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CALIFORNIA NATIVE PLANT SOCIETY
BULLETIN

# CNPS Prevails in Two Sweeping Legal Challenges on the Four Southern California Forests

By Ileene Anderson

CNPS in coalition with six conservation groups has effectively prevailed in two federal court lawsuits against the land management plans for the four Southern California forests—the Angeles, Cleveland, Los Padres, and San Bernardino forests. Co-plaintiffs included California Wilderness Coalition, Center for Biological Diversity, Defenders of Wildlife, Los Padres ForestWatch, Sierra Club, and The Wilderness Society.

The four southern California National Forests include over 3.5 million acres of public land from Big Sur to the Mexican border. The forests host a globally significant diversity of ecosystems, including chaparral, oak woodlands, savannas, deserts, and alpine areas. They provide important habitat for numerous sensitive, threatened, and endangered plants and wildlife, and unique plant communities.

They are also a popular destination for millions of people seeking relief from the concrete jungle. Over 20 million Californians live within one hour's drive of at least one of these four national forests. The biological and human importance of these resources cannot be overstated, which is why CNPS and other environmental organizations filed suit to ensure that flaws in the management plans for the forests were addressed.

In these decisions, U.S. District Court Judge Marilyn Hall Patel ruled with the conservation groups that federal agencies had violated the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), and the National Forest Management Act (NFMA). She agreed that the agency's forest management plans did not adequately protect those forests' wildest landscapes from road building and other development, failed to adequately evaluate adequate alternatives to protect natural resources, and failed to adequately protect endangered plants and animals.

(continued on page 6)



Gabi McLean

**The Angeles National Forest in the San Gabriel Mountains rises north of the L.A. basin and provides reprieve from the hot temperatures to its visitors. On a hot August day, rabbitbrush (*Ericameria nauseosa*) frames the look south into the Sheep Mountain Wilderness area in the High Country at the eastern edge of the Forest.**

# CNPS Scores Victory

## Court rules natural resources must be considered before vehicle routes can be approved

By Tom Egan

Impacts to unusual plant communities, special status plants, riparian areas, and other resources on public lands must be taken into account when federal agencies designate roads and trails for vehicle use. That was the conclusion of a U.S. District Court in California last year in response to a suit brought by CNPS and other environmental organizations challenging the Bureau of Land Management's (BLM) West Mojave Plan.

In its ruling, the Court found to be inadequate the BLM's West Mojave Plan analysis of vehicle route impacts to air quality, soils, plant communities, and sensitive species. The Court specifically referred to previous Congressional findings which concluded that the desert and its resources were "extremely fragile, easily scarred, and slowly healed." The associated environmental impact statement was also found to be flawed because it did not contain a reasonable range of alternatives.

(continued on page 6)



# From the Executive Director

## Vegetation mapping is critical to conservation

The value of some CNPS initiatives is not always transparent to those outside the organization's inner core. Our work in vegetation mapping across the state is one of these.

Some of you may have seen the cover article in the July–Sept. 2009 edition of the *CNPS Bulletin* that explained efforts to develop a statewide vegetation map. This work is being performed by CNPS in partnership with state agencies and other organizations responsible for identifying and managing habitats for wildlife and sensitive species in California.

Detailed vegetation maps are an important baseline tool for land use planning. They are frequently used to help make decisions on appropriate siting for development and infrastructure projects, to identify areas with high biological values for conservation, as well as in planning for wildlife corridors and climate change mitigation strategies.

However, detailed vegetation mapping projects are also costly to produce because they involve so many activities: plant identification and field sampling by trained botanists, GPS coordinate plotting, data input and analysis, photo interpretation, and development of GIS vegetation layers that denote various habitat attributes. With recent cutbacks in state funding for these activities, CNPS has begun to reach out to other sources to help fund this important conservation work.

One CNPS member who clearly understands the importance of our vegetation mapping program recently made a significant commitment to contribute $50,000 to our collaborative mapping efforts in the Southern Sierra Nevada foothills. CNPS Vegetation Program Director Julie Evens and her team were thrilled with the contribution level, and pleased that the message is getting out regarding the conservation value of this work.

If you are interested in supporting our vegetation mapping effort, please contact Julie Evens (jevens@cnps.org) or me (thansen@cnps.org).

