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Jessie Waldman  
County of Mendocino Planning & Building Services  
120 West Fir Street  
Fort Bragg, CA 95437

**Subject: CNPS comments on CDP\_2020-0022 treated as Mitigated Negative Declaration 09/29/2021 CASE#: CDP\_2020-0022**

DATE FILED: 8/19/2020

OWNER/APPLICANT: William and Audrey Irwin

REQUEST: Standard Coastal Development Permit to develop a vacant parcel with a single-family residence, a detached garage, ground mount solar array, establishment of an on-site well with a pump house and water storage tank, an on-site septic system and driveway, including tree removal at the building site. Also included in the request is the installation of one (1) 5,000 gallon water storage tank and one (1) 2 ½" NHT fire hydrant.

LOCATION: In the Coastal Zone, 3± miles south of Albion town center, 0.5± miles east of the intersection of Cameron Road (CR 516) and State Route 1 (SR 1), on the south side of Cameron Road, at the end of a private road, located at 1656 Cameron Road, Elk (APN: 126-110-12).

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

STAFF PLANNER: JESSIE WALDMAN

RESPONSE DUE DATE: February 9, 2022

Dear Ms. Waldman:

The Dorothy King Young (DKY) Chapter of the California Native Plant Society (CNPS) has reviewed the updated Rare Plant Assessment and Botanical Survey (biology report) by Jacobszoon & Associates, dated February 19, 2021 and the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed coastal development permit (CDP) CDP\_2020-0022 and have the following comments on this project.

1. The proposed Project will impact 1.5-acre of Bishop pine forest (BPF), a Sensitive Natural Community. To mitigate for the impacts, Mitigation Measure 15 requires a 1:1 replacement of Bishop pine and grand fir trees to replace those proposed for removal. An 80 percent survival success criteria for the planted/regenerating trees is included in the measure; however, no clear explanation is provided that describes why 80 percent survival and not 100 percent survival, which would be a 1:1 replacement, was selected. This measure potentially allows for the reduction of a Sensitive Natural Community through the loss of as much as 20 percent of the Bishop pine and grand fir trees, which is insufficient mitigation because it results in a net loss of the community.

Mitigation Measure 14 requires a separate CDP for future vegetation removal or development within the parcel. However, due to direct and cumulative impacts to BPF

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through the development, the following mitigation measure would need to be included as a condition of approval in order to avoid significant direct long-term impacts to bishop pine stands:

- **Conservation of the remainder of the BPF on the parcel.** The remaining bishop pine stands should be preserved as a condition of approval of the CDP. This would also reduce the cumulative impacts of the BPF stand, which has already been impacted through the development on adjacent parcels and will likely be further impacted by development on undeveloped parcels.
  - **Survival of planted trees should be 100 percent.**
2. As Per Mendocino County Coastal Zoning Code Section 20.496.020 4(c), development shall be sited and designed to prevent impacts to which would degrade adjacent habitat areas. Site plans indicate a “less than 3-acre conversion” area which exceeds the building envelope; however, the biology reports does not provide a figure showing location of trees to be removed, causing concern that development or tree removal was not designed to have minimum impact on the BPF. Additionally, the biological report does not clearly state or illustrate if trees will be removed for the installation of the leach field. If trees are to remain within the leach field, installation may impact roots of healthy Bishop pine or grand fir, which can cause significant direct or indirect mortality of the tree.

