



CALIFORNIA  
NATIVE PLANT SOCIETY

January 26, 2021

Mike Powers, Jackson Demonstration State Forest Manager  
California Department of Forestry and Fire Protection  
802 North Main Street  
Fort Bragg, CA 95437

RE: Irreversible impacts to Mendocino Cypress Woodland resulting from road work along Gibney Lane related to a proposed emergency fire evacuation for Simpson Lane/Mitchell Creek Drive area residents

Dear Mr. Powers:

As representatives of the Dorothy King Young Chapter (DKY) of the California Native Plant Society (CNPS)<sup>1</sup>, we met with you on-site on March 26, 2019 to discuss project scoping for a proposed emergency fire evacuation route along Gibney Lane for residents of Simpson Lane and Mitchell Creek Drive. In follow-up to the site visit, we submitted a detailed letter (dated April 3, 2019 and attached) to you and State Park Superintendent Terry Bertels, which expressed serious concerns regarding potential impacts from proposed road work to Mendocino Cypress Woodland Alliance (rarest of vegetation types with global and state ranks of G1 and S1 respectively), and rare plants, including California sedge (*Carex californica*, CA Rare Plant Rank (CRPR) 2B.3), Mendocino cypress (*Hesperocyparis pygmaea* CRPR 1B.2), and Bolander's pine (*Pinus contorta* ssp. *bolanderi*, CRPR 1B.2). We also stated that "Our greatest concern is that the soils, hydrology, and vegetation of the environment through which the road traverses is made up of physical and biological conditions that prevent reconstruction and maintenance of a viable all-vehicle access road." The April 3, 2019 letter summarized our concerns as follows:

"In summary, it is unrealistic to assume that the Gibney Lane corridor can be maintained as a dependable emergency exit for neighboring residents, given the soils, hydrology, sensitive vegetation within the area, and uncertain state budgets (especially for State Parks). The DKY Chapter of CNPS supports CAL FIRE and State Park efforts to conduct carefully planned minimal road maintenance and improvement work to reduce the current deleterious erosion and drainage problems along the Gibney Lane corridor that transects JDSF and Jug Handle SNR. Road improvements should be for the purposes set forth under the management plan for JDSF and State Park policies for natural reserves. Given the extent of sensitive vegetation that will be impacted (even incidentally) during road work, preparation of a mitigated negative declaration (or supplemental EIR to the JDSF plan) will likely be required for CEQA compliance. A County accepted feasibility study, completed within recent years, identified a viable route for residents of the Simpson Lane and Mitchell Creek Drive areas that should be pursued as the primary emergency exit, not only in the event of a wildfire, but for other potential emergency situations as well. We would be happy to provide information to interested neighbors and assist CAL FIRE in control burn planning to improve forest health and resiliency and to reduce wildfire risks. We would also be happy to participate

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in additional on-site meetings and tours to help inform road and forest management activities.”

We have reviewed the CAL FIRE "Notice of Exemption 2019071009" dated 7/4/19, and its assessment of Biological Resources. This document provides no basis or supporting evidence for the erroneous conclusion that the project would have no significant impacts to rare and endangered plants or plant communities. It states:

*Disturbance to natural vegetation will be minimized as the work will be conducted on existing roads with limited disturbance beyond the road prisms. The installation of the road drainage will require disturbance of 30-50 square feet of vegetation and ground outside of the road prism to allow for adequate water drainage. Other vegetation disturbance is needed to maintain adequate clearances of the existing roadway. No widening or alteration of the existing road prism is proposed. All other soil and vegetation disturbances is limited to existing roads. A botanical survey report has been prepared for the proposed project. See attached table of species considered in the CNDDB. Impacts would be less than significant.*

The Notice of Exemption merely states that "a botanical survey report *has been prepared* for the proposed project". It does *not* declare that the surveys determined that no sensitive plant species or communities occurred within the project area, or that none would be adversely impacted directly, indirectly, or cumulatively. The plant survey was also not attached to the Notice of Exemption, and no citation was provided for the survey date(s) or author(s). The Notice of Exemption does not state that no rare plants were found nor any basis for finding no impacts to rare plants or sensitive natural communities. The exemption was arbitrary and capricious with no supporting evidence. CNPS DKY experts (see Attachment B Statement of Qualifications) confirm that such impacts did in fact occur, after advising CAL FIRE that such impacts were likely to be unavoidable given the location of the project, and the observed presence of sensitive plants and plant communities.

