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13 October 2002

Bruce Smith, Chairman
Environmental Report Review Committee
Resources Management Agency
County of Ventura
800 South Victoria Avenue, L#1740
Ventura, CA 93008

Subject: Review of Ahmanson Ranch FSEIR

Dear Mr. Smith:

On behalf of Rick Harlacher of LSA Associates of Sacramento, California, David Magney Environmental Consulting (DMEC) has reviewed the Final Supplemental Environmental Impact Report (FSEIR) for the Ahmanson Ranch Phase I development immediately north of the City of Calabasas. DMEC's critique of the FSEIR and response to comments related to biological resources is presented below.

In our review of the Draft Supplemental Environmental Impact Report (DSEIR) and that of the California Native Plant Society, a number of specific issues were raised that needed to be evaluated for more fully explained as part of the CEQA review process. Those issues included:

- the EIR's failure to assess impacts on nonvascular plants;
- the EIR's failure to assess impacts to species of local concern;
- the inaccurate impact assessment to the San Fernando Valley Spineflower;
- the inadequate preserve design for the San Fernando Valley Spineflower;
- the misleading and inadequate plant community classification used;
- the infeasibility of transplanting rare plants as mitigation;
- the non-viability of the mitigation preserves proposed;
- the inappropriateness of habitat preservation as mitigation for direct impacts;
- the County's failure to consult with CNPS and the Audubon Society, as required under General Plan policy;
- the failure to adequately consider impact to rare invertebrates;
- the failure to use the most recent available information;
- the failure to evaluate impacts to wetland functions; and
- the project's inconsistencies with the Ventura County General Plan goals and policies.

Below is a critique of the County's FSEIR for this project and the response to comments.

We note on 4.6-1 of the FSEIR that the project direct impacts to wetlands will be reduced. However, no evaluation of direct, indirect, or cumulative impacts to wetland functions was performed. How can the County possibly assess the level or extent of impacts to wetland functions unless the wetland functions are not identified and measured onsite. A simple area calculation is inadequate and fails to actually quantify the impacts to wetland functions.

The FSEIR failed to modify the characterization, classification, or delineation of plant communities/habitats that are present or will be impacted by the proposed project. The methods used in the FSEIR were oversimplified, preventing any meaningful or scientifically justifiable means to adequately assess existing resources, biodiversity, and complexity of the habitats present onsite. Use of the 1986 Holland classification system is antiquated, ignores currently accepted more accurate systems, and is not consistent with formal and informal adoptions of the *Manual of California Vegetation* developed by the California Native Plant Society (CNPS) in close collaboration with the California Department of Fish and Game (CDFG) and other state and federal resource agencies. While the EIR cites Sawyer and Keeler-Wolf (1995) [authors of the CNPS Vegetation Manual, nowhere is there any actual use of the classification described by Sawyer and Keeler-Wolf, the EIR preparers just through in the citation without actually using the Manual. Comments on this issue were basically ignored by the County and their response to comments were non-responsive. Claiming that classifying and mapping the habitats/plant communities onsite using the *Manual* would be too complicated and difficult emphases the points of CNPS and other's comments about the inappropriateness of an overly simple system as used by Ahmanson's consultants and the County. Indeed, the plant communities and habitats are in fact diverse, complex, and varied. CEQA demands that the existing conditions be properly described, not so glossed over that the description fails to adequately describe the uniqueness, diversity, and complexity of the environment. If the classification is so simple and general, how can anyone, in particular the decisionmakers, have any clue as to the truth about the project site's complexity, uniqueness, diversity, and importance?

The County failed to conduct any assessment of the project's potential to impact a large number of plant species of local concern. CNPS presented a list of 43 plant species that are rare in Ventura County that have been reported on the Ahmanson Ranch. Each of these 43 rare plants should have been evaluated for direct impacts, and to determine if those impact would be significant. An annotated catalogue[1] of the sixty-six rare plants (including the 43 mentioned here) that are known to occur at or near Ahmanson Ranch are published by CNPS and posted at the Channel Islands Chapter website (www.cnpsci.org), a copy is attached. Since each taxon has specific habitat requirements, it is not appropriate to lump them all into one general category and assume that an over-simplified transplanting-type mitigation will be feasible. In fact, most transplantation efforts to mitigated for impacts to rare plants have failed. No evidence has been provided to support such a mitigation approach when if fact the opposite has been demonstrated. Why would Ventura County persist in considering an infeasible mitigation measure?

