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NATIVE PLANT SOCIETY

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Technical Memorandum

CONSIDERATIONS FOR INCLUDING CRPR 4 PLANT TAXA IN CEQA BIOLOGICAL RESOURCE IMPACT ANALYSIS

Adopted by the CNPS Rare Plant Program Committee 21 January 2020

Purpose and Summary

The purpose of this memorandum is to review the criteria for determining when a California Rare Plant Rank (CRPR) 4 taxon (species, subspecies, or variety) should be evaluated in California Environmental Quality Act (CEQA) documents. CRPR 4 plant taxa are of limited distribution or infrequent throughout a broader area in California, so that their vulnerability or susceptibility to threat appears low at this time, from a statewide perspective. However, these taxa warrant regular monitoring for evidence of decline and subsequent transfer to a more sensitive rank.

CEQA guidelines provide criteria for defining endangered, rare, or threatened taxa and when impacts on these taxa should be considered potentially significant. However, CRPR 4 taxa do not clearly meet CEQA standards and thresholds for impact considerations. Nevertheless, some level of CEQA review is justified for CRPR 4 taxa, and under some circumstances, a full impact analysis is warranted. Taxa that can be shown to meet the criteria for endangered, rare, or threatened status under CEQA Section 15380(d) or that can be shown to be regionally rare or unique as defined in CEQA Section 15125(c) must be fully analyzed in a CEQA document. Some circumstances, such as local rarity, having occurrences peripheral to the taxon's distribution, or having occurrences on unusual substrates or rare and declining habitats, provide justification for treating some CRPR 4 taxa occurrences as regionally rare or unique. One limitation to fully analyzing impacts on CRPR 4 taxa is the difficulty in obtaining current data on the number and condition of the occurrences.

Background

Under CEQA guidelines, an analysis of a project's potential impacts includes determining whether the project will have a "substantial adverse effect, including mortality, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS."

CEQA Section 15380 provides guidance for what should be considered endangered, rare, or threatened species, including a definition of "species" (subdivision [a]), definitions of "endangered," "rare,", and "threatened" (subdivision [b]), defining state or federally listed species as endangered, rare, or threatened (subdivision [c]), and specifying that:

> "(d) A species not included in any listing identified in subdivision (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subdivision (b)."

The California Native Plant Society (CNPS) and California Department of Fish and Wildlife (CDFW) maintain lists of taxa that have been evaluated for distribution, abundance, threats, and other characteristics that contribute to rarity and endangerment. Taxa on the CRPR lists are evaluated by panels of taxon experts and are assigned a CRPR based primarily on number of occurrences, distribution, and level of threat. CNPS and CDFW maintain that all CRPR 1 (plants rare, threatened, or endangered in California and elsewhere) and CRPR 2 (plants rare, threatened, or endangered in California, but more common elsewhere) taxa meet the definition of endangered, rare, or threatened under CEQA Section 15380 and must be evaluated during CEQA review. Plant taxa ranked as CRPR 4 (plants of limited distribution) generally do not currently appear to meet the criteria for listing as threatened or endangered, but CNPS and CDFW strongly recommend that these taxa be evaluated in CEQA documents. However, the basis for inclusion of CRPR 4 taxa in CEQA analyses is not as clear-cut as the basis for CRPR 1 and 2 taxa, and guidelines for determining which CRPR 4 taxa should be evaluated under CEQA have not been fully articulated.

Reasons for CEQA Evaluation of CRPR 4 Plant Taxa

In theory, Section 15380 guidelines apply to any species that meet the criteria for endangered, rare, or threatened, not just species currently on a list. However, considerable effort has been made to identify which of the more than 7,500 taxa native to California have some degree of rarity and endangerment, and the CRPR lists are a convenient starting point in a CEQA analysis. Some CRPR 4 taxa may meet the Section 15380 definition of an endangered, rare, or threatened species, and in the definition of CRPR 4, CNPS and CDFW suggest additional reasons for including CRPR 4 taxa in a CEQA analysis. These reasons include:

- The type locality of a California Rare Plant Rank 4 taxon;
- Occurrences at the periphery of a species' range;
- Areas where the taxon is especially uncommon;
- Areas where the taxon has sustained heavy losses (declining);
- Occurrences exhibiting unusual morphology or occurring on unusual substrates;

- Species maintained on BLM, USFWS, or USFS sensitive species lists; and
- Taxa associated with a habitat that is declining in California at a significant rate.

Additional reasons for including CRPR 4 taxa in a CEQA analysis include length of time since a taxon's status has been reviewed, whether a taxon is currently under a status review for rank elevation, regional rarity considerations, and local conservation concerns. The identification of one or more of these issues does not mean that impacts to these taxa must be considered significant, but it does indicate that this issue must be assessed, and that a statement about why they have or have not been addressed further must be included in the CEQA analysis.

The following sections discuss rationales for including CRPR 4 plants in a CEQA analysis.

Regionally Rare Taxa

Some plant taxa may be more common in some regions but rare in others. A region may be ecological or political. For example, a taxon may be more common in the Sierra Nevada but rare in the Coast Ranges. More often, a region is defined politically. Several counties have a "locally rare" policy, recognizing taxa that may be common in a few counties but very rare in other counties. Section 15125(c) of the CEQA guidelines provides the rationale for addressing regionally rare species:

> "(c) Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed, and it must permit the significant effects of the project to be considered in the full environmental context."

