

California Native Plant Society

Channel Islands Chapter

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

10 December 2002

John Flynn, Chair and
Members of the Board of Supervisors
County of Ventura
800 S. Victoria Avenue
Ventura, California 93009

Subject: Review of Ahmanson Ranch Supplemental EIR

Dear Mr. Flynn and Fellow Supervisors:

The California Native Plant Society (CNPS) has been involved in reviewing and commenting on the Ahmanson Ranch project throughout the CEQA process. I have reviewed the Supplemental Environmental Impact Report (SEIR) for the Ahmanson Ranch Phase I development and the staff reports. I wish to summarize our critique of the Final SEIR and response to comments related to biological resources is presented below.

In our review of the Draft SEIR, a number of specific issues were raised that needed to be evaluated or more fully explained as part 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.

None of these criticisms were responded to adequately, if at all in the FSEIR. A critique of the County's DSEIR and FSEIR for this project, and the response to comments were previously submitted to the County Planning Division, ERRRC, and Planning Commission.

The County staff has argued that it need not revise work that was done as part of the original EIR. CNPS is not contending that argument; however, the EIR must address new issues that were not addressed for which there is new information. That is the case for all the concerns raised by CNPS previously.

Rare Plants. CNPS and others have clearly identified in previous comment letters and in testimony that impacts to rare plant species were not adequately addressed. While the EIR identified new impacts to the San Fernando Valley Spineflower, which had not been addressed before, it ignored assessments on many other rare plant species now known onsite. While the County claims that locally rare plant species were considered, CNPS has provided specific new information that should have been evaluated in the SEIR. They were not.

The SEIR claims that even though San Fernando Valley Spineflower (a state-listed endangered species) plants will be directly impacted by the project, mitigation would reduce these impacts to less-than-significant levels. As I, and others, have stated in writing previously, mitigating for rare plants usually fails, for a wide variety of reasons. The County cannot possibly have any assurances that the mitigation proposed for impacts on this plant will actually work. No tests have been conducted as recommended by CDFG to determine whether mitigation is possible, much less feasible. Putting off such tests or trials as part of the mitigation is unwise and unsupported by the evidence. The mitigation measures proposed to reduce or avoid impacts were minimal at best. Nothing has been done to modify the project impacts to truly provide for a biologically defensible preserve.

Approximately 1,000 plant taxa known to occur within Ventura County, which includes the Simi Hills and the project site, are considered rare, at least locally¹. Sixty-nine (69) plant taxa that are considered at least locally rare are known to occur on the Ahmanson Ranch. Twenty-three (23) of these rare taxa are also included in CNPS's *Inventory of Rare and Endangered Plants of California*². Impacts to them were not adequately assessed, and mitigation recommends transplantation when only a small subset of them are found during pre-grading surveys. Transplantation rarely works, so how can this be a feasible mitigation measure.

As presented previously, locally rare plants such as I have identified on behalf of CNPS must be considered under CEQA. The rarity status of most of these plants have not been previously assessed, and represents new information, provided to the County previously, that should have been assessed in the SEIR.

Nonvascular Plants. Similarly, several species of bryophytes and lichens have been identified as rare since the certification of the 1992 EIR. No surveys of the bryophyte or lichen flora have ever been conducted, and were not evaluated in the 1992 or Supplemental EIR. Rare lichens in California were identified by the California Lichen Society, which was published in 1999. This should have been consulted as part of the CEQA review process. It was not. Responses to comments on this issue basically ignored the lichen flora impact entirely.

Ahmanson Ranch's consultants claimed that since no rare bryophytes tracked by the California Natural Diversity Database (CNDDDB) were reported from Ventura County, no impact would occur. Such a claim is absurd since no field surveys were ever conducted onsite for bryophytes to determine what species were actually present. A search of the CNDDDB in no way constitutes an adequate survey as established in published survey guidelines by both the California Department of Fish and Game³

¹ Magney, D.L. 2002. Checklist of Ventura County Rare Plants. 8 December 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.

² CNPS. 2001. *Inventory of Rare and Endangered Plants of California*. Sixth Edition. David Tibor, Convening Editor, Rare Plant Scientific Advisory Board, Sacramento, California.

³ California Department of Fish and Game. 2000. Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities. (8 May 2000.) California Resources Agency, Sacramento, California.

(CDFG) and CNPS⁴. Needless to say, since no impact assessment was performed, no mitigation was recommended to offset any significant or cumulative impacts to the bryophyte or lichen floras.

Oak Tree Mitigation. Impacts to 1,145 oak trees are suggested by staff to be mitigable through transplantation. Transplanting (240) mature oak trees is also recommended. However, transplanting mature oak trees has proven to be both very expensive and nearly a complete failure. This is not feasible mitigation if all or most of the transplanted trees die within 10 years.

Wetlands. The County failed to ever quantify project-related impacts to wetland functions and values. The only measurements of impacts to wetlands are those of area. County policies require that impacts to wetlands include an assessment of impacts on wetland functions and values. As I have recommended previously, a method to do such an assessment such as Hydrogeomorphic Assessment, developed by EPA and the U.S. Army Corps of Engineers would be appropriate here, and have been conducted as parts of EIRs before.

Natural Community Mapping and Classification. The SEIR failed to properly characterize, classify, or delineation of plant communities/habitats that are present or will be impacted by the proposed project. The methods used in the SEIR grossly oversimplified what is present onsite and what would be impacted, preventing any meaningful or scientifically justifiable means to adequately assess existing resources, biodiversity, and complexity of the habitats present onsite. The methods used did not follow both State and national methods or protocols. Staff explained away these failures by stating that such methods are not mandatory under CEQA. However, and prudent CEQA practitioner or scientist would find that it makes good sense, and is sound science, to follow the methods developed nationwide and statewide. These methods have been publicly available in California since 1995.

Open Space Management. Rancho Simi Recreation and Parks District is not properly staffed to properly manage open space areas for the purposes of protecting biological resources. Furthermore, it is not in the District's mission to perform this service, and has no budget, knowledge, or resources to do so in perpetuity as would be necessary for dedicated preserves.

In conclusion, I find the EIR fails to assess impacts to significant botanical and wetland resources and that what mitigation measures have been recommended are inadequate or infeasible. The EIR is not ready for certification. Thank you for considering these comments.

Sincerely,



David L. Magney
CNPS Board Member, Chapter Conservation Chairman

⁴ California Native Plant Society. 2001. Botanical Survey Guidelines. Board of Directors, Sacramento, California. See www.cnps.org for complete text of guidelines.