



Redbud Chapter – California Native Plant Society

February 22, 2019

Shirlee I. Herrington
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Placer County Community Development Resource Agency
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Submitted by email to: sherring@placer.ca.gov

Dear Ms. Herrington

The Redbud Chapter of the California Native Plant Society, which serves western Placer and Nevada Counties, appreciates this opportunity to provide comments on the Sunset Area Plan and Placer Ranch Specific Plan Draft Environmental Impact Report (DEIR).

The California Native Plant Society (CNPS) is a non-profit environmental organization founded in 1965 with 10,000 members in 35 Chapters across California. The mission of CNPS is to protect California's native plant heritage and preserve it for future generations through application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

Our comments are as follows:

The DEIR identifies dozens of environmental impacts that are both significant and unavoidable, yet does not meet the mandate of CEQA to (a) identify all feasible mitigation measures that would mitigate or lessen significant impacts; (b) evaluate mitigation measures to determine if they are feasible; (c) evaluate mitigation measures to determine if they are enforceable (e.g., is there a regulatory process to ensure compliance, is there funding available; and (d) evaluate whether or not the mitigation measure will mitigate long-term impacts and if all feasible mitigation measures have been identified.

For example, Impact 4.4-2: Loss of special status plants was identified as "significant" noting that "Implementing the project would result direct removal of wetland habitat known to support dwarf downingia, a California species of special concern, and potential habitat for other special status plant species. ... This impact would be significant." DEIR, Biological Resources, p.42. The DEIR, "Loss of suitable could result in direct removal of special-status plants if they are present. Future development could also result in indirect impacts on special-status plants if any are present in portions of the net SAP area to be preserved as open space, including impacts caused by pollutants transported by urban runoff and other means, airborne particulates, changes in vegetation as a result of changes in land use

and management practices, altered hydrology from the construction of adjacent residential development and roadways, intrusion of humans, habitat fragmentation, and the introduction of invasive species or noxious weeds from surrounding development. Indirect effects of habitat modification and fragmentation could degrade habitat quality to a degree that it is no longer suitable for special-status plants to regenerate such that these plant populations eventually die out. Direct and indirect impacts on special-status plant species would be potentially significant.” DEIR, Biological Resources, p. 42.

This Impact was included in the list of “Significant and Unavoidable Impacts,” DEIR, Other CEQA Mandated Sections, p. 2.

The identified “mitigation measures” fail to meet CEQA requirements, and instead simply reference vague SAP policies: “Implementing the project would result in loss and degradation of known occupied and potential habitats for special-status plant species. Implementation of SAP Policy NR 2-1 [Special-Status Plant Species Protection]” and Program NR-5 would reduce impacts on known and potentially-occurring special-status plant species within the project area and off-site improvement areas within the County’s jurisdiction because project proponents would be required to identify and avoid special-status plant populations to the extent feasible, and provide compensation for the unavoidable loss of special-status plants through establishment of new populations, conservation easements, or other appropriate measures.” DEIR, Biological Resources, p. 43.

In fact, the full text of SAP NR 2-1 is as follows: The County shall ensure protection of special-status plant species and their habitat including State- and Federally-listed threatened or endangered species.” Sunset Area Plan, Section 4. Natural Resources, p. 4-3.

“ Program NR-5” appears to relate to Air Quality, but since there was no page reference or link, it was not possible to determine what “Program NR-5” provides and requires, or whether it exists.

As a “mitigation measure,” SAP NR 2-1 clearly fails to meet at least two of the CEQA requirements that the DEIR:

(c) evaluate mitigation measures to determine if they are enforceable (e.g., is there a regulatory process to ensure compliance, is there funding available); and

(d) evaluate whether or not the mitigation measure will mitigate long-term impacts and if all feasible mitigation measures have been identified.

There does not appear to be any language in the SAP Natural Resources Policies or Programs that warrants a conclusion that SAP NR 2-1 is enforceable or whether it will mitigate long-term impacts. In fact, no source is referenced for the assertion that “project proponent would be required to provide compensation for the unavoidable loss of special status plants through establishment of new populations, conservation easements, or other appropriate measures.”

Nor is there any evidence of a regulatory process to determine whether a proponent has identified and avoided special-status plants, whether avoidance is or is not feasible, how compensation is decided, and what measures are “appropriate” as compensation.

There are similar deficiencies in the DEIR's treatment of other "Significant and Unavoidable" Impacts that relate directly to special status plants and their habitats, including Impact 4.4-1: Loss and degradation of state or federally protected waters; Impact 4.4-6: Loss or degradation of riparian habitat; and Impact 4.4-7: Conflict with local policies or ordinances protecting biological resources.

Finally, the DEIR's conclusion that Cumulative Impact 4.4-13: Contribution to loss of special-status plants is "less than significant" is clearly deficient. The DEIR spells out the importance of vernal pool habitats to special status plant species as follows:

"As noted under Impacts 4.4-1, 4.4-2, and 4.4-3, vernal pools are one of California's most threatened habitats. Historic losses of vernal pool habitat in combination with projected losses from existing, proposed, planned, and approved projects constitute a cumulatively substantial reduction in vernal pool habitat in the region and the state. Habitat losses of this magnitude have a substantial adverse effect on plant species that rely on this habitat type, including dwarf downingia and legenera. Vernal pools and vernal pool plant species have been threatened by widespread conversion to agricultural uses and urban development. Loss of vernal pool habitat has resulted in substantial declines in vernal pool-dependent special-status plant species statewide and in the region. This represents an existing significant cumulative impact.

"The project area is known to support two vernal pool-dependent special-status plant species, dwarf downingia and legenera, and could support additional vernal dependent special-status plant species. Implementing the SAP would result the conversion of approximately 2,865 acres of vernal pool complex containing an estimated 70 acres of vernal pool type wetlands to developed land uses. Implementing the PRSP would convert an additional 1,865 acres of vernal pool complex containing approximately 46 acres of vernal pool type wetlands to developed land uses. Known occupied habitat in the northern portion of the SAP area is within existing and proposed preserves and therefore would ensure preservation of these species within the project area. Nonetheless, dwarf downingia has been found in a portion of the PRSP that would be developed, and other special-status plants could be present in other areas of the project area that would not be preserved." DEIR, Biological Resources, p. 77.

Despite the initial observation that there is "an existing significant cumulative impact", the DEIR concludes that the project would not considerably contribute to a significant cumulative impact because of mitigation by the SAP policy and Program discussed above, in virtually identical language. DEIR Biological Resources, p.77.

For the reasons stated above, this analysis of mitigation measures does not meet CEQA requirements. Thank you for your consideration of these comments.

Sincerely,

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