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Rincon Project No. 15-02114

Holly Sletteland,
Projects Manager
Friends of the Fiscalini Ranch Preserve
Via email: hslettel@calpoly.edu

**Subject: Peer Review of the Project Description – Minor Use Permit
Application for the Monterey Pine Forest Fuel Reduction Project,
Cambria, San Luis Obispo County, California**

Dear Ms. Sletteland:

Rincon Consultants, Inc. (Rincon) is pleased to submit this peer view of the Project Description – Minor Use Permit (MUP) Application for the Monterey Pine Forest Fuel Reduction Project located on the Fiscalini Ranch Preserve within the community of Cambria, San Luis Obispo County, California. The purpose of this peer review is to evaluate the MUP application Project Description prepared for this project with emphasis on the adequacy of the avoidance, minimization, and monitoring measures proposed.

For this peer review, we reviewed the *Project Description - Minor Use Permit Application for the Monterey Pine Forest Fuel Reduction and Forest Restoration*. We also reviewed relevant databases including the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB; 2015); the online *Inventory of Rare, Threatened and Endangered Plants of California* (California Native Plant Society, 2015); and the U.S. Fish and Wildlife Service (USFWS) Critical Habitat Portal (USFWS, 2015a) and Information, Planning, and Conservation System (USFWS, 2015b). The database search results were compared to the information provided in the MUP application.

UNDERSTANDING OF THE PROJECT

Based on the currently proposed project, as described in the MUP application, the goal of this project is to enhance public safety and forest health by reducing fuel loads in the Monterey pine forest in a manner that protects and enhances the sensitive biological and cultural resources found onsite.

The project description indicates the project will be implemented in five phases (Page 10 of the MUP Application):



1. Conduct pre-project monitoring
2. Reduce fuel loads
 - a. Test plots
 - b. Balance of project site
3. Repair gully erosion
4. Replant native vegetation
5. Conduct post-project monitoring

After review of the project description one additional phase, Invasive Removal, was identified but was not included in the above list.

These phases are generally described below for the purpose of this review.

Conduct pre-project monitoring - Initially trials are proposed using three different treatment methods to determine which approach would prove to be most cost effective and yielded the best results. Three test plots, each roughly one acre in size, are proposed with three separate treatments to apply to each: Test Plot 1 - Cut / Lop / Scatter; Test Plot 2 - Cut / Pile / Burn; Test Plot 3 - Cut / Pile / Chip. After the test plots are completed, the most successful treatment will be applied to the balance of the project acreage.

Reduce fuel loads - A Registered Professional Forester (RPF) will survey the treatment areas and first identify large dead and dying trees that should be felled or topped. Trees to be retained as snags for wildlife will also be identified at this stage. At least 4 snags will be retained per acre, with at least two greater than 20 inches in diameter and over 20 feet is proposed.

The RPF will then review ladder fuels, woody debris and overcrowded conditions that need to be dealt with. The Forester will identify trees that need to be limbed up, as well as vegetation and woody debris that should be removed to prevent fire from moving into the canopy.

The actual removal of all materials will be done by crews using chainsaws and hand tools. Disposal of the resulting debris will be handled in a variety of ways. Large logs will be left in place to provide wildlife habitat, nutrient cycling and moisture retention. Some larger logs will be used to repair the Trenton / Warren gully onsite.

Smaller materials, such as saplings, branches and shrubs will be disposed of onsite using one of the three different methods as listed above in the *Conduct Pre-project Monitoring* phase.

Repair Gully Erosion - This phase of the project proposes to repair a gully located near the Trenton entrance of the Ranch by constructing a series of log



check dams. The check dams will be constructed with the 6-8-inch diameter trees retained from thinning operations.

Invasive Removal – This phase of the project proposes to remove invasive plant species within the project site, namely French broom (*Genista monspessulana*). The project proposes to use Milestone™ (Aminopyralid Triclopyr) as a removal method where native plant species would not be affected. Hand pulling of seedlings is proposed in areas where French broom is intermixed with native species.

Other invasive species that will also be removed, including black acacia (*Acacia melenoxylon*), jubata grass (*Cortaderia jubata*) and orchard grass (*Dactylis glomerata*). These will all be treated using a combination of mechanical (cutting) and chemical (herbicide spray) techniques.

Replant native vegetation – This phase of the project proposes to promote the natural regeneration of the vegetation within the project site, with emphasis on areas in which large numbers of trees or invasive plants are removed during the project leaving sizable areas of unprotected soil and understory. The scattering cones and seeds for regeneration of pine trees are proposed as well as planting of container stock. In addition, planting of locally sources 1-gallon containers of understory plants is proposed in areas with heavy French broom infestation. Planting is proposed to occur in early winter and maintenance consists of hand watering understory species quarterly for one year, mulching and weeding.

