

Memorandum

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Date: March 18, 2011

To: Jon Fischer
Acting Executive Director
Fish and Game Commission

From: John McCamman
Director
Department of Fish and Game

Subject: Agenda item for April 6, 2011 Fish and Game Commission hearing:
Department of Fish and Game initial evaluation of the petition to list The Cedars wild buckwheat (*Eriogonum cedrorum*) as endangered

The Fish and Game Commission (Commission) received a petition from Dr. Michael Hogan on December 28, 2010 (Petition) to list The Cedars buckwheat (*Eriogonum cedrorum*) as Endangered under the California Endangered Species Act (CESA). Commission staff transmitted the Petition to the California Department of Fish and Game (Department) pursuant to Fish and Game Code section 2073 on January 7, 2011, and the Commission published formal notice of receipt of the Petition on January 21, 2011 (Cal. Reg. Notice Register Z2011-0111-01). Fish and Game Code section 2073.5 directs the Department to complete its initial evaluation of a CESA listing petition within 90 days of receipt of the petition with a recommendation as to whether or not the petition contains sufficient scientific information to indicate that the petitioned action may be warranted. In accordance with CESA, the Department's attached petition evaluation report evaluates the sufficiency of the Petition on its face and in relation to other relevant information the Department possesses or received.

Based upon the information contained in the Petition, the Department has determined that there is not sufficient information to indicate that the petitioned action may be warranted. The Department recommends that the Petition be rejected. The Cedars buckwheat is restricted to serpentine talus slopes in The Cedars, a unique geological feature in Sonoma County. Approximately 75% of the buckwheat population occurs on Bureau of Land Management (BLM) land in an area designated as an Area of Critical Environmental Concern (ACEC). No motorized access is allowed within the ACEC, and BLM considers The Cedars buckwheat to be a Special Status plant. The Cedars buckwheat has a long-term stable population and the Department found no evidence of factors affecting the ability of the buckwheat to survive and reproduce.

If you have any questions, please contact Ms. Sandra Morey, Deputy Directory, Ecosystem Conservation Division, by telephone at (916) 653-6956 or Ms. Katherine Hill, Acting Chief, Habitat Conservation Planning Branch, at (916) 653-4875.

Evaluation of Petition: Request of Michael Hogan to List
The Cedars Wild buckwheat (*Eriogonum cedrorum*) as Endangered

REPORT TO THE FISH AND GAME COMMISSION

EVALUATION OF PETITION
FROM C. MICHAEL HOGAN PHD, CONSERVATION CHAIRMAN,
CALIFORNIA NATIVE PLANT SOCIETY, MILO BAKER CHAPTER
TO LIST
THE CEDARS WILD BUCKWHEAT (*Eriogonum cedrorum*)
AS ENDANGERED

March 18, 2011

INTRODUCTION

On December 28, 2010, the Office of the California Fish and Game Commission (Commission) received the "Petition to the State of California Fish and Game Commission to list the Cedars Wild Buckwheat (*Eriogonum cedrorum*) as endangered under the California Endangered Species Act" (December 21, 2010) (hereafter, the Petition), from C. Michael Hogan PhD, Conservation Chairman, California Native Plant Society, Milo Baker Chapter. The Commission, as established by the California Constitution, is vested with exclusive statutory authority under California law to designate endangered, threatened, and candidate species under the California Endangered Species Act (CESA). (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070; see also Fish & G. Code, §§ 2062, 2067, 2068 (endangered, threatened, and candidate species defined).) The Commission, pursuant to this authority, may add, remove, uplist or downlist any plant or animal species to the list of endangered or threatened species, or designate any such species as a candidate for related action under CESA. (See generally Cal. Code Regs., tit. 14, §§ 670.1, subd. (i)(1)(A)-(C), 670.2, 670.5.) Commission staff transmitted the Petition to the California Department of Fish and Game (Department) pursuant to Fish and Game Code section 2073 on January 7, 2011, and the Commission published formal notice of receipt of the Petition on January 21, 2011 (Cal. Reg. Notice Register Z2011-0111-01).

The Department has prepared this evaluation of the Petition pursuant to Fish and Game Code section 2073.5. (See also Cal. Code Regs., tit.14, § 670.1. subd. (d).) This section of the Fish and Game Code and related regulatory authority direct the Department to prepare and submit to the Commission an initial evaluation of any petition deemed complete by the Commission, and a recommendation to either accept and consider, or reject the petition. (Fish & G. Code, § 2050 et seq.). The Department's recommendation depends on whether or not, based upon information contained in the petition, there is sufficient information to indicate that the petitioned action may be warranted.

Consistent with CESA, controlling regulation directs the Department to prepare its initial evaluation of a petition and make its related recommendation to the Commission after taking into consideration the following:

- population trend;

- range;
- distribution;
- abundance;
- life history;
- kind of habitat necessary for survival;
- factors affecting the ability to survive and reproduce;
- degree and immediacy of the threat;
- impact of existing management efforts;
- suggestions for future management;
- availability and sources of information; and
- a detailed distribution map.
(Fish & G. Code, § 670.1, subd. (d)(1)(A)-(L).)

The Department's initial evaluation of the Petition focuses on each of these components as provided by the Petition on its face and in relation to other relevant information the Department possesses or has received to date from interested persons.

EVALUATION OF THE INFORMATION PROVIDED IN THE PETITION AND OTHER INFORMATION THE DEPARTMENT POSSESSES OR THAT IT RECEIVED DURING THE EVALUATION PERIOD

Background

The Cedars buckwheat is in the buckwheat family (Polygonaceae). It is a low spreading perennial that grows from a taproot and is approximately 4 inches (10 cm) tall. Leaves are arranged in clusters (rosettes) below the flower stalks. Plants bloom from June to September. Flowers are yellow, turning reddish to maroon with age. The species is found only in serpentine talus at The Cedars in Sonoma County where it is known from three occurrences that occupy approximately 120 acres (California Natural Diversity Data Base 2011). The species is classified by the Department as California Rare Plant Rank 1B.3, meaning that the species is Rare, Threatened or Endangered in California and elsewhere, but not very threatened in California (low degree/immediacy of threats or no current threats known)¹.

Evaluation

In accordance with CESA, this report consists of the Department's evaluation of the information presented in the Petition. Except where noted, the Department did not have nor did it receive other information relevant to its evaluation.

(1) Population Trend

The Petition states that the population appears to have been stable over 30 years and that this is a qualitative assessment.

