

Addressing Vegetation in Environmental Review

Sensitive Natural Communities
Webinar

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December 7, 2021



Greg O'Connell

Topics Covered

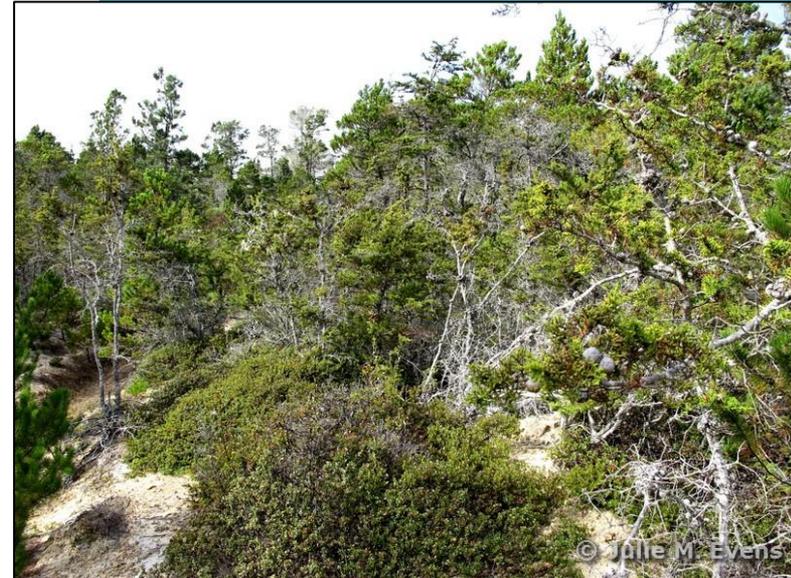
- What is “Environmental Review”?
- Vegetation considerations in Environmental Review
- Baseline studies and impact assessments
- Mitigating impacts
- Pitfalls to avoid
- Good practices



Process of reviewing a project and its potential environmental impacts

- California Environmental Quality Act (CEQA)
- National Environmental Policy Act (NEPA)
- Permit Examples
 - Endangered Species Acts
 - Native Plant Protection Act
 - Clean Water Act
 - Streambed Alteration Agreements
 - Coastal Development Permits
 - Local Conditional Use Permits
 - Etc.

Environmental Review





CEQA legislative intent (CEQA, PRC Section 21000):

The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.

There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.

The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.



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It is the intent of the legislature to...
preserve for future generations
representations of all plant and animal
communities ...

(CEQA, PRC Section 21001)

California Department of Fish and Wildlife (CDFW) CEQA Roles:

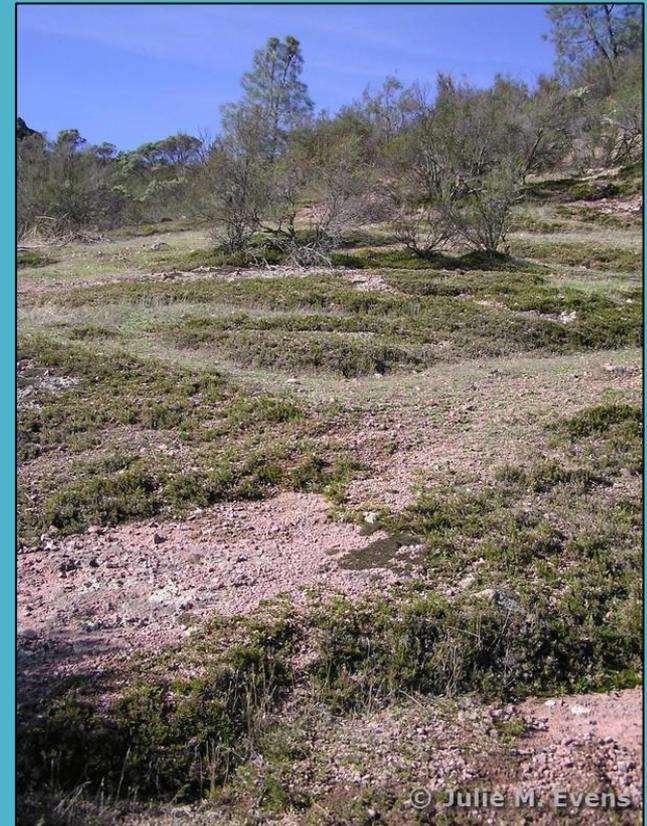
Trustee agency: jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California (14 CCR § 15386)

Fish and Game Code 1802: CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species.