Post-project Monitoring – Monitoring of the treatment areas as well as weed removal areas are proposed to be monitored and compared to pre-project conditions to assess the effectiveness of the treatments and determine whether short term goals were met.

SPECIAL STATUS SPECIES AND COMMUNITIES

The MUP Application indicates that SWCA Morro Group considered 27 special status plant species and 17 special status animal species during preparation of the Fiscalini Ranch Preserve Master Environmental Impact Report (EIR) (2009) on the basis of CNDDDB records, site surveys and anecdotal reports. The Master EIR indicates that queries were conducted within the *Cambria, California* U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle.

The MUP Application indicates additional special status plants which may be present in the pine forest: Michael's rein orchid (*Piperia michaelii*) and Saint's daisy (*Erigeron sanctarum*). Cambria morning glory (*Calystegia subacaulis* ssp. *episcopalis*), has been observed on the midden, but nowhere else. Gairdner's yampah (*Perideridia gairdneri* ssp. *gairdneri*) was observed in 1993, but has not been seen in subsequent



surveys. Hickman’s onion (*Allium hickmanii*) has not been observed to date on the Ranch, but is found in similar habitat conditions in Arroyo de la Cruz.

The MUP Application indicates the Monarch butterfly (*Danaus plexippus plexippus*) and Monterey dusky-footed woodrat (*Neotoma macrotis luciana*) do occur within the Monterey pine forest on-site. Two monarch overwintering sites (estimated 1,000-2,000 butterflies) have been found within the Ranch. One is in the MUP project area and the other is outside the MUP project limits outside (pers. comm. Sletteland, 2015). In addition, sensitive bird species, such as the white tailed kite (*Elanus leucurus*) may use the pine forest and edge areas.

Rincon conducted queries of the CDFW CNDDDB (CDFW, 2015); the online *Inventory of Rare, Threatened and Endangered Plants of California* (California Native Plant Society, 2015); and the USFWS Critical Habitat Portal (USFWS, 2015a) and Information, Planning, and Conservation System (USFWS, 2015b) within the *Cambria, California* USGS 7.5-minute topographic quadrangle and compared them to Table V-5 and Table V-6 included in the MUP Application. The queries conducted by Rincon found two special status animals and eight special status plant species, none of which were federally or state threatened or endangered, that were not included in Table V-5 and Table V-6 of the MUP Application. These species are listed in Table 1 below.

Table 1. Special Status Species not included in Table V-5 and Table V-6 of the MUP Application

Scientific Name	Common Name	Status Federal/State CDFW or CRPR
Animals		
<i>Ammodramus savannarum</i>	Grasshopper sparrow	--/-- Species of Special Concern
<i>Rana boylei</i>	foothill yellow-legged frog	--/-- Species of Special Concern
Plants		
<i>Astragalus nuttallii</i> var. <i>nuttallii</i>	ocean bluff milk-vetch	--/-- 4.2
<i>Clinopodium mimuloides</i>	monkey-flower savory	--/-- 4.2
<i>Delphinium parryi</i> ssp. <i>eastwoodiae</i>	Eastwood's larkspur	--/-- 1B.2
<i>Galium californicum</i> ssp. <i>luciense</i>	Cone peak bedstraw	--/-- 1B.3
<i>Grindelia hirsutula</i> var. <i>maritima</i>	San Francisco gumplant	--/-- 3.2
<i>Microseris paludosa</i>	marsh microseris	--/-- 1B.2
<i>Monolopia gracilens</i>	woodland woollythreads	--/-- 1B.2
<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	most beautiful jewel-flower	--/-- 1B.2



In addition, the project site is located within federal designated Critical Habitat for the California red-legged frog (CRLF; *Rana draytonii*). Critical Habitat for the CRLF is not discussed in the MUP Application.

The MUP Application indicates that the native Monterey Pine Forest within the project site is also designated as an Environmentally Sensitive Habitat Area (ESHA) by the San Luis Obispo County Coastal Zone Land Use Ordinance (CZLUO), Land Use Element, and Local Coastal Plan.

