VOL 39 / NO 3 JULY–SEPTEMBER 2009

CALIFORNIA NATIVE PLANT SOCIETY

BULLETIN

Update: CNPS vs. City of Rancho Cordova

Appellate Ruling Narrows CEQA Challenges

By Carol Witham

BACKGROUND

CNPS won a major victory in July 2007 with a court ruling that the City of Rancho Cordova violated the California Environmental Quality Act (CEQA) in approving a 530-acre residential project that deferred mitigation and "assumed" adequate mitigation would occur. (See the *CNPS Bulletin*, Volume 37, Number 4.) This ruling was important because it reinforced provisions for citizen challenges under CEQA designed to ensure the protection of important environmental resources.

In its legal action, CNPS claimed that the City had violated CEQA by deferring the development of a viable mitigation plan to compensate for vernal pool destruction on the proposed project site, even though the destruction of these pools was found to be a significant impact. Essentially, deferring the plan meant that the City could go forward with the project before it had developed a plan to adequately compensate for the destruction of potentially irreplaceable vernal pool habitat.

In all likelihood, there was no real possibility of creating a viable plan due to the unique soil and hydrology characteristics on the project site. If the City's reasoning had been allowed to prevail, it would have meant that in the future any municipality or agency would have the legal right to destroy irreplaceable habitat, and then develop plans to mitigate environmental impacts *after the fact*.

The City, buttressed by the deep pockets of Angelo K. Tsakopoulos, developer of the ironically-named "The Preserve at Sunridge," appealed the ruling.

APPELLATE COURT RULING

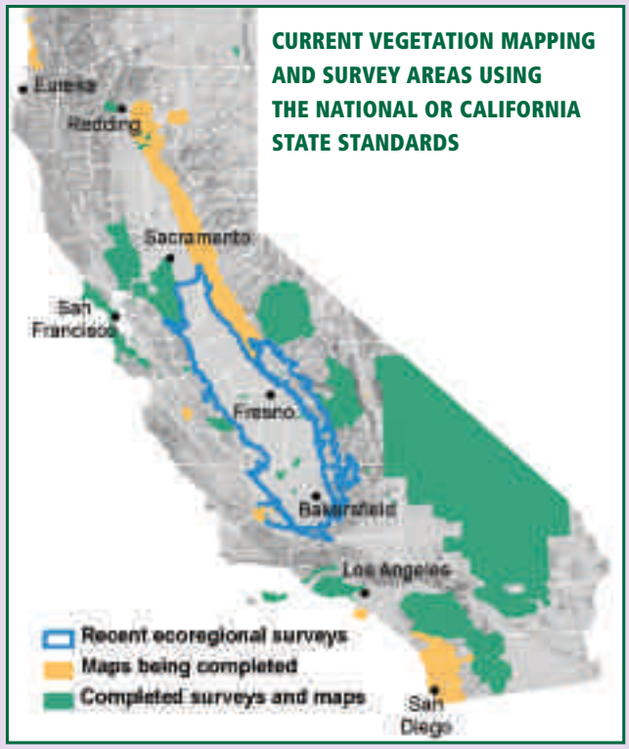
On March 23, 2009, the 3rd District Court of Appeals (DCA) ruled that the City had violated planning and zoning laws. But it also ruled against the more important CNPS position on CEQA violations, thereby reversing all of the positive CEQA rulings CNPS had won previously in the lower court. This ruling is extremely troubling, because it could have potentially far-reaching implications for citizen action suits, effectively increasing the burden on the public to a standard that will be nearly impossible

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Toward a Statewide Vegetation Map

By Julie Evens and Diana Hickson

Most of us probably take "vegetation" for granted since it's all around us. However, there are many reasons why we should work together to identify and protect it, or else we will later regret it. Vegetation provides significant aesthetic, economic, and ecosystem values for open space, wildlife habitat, resource utilization, air quality, and watershed health.



