PROTECTED PLANT PRESERVATION PLAN

PIXIOR DISTRIBUTION CENTER
APN: 0405-062-51

CITY OF HESPERIA, CALIFORNIA

Prepared for:

Pixior LLC
5901 S. Eastern Avenue
Commerce, CA 90040

Prepared by:

RCA Associates, Inc.
15555 Main Street, #D4-235
Hesperia, CA 92345
(760) 956-9212

Biologists: Randall Arnold
Ryan Hunter
Lisa Cardoso

Project No: RCA#2020-150 JT

December 14, 2020

RCA
ASSOCIATES, INC

TITLE PAGE

Date Report Prepared:	**December 14, 2020**
Field Work Completed:	**December 9 and 10, 2020**
Report Title:	**Protected Plant Preservation Plan**
Project Location:	**Pixior Distribution Center** **Hesperia, California** **APN: 0405-062-51**
Prepared for:	**Pixior LLC**
Principal Investigators:	**Randall C. Arnold, Jr., Senior Biologist** **Ryan Hunter, Environmental Scientist, Biologist** **Lisa Cardoso, Wildlife Biologist**
Contact Information:	**Randall C. Arnold, Jr.** **RCA Associates, Inc.** **15555 Main Street, #D4-235** **Hesperia, CA 92345** **(760) 956-9212** **rarnold@rcaassociatesllc.com** **www.rcaassociatesllc.com**

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1.0 SUMMARY

At the request of the project proponent, RCA Associates, Inc. surveyed a 20.8 acre property located west of Amargosa Road, south of Live Oak Street, and north of the California aqueduct in the City of Hesperia, California (APN 0405-062-51) (Figures 1 and 2). The property site is located in Section 14, Township 4 North, Range 5 West (USGS Baldy Mesa, CA 7.5 minute quadrangle).

The purpose of the survey was to evaluate the Joshua trees present on the site and determine which trees were suitable for relocation and which trees could be discarded prior to site clearing activities. This report provides the results of the Joshua tree survey performed on December 9 and 10, 2020. Following completion of the survey, RCA Associates, Inc. prepared this Protected Plant Preservation Plan to assist the project proponent with future relocation of the Joshua trees. Information on the Joshua trees which will need to be relocated-transplanted in the future is provided in Section 4.0. The City of Hesperia Municipal Code has a chapter (Chapter 16.24) stating the purpose of the Protected Plant Plan, the importance of preserving the Joshua Tree as an important native desert vegetation, and the consequences of removing a tree without authorization. The requirements of the Ordinance (Chapter 16.24) and the Coty of Hesperia's Protected Plant Plan are provided in Appendix B.

Based on the results of the field investigations there are 162 Joshua trees which occur within the boundaries of the property (Figures 1 and 2). Based on the evaluation and analysis of each tree it was determined that 79 of the 162 Joshua trees (48.8%) are suitable for transplanting. These trees are marked in red in Table 4-1. The remaining 83 Joshua trees (51.2%) were determined to be unsuitable for transplanting due to a variety of factors such as size, condition, damage, dying, excessive leaning, possibly disease, clonal, etc.

2.0 INTRODUCTION AND PROJECT LOCATION

The area surveyed is located at the southwest intersection of Live Oak Street and Amargosa Road in the City of Hesperia, California (Figures 1 and 2). The biological resources on the site consist of a desert scrub community typical of the area with California juniper (*Juniperus californica*), ephedra (*Ephedra nevadensis*), rubber rabbitbrush (*Ericameria nauseosa*), Joshua trees (*Yucca brevifolia*), fiddleneck (*Ansickia tessellata*), and California buckwheat (*Eriogonum fasciculatum*) observed on the site. The California aqueduct bounds the site to the south, Interstate 15 is immediately east of Amargosa Road, and a distribution warehouse borders the property to the north (Figure 1).

Joshua trees occur throughout the Mojave Desert in Southern California and are typically found at an elevation of 400 to 1,800 meters (~1,200 to ~5,400 feet). Joshua trees within the western portion of the Mojave Desert typically receive more annual precipitation during "normal" years; consequently, cloning occurs more often resulting in numerous trunks sprouting from the same root system (Rowland, 1978). Joshua tree habitats provide habitat for a variety of wildlife species including desert wood rats (*Neotoma* sp.) and night lizards (*Xantusia* sp.) both of which utilize the base of the trees. A variety of birds also utilize Joshua trees for nesting such as hawks, common ravens, and cactus wrens. CDFW consider Joshua tree woodlands as areas that support relatively high species diversity and as such are considered to be a sensitive desert community. Joshua trees are also considered a significant resource under the California Environmental Quality Act (CEQA) and are included in the Desert Plant Protection Act, Food and Agricultural Code (80001 – 80006).

3.0 METHODOLOGIES

Pedestrian surveys were walked throughout the site and biologists from RCA Associates, Inc. evaluated each Joshua tree to determine which trees were suitable for relocation/transplanting based on a general health assessment. Each Joshua tree received a metal numbered tag which was affixed on the north side of each tree for orientation purposes during future transplanting. Surveyor flagging was also placed around those trees suitable for transplanting to facilitate future identification. The precise location of each tree was recorded using a Garmin GPS unit and a Bushnell Yardage Pro rangefinder was utilized to determine the extent of the property boundaries. Those Joshua trees which occur on the property site are presented in Table 4-1 and the locations are provided in Figure 2.

