

California Native Plant Society

Channel Islands Chapter

P.O. Box 1346 Ojai, CA 93024-1346

22 October 2002

Dennis Hawkins
County of Ventura, Planning Division
800 S. Victoria Avenue, L#1740
Ventura, CA 93009

Subject: Comments on Ahmanson Ranch Development FSEIR

Dear Mr. Hawkins:

The California Native Plant Society (CNPS) previously submitted extensive comments on the Draft Supplemental Environmental Impact Report (DSEIR) of the Ahmanson Ranch Phase "A" Tract Map, dated 16 April 2002. Below please find specific comments on the Final SEIR (FSEIR) and responses to comments. CNPS found that the concerns and comments of CNPS on the DSEIR were ignored entirely, mostly ignored, or only superficially addressed in the FSEIR. Basically, the responses to comments were generally non-responsive.

Troubling also to CNPS was the County's failure to provide all the documents associated with the FSEIR in a timely manner. To date, CNPS has not been provided all the documents used or mentioned in the FSEIR relating to biological resources, such as Appendix F. How can the County expect the interested public to be able to review and provide meaningful comments on the CEQA documents if relevant sections are not available in a meaningful manner. Just providing them for review at the County is certainly not sufficient access, especially since all the documents could have been posted on the Planning Divisions web page.

In reviewing the DSEIR CNPS raised a number of specific issues that needed to be evaluated more thoroughly (or at all), or more fully explained to satisfy the legal requirements of the CEQA review process. Those issues included the:

- EIR's failure to assess impacts on nonvascular plants;
- EIR's failure to assess impacts to species of local concern;
- Inaccurate impact assessment to the San Fernando Valley Spineflower;
- Inadequate preserve design for the San Fernando Valley Spineflower;
- Misleading and inadequate plant community classification used;
- Infeasibility of transplanting rare plants as mitigation;
- Non-viability of the mitigation preserves proposed;
- Inappropriateness of habitat preservation as mitigation for direct impacts;
- County's failure to consult with CNPS and the Audubon Society, as required under General Plan policy;
- Failure to adequately consider impact to rare invertebrates;
- Failure to use the most recent available information;
- Failure to evaluate impacts to wetland functions; and
- Project's inconsistencies with the Ventura County General Plan goals and policies.

Below is a critique of the County's FSEIR for this project and the response to comments.

Wetlands. CNPS notes on Page 4.6-1 of the FSEIR that the project direct impacts to wetlands will be reduced. However, no evaluation of direct, indirect, or cumulative impacts to wetland functions was performed. The FSEIR states that mitigation for impacts to jurisdictional wetlands will be established by the U.S. Army Corps of Engineers (Corps) when they review the permit application from the project applicant.

The FSEIR correctly states that on Page 4.6-31 that all wetlands are considered potentially significant; however, it is incorrect to delay any such determination until the County has consulted with the California Department of Fish and Game (CDFG). First, such a consultation should have occurred during the development of the DSEIR, and included there. Second, the Ventura County General Plan has already made the determination that wetlands are a significant biological resource and impacts to them should be avoided. The only discretion provided in the General Plan is in determining whether the required 100-foot setback could be reduced without causing significant impacts to the wetlands.

How can the County possibly assess the level or extent of impacts to wetland functions unless the wetland functions are not identified and measured onsite? A simple area calculation is inadequate and fails to actually quantify the impacts to wetland functions. It is the County's responsibility to assess impacts to wetlands and riparian resources for CEQA purposes, not the Corps'. The Corps' permitting process is entirely separate and independent. The County has no authority to put the impact assessment burden on the Corps, who has a very limited regulatory authority. Furthermore, if the County does its job correctly, the Corps would most likely simply adopt the mitigation measures imposed on the project by the County without adding other requirements, reducing the complexities of multiple and potentially conflicting permit/mitigation requirements. Furthermore, the Corps' charge is to regulate the discharge of dredged and fill material into waters of the U.S.; it has no authority to extend its authority beyond that responsibility, including assessing impacts to wetland functions. It is incorrect, and inappropriate for the County to make such a claim, and abrogates its own authority and responsibility under the Ventura County General Plan and CEQA.

Regarding water quality as it relates to wetland functions, the SEIR fails to adequately assess the indirect and cumulative impacts the development of East Las Virgenes Creek and other onsite subwatersheds, and how that development will impact downstream functions. A watershed assessment model developed to generally assess downstream affects to streams (Schueler and Holland¹), on a subwatershed basis, shows that subwatersheds with <10% of the land cover in impervious conditions (i.e. developed) will likely be functioning in good condition. Subwatersheds with between 11 and 25% impervious cover will result in significant downstream affects, including erosion, sedimentation, increased pollution, etc. Subwatersheds with >25% impervious cover will result in significant downstream impacts, including significant increases in bacterial and viral levels. Has the County quantified and compared the amount of impervious cover before and after the project? CNPS recommends that the County consider and conduct such an evaluation as part of its assessment of project-related impacts to wetland functions.