Special-Status Vascular Plants. Approximately 1,398 plant taxa within Ventura County, which includes the Simi Hills and the project site, are considered rare, at least locally[2]. Table 1 (below), Rare Plants of the Ahmanson Ranch, Simi Hills, Ventura County, lists 69 plant taxa that are considered at least locally rare. Twenty-three (23) of the rare taxa in Table 1 are also included in CNPS's *Inventory of Rare and Endangered Plants of California*[3].

Of the 70 rare taxa listed in Table 1, fifty (51) rare plant taxa have known occurrences on the Ahmanson Ranch in Ventura County, and have a sensitive status of at least locally rare/uncommon for Ventura

[1] Magney, D.L. 2002. Ventura County Rare Plants at or Near Ahmanson Ranch, Simi Hills. 13 October 2002. California Native Plant Society, Channel Islands Chapter, Ojai, California.

[2] Magney, D.L. 2002. Checklist of Ventura County Rare Plants. 12 October 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*.

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

County. The remaining 19 rare taxa are reported in the project EIRs (Table 4.6-4 of the 1992 EIR and/or Table 4.6-3 of the 2002 DSEIR) as occurring in the vicinity of the project site, but have no known occurrences at the project site.

Table 1. Rare Plants of the Ahmanson Ranch, Simi Hills, Ventura County

Scientific Name[4]	Common Name[5]	Habit[6]; Status[7]	Observed (O) or Reported (R) During Survey or Report Year[8]		
			ENVICOM 1989	FEIR 1992	SEIR 2002
Allophyllum glutinosum (Bentham) A. & V. Grant	Sticky Allophyllum	AH; rare	**O**		
Amsinckia menziesii (Lehm.) Nels. & Macbr. var. *m.*	Common Fiddleneck	AH; uncommon	**O**		
Astragalus brauntonii Parish	Braunton Milkvetch	PH; Fed. Endangered		R	R
Atriplex parishii S. Watson	Parish Brittlescale	AH; CNPS 1B			R*
Baccharis malibuensis Beauchamp & Hendrickson	Malibu Baccharis	S; CNPS 1B			R*
Calochortus catalinae S. Watson	Catalina Mariposa Lily	PH; CNPS 4	**O**		
Calochortus clavatus ssp. *clavatus* Ownbey	Club-haired Mariposa Lily	PH; CNPS 4			
Calochortus clavatus ssp. *pallidus* (Hoover) Munz	Pale Yellow Mariposa Lily	PH; rare			
Calochortus plummerae E. Greene	Plummer Mariposa Lily	PH; CNPS 1B	**O**		**O**
Calystegia macrostegia (Greene) Brummitt ssp. *m.*	Morning-glory	PV; rare (on mainland)	**O**		
Calystegia peirsonii (Abrams) Brummitt	Peirson's Morning-glory	PV; CNPS 4			R*
Camissonia micrantha (Sprengel) Raven	Tiny Primrose	AH; rare	**O**		
Centromadia parryi ssp. *australis* (Keck) B.G. Baldwin	Southern Tarplant	AH; FSC/CNPS 1B			R*
Chaenactis artemisiifolia (A. Gray) A. Gray	White Pincushion.	AH; rare	**O**		
Chorizanthe parryi var. *fernandina* (S. Watson) Jepson	San Fernando Valley Spineflower	AH; CA Endangered		R	**O**
Collinsia heterophylla Buist var. *heterophylla*	Chinese Houses	AH; uncommon	**O**		
Cordylanthus rigidus ssp. *setiferus* Chuang & Heckard	Dark-tipped Rigid Bird's-Beak	AH; rare	**O**		
Cuscuta subinclusa Durand & Hilg.	Canyon Dodder	AV; uncommon	**O**		
Delphinium parryi ssp. *blochmaniae* (Greene) Lewis & Epling	Dune Larkspur	PH; CNPS 1B			R
Descurainia pinnata ssp. *menziesii* (DC.) Detl.	Menzies Tansy Mustard	AH; rare	**O**		

[4] Scientific name: the complete scientific name is provided for each taxon and consists of the genus, species, and author (person who formally described and named the plant).