**Tara Hansen**
**Executive Director**

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# Marcy Millett Joins CNPS Staff

Marcy Millett joined the CNPS staff this past December, and replaces Anna Ostrowercha, who decided to leave CNPS to pursue her educational goals. We feel fortunate to have found a very capable person to fill this critical administrative position at the state office.

Marcy has worked in various roles within the field of landscape architecture during the past few years. She attended Seattle Pacific University, and graduated from Cal Poly, San Luis Obispo, with a BLA in Landscape Architecture. While at Cal Poly, Marcy had an opportunity to study abroad for a year at Leeds Metropolitan University in England. She is a registered landscape architect in the State of California, a member of the U.S. Green Building Council, and is studying to become LEED accredited.

Marcy grew up in Washington State, and moved to California in 2000. She and her husband Mike moved to Sacramento in 2006. In addition to her work and interests in native plants and conservation, Marcy has many hobbies which include skiing, scuba diving, cycling, camping, sewing, knitting, and beading.

Please join me in welcoming Marcy to the CNPS family!

**Tara Hansen**
**CNPS Executive Director**



Stacey Flowerdew

**Marcy Millett**



# Report From Sacramento

## Governor's proposal would grant projects immunity from environmental review

By Vern Goehring

The California Environmental Quality Act (CEQA) will be the focus of major political threats in 2010. I say "political" because the motivation is political but the threat is real nonetheless.

CEQA is the process whereby the public gets to participate and provide input on state and local development projects. For example: CNPS members can identify native plants damaged by a project and recommend appropriate mitigation. CEQA covers much more than natural resources, including other impacts such as noise, aesthetics, traffic congestion, and historical preservation. Practically anything that contributes to a desirable community must be addressed in the environmental impact report (EIR) for a proposed project.

So it's not just "environmentalists" that should be concerned with the Governor's proposal to cut a big hole in this public protection law—it's members of any urban or suburban community who could be impacted by a future project. (Go to the CNPS website legislative status page to see copies of AB 1805 and SB 1010.)

The Governor's proposal would grant legal immunity to up to 25 projects annually for 5 years. An environmental review (EIR) would still be done, but no matter the quality of the review or mitigation, no public enforcement action would be possible. The criteria for being chosen for immunity are solely the number and quality of jobs created—whatever that means.

While the State Legislature began hearings on the proposal in January 2010, it appears that fast action on the idea is unlikely. At those hearings CNPS joined with other conservation groups as well as environmental justice organizations in opposing this assault on one of the prime tools for protecting natural areas and avoiding irresponsible land uses. With no risk of being held accountable, project proponents and many local governments will neglect native plant protections and other community values in a rush to create jobs.

However, many studies document that environmental laws do *not* impede projects or jobs; in fact, they improve projects and communities. For this reason, many labor unions have already voiced their opposition to the Governor's idea. The proposal may actually create uncertainty and delay jobs. Will good projects be overlooked in favor of exempted projects? Will projects be postponed in hopes of also getting an exemption?

CNPS is partnering with others to ensure a coordinated campaign against this scheme. Contacting key legislators will be critical, and early identification of those elected officials with whom we have a connection is important. If you, your chapter, or someone in your chapter has a relationship with a local legislator, please let us know. Contact Greg Suba, CNPS Conservation Director (*gsuba@cnps.org*) or me (*vern@cal.net*).

Some say this proposal has no chance of passing because it's too farfetched. But something similar has already happened. In 2009 the Legislature passed, and the Governor signed a bill to waive legal action regarding a controversial stadium construction project in the Los Angeles area. The Legislature wanted to create jobs, but not create a precedent. Since the stadium construction has not yet begun, it appears they created a precedent instead.

**Vern Goehring**
**CNPS Legislative Consultant**

# CNPS 2012 Conservation Conference to Be Held in San Diego

Plans for the next CNPS conservation conference are underway! The conference steering committee is recommending ideas for the theme, sessions, festivities, and the perfect venue in San Diego. Volunteers are stepping up to fill key committee positions. Visit our webpage at *http://cnps.org/cnps/education/* and click on the link for conferences and symposia, up-to-date information, and opportunities to contribute.



**One of the entries from the botanical illustration contest at the 2009 CNPS Conservation Conference. Pictured is a rendering of California peony *(Paeonia Californica)* by Angela Liounis.**

If you are a conservation science researcher or practitioner, an artist, photographer, or poet, this conference will give you a chance to share your knowledge, understanding, and appreciation of our California native flora. Students are especially encouraged to participate!

