Addressing Vegetation in Environmental Review

Sensitive Natural Communities Webinar

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• 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.
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.
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)
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
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.

☐ Aesthetics
☐ Agriculture and Forestry Resources
☐ Air Quality
☐ Biological Resources
☐ Cultural Resources
☐ Energy
☐ Geology / Soils
☐ Greenhouse Gas Emissions
☐ Hazards & Hazardous Materials
☐ Hydrology / Water Quality
☐ Land Use / Planning
☐ Mineral Resources
☐ Noise
☐ Population / Housing
☐ Public Services
☐ Recreation
☐ Transportation
☐ Tribal Cultural Resources
☐ Utilities / Service Systems
☐ Wildfire
☐ Mandatory Findings of Significance
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
Baseline studies and impact assessments

“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

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

... This is the list

<table>
<thead>
<tr>
<th>CaCode</th>
<th>Name</th>
<th>Primary Life form</th>
<th>Rarity</th>
<th>Sensitive</th>
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<td>88.800.00</td>
<td>Pacific silver fir forest</td>
<td><strong>Tree</strong></td>
<td>G5</td>
<td>S1</td>
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<td>Abies amabilis</td>
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<td><strong>Tree</strong></td>
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<td>S3</td>
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<td>88.500.35</td>
<td>Abies concolor / Symphoricarpos mollis</td>
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</table>

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              |

Mike van Hattem
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.
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.”
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 Monterrey Pine, and ancient forests.

(b) **Dune** plant habitats.

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

(d) **Riparian** corridors.
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.
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
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
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
• Relying solely on previously mapped records without current field surveys (e.g. CNDDB)

• 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
Thank You!

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