



CALIFORNIA
NATIVE PLANT SOCIETY

July 8, 2019

Sam "Vandy" Vandewaters
Planner II
Mendocino County Planning and Building Services
120 West Fir Street
Fort Bragg, CA 95437

Subject:
Draft MND - Minor Subdivision MS 2018-0001 (SCH # 2019069030)
31120 Thomas Lane, Fort Bragg, CA, APN 019-333-18

Dear Mr. Vandewaters:

The Dorothy King Young (DKY) Chapter of the California Native Plant Society reviewed and commented on a preliminary biological scoping survey report from Wynn Coastal Planning for the proposed Minor Subdivision MS 2018-0001. Our comment letter to you (dated 9/21/18) is attached for reference. In the letter, we provided evidence that the property, prior to illegal clearing, supported sensitive natural communities as documented by the California Department of Fish and Wildlife. The published Biogeographic Information and Observation System (BIOS) map, which was based on aerial photography and field surveys, lists the vegetation on the subject parcel as the *Hesperocyparis pygmaea* - *Pinus contorta* ssp. *bolanderi* / *Rhododendron columbianum* Association (highest rarity ranking of G1 S1). The final CDFW report, "Classification and Mapping of Mendocino Cypress (*Hesperocyparis pygmaea*) Woodland and Related Vegetation on Oligotrophic Soils, Mendocino and Sonoma Counties, California, January 2019, is available on-line (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161736&inline>). The site also drains directly into the rare Sholars' Bog, and further development of the subject parcel has the potential to significantly impact the hydrology of the bog, destroying its very existence.

Despite documented evidence that the property, prior to illegal clearing, was covered by the most highly rated sensitive natural community and still contains rare plant species, the County prepared a draft MND without appropriate mitigation for these environmental impacts. The draft MND acknowledges that the clearing and cumulative impacts have occurred, but does not mitigate for the cumulative loss of the *Hesperocyparis pygmaea* - *Pinus contorta* ssp. *bolanderi* / *Rhododendron columbianum* Association. Most concerning, is that the applicant is being allowed to proceed with the subdivision, with the currently impacted site being considered the baseline. The applicant significantly impacted the site prior to obtaining any permits. It would appear that he has been rewarded for major vegetation removal of a sensitive natural community and rare plants by allowing to continue with his application without consequences.

We are aware that at a minimum, the Regional Water Quality Control Board will issue violations for wetland impacts on the site. A recent visit to Mendocino Cypress Woodlands by the California Department of Fish and Wildlife (CDFW) Sr. Environmental Scientists, a wetland

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expert from Humboldt State University (Dr. Joseph Seney), and Teresa Sholars, the local expert on this vegetation type revealed that the *Hesperocyparis pygmaea* - *Pinus contorta* ssp. *bolanderi* / *Rhododendron columbianum* Association is a wetland. Although wetland delineation is still required to verify any fine scale mapping question, the soil should show an aquatar (duripan) which indicates hydric soils.

No environmental document should be prepared and circulated prior to completion of any formal violation citations and development of remedial conditions for the site. An MND is not the appropriate level of CEQA, since the site has been cleared, and without complete restoration, mitigations cannot bring the impacts to a level of non-significance. If subdivision and future development is proposed for the site, then an EIR must be prepared.

The mission of the California Native Plant Society 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. The Dorothy King Young (DKY) Chapter of CNPS focuses on protecting native plants and sensitive natural communities within coastal Mendocino County, and on providing education about the science and significance of these species and communities.

As stated in the September 21, 2018 letter, CNPS recommends that the County pursue enforcement action against responsible parties, and that a condition of enforcement for any violations be the formulation and implementation of an ecological restoration plan for the impacted areas. CNPS also recommends that the County reconsult with CDFW, the Army Corps of Engineers, and the Regional Water Quality Control Board regarding potential nonpermitted impacts to sensitive resources under their respective jurisdictions, and to discuss restoration measures that may be appropriate to attempt vegetation and ecosystem function recovery.

The DKY Chapter has professional science volunteers that can assist the County and the biological consultants with ecologically based recommendations for potential site recovery. If you have any questions, please contact Teresa Sholars (tsholars@mcn.org) or Renée Pasquinelli (marshpas@wildblue.net).

Respectfully,

Renée Pasquinelli

Teresa Sholars

Renée Pasquinelli, Conservation Co-Chair (North)
Teresa Sholars, Rare Plant Coordinator and Vegetation Chair
Dorothy King Young Chapter, California Native Plant Society

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