Vegetation Classification and Mapping. The FSEIR failed to modify the characterization, classification, or delineation of plant communities/habitats that are present or will be impacted by the proposed project. The methods used in the FSEIR were oversimplified, preventing any meaningful or scientifically justifiable means to adequately assess existing resources, biodiversity, and complexity of the habitats present onsite. Use of the 1986 Holland classification system is antiquated, ignores currently accepted more accurate systems, and is not consistent with formal and informal adoptions of the *Manual of California Vegetation (Manual)* developed by the California Native Plant Society (CNPS) in close collaboration with the California Department of Fish and Game (CDFG) and other state and federal resource agencies. While the EIR cites Sawyer and Keeler-Wolf (1995) [authors of the CNPS Vegetation Manual], nowhere is there any actual use of the classification described by Sawyer and Keeler-Wolf, the EIR preparers just through in the citation without actually using the Manual.

A letter from Dr. Todd Keeler-Wolf of CDFG is submitted separately, which urges Ventura County to use the CNPS *Manual* to map and classify the project site vegetation to the finest level to accurately describe existing

¹ Schueler, Thomas R., and Heather K. Holland, editors. 2000. The Practice of Watershed Protection: Article 1 - The Importance of Imperviousness. The Center for Watershed Protection, Ellicott City, MD. *Watershed Protection Techniques* 1(3):100-111. <http://www.stormwatercenter.net/Practice/1-Importance%20of%20Imperviousness.pdf>

conditions and determine project-related impacts. Attached to this letter is a letter from Dr. Roy Woodward² of the California Department of Parks and Recreation stating his department's adoption of the *Manual*.

Comments on this issue were basically ignored by the County and their response to comments were non-responsive. Claiming that classifying and mapping the habitats/plant communities onsite using the *Manual* would be too complicated and difficult emphasizes the points of CNPS and other's comments about the inappropriateness of an overly simple system as used by Ahmanson's consultants and the County. Indeed, the plant communities and habitats are in fact diverse, complex, and varied. CEQA demands that the existing conditions be properly described, not so glossed over that the description fails to adequately describe the uniqueness, diversity, and complexity of the environment. If the classification is so simple and general, how can anyone, in particular the decisionmakers, have any clue as to the truth about the project site's complexity, uniqueness, diversity, and importance?

Special-Status Vascular Plants. The County failed to assess the project's potential to impact a large number of plant species of local concern. CNPS presented a list of 43 plant species that are rare in Ventura County that have been reported on the Ahmanson Ranch. Each of these 43 rare plants should have been evaluated for direct impacts, and to determine if those impacts would be significant. An annotated catalogue³ of the sixty-six rare plants (including the 43 mentioned here) that are known to occur at or near Ahmanson Ranch are published by CNPS and posted at the Channel Islands Chapter website (www.cnpsci.org), a copy is attached.

The State CEQA Guidelines provide that a lead agency shall find that a project may have a significant effect on the environment if the project "... has the potential to ... reduce the number or restrict the range of an endangered, rare or threatened species ..." (Guidelines §15065(a)). In addition, the State CEQA Guidelines Appendix G Environmental Checklist Form considers whether a project would "have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations ...".

According to the CEQA Guidelines, a species is considered "rare" when either:

- (A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or
- (B) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as that term is used in the Federal Endangered Species Act. (Guidelines §15380(b)(2).)

Species already listed under the California or federal ESAs shall be presumed to be endangered, rare, or threatened pursuant to State CEQA Guidelines §15380(c). A species not currently listed shall nevertheless be considered to be endangered, threatened, or rare if it meets the criteria in the CEQA definitions of "endangered" or "rare". The term "sensitive" species, which appears in the Appendix G checklist, is not defined in CEQA.

If a species is considered locally rare due to its limited occurrence within a political boundary, such as the County of Ventura, and if the species' local population constitutes a significant portion of its range, the species must be considered a rare species under CEQA. The mere placement of a species on a list of locally rare species is probably not enough to meet the CEQA criteria for endangered, threatened, or rare species. However, if the list contains some additional explanation indicating why the species meets the CEQA criteria, such as that the local population constitutes a significant portion of the species' range, the list should provide substantial evidence of rarity. The list of Ventura County rare plants prepared on behalf of CNPS is based on such evidence, and includes a clear, rigid rule for inclusion of plants considered to be locally rare.