The categories used to exempt the project from CEQA review were Class 1 (Existing Facilities) and Class 4 (Minor Alterations to Land). Under Mandatory Findings of Significance, (a) *Does the project have the potential to degrade the quality of the environment...threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal...?* the **NO** box was checked. Mendocino Cypress Woodland, a highly rare and sensitive natural community, and numerous listed rare plant species were directly impacted by the road work. Under Mandatory Findings of Significance, (b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects)*, again the **NO** box was checked. At a minimum, cumulative impacts will continue to result each time the road is reentered for "maintenance".

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The Categorical Exemption was used, despite our alerting you to the fact that impacts to sensitive vegetation and rare plants could not be avoided, and that a Mitigated Negative Declaration or supplemental EIR to the JDSF plan would be required. At a minimum, an agency is restricted from using a Categorical Exemption where one or more exemptions exist. Under 14 CCR § 15300.2 § 15300.2. Exceptions. (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. Mendocino Cypress Woodland locations and rarity rankings are provided under BIOS within the California Natural Diversity Database.

Despite our offers (and your verbal acceptance) for us to provide additional scientific assessment and recommendations for maintaining the Gibney Lane corridor in a manner that would reduce environmental impacts, CalFire proceeded with road work without any additional consultation with CNPS or CDFW. Subsequently, we were horrified to see the devastating and unnecessary impacts of the road work on previously intact areas of undisturbed Mendocino Cypress Woodland and rare plants that once occupied the habitat when we revisited the road corridor in December of 2020 and January of 2021. Attachment C shows examples of the photos that were taken of the Gibney Lane corridor during the post-project site visits. The following is a list of specific impacts that we recently observed along the Gibney Lane corridor:

1. Mendocino Cypress Woodland and rare plant clearing.
2. Piling of cut brush on top of sensitive vegetation types and rare plants.
3. Installation of drainage ditches that cause accelerated flow of water away from the Mendocino Cypress Woodland, which is dependent upon standing water.
4. Accelerated flow of water within the newly built road corridor causing erosion.
5. Placement of imported rock that will require future monitoring and remedial action to control invasive plant species.

Please do not hesitate to contact us if you have questions regarding our comments, or would like to schedule another on-site meeting ([conservation@dkycnps.org](mailto:conservation@dkycnps.org)).

Respectfully,

*Teresa Sholars      Renée Pasquinelli      Dr. Peter Baye*

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

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cc: Terry Bertels, Sonoma-Mendocino Coast District Superintendent, CA State Parks  
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Brendan O'Neil, Sr. Environmental Scientist (supervisor), CA State Parks  
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<sup>1</sup>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.

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ATTACHMENT B  
STATEMENT OF QUALIFICATIONS FOR BOTANICAL EXPERT REVIEWERS