AVOIDANCE AND MINIMIZATION MEASURES

The following measures were proposed to avoid and minimize impacts to special status species and communities:

1. **Avoidance of Sensitive Wildlife:** Project activities will be restricted during the spring months in order to reduce potential impacts to sensitive vegetation and wildlife. Activities during this period will primarily consist of documenting existing conditions and flagging sensitive resources:
 - a. Identify / flag woodrat houses: The Monterey dusky-footed woodrat is a Species of Special Concern with the California Department of Fish and Wildlife. The project area will be surveyed for woodrat houses and an avoidance perimeter established with caution tape prior to starting fuel reduction activities.
 - b. Survey for monarch butterflies: The U.S. Fish and Wildlife Service announced in December 2014 that it would begin a year-long review of the monarch butterfly's protection status. Monarch butterflies have been known to overwinter on the Ranch in the past. There is no danger of removing a roosting tree due to the fact that we only plan to remove trees that are dead or too small for that purpose. However, since removal of vegetation (e.g. ladder fuels, small trees) adjacent to overwintering areas can adversely affect use of the sites, we will conduct a professional survey for monarchs and avoid disruption to their area if any are found.
 - c. Survey for nesting birds: If feasible, fuel reduction activities will be delayed until September 1st to avoid the general bird breeding season (February 1 through August 31). Otherwise, a nesting bird survey will be conducted by a qualified biologist two weeks before work begins. If nesting birds are found within or adjacent to the project area, an appropriate buffer distance based on the species will be established and delineated with caution tape. No project activities shall occur within the buffer area until the biologist has determined the young have fledged.



2. Avoidance of Sensitive Vegetation:

- a. **Monterey pine:** Monterey pine has been assigned a global (G1) and state ranking (S1) of “Critically imperiled” by the Department of Fish and Wildlife (DF&W). The pine is the focal species for this project and therefore will not be avoided. Our goal is to improve the overall health of the pine forest and reduce the potential for a catastrophic wild fire which could destroy the entire stand. We will only be removing large trees that are dead and dying, as determined by a Registered Professional Forester, and thinning stands of overcrowded small trees. Large trees that could damage adjacent healthy trees will be brought down in sections. Studies have shown that crowded conditions stress young trees due to the competition for resources and lead to increased susceptibility to insect and disease attacks and/or mortality. We will also be removing dwarf mistletoe and western gall rust on young trees to give them a better chance of succeeding and reduce the prevalence of these pests. The removal of excessive woody debris should improve pine germination by freeing up space on the forest floor. Lastly, the scattering of cones and planting of pines on the forest perimeter should help increase the number of pines found on the Ranch. In view of these actions, we anticipate the project will have beneficial rather than adverse impacts Monterey pines and no protection measures are proposed for this species.
 - b. **Survey for sensitive plants:** Three additional sensitive plant species (Michael’s rein orchid, Saint’s Daisy and Cambria morning glory) have been observed in the forest. Saint’s daisy and Cambria morning glory are the only ones present in the project area. These are typically dormant by August, but the area will be surveyed and if plants are found they will be flagged, as a precaution.
- 3. Avoidance of Seasonal Wetland:** This area will be dry by the time any potentially damaging activities begin and no fuel reduction, invasive species removal or planting is planned for the area. It will be cordoned off with caution tape.
- 6. Minimize Soil Impacts:** Potential impacts to soils will also be minimized by scheduling project activities to take place during the summer and fall. Trees will be felled by hand crews using chainsaws. The only heavy equipment anticipated is a chipper. It will be delivered by truck on a service road and staged on the road. Disturbance areas will be minimized to the maximum extent practicable, thus reducing the total area of soil exposed to potential erosion. Native vegetation will be protected where feasible. Where large patches of invasive species are removed, the soil will be stabilized with replanting of native plants.



7. **Pathogen Control:** The proposed project is within the designated Pitch Canker Zone of Infestation established by the Board of Forestry. The project has incorporated guidelines developed to control the spread of pitch canker including sanitation of tools and equipment, keeping logs onsite and chipping / burning infected woody debris.
8. **Invasive Species Control:** Tools and equipment will be inspected for contamination by invasive plant seeds and cleaned before they are brought into the project area. All plant materials will be inspected upon delivery and any weeds removed. Invasive plants removed with seed heads will be disposed of in a dumpster to be taken to a landfill. Project staff and volunteers will be instructed to inspect their clothing for weed seeds before accessing non-infested areas.
9. **Pollutant Control:** Fueling and maintenance of equipment will be performed offsite or at the work staging area near the entrance. All herbicide mixing and filling will be performed offsite or at the entrance to the Ranch.