Source: CDFG Vegetation Classification and Mapping Program

Considering the importance of these values, the CNPS Vegetation Program's mission is to develop and disseminate quantifiable definitions of vegetation across California, in order to promote science-based conservation throughout the state. To further this mission, CNPS will publish a second edition of the *Manual*

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From the Executive Director:

Commitment of CNPS Members is Impressive

Being fairly new to CNPS, one of the things I noticed in my first few weeks as Executive Director is the commitment and dedication of our members. At our 2009 Conservation Conference in January, I was amazed by the number of people who attended our closing plenary feedback session to offer their ideas and suggestions for the ongoing work of CNPS. Since then, I've witnessed this dedication and generosity from CNPS members on many occasions, both with their commitment to provide time and expertise as well as their willingness to offer financial support to the organization. One might ask: What drives this level of commitment among CNPS members—how do they benefit from their support of CNPS?

While there are some important tangible benefits for joining and supporting CNPS, as noted on our website, the real benefits are less tangible. One benefit is the opportunity to connect with others who are passionate about native plants. Membership in CNPS also provides the important benefit of supporting an organization that is actively involved in a conservation mission based on solid scientific values. And not just any conservation mission, but one devoted to the study and protection of native plants, which are the foundation of a healthy and sustainable environment.

The opportunities for volunteering within CNPS are numerous, and our long-term members rarely hesitate when asked for their expertise to help a program initiative get off the ground, turn out to support a local conservation effort, or to give generously in support of the broader work that CNPS does through its education, conservation, horticulture, rare plant, and vegetation science programs. In return, CNPS supporters benefit from the knowledge that they are participating in an important and effective mission that ultimately benefits not only their own interests, but the interests of all Californians.

As your Executive Director, I am personally inspired by the commitment of our members, and thank you for your ongoing support.

Tara Hansen
Executive Director

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Christine Kehoe Named 2008 Legislator of the Year

State Senator Christine Kehoe, San Diego, has been recognized by CNPS as the Outstanding Legislator of 2008 for her work in support of California's natural resources and native plants, in particular.

Senator Kehoe has long been a leader on environmental issues, accumulating an average 95.5% favorable voting record according to the League of Conservation Voters. Her environmental legislation has focused on environmental health, water and air quality, and open space. She is also the leader in the State Senate on issues dealing with the interaction of fire management and urban land uses.

In 2008 she was successful in changing State law to focus on fuels management instead of simply vegetation management. Senator Kehoe is also working to discourage residential development in fire-prone wildland areas by requiring minimum fire fighting capacity, assessing a fee on structures within certain areas, and requiring State fire authorities to certify compliance with fuel management laws.

A more complete review of Senator Kehoe's legislative record is posted on the legislative pages of the CNPS website.

Vern Goehring
CNPS Legislative Consultant



Christine Kehoe



Report From Sacramento

Cultivating a Relationship With Your Legislators

BY VERN GOEHRING

As I write this report, things are just getting underway in Sacramento with regard to committee hearings on new legislation, much of which has been introduced by new legislators.



Vern Goehring

CNPS Executive Director Tara Hansen welcomes former Assemblywoman Fran Pavley back to the Capitol, this time as a new State Senator. The Senator enjoys showing off the CNPS 2005 Legislator of the Year Award she received honoring her outstanding contributions to native plant conservation. She and her husband are CNPS members.

However, due to efforts to address the $40 billion budget deficit, it feels like the session has been going on for a long time.

Budget concerns will continue to dominate most things. Current estimates are that an $8 billion plus deficit remains, and although this will need to be dealt with sometime, it will likely be put off as long as possible.

I have had a chance to meet many of the new Assembly members or their staff, including Ammiano, Buchanan, Block, Fong, Lowenthal, Perez, Monning, and Yamada. During each meeting I introduced CNPS and gave them a copy of our brochure, *Gardening with California Native Plants*. Most could not resist opening the brochure to admire the beautiful gardens. One member asked for help in landscaping his yard, another wanted several copies of the brochure to give to water agencies back home.

Several CNPS members have notified me that they have gotten to know their local legislators. That is always good news, for it means these legislators are already somewhat familiar with CNPS. This can make quite a difference when I visit their office or testify in front of them during a committee hearing. If you have had some contact with your local representatives, please let me know. And if you have not, why not take the initiative and get to know them?