Department Evaluation

According to the 2009 type description of The Cedars buckwheat "A recent survey of the Central Canyon sites shows the population to be extremely stable. While there were few young plants, not a single dead mat was noted. A few plants had their crowns elevated >1.5 dm above the current rock surface, showing they had undergone that much erosion and survived. The lack of any significant disturbance at any site, the lack of senescence or death, and the persistence of plants in extremely harsh sites suggests this taxon is capable of great age." (Petition Appendix A, Reveal and Raiche 2009²). A population that is currently and has been stable over 30 years, without senescent or dead plants, some of which have survived > 6 inches (1.5 dm) of erosion in extremely harsh sites, demonstrates a stable, long-term population trend.

(2) Range & Distribution

The Petition states that The Cedars buckwheat is a rare, endemic plant that occurs only in The Cedars in Sonoma County, CA. According to the Petition, The Cedars comprises approximately

¹ The California Native Plant Society (CNPS) maintains a ranking system, which consists of five ranks related to rarity and endangerment in California. CNPS lists are now referred to as "California Rare Plant Ranks."

² Appendix A, the type description of The Cedars buckwheat is referred to as "Reveal and Raiche 2009" in the evaluation.

7000 acres, although plants occur on less than 500 acres and are restricted to three limited areas. The Petition also states that the plant is restricted to serpentine talus slopes and rock crevices at 1000 – 1800 feet elevation.

Department Evaluation

There are differences in the number of discrete polygons or “areas,” elevation range, and total acreage occupied by the species between what is described in Appendix B (Raiche 2009³) and Reveal and Raiche 2009. Despite these discrepancies, the Petition accurately states that The Cedars buckwheat has limited distribution in The Cedars. Following is more detailed evaluation of the Petition’s statements:

- The Petition states that The Cedars buckwheat is restricted to “three limited areas” citing Reveal 2009 and Reveal and Raiche 2009. Reveal 2009 states that the buckwheat is restricted to “three limited areas.” Reveal and Raiche 2009 states that the buckwheat occurs in “roughly three zones” and map the distribution in 6 discrete polygons with a mapped maximum distribution distance of 5.9 miles (9.5 km). The northern zone (upper Danfield Creek) is mapped with one polygon; the central zone (central upper Big Austin Creek canyon) is mapped with four polygons; and, the southern zone (near Red Slide above East Austin Creek) is mapped with one polygon.

There is agreement between both Reveal 2009 and Reveal and Raiche 2009 although different terminology is used to describe the three areas/zones in which the buckwheat occurs. For example, a map of the species distribution generated by the Department’s BIOS application shows three occurrences mapped as three polygons, rather than the six shown in Reveal and Raiche 2009. The northern and southern polygons are mapped individually while the central area is mapped as one large polygon that comprises three distinct areas (BIOS 2011).

- The Petition states that The Cedars buckwheat occurs in “less than 500 acres” according to Raiche 2009 and Reveal and Raiche 2009. In fact, neither Raiche 2009 nor Reveal and Raiche 2009 give an acreage estimate for The Cedars buckwheat. The Petition states that “the total area of The Cedars is about 7,000 acres,” citing Raiche 2009, although Raiche 2009 actually states that The Cedars is a “roughly 7,500-acre block of serpentine.” Reveal and Raiche 2009 state that The Cedars is “more or less 7000 acres.” The distribution map in Reveal and Raiche 2009 is at a poor scale to accurately determine total acreage.
- The Petition states that the elevation range of The Cedars buckwheat is 1000-1800 feet, citing Reveal and Raiche 2009, but Reveal and Raiche 2009 actually states that the elevation range is “1200-1800 ft.”

³ The Cedars is the subject of an article by Roger Raiche in the CNPS publication *Fremontia*. This article is referred to as “Raiche 2009” in the evaluation.

(3) Abundance

The Petition states that there are about 3000 – 4000 plants in existence restricted to three limited areas in The Cedars, Sonoma County.

Department Evaluation

The Petition states that there are about 3000 – 4000 plants in existence restricted to three limited areas in The Cedars, Sonoma County while Reveal and Raiche 2009 states that “There are ± 1500 to 2000 plants in existence.” The Petition does not provide the source of information for the number of individuals cited. Roger Raiche considered the estimated number of plants in Reveal and Raiche 2009 to be lower than his more recent population estimate (L. Davis⁴, pers. comm., February 23, 2011).

(4) Life History

The Petition states that little is known about the life history of this newly-described species. The plant is a perennial and the bloom period is between June and September. Seed production can occur from late July through mid-September. The Petition refers to two appendices for detailed information: Appendix A: the formal description of the species in a published scientific journal (Reveal and Raiche 2009), and Appendix B: an article in *Fremontia*, a publication by the CNPS (Raiche 2009).

Department Evaluation

The Department finds the Petition’s statement that little is known about the species’ life history to be accurate. This lack of information is expected since the species was only recently described and there have been limited field seasons to perform research; however, Roger Raiche has observed the species in the field since the early 1980s (Raiche 2009). Reveal and Raiche 2009 provides a detailed description of the species and its habitat while Raiche 2009 relates to The Cedars in general. Raiche 2009 also describes the serpentine barrens characteristic of habitat to which the buckwheat is adapted.

(5) Kind of Habitat Necessary for Survival

The Petition states that the species is restricted to The Cedars, which is a unique and rare geological feature and contains a distinctive associated botanical community. The Petition also states that The Cedars buckwheat is restricted to serpentine talus slopes.

Department Evaluation

The Department finds the Petition’s description of habitat to be accurate.

⁴ Liam Davis is a Department employee in the Bay-Delta Region.

(6) Factors Affecting the Ability to Survive and Reproduce

The Petition states that there are no known factors affecting the ability of the buckwheat to survive and reproduce and that there is little plant competition in its habitat.

Department Evaluation

Reveal and Raiche 2009 states that The Cedars buckwheat has a long-term stable population, is reproducing, persists in extremely harsh sites, can survive substantial erosion, and is capable of great age. Although there are no known factors affecting the ability of the buckwheat to survive and reproduce, the species occurs only in small areas within The Cedars, indicating that there may be unknown factors that limit its distribution.

(7) Degree and Immediacy of Threat. The following threats are identified in the Petition.

a. Mining.