The factors utilized to determine which Joshua trees were suitable for transplanting include the following factors:

1. Trees from about 1 foot in height up to approximately 12 feet,
2. No visible signs of damage to the tree such as absence of bark due to rodent or other animals,
3. Minimal number of branches (No more than 2 or 3 branches),
4. No excessive leaning of the tree,
5. No yellow or brown fronds,
6. Proximity to other Joshua trees (i.e., clonal), and
7. No exposed roots at the base of the tree.

4.0 RESULTS

There are 162 Joshua trees on the property and the GPS locations of the Joshua trees are provided in Table 4-1. A total of 79 Joshua trees (48.8%) are suitable for relocation/transplanting based on the seven factors listed in Section 3.0 (Table 4-1). The Joshua trees suitable for transplanting should be relocated/transplanted on-site, which is the preferable option, or to an off-site area approved by the City of Hesperia. Those Joshua trees that are not suitable for relocation/transplanting due to size, health of the tree, presence of damage, excessive branches, excessive leaning, clonal, and exposed roots should be disposed of as per City requirements.

Table 4-1: Joshua tree census. (Note: The GPS locations of the Joshua trees are provided below and those trees which are suitable for transplanting on-site as part of project landscaping are highlighted in red.)

Total Number of Joshua Trees On Site	Joshua Trees to be Transplanted	Number of Clonal Trees	Number of Non-Clonal Trees
162	79	28	134

Tag	Height (ft)	Location	Condition	Clonal	Transplantable
1771	15	N 34.433930° W 117.376237°	Fair-Size		No
1772	5	N 34.433713° W 117.376837°	Good	X	No
1773	14	N 34.433416° W 117.376860°	Good-Tall		No
1774	2	N 34.433525° W 117.377006°	Good		Yes
1775	2	N 34.433367° W 117.376940°	Good	X	No
1776	1	N 34.433307° W 117.376787°	Good-Small		No
1777	14	N 34.433234° W 117.376936°	Good-Size		No
1778	4	N 34.433182° W 117.376881°	Good		Yes
1779	3	N 34.432944° W 117.376575°	Good	X	No
1780	11	N 34.433016° W 117.376997°	Good		Yes
1781	11	N 34.432957° W 117.376950°	Good		Yes
1782	15	N 34.432966° W 117.376991°	Good-Size		No
1783	16	N 34.432955° W 117.376991°	Good-Size		No

Tag	Height (ft)	Location	Condition	Clonal	Transplantable
1784	2	N 34.432935° W 117.377037°	Good		Yes
1785	9	N 34.432854° W 117.376966°	Good	X	No
1786	1	N 34.432791° W 117.376938°	Good- Small		No
1787	1	N 34.432860° W 117.376871°	Good- Small		No
1788	8	N 34.432802° W 117.376835°	Good		Yes
1789	3	N 34.432858° W 117.376764°	Good		Yes
1790	2	N 34.432761° W 117.376731°	Good		Yes
1791	5	N 34.432699° W 117.376490°	Good		Yes
1792	3	N 34.432676° W 117.376510°	Good		Yes
1793	6	N 34.432656° W 117.376787°	Good	X	No
1794	6	N 34.432597° W 117.376872°	Good		Yes
1795	1	N 34.432586° W 117.376877°	Good	X	No
1796	2	N 34.432758° W 117.377150°	Good		Yes
1797	4	N 34.432419° W 117.376654°	Good		Yes
1798	3	N 34.432429° W 117.376869°	Good		Yes
1799	4	N 34.432331° W 117.376919°	Good		Yes
1800	5	N 34.432425° W 117.376027°	Good		Yes

Tag	Height (ft)	Location	Condition	Clonal	Transplantable
1801	3	N 34.432466° W 117.377170°	Good		Yes
1802	3	N 34.432354° W 117.376172°	Good	X	No
1803	5	N 34.432320° W 117.377118°	Good		Yes
1804	2	N 34.432275° W 117.377092°	Good		Yes
1805	1	N 34.432281° W 117.377104°	Good- Small		No
1806	5	N 34.432163° W 117.376879°	Good		Yes
1807	3	N 34.432165° W 117.376851°	Good	X	No
1808	3	N 34.432086° W 117.376928°	Good		Yes
1809	2	N 34.432238° W 117.377147°	Good	X	No
1810	4	N 34.432153° W 117.377198°	Good		Yes
1811	5	N 34.432131° W 117.377175°	Good	X	No
1812	3	N 34.432001° W 117.377180°	Good		Yes
1813	3	N 34.431924° W 117.377205°	Good		Yes
1814	9	N 34.432092° W 117.377560°	Good		Yes
1815	1	N 34.432210° W 117.377516°	Good- Small		No
1816	3	N 34.432260° W 117.377598°	Good	X	No
1817	4	N 34.432284° W 117.377634°	Good		Yes
1818	3	N 34.432360° W 117.377641°	Good	X	No