[5] Common names are provided for all plants. Some plants have more than one common name while others share common names with other taxa. Many plants lack vernacular names, for which the author has invented names for the sake of completeness. It is preferred to use the scientific name for plants in all legal documents to ensure that the reader knows exactly what taxon is being referred to.

[6] Growth Form definitions: AF = annual fern or fern ally; AG = annual grass; AH = annual herb; AV = annual vine; BH = biennial herb; PF = perennial fern; PG = perennial grass; PH = perennial herb; PV = perennial vine; S = shrub; T = tree.

[7] Rarity Definitions: rare = rare throughout Ventura County (with six or fewer occurrences); uncommon = rarely encountered, but more common than rare, and has more that six but less than 11 occurrences in Ventura County. Those plants listed by CNPS in its *Inventory of Rare and Endangered Plants of California* are also included here even though more than 10 occurrences are known in Ventura County. Fed. = Federally; CA = California; FSC = Federal Species of Concern.

[8] O = rare plant taxa observed during field surveys; R = plant taxa reported in the EIR's as "occurring in the vicinity of Ahmanson Ranch". * = plant species that were reported as occurring in the vicinity of the project site, but that have no known occurrences in Ventura County.

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Scientific Name[4]	Common Name[5]	Habit[6]; Status[7]	Observed (O) or Reported (R) During Survey or Report Year[8]		
			ENVICOM 1989	FEIR 1992	SEIR 2002
Dudleya cymosa ssp. *marcescens* Moran	Marcescent Live-forever	PH; CA Rare / Fed. Threatened			R
Dudleya cymosa ssp. *ovatifolia* (Britton) Moran	Santa Monica Mtns. Live-forever	PH; Fed. Threatened			R
Dudleya abramsii ssp. *parva* (Rose & Davids.) J. Bartel	Conejo Live-forever	PH, Fed. Threatened		R	R
Dudleya verityi N. Nakai	Verity Live-forever	PH; Fed. Threatened			R
Eriastrum sapphirinum (Eastwood) H. Mason	Saphire Woolly Star	AH; rare	**O**		
Ericameria palmeri var. *pachylepis* (H.M. Hall) Nesom	Goldenbush	S; rare	**O**		
Eriogonum angulosum Bentham	Angle-stemmed Buckwheat	AH; uncommon	**O**		
Eriogonum parvifolium Smith var. *parvifolium*	Dune Buckwheat	S; uncommon	**O**		
Galium nuttallii A. Gray ssp. *nuttallii*	Climbing Bedstraw	S/PH; rare (1 location)	**O**		
Gilia angelensis V. Grant	Angel Gilia	AH; rare	**O**		
Grindelia camporum var. *bracteosum* (J.T. Howell) M.A. Lane	Bracted Gumplant	S; uncommon	**O**		
Harpagonella palmeri A. Gray	Palmer's Grapplinghook	AH; CNPS 4			R*
Helianthemum scoparium Nuttall	Peak Rushrose	S; rare	**O**		
Helianthus gracilentus A. Gray	Wild Mountain Sunflower	PH; rare	**O**		
Deinandra [*Hemizonia*] *minthornii* (Jepson) Baldwin	Santa Susana Tarplant	S; CA Rare	**O**	R	R
Isocoma menziesii (H. & A.) G. Nesom var. *m.*	Coastal Goldenbush	S; uncommon	**O**		
Juglans californica S. Watson var. *californica*	So. California Black Walnut	T; CNPS 4	**O**		
Lathyrus vestitus var. *laetiflorus* (Greene) Broich	Pacific Peavine	PV; rare	**O**		
Lemna sp. (5 species in Ventura Co.)	Duckweed	AH; rare (all 5 species)		**O**	
Lithophragma affine A. Gray	Woodland Star	PH; rare	**O**		
Lomatium utriculatum (Torr. & Gray) Coulter & Rose	Foothill Lomatium	PH; rare	**O**		
Malacothrix saxatilis (Nuttall) T.& G. var. *saxatilis*	Cliff-aster	PH; CNPS 4	**O**		
Melica californica Scribner var. *californica*	California Melic Grass	PG; rare (1 occurrence)	**O**	**O**	R
Micropus californicus Fischer & C. Meyer var. *c.*	Slender Cottonweed	AH; rare	**O**		
Monolopia lanceolata Nuttall	Lanceleaf Hilltop Daisy	AH; rare	**O**	**O**	
Nemophila menziesii Hooker & Arnott var. *menziesii*	Baby Blue-eyes	AH; rare	**O**		
Nolina cismontana Dice [*N. parryi* S. Watson]	Chaparral Bear-grass	S; CNPS 1B			**O**
Opuntia basilaris Engel. & Bigelow var. *basilaris*	Short-joint Beavertail	S; rare			R*
Orcuttia californica Vasey	California Orcutt Grass	AG; CA/Fed Endangered			R
Parietaria hespera B.D. Hinton var. *hespera*	Southwest Pellitory	AH; rare	**O**		
Pectocarya linearis ssp. *ferocula* (Johnston) Thorne	Linear Pectocarya	AH; rare	**O**		
Pentachaeta lyonii A. Gray	Lyon Pentachaeta	AH; CA/Fed Endangered		R	R
Phoradendron macrophyllum (Engelmann) Cockerell	Bigleaf Mistletoe	PH; rare	**O**		
Plagiobothrys canescens Bentham	Valley Popcornflower	AH; rare	**O**		
Plantago erecta E. Morris	California Plantain	AH; uncommon	**O**		
Pluchea odorata (L.) Cass.	Saltmarsh Fleabane	P/AH; rare	**O**	**O**	
Potamogeton pectinatus L.	Fennelleaf Pondweed	PH; rare	**O**		
Psilocarphus tenellus Nuttall var. *tenellus*	Slender Woolly Marbles	AH; uncommon	**O**	**O**	