Responsible agency: public agency other than the lead agency which has discretionary approval power over the project (14 CCR § 15381)

Lead Agency: public agency which has the principal responsibility for carrying out or approving a project (14 CCR § 15367)

Environmental Review CEQA

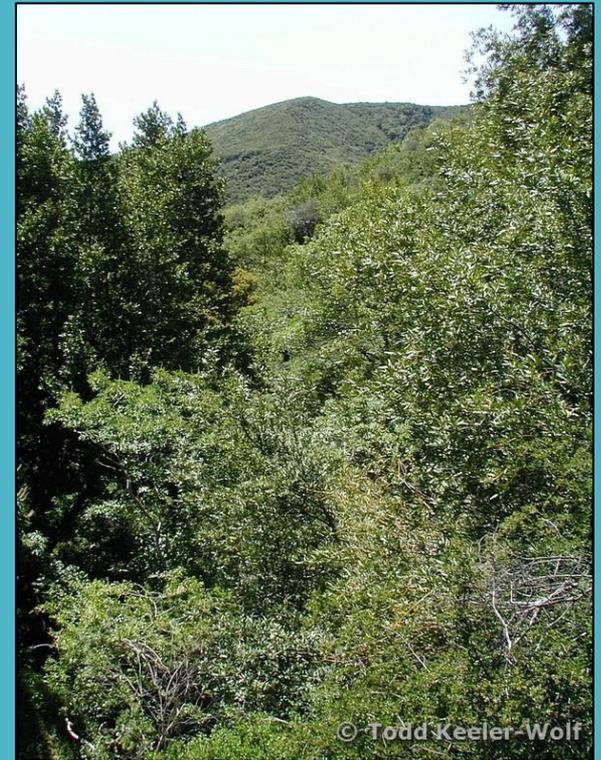


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CEQA serves to...

- Disclose environmental effects of project
- Prevent/minimize impacts through alternatives and/or mitigation
- Disclose decision-making process to the public
- Enhance public participation
- Improve interagency coordination

Environmental Review CEQA



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Environmental Review CEQA

CEQA Guidelines Section 15065(a)(1)

Mandatory Findings of Significance

- Includes if a project would threaten to eliminate a plant community.



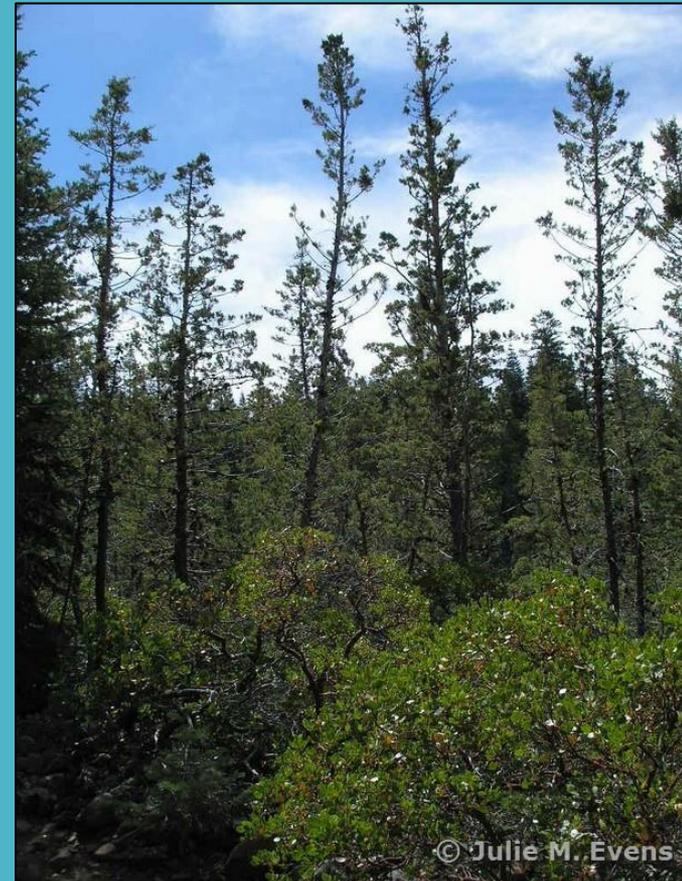
CEQA Guidelines Appendix G: Environmental Checklist