The Petition states that chromite and magnesite were mined at The Cedars in the late 19th century and that mining ceased after World War II, but that mining could resume in the future. Nickel has been documented at The Cedars although nickel mining hasn't occurred. The Petition also states that approximately 75% of The Cedars buckwheat occurrences are on lands administered by the Bureau of Land Management (BLM) and that mining is permitted on BLM land. The Petition provides a link to a website that explains how a person may stake a mining claim. <http://www.theprospector.com/html/howtostakeclaims.html>

Department Evaluation

The above website cited by the Petition provides generalized information about mining claims. It does not provide any information specific to The Cedars, for example, that mining is occurring or is likely to occur in The Cedars, or that such activity would adversely affect The Cedars buckwheat. The following information about mining is either in the Department's possession or received by the Department:

- The BLM Geocommunicator website provides information on mining, wind, and solar projects. As of February 4, 2011, there are no active, closed, or pending mining claims, plans or notices, or proposed solar or wind energy projects within in or in proximity to The Cedars (BLM 2011a).
- BLM provides information on how to file a mining claim. BLM decisions require a discovery based on actual physical exposure of the valuable mineral within the claim boundaries. Claims and sites must be recorded with both the state and the proper BLM state office. State laws usually require filing the original location notice or certificate in the proper county office. Based on information on the BLM website, an individual could file a mining claim at The Cedars unless that activity was specifically restricted (BLM 2011b).

- The Petition states that chromite and magnesite “ore is considered on site and future mining could resume,” citing Raiche 2009. In fact, Raiche 2009 does not state that future mining could resume. Both the historical chromite and magnesite mines are quite small (G. Cooley⁵, pers. comm., February 14, 2011). The Petition states that about 75% of The Cedars wild buckwheat occurrences are on BLM property. It is unclear whether the statement refers to 75% of the six mapped polygons, 75% of the three zones, or 75% of the total number of plants. The statement presumably means that 75% of The Cedars buckwheat occurrences could be subject to mining claims since they are on BLM land where mining is permitted.
- The BLM property at The Cedars is landlocked (Raiche 2009), and BLM does not have access to The Cedars at this time (P. Bardwell, pers. comm., February 9, 2011). According to Liam Davis, Roger Raiche and BLM expect to close purchase of Raiche’s 500-acre parcel in The Cedars in late March 2011. BLM will take fee title of the Raiche land and will also have access on the road into The Cedars. With this purchase, BLM ownership of land that supports The Cedars buckwheat will increase beyond the 75% stated on page 2 of the Petition (L. Davis, pers. comm., February 14, 2011.) Motorized access to The Cedars is not allowed according to The Cedars Resource Management Plan (BLM 2006); therefore, development of the infrastructure required for mining is unlikely.
- The Layton (Laton) Mine site, private property west of the large BLM parcel, is a major biological focus of The Cedars area. Layton Mine is accessed by an unpaved private road that crosses many private parcels, passes through three steel pipe gates, and makes seven ford crossings of upper Austin Creek. The road to Layton Mine does not provide access to the BLM parcels at The Cedars. Serpentinite is an unstable material from an engineering perspective. BLM describes The Cedars as “... extremely steep and rugged, bisected by canyon lands.” (BLM 2006). (G. Cooley, pers. comm., February 14, 2011).
- BLM is aware of the ecological significance of The Cedars and designated The Cedars an Area of Critical Environmental Concern (ACEC) in 2006 in order to provide protection (BLM 2006, Raiche 2009). ACEC designation provides the strongest protection that BLM can provide on its lands (Raiche 2009).
- A project conducted by the Environmental Working Group (EWG) called “Who Owns the West,” has compiled information on pending and existing mining patents for California and elsewhere. (A patented claim is one for which the federal government has passed title to the claimant, making it private land. A person may mine and remove minerals from a mining claim without a patent; however, a mineral patent gives the owner title to the minerals and other resources.)

The EWG is a non-profit group that uses public information to focus on public and environmental threats. Based on information provided by the EWG there are no pending mining patents in Sonoma County. The most recent patents in Sonoma County were issued in 1972 for a total of 46 acres. A 1957 mining patent for 50 acres was the most recent prior

⁵ Gene Cooley is a Department employee in the Bay-Delta Region.

to 1972. The majority of patents were issued in the mid to late 1800s. According to the EWG website, Congress has imposed a moratorium on new mining patents since October 1, 1994 although the federal government continues to consider and grant applications that were pending as of that date. There are currently 8 patents pending for California, none in Sonoma County.

- The Cedars is not currently zoned as a mineral resource in the Sonoma County General Plan, but a General Plan amendment could be pursued by a mining interest in the future (Sonoma County 2008).

b. The Cedars buckwheat is not federally-listed.

The Petition states that The Cedars buckwheat is not listed under the federal Endangered Species Act (ESA) and is, therefore, afforded little protection on BLM land. The Petition also states that although CESA is not enforced on federal land, listing under CESA would bring this species to the attention of BLM and that BLM management activities might be implemented in such a way as to avoid impacts to areas occupied by the species. The Petition also states that the U.S. Fish and Wildlife Service is not preparing an ESA listing package at this time.

Department Evaluation

The Petition's statement that The Cedars buckwheat receives little protection on BLM land is inaccurate. BLM uses the term "Special Status Plants" to include: "1) Federal candidate species, 2) California State Endangered, Threatened, and Rare species, and 3) species on List 1B (plants rare and endangered in California and elsewhere) of the California Native Plant Society's Inventory of Rare and Endangered Plants of California (unless specifically excluded by the State Director on a case-by-case basis), and 4) certain other plants the State Director believes meet the definition of Sensitive." (BLM 2011c). BLM recognizes that many sensitive plant species occur on lands under its jurisdiction in California and that there are 45 Special Status Plant Species, including plants at The Cedars, within the Ukiah Field Office management area (BLM 2010a). The Cedars buckwheat, as a California Rare Plant Rank List 1B.3 plant, is automatically designated as a Special Status Plant Species in California under BLM policy and therefore receives the same level of protection as candidate species under the ESA (BLM 1996a, BLM 1996b).

State listing does have the potential to bring additional attention to BLM officials regarding the occurrence of The Cedars buckwheat on BLM land. Listing The Cedars buckwheat under CESA, however, would not affect BLM's management of this species because, as the Petition acknowledges, CESA is not enforceable on federal land. A CESA listing could increase protection of the portion (approximately 25%) of The Cedars buckwheat population found on private land. Nevertheless, relying only on State listing to protect The Cedars buckwheat on Federal land is unlikely to assure long-term protection of the species.