² Woodward, R.A., Ph.D., California Department of Parks and Recreation, Program Manager, letter to CNPS dated 16 October 2002 regarding CNPS *Manual of California Vegetation*

³ Magney, D.L. 2002. Ventura County Rare Plants at or Near Ahmanson Ranch, Simi Hills. 13 October 2002. California Native Plant Society, Channel Islands Chapter, Ojai, California.

If the CEQA criteria are satisfied, it is irrelevant that a species is relatively common in other locations. For example, the Pacific Coast populations of the Snowy Plover are listed as threatened under the federal ESA, despite the fact that inland populations are relatively common and are not protected. The existence of the non-listed populations does not diminish the Snowy Plover's status as an endangered, threatened, or rare species under CEQA. By extension, if the Pacific Coast populations of the Snowy Plover were not listed as threatened, these populations would still be considered endangered, threatened, or rare under CEQA. Accordingly, the special status for Snowy Plover in Ventura County under CEQA would still apply even if the Snowy Plover was relatively common in, for example, Mono County. Assertions implying that a species necessarily does not warrant inclusion on a list of locally rare species if it is common elsewhere in California simply because it occurs rarely in Ventura County within a political boundary are incorrect. As the Snowy Plover example indicates, there will be instances when a locally rare species must be considered rare under CEQA despite the species' common occurrence elsewhere in California.

Snowy Plover on the Pacific Coast is protected under the federal ESA based on the concept of a "distinct population segment" (DPS). Something similar to the DPS concept could be used to determine whether a locally rare species is, in fact, endangered, threatened, or rare under CEQA. The federal ESA allows a DPS, defined according to geographic or reproductive isolation, to be treated as a "species". Therefore, as in the Snowy Plover example, a DPS can be listed even though the populations of the taxonomic species are common elsewhere. CEQA does not preclude use of the DPS concept to assist in understanding whether a species is endangered, threatened, or rare based on its local rarity; on the contrary, the CEQA Guidelines definition of "rare" appears to invite the consideration of similar circumstances that would inform the determination of a DPS under the federal ESA.

Under CEQA, lead agencies have considerable discretion in determining whether a species should be considered rare or sensitive. See, for example, the *State CEQA Guidelines Appendix G* checklist cited above, which indicates that lead agencies may designate candidate, sensitive, or special-status species in local or regional plans, policies, or regulations. A list of locally rare or sensitive species, if it is developed based on evidence that the local rarity meets the CEQA criteria for rarity, will effectively establish a rebuttable presumption of significance for species that may be adversely affected by a project. In this respect, a list of locally rare species as presented below will function in a manner similar to the threshold of significance that a lead agency may establish. CEQA requires, however, that thresholds of significance for general use in a lead agency's environmental review process "must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence" (Guidelines §15064.7). For a list of locally rare or sensitive species to function as a set of thresholds of significance, therefore, the list should be adopted through a public review process. Even if the list is not adopted through a public review process, it will establish substantial evidence of rarity if it is accompanied by additional information showing, for example, that the local occurrences of a listed species constitute a substantial portion of the species' range, or is at the limits of its range.

CNPS believes that this list of locally rare plants meets the definitions of rarity, at least locally, to satisfy consideration under CEQA. This checklist is supported by substantial evidence in the files of the author. Many of the taxa listed in this checklist are also listed by CNPS as rare or sensitive statewide, as well as those taxa formally listed under the California and/or federal ESA.

Approximately 1,398 plant taxa within Ventura County, which includes the Simi Hills and the project site, are considered rare, at least locally⁴. Table 1 (below), Rare Plants of the Ahmanson Ranch, Simi Hills, Ventura County, lists 69 plant taxa that are considered at least locally rare. Twenty-three (23) of the rare taxa in Table 1 are also included in CNPS's *Inventory of Rare and Endangered Plants of California*⁵.

⁴ Magney, D.L. 2002. Checklist of Ventura County Rare Plants. 12 October 2002. California Native Plant Society, Channel Islands Chapter, Ojai, California. See www.cnpsci.com for this document, which was first posted in June 2001 at www.cnps.org.

⁵ CNPS. 2001. *Inventory of Rare and Endangered Plants of California*. Sixth Edition. David Tibor, Convening Editor, Rare Plant Scientific Advisory Board, Sacramento, California.

Of the 70 rare taxa listed in Table 1 below, fifty-one (51) rare plant taxa have known occurrences on the Ahmanson Ranch in Ventura County, and have a sensitive status of at least locally rare/uncommon for Ventura County. The remaining 19 rare plant taxa are reported in the project EIRs (Table 4.6-4 of the 1992 EIR and/or Table 4.6-3 of the 2002 DSEIR) as occurring near the project site, but have no known occurrences at the project site.