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology /Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

Environmental Review CEQA



CEQA Guidelines Appendix G: Environmental Checklist

Environmental Review CEQA

IV. BIOLOGICAL RESOURCES:

Would the project:

a) 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, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife



Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities

STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY
DEPARTMENT OF FISH AND WILDLIFE

DATE: March 20, 2018*

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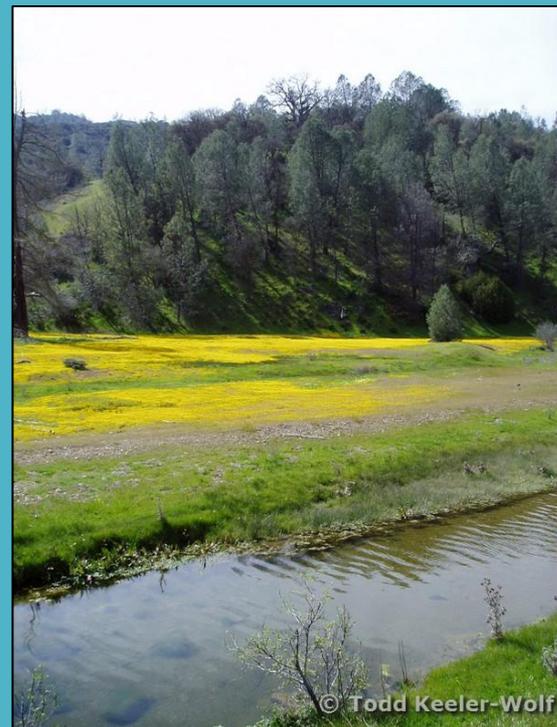
1. INTRODUCTION AND PURPOSE

The conservation of special status native plants and their habitats, as well as sensitive natural communities, is integral to maintaining biological diversity. The purpose of these protocols is to facilitate a consistent and systematic approach to botanical field surveys and assessments of special status plants and sensitive natural communities so that reliable information is produced and the potential for locating special status plants and sensitive natural communities is maximized. These protocols may also help those who prepare and review environmental documents determine when botanical field surveys are needed, how botanical field surveys may be conducted, what information to include in a botanical survey report, and what qualifications to consider for botanical field

“provide information used to determine the potential environmental effects of proposed projects on special status plants and sensitive natural communities as required by law (e.g., CEQA, CESA, ESA)”.

“CDFW’s List of California Terrestrial Natural Communities is based on the best available information, and indicates which natural communities are considered sensitive at the current stage of the California vegetation classification effort.”

Baseline studies and impact assessments



California Natural Community List

Wednesday, August 18, 2021

This document provides the current list of vegetation Alliances, Associations, and Special Stands. State and Global rarity ranks are indicated for Alliances and some Associations; those with ranks of 1-3 are considered Sensitive. Associations considered Sensitive are marked with a Y in the rightmost column. A “?” indicates our best estimate of the rank when we know we have insufficient samples over the full expected range of the type, but existing information points to this rank. Semi-Natural Stands are included but not ranked. Pending additions are at the bottom of the list. For more information, or to check for updates, please see:

<https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

California Natural Community List

Primary Life form: **Tree**

CaCode	Name	Rarity	Sensitive
Abies amabilis			Alliance
88.800.00	Pacific silver fir forest	G5 S1	
88.800.01	<i>Abies amabilis</i>		Y
Abies bracteata			Alliance
88.300.00	Santa Lucia fir groves	G3 S3	
88.300.01	<i>Abies bracteata</i> / <i>Galium clementis</i>		Y
88.300.02	<i>Abies bracteata</i> / <i>Polystichum munitum</i>		Y
Abies concolor			Alliance
88.500.00	White fir forest and woodland	G4 S4	
88.500.10	<i>Abies concolor</i> / <i>Arctostaphylos nevadensis</i>		N
88.500.11	<i>Abies concolor</i> / <i>Chimaphila umbellata</i>	G3?	Y
88.500.12	<i>Abies concolor</i> / <i>Achlys triphylla</i>		N
88.500.17	<i>Abies concolor</i> / <i>Arnica cordifolia</i>		N
88.500.29	<i>Abies concolor</i> – <i>Calocedrus decurrens</i> – <i>Quercus kelloggii</i>		N
88.500.30	<i>Abies concolor</i> – <i>Calocedrus decurrens</i> / <i>Symphoricarpos mollis</i>		N
88.500.31	<i>Abies concolor</i> – <i>Calocedrus decurrens</i> / <i>Pyrola picta</i>		N
88.500.32	<i>Abies concolor</i> / <i>Chimaphila menziesii</i> – <i>Pyrola picta</i>		N
88.500.33	<i>Abies concolor</i> / <i>Amelanchier alnifolia</i>		N
88.500.35	<i>Abies concolor</i> / <i>Symphoricarpos mollis</i>		N

Baseline studies and impact assessments



Mike van Hattem

Appendix G: *Substantial adverse effect on any sensitive natural community identified by the California Department of Fish and Game?*

... This is the list

Calculated Status Rank	Status Description
G1 (N1, S1)	Critically imperiled
G2 (N2, S2)	Imperiled
G3 (N3, S3)	Vulnerable
G4 (N4, S4)	Apparently secure
G5 (N5, S5)	Secure

Baseline studies and impact assessments

CDFW considers all S1-S3 rank Natural Communities to meet the criteria in CEQA Appendix G.IV(b), and may meet the criteria in CEQA Guidelines sections 15065(a) and 15125(c).

Therefore, project impacts to S1-S3 Sensitive Natural Communities may be significant, and should be assessed and avoided/mitigated if potentially significant.



Calculated Status Rank	Status Description
G1 (N1, S1)	Critically imperiled
G2 (N2, S2)	Imperiled
G3 (N3, S3)	Vulnerable
G4 (N4, S4)	Apparently secure
G5 (N5, S5)	Secure

Guidelines Section 15125(c), Environmental Setting

“Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project.”

Baseline studies
and impact
assessments

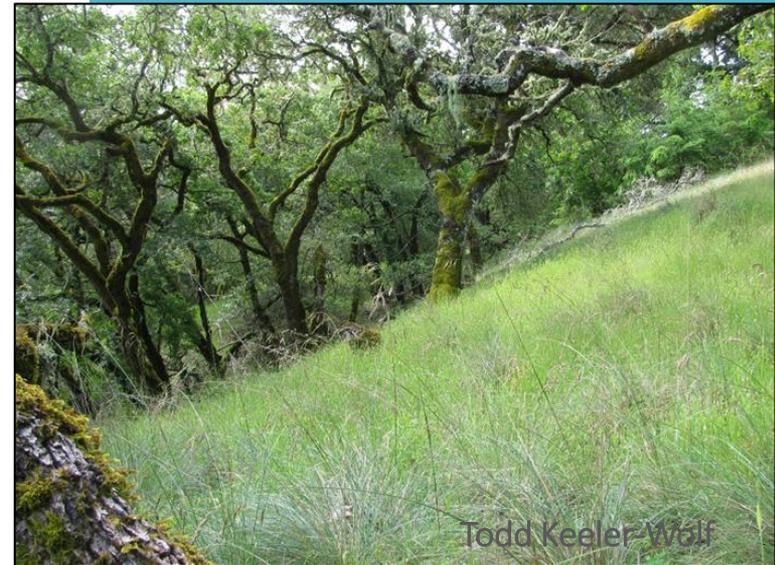


Planning and Zoning Law, ordinances (Sacramento)

CO-58. Ensure **no net loss of** wetlands, riparian woodlands, and oak woodlands.

CO-59. **Ensure mitigation** occurs for any loss of or modification to the following types of acreage and habitat function:

vernal pools, wetlands, riparian, *native vegetative habitat*, and special status species habitat.