Specific references include:

- BLM Manual Supplement 6840.06. This manual outlines policy regarding special status

species. BLM states that “all plant species on [CNPS] List 1B...that are on BLM lands or affected by BLM actions and that do not fall into one of the other categories of this section are designated as sensitive species in California” (BLM 1996a).

- BLM Manual Handbook 6840-1 (BLM 1996b). The manual states that “Sensitive species are to be given the same level of protection as Federal candidate species. It is BLM policy to manage for the conservation of Special Status Plants and their associated habitats and to ensure that actions authorized, funded, or carried out do not contribute to the need to list any Sensitive species as Threatened or Endangered.”
- BLM Instruction Memorandum No. CA-2010-008 (BLM 2010b) is a revision to The BLM Special Species Management Manual 6840 (BLM 2001; revised 2008) and states that “Sensitive species are those species requiring special management consideration to promote their conservation and reduce the likelihood and need for future listing under the ESA. In addition to those species designated as sensitive by the State Director, all Federal candidate species and delisted species in the 5 years following delisting are to be conserved as Bureau sensitive species. Sensitive species are managed as special status species, along with Federally-listed and proposed species, which are automatically treated as special status species.”
- The BLM website for Special Status Plants (BLM 2011c) states that “Sensitive plants are those species that are not Federally-listed as Endangered or Threatened or Proposed for Federal listing, but which are designated by the BLM State Director for special management consideration. By national policy, Federal Candidate species are automatically treated as Sensitive. The California State Director has also conferred sensitive status on California State Endangered, Threatened, and Rare species, on species designated as List 1B (unless specifically excluded by the State Director on a case-by-case basis), and on certain other plants the State Director believes meet the definition of Sensitive.”
- BLM recognizes that many sensitive plant species occur in the area of The Cedars. “Forty-five special-status plant species are found within Ukiah Field Office lands, including several plant species at The Cedars, and are listed in Table 3.6” (BLM 2006).
- Additional information regarding Special Status Plant Species is found in the final Ukiah Field Office Resource Management Plan (BLM 2006).

c. Grading.

The Petition states that 25% of The Cedars buckwheat occurrences are on private property. Of the four property owners, one landowner conducted grading during 2010.

Department Evaluation

The Petition lacks any information regarding the location and extent (acreage) of grading, and does

not present any information to indicate whether grading affected or was in proximity to habitat occupied by The Cedars buckwheat.

The habitat of The Cedars buckwheat is steep serpentine talus slopes, an unstable and challenging landform, that would be expensive to grade and would require regular maintenance. Grading a few years ago of a narrow ridge top on private property to make a trail was done without a grading permit, and State-listing would not have prevented it (G. Cooley, pers. comm., February 14, 2011).

Based on the information provided in the Petition, there is no evidence of immediate threat to The Cedars buckwheat due to grading. However, Roger Raiche informed Liam Davis in 2010 that a neighbor had graded another entrance road on their property “near one of the buckwheat locations” (L. Davis, pers. comm., February 16, 2011). An accurate analysis of the grading threat would require Assessor’s Parcel Numbers to track grading permits issued by Sonoma County. Grading violations are currently enforced by County code enforcement staff.

d. Damage by feral pigs.

The Petition states that feral pigs have become more abundant at The Cedars over the past 10 years, have become residents in canyons, and have caused serious ecological damage.

Department Evaluation

The Petition lacks information as to whether or not pig rooting occurred around buckwheat plants and, if so, if there were any adverse effects to the plants. The Petition also does not indicate whether or not wild pigs consistently use buckwheat habitat.

The steep, open, barren talus slope habitat of The Cedars buckwheat is a very low productivity habitat type that supports few mammals and should provide very little food and attraction for wild pigs (G. Cooley, pers. comm., February 14, 2011). Although wild pigs can inhabit steep slopes in many habitats, The Cedars buckwheat habitat lacks primary habitat constituents for feral pigs: a water source and cover (DFG 2001). Liam Davis and Roger Raiche did observe one instance of pig rooting a few feet away from some buckwheat plants during seed collection in 2010. The plants were undamaged (L. Davis, pers. comm., February 22, 2011).

Problems associated with feral pigs, for example, depletion of acorns and impacts to riparian areas, are not new and are a county-wide issue that is not limited to The Cedars area. Much more specific information is needed to evaluate the potential threat of pigs to The Cedars buckwheat and the habitats and other species at The Cedars.

e. History of illegal marijuana growing and harvesting.

The Petition states that there is a previous history of growing and harvesting marijuana in the area.

Department Evaluation

The Petition lacks information regarding where marijuana was grown, if it was grown in proximity to The Cedars, and if growing marijuana had an effect on The Cedars buckwheat. Serpentine habitat in The Cedars is arid and exposed. It is not habitat to which marijuana is adapted due to its chemical nature and drought conditions. With limited access and sources of water for irrigation, open exposed, serpentine areas in The Cedars are not the type of area typically used by marijuana growers. According to Cooley, marijuana cultivation that occurred at The Cedars was very limited in extent and occurred decades ago (G. Cooley, pers. comm., February 20, 2011). The location was in the main canyon area, in a steep, open bedrock area without talus, and appeared to be a very small operation, probably only a few plants. Cooley saw an old black flexible PVC irrigation tube running down a cliff. Apparently, water was gravity fed through this tube from a small tributary watercourse above. The tube led to an area of bedrock above a creek. There was no soil or vegetation in this area. Cooley believes that the plants were grown in pots or tubs. Large scale marijuana growing has been and continues to be illegal in Sonoma County. Listing The Cedars buckwheat is unlikely to bring the plant any greater protection from possible future illegal marijuana growing or harvesting.

f. Wind turbine or solar panel projects.

The Petition states that wind turbine or solar projects have been implemented on BLM lands in California and that others are proposed. The Petition refers to two links for additional information.

www.blm.gov/ca/st/en/prog/energy/wind

www.blm.gov/ca/st/en/prog/energy/solar

Department Evaluation

The Petition lacks any specific information regarding the actual or potential threat to The Cedars buckwheat from implementation of wind turbine and solar projects on BLM lands in Sonoma County. The Petition also lacks any information explaining how such projects would adversely affect The Cedars buckwheat.

Wind turbine or solar projects have been implemented on BLM lands in California. The two webpage links provided in the Petition show that BLM has been, and is supportive, of both types of projects on BLM land in California. Proposals for and implementation of these types of renewable energy projects are increasing in number in California on BLM land.

