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RIVERSIDE COUNTY  
TRANSPORTATION COMMISSION

Ms. Cathy Betchel  
Riverside County Transportation Commission  
4080 Lemon Street, 3rd Floor  
P.O. Box 12008  
Riverside, CA 92502-2208

7 January 2009

RE: Mid County Parkway Draft Environmental Impact Report/Environmental Impact Statement

Dear Ms. Cathy Betchel:

The California Native Plant Society (CNPS) is a non-profit volunteer organization dedicated to the conservation and preservation of California's native flora. The Riverside/San Bernardino Counties Chapter of CNPS works to increase the public awareness of the significance of native plants and to preserve the native vegetation of Riverside and southwest San Bernardino Counties. We are providing comments on the Mid County Parkway (MCP) draft Environmental Impact Report/Environmental Impact Statement and Section 4(F) Evaluation.

Overall, we were disappointed by the lack of detail provided in the MCP EIR/EIS. Without adequate details it is challenging to provide substantive comments. While we appreciate that the core of the EIR/EIS was posted on a website, the Natural Environmental Study (NES) and other technical studies were not. This material should have been posted on the web, rather than the limited access provided to these documents. Optionally, we believe the EIR/EIS should have included far more detailed summaries of the information provided in the technical studies.

For example, rare plants are discussed in the report but there are no maps providing an over view of the distribution of these plants. Maps are far more concise than vaguely worded descriptions and would have given the reviewer a better understanding of the relationship of the road to the rare plant populations in terms of direct and indirect impacts. The proximity of the road can have serious consequences for rare and sensitive plant populations ranging from increased competition from exotic species encouraged by soil disturbance to alterations in hydrology that may completely alter critical dynamics on a flood plain.

We also found that the lack in specific detail often made it difficult to determine if a potentially significant impact was unlikely or simply not addressed. In this we are particularly concerned regarding the expansion of the Ramona Expressway over the San Jacinto River. From the EIR/EIS it is impossible to truly assess the impacts of the road at this critical crossing without independent knowledge of the site and its circumstances.

We do not believe the EIR/EIS has addressed the requirements under Section 4(f) of the Department of Transportation Act of 1966 and clearly shown that there are not feasible alternatives to passing through relatively high quality conservation and scenic lands in the Gavilan Hills. Nor has the document made a strong argument that impacts will be addressed through the Western Riverside County Habitat Conservation Plan (MSHCP).

Reasonable and practicable options are available to impacting sensitive conservation areas and the Riverside/San Bernardino Chapter of CNPS believes that the County needs to do a fuller review of options before committing to a alignment, especially Alternative 9.

Finally, the draft EIR/EIS fails to fully address portions of the project that have already been partially implemented and the impacts resulting from the roadway expansion in these areas. Specifically this is regarding the expansion of the Ramona Expressway east of Warren Road. Large populations of Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*) have been observed immediately south of the Ramona Expressway just east of Warren Road at least as recently as 2005. The EIR/EIS states that habitat of long-term conservation value was found for this species in the SJ Segment of the project. No mention is given to populations within the SJN segment of the project where Warren Road is found. It would seem it would be necessary to identify and address impacts to this CNPS List 1B plant prior to project implementation. However the Ramona Expressway was expanded circa 2006 or 2007, clearly in association with the MCP. There should be some discussion of what has already been constructed in association with this project.

We will not address all issues in the EIR/EIS but focus on several specific issues that are important to us. The NES was not available to me and has not been reviewed.

#### **Alternatives Analysis and Section 4(f) analysis (Section 2):**

The MCP EIR/EIS presents nine alternatives. These alternatives principally diverge in the central and western portions of the MCP alignment. Three alternatives (4, 5, 6, and 7) were proposed to pass through the MWD HCP lands. According to the document these routes are not available because MWD is not willing to surrender these lands and there is no mechanism within the Lake Mathews HCP to amend the agreement. As a result the favored alternative, proposed alignment nine, is pushed farther south into the relatively little developed Gavilan Plateau.

As indicated on figure 2.2.1, Alternative 9 will pass through the MSHCP proposed linkage 3 near Harford Springs and the extension of Core Area 2. In addition the road would also pass through HCP lands established for the Stephen's kangaroo rat at the Estelle Mountain Preserve, and conservation lands set aside for El Sobrante landfill.

All these areas were previously identified as important, significant lands for purposes of conservation of endangered, threatened, and otherwise sensitive species. This was reiterated by the MSHCP, which specifically identified these areas as important elements of the future HCP. Alteration of the MCP from the proposed route in the MSHCP from along the existing Hwy 74, to an alignment south of Cajalco Road, would appear to require a major amendment to the western Riverside MSHCP. A major omission in the EIR/EIS is a detailed discussion of the effects of the project on the proposed reserve design for the MSHCP and how the plan would be amended by developing additional reserve lands within the criteria areas or other localities that would have equivalent biological value to the existing reserve lands.

