



Ventura County Coalition of Labor, Agriculture and Business

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Ms. Kim Prillhart – Planning Director
Ventura County Planning Division
800 S. Victoria Avenue
Ventura, CA 93009

**RE: Comments to the Planning Director
Draft Locally Important Plant List and Review Procedure**

CoLAB, Ventura County has reviewed the Draft Locally Important Plant list for 2014 and the criteria for the evaluation of Locally Important Plants adopted by the Board of Supervisors on April 26, 2011. Our summarized comments with respect to the process are as follows:

- 1) In order to comply with the adoption of the updated Initial Study Assessment Guidelines by the Board of Supervisors on April 26, 2011, the Planning Division is required to maintain a list of plants and animals with an annual review. The frequency of the review period was intended to resolve the potential problem posed to project applicants by outdated information. While we believe the County has discretion in how often plants and animals can be added to the lists, we believe that project applicants must have the opportunity to challenge a listing on an annual basis at a minimum. However, we would support a separate on-demand process for project applicants if the County decided to lengthen the frequency of the routine review period to more than one year.
- 2) We recommend that the County reverse their position that the lack of evidence that plants on the draft list are stable or increasing throughout the extent of their range satisfies Criterion #1, which conversely requires that the species are declining throughout their range. This would compel the County to reject the addition of the 152 new plants to be added to the Locally Important Plant List in 2014 as there are no studies to support that the species meet Criterion #1.

Annual Opportunity for Project Challenges to the Locally Important Species Lists

In a comment letter to the Planning Division on July 26, 2012, we suggested that the County “*create a separate process for projects to allow an open timeframe if initiated by a project applicant when a species on a list is contested due to findings during a project investigation*”.

In the response letter dated August 17, 2012, from Rosemary Rowen of the Planning Division, she states that the Board of Supervisors “*adopted a section of the ISAGs that requires the Planning Division to maintain a list of plants and animals that meet specific criteria for Locally Important Species. The Biological Resources Section of the ISAGs requires annual review and, if warranted, an update of the list.*” In addition she states that “*the frequency of updates adopted by the Board*

was intended to resolve the potential problem posed by project applicants by outdated information. As a result we do not believe that a separate process is necessary for project applicants.”

Further, Ms. Rowen described “At a public workshop held on March 24, 2011, comments were made that applicants for discretionary permits could be required to mitigate potentially significant impacts for species included on an outdated list. Comments received at that workshop, including those from VC COLAB representatives, recommended that the County address that issue by updating the list on an annual basis. The consensus reached during that public workshop was that updating the Locally Important Species List on an annual basis was a good solution for the potential problem of outdated information.”

As we summarized above, while we believe the County has discretion in how often plants and animals could be added to the lists, we believe that project applicants must have the opportunity to challenge a listing on an annual basis at a minimum. However, we would support a separate on-demand process for project applicants if the County decided to lengthen the frequency of the routine review period to more than one year.

Lack of evidence that the 152 species recommended for addition to the Locally Important Plant List in 2014 meet Criterion #1

The two criteria for Locally Important Plants is as follows:

Taxa (species, sub-species or varieties) that are declining throughout the extent of their range (#1)
AND have five (5) or fewer element occurrences in Ventura County (#2)

In the explanation of Criterion #1, species declining throughout the extent of their range, the county contends that *“this year’s evaluation of the Locally Important Plant List supports the conclusion that plants on the draft list are declining throughout the extent of their ranges”* with no specific species evidence whatsoever. In fact the county documentation admits that this is “inferred” based on past removal of vegetation and a reference to the Conservation International 2014 website in the References section of the County’s “Explanation of Review Procedures, 2014. In carefully reviewing this website, it does not state anywhere that all species in the California Floristic Province are declining throughout their range. In fact, there are no specific species referenced in the document at all.

In a letter from Michael Bumgardner written to Christina Danko dated July 23, 2012 he addressed Criterion #1 as follows:

“The argument that has been posed to support that taxa on the list are declining is that no evidence has been found showing that populations of plants on the list showing that plants on the list are stabilizing or increasing throughout the extent of their ranges. It should be noted that this argument is not consistent with the criterion. Failure to find that a taxon is not stable or increasing is not evidence that a taxon is declining. It is simply a failure to obtain evidence to support either condition... Evidence to support that a plant taxon is declining throughout the extent of its entire range should therefore be based on a net negative trend in number of known occurrences throughout the taxon’s range – not inference based on decline in an indirect indicator (i.e., acreage of mapped habitat that is considered suitable for the taxon).”

This inference that all native plant taxon in California are declining throughout their range without any specific requirement for proof essentially removes this as a real criterion. Without this criterion, any native plant with less than five element occurrences can be added to the Locally Important Plant List regardless of whether further occurrences of the species in likely areas have been investigated. With over one million acres of land area in the County, the relatively few botanists actively working on projects here, and the lack of an incentive to locate more species occurrences, it is unlikely that the true populations of species on the list will be identified.

Without the requirement for rigorous scientific studies documenting a species decline throughout its range and a requirement for a thorough search for more occurrences of identified species, the list is likely to increase over time to include thousands of plant species from selective discovery and recordation of populations. We believe this is already causing undesirable consequences including an overwhelmingly expensive process for County Planning to administer as shown by the nomination of 316 new plants to the list this year. In fact, CoLAB warned of this problem in our letter of 7-26-2012:

“We believe the reason why most counties do not maintain a local species list is because it is not within their budgets to perform the kinds of rigorous species studies necessary to meet reasonable criteria and to update those studies regularly. The number of species on the draft plant list is unsupportable... Continuing to maintain these on the list will lead to costly court proceedings due to certain future challenges.”

In our letter of 7-26-2012 we recommended to:

“Remove the 98 plant species that are not listed on the Federal, State or CNPS Lists from the Locally Important Plant List as there is no evidence that they meet Criteria #1.”

We continue to believe that the lack of scientific requirement for proof of Criteria #1 will subject the county to unnecessary exposure to court challenges related to the significance of these locally listed species. The overall purpose as per the General Plan and the California Environmental Quality Act is to “prevent significant, avoidable damage to the environment”. Supporting a list of plant species based on a single criterion of less than 5 element occurrences in the County, without requiring a rigorous search and documentation of the species distribution within and outside the County, continues to be inadvisable. We recommend that the County reverse their position that the lack of evidence that plants on the draft list are stable or increasing throughout the extent of their range satisfies Criteria #1, which conversely requires that the species are declining throughout their range. This would compel the County to reject the addition of the 152 new plants to be added to the Locally Important Plant List in 2014 as there are no studies to support that the species meet Criterion #1.

Thank you for the opportunity to comment.

Sincerely,



Lynn Gray Jensen
Executive Director