BLM land in Sonoma County is under the jurisdiction of the BLM Ukiah Field Office. A review of the BLM links in the Petition shows that there are no pending or authorized wind energy projects in Sonoma County. The Cedars is well outside Identified Areas of Wind Power Potential (BLM 2006). Similarly, there are no pending or authorized solar projects in Sonoma County according to the BLM Geocommunicator website, which provides information on mining, and wind and solar projects. As of February 4, 2011, no active, closed, or pending mining claims, plans or notices, or proposed wind energy or solar projects are located in proximity to The Cedars (BLM 2011a).

Development of wind or solar energy projects at The Cedars would encounter obstacles similar to those for mining. The BLM property at The Cedars is currently landlocked (Raiche 2009) and BLM does not have access to its property at The Cedars (Bardwell 2011). According to Liam Davis, Roger Raiche and BLM expect to close purchase of Raiche's 500-acre parcel in The Cedars in late March 2011. BLM will take fee title of the Raiche land and will also have access on the road into The Cedars. With this purchase, BLM ownership of land that supports The Cedars buckwheat will increase beyond the 75% stated on page 2 of the Petition (L. Davis, pers. comm., February 14, 2011). Once title is transferred to BLM, BLM will have access to The Cedars and will also have the ability to grant access to other parties (Liam Davis, pers. Comm., 16 March 2011). Motorized access to The Cedars is not allowed according to The Cedars Resource Management Plan (BLM 2006); therefore, development of the infrastructure required for wind turbine or solar projects is unlikely.

BLM is aware of the ecological significance of The Cedars and designated The Cedars ACEC in 2006 in order to provide protection (BLM 2006, Raiche 2009). ACEC designation provides the strongest protection that BLM can provide on its lands (Raiche 2009).

According to the U.S. Department of Energy (DOE) and Bureau of Land Management Draft Programmatic Environmental Impact Statement (PEIS) for Solar Energy Development in Six Southwestern States BLM, all lands within jurisdiction of the Ukiah Field Office are proposed for exclusion from solar development at this time (DOE and BLM 2010a and 2010b).

Section 4.12 of the Sonoma County General Plan 2020 Draft EIR addresses energy sources in Sonoma County. The county has adopted an ordinance to permit small wind energy systems (Sonoma County 2008). No large-scale facilities are planned in the immediate future although the General Plan could be amended to permit large-scale wind energy projects in the future.

(8) Impact of Existing Management Efforts.

The Petition states that BLM is not managing The Cedars buckwheat and that listing under CESA would inform BLM that California has intent to conserve the species. The Petition refers to a nationwide BLM policy that classifies plants listed under CESA as "Special Status Plants." According to the Petition, this species is not designated as a "Special Status Plant" by BLM because it is not listed under CESA, and therefore it receives no special management consideration.

Department Evaluation

The Petition states that "BLM uses the term "Special Status Plants" to include only State-listed Species in its management operations, and cites BLM Manual 6840 (BLM 2001, revised 2010), California BLM Manual Supplement 6840.06 (BLM 1996a), and manual Handbook H-6840-1 (1996b).⁶ This assertion is not supported by the references cited in the Petition or other BLM

⁶ Although the Petition cites these three BLM sources, the Petition failed to list them in Petition Section 10, "Availability and Sources of Information."

documents listed in part (7) b, above. As a California Rare Plant Rank List 1B.3 species, The Cedars buckwheat is automatically designated as a BLM Special Status Plant Species in California and has the same level of protection as federal ESA candidate species (BLM 2011c). Raiche 2009 refers to a Draft Conservation Plan prepared by the Sonoma Land Trust; however, neither the Petition nor Raiche 2009 discusses this plan or its stage in development.

A project related to The Cedars is catalogued in the Natural Resource Projects Inventory (NRPI) database, a comprehensive statewide database of natural resource projects on the Internet (NRPI 2011). <http://www.ice.ucdavis.edu/nrpi/project.asp?ProjectPK=11116>
http://www.ice.ucdavis.edu/nrpi_docs/pdf/nrpi-11188.pdf

Under this project, the California Coastal Conservancy has provided funds to The Sonoma Land Trust to develop the Cedars conservation plan including research, planning and landowner outreach in "the Cedars", and negotiate the possible acquisition of the 520-acre "Raiche-McCrory Property." This property has been identified by the Sonoma Land Trust as a keystone parcel of particular importance due to its location adjacent to The Cedars ACEC. The Raiche-McCrory parcel will become a core location for the conservation and scientific study of the serpentine rock and related ecosystem. The Sonoma Land Trust developed the [Draft] Cedars Conservation Plan in March 2007. This plan has not been completed and the NPRI database does not have any information about the current status of this project. The Petition did not discuss the project and the Department has no additional information regarding the status of the conservation plan other than it has not been completed.

According to Liam Davis, Roger Raiche and BLM expect to close purchase of Raiche's 500-acre parcel in The Cedars in late March 2011. BLM will take fee title of the Raiche land and will also have access on the road into The Cedars. With this purchase, BLM ownership of land that supports The Cedars buckwheat will increase beyond the 75% stated on page 2 of the Petition (L. Davis, pers. comm., February 14, 2011). Once title is transferred to BLM, BLM will have access to The Cedars and will also have the ability to grant access to other parties (Liam Davis, pers. comm., 16 March 2011).

BLM is aware of the ecological significance of The Cedars and designated The Cedars ACEC in 2006 in order to provide protection (BLM 2006, Raiche 2009). ACEC designation provides the strongest protection that BLM can provide on its lands (Raiche 2009). Management of ACECs is focused on the resource values for which the ACEC is designated, specifically where "management attention is required to protect and prevent irreparable damage to important...natural systems or processes." (BLM 1983). A "natural system or process" includes "endangered, sensitive, or threatened plant species; rare, endemic, or relic plants or plant communities ...; or rare geological features." (BLM 1983).

(9) Suggestions for Future Management

The Petition presents several suggestions for future management of The Cedars buckwheat.

- a. BLM would identify this species as a “Special Status Plant” if it were listed under CESA.

The Petition states that The Cedars buckwheat is not listed under the ESA and is, therefore, afforded little protection on BLM land. The Petition also states that although CESA is not enforced on federal land, listing under CESA would bring this species to the attention of BLM and that BLM management activities might be implemented in such a way as to avoid impacts to areas occupied by the species.