EVALUATION AND RECOMMENDATIONS

Based on the above project information and information gathered by Rincon, the following is our evaluation and recommendations:

- The proposed area of impact by proposed activity and whether proposed impacts are expected to be permanent or temporary, as well as an estimated number of trees to be impacted are not included. Recommend including information requested by the County as part of the *Request for Information* (dated September 3, 2015) Items Required for Acceptance #1.
- Recommend including additional information regarding the installation of check dams at the gully site and additional setting information regarding hydrology and vegetation at the gully site. It is unclear whether the gully is isolated or hydrological connected to other drainages and the vegetative condition at the gully site. The MUP Application includes a Regulatory Setting and indicates that a National Pollutant Discharge Elimination System (NPDES) or Waste Discharge Requirements (WDRs) permit may be required by the RWQCB; however, it does not have a discussion of other permits, such as a Streambed Alteration Agreement issued by the CDFW, that are required for the check dam installation. Recommend a revised discussion of current discussions with permitting agencies and what agencies, if any, would have jurisdiction over the gully and what regulatory permits are being applied for, if any. In addition, no evaluation of special status species that could potentially use the gully is presented. Recommend evaluating to ensure that no additional special status species, beyond those already presented in the existing Avoidance and Minimization (A&M) measures would be impacted.



- One additional phase, Invasive Removal, was identified but was not included in the list of project phases on Page 10 of the MUP Application. Recommend modifying the list of project phases to include Invasive Removal.
- The MUP Application indicates that the proposed project would result in beneficial effects to the existing Monterey Pine forest. In order to substantiate this evaluation, the information requested by the County as part of the *Request for Information* (dated September 3, 2015) Items Required for Acceptance #2, should be addressed.
- Ten additional species were found by queries conducted by Rincon (Table 1) that were not included in the species evaluated in Tables V-5 and V-6. Recommend additional evaluation to ensure no impacts are expected for these species in addition to those already identified.
- Recommend ensuring proposed avoidance and minimization measures are consistent with those measures presented in the Fiscalini Ranch Preserve Master EIR and incorporate mitigation measures from the EIR as applicable.
- Recommend including a figure depicting the seasonal wetland and gully for clarity.
- Recommend including a figure of known areas within the project site containing special status plants.
- The project site is located within federally designated Critical Habitat for the CRLF. Recommend addressing whether impacts to CRLF Critical Habitat are expected. The evaluation should include a discussion of whether the project site contains the Primary Constituent Elements for CRLF. Incorporate additional avoidance and minimization measures and mitigation measures from the Fiscalini Ranch Preserve Master EIR, if applicable.
- Recommend including as part of the project description, the recommendations provided by Kingston Leong regarding thinning in the vicinity of Monarch butterfly overwintering sites.
- A&M measures 1a, 1b, 1c and 2b – Measures indicate that surveys will be conducted for Monterey dusky-footed woodrat, monarch butterflies, nesting birds and sensitive plants, respectively. These measures indicated that, if found, these resources would be avoided and an avoidance buffer established. No minimum buffer distance is proposed in these avoidance measures. Recommend including a minimum buffer distance appropriate for each resource. In addition, no measures are incorporated that address what steps are to be taken if resources could not be avoided (most relevant to Monterey dusky-footed woodrat and special status plants). Recommend including steps if resources cannot be avoided.
- A&M measures 1a, 1b, and 2b – Measures do not indicate who would conduct the surveys. Recommend stating a ‘qualified biologist’ would conduct each survey.
- A&M measures 1a, 1b, 1c and 2b – Measures do not indicate any reporting requirements. Recommend adding that the findings of the pre-construction surveys would be submitted to the County in a report.



- A&M measures 1a, 1b, and 2b – No timeframes in relation to project activities are proposed for surveys. Recommend incorporating timeframes taking into account species and the activities being conducted.
- A&M measure 1c – The MUP application indicates that white-tailed kite, a state fully protected species, has potential to nest on-site. The fully protected status does not allow take and does not have a permitting mechanism that would allow for take. If a white-tailed kite nest is discovered within the project area (even if inactive) the CDFW should be contacted and the nest should be avoided. A&M measure 1c does not adequately address this. Recommend incorporating a protocol if a white-tailed kite nest is discovered as part of A&M measure 1c.
- A&M measure 3 – Indicates that the seasonal wetland will be avoided, but does not include measures addressing indirect impacts to water quality or sedimentation if soils and ground cover are disturbed in the vicinity of the wetland. Recommend including appropriate Best Management Practices for avoiding indirect impacts to the seasonal wetland.
- A&M measure 9 – Recommend modifying measure to including a buffer distance for refueling or maintenance of equipment from any drainage or wetland and restricting these activities in an area where fluids could enter these features.
- A&M measure 8 – Recommend timing removal of weeds to before weed species have gone to seed. Scheduling removal after weeds have gone to seed increases the chances of spreading seeds and thereby spread of undesirable plant species.

We believe inclusion of the above recommendations will improve the clarity and completeness of the MUP Application.

Thank you for the opportunity to work with you on this project. Please contact us if you have any questions or concerns regarding the information presented herein.

Sincerely,
RINCON CONSULTANTS, INC.

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