**Josie Crawford, Director**
**CNPS Education Program**

# CHAPTER NEWS

## CHANNEL ISLANDS CHAPTER:
## Native plant landscape symposium promotes sustainability

Over 220 native plant enthusiasts enjoyed a day filled with inspiring ideas, useful information, and beautiful slides presented by some of the most dynamic speakers in Southern California. The event was a native plant landscape symposium sponsored by the Channel Islands Chapter on February 20, 2010. Held at the newly renovated Camarillo Ranch House Barn in Ventura County, the day included talks by seven experts—many of whom are also authors—on a variety of topics related to promoting sustainable landscapes, book sales and signing, and a plant sale by Nopalito Native Plant Nursery.



Art Vargas

**Laughter, inspiration, and conviviality characterized the Channel Islands Chapter's recent landscape symposium.**

Landscape architect Owen Dell opened the symposium with an inspiring presentation on sustainable garden landscaping. Richard Halsey of The California Chaparral Institute spoke about the interrelationships between native plants, wildlife, and a healthy ecosystem. And landscaper Greg Rubin addressed many of the issues associated with gardening near wildlands.

Following a delicious lunch crafted from donated organic produce from local farms, horticulturist Carol Bornstein delighted the audience with her presentation, "Habitat Gardening: If You Plant It, They Will Come." Next, Michael Inaba, an Ojai arborist, provided valuable information on the care of native oaks, followed by horticulturist and educator Barbara Eisenstein, who discussed ways to create a "wild suburbia" with California natives. The day ended with Bart O'Brien of Rancho Santa Ana Botanic Garden, who described a plethora of natives one can use to create color in the native plant garden throughout the seasons.

The symposium was a smashing success in terms of content and participant enthusiasm, and the chapter even ended up with a bit of seed money for next year. It also helped sign up 58 new and renewing CNPS members, making it an outstanding membership outreach event.

## SAN LUIS OBISPO CHAPTER:
## A local wildflower manual is born

In mid-2008, several chapter members met with the City of San Luis Obispo Natural Resources Manager, Neil Havlik, himself a CNPS member since 1968. The intent was to develop a wildflower brochure for San Luis Obispo. The City hired a graphic designer to assist the committee with the project, originally envisioned as a fold-out brochure highlighting 50–75 wildflowers.

During the initial meetings, the botanists and photographers found it difficult to limit themselves. Which flowers should be listed? Should they use common and scientific names? And what descriptive information should be included?

The concept grew and grew. The committee donated freely from their photo collections. Ten months into the project, the draft had become a 60-page booklet describing 240 local species found within about 5 miles of the city. When the committee met to finalize the work, the consensus was to add more material on shrubs and trees, and even some common weeds. This was to be a book for local residents. A few months behind schedule, the designer provided a reality check—budget and printing costs would not allow for any further additions.

*Wildflowers of San Luis Obispo*—a spectacular 88-page book featuring 290 local species—was printed in November 2009. Thanks to the members who assisted in this production: our editor David Keil; Dirk Walters, Marlin Harms, Jim Johnson, Steve Schubert, John Chesnut, Neil Havlik, and Terre Dunivant of Gaia Graphics. This is a wonderful contribution to our community!




**San Luis Obispo residents now have a reference book of 290 local species.**

**Neil Havlik and Linda Chipping**
**San Luis Obispo Chapter**

# PlantRight Nursery Survey

## Empowering individuals to prevent the spread of invasive plants

PlantRight—a partnership between scientists, government agencies, environmental groups, and the horticulture industry—needs your help this spring to launch their *Spring Nursery Survey*. The survey will bring together information for the first time about the sales market for invasive plants in California, and will help PlantRight focus its outreach efforts more effectively across California's 13,000 plant retailers and growers.



Terri Kempton

**Pampas grass has invaded coastal ecosystems throughout California, and is one of the plants targeted by PlantRight because it is still being sold in nurseries.**

Invasive plants crowd out native plants, insects, and animals, clog waterways, and can lead to increased flooding, fire, and crop losses. Although most people don't realize it, over half of the invasive plants that threaten California's wildlands were introduced through home gardens and landscaping.