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Scientific Name[4]	Common Name[5]	Habit[6]; Status[7]	Observed (O) or Reported (R) During Survey or Report Year[8]		
			ENVICOM 1989	FEIR 1992	SEIR 2002
Quercus douglasii Hooker & Arnott	Blue Oak	T; rare	**O**	**O**	
Quercus X *macdonaldii* E. Greene [*Q. pacifica* Nixon & C.H. Muller X *Q. lobata* Nee]	MacDonald Oak	T; rare	**O**	**O**	
Sanicula bipinnata Hooker & Arnott	Poison Sanicle	PH; uncommon		**O**	
Scirpus americanus Pers.	American Bulrush	PH; rare	**O**		
Senecio aphanactis E. Greene	Rayless Ragwort	AH; CNPS 2			R
Senecio flaccidus var. *monoensis* (E. Greene) Turner & Barkley	Mono Butterweed	S; rare	**O**		
Sidalcea neomexicana A. Gray	Salt Spring Checkerbloom	PH; CNPS 2			R
Stebbinsoseris heterocarpa (Nuttall) Chambers	Chicory Microseris	AH; rare	**O**		
Stylocline gnaphaloides Nuttall	Everlasting Nest Straw	AH; rare	**O**		
Thelypteris puberula var. *sonorensis* A.R. Smith	Sonoran Maiden Fern	PF; rare			R
Thysanocarpus curvipes Hooker	Lace Pod	AH; rare	**O**		
Trichostema lanceolatum Bentham	Vinegar Weed	AH; rare	**O**		

The FSEIR only mentioned 32 rare plant taxa, many of which occur nowhere near the project site, or for which no suitable habitat exists, such as the Ventura Marsh Milkvetch (*Astragalus pycnostachyus* var. *lanosissimus*). Twenty-nine of the plants listed on FSEIR Table 4.6-3 were not observed onsite; however, a fifty plant taxa with ten or fewer populations in Ventura County were reported as present onsite, and should have been evaluated for significance of impacts as a result of the proposed project. These fifty taxa qualify for consideration as rare under CEQA.

The CEQA Guidelines provide that a lead agency shall find that a project may have a significant effect on the environment if the project "… has the potential to … reduce the number or restrict the range of an endangered, rare or threatened species …". (Guidelines §15065(a).) In addition, the CEQA Guidelines Appendix G Environmental Checklist Form considers whether a project would "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 …".

According to the CEQA Guidelines, a species is considered "rare" when either:

(A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or

(B) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as that term is used in the Federal Endangered Species Act. (Guidelines §15380(b)(2).)

Species already listed under the California or federal ESA shall be presumed to be endangered, rare, or threatened (Guidelines §15380(c)). A species not currently listed shall nevertheless be considered to be endangered, threatened, or rare if it meets the criteria in the CEQA definitions of "endangered" or "rare". The term "sensitive" species, which appears in the Appendix G checklist, is not defined in CEQA.