The FSEIR only mentioned 32 rare plant taxa, many of which occur nowhere near the project site, or for which no suitable habitat exists, such as the Ventura Marsh Milkvetch (*Astragalus pycnostachyus* var. *lanosissimus*). Twenty-nine of the plants listed on FSEIR Table 4.6-3 were not observed onsite; however, fifty-one plant taxa with ten or fewer populations in Ventura County were reported as present onsite (including the Ahmanson Ranch), and should have been evaluated for significance of impacts as a result of the proposed project. These fifty-one taxa qualify for consideration as rare under CEQA, and should have each been evaluated for significance of impacts to them.

Table 1. Rare Plants of the Ahmanson Ranch, Simi Hills, Ventura County

Scientific Name ⁶	Common Name ⁷	Habit ⁸ ; Status ⁹	Observed (O) or Reported (R) During Survey or Report Year ¹⁰		
			ENVICOM 1989	FEIR 1992	SEIR 2002
<i>Allophyllum glutinosum</i> (Bentham) A. & V. Grant	Sticky Allophyllum	AH; rare	O		
<i>Amsinckia menziesii</i> (Lehm.) Nels. & Macbr. var. <i>m.</i>	Common Fiddleneck	AH; uncommon	O		
<i>Astragalus brauntonii</i> Parish	Braunton Milkvetch	PH; Fed. Endangered		R	R
<i>Atriplex parishii</i> S. Watson	Parish Brittleleaf	AH; CNPS 1B			R*
<i>Baccharis malibuensis</i> Beauchamp & Hendrickson	Malibu Baccharis	S; CNPS 1B			R*
<i>Calochortus catalinae</i> S. Watson	Catalina Mariposa Lily	PH; CNPS 4	O		
<i>Calochortus clavatus</i> ssp. <i>clavatus</i> Ownbey	Club-haired Mariposa Lily	PH; CNPS 4			
<i>Calochortus clavatus</i> ssp. <i>pallidus</i> (Hoover) Munz	Pale Yellow Mariposa Lily	PH; rare			
<i>Calochortus plummerae</i> E. Greene	Plummer Mariposa Lily	PH; CNPS 1B	O		O
<i>Calystegia macrostegia</i> (Greene) Brummitt ssp. <i>m.</i>	Morning-glory	PV; rare (on mainland)	O		
<i>Calystegia peirsonii</i> (Abrams) Brummitt	Peirson's Morning-glory	PV; CNPS 4			R*
<i>Camissonia micrantha</i> (Sprengel) Raven	Tiny Primrose	AH; rare	O		
<i>Centromadia parryi</i> ssp. <i>australis</i> (Keck) B.G. Baldwin	Southern Tarplant	AH; FSC/CNPS 1B			R*
<i>Chaenactis artemisiifolia</i> (A. Gray) A. Gray	White Pincushion.	AH; rare	O		
<i>Chorizanthe parryi</i> var. <i>fernandina</i> (S. Watson) Jepson	San Fernando Valley Spineflower	AH; CA Endangered		R	O

⁶ Scientific name: the complete scientific name is provided for each taxon and consists of the genus, species, and author (person who formally described and named the plant).

⁷ Common names are provided for all plants. Some plants have more than one common name while others share common names with other taxa. Many plants lack vernacular names, for which the author has invented names for the sake of completeness. It is preferred to use the scientific name for plants in all legal documents to ensure that the reader knows exactly what taxon is being referred to.

⁸ Growth Form definitions: AF = annual fern or fern ally; AG = annual grass; AH = annual herb; AV = annual vine; BH = biennial herb; PF = perennial fern; PG = perennial grass; PH = perennial herb; PV = perennial vine; S = shrub; T = tree.

⁹ Rarity Definitions: rare = rare throughout Ventura County (with six or fewer occurrences); uncommon = rarely encountered, but more common than rare, and has more than six but less than 11 occurrences in Ventura County. Those plants listed by CNPS in its *Inventory of Rare and Endangered Plants of California* are also included here even though more than 10 occurrences are known in Ventura County. Fed. = Federally; CA = California; FSC = Federal Species of Concern.

¹⁰ O = rare plant taxa observed during field surveys; R = plant taxa reported in the EIR's as "occurring in the vicinity of Ahmanson Ranch".

* = plant species that were reported as occurring in the vicinity of the project site, but that have no known occurrences in Ventura County.

