

California Native Plant Society

April 30, 2001

West Mojave Planning Team
6221 Box Spring Blvd.
Riverside, CA 92507-0714

RE: Comments on the Task Group 1 Recommendations

Dear Mr. Haigh,

The California Native Plant Society (CNPS) is a non-profit group dedicated to the conservation and protection of California's native plant life and to the education of members and the public about the uniqueness of the California flora. Despite long-term, active involvement in the West Mojave Plan Process, we are increasingly concerned about the state of plant conservation as it is represented in the "Task Group 1 Recommendations". Although we have submitted similar comments throughout the process either in writing or verbally at the Task Group 1 meetings, CNPS wants to make perfectly clear that the recommendations as presented do not assure plant conservation. We feel it necessary to re-iterate these important points again, because they continue to fail to be addressed:

- Many of the plant occurrences are located within the larger Desert Wildlife Management Areas (DWMA's) that are designated for desert tortoise and are therefore covered under the proposed non-cumulative 5:1 mitigation ratio for all species. Because sensitive plant occurrences are often based on unique ecological/hydrological/geomorphological conditions, not all mitigation lands are created equal. Our grave concern is that the "covered" plant occurrences will be impacted, a 5:1 mitigation will be put in place to off-set desert tortoise/plants in an area where no plant habitat occurs, resulting in a **net loss** for the rare plant species, although it will meet the "conservation" criteria under the West Mojave Plan. The **only** equitable alternative requires a cumulative mitigation – whether that be a requirement that the impacted lands supporting rare plant occurrences and desert tortoise be mitigated at 5:1 with comparable lands that support **both** species, or that 5:1 lands be acquired for the rare plants (that do not support tortoise) and 5:1 lands be acquired for tortoise (that do not support rare plants).
- The 1% development cap must be applied to all Conservation Areas, not just DWMA's. In practice, for those rare plant species that occur in DWMA's, most all of the rare plant species occurrences could conceivably occur on acreage that makes up less than 1% of the DWMA.. Under the current "conservation" scenario, they could all be impacted, and mitigated for with mitigations lands that do not contain plants or plant habitat, and the conservation goals of the West Mojave Plan would be met, but the plants would have suffered extinction within the DWMA. This is not a viable conservation strategy. A permanent 1% development cap in all of the Conservation Areas, both inside and outside the DWMA's, is the only way to achieve some type of meaningful rare plant protection.
- All covered species need to have a designated Conservation Area, with similar management strategies applied within those Conservation Areas to assure conservation goals are met for all rare plant species. As you know, an unlisted species is said to be "adequately covered" by an HCP when it is addressed "as if it was listed pursuant to section 4 of the ESA, and in which HCP measures for that



Dedicated to the preservation of California native flora

species would satisfy permit issuance criteria under section 10(a)(1)(B) of the ESA if the species were listed.”

- CNPS does not support different jurisdictions “opting out” of different species coverage, regardless of jurisdictional area. This option is an incentive for unlisted species coverage to be “opted out” of, decreasing the conservation for these species, because CEQA and NEPA do not have as stringent requirements to mitigate for these species as the ESA. Ultimately, this moves the species closer to extinction and potential listing under the Endangered Species Acts, and defeats the purpose of this plan.

These issues are general comments. We have provided species specific comments previously, which have failed to be incorporated into the Task Group 1 recommendations. We will be submitting those again for incorporation as well.

CNPS has consistently supported the West Mojave Plan through participation in a variety of Task Groups and Working Groups. By providing science-based input throughout the process, we look forward to a Habitat Conservation Plan that provides rare plant conservation – not Task Group 1 recommendations. We urge you to incorporate basic conservation principles into the plan to assure plant conservation.

Sincerely,

Ileene Anderson
California Native Plant Society

cc: Linda Hansen, BLM District Manager, Desert District
Ray Bransfield, US Fish and Wildlife Service
Becky Jones, California Department of Fish and Game