Tag	Height (ft)	Location	Condition	Clonal	Transplantable
1819	2	N 34.432302° W 117.377709°	Good		Yes
1820	3	N 34.432219° W 117.377738°	Good		Yes
1821	5	N 34.432038° W 117.377854°	Good		Yes
1822	3	N 34.432515° W 117.377481°	Good	X	No
1823	13	N 34.432509° W 117.377406°	Good- Multiple Branches		No
1824	14	N 34.432524° W 117.377397°	Good- Multiple Branches		No
1825	12	N 34.432627° W 117.377510°	Good	X	No
1826	3	N 34.432681° W 117.377439°	Good		Yes
1827	2	N 34.432920° W 117.377231°	Good		Yes
1828	3	N 34.433057° W 117.377187°	Good		Yes
1829	3	N 34.433105° W 117.377390°	Good	X	No
1830	7	N 34.433271° W 117.377125°	Good		Yes
1831	8	N 34.433268° W 117.377572°	Poor		No
1832	5	N 34.433652° W 117.377384°	Good		Yes
1833	4	N 34.433656° W 117.377483°	Good		Yes
1834	3	N 34.433757° W 117.377521°	Good- Leaning		No
1835	3	N 34.433655° W 117.377882°	Good		Yes
1836	13	N 34.433610° W 117.377785°	Good- Multiple Branches		No

Tag	Height (ft)	Location	Condition	Clonal	Transplantable
1837	2	N 34.433476° W 117.377789°	Good		Yes
1838	1	N 34.433542° W 117.377947°	Good- Small		No
1839	4	N 34.433441° W 117.377862°	Good		Yes
1840	13	N 34.434454° W 117.378036°	Good- Multiple Branches		No
1841	3	N 34.433420° W 117.378090°	Good		Yes
1842	9	N 34.433684° W 117.378253°	Poor		No
1843	2	N 34.433556° W 117.378259°	Good		Yes
1844	2	N 34.433366° W 117.377986°	Good		Yes
1845	10	N 34.43367° W 117.377953°	Good		Yes
1846	4	N 34.433258° W 117.377826°	Good		Yes
1847	14	N 34.433241° W 117.377892°	Good- Multiple Branches		No
1848	4	N 34.433182° W 117.377936°	Good	X	No
1849	13	N 34.433185° W 117.378047°	Good- Multiple Branches		No
1850	2	N 34.433174° W 117.378122°	Good	X	No
1851	8	N 34.432984° W 117.377651°	Good		Yes
1852	1	N 34.433096° W 117.377914°	Good- Small		No
1853	2	N 34.432936° W 117.377891°	Good		Yes
1854	1	N 34.432953° W 117.377852°	Good- Small		No

Tag	Height (ft)	Location	Condition	Clonal	Transplantable
1855	2	N 34.432752° W 117.377664°	Good		Yes
1856	16	N 34.432792° W 117.377996°	Good- Size		No
1857	3	N 34.432858° W 117.378113°	Good		Yes
1858	10	N 34.432691° W 117.378027°	Good- Multiple Branches		No
1859	1	N 34.432661° W 117.378105°	Good- Small		No
1860	10	N 34.432547° W 117.377886°	Good- Multiple Branches		No
1861	15	N 34.432440° W 117.377787°	Good- Small		No
1862	2	N 34.432464° W 117.377913°	Good		Yes
1863	3	N 34.432501° W 117.378159°	Good		Yes
1864	3	N 34.432759° W 117.378640°	Good		Yes
1865	1	N 34.432974° W 117.378379°	Good- Small		No
1866	1	N 34.432988° W 117.378435°	Good- Small		No
1867	3	N 34.433031° W 117.378461°	Good		Yes
1868	2	N 34.433036° W 117.378593°	Good		Yes
1869	3	N 34.433142° W 117.378664°	Good		Yes
1870	8	N 34.433194° W 117.378629°	Good		Yes
1871	6	N 34.433121° W 117.378489°	Good		Yes
1872	2	N 34.433089° W 117.378504°	Good	X	No

Tag	Height (ft)	Location	Condition	Clonal	Transplantable
1873	16	N 34.433062° W 117.378285°	Good- Size		No
1874	1	N 34.433517° W 117.378574°	Good- Small		No
1875	3	N 34.433184° W 117.378876°	Good		Yes
1876	1	N 34.433090° W 117.379019°	Good- Small		No
1877	3	N 34.433032° W 117.379099°	Good		Yes
1878	13	N 34.433039° W 117.379192°	Good- Size		No
1879	2	N 34.432912° W 117.379324°	Good		Yes
1880	4	N 34.432849° W 117.379052°	Good		Yes
1881	2	N 34.432639° W 117.379017°	Good- Multiple Branches		No
1882	13	N 34.432545° W 117.379005°	Good- Multiple Branches		No
1883	8	N 34.432470° W 117.378945°	Good		Yes
1884	2	N 34.432448° W 117.378963°	Good		Yes
1885	4	N 34.432436° W 117.379051°	Good		Yes
1886	8	N 34.432478° W 117.379043°	Good	X	No
1887	20	N 34.432711° W 117.379497°	Good- Size		No
1888	13	N 34.432887° W 117.379492°	Good- Size		No
1889	4	N 34.432862° W 117.379675°	Good		Yes
1890	3	N 34.432706° W 117.379716°	Good		Yes