Scientific Name ⁶	Common Name ⁷	Habit ⁸ ; Status ⁹	Observed (O) or Reported (R) During Survey or Report Year ¹⁰		
			ENVICOM 1989	FEIR 1992	SEIR 2002
<i>Collinsia heterophylla</i> Buist var. <i>heterophylla</i>	Chinese Houses	AH; uncommon	O		
<i>Cordylanthus rigidus</i> ssp. <i>setiferus</i> Chuang & Heckard	Dark-tipped Rigid Bird's-Beak	AH; rare	O		
<i>Cuscuta subinclusa</i> Durand & Hilg.	Canyon Dodder	AV; uncommon	O		
<i>Delphinium parryi</i> ssp. <i>blochmaniae</i> (Greene) Lewis & Epling	Dune Larkspur	PH; CNPS 1B			R
<i>Descurainia pinnata</i> ssp. <i>menziesii</i> (DC.) Detl.	Menzies Tansy Mustard	AH; rare	O		
<i>Dudleya cymosa</i> ssp. <i>marcescens</i> Moran	Marcescent Live-forever	PH; CA Rare / Fed. Threatened			R
<i>Dudleya cymosa</i> ssp. <i>ovatifolia</i> (Britton) Moran	Santa Monica Mtns. Live-forever	PH; Fed. Threatened			R
<i>Dudleya abramsii</i> ssp. <i>parva</i> (Rose & Davids.) J. Bartel	Conejo Live-forever	PH, Fed. Threatened		R	R
<i>Dudleya verityi</i> N. Nakai	Verity Live-forever	PH; Fed. Threatened			R
<i>Eriastrum sapphirinum</i> (Eastwood) H. Mason	Sapphire Woolly Star	AH; rare	O		
<i>Ericameria palmeri</i> var. <i>pachylepis</i> (H.M. Hall) Nesom	Goldenbush	S; rare	O		
<i>Eriogonum angulosum</i> Bentham	Angle-stemmed Buckwheat	AH; uncommon	O		
<i>Eriogonum parvifolium</i> Smith var. <i>parvifolium</i>	Dune Buckwheat	S; uncommon	O		
<i>Galium nuttallii</i> A. Gray ssp. <i>nuttallii</i>	Climbing Bedstraw	S/PH; rare (1 location)	O		
<i>Gilia angelensis</i> V. Grant	Angel Gilia	AH; rare	O		
<i>Grindelia camporum</i> var. <i>bracteosum</i> (J.T. Howell) M.A. Lane	Bracted Gumplant	S; uncommon	O		
<i>Harpagonella palmeri</i> A. Gray	Palmer's Grapplinghook	AH; CNPS 4			R*
<i>Helianthemum scoparium</i> Nuttall	Peak Rushrose	S; rare	O		
<i>Helianthus gracilentus</i> A. Gray	Wild Mountain Sunflower	PH; rare	O		
<i>Deinandra</i> [<i>Hemizonia</i>] <i>minthornii</i> (Jepson) Baldwin	Santa Susana Tarplant	S; CA Rare	O	R	R
<i>Isocoma menziesii</i> (H. & A.) G. Nesom var. <i>m.</i>	Coastal Goldenbush	S; uncommon	O		
<i>Juglans californica</i> S. Watson var. <i>californica</i>	So. California Black Walnut	T; CNPS 4	O		
<i>Lathyrus vestitus</i> var. <i>laetiflorus</i> (Greene) Broich	Pacific Peavine	PV; rare	O		
<i>Lemna</i> sp. (5 species in Ventura Co.)	Duckweed	AH; rare (all 5 species)		O	
<i>Lithophragma affine</i> A. Gray	Woodland Star	PH; rare	O		
<i>Lomatium utriculatum</i> (Torr. & Gray) Coulter & Rose	Foothill Lomatium	PH; rare	O		
<i>Malacothrix saxatilis</i> (Nuttall) T. & G. var. <i>saxatilis</i>	Cliff-aster	PH; CNPS 4	O		
<i>Melica californica</i> Scribner var. <i>californica</i>	California Melic Grass	PG; rare (1 occurrence)	O	O	R
<i>Micropus californicus</i> Fischer & C. Meyer var. <i>c.</i>	Slender Cottonweed	AH; rare	O		
<i>Monolopia lanceolata</i> Nuttall	Lanceleaf Hilltop Daisy	AH; rare	O	O	
<i>Nemophila menziesii</i> Hooker & Arnott var. <i>menziesii</i>	Baby Blue-eyes	AH; rare	O		
<i>Nolina cismontana</i> Dice [<i>N. parryi</i> S. Watson]	Chaparral Bear-grass	S; CNPS 1B			O
<i>Opuntia basilaris</i> Engel. & Bigelow var. <i>basilaris</i>	Short-joint Beavertail	S; rare			R*
<i>Orcuttia californica</i> Vasey	California Orcutt Grass	AG; CA/Fed Endangered			R
<i>Parietaria hespera</i> B.D. Hinton var. <i>hespera</i>	Southwest Pellitory	AH; rare	O		
<i>Pectocarya linearis</i> ssp. <i>ferocula</i> (Johnston) Thorne	Linear Pectocarya	AH; rare	O		
<i>Pentachaeta lyonii</i> A. Gray	Lyon Pentachaeta	AH; CA/Fed		R	R