Department Evaluation

The Petition’s statement that The Cedars buckwheat receives little protection on BLM land is inaccurate. As discussed in Parts (7) b and (8) above, The Cedars buckwheat is a California Rank Plant List 1B.3 plant and is considered to be a sensitive species and Special Status Plant Species in California under BLM policy (BLM 1996a and BLM 1996b). It is afforded the same level of protection as a federally-listed Threatened or Endangered species (BLM 2011b). State listing under CESA is not necessary for The Cedars buckwheat to be considered a BLM Special Status Plant, and a State listing would not change how BLM manages for this species. Any proposed project that could affect The Cedars buckwheat would go through National Environmental Policy Act (NEPA) review and coordination with the Department. (P. Bardwell, pers. comm. February 23, 2011). According to the Ukiah Field Office Resource Management Plan motorized access use is not allowed in The Cedars ACEC. This prohibition should afford additional protection to The Cedars buckwheat (BLM 2006).

- b. Advocate genetic studies.

The Petition states that seeds of The Cedars buckwheat have been placed into long-term conservation seed storage at Rancho Santa Ana Botanic Garden.

Department Evaluation

Seeds have been placed into the Seed Conservation Program at Rancho Santa Ana Botanic Garden with accession fees provided by a federal grant administered by the Department. The type description of *Eriogonum cedrorum* describes its position within a subgenus of *Eriogonum* (*Oligogonum* Nutt.) and its relationship to two closely-related taxa, *E. nervulosum*, a serpentine endemic of nearby Colusa, Glenn, and Lake counties, California, and *E. ternatum* of the Klamath Mountains (Raiche and Reveal 2009). Although not contingent upon listing, phylogenetic analysis could provide valuable insight regarding the overall placement of The Cedars buckwheat in *Eriogonum*. Genetic studies could also be useful in future propagation of The Cedars buckwheat if such action were desired. Genetic studies could be conducted on The Cedars buckwheat if access and funding were available. The seed resource may also prove to be important in the long term management of the wild buckwheat.

- c. Initiate autecological studies.

The Petition states that autecological studies would provide better understanding of the life history, survival, and reproduction of The Cedars buckwheat.

Department Evaluation

Outside of Raiche 2009 and Raiche and Reveal 2009, little else is known about the autecology of The Cedars buckwheat. Autecological studies would provide a better understanding of the life history, survival, and reproduction of The Cedars buckwheat, and may provide information that could assist in successful long-term management of the species. Autecological studies are not contingent on listing although they could be conducted on The Cedars buckwheat if access and funding were available.

- d. Conduct surveys for more plant populations.

The Petition states that surveys should be conducted to locate more plant locations.

Department Evaluation

Many botanists have explored The Cedars since the 1920s. The Cedars buckwheat was first collected in 1947, although it was not recognized as a new species at that time. Roger Raiche, one of the botanists who described the species as new to science, first visited The Cedars in 1981 (Raiche 2009), and collected The Cedars buckwheat in 1984 and 1985 (Reveal and Raiche 2009). Surveys by Raiche over the last 30 years have not resulted in the discovery of additional populations of The Cedars buckwheat (Raiche 2009).

Focused surveys in areas of suitable habitat (open, exposed, steep, serpentine talus slopes) have the potential of locating additional populations of The Cedars buckwheat and adding to current distribution information. Surveys in nearby serpentine barrens outside of The Cedars may also result in the discovery of new populations. During the bloom period, the bare talus slopes can easily be scanned, sometimes with binoculars, for the buckwheat's showy colorful inflorescence during the bloom period.

- e. A Cedars wild buckwheat CESA listing should bring attention to putting this rare geological feature and its associated rare plant community into some land conservation effort.

The Petition states that listing the buckwheat under CESA should bring attention to putting The Cedars into some land conservation effort. The Petition states that the Department has an interest in protecting The Cedars either through fee title or a conservation easement.

The Petition also states that The Cedars is the headwaters of Austin Creek, a tributary to the lower Russian River, and that the lower reaches of Austin Creek provide habitat for the California freshwater shrimp (SE/FE) and spawning habitat for steelhead (FT).

Department Evaluation

The Petition does not explain how listing The Cedars buckwheat would increase attention to putting The Cedars into some land conservation effort. Nor does the Petition explain what is meant by a land conservation effort. The Cedars is already recognized as a unique geological and

biological area. It is a large, remote, rugged area with few nearby roads (G. Cooley, pers. comm., February 14, 2011). The Cedars was the focus of Raiche 2009, which states: "Even life-long residents of the county find it hard to believe it exists. Indeed it is hard to see from any public road unless you know precisely when and where to look." From a geologic perspective, The Cedars consists of massive outcrops of serpentine and has been the subject of a number of geologic investigations, including those by the U.S. Geological Survey. The Cedars supports several rare, endemic plant species, significantly disjunct populations of plant species, and is excellent example of several serpentine habitat types (Raiche 2009, Reveal and Raiche 2009). BLM recognized the significance of The Cedars and designated it an ACEC (BLM 2006).

Listing The Cedars buckwheat would not bring additional focus to the geological features of The Cedars or to the suite of plants endemic to the area. Although a State listing could call attention to BLM that The Cedars buckwheat is considered an Endangered or Threatened species under CESA, this species is already considered to be a BLM Special Status Plant, and a State listing would not change how BLM manages The Cedars buckwheat (P. Bardwell, pers. comm., February 23, 2011).

The Petition states that the Department has an interest in protecting The Cedars. One facet of the Department's mission as a Trustee Agency is to conserve special status species and the habitats on which they depend. One tool the Department can use is to work with willing landowners to acquire fee title of or conservation easements over their properties. There are no pending Department proposals in relation to The Cedars at this time. Department biologists have expressed interest in protecting The Cedars since at least 1987 (Bittman 1987), long before The Cedars buckwheat was recognized in 2009.

The Petition does not discuss why listing The Cedars buckwheat would be significant to the resources of Austin Creek. Listing The Cedars buckwheat could help in the protection of headwater streams by preventing activities incompatible with CESA from occurring in those areas of habitat within The Cedars.

f. Coordinate wild pig removal.

The Petition states that BLM and the Department should coordinate activities to assess and implement depredation at The Cedars.

Department Evaluation

As an overall resource management goal, successful management of wild pigs could provide a benefit to sensitive species at The Cedars or in proximity to it. Listing The Cedars buckwheat would not have an effect on coordination between the Department and BLM. Coordination between The Department and BLM is referenced specifically in the Ukiah Field Office Resource Management Plan if a project could impact a listed species or a species such as The Cedars buckwheat which is treated as a listed species according to BLM policy (BLM 2006, BLM 2011b)

g. Wind turbine and solar project coordination.