"Locally rare" has not been generally defined, but in counties where a "locally rare" policy exists, it applies to taxa with only five to 10 known occurrences in that county. The condition of being rare is not sufficient, by itself, to warrant recognition as "locally rare," because taxa with few occurrences in a local region may be under-documented, and additional expertise with a taxon may be necessary to determine its status as "locally rare."

Currently, there are no statewide guidelines for recognizing and protecting locally uncommon taxa. In 2004, the CNPS Rare Plant Program established working groups and held a series of planning meetings to evaluate the program and provide direction for improving the program in the future. A Locally Rare Working Group was established to develop recommendations on how to address the issue of locally rare taxa (i.e. taxa that are rare within a certain geographic area such as a county but more common elsewhere in their range). At the planning meeting held on August 19, 2004, proposals were presented for preparing a white paper summarizing the

conservation significance of locally rare occurrences and for developing guidelines to help CNPS chapters establish their own locally rare programs. These guidelines have not yet been adopted.

Peripheral Occurrences

This is a special case of regional rarity in which the region is the taxon's geographic range, and the areas of local rarity are at the periphery of that range. It is widely accepted that occurrences on the periphery of a species' range have evolutionary and ecological importance. These occurrences may be rare or unique due to genetic differentiation from the main group of occurrences or because they occur in habitats different than most occurrences. Peripheral occurrences may consist of only a small number of individuals and consequently, may be highly vulnerable to disturbance.

Taxa Occurring on Unusual Substrates

Another case of regional rarity is when taxa occur on unusual substrates, such as serpentine or gabbro, or inland sand dunes. Many CRPR 1 taxa are endemic to specific substrates, and CRPR 4 taxa may differ from those only in the extent of their range. Unusual substrates and the taxa they support often have limited or disjunct distributions, and the occurrences are likely to be regionally rare or peripheral to a taxon's distribution. As with peripheral occurrences, occurrences on unusual substrates may consist of only a small number of individuals and be subject to local extirpation.

Taxa Associated with a Habitat That is Declining in California

The California Department of Fish and Game's Vegetation Classification and Mapping program (VegCAMP) lists vegetation alliances that are rare or unique and assigns them a rarity rank. Analogous to species, rare vegetation alliances have declined substantially as a result of habitat conversion and continue to face various threats. Familiar examples of declining habitats include vernal pools, riparian forest, and other wetlands. Rare taxa that are associated with these habitats consequently face the same threats as the habitat. In addition, uncommon taxa serve as indicators of the quality of the habitat, and a decline in the habitat quality may first be recognized by the disappearance of the uncommon taxa.

Taxa Maintained on BLM, USFWS, or USFS Sensitive Species Lists

Federal agency biologists monitor sensitive plant taxa occurring on public lands under federal jurisdiction. Agency biologists are often very familiar with the regional status of sensitive plants under their jurisdiction, and the presence of a CRPR 4 taxon on an agency list may be an

indication of regional rarity. Conversely, absence of a CRPR 4 taxon on an agency list may indicate that the species is not rare in that region.

Areas Where a Taxon is Under Decline

Taxa that are not locally rare may still be experiencing substantial decline through habitat loss or other causes. Such declining or threatened taxa may warrant listing as threatened or endangered in the foreseeable future, and protection of the occurrences may help avoid listing.

Unique Occurrences

There are other circumstances when some occurrences should be considered a unique resource. A taxon that consists of many, widespread small occurrences may be too common to warrant CRPR 1 status; however, it may be important to conserve large, intact stable plant occurrences for conserving the taxon as a whole. Occurrences in a habitat, region, or elevation atypical for the taxon suggests that they may be genetically significant, possessing genotypes that may increase the taxon's ability to survive future threats. The occurrence from which the Type specimen of plant taxon was collected has historical significance. In some cases, regional plans or local ordinances may designate a CRPR 4 taxon as a protected resource.

Occurrences with Unusual Morphology

Occurrences that exhibit unusual morphology that is not clearly attributable to environmental factors may represent a potential new variety or subspecies. Despite the work of generations of botanists, new California plant taxa are discovered and described every year. On average, 6 to 7 new species and 3 to 4 new subspecies or varieties have been described every year over the past 25 years, and there is no sign that the rate of new discoveries is slowing. Most of these new taxa are rare, and most of the new taxa yet to be described are also likely to be rare. Therefore, these unusual occurrences should be presumed to merit at least CRPR 3 status in CEQA document reviews until formal review of their taxonomy, rarity, and endangerment status has been completed.

Challenges for CEQA Evaluation of CRPR 4 Plant Taxa

The primary challenge for CEQA evaluation of CRPR 4 taxa is a limitation on the data available for those taxa. The CNDDB doesn't provide occurrence information for CRPR 4 taxa. The CNPS *Inventory* has general info on CRPR 4 taxa but also does not provide occurrence information. The Consortium of California Herbaria provides locations, collection dates, and other label information from herbarium specimens, but it provides no data about the recent status of occurrences nor does it provide data for unvouchered occurrences. General information on

taxa can also be obtained from Calflora, with occurrence locations that include non-vouchered observations, but it also does not provide data on occurrence status.

Conclusions based on limited data must be arrived at carefully and must be supported by the available evidence. Trying to make a CEQA conclusion based on limited data can be frustrating, but to simply presume that a taxon is undercollected in one region because it is common in an adjacent region, or to assume that modeled habitat accurately represents the regional distribution of a taxon, would be misleading. Additional time and resources for field surveys and data collection are likely to be needed for project analyses when regional data on rare taxa are limited.