You can easily find out who your State Senator and Assembly Member are by going to *www.leginfo.ca.gov*. Click on "Your Legislature" and then enter your zip code. Call their district office and set up a meeting to introduce yourself and CNPS. Invite other CNPS members to join you. You may initially only get a meeting with a staff member, but that's okay.

Tell them what CNPS does and what some of your local activities and concerns are. Invite them to chapter meetings, workdays, and plant sales. And of course tell them the value of native plants in the wild and in our gardens. There is more information on the CNPS website about contacting, meeting with, and writing to legislators. (Go to www.cnps.org and click on Conservation/Legislative Activities.)

Some of the key legislation CNPS will be working on this year includes: SB 281, limiting mitigation for desert solar energy projects; AB 226 and AB 291, strengthening the Coastal Commission's ability to protect coastal resources; AB 1061, water efficient landscaping; and SB 215, local agency formation commissions. To find out where these and other bills stand, please go to Current Legislative Bills on the CNPS website. For each bill, you can get the latest amended version, read analyses, and see how legislators voted.

Vern Goehring serves as CNPS legislative advocate in the state capitol.

CNPS Names New Conservation Director

Following an extensive search, CNPS is pleased to announce the appointment of Greg Suba as the new CNPS Conservation Program Director. Greg becomes the Society's first paid conservation director, and will be responsible for coordinating the development of native plant conservation policies and initiatives for CNPS. He succeeds David Chipping, who served in a voluntary capacity in the same position from 1997–2005.

Prior to joining CNPS, Greg worked to protect sensitive habitats as watershed coordinator for the Laguna Creek Watershed Council in Sacramento County. His past work includes investigating reproductive strategies of seagrass populations along the west coast of North America, surveying forest inventory plots in California's National Forests, assessing riparian ecosystem health throughout Sacramento, El Dorado, and Placer Counties, and developing outdoor education and stewardship programs throughout northern California. Greg received his B.S. in biology from Duke University, and his M.S. in marine science from the University of North Carolina, Chapel Hill.



David Rosen

Greg Suba

CHAPTER NEWS

ORANGE COUNTY CHAPTER:
Native Gardening Symposium is Sold Out

On March 28, 2009 in Huntington Beach, the Orange County Chapter of CNPS and Golden West College Native Garden (GWCNG) hosted an all-day symposium, "At Home with Natives," sponsored by Tree of Life Nursery. Speakers included Dan Songster of CNPS and GWCNG, Debbie Evans of Tree of Life Nursery, and Bart O'Brien and Barbara Eisenstein of Rancho Santa Ana Botanic Garden. They provided information and inspiration to an enthusiastic sold-out audience of 95 attendees.



Thea Gavin

Dan Songster discusses design choices and plant selection at the Golden West College Native Garden as part of the "At Home with Natives" symposium.

Dan's presentation, "Horticultural Lessons Learned over 30 Years" covered many practical tips and tricks for planting and maintaining a native garden. Debbie featured 30 plus native plants that are important staples in the southern California garden. Bart focused on *Ceanothus* and *Epilobium*, talking about some of the most beautiful and reliable selections and how best to maintain them. Barbara's talk utilized her experience developing her own home garden, including planning and design strategies for converting from exotics to natives.

In the afternoon under blue skies, chapter members Dan Songster and Celia Kutcher led tours of the college's beautiful 20-year old native plant garden while answering plant ID questions and sharing information about their design and care. A tea and brownie social combined with a native plant sale rounded out the day. The event was as much a celebration as it was a symposium, and thanks go out to all the participants and volunteers.

Laura Camp, President
Orange County Chapter

SANTA CLARA VALLEY CHAPTER:
Donating Books as an Educational Strategy

[Editor's Note: While this chapter activity occurred several years ago, it was so successful in increasing public awareness about the benefits and how-to's of native plant gardening, that we thought it was well worth sharing.]

Back in December 2005, the Santa Clara Valley (SCV) Chapter hosted a talk by Bart O'Brien in Palo Alto for the new book, *California Native Plants for the Garden*, written with Carol Bornstein and David Fross. As many readers know, this beautiful book is a vital reference for anyone interested in native plant gardening.