Tag	Height (ft)	Location	Condition	Clonal	Transplantable
1891	4	N 34.432611° W 117.379654°	Good		Yes
1892	14	N 34.432730° W 117.379800°	Good- Size		No
1893	15	N 34.433005° W 117.379809°	Good- Size		No
1894	4	N 34.432871° W 117.379897°	Good		Yes
1895	2	N 34.432841° W 117.380006°	Good		Yes
1896	5	N 34.432872° W 117.3780102°	Good		Yes
1897	1	N 34.432857° W 117.380108°	Good- Small		No
1898	14	N 34.432982° W 117.379995°	Good- Size		No
1899	4	N 34.433423° W 117.379497°	Good	X	No
1900	2	N 34.433670° W 117.379335°	Good		Yes
1901	2	N 34.433616° W 117.379807°	Good		Yes
1902	1	N 34.433682° W 117.379894°	Good- Small		No
1903	3	N 34.433572° W 117.379979°	Good		Yes
1904	9	N 34.433727° W 117.380004°	Good- Multiple Branches		No
1905	15	N 34.433749° W 117.380090°	Good- Size		No
1906	7	N 34.433576° W 117.380117°	Good		Yes
1907	4	N 34.433493° W 117.380152°	Good		Yes
1908	2	N 34.433711° W 117.380261°	Good		Yes

Tag	Height (ft)	Location	Condition	Clonal	Transplantable
1909	4	N 34.433° W 117.377°	Good		Yes
1910	17	N 34.433° W 117.377°	Good- Size		No
1911	17	N 34.433° W 117.377°	Good	X	No
1912	20	N 34.433° W 117.377°	Good- Size		No
1913	11	N 34.433° W 117.377°	Good- Multiple Branches		No
1914	19	N 34.433° W 117.377°	Good- Size		No
1915	5	N 34.433511° W 117.380905°	Good	X	No
1916	4	N 34.433455° W 117.380770°	Good		Yes
1917	3	N 34.433466° W 117.380760°	Good	X	No
1918	5	N 34.433518° W 117.380673°	Good	X	No
1919	5	N 34.433506° W 117.380594°	Good- Leaning		No
1920	2	N 34.433536° W 117.380579°	Good		Yes
1921	13	N 34.433400° W 117.380579°	Good- Size		No
1922	4	N 34.433362° W 117.380456°	Good	X	No
1923	2	N 34.433200° W 117.380643°	Good	X	No
1924	4	N 34.433182° W 117.380620°	Good		Yes
1925	1	N 34.433143° W 117.380625°	Good	X	No
1926	18	N 34.433121° W 117.380435°	Good- Size		No

Tag	Height (ft)	Location	Condition	Clonal	Transplantable
1927	17	N 34.433084° W 117.380420°	Good- Size		No
1928	5	N 34.433068° W 117.380385°	Good		Yes
1929	16	N 34.432988° W 117.380355°	Good- Size		No
1930	4	N 34.433092° W 117.380284°	Good		Yes
1931	3	N 34.433096° W 117.380268°	Good	X	No
1932	1	N 34.433096° W 117.380268°	Good- Small		No

(Note: The Tag numbers correspond to the numbers placed on the Joshua trees.)

5.0 CONCLUSIONS

There are 162 Joshua trees located on the property and only 79 of the trees are suitable for relocation/transplanting. This conclusion was based on: (1) trees which were one foot or greater in height and less than twelve feet tall (approximate); (2) in good health; (3), two branches or less; (4) density of trees (i.e., no clonal trees); no exposed roots; and (6) trees that are not leaning over excessively. As indicated in Table 4-1, the majority of the Joshua trees which were not suitable for relocation are relatively large ranging from about 15 to 35 feet in height.

As of September 22, 2020, the California Department of Fish and Wildlife temporarily listed the western Joshua tree (*Yucca brevifolia*) as an endangered species for one year until a final decision is made in 2021. Therefore, any attempt to remove the Joshua tree from its current position will require an Incidental Take Permit (ITP).

The City of Hesperia's Municipal Code (Chapter 16.24) requires preservation of Joshua trees given their importance in the desert community. A qualified City-approved biologist or arborist should be retained to conduct any future relocation/transplanting activities and should follow the protocol of the City's Municipal Code and Protected Native Vegetation Plan provided by the City's Planning Division. The following criteria will be utilized by the contractor when conducting any future transplanting activities.

A. The Joshua trees will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the City where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.

B. Earthen berms will be created around each tree by the biologist prior to excavation and the trees will be watered approximately one week before transplanting. Watering the trees prior to excavation will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.

C. Each tree will be moved to a pre-selected location which has already been excavated and will be placed and oriented in the same direction as their original direction. The hole will be backfilled with native soil, and the transplanted tree will be immediately watered. As noted in Section 3.0, a numbered metal tag was placed on the north side of the trees and the trees were also flagged with surveyor's flagging. The biologist will develop a watering regimen to ensure the survival of the transplanted trees. The watering regimen will be based upon the needs of the trees and the local precipitation.

6.0 REFERENCES

Brittingham, S. and W. Lawrence.
2000. Facilitation of *Yucca brevifolia* Recruitment by Mojave Desert Shrubs. Western North American Naturalist 60(4), pp. 374-383.

City of Hesperia.
1990. Native Desert Vegetation Ordinance, Municipal Code: Chapter 16.24.

Hickman, James C.
The Jepson Manual Higher Plants of California. University of California Press. Berkeley, CA. 3rd Edition. 1996.

Holland, Robert F.
1986 Preliminary Description of the Terrestrial Natural Communities of California. Prepared for the California Natural Diversity Data Base. California Department of Fish and Game. Sacramento, California. 160 pp.