Scientific Name ⁶	Common Name ⁷	Habit ⁸ ; Status ⁹	Observed (O) or Reported (R) During Survey or Report Year ¹⁰		
			ENVICOM 1989	FEIR 1992	SEIR 2002
		Endangered			
<i>Phoradendron macrophyllum</i> (Engelmann) Cockerell	Bigleaf Mistletoe	PH; rare	O		
<i>Plagiobothrys canescens</i> Benth	Valley Popcornflower	AH; rare	O		
<i>Plantago erecta</i> E. Morris	California Plantain	AH; uncommon	O		
<i>Pluchea odorata</i> (L.) Cass.	Saltmarsh Fleabane	P/AH; rare	O	O	
<i>Potamogeton pectinatus</i> L.	Fennelleaf Pondweed	PH; rare	O		
<i>Psilocarphus tenellus</i> Nuttall var. <i>tenellus</i>	Slender Woolly Marbles	AH; uncommon	O	O	
<i>Quercus douglasii</i> Hooker & Arnott	Blue Oak	T; rare	O	O	
<i>Quercus</i> X <i>macdonaldii</i> E. Greene [<i>Q. pacifica</i> Nixon & C.H. Muller X <i>Q. lobata</i> Nee]	MacDonald Oak	T; rare	O	O	
<i>Sanicula bipinnata</i> Hooker & Arnott	Poison Sanicle	PH; uncommon		O	
<i>Scirpus americanus</i> Pers.	American Bulrush	PH; rare	O		
<i>Senecio aphanactis</i> E. Greene	Rayless Ragwort	AH; CNPS 2			R
<i>Senecio flaccidus</i> var. <i>monoensis</i> (E. Greene) Turner & Barkley	Mono Butterweed	S; rare	O		
<i>Sidalcea neomexicana</i> A. Gray	Salt Spring Checkerbloom	PH; CNPS 2			R
<i>Stebbinsoseris heterocarpa</i> (Nuttall) Chambers	Chicory Microseris	AH; rare	O		
<i>Stylocline gnaphaloides</i> Nuttall	Everlasting Nest Straw	AH; rare	O		
<i>Thelypteris puberula</i> var. <i>sonorensis</i> A.R. Smith	Sonoran Maiden Fern	PF; rare			R
<i>Thysanocarpus curvipes</i> Hooker	Lace Pod	AH; rare	O		
<i>Trichostema lanceolatum</i> Benth	Vinegar Weed	AH; rare	O		

Regarding project site assessment and impact mitigations, since each rare plant taxon has specific habitat requirements, it is not appropriate to lump them all into one general category and assume that over-simplified transplanting-type mitigation will be feasible. In fact, most transplantation efforts to mitigate for impacts to rare plants have failed. No evidence has been provided to support such a mitigation approach when in fact the opposite has been demonstrated. Why would Ventura County persist in considering an infeasible mitigation measure?

Botanical Survey Methods. Page 4.6-81 of the FSEIR states that floristic field surveys were conducted onsite in 1999, 2000, and 2001, validating the need and requirement to supplement the search for special-status plant species, which included nonlisted species such as *Melica californica*. So why were those species identified by CNPS not addressed in the SEIR?

Questions regarding the methods followed for the botanical surveys remain. Were dates of surveys appropriate to cover seasonal variations to ensure complete coverage of the site to ensure proper detection and identification of the plants present? Did the botanists go back to the same areas during different seasons?

Ten (10) acres (only 10 acres?) of the site burned last year. Were floristic field surveys conducted in the burn area to detect fire-following species, such as the Braunton's Milkvetch (*Astragalus brauntonii*)? Unless proper floristic field surveys were conducted over the entire area to be impacted, the botanical surveys are substandard and incomplete¹¹. Without complete surveys being conducted, no valid claims by Ventura County

¹¹ Ferren, W.R., Jr., D.L. Magney, and T.A. Sholars. 1995. The Future of California Floristics and Systematics: Collecting Guidelines and Documentation Techniques. *Madroño* 42(2):197-210; California Native Plant Society. 2001. Botanical Survey Guidelines. Board of Directors, Sacramento, California. See www.cnps.org for complete text of guidelines.

can be made that the proposed project will not impact one or more of the special-status plants known or expected to occur onsite.