In a sense, it would appear that the mitigation for impacts for MCP relies on some of the very lands that MCP will traverse.

The extremely general discussion of a potential amendment appear to be totally inadequate to provide documentation of the environmental compliance for this project. It is noted in the EIR/EIS that a consistency analysis has not been completed at this time. However, it would appear that the results of this study are needed before the EIR/EIS can be completed.

The impacts to existing and critical proposed conservation lands identified within the MSHCP should only be minimally impacted by the MCP. This would require that the road either skirt these lands or follow existing alignments, such as Cajalco Road. Why is there no consideration of an alignment following SR 74 to the I-15 if the main purpose of the road is to provide better connections between the I-215, I-15, and areas to the east? Other alternatives to passing through sensitive conservation lands are clearly available.

Section 4(f) of the Department of Transportation Act clearly states that public parks, and other lands of national, State, or local significance should not be used for highways if prudent and feasible alternatives are available or if the project includes all possible planning to minimize harm to parks,

recreation areas, and wildlife refuges. Effectively, HCP lands are wildlife refuges. Expanding either Cajalco Road, SR 74, or both would be reasonable and prudent alternatives to impacting these lands. We do not believe the EIR/EIS has made a clear argument for making the argument that the MSHCP will offset impacts.

### 3.19 Plant Species

The document relies heavily on the NES, which is fine. However more detailed summaries, especially a map showing the location of sensitive plant species, should have been provided in the EIR/EIS. If the NES is not available (as it is in our case), it is difficult to adequately review the impacts described in the EIS/EIR. Additionally it is difficult to review impacts derived indirectly from from the road where populations or adjacent habitats will be degraded by the presence of the road.

### 3.17 Natural Communities

The document provides insufficient descriptions of plant communities of special interest found along the proposed parkway. The mapping provided only very rudimentary mapping units, and the study should have used the CNPS methodology for mapping plant communities. It appears that significant alkali wetland communities were overlooked in the mapping conducted for this project.

The proposed project would remove significant areas of Riversidian sage scrub and wetland habitats. The EIR/EIS needs to provide detailed information on the localities of the additional reserve habitat that would be purchased to compensate for this project. The technical reports need to document that the existing and proposed reserve areas would be expanded by the acquisition of lands that contain habitat of at least equivalent value. Vegetation mapping and an evaluation of the resources on the expansion areas should have been conducted as part of the documentation for this project.

### 3.19 Plant Species

On page 3.19.2, the document states that Munz's onion (*Allium munzii*) "and additional many-stemmed dudleya (*Dudleya multicaulis*) may be found during a 2008 survey of previously unsurveyed habitat north of El Sobrante landfill...these two species are inferred to be present in the unsurveyed habitat pending results of the 2008 focused survey."

This would seem to suggest that the results from these surveys have not been incorporated into the EIR/EIS. Since it is 2009 and the surveys should have been conducted in April and May of 2008, we believe the results should have been incorporated into the document. This also suggests that the full impacts of the proposed road were not fully analyzed prior to release of the EIR/EIS. However the next sentence suggest that there is some knowledge of plants near the road alignment but the reader is left unclear where they are. A map should be included in the EIR showing these (and the results of the 2008 surveys).

The EIR/EIS cannot avoid a discussion of potential impacts to covered plant species within existing reserve areas, by noting that alternatives will be proposed. For example Section 3.19 fails to disclose the potential impacts to *Dudleya multicaulis* by noting that a new alternative is being proposed and surveyed. This is not an acceptable procedure for this document, since the avoidance should be part of the proposed mitigation of the proposed road corridor. Detailed information on potential impacts, including the total number of plants potentially removed and the indirect impacts from construction and operation of the proposed roadway.

The preparation of another plan (DBESP) does not provide adequate mitigation for the loss of communities or plant species of special interest within the proposed parkway, especially in existing reserves. The draft EIR/EIS must provide some actual measures that would compensate for the loss of these important habitats and important populations of plant species. The mitigation measures should note the compensation ratios and potential areas for expanding the reserves in these areas.

The document also mentions two very large populations of *Erodium macrophyllum* but fails to

provide detailed information on regionally significant observations of covered plant species, and fails to fully evaluate the potential impacts to these species from the development of the proposed parkway. Apparently these populations are "outside their survey areas", which immediately suggests the MSHCP survey guidelines clearly need modification. *Erodium macrophyllum* is typically found in populations of tens or a few hundred individuals. A population of 20,000 individuals would be the largest single population in western Riverside Co. southern California, and perhaps California as a whole. The reported population of 7,000 individuals is no less astounding. These populations should be immediately considered high priority conservation targets for the MSHCP. They are of global significance. The EIR/EIS does not review the potential impacts to this species from the proposed parkway development.