At about the same time, chapter members had proposed to the SCV board that it allocate funds to purchase books on native plant gardening for local libraries. The rationale behind the idea was that this would be a sound investment in increasing public knowledge about native plants and the value of using them in one's garden, by making the information more widely accessible. They noted that local libraries already had many gardening books on invasive exotics but few, if any, on natives.

The board approved the project and Susan Sundberg volunteered to coordinate it. In all, Susan arranged for 51 copies of the book to be donated to city and county libraries throughout San Mateo and Santa Clara Counties. Each book contained a note that emphasized the importance of planting natives in one's garden because they create valuable habitat for a host of wildlife along the food chain.



Arvind Kumar

Nancy Howe of the Santa Clara County Library System (left) receives a copy of the book, *California Native Plants for the Garden*, from CNPS member Susan Sundberg (right).

Since that time, the chapter has received many appreciative notes from the libraries. More significantly, a recent check of the San Jose Library system indicated that almost half of their copies of the book were checked out or on hold.

Kevin Bryant, President
Santa Clara Valley Chapter

A Win for the Pine Hill Plants

Appellate Court Reverses Congregate Project Decision

In an opinion issued January 28, the Third District Appellate Court agreed with CNPS that the El Dorado County Board of Supervisors improperly approved a development that negatively affected 27 acres of rare plant habitat in El Dorado County. Five rare plant species were affected, including two that are federally listed—Pine Hill ceanothus *(Ceanothus roderickii)* and Stebbins's morning glory *(Calystegia stebbinsii)*—and three others considered rare, including Red Hills soaproot *(Chlorogalum grandiflorum)*, Bisbee Peak rushrose *(Helianthemum suffrutescens)*, and El Dorado mule ears *(Wyethia reticulata)*.

The El Dorado Chapter and Center for Sierra Nevada Conservation, represented by Michael Graf and Keith Wagner, filed suit against the El Dorado County Board of Supervisors in January 2007. The Court of Appeal found in favor of CNPS on a number of issues. First, it found that the County's environmental review of the project was inadequate and ordered an Environmental Impact Report (EIR) for the project. It also found that El Dorado County and the lower court erred in their review when they disregarded comments submitted by experts from the California Department of Fish and Game, the U.S. Fish and Wildlife Service, the U.S. Bureau of Land Management, and CNPS.





A court ruling in El Dorado County found that the mitigation program for a proposed development site was inadequate and needed to be revised. Three of the affected rare plant species include (left to right): Stebbins's morning glory *(Calystegia stebbinsii)*, Red Hills soaproot *(Chlorogalum grandiflorum)*, and Bisbee Peak rushrose *(Helianthemum suffrutescens)*.
Photos (left-to-right): Roxanne Bittman, CDFG; Judy Jernstedt, CNPS; and Debra Ayres, UC Davis.

The Court also ruled that the County's rare plant fee mitigation program has never been reviewed under the California Environmental Quality Act (CEQA), and until such a review is completed the program cannot claim to mitigate the impacts from development projects on rare plant species. The Court of Appeal also found that the County violated its own ordinance since the annual review of fees that is required by law has not been completed since its adoption in 1998.

This ruling clearly establishes the expectation that fee mitigation programs must comply with CEQA if they make claims to mitigate environmental impacts so that they are no longer considered significant, and that agency biologists are, by definition, considered experts.

The Appellate Court's full opinion may be downloaded from: *http://www.courtinfo.ca.gov/cgi-bin/opinions.cgi?Courts=C*.

Sue Britting, Conservation Chair
El Dorado Chapter

In Appreciation

Student Scholarships for CNPS 2009 Conservation Conference

The future of CNPS certainly lies in the education of today's students, providing them with an appreciation for the diversity and beauty of native plants. Thanks to some very generous donations from chapters and individuals, over 70 students received scholarships that allowed them to attend the CNPS 2009 Conservation Conference.

As Josie Crawford, CNPS Education Program Director, noted, "If there was one comment we heard over and over again at the conference, it was that people were pleased and surprised at the number of students and young people in attendance. They were there because we supported their attendance, their research, and their concern for the future. The conference also provided them a chance to meet mentors, potential employers, working professionals, and others like themselves."