Today, invasive species are the second leading threat to wildlife and biodiversity worldwide, and are expensive for public parks and agencies to remove. Each year California spends over $82 million trying to combat invasive plants, and the problem continues to grow.

PlantRight has identified 19 key invasive plants that are still sold in nurseries, and is seeking more information about their sale. The survey will involve looking for these plants at local retail locations, recording information about them, and submitting the results online. The survey is taking place from April 1 to May 31 in all counties of California. Participation will entail about an hour's worth of online training and another hour for collecting information at the retail site.

Participating in the PlantRight survey is an easy thing you can do to help reduce threats to California's native plants and wildlife, and it requires very little time. If you are interested in helping out, please visit *www.PlantRight.org/survey*. For more information, contact Greg Richardson, *grichardson@suscon.org*.

**Greg Richardson**
**Project Associate, PlantRight**

# In Appreciation: Dale Harbour Champion

## Chronicler of all things environmental

In October, 2009 CNPS received a $92,520 bequest from the Dale Harbour Champion Trust. Mr. Champion had no prior membership history with CNPS, but a little research turned up an interesting story.

Dale Champion was a lifelong Californian. He died on July 24, 2008, having taken ill during a camping/hiking trip to Yosemite that he won from a U.S. Forest Service lottery. He returned to the Bay Area by Amtrak and BART, was admitted to a hospital, and did not recover from heart-related problems.

His sister, Ninarose Mayer, was a CNPS member. In a phone conversation, Ninarose related that her brother had a lifelong love of plants that began when their father helped him get seed catalogs as a boy. He lived in the Bay Area since 1956 and was a friend of Susan Smith, a member of the Milo Baker Chapter. They took long walks together, during which she apparently educated him about plants.

Dale worked for the *San Francisco Chronicle* for over 30 years, the last 10 on the environmental desk. He cared deeply about the environment and conservation, was quite knowledgeable about politics, and very involved in environmental issues.

In addition to CNPS, he gave to 19 other charities through his estate, including the Natural Resources Defense Council, Save the Bay, and Save the Redwoods.



Joshua Schwartz

**Dale Harbour Champion**

Although he was not a member of CNPS, Dale Champion was touched by native plants and conservation and made a decision to include CNPS in his estate planning. His legacy gift helps to ensure that CNPS will continue to preserve and protect California's native plants.

**Jack Tracey**
**CNPS Development Director**

## CNPS Prevails

*(from page 1)*

On June 8, 2009, Judge Patel ruled in the first lawsuit that the U.S. Fish and Wildlife Service (and the National Marine Fisheries Service) had violated the ESA by failing to issue adequate biological opinions for the revised forest plans, and that the U.S. Forest Service had violated the ESA in relying on those unlawful biological opinions.

During the interim period until the federal agencies reissue new biological opinions that will adequately address the protection and recovery of threatened and endangered species, the conservation groups are seeking temporary protective measures through the Court for the numerous rare and endangered plants and animals that call these forests home.

On September 29, 2009, the same judge ruled on the second lawsuit, and in favor of CNPS and its co-plaintiffs on two issues: 1) the Environmental Impact Statement's (EIS) failure to analyze adequately the impacts to wilderness values, and 2) its failure to consider a reasonable range of alternatives, specifically those that consider adequate monitoring and evaluation requirements in order to assess the condition of the forest resources and trigger management changes if resources are declining. CNPS had worked diligently with other conservation organizations to provide a conservation alternative to the Forest Service's plans (see *http://www.cnps.org/cnps/conservation/enforcement.php*) but it was not included in the Forest Service's final environmental review.

Judge Patel also ruled for the State of California (another plaintiff) on its claim that the Forest Service failed to comply with NFMA's requirements for disclosing information concerning affected state governments.

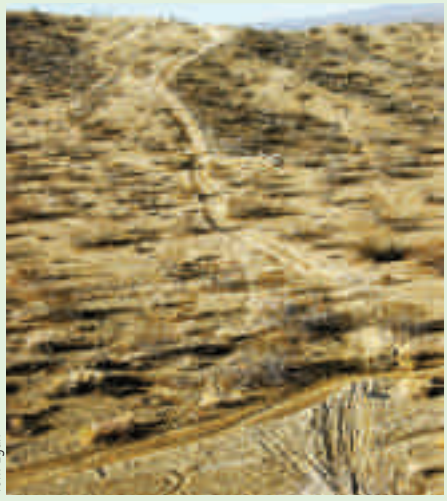
In revising their land management plans, as ordered by the Court, the Forest Service needs to recognize the important biological values of these public lands and treat them as the jewels of our natural heritage that they are.