Responses to DSEIR Comments. None of these questions raised in comments on the DSEIR were adequately answered or responded to. Simply restating that biologists spent approximately 3,000 hours onsite does not provide any clarification on how and when specific field surveys were performed. For all we know, the biologists were having a picnic onsite, or performing vegetation mapping, or some other task not related to surveying for rare plants. No information on where and when specific field surveys were conducted onsite.

Response GC-BIO-1 on Page A-80 of Volume 2 of the FSEIR claims that, “a CNDDDB search of the Ahmanson Ranch area and review of CDFG, USFWS, and NMFS lists and literature was used to identify species of local and/or regional concern”. None of these sources provides, or attempts to provide, any information on species of local or regional concern. What evidence does the County have to suggest otherwise?

Why did the County not consult with CNPS to identify plant species of local concern? CNPS published (on the internet at both www.cnps.org [since late 2000] and www.cnpsci.org) a comprehensive list of species of local concern in Ventura County, and presented this information to the County in its comments on the Notice of Preparation, and in its comments on the DSEIR. Why was this information ignored? The Ventura County General Plan Conservation Element clearly states that the County shall consult with CNPS on such matters. Why didn't the County and its consultants follow General Plan policy? What possible justification does the County have for this failure to consult with CNPS as specifically required in the General Plan? It is irrelevant that CNPS is not an agency, CNPS is the authority on the California flora (in particular the rare plants), which is fully recognized by numerous federal and state agencies, evidenced in part by the various MOUs they have signed with CNPS, including intensive collaboration with the CNDDDB.

The last paragraph on Page A-80 claims that the level of review that Rincon Consultants did for the SEIR “is similar to the level of review provided in the scientific community for published papers”. This is a misstatement. Peer reviewed published papers undergo rigorous critical review. While the journal reviewers may not duplicate an author's work, they are experts in their field, and the papers are typically sent to three independent reviewers. Some reviewers do indeed “run the numbers” to check the accuracy of an authors work.

Nowhere in the EIR does Rincon Consultants take issue with the work of Washington Mutual's consultants work or the logic that was used by them. The only differences obvious between the two are that Rincon recommended additional mitigation, but then only after considerable criticism and comments from the concerned public and resource agencies.

Page 4.6-20, “Other Sensitive Plants”, states that Chaparral Nolina is “relatively widespread in suitable habitat throughout the region”. This statement mischaracterizes the facts about the rarity and distribution of this rare plant. *Nolina cismontana* is a CNPS List 1B plant, rare and endangered throughout its range. To state that it is relatively widespread clearly gives the reader a much different impression. In fact, this taxon is found at only three widely separated, and isolated sites in Ventura County, one in the Ojai Valley, another in the Santa Monica Mountains, and the third at Ahmanson Ranch¹². None of these populations is large. The next closest known population is in eastern Orange County¹³. With only three known occurrence anywhere near the project site and in Ventura County, how can it reasonably and accurately stated that it is “relatively widespread”. Only its range, from San Diego County to Ventura County, could be considered wide, but it is not widespread! What region is being referred to here? Certainly not the “region” within say, 20 miles around the project site. It is of vital importance to choose descriptive language very carefully to avoid such confusion.

Why did Sapphos and Rincon only consider eighteen locally important (non-listed) species when conducting their assessment for the EIR but felt that the list of locally rare plants published by CNPS need not be

¹² Magney, D.L. 2002. Ventura County Rare Plants at or Near Ahmanson Ranch, Simi Hills. 13 October 2002. California Native Plant Society, Channel Islands Chapter, Ojai, California.

¹³ CNPS. 2001. *Inventory of Rare and Endangered Plants of California*. Sixth Edition.

considered? It appears that neither thought about this issue collectively or independently. See comments on this issue above.

Response GC-BIO-21: Wetland Values and Functions, is non-responsive. CNPS had commented that no assessment of impacts to wetland functions was ever performed. The 1992 EIR did not assess impacts to wetland functions. The DSEIR did not. The FSEIR does not either. To defer such an impact assessment to another agency is inappropriate, unless the County has a formal agreement with that agency, and they provide their assessment for inclusion in the EIR. County policies regarding wetlands clearly state that impacts to wetlands need to consider impacts to functions and values, not just acreage. Since viable tools to assess wetland functions were not developed by 1992, how could they have been assessed then?

Rare Invertebrates. The FSEIR never addressed the lack of consideration of impacts to special-status invertebrates, which CNPS provided information on in its comments on the DSEIR. Why not? The status of many of the butterflies listed as locally rare has indeed changed since the 1992 EIR was certified. Additional field surveys were conducted for species such as the Quino Checkerspot Butterfly, why was there no assessment for the other rare butterflies? Why was no response provided in the FSEIR on this issue?