CNPS wishes to express its deep appreciation both to the students who attended as well as to their sponsors:

Chapters: Alta Peak, Channel Islands, East Bay, Los Angeles/Santa Monica Mountains, Marin, Milo Baker, Monterey Bay, North Coast, Mt Lassen, Orange County, Sacramento Valley, San Diego, Santa Clara Valley, Santa Cruz, Willis Jepson, Yerba Buena.

Individuals: Anonymous, Ben Hammett, Steve Hartman, Ann Howald, Bruce Pavlik.

Jack Tracey
Development Director

CNPS vs. City of Rancho Cordova *(from page 1)*

to meet without hiring an attorney to prepare comment letters on the project.

NEXT STEPS

CNPS Attorney Keith Wagner submitted a Petition for Rehearing to the Appellate Court, which as expected, declined to rehear the case. However, this was a necessary step toward filing a petition for review with the California Supreme Court, which Keith is currently preparing.

CNPS LITIGATION FUND

This case is a reminder of the importance of our enforcement efforts to ensure that local agencies comply with CEQA and other regulations. It also reminds us that local actions can have far-reaching implications and impacts, and highlights the importance of a continuing CNPS Litigation Fund. Furthermore, it points out the need for creating and sustaining coalitions of environmental organizations to work together on these issues.

To date, CNPS's Sacramento Valley Chapter and local environmental groups have raised more than $75,000 to support this effort. We are again asking for your help. The potential impact statewide on CEQA challenges makes overturning this ruling a high priority and your financial support is vital. Please make your check payable to CNPS Litigation Fund and mail it to the CNPS State Office, or donate online at *www.cnps.org,* click on the orange poppy, and then choose "Litigation Fund" as the Donation Designation.

Carol Witham is Vice President of CNPS and a long-time vernal pool expert and advocate.

Vegetation Map *(from page 1)*

of California Vegetation this summer, which will continue to serve as the state's vegetation classification standard.

The next step is to use this standardized classification as a basis for a detailed and accurate statewide vegetation map. Portions of the state have been or are being mapped using the classification standard, as outlined in the first edition of the *Manual*, and these projects have provided us with data for the second edition. Maintaining the common "language" of standard classification and mapping rules will enable these maps to be unified into a statewide vegetation map, which will provide many benefits.

Numerous reports have demonstrated that vegetation provides habitat for rare animals and plants, and that protecting vegetation can provide broad protections for rare and sensitive species. Thus, a foremost use of a statewide map is to identify all the different *habitats* for rare animals and plants in addition to the rare vegetation types themselves. When incorporated with other data layers in a Geographic Information System, a detailed, accurate vegetation map will allow planners to avoid unnecessary habitat destruction and costly litigation when siting developments or infrastructure projects such as highways.

A statewide vegetation map is also likely to improve local planning. Planners will be able to use it to determine the cumulative impacts of a project on sensitive and valuable habitats, both regionally and statewide. Planners will also be able to visualize where to establish wildlife corridors to ensure habitat connectivity to other regions. In addition, required compensatory mitigation could be directed to valuable habitat adjacent to existing conservation lands to create large reserves and maximize the benefits to plants and wildlife.

Conservation organizations and land trusts could use the map to prioritize high quality, diverse habitat that needs protection or restoration. Development of long-term plans to better care for public lands and protected areas could be aided by knowing the distribution of vegetation types, including those at high risk for wildfires or invasion by non-native species.

Given the establishment of a classification standard and rigorous protocols, and the copious data that now exists for different areas of the state, the California Department of Fish and Game, CNPS, and other collaborators are ready to launch into an integrated statewide vegetation mapping initiative. By cementing strong working relationships among the natural resource agencies, conservation organizations, and the public, we hope to gain long-term agency and legislative support to fund this effort.

Unquestionably, all local and regional government entities and other groups will benefit from receiving tremendous quantities of vegetation data that will help them to assess and manage the varied and complex landscapes that occur across California. Ultimately a state vegetation map is in everyone's best interest, for it will aid the development of a sustainable economy, which will also protect the health of the state's natural areas.

If you are interested in supporting this effort, please contact our Vegetation Program staff.

