

WHEREAS, to list the western Joshua tree as a threatened species under the CESA, which represents an unprecedented expansion of CESA, would place unworkable burdens on private landowners and local governments.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AS FOLLOWS:

Section 1. That the Town Council does hereby oppose the petition, submitted by the Center for Biological Diversity, to list the western Joshua Tree as a threatened species under the California Endangered Species Act.

Section 2. That the Town Council does recognize that while listing the Joshua tree as a threatened species would have little effect on its population, it would have a disastrous effect on local governments and economies.

Section 3. That the Town Council does recognize that by listing the western Joshua Tree as an endangered species would effectively halt future development at a time when these areas are grappling with housing shortages and rising homelessness.

Section 4. That the action taken today by the Town Council be transmitted to the California Fish and Wildlife Commission immediately.

Section 5. That the Town Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED by the Town Council of the Town of Apple Valley this 9th day of June 2020.

Scott Nassif
Mayor

ATTEST:

LaVonda M-Pearson
Town Clerk