The Petition states that with CESA listing, the Department could coordinate with BLM on wind or solar projects to avoid or minimize impacts to The Cedars buckwheat. The Petition states that, if listed, the species would be considered a BLM “Special Status Plant.” The Petition states that this term is provided only to State-listed species. The Petition refers to BLM Manual 6840 which outlines nationwide BLM policy on the management of special status species with specific reference to California plants in the California BLM Manual Supplement 6840.06 and manual Handbook H-6840-1.

Department Evaluation

BLM and the Department currently coordinate on the siting of wind or solar projects in California, such as projects in the California desert. Moreover, the Department routinely reviews projects whether or not listed species are present. BLM would coordinate with the Department if a project could impact a Threatened or Endangered species or a species treated as such, for example The Cedars buckwheat (BLM 2006). As discussed above, State listing under CESA is not necessary for The Cedars buckwheat to be considered a BLM Special-status plant. In addition to Department review of the siting of wind or solar projects, Sonoma County and the California Energy Commission may also be participants in the evaluation of potential projects at The Cedars.

(10) Availability and Sources of Information.

The Petition cites two references, presented as Appendix A and Appendix B to the Petition.

Department Evaluation

The two attached 2009 articles, comprising a portion of the Petition, serve as the most comprehensive published information to date of what is known of The Cedars buckwheat and its habitat. These articles are from well-published researchers who have a great deal of knowledge about The Cedars buckwheat, related plants, and The Cedars area in general.

In the text of the Petition, Roger Raiche and Liam Davis are cited as sources of information, but no dates or other details are provided in Section 10 “Availability and Sources of Information.”

(11) A Detailed Distribution Map

The Petition refers to Appendix A for a detailed distribution map.

Department Evaluation

The Petition provides a photocopy of a map in Reveal and Raiche 2009. The map is reproduced in black and white, has poor scale, does not show the BLM property lines, and map details are difficult to see. The small location map of The Cedars in California cannot be read. The map does not provide geographic names for all features shown on the map. The Petition states that approximately 75% of

The Cedars buckwheat occurrences are on BLM lands although the map does not delineate The Cedars, BLM land, or private property. Since the Petition focuses on activities, such as marijuana growing and grading, that occur on or in proximity to The Cedars, the map should provide a level of detail adequate for the Department to identify pertinent features and evaluate potential impacts identified in the Petition.

References included with the Petition

1. Raiche, R. 2009. The Cedars: Sonoma County's Hidden Jewel. *Fremontia* Vol 37-2: 3-15. (In APPENDIX B)
2. Reveal, J.J. and R. Raiche. 2009. *Eriogonum cedrorum* (Polygonaceae: Erigonoideae), a new species from northern California. *J. Bot. Res. Inst. Texas* 3(2): 479-483. (In APPENDIX A)

Literature Cited in the Evaluation

- Bardwell, P. Pers. comm. Email communication with Gene Cooley re: access to The Cedars. February 9, 2011.
- Bardwell, P. Pers. comm. Email communication with Gene Cooley re: BLM management of Special Status Plant Species. February 23, 2011.
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- Bittman, R. 1987. 1 Jun 1987 memo to Region 3 Wildlife Management Supervisor Chuck Graves regarding a 20 May 1987 field trip to The Cedars led by Roger Raiche and attended by CNDDDB staff.
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http://www.blm.gov/ca/pdfs/ukiah_pdfs/rmp-eis/UKFO_RMP_FINAL.pdf
- Supersedes: Bureau of Land Management. 2006. Ukiah Field Office Proposed Resource Management Plan and Final Environmental Impact Statement. Volumes 1 and 2.
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http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2009.Par.13736.File.dat/IM2009-039_att1.pdf
- Bureau of Land Management. 2010a. BLM Special Status Plants under the jurisdiction of the Ukiah Field Office as of December 13, 2010. <http://www.blm.gov/ca/st/en/prog/ssp.html>
- Bureau of Land Management. 2010b. Instruction Memorandum No. CA-2010-008. Designation of Sensitive Species. <http://www.blm.gov/ca/dir/pdfs/2010/im/CAIM2010-008.pdf>
- Bureau of Land Management. 2011a. Geocommunicator website.
NOTE: As of February 24, 2011, BLM removed all land and mineral information in the map viewers coming from LR2000 including oil and gas leases and agreements, coal leases, oil shale leases, renewable energy, rights-of-way, unpatented mining claims, land patents, withdrawal, land disposals, exchanges, etc. as well as the federal surface management agency data (BLM lands, USFS lands, non-federal lands, state lands, other agency lands). Non-BLM data was also removed from the map viewers. <http://www.geocommunicator.gov/GeoComm/>
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http://www.blm.gov/mt/st/en/prog/mining/claim_info.html
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- CNDDDB 2011. California Natural Diversity Database, Biogeographic Data Branch, California Department of Fish and Game. *Eriogonum cedrorum* occurrence information.
<http://www.dfg.ca.gov/biogeodata/cnddb/rarefind.asp>
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- Cooley, G. Pers. comm. Email communication with Cheryl Burton re: Observations of illegal marijuana cultivation. February 20, 2011.

- Davis, L. Pers. comm. Discussion with Roger Raiche re: number of individual buckwheat plants at The Cedars. 2010.
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- Davis, L. Pers. comm. Discussion with Roger Raiche re: sale of property and access to The Cedars. March 16, 2011.
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- Raiche, R. 2011. Blog with information on and images of The Cedars buckwheat
<http://planethorticulture.blogspot.com/2009/08/origin-of-species-story-of-new-species.html>
- Sonoma County General Plan 2020. 2008. Energy, Section 4.
<http://www.sonoma-county.org/prmd/docs/eir/gp2020deir/sec4-12.pdf>

The two references cited in the Petition are available online:

Reveal and Raiche 2009 at

http://www.brit.org/fileadmin/Publications/JBotResInstTexas_3_2/479-483_RevealRaiche_Erigonum_JBRIT3_2_02.pdf

Raiche 2009 at:

http://www.cnps.org/cnps/publications/fremontia/Fremontia_Vol37-No2.pdf

APPENDIX A

LETTERS SUBMITTED TO THE DEPARTMENT DURING ITS EVALUATION OF THE PETITION TO LIST THE CEDARS BUCKWHEAT AS AN ENDANGERED SPECIES

CESA requires the Department's evaluation report to include copies of, or a list of, all information submitted to the Department relating to the petitioned species during the Department's evaluation period. Attached are all correspondence and information received by the Department relating to the petitioned species during the evaluation period.