Johnson, H.
1976 vegetation and Plant Communities of Southern California Deserts- a functional view. In Symposium proceedings: Plant communities of Southern California. June Latting, editor. California Native Plant Society, Spec. No. 2 Berkeley, CA.

Munz, Philip A.
1974. A Flora of Southern California. University of California Press, Berkeley, California. 1086 pp.

7.0 CERTIFICATION

I hereby certify the statements furnished above and in the attached exhibits, present the data and information required for this Joshua tree survey and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Field work conducted for this survey was performed by Lisa Cardoso and Ryan Hunter.

Date: December 14, 2020 Signed: Lisa Cardoso Ryan Hunter

Field Work Performed by:

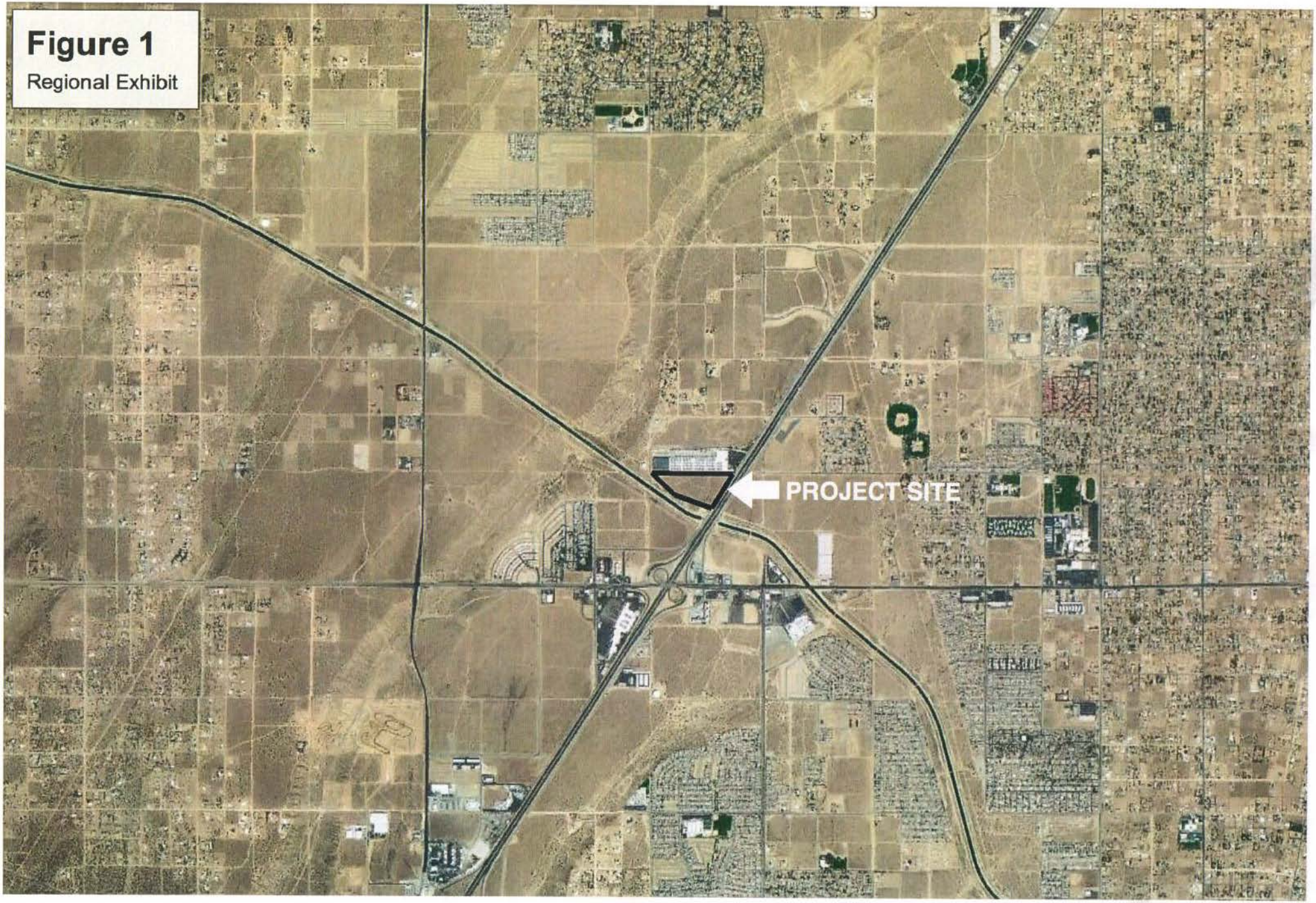
Ryan Hunter
Environmental Scientist/Biologist