Teresa Sholars, MSc

Teresa Sholars is Professor Emeritus of Biology and Sustainable Agriculture, College of the Redwoods, where for over 40 years she has taught students about ecology of mushrooms, lichens, native plants and vegetation on the Mendocino Coast. She is also retired from 40 years as a part time Botanical and Ecological Consultant on the Mendocino Coast. She has been involved with surveying and mapping rare plants and vegetation as a volunteer for CNPS and CDFW for decades. She actively participated in formal vegetation surveys to document and classify Mendocino Cypress Woodland and coastal headland natural communities for the California Department of Fish and Wildlife Vegetation Classification section. She is a CNPS Fellow, and author of *Lupinus* in the second edition of The Jepson Manual, Jepson eflora, Arizona Flora and co-author for the Flora of North America *Lupinus*. Currently she is an Adjunct Professor, Curator of the Herbarium and Natural History Collection at the Mendocino Coast Campus, of Mendocino College in Fort Bragg. She is one of the co-author's of Reed Noss' book "The Redwood Forest, History, Ecology and Conservation of the Coast Redwood" and co-author with CDFW Clare Golec on a paper "Rare Plants of the Redwood Forest and Forest Management Effects". She also was coauthor with Andrea J. Pickart on the chapter on vegetation of coastal northern California in "California's Botanical Landscapes". She holds a master's degree in Ecology from UC Davis where she worked on the Mendocino pygmy forest and has completed 6 years in the PhD program at UC Berkeley in systematic botany.

Peter R. Baye, Ph.D.

Peter Baye is a coastal ecologist and botanist specializing in conservation and management of vegetation in coastal ecosystems. He received his Ph.D. from the University of Western Ontario, Department of Plant Sciences, Canada, in 1990. He began applied studies of New England dunes and barrier beach ecology as an undergraduate at Colby College, Waterville, Maine in the late 1970s. His Thomas J. Watson fellowship research (1982) explored beach, dune and marsh complexes in Canadian Maritime Provinces, Great Britain. In California, he worked for the U.S. Army Corps of Engineers, San Francisco District, as a senior ecologist specializing in environmental assessment of regulatory wetland projects (1991-1997). He prepared multi-species endangered species recovery plans for coastal species and ecosystems at the U.S. Fish and Wildlife Service, Sacramento office, from 1997-2002. He was a contributing author of regional coastal habitat plans in San Francisco Bay, including the San Francisco Bay Wetland Ecosystem Habitat Goals Project (1999) and its science update (2015). As an independent consultant, Peter continued applied restoration and management planning work on coastal ecosystems and rare/endangered species recovery, including estuaries, beaches, lagoons, streams and riparian habitats, in the Bay Area, North Coast, and Central California Coast, with

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emphasis on adaptation to climate change and sea level rise. He has taught wetland plant short courses at San Francisco State University, where he also served as an advisor for graduate research on aquatic plants. His other botanical work includes ethnobotanical and historical ecology research for Sonoma State University Anthropological Studies Center.

### Renee Pasquinelli, MA

Renée Pasquinelli is a retired California State Parks Senior Environmental Scientist. During her career, she spent over 20 years in the Mendocino (and Sonoma Mendocino Coast/Russian River) District managing park natural areas, planning and implementing restoration projects, addressing park related environmental impact issues through CEQA, particularly those that affect rare plants and sensitive natural communities, and reviewing timber harvest plans that posed a threat to State Park lands. Environmental restoration work that she managed emphasized the role of natural processes in ecosystem recovery, and included control of invasive species on forest (redwood, bishop pine, Mendocino cypress), coastal headland, and dune environments. Her training and responsibilities also included wildland fire management and she served as the District's Resource Advisor for wildland fire events. As a State Park Senior Environmental Scientist and as a conservation volunteer for the California Native Plant Society, she actively participated in formal vegetation surveys to document and classify Mendocino Cypress Woodland and coastal headland natural communities for the California Department of Fish and Wildlife Vegetation Classification system. She holds bachelor and master degrees in biology from Sonoma State University, with emphasis and course work on plant and fire ecology.

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ATTACHMENT C  
PHOTOS OF GIBNEY ROAD CORRIDOR – POST-PROJECT SITE VISITS



Gibney Lane 12/7/2020. Road grading and widening.

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Gibney Lane 12/7/2020. Tree cutting and off-road trenching.

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Gibney Lane 12/7/2020. Off-road trenching.

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Gibney Lane 12/7/2020. Off-road vegetation clearing and grading.

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Gibney Lane 1/13/2021. Water draining from forest onto road.

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