Sensitive Natural Vegetation. The failure of the FSEIR to properly recognize and classify the annual grasslands onsite, persisting in calling them “non-native grassland” further facilitates the false justification for not considering the loss of over 300 acres of important habitat as significant. Grasslands, including those dominated by annual, nonnative grasses, have been reduced by over 90 percent in California subsequent to European settlement. Nearly all “non-native grasslands” contain numerous annual native species of plants, and provide vital habitat for a wide, diverse array of wildlife species. This fact has been entirely ignored in the EIR, and dismissed without justification or scientific support in the FSEIR. The loss of large areas of annual grassland represents a significant direct and cumulative impact that warrants mitigation. No mitigation has been offered to fully mitigate for the direct and cumulative impacts the project will have on annual grasslands of Ventura County. The species composition, particularly for wildlife, between “non-native grassland” and “native grassland” is essentially identical. How can the County justify its disregard for the biological facts? By persisting to use the title, “non-native grassland”, the County is misleading the public and the decisionmakers about the value and importance of this severely reduced but vitally important habitat type.

These grasslands support the same suite of small mammals as native perennial grasslands, which are the primary food base for carnivorous mammals and raptors. Simply preserving existing remaining habitat nearby does not replace the lost habitat and is not mitigation as defined by CEQA. Significant restoration and enhancement of degraded habitats that would then be preserved would only partially mitigate for the loss of the 389.3 acres of annual grassland and 155 acres of perennial grassland onsite. Table 4.6-7 of the FSEIR states that a total of 544.3 acres of grassland vegetation/habitat would be destroyed, as proposed by the project applicant. However, Page 4.6-64 states that 1,062 acres of Non-native Grassland would be destroyed and that another 276 acres of Native Grassland would be lost. Why is there such a large discrepancy in the acreage impacts? Is there 544 acres (much less 1,338 acres) of degraded grassland onsite that would be significantly enhanced as mitigation?

The FSEIR suggests that the donation of approximately 10,000 acres of land (a large amount of land indeed) will fully mitigate for the direct loss of 1,338 acres of grassland, and other, plant communities. How will this be accomplished? How will the enhancements, if any, be measured to demonstrate full mitigation for the direct losses? The 10,000 acres are already in pretty good shape, so opportunities for enhancement are minimal at best. Even if there was 1,000 acres of grassland in the preserve area that are “half” degraded, and available for enhancement up to full capacity, that would effectively only provide half (500 acres worth) of mitigation at a 1:1 ratio. Have any surveys of the preserve area been conducted to determine just what is present, much less what mitigation opportunities are available? We can find no evidence that such surveys or assessments have been performed. Has any assessment of impacts (temporary or permanent) mitigation work done in these areas will have? We can find no such assessments.

The County and its consultants have not adequately thought the entire impact-mitigation process through. Direct and cumulative impacts to the natural environment have not been adequately assessed, and proposed mitigation measures are either inadequate, or infeasible, or not mitigation at all as defined by CEQA.

Most rare plants cannot be successfully transplanted, yet that is what is proposed as mitigation for impacts to rare plants. There are no real mechanisms or requirements to truly avoid direct impacts to rare plant populations that may be found during grading. The developer will surely simply claim that avoidance is not feasible, and claim that required modifications would simply be much too expensive to implement because it would decrease their profits. The County needs to be honest with such purported mitigation measures. Has the County ever required a developer to redesign their project to avoid a rare plant after they have already approved their grading plans? Not likely. The County has a poor track record with actually enforcing the letter, much less the intent, of required mitigation measures on discretionary projects such as Ahmanson Ranch. The Pardee development at Oak Park is just one example of how the County has failed to enforce its mitigation requirements.

CNPS urges Ventura County to require the proper surveys and assessments to accurately describe the existing conditions at Ahmanson Ranch, to thoroughly evaluate project-related direct, indirect, and cumulative impacts to biological resources, and to develop and require full and feasible mitigation measures for all impacts that cannot be avoided. As it stands now, CNPS believes the SEIR fails to meet the minimum standards required by CEQA.

Thank you for considering the concerns of CNPS.

Sincerely,



David L. Magney
CNPS Member of Board of Directors,
Channel Islands Chapter Conservation Chairman
Wetlands Conservation Committee Chairman

Attachments: Ventura County Rare Plants at or Near Ahmanson Ranch, Simi Hills
Letter from Dr. Woodward of Calif. State Parks to CNPS

cc: David Chipping, CNPS Conservation Director
Pam Muick, CNPS Executive Director
John Buse, Environmental Defense Center
Assemblywoman Fran Pavley
Katherine Stone, Esq.
Rick Harlacher, LSA Associates
Bob Hight, Director CDFG
Mary Meyer, CDFG Region 5