Julie Evens is director of the CNPS Vegetation Program. **Diana Hickson** is a senior botanist with the California Department of Fish and Game.

Gardening With Natives

Overlooked and Underappreciated: Native Bunchgrasses

By Barbara Eisenstein

They do not have showy, fragrant flowers. There is no twisted, smooth bark. The foliage does not turn bright red before falling. Yet California's native bunchgrasses make exceptionally beautiful garden plants.

Bunchgrasses are underutilized in our landscapes, possibly because their assets are subtle. I have made them a unifying element in my native, parkway garden. Groups of three large bunchgrasses are repeated in the long, narrow strip (70' x 6'), alongside perennials and an abundance of annual wildflowers. In March and April the bunchgrass recedes into the background as wildflowers burst into riotous bloom. The rest of the year the grasses hold sway.

SEASONALITY OF GRASSES

It is important to take into account seasonal growth patterns when selecting and maintaining grasses. Grasses can be categorized as warm or cool season growers. I enjoy incorporating both so that something is actively growing at nearly all times of the year. When dormant, the grasses are allowed to stand—tawny and rigid, swaying in the wind. To neaten the garden, I may cut them back, but I do this right before they are about to enter their growth period. Warm season grasses are pruned in late spring, cool season grasses in late fall. This limits the time during which they have that unappealing shorn look.

Deergrass *(Muhlenbergia rigens)* and alkali sacaton *(Sporobolus airoides)* are large, warm season grasses. When the wildflowers die back in May these grasses put on new, lush green blades, followed by lovely flowering stems. The deergrass has long, linear inflorescences that extend beyond the blades to about four feet. Alkali sacaton is more open and delicate. Both remain green through much of the summer.

Blue grama grass *(Bouteloua gracilis)* grows during summer. It forms small, fine-bladed clumps with inflorescences that resemble eyelashes and is an excellent bunchgrass for small garden spaces in hot, dry areas.



Barbara Eisenstein

Groups of deergrass *(Muhlenbergia rigens)* repeat along author's narrow parkway garden.



Carol Witham

Left: Eyelash-like inflorescences of blue grama grass *(Bouteloua gracilis)*. Courtesy of Nebraska Statewide Arboretum. Right: Purple needlegrass *(Nassella pulchra)* adds artistry to the fall/winter garden.

Following many months of heat and drought, fall and early winter is the time of year that few plants, including the grasses, are particularly lush. Although I find the tawny color of the grasses during this period of dormancy comforting, the year-round performance of purple three-awn *(Aristida purpurea)* provides a nice contrast. This intermediate-sized grass defies the seasons by maintaining green foliage and flowering nearly all year. Its flowers have long, showy purple awns. It and the needlegrasses do "seed around" in the garden, but their attractiveness makes them worth the work of weeding out their unwanted seedlings.

Purple and nodding needlegrass *(Nassella pulchra, N. cernua)* are smaller bunchgrasses that fall into the cool season category. After the winter rains arrive, these grasses green up and develop needle-like inflorescences that shimmer in the sunlight. In my mind, nothing beats the look of needlegrass growing among large boulders and rocks.

NEVER USE AN INVASIVE EXOTIC GRASS IN YOUR GARDEN

Exotic grasses have been popular garden choices for many years. Unfortunately, some are highly invasive, such as fountain grass *(Pennisetum setaceum)* and pampas grass *(Cortaderia selloana, C. jubata)*. Never introduce an invasive plant into your garden; rather, choose from the many wonderful, native alternatives. Keeping in mind their seasonal growth patterns, these plants will look lovely all year as they wave in the California breeze. (For more information, see the California Native Grass Association website: *http://www.cnga.org.)*

[Note: Plant California natives wisely, especially on the wildland-urban interface. Avoid using invasive plants, whether native or introduced. CNPS Landscaping Guidelines: http://www.cnps.org/cnps/archive/landscaping.php.*]*

Barbara Eisenstein is a native plant garden writer, consultant, and enthusiast. When not working in her own garden or in the South Pasadena Nature Park, she may be found updating her garden blog: *www.wildsuburbia.blogspot.com.*

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Next Chapter Council Meeting

(Details available at: *http://cnps.org/cnps/admin/cc/*)

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