**Ileene Anderson** is a member of CNPS's conservation and litigation committees. She is a biologist and desert program director for the Center for Biological Diversity.

## Vehicle Routes

*(from page 1)*

Lawyers representing seven environmental organizations, including the California Native Plant Society, successfully argued that the Bureau's designation of over 5,000 miles of routes used primarily for off-road vehicle recreational travel violated the Federal Land Policy and Management Act (FLPMA) and National Environmental Policy Act (NEPA). These congressional acts were adopted to assure that environmental considerations are carefully analyzed and impacts to the environment minimized in land use and land management decision-making processes.



Tom Egan

**Off-road vehicle use has damaged rare plant habitat in the Mojave Fishhook Cactus Area. Special management attention is required by law to prevent irreparable damage to such areas.**

The Court held that the BLM violated the direction set forth in its California Desert Conservation Area Plan when *all routes currently in existence* were considered for use, including hundreds of illegal routes created since the plan was adopted in 1980. To make matters worse, a faulty analysis method referred to as the "decision tree process" was used to expand opportunities for motorized recreation without adequately evaluating potential impacts to natural and cultural resources.

The impact of the decision carries important plant protection implications for desert public lands. While the BLM may allow illegally created vehicle routes to be designated for travel in the future, the agency will be required to disclose how the routes came to be under their watch, why they should be considered for motorized recreation, and what resources will be impacted as a result of legitimizing their use. The agency will also be required to assure the public that mechanisms such as proper route signage, removal of access to closed routes, and vehicle use monitoring are in place to minimize environmental impacts.



Tom Egan

**Mojave fishhook cactus (*Sclerocactus polyancistrus*) is on CNPS List 4.2, and somewhat threatened in California.**

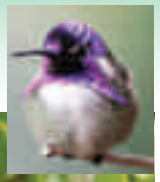
The California desert supports many susceptible native plant communities in need of protection. But to a large extent, the BLM has failed to enforce restrictions on the use of recreational vehicles on desert public lands. CNPS will be closely watching BLM's response to this judicial ruling.

**Tom Egan** is conservation chair for the Mojave Chapter of CNPS.

# Attracting Hummingbirds to Your Garden

## Native plants prove irresistible to these iridescent visitors

By Laura Camp



Gary S. Meredith



Bob Allen

**An Anna's hummingbird feeds on bigberry manzanita *(Arctostaphylos glauca)*. Inset: A male Costa's hummingbird displays his iridescent violet-purple gorget.**

Hummingbirds are ubiquitous in California. High activity levels, territorial and mating displays, and iridescent colors make them an entertaining presence in our gardens. Their behavior and up-close nesting promote natural learning experiences for children. Perhaps because of their abundance, it is easy to overlook just how unusual they are in the animal world.

A hummingbird's hovering flight, with figure-eight wing motion and the ability to go forward *and* backward, is unique among birds. This energetic flight requires high-quality, almost constant feeding of nectar and insects to maintain the hummingbird's metabolism—the highest of any animal! The Rufous hummingbird migrates from Mexico to Alaska, the longest migration for any animal in terms of body length.



Mike Evans

**California fuchsia *(Epilobium canum)* blooms attract hummingbirds in late summer north of San Simeon.**

The eastern United States has only one hummingbird species, the Ruby-throated, because of the migration barrier of the Caribbean. Here in California we regularly enjoy Anna's, Allen's, Rufous, Black-chinned, Calliope, and Costa's hummingbirds.

Hummingbirds co-evolved with some of our most beautiful native flowers. In the wild and in our gardens we have the privilege of living with both the avian and floral result of that long march down the road of natural history. Flowers in the orange-red spectrum are especially attractive to the hummingbird's eye, and have evolved long throats especially to save themselves for hummingbird pollination. California fuchsia (*Epilobium canum* ) statewide and chuparosa (*Justicia californica)* in the Sonoran desert are two of the most important and widespread of these hummingbird specific red-flowered plants. Epic hummingbird migrations over long distances and up mountains follow their bloom seasons.

