

California Native Plant Society

East Bay Chapter
P O Box 5597, Elmwood Station
Berkeley, CA 94705

April 14, 2005

Clay Gregory,
Regional Director, Pacific Regional
Office, Bureau of Indian Affairs, 2800
Cottage Way, Sacramento, California
95825.

RE: Notice of Intent to Prepare an Environmental Impact Statement/ Environmental Impact Report for the Guidiville Band of Pomo Indians of the Guidiville Rancheria's Proposed Trust Acquisition and Casino/Resort Project, City of Richmond, Contra Costa County, CA

Dear Mr. Gregory,

The following are comments of the California Native Plant Society, East Bay Chapter (CNPS), on *the Notice of Intent (NOI) to prepare for an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) within the City of Richmond*. The California Native Plant Society is a non-profit organization of more than 10,000 laypersons and professional botanists organized into 32 chapters throughout California. The Society's mission is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation.

Six CNPS state listed species and 39 that are locally rare, or rare in the East Bay, are known to exist in the vicinity of Point Molate. Point Molate is also home to important plant communities such as coastal prairies, saltwater marshes, and coastal bluff, alkaline and serpentine areas. All of which are listed as "very threatened" by the CNDDDB. CNPS requests that the EIS/EIR reflect this important botanical diversity and the need to protect local and state rare plant species as well as sensitive plant communities.

Pursuant to the mission of protecting California's native flora and vegetation, CNPS submits the following comments for the scoping process:

- CNPS requests that protection and management for state and federally listed species, special status species and sensitive plant communities be thoroughly addressed. Attached you will find a complete lists for all state-listed and special status plant species known to exist in the vicinity of Point Molate. We would like to further explain the rarity of some of the plant species on the list. Listed as rare and threatened in California, CNPS List 1B species fragrant fritillary (*Fritillaria liliacea*), is endemic to California and has a very limited distribution within the state and the East Bay. Locally rare species listed in Dianne Lake's *Rare, Unusual and Significant Plants of Alameda and Contra Costa*



*Counties*¹, have very limited ranges within the two East Bay counties. A1, A2, and A1x species are protected under sections 15380 and 15125(a) of the California Environmental Quality Act (CEQA), which addresses species of local concern and places special emphasis on environmental resources that are rare or unique to the area. The Point Molate area is the only known site in the East Bay for the following A1 species: sea lettuce (*Dudleya farinosa*), dicondera (*Dichondera donelliana*) and pacific gumweed (*Grindelia stricta* var. *platphylla*). Examples of the List A2 species found in Point Molate include; squirreltail (*Elymus elymoides* ssp. *elymoides*) and brownie thistle (*Cirsium quercetorum*) and both are found in grasslands. All plants on the attached list require appropriate protection and management to minimize fragmentation and ensure the survival of the remaining populations.

- While the attached list contains the special status plant species known to exist in the Point Molate area, there is potential for additional special status species to be found on the project site. For this reason, CNPS requests that the DEIR allow for complete surveys for federally and state listed species as well as special-status plants, bryophytes and wildlife that are protected under CEQA. We request that a thorough biological site assessment be conducted at the project site by qualified botanists and wildlife biologists to determine if suitable habitat exists for special-status plant, bryophyte, and wildlife species. If suitable habitat exists, in order for a project to comply with CEQA, focused protocol-level special-status species surveys should be conducted at the site prior to issuing a permit. CNPS requests that protocol-level plant surveys be conducted during the appropriate active growing stage of the life cycle of the target species. The surveys require adequate advance planning. Furthermore, we recommend that in addition to addressing federal and state listed species and CNPS List 1A, 1B and 2 species, the following species should also be addressed prior to issuing permits: plants and bryophytes that are CNPS List 1A, 1B, 2, 3 or 4 species, lichens on CDFG's Special Vascular Plants, Bryophytes, and Lichens List², plants listed in the *Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties*, and plants that are federal species of concern or federally-listed as species of local concern. This request is in accordance with CDFG Habitat Conservation Planning Branch recommendations for "...protection of plants which are regionally significant, such as locally rare species, disjunct populations of more common plants, or plants on the CNPS Lists 3 and 4."³ CNPS would also like to request that sensitive plant communities that are tracked by CDFG be addressed during the EIS/EIR process.
- CNPS requests on-site mitigation for all sensitive plant species and communities found on site. Whenever possible, negative impacts on the species should be avoided.

¹ Lake, Dianne. *Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties*. Seventh Edition. East Bay Chapter, California Native Plant Society. March 2004. (periodically updated)

² CDFG. California Department of Fish and Game Natural Diversity Database; Special Vascular Plants, Bryophytes, and Lichens List. July 2004 (periodically updated).

³ Department of Fish and Game Habitat Conservation Branch.

http://www.dfg.ca.gov/hcpb/species/t_e_spp/nat_plnt_consv.shtml. Accessed on December 9, 2004

- A policy of CNPS is to “support all efforts to preserve and conserve wetlands of all types” and “oppose projects that adversely affect wetlands of any type unless there is a demonstrated net gain, in-kind, of wetlands prior to project impacts.” There is significant evidence that more wetland acreage has been lost to development than any other habitat type in California. According to the U.S. Environmental Protection Agency, less than 1% of the wetlands remain in the world.⁴ Because the project area location is adjacent to the San Francisco Bay and associated wetlands, CNPS recommends that an alternative proposal in the EIR include “no development”. If this is not possible, we strongly recommend that in the result of wetlands disturbance or destruction, mitigation be 4:1 preservation and 1:1 restoration, and that new wetland creation not occur within an intact functioning ecosystem.
- In order to fully identify issues and propose scientifically based management decisions, a vegetation map of the existing vegetation series is required for the document. CNPS requests that a vegetation map, mapped at the plant alliance level, be prepared as part of the EIS/EIR.
- The preliminary site plan states, “[t]he project will include at least 100 acres of Open Space, of which about 2/3rds will be set aside for wildlife protection. The public will, for the most part, be excluded from wildlife protection areas, although trails will allow access to much of the Open Space.” CNPS requests that a portion of the “Open Space” also be set aside for plant protection of any sensitive species found on site. CNPS recommends that the policy for open space reflect the size and location of rare plant populations and native plant communities and that open space areas be increased to support such sensitive habitat. Further, CNPS requests trails be minimized around sensitive plant communities and that a significant fund be included in the EIS/EIR for maintenance of the open space and trail areas to prevent invasive species intrusion, and protection of sensitive plant and animal species.
- The preliminary plan also states: “A specific trail and Open Space plan will be developed in consultation with a variety of stakeholders, including members of the Point San Pablo Peninsula Open Space Committee.” CNPS requests that qualified botanists and biologists be included as stakeholders in the project.

Thank you for the opportunity to participate in this important proceeding. We look forward to being active participants in the upcoming EIS/EIR process. If you have any questions, please contact me at jjolson@ebcnps.org.

Sincerely,

Jessica Olson
 East Bay Conservation Analyst
 California Native Plant Society

⁴ Environmental Protection Agency. Wetlands. <http://www.epa.gov/owow/wetlands/>. Accessed on March 20, 2005