In order to avoid potential significant impacts to trees affected by leach field installation activities, the following mitigation measures would need to be included as conditions of approval:

- **An additional Mitigation Measure to avoid large tree roots (greater than 4-inches diameter) for the installation of the leach field, if applicable.**

In order for the County and CDFW to determine that site development is designed to prevent impacts, the following mitigation measure would need to be included as conditions of approval:

- **The Restoration Plan needs to clearly indicate location, species, and size of trees to be removed and where trees will be planted so that CDFW and the County can make a determination that tree removal is designed to have the least impact feasible on BPF and restoration efforts will be successful.**
3. The Restoration Plan lacks a clear mitigation description plan and map. There is no description or figure indicating where the Bishop pine are to be planted, thereby making

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an objective determination of mitigation performance impossible. Additionally, the Restoration Plan makes no mention of understory plantings. Bishop Pine Forest or any Sensitive Natural Community is more than trees. Lack of ground layer vegetation in the mitigation plan would result in significant net long-term loss of biological diversity in the BPF treated as compensatory mitigation. Based on the observed species list in the biology report, the BPF has a high-quality understory that is lacking in most current fragmented BPF, including grasses that, although are not listed as rare individually, they are collectively rare in forest understory. The following native grasses occur in the understory according to the biology report: *Bromus sitchensis* var. *carinatus*, *Calamagrostis nutkaensis*, *Deschampsia cespitosa*, and *Calamagrostis nutkaensis*

The following mitigation measure modification is needed to minimize long-term significant net loss of BPF ground layer vegetation:

- **The Restoration Plan shall include revegetation with native understory plants as part of the BPF restoration effort.** Species composition of the ground layer shall include either the pre-project existing species, or the species composition of another local reference stand with higher species richness. Local stock (divisions, seed) should be used to avoid introduction of pests or pollution of local population genetics. Planting density and final (5 yr) absolute cover should not differ significantly from existing BPF on the parcel.

DKY also strongly recommends that a site visit be conducted by CCC and CDFW following the receipt of the final year monitoring report to ensure that mitigation efforts were achieved.

By issuing an IS/MND, the County has made a determination that direct, indirect, and cumulative impacts to BPF, after mitigation, are less than significant. While the impacts from this project may not be considered significant by the County, DKY believes any net loss of BPF in Mendocino County is cumulatively significant due to:

- Widespread decline of BPF health due to pathogens and pests.
- Widespread decline of BPF health due to fire suppression.
- Widespread decline in extent of BPF due to approved development.
- Widespread decline of healthy stands of BPF.
- Cumulative impacts caused by fragmentation through development and removal of trees on private property for various reasons (i.e., removal of hazardous trees, fire protection).

We conclude that the project as currently proposed would likely have **significant** direct and cumulative potential impacts to Sensitive Natural Communities as it does not fully

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mitigate the loss and contributes to loss and impact of BPF in Mendocino County. To mitigate cumulative impacts to BPF to less-than-significant levels, the modifications of mitigation measures proposed above are necessary.

We are available to answer questions regarding the identification of rare plants and natural communities on the parcel, and to assist in identifying appropriate avoidance and mitigation measures. Please contact Teresa Sholars at [vegetation@dkycnps.org](mailto:vegetation@dkycnps.org) or Rhiannon Korhummel at [rareplants@dkycnps.org](mailto:rareplants@dkycnps.org).

Thank you for the opportunity to provide comments on the proposed coastal development permit.

Respectfully,

*Teresa Sholars*

Teresa Sholars, Vegetation Chair

*Rhiannon Korhummel*

Rhiannon Korhummel, Rare Plant Chair

*Peter Baye*

Peter Baye, Conservation Chair

Dorothy King Young Chapter, California Native Plant Society

Cc: Michael Van Hattem  
Senior Environmental Scientist (Supervisor)  
California Dept. of Fish and Wildlife, Eureka

Lee Margadant  
Environmental Scientist  
California Dept. of Fish and Wildlife, Fort Bragg