Unfortunately there is no detailed information in the EIR/EIS to explain where the precise locations of these populations. Although Alternatives 6 and 7 are not preferred, if they are proposed, the impacts and indirect impacts to the population of 20,000 *E. macrophyllum* should be disclosed, especially since the EIR/EIS seems to suggest that they are within lands already set aside for conservation.

The *Erodium* situation provides a classic example why some elements of the MSHCP survey concept are flawed. It often does not require surveys in many areas that should actually have species specific surveys and it does not assure that adequate survey data will be presented in circumstances where plant species may be at considerable risk. Regardless of MSHCP status, all sensitive species should be considered in the course of surveys and the data should be presented, especially in circumstances that may result in losses to the species.

It is our opinion that the procedure of conducting surveys and reporting data on plant species of special interest within the required surveys areas is not an acceptable procedure for this project. In the MSHCP these roadways were not to be routed through the existing reserve lands. Therefore, surveys should have been conducted for all plant species of special concern along the proposed route, and all localities located during these surveys should have been mapped and reported in the NES, regardless of the MSHCP survey areas. This document should note **all** impacts to covered species found within the proposed road corridor. In addition, special status plant species not covered in the MSHCP, such as *Abronia villosa* var. *aurita* should have been addressed in the botanical studies for this study.

Populations of chaparral sand verbena are reported to occur within 400-feet "west of the BSA". However there is no map or other specific data in the EIR that identifies where this species was located. We are aware of populations on the west side of the San Jacinto River in the sandy aprons of the hills south of the Burnasconi Hills that would appear to be either within the footprint or within the BSA. Are these the populations referred to in the EIR/EIS?

The document claims that Robinson's peppergrass was not observed in the alignment. However it also states that focused surveys were not conducted for this species. Robinson's peppergrass is a CNPS List 1B species and is not a covered species under the MSHCP. Therefore it is subject to a separate CEQA analysis above and beyond the MSHCP. Appropriate habitat is found along the alignment and focused surveys should be conducted for this species. Robinson's peppergrass is cryptic and effective surveys are strongly dependent on the timing of surveys. In many cases it is best identified very early in the season and can be difficult to recognize when many other species are at their best in April and May.

Other sensitive plant species are discussed and maps should be included for these species.

Section 3.19.3.1 As noted above, results from the 2008 many-stemmed dudleya survey should have been incorporated into the EIR/EIS since it was released months after the survey season.

The discussion of direct and indirect impacts to identified species would be improved by including maps showing the distribution of the plants within and adjacent to the alignment. Overall the discussion of indirect impacts, especially to species such as Coulter's goldfields, which are reliant on

flood plain hydrology, seem over simple in the discussion. Each species should include a broader discussion with more details on how they specifically are impacted by indirect impacts (See also discussion for 3.9 regarding San Jacinto Valley Crownscale and flood plain hydrology).

Section 3.21. This document fails to analyze potential impacts to federally listed plant species located during the field surveys. For example, the small locality of *Atriplex coronata* var. *notatior* was dismissed as not being directly impacted by the proposed project. However, the analysis failed to fully review the potential indirect impacts to this locality and examine previous studies, to determine if other sites within the BSA along the San Jacinto River had been documented with important localities of this species. As noted in the MSHCP single year surveys for this annual species may be inadequate and should be supplemented with a careful review of the known distribution of this species.

For example, important localities are known to the east of the observed site, in an area currently maintained as a "clean field". Historically thousands of San Jacinto Valley Crownscale were observed in this field. Areas within the BSA at the San Jacinto River crossing have also supported large populations of spreading navarretia in previous years. The MCP surveys provided only a snap-shot in time. With biological systems, the history must also be considered. Additionally, even if these sites have not supported large populations in recent years, the underlying habitat requirements (alkali soils, erratic heavy flooding) remain in place and these sites may be critical to the future of the species, especially if human activities such as disking and manure spreading were stopped or scaled back throughout the flood plain.

A more detailed analysis should have been prepared on the LTCV at the San Jacinto River crossing, and how this loss along the San Jacinto River could be compensated. More attention needs to be provided on the conservation of core localities of the listed plant species covered by the MSHCP. An analysis should have been developed within the EIR/EIS or the NES, noting the size of populations documented from the San Jacinto River and SJWA and the potential significance of this locality, compared to other sites documented from this area.