5.1.2

(a) Areas which provide **habitat for locally unique biotic species/communities**, including coastal scrub, maritime chaparral, native rhododendrons and associated Elkgrass, mapped grasslands in the coastal zone and sand parkland; and Special Forests including San Andreas Live Oak Woodlands, Valley Oak, Santa Cruz Cypress, indigenous Ponderosa Pine, indigenous Monterey Pine, and ancient forests.

(b) Dune plant habitats.

(c) All lakes, **wetlands**, estuaries, lagoons, streams, and rivers.

(d) Riparian corridors.

Planning and Zoning Law, ordinances (Santa Cruz)



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Sensitive habitats shall be protected against any **significant disruption of habitat values**;

and any proposed development within or adjacent to these areas **must maintain or enhance the functional capacity of the habitat**.

Reduce in scale, redesign, or, if no other alternative exists, **deny any project which cannot sufficiently mitigate significant adverse impacts** on sensitive habitats unless approval of a project is legally necessary to allow a reasonable use of the land.

Planning and Zoning Law, ordinances (Santa Cruz)



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Planning and Zoning Law, ordinances (Humboldt County)

314-61. Streamside Management Areas and Wetlands Ordinance

- 50-150 ft setbacks from streams and wetlands
- Buffers start at top of bank or edge of riparian drip-line, whichever is greater
- Discretionary Permit Required for some development within setbacks



Planning and Zoning Law, ordinances (Humboldt County)

BR-S4. Sensitive Habitat Defined:

- A. Habitat necessary for the protection of rare, threatened and endangered species as listed under the FESA or CESA
- B. Migratory deer winter range
- C. Roosevelt elk range
- D. Sensitive avian species rookery and nest sites (e.g. osprey, great blue heron and egret)
- E. Streams and streamside areas
- F. Wetlands
- G. Protected vascular plant communities as listed by the US Fish & Wildlife Service or the California Department of Fish and Wildlife.
- H. Other sensitive habitats and communities as may be currently, correctly and accurately listed in the California Department of Fish and Wildlife's California Natural Diversity Data Base, as amended periodically



Photo: Mike van Hattem

CEQA Cumulative Impacts

Table 1.

Projects Proposed, Approved, or Completed within the Past 10 years in the City of Goleta	Approximate Acreage of Raptor Foraging Habitat Removed/Affected
Village at Los Carneros	43
Cabrillo Business Park (includes addition)	58
Westar	23
Willow Springs II	6
Kenwood Village	10
Harvest Hill Ranch	4
Haskell's Landing	14
Shelby Residential	14
Rincon Palms Hotel and Restaurant	3
Comstock Homes	36
Cortona Apartments	8
Total	219



The DEIR, in Section 4.3.4 - Cumulative Impacts, did not include a discussion of cumulative impacts to RFH. The Department therefore recommends the City include a discussion of cumulative impacts for those biological resources associated with RFH (CEQA Guidelines §15130). The discussion should include an examination of feasible mitigation measures for significant cumulative effects (CEQA Guidelines §15130(b)(5)). An example of mitigation for this impact would be the off-site protection off the remaining intact RFH within the City.

“Mitigation” includes:

(CCR, Title 14, Section 15370)

- Avoiding the impact
- Minimizing the impact
- Restoring the impacted environment.
- Reduce/eliminate impact over time (preservation / maintenance operations during the life of the action).
- Compensating by replacing or providing substitute resources, including permanent protection

CEQA Mitigation



Pitfalls to avoid

- Relying solely on previously mapped records without current field surveys (e.g. CNDDDB)
- Using vegetation descriptions that are too broad (e.g. CWHR)
- Proposing new vegetation types without prior coordination with VegCAMP staff.
- Not using VegCAMP's current Natural Community list
- Minimum mapping units too large (e.g. herbaceous communities)
- Mitigation
 - Differed study/analysis
 - Deferred mitigation
 - Feasibility
 - Performance standards, monitoring methods



- Robust disclosure of env. setting and project impacts
- Study area = whole of the action
- Floristic surveys
- Map vegetation types at association level
- Relevé/Rapid Assessment data sheets
- Submit your data (CEQA 21003)
- Check VegCAMP website for updates/guidance
- Coordinate early with local CDFW staff

Good practices



Thank You!

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More info available at:
<https://wildlife.ca.gov/Data/VegCAMP/>