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## STATEMENT OF QUALIFICATIONS FOR BOTANICAL EXPERT REVIEWERS

Teresa Sholars, MSc

Teresa Sholars is Professor Emeritus of Biology and Sustainable Agriculture, College of the Redwoods, where for over 40 years she has taught students about ecology of mushrooms, lichens, native plants and vegetation on the Mendocino Coast. She is also retired from 40 years as a part time Botanical and Ecological Consultant on the Mendocino Coast. She has been involved with surveying and mapping rare plants and vegetation as a volunteer for CNPS and CDFW for decades. She actively participated in formal vegetation surveys to document and classify Mendocino Cypress Woodland and coastal headland natural communities for the California Department of Fish and Wildlife Vegetation Classification section. She is a CNPS Fellow, and author of *Lupinus* in the second edition of The Jepson Manual, Jepson eflora, Arizona Flora and co-author for the Flora of North America *Lupinus*. Currently she is an Adjunct Professor, Curator of the Herbarium and Natural History Collection at the Mendocino Coast Campus, of Mendocino College in Fort Bragg. She is one of the co-author's of Reed Noss' book "The Redwood Forest, History, Ecology and Conservation of the Coast Redwood" and co-author with CDFW Clare Golec on a paper "Rare Plants of the Redwood Forest and Forest Management Effects". She also was coauthor with Andrea J. Pickart on the chapter on vegetation of coastal northern California in "California's Botanical Landscapes". She holds a master's degree in Ecology from UC Davis where she worked on the Mendocino pygmy forest and has completed 6 years in the PhD program at UC Berkeley in systematic botany.

Peter R. Baye, Ph.D.

Peter Baye is a coastal ecologist and botanist specializing in conservation and management of vegetation in coastal ecosystems. He received his Ph.D. from the University of Western Ontario, Department of Plant Sciences, Canada, in 1990. He began applied studies of New England dunes and barrier beach ecology as an undergraduate at Colby College, Waterville, Maine in the late 1970s. His Thomas J. Watson fellowship research (1982) explored beach, dune and marsh complexes in Canadian Maritime Provinces, Great Britain. In California, he worked for the U.S. Army Corps of Engineers, San Francisco District, as a senior ecologist specializing in environmental assessment of regulatory wetland projects (1991-1997). He prepared multi-species endangered species recovery plans for coastal species and ecosystems at the U.S. Fish and Wildlife Service, Sacramento office, from 1997-2002. He was a contributing author of regional coastal habitat plans in San Francisco Bay, including the San Francisco Bay Wetland Ecosystem Habitat Goals Project (1999) and its science update (2015). As an independent consultant, Peter continued applied restoration and management planning work on coastal ecosystems and rare/endangered species recovery, including estuaries, beaches, lagoons, streams and riparian habitats, in the

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Bay Area, North Coast, and Central California Coast, with emphasis on adaptation to climate change and sea level rise. He has taught wetland plant short courses at San Francisco State University, where he also served as an advisor for graduate research on aquatic plants. His other botanical work includes ethnobotanical and historical ecology research for Sonoma State University Anthropological Studies Center, scientific peer review of coastal conservation and species recovery plans, and leading field trips. He has actively managed 40 acres of redwood forest for recovery of biological diversity over 20 years, and botanizes thousands of acres of adjacent mixed redwood forest under nonprofit conservation forestry.

Rhiannon Korhummel, BS

Rhiannon has 7 years as a professional botanist for an environmental consulting company. In this position, she routinely conducts biological assessments in Mendocino, Sonoma, Lake, and Napa Counties for proposed development projects that require CEQA or other regulatory review. Routine assessments include floristic surveys following agency protocols, rare plant habitat assessments, natural community mapping, and Coastal Act and US Army Corps. Of Engineers wetland delineations. In Mendocino County, her work is primarily conducting biological assessments for Coastal Development Permits (CDP's). She also conducted over 50 biological assessments for cannabis cultivators in 2021. She also reviewed biological assessments for CDP's and CEQA projects during her time at CDFW. She received a Natural History Certificate at College of the Redwoods, Mendocino Coast (now Mendocino College Coast Campus), studying under Teresa Sholars. She received a Bachelor's degree in Botany from Humboldt State University and conducted Masters-level work, studying the natural communities on oligotrophic soils (aka Pygmy forest) here in coastal Mendocino County. Rhiannon worked for the CNPS Vegetation Program as a botanical technician in the natural community mapping and classification effort in the Carrizo National Monument.

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