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If a species is considered locally rare due to its limited occurrence within a political boundary, such as the County of Ventura, and if the species' local population constitutes a significant portion of its range, the species must be considered a rare species under CEQA. The mere placement of a species on a list of locally rare species is probably not enough to meet the CEQA criteria for endangered, threatened, or rare species. However, if the list contains some additional explanation indicating why the species meets the CEQA criteria, such as the fact that the local population constitutes a significant portion of the species' range, the list should provide substantial evidence of rarity. The list of Ventura County rare plants is based on such evidence, and includes a clear, rigid rule for inclusion of plants considered to be locally rare.

If the CEQA criteria are satisfied, it is irrelevant that a species is relatively common in other locations. For example, the Pacific Coast populations of the Snowy Plover are listed as threatened under the federal ESA, despite the fact that inland populations are relatively common and are not protected. The existence of the non-listed populations does not diminish the Snowy Plover's status as a endangered, threatened, or rare species under CEQA. By extension, if the Pacific Coast populations of the Snowy Plover were not listed as threatened, these populations would still be considered endangered, threatened, or rare under CEQA. Accordingly, the special status for Snowy Plover in Ventura County under CEQA would still apply even if Snowy Plover was relatively common in, for example, Mono County. Assertions implying that a species necessarily does not warrant inclusion on a list of locally rare species if it is common elsewhere in California simply because it occurs rarely in Ventura County within a political boundary are incorrect. As the Snowy Plover example indicates, there will be instances when a locally rare species must be considered rare under CEQA despite the species' common occurrence elsewhere in California.

Snowy Plover on the Pacific Coast is protected under the federal ESA based on the concept of a "distinct population segment" (DPS). Something similar to the DPS concept could be used to determine whether a locally rare species is, in fact, endangered, threatened, or rare under CEQA. The federal ESA allows a DPS, defined according to geographic or reproductive isolation, to be treated as a "species". Therefore, as in the Snowy Plover example, a DPS can be listed even though the populations of the taxonomic species are common elsewhere. CEQA does not preclude use of the DPS concept to assist in understanding whether a species is endangered, threatened, or rare based on its local rarity; on the contrary, the CEQA Guidelines definition of "rare" appears to invite the consideration of similar circumstances that would inform the determination of a DPS under the federal ESA.

Under CEQA, lead agencies have considerable discretion in determining whether a species should be considered rare or sensitive. See, for example, the *State CEQA Guidelines* Appendix G checklist cited above, which indicates that lead agencies may designate candidate, sensitive, or special-status species in local or regional plans, policies, or regulations. A list of locally rare or sensitive species, if it is developed based on evidence that the local rarity meets the CEQA criteria for rarity, will effectively establish a rebuttable presumption of significance for species that may be adversely affected by a project. In this respect, a list of locally rare species as presented below will function in a manner similar to the threshold of significance that a lead agency may establish. CEQA requires, however, that thresholds of significance for general use in a lead agency's environmental review process "must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence" (Guidelines §15064.7). For a list of locally rare or sensitive species to function as a set of thresholds of significance, therefore, the list should be adopted through a public review process. Even if the list is not adopted through a public review process, it will establish substantial evidence of

rarity if it is accompanied by additional information showing, for example, that the local occurrences of a listed species constitute a substantial portion of the species' range.

CNPS believes that this list of locally rare plants meets the definitions of rarity, at least locally, to satisfy consideration under CEQA. This checklist is supported by substantial evidence in the files of the author. Many of the taxa listed in this checklist are also listed by CNPS as rare or sensitive statewide, as well as those taxa formally listed under the California and/or federal ESA.

Page 4.6-81 of the FSEIR states that floristic field surveys were conducted onsite in 1999, 2000, and 2001, validating the need and requirement supplement the search for special-status plant species; however, which included nonlisted species such as *Melica californica*, so why were those species identified by CNPS not addressed?

Questions regarding the methods followed for the botanical surveys remain. Were dates of surveys appropriate to cover seasonal variations to ensure complete coverage of the site to ensure proper detection and identification of the plants present? Did the botanists go back to the same areas during different seasons? Ten (10) acres (only 10 acres?) of the site burned last year. Were floristic field surveys conducted in the burn area to detect fire-following species, such as the Braunton's Milkvetch (*Astragalus brauntonii*)? Unless proper floristic field surveys were conducted over the entire area to be impacted, the botanical surveys are substandard and incomplete[9]. Without complete surveys being conducted, no claims by Ventura County can be made that the proposed project will not impact one or more of the special-status plants known or expected to occur onsite.