### **Section 3.9 Hydrology and Floodplain**

The EIR/EIS provides few details of how the MCS will impact the San Jacinto River flood plain. The document passes responsibility to any future impacts to the Riverside County Flood Control district because at some point the District hopes to build a reservoir that will reduce the 100-year flood plain. However, the document acknowledges that no specific details are available for this District project. While we appreciate that at some point, the impacts of the MCP may be eclipsed by impacts of Flood Control projects, this is not the case at the moment.

The San Jacinto River flood plain supports habitat that is critically important for a number of sensitive plant species, including several endangered and threatened species. If the MCP creates a change in the current hydrology it will likely change the overall conditions that support the alkali plains habitat below the bridge. This flood plain is one of the few areas in southern California capable of sustaining seasonally flooded alkali vernal plain. Seasonally flooded alkali vernal plain is composed of a matrix of alkali scrub, alkali playa, alkali annual grassland, and alkali vernal pool habitats and supports a diverse variety of rare plants. Among these plants are the federally listed San Jacinto Valley crownscale (*Atriplex coronata* var. *notatior*), spreading navarretia (*Navarretia fossalis*), and the federally/State listed thread-leaved brodiaea (*Brodiaea filifolia*). Other species dependent on these habitats include Wright's trichocoronis (*Trichocereus wrightii*), Coulter's goldfields, Davidson's saltbush (*Atriplex serenana* var. *davidsonii*), and Parish's brittlescale (*Atriplex parishii*). Adequate conservation of this habitat has been identified as one of the goals of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), and much of the San Jacinto River is included within a Criteria Area. Virtually the entire floodplain where it is found in association with alkali soils (especially Willows series soils) should be considered to have Long-term Conservation Value, even in areas where it is currently degraded.

Critical to conservation of this area is adequate preservation of Willows Soils and flooding hydrology.

Historically there had a balance between dryland farming activity and fallowing that while certainly impacting this habitat and its rare plants, allowed a significant degree of the natural system to persist. Starting in 1998 and persisting to current day, an elevated level of manure or sludge dumping along the river flood plain has threatened the very soil chemistry many of the alkali dependent plants rely upon. However degraded these habitats have become and however poorly the MSHCP has provided any real conservation for them, these habitats are limited by the soils they occupy. These habitats just do not occur anywhere in southern California. In its current state, it is critical that major floods are allowed along the river as it is the only activity that could stand a chance at fully restoring the alkali habitats.

The hydrology and floodplain section barely mentions the critical nature of flooding to maintain alkali habitats along the San Jacinto River. Section 3.19.2 does not consider the potential impact the road may have on Coulter's goldfield if the road alters the hydrology and flooding dynamics along the river. Section 3.21 only mentions that four San Jacinto Crownscale plants within the BSA without discussing that changes to the hydrology brought forth by changes in the constriction at the Ramona Expressway and San Jacinto River crossing could impact the future viability of tens of thousands of plants downstream from the bridge.

The EIR/EIS needs to describe in plain language what will happen at this crossing and discuss how the bridge will affect or not affect the flood plain downstreams. When the RCFCD proposes separate flood control measures these will be reviewed at that time.

**Appendix O species tables:**

These tables only note whether a species was found within the direct footprint or BSA, or whether the survey results were negative. The tables should also include a statement about whether suitable habitat was found within the MCP footprint and the BSA, and in those cases like the San Jacinto River floodplain, at least briefly acknowledge potential impacts to the flood plain below the road. As an example where the current table is misleading, consider the case of Parish's brittle scale.

This plant was last seen at Lakeview, probably just south of the Ramona Expressway, and likely on the east side of the San Jacinto River, in 1974. It has been very scarce overall and is never found in large numbers. The Service did not list this species presumably because it was possibly extinct in 1993. However it was found at Hemet in 1994 and later it was found near Ramona. However it remains one of the most endangered, if not the most endangered, saltbushes in the United States (it is far less common than the federally endangered San Jacinto crownscale).

While it has not been found along the San Jacinto River since 1974 surveys should generally be considered inconclusive. Very little of this habitat had been examined closely between 1974 and 2000. By 2000 impacts and changes in land use, especially the dumping of manure had largely eliminated most well established and aged alkali flats along the river. Regardless, the area south of the San Jacinto River remains one of the areas that will be critical to this species.

So when the EIR/EIS simply states "the results of surveys were negative" for a species like this, it ignores the broader implication of cumulative loss of habitat and the significance of this habitat to recovery and survival of the species. This is a MSHCP covered species and as such it is important that road projects such as the MCP contribute to the overall decline of the species.

Thank you for your consideration. If you have any questions, I can be reached at addresses above.

Sincerely,

Fred M. Roberts, Jr.  
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Riverside/San Bernardino Counties Chapter  
California Native Plant Society