January 31, 2011

SENT VIA FIRST CLASS MAIL AND EMAIL

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Re: Petition to List The Cedars Wild Buckwheat

Department of Fish and Game and Fish and Game Commission:

The Center for Biological Diversity has consulted with the Milo Baker Chapter of the California Native Plant Society and reviewed their petition submitted in December 2010 to list The Cedars wild buckwheat (*Eriogonum cedrorum*) as endangered under the California Endangered Species Act (“CESA”).

The Center supports endangered status for The Cedars buckwheat, and based on the information in the listing petition, urges the Fish and Game Commission to promptly advance the species to Candidate status.

The Cedars buckwheat is an extremely rare endemic species that occurs in only three populations within less than 500 acres of open-rock and talus serpentine barrens habitat in The Cedars in Sonoma County. The Cedars itself is a unique geological feature and a hotspot of biodiversity, with at least eight known species of endemic plants, and potential additional unique species as yet undescribed by science.

The Cedars buckwheat and other rare endemic species that occur only in The Cedars are threatened by the potential for mining and industrial energy development on Bureau of Land Management land, grading on private land, and habitat damage by invasive species. The Cedars buckwheat clearly meets the criteria for endangered status and there are currently no mechanisms in place to protect the species or its extremely restricted habitat from alteration or elimination.

Moreover, at this point in the CESA listing process, the only question at issue is whether listing “may be warranted.” Cal. Fish and Game Code § 2072.3. As explained in *Center For Biological*

Diversity v. California Fish And Game Commission (“CTS Decision”), the “may be warranted” standard under CESA is a low threshold that uses an objective, reasonable person. 166 Cal. App. 4th 597, 609 (Cal. App. 3d Dist. 2008). A petition may only be rejected when there is an “absence of *any* substantial possibility that the species could be listed A counter showing or argument that raises only a conflicting inference about a portion of the showing in favor of the petition, unless that counter inference is very strong, will not, for an objective, reasonable person, diminish the possibility that listing could occur to an ‘insubstantial’ level.” *Id.* at 611, 612 (emphasis added).

The principles set forth in the CTS Decision are supported by many federal court decisions regarding the federal Endangered Species Act (“FESA”). “CESA was in large part modeled upon FESA; thus, federal decisional law must be given great weight.” *San Bernardino Valley Audubon Soc’y v. City of Moreno Valley*, 44 Cal. App. 4th 593, 603 (Cal. App. 5th Dist. 1996). Federal courts, in interpreting FESA, have consistently found that the “may be warranted” standard is a low threshold and does *not* require a listing petition to provide conclusive evidence for endangered or threatened status. For instance, in *Center for Biological Diversity v. Kempthorne*, 2008 U.S. Dist. LEXIS 17517 (D. Ariz. 2008), the court declared that “the application of an evidentiary standard requiring conclusive data in the context of a 90-day review is arbitrary and capricious.” Put another way, “the standard for evaluating whether substantial information has been presented by an ‘interested person’ is not overly-burdensome, does not require conclusive information, and uses the ‘reasonable person’ to determine whether the substantial information has been presented to indicate that the action may be warranted.” *Moden v. United States Fish & Wildlife Serv.*, 281 F. Supp. 2d 1193, 1204 (D. Or. 2003); *see also Center for Biological Diversity v. Morgenweck*, 351 F. Supp. 2d 1137, 1141 (D. Colo. 2004) (“[I]t is clear that [a 90-day finding] does not contemplate that a petition must contain conclusive evidence of a high probability of species extinction Instead, it sets forth a lesser standard by which a petitioner must simply show that the substantial information in the Petition demonstrates that listing of the species may be warranted.”)

The federal courts have also, like the Court in the CTS Decision, explicitly stated that contradictory evidence does not mean a petition can be rejected. In *Center for Biological Diversity v. Kempthorne*, the Court noted that:

where there is reasonable disagreement among scientists, the ‘may be warranted’ standard is satisfied, and the [agency] should publish a positive 90-day finding and proceed with a status review, at which time the [agency] may employ the more-searching ‘is warranted’ standard. The specific question at the 90-day stage is not whether there is conclusive evidence to establish that the petitioned action is warranted, but merely whether there is enough information to lead a reasonable scientist to believe that the petitioned action may be warranted.

2008 U.S. Dist. LEXIS 17517 at *34-35; *see also Center for Biological Diversity v. Kempthorne*, 2007 U.S. Dist. LEXIS 4816, *11-12 (N.D. Cal. 2007) (“A reasonable person could find that an action ‘may be warranted’ even in the face of evidence cutting multiple ways. Here, the Service reached its ultimate conclusion because much of the evidence was not conclusive. This was arbitrary and capricious.”).

Given that the Cedars buckwheat petition presents a strong argument in favor of listing, there should be no doubt that it meets the “may be warranted” standard under CESA. Consequently, the Department should recommend that the petition be accepted and a status review conducted.

Sincerely,

A handwritten signature in black ink that reads "Justin Augustine". The signature is written in a cursive style with a large initial 'J' and 'A'.

Justin Augustine

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March 2, 2011

Via Electronic Mail

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California Fish and Game Commission
Post Office Box 944209
Sacramento, CA 94244-2090

RE: Cedars Wild Buckwheat Listing

Dear Staff and Commissioners:

I write to support the listing of the Cedars Wild Buckwheat as a candidate species in need of protection from extinction. The fact that the Cedars and the Cedars Wild Buckwheat have been identified prior to their extirpation gives the state an opportunity to preserve this piece of California's important biodiversity. Please make every effort to ensure proper protection by listing this extremely rare plant.

The Cedars Wild Buckwheat occurs in only three populations within less than 500 acres of habitat in the Cedars of Sonoma County. The wild buckwheat is threatened by development on Bureau of Land Management land as well as by private development. The Cedars Wild Buckwheat must receive endangered status and the highest level of habitat protection as soon as possible.

The extremely rare nature of the Cedars Wild Buckwheat and its susceptibility to damage from development makes the listing warranted on its face.

I urge the Department and the Commission to recommend that the petition to list the Cedars Wild Buckwheat be accepted and a status review commenced.

Sincerely,

Kimberly Burr

KIMBERLY BURR
Attorney at Law