Lisa Cardoso
Wildlife Biologist

APPENDIX A

Figures

Figure 1
Regional Exhibit



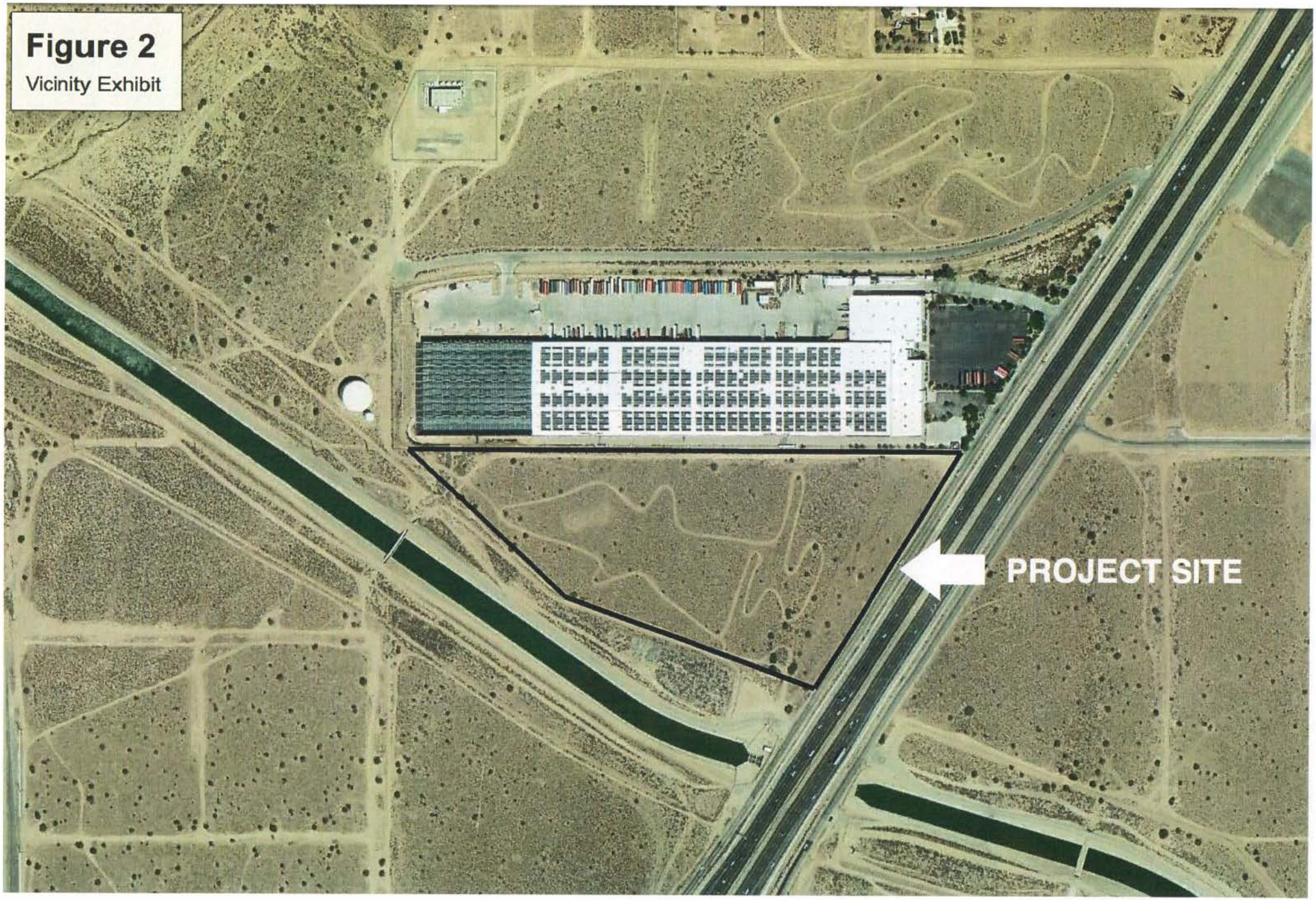
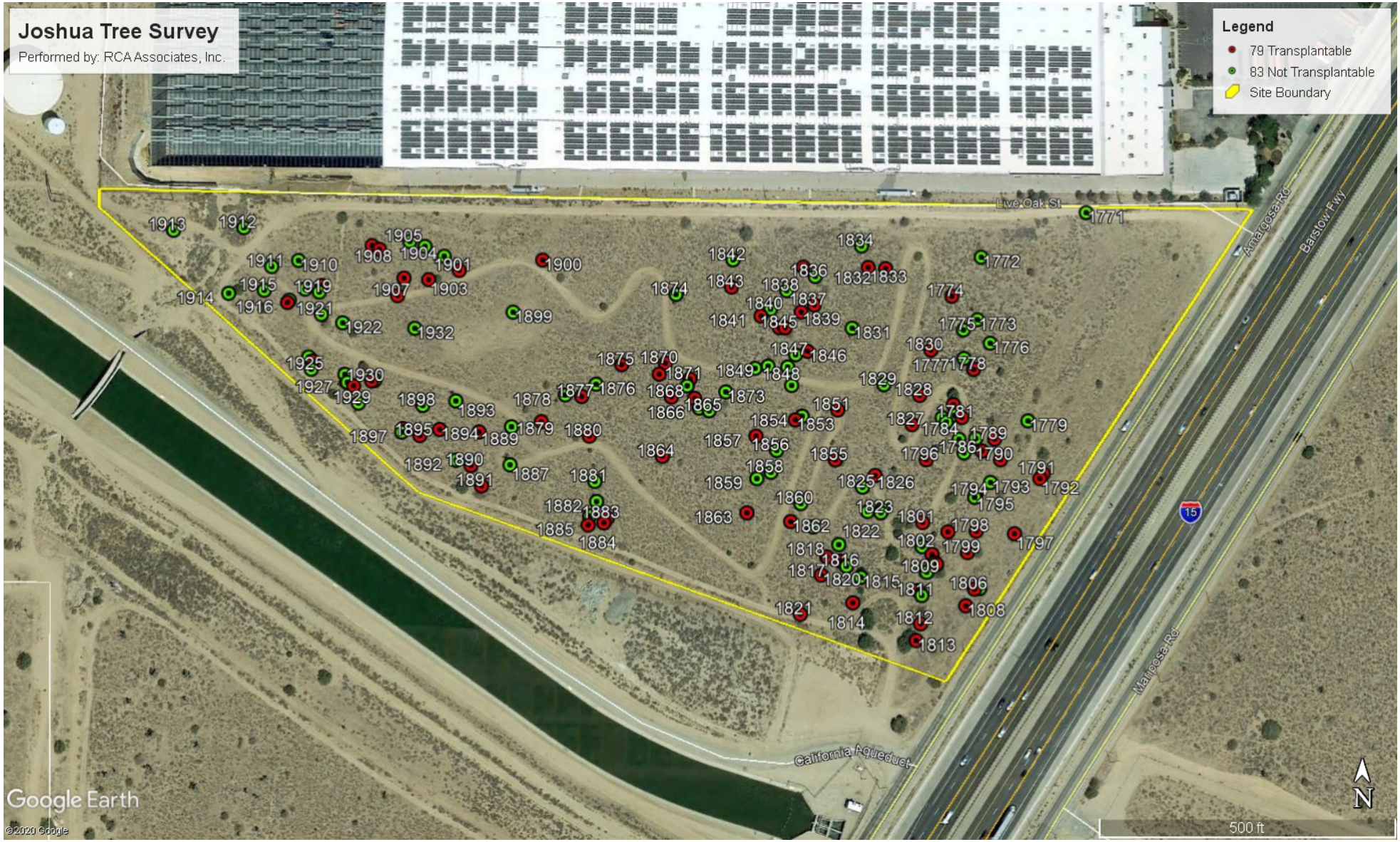