None of these questions raised in comments on the DSEIR were adequately answered or responded to. Simply restating that biologists spent approximately 3,000 hours onsite does not provide any clarification on how and when specific field surveys were performed. For all we know, the biologists having a picnic onsite, or performing vegetation mapping, or some other task not related to surveying for rare plants. No information on where and when specific field surveys were conducted onsite.

Response GC-BIO-1 on Page A-80 of Volume 2 of the FSEIR claims that, "a CNDDB search of the Ahmanson Ranch area and review of CDFG, USFWS, and NMFS lists and literature was used to identify species of local and/or regional concern". None of these sources provides, or attempts to provide, any information on species of local or regional concern. What evidence does the County have to suggest otherwise.

Why did the County not consult with CNPS to identify plant species of local concern? CNPS published (on the internet) a comprehensive list of species of local concern in Ventura County, and presented this information to the County in its comments on the Notice of Preparation, and in its comments on the DSEIR. Why was this information ignored? The Ventura County General Plan Conservation Element clearly states that the County shall consult with CNPS on such matters. Why didn't the County and its consultants follow General Plan policy? What possible justification does the County have for this failure?

The last paragraph on Page A-80 claims that the level of review that Rincon Consultants did for the SEIR "is similar to the level of review provided in the scientific community for published papers". This is a misstatement. Peer reviewed published papers undergo rigorous critical review. While the reviewers may

[9] Ferren, W.R., Jr., D.L. Magney, and T.A. Sholars. 1995. The Future of California Floristics and Systematics: Collecting Guidelines and Documentation Techniques. *Madroño* 42(2):197-210; California Native Plant Society. 2001. Botanical Survey Guidelines. Board of Directors, Sacramento, California. See www.cnps.org for complete text of guidelines.

not duplicate the author's work, they are experts in their field, and the papers are typically sent to three independent reviewers. Some reviewers do indeed "run the numbers" to check the accuracy of the authors work.

Nowhere in the EIR does Rincon Consultants take issue with the work of Washington Mutual's consultants work or the logic that was used by them. The only differences obvious between the two are that Rincon recommended additional mitigation, but then only after considerable criticism and comments from the concerned public and resource agencies.

Page 4.6-20, "Other Sensitive Plants", states that Chaparral Nolina is "relatively widespread in suitable habitat throughout the region". This statement mischaracterizes the facts about the rarity and distribution o this rare plant. *Nolina cismontana* is a CNPS List 1B plant, rare and endangered throughout its range. To state that it is relatively widespread clearly gives the reader a much different impression. In fact, this taxon is found at only three widely separated, and isolated sites in Ventura County, one in the Ojai Valley, another in the Santa Monica Mountains, and the third at Ahmanson Ranch[10]. None of these populations are large. The next closest known population is in eastern Orange County[11]. With only three known occurrence anywhere near the project site and in Ventura County, how can it reasonably and accurately stated that it is "relatively widespread". Only its range, from San Diego County to Ventura County, could be considered wide, but it is not widespread! What region is being referred to here? Certainly not the "region" within say, 20 miles around the project site. It is of vital importance to choose descriptive language very carefully to avoid such confusion.

Why did Sapphos and Rincon only consider eighteen locally important (non-listed) species when conducting their assessment for the EIR but felt that the list of locally rare plants published by CNPS need not be considered? See comments on this issue above.

Response GC-BIO-21: Wetland Values and Functions, is non-responsive. CNPS had commented that no assessment of impacts to wetland functions was ever performed. The 1992 EIR did not assess impacts to wetland functions. The DSEIR did not. The FSEIR did not either. To defer such as assessment to another agency is inappropriate. County policies regarding wetlands clearly state that impacts to wetlands need to consider impacts to functions and values, not just acreage. Viable tools to assess wetland functions were not developed by 1992, so how could they have been assessed?