Other popular hummingbird flowers include woolly blue curls *(Trichostema lanatum)*, gooseberry and currant *(Ribes* spp.*)*, and beard-tongue *(Penstemon* spp.*)*. *Salvia spathacea* has even been nicknamed hummingbird sage for its unvarying appeal to its target pollinator. Flowers of desert honeysuckle *(Anisacanthus)*, prickly-pear *(Opuntia)* and other cacti, *Lobelia*, columbine *(Aquilegia)*, red-flowered larkspur *(Delphinium)*, paintbrush *(Castilleja)*, monkeyflower *(Mimulus)*, island snapdragon *(Galvezia)*, and bush beard-tongue *(Keckiella)* bring hummingbirds up close where we can observe and enjoy their irresistible color and flashy activity.

As I write, a hummingbird feeds just outside my window in the rain on the plentiful winter white flowers of bigberry manzanita *(Arctostaphylos glauca)*. Her activities do not stop for the cool weather or gloomy days which can hamper insect activity, and her voracious appetite and high mobility promote genetic diversity of plants.

Planned year-round flowering is a great alternative to messy bird feeders, which require constant maintenance. Planting hummingbird specific flowering plants is the first step to a complete garden habitat. Native shrubs and trees are preferred nesting and shelter sites, and they provide nesting material and support insects for nestling nutrition. Other ideas to enhance your hummingbird garden include installing a small fountain to provide a hummingbird bath, although hummingbirds drink only nectar.

Deadheading of flowers and judicious watering prolongs the bloom season of your hummingbird flowers. Consider replacing unused lawn areas with additional flowering plants that appeal to hummingbirds, as lawns provide no beneficial habitat. Minimal pesticide and chemical use will maintain healthy insect and spider populations and reduce toxicity for nesting birds.

Whether you provide a few appropriate plants, or devote your entire garden to attracting hummingbirds, the rewards of your gardening will multiply and grow to encompass your visitors—both of the human and nonhuman variety. Enjoy the hummingbirds for their stunning beauty, unique biology, and symbiosis with California native plants.

**Laura Camp** is chief financial officer of Tree of Life Nursery in San Juan Capistrano, president of the Orange County Chapter, and on the CNPS Board of Directors.

# Volunteer Recognition Awards

CNPS regularly recognizes members for outstanding contributions to the preservation and appreciation of California's native flora through its Volunteer Recognition Award. CNPS is grateful for all these volunteers have done.

**Larry Levine** has been an active member of the North Coast Chapter of CNPS since the 1980s, working on publicity, regional rare plant surveys, and continuing the Spring Wildflower Show as an important part of the Chapter's outreach. He has also served as delegate to the Chapter Council, and in 2001 created the significant CNPS resource: the Online Inventory of Rare and Endangered Plants.



**Left: Larry Levine.** Photo: Larry Levine.
**Right: Laura Baker and Lech Naumovich of the East Bay Chapter's Conservation Program.**
Photo: Alex Baker-Lubin.

Since 2008, Larry has served as Chapter Council Vice President. In that role, he has shepherded many of the Council meetings, worked on field trips and programs, developed a Web-based registration program, worked to develop acceptable CNPS herbicide and invasive plant policies, and helped make these meetings enjoyable and worthwhile.

For many years, the **Conservation Program of the East Bay Chapter of CNPS** has sought to protect and restore native plants and their habitats in Alameda and Contra Costa Counties, a region where intense urban and industrial development meets some of California's prime open space and wilderness. The program includes the Conservation and Plant Science Committees and many chapter members. Recent accomplishments and ongoing activities include restoration of a serpentine prairie in Redwood Regional Park; balancing recreation and preservation needs of parklands; efforts to protect the Springtown Alkali Wetland near Livermore; and participation in studies disapproving the building of an Oakland Athletics Stadium near Fremont that would have impacted some sensitive plant species.

CNPS members are encouraged to submit award nominations to *blairce@verizon.net* through—or with the concurrence of—their chapter presidents.

**Charles Blair, Chair, VR Committee**

## Next Chapter Council Meeting

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

**JUNE 5, 2010 – BUTTE COLLEGE, OROVILLE**
**HOST CHAPTERS: MOUNT LASSEN, REDBUD, SACRAMENTO VALLEY**

CALIFORNIA NATIVE PLANT SOCIETY BULLETIN
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