Figure 2
Vicinity Exhibit
PROJECT SITE

RCA ASSOCIATES, INC

Pixior Distribution Center, North of Main Street and West of Amargosa Road, Hesperia, CA

20.84-acres



RCA ASSOCIATES, INC.
SOURCE: GOOGLE EARTH

#2020-150 JT

FIGURE 3: LOCATION OF JOSHUA TREES

APPENDIX B

City of Hesperia
Municipal Code: Chapter 13.33

ARTICLE II. - DESERT NATIVE PLANT PROTECTION

16.24.110 - Purpose of provisions.

The city finds that it is in the public interest to preserve and protect specified desert native plants and provide for the conservation and wise use of our desert resources, through regulation, guidelines and enforcement that manage the removal or harvesting of such plants. They are also necessary to augment and coordinate with the State Department of Food and Agriculture in its efforts to implement and enforce the Desert Native Plant Act.

(Ord. 250 (part), 1997; SBCC § 811.0401)

16.24.120 - Scope of provisions.

A. The provisions of this article shall apply to all desert native plants growing on private land within the city and to desert native plants growing on public land owned by the city, county of San Bernardino or the state of California, except as specified by Article I of this chapter and as specified by this section.

B. Except as otherwise provided by this chapter, any person who willfully removes, or harvests or transplants a living desert native plant shall first obtain approval from the county to do so in accordance with the procedures set forth in Sections 16.24.040 or 16.24.110 et seq.

(Ord. 250 (part), 1997; SBCC § 811.0405)

16.24.130 - Commercial harvesting or transplanting of desert native plants.

A. The commercial harvesting of desert native plants shall be prohibited, except as permitted and authorized by the State Department of Food and Agriculture and as specified in the Desert Native Plant Act of 1983, as amended. The San Bernardino County Agricultural Commissioner shall be responsible for the issuance of the appropriate tags, seals and permits required by the state.

1. Protected desert native plants as specified by Section 16.24.150(B) may only be removed by a scientific or educational institution which has obtained a permit from the county agricultural commissioner for a specified number and species of these plants.
2. Written permission must be obtained from and signed by the owner of the property on which the plants are located. A copy of the document granting such permission shall be submitted to the county agricultural commissioner prior to issuance of the permit.

B. An application for a desert native plant commercial harvesting permit shall be filed with the county agricultural commissioner for review and processing. If it is determined that the proposed harvesting would not require an environmental impact report, the agricultural commissioner shall process the permit application in accordance with the provisions of this article. If an environmental impact report is required, the agricultural commissioner shall proceed only after an environmental impact report is certified, the concerns and issues are addressed, and findings made pursuant to law.

(Ord. 250 (part), 1997; SBCC § 811.0410)

16.24.140 - Findings for commercial harvesting or transplanting of desert native plants.

The county agricultural commissioner or other reviewing authority shall only authorize the commercial harvesting or transplanting of desert native plants listed in Section 16.24.150(B) subject to the provisions of this article only if one or more of the following findings are made:

A. The desert native plants are to be transplanted or harvested in a manner approved by the county agricultural commissioner or other reviewing authority, including any requirement for the issuance of plant tag seals and/or wood receipts;

B. The desert native plant is to be transplanted to another property within the same plant habitat under the supervision of a desert native plant expert and the removal of such plant will not adversely affect the desert environment on the subject site;

C. Any desert native plant on the site which is determined by the agricultural commissioner or other reviewing authority as requiring transplanting has or will be transplanted or stockpiled for transplanting in accordance with methods approved by the county agricultural commissioner. A desert native plant expert shall supervise and manage any required transplanting of desert native plants;

D. The harvesting operation has incorporated all mitigation measures, if any, establish by the environmental review action;

E. The harvesting operator has been notified of the availability of all known plants that are proposed to be removed by construction

activity within the vicinity so that these may be used in lieu of those proposed to be harvested.