The FSEIR never addressed the lack of consideration of impacts to special-status invertebrates, which CNPS provided information on. Why not? The status of many of the butterflies listed as locally rare has indeed changed since the 1992 EIR was certified. Additional field surveys were conducted for species such as the Quino Checkerspot Butterfly, why was there no assessment for the other rare butterflies? Why was no response provided in the FSEIR on this issue?

The failure of the FSEIR to properly recognize and classify the annual grasslands onsite, persisting in calling them "non-native grassland" further facilitates the false justification for not considering the loss of over 300 acres of important habitat as significant. Grasslands, including those dominated by annual, nonnative grasses, have been reduced by over 90 percent in California subsequent to European settlement. Nearly all "non-native grasslands" contain numerous annual native species of plants, and provide vital habitat for a wide, diverse array of wildlife species. This fact has been entirely ignored in the EIR, and

[10] Magney, D.L. 2002. Ventura County Rare Plants at or Near Ahmanson Ranch, Simi Hills. 13 October 2002. California Native Plant Society, Channel Islands Chapter, Ojai, California.

[11] CNPS. 2001. *Inventory of Rare and Endangered Plants of California.* Sixth Edition.

dismissed without justification or scientific support in the FSEIR. The loss of large areas of annual grassland represents a significant direct and cumulative impact that warrants mitigation. No mitigation has been offered to fully mitigate for the direct and cumulative impacts the project will have on annual grasslands of Ventura County. The species composition, particularly for wildlife, between "non-native grassland" and "native grassland" is essentially identical. How can the County justify its disregard for the biological facts? By persisting to use the title, "non-native grassland", the County is misleading the public and the decisionmakers about the value and importance of this severely reduced but vitally important habitat type.

These grasslands support the same suite of small mammals as native perennial grasslands, which are the primary food base for carnivorous mammals and raptors. Simply preserving existing remaining habitat nearby does not replace the lost habitat and is not mitigation as defined by CEQA. Significant restoration and enhancement of degraded habitats that would then be preserved would only partially mitigate for the loss of the 389.3 acres of annual grassland and 155 acres of perennial grassland onsite. Table 4.6-7 states that a total of 544.3 acres of grassland vegetation/habitat would be destroyed as proposed. However, page 4.6-64 states that 1,062 acres of Non-native Grassland would be destroyed and that another 276 acres of Native Grassland would be lost. Why is there such a large discrepancy in the acreage impacts? Is there 544 acres, much less 1,338 acres, of degraded grassland onsite that would be significantly enhanced as mitigation?

The FSEIR suggests that the donation of approximately 10,000 acres of land, a large amount of land indeed, will fully mitigate for the direct loss of 1,338 acres of grassland, and other, plant communities. How will this be accomplished? How will the enhancements, if any, be measured to demonstrate full mitigation for the direct losses? The 10,000 acres are already in pretty good shape, so opportunities for enhancement are minimal at best. Even if there was 1,000 acres of grassland in the preserve area that are "half" degraded, and available for enhancement up to full capacity, that would effectively only provide half (500 acres worth) of mitigation at a 1:1 ratio. Have any surveys of the preserve area been conducted to determine just what is present, much less what mitigation opportunities are available? No. Has any assessment of impacts (temporary or permanent) mitigation work done in these areas will have? No.

The County and its consultants have not adequately thought the entire impact-mitigation process through. Direct and cumulative impacts to the natural environment have not been adequately assessed, and proposed mitigation measures are either inadequate, or infeasible. Most rare plants cannot be successfully transplanted, yet that is what is proposed as mitigation for impacts to rare plants. There is no real mechanisms or requirements to truly avoid direct impacts to rare plant populations that may be found during grading. The developer will surely simply claim that avoidance is not feasible, and claim that required modifications would simply be much too expensive to implement because it would decrease their profits. The County needs to be honest with such purported mitigation measures. Has the County ever required a developer to redesign their project to avoid a rare plant after they have already approved their grading plans? I seriously doubt it. The County has a poor track record with actually enforcing the letter, much less the intent, of required mitigation measures on discretionary projects such as Ahmanson Ranch. The Pardee development at Oak Park is an excellent example of how the County has failed to enforce its mitigation requirements.

Due to the lack of sufficient time to thoroughly review the FSEIR, additional comments will be submitted at a later date.

DMEC

Sincerely,

David L. Magney
President

Attachments: Ventura County Rare Plants at or Near Ahmanson Ranch, Simi Hills

cc: Rick Harlacher, LSA Associates
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