(Ord. 250 (part), 1997; SBCC § 811.0415)

16.24.150 - Subject desert native plants.

The following desert native plants are subject to the regulations specified by this chapter. In all cases the botanical names shall govern the interpretation of this article.

A. Regulated Desert Native Plants. The following desert native plants, or any part thereof except the fruit, shall not be harvested or removed except under a permit issued by the agricultural commissioner or other applicable reviewing authority:
   1. The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:
      a. Dalea, Spinosa (smoketree);
      b. All species of the family Agavaceae (century plants, nolinas, yuccas);
      c. All species of the genus Prosopis (mesquites).
   2. Creosote Rings, ten feet or greater in diameter.
   3. All Joshua trees (mature and immature).
B. All plants protected or regulated by the State Desert Native Plants Act (i.e., Food and Agricultural Code 80001 et seq.) shall be required to comply with the provisions of those statues prior to the issuance of any county development permit or land use application approval. The county agricultural commissioner is the responsible agency for the issuance of any required wood tags, seals or permits.

(Ord. 250 (part), 1997; SBCC § 811.0420)

16.24.160 - Subject area.

This article is applicable only within the city in which these desert native plants grow in a natural habitat.

(Ord. 250 (part), 1997; SBCC § 811.0425)

16.24.170 - Enforcement.

In addition to the enforcement provisions and penalties prescribed in Article I of this chapter and/or the State Food and Agricultural Code, Division 23, Chapter 7, the following shall apply:

A. Upon conviction of a violation of this article, all desert native plant harvesting permits issued to the person convicted shall be revoked and the permittee shall be required to surrender any unused tags and seals or wood receipts to the agricultural commissioner and no new or additional permits shall be issued to the permittee for a period of one year from the date of conviction.
B. Upon the second conviction, all permits issued to the person convicted shall be revoked and the permittee shall be required to surrender any unused tags and seals or wood receipts to the agricultural commissioner and no new or additional permits shall be issued to the permittee at any time in the future from the date of such second conviction.
C. The reviewing authority may revoke any permit, tags, or seals issued for the purpose of harvesting if the permittee willfully fails to comply with all of the conditions or stipulations of the permit.
D. Each permit authorizing the harvesting, or possessing of desert native plants or live or dead mesquite, palo verde, or ironwood species of trees which are harvested for wood shall be accompanied by a sufficient number of tags and seals or wood receipt. Such tags, seals, or wood receipts shall be issued, transported, and may be transferred to other parties in accordance with the California Desert Native Plant Act, as amended.

(Ord. 250 (part), 1997; SBCC § 811.0430)

16.24.180 - Definitions.

Terms and phrases used within this article shall be defined by Chapter 16.08 and/or as defined by the Food and Agricultural Code. The Food and Agricultural Code definition, if one exists, shall prevail over a conflicting definition in this code.

(Ord. 250 (part), 1997; SBCC § 811.0435)

City of Hesperia
PLANNING DIVISION

Protected Native Vegetation

Plants common to our area:

- **All Joshua Trees**
- **All species of the Agavaceae family (Yuccas, Nolinas, Century Plants)**
- **All species of cactus, including Cholla**
- **Creosote Rings with a diameter of 10 feet or larger**

Other Protected Vegetation:

- **Dalea, Spinosa (smoketree)**
- **All species of the genus Prosopis (mesquites)**
- **All plants protected or regulated by the State Desert Plants Act**

Prior to ground distrurbance, a protected Desert Native Plant Survey shall be prepared by a City approved specialist. The plant survey shall include a map to approximately locate the protected plant species present on site and the disposition of all protected species. The next step in the process of obtaining a Desert Native Plant permit is to do as follows:

1. Protected plants suitable for relocation where ground disturbance is authorized to occur will either be protected in place or transplanted. Plants deemed non-transplantable and unable to be left in place, shall be disposed of as recommended by the specialist and authorized by the City.
2. A map showing the designated areas for stockpiling Joshua Trees shall be submitted for approval. **Note: Retention Basins & common areas may not be used for stockpiling.**
3. A Protected Plant bond shall be submitted prior to ground disturbance for development of a single-family residential tract, multiple-family residential, commercial and industrial development.
4. A Special Inspector is required to be present during all plant relocation activities.
5. The Special Inspector responsible for relocation of the sensitive species shall submit an application, along with a list of qualifications, and a brief history of experience working with sensitive desert flora to the City of Hesperia. Please contact the Building and Safety division to be added to the approved list of Special Inspectors.
6. A bond is not required since the Joshua Trees will be boxed and will remain on-site during the transplanting process. Note: Final inspection will be required when all transplanting has taken place.
7. All stockpiled Joshua Trees shall be watered monthly by the Special Inspector to maintain the trees' health until final transplanting activities are completed.
8. A Final Native Desert Plants Report shall be prepared and submitted after all transplanting activities are complete. The report shall summarize the results of the transplanting activities, including the location of each Joshua Tree. A long-term, (6 mos. to 1 yr.) maintenance program is to be prepared for approval by the City prior to release of the Protected Plant bond.