



UPCOMING PROGRAMS

of the Los Angeles/Santa Monica Mountains Chapter

January 9, 2007 – 7:30 - 9:30pm
First United Methodist Church
Santa Monica

February 13, 2006 – 7:30 - 9:30pm
Sepulveda Garden Center
Encino

California and the Global Significance of Mediterranean Climate Ecosystems

Speaker: Dr. Philip Rundel, UCLA

California represents one of only five small regions of the world that possess a Mediterranean climate. All five are included in a select group of 25 regions around the world designated as key biodiversity hot spots. Dr. Rundel will discuss the remarkable and globally significant degree of biodiversity in these Mediterranean climate areas. (Philip Rundel is co-author of *Introduction to the Plant Life of Southern California*, copies of which may be purchased at the program.)

Wildfire Influences on Vegetation in the Santa Monica Mountains

Speaker: Dr. Robert Taylor,
National Park Service

Dr. Taylor will review the fire history of the Santa Monica Mountains and discuss how an altered fire regime, plant life histories, and plant physiological properties interact to affect vegetation patterns in the landscape. The Santa Monica Mountains are dominated by shrubland vegetation types which are especially prone to burning in severe wildfires. Fires burn the most land in the fall, when hot, dry Santa Ana winds fan flames through dry vegetation to produce large, intense, fast-moving wildfires.

Programs are free to the public. Refreshments will be served. For directions, see Calendar of Events on page 3.

President's Message

Welcome to the New Year. May 2007 bring you peace, health, and happiness. Our Chapter will be scheduling a variety of interesting programs and outings in 2007. In January we will schedule a hike to Solstice Canyon instead of our usual "Bluffs Ramble to the Sea". The January hike will begin at 9:30 a.m. (to make parking easier at Solstice). See the Calendar of Events (page 3) for details. In February we will return to the Malibu Bluffs hike (at 10 am) and plan to continue this alternating schedule through 2007.

We are scheduling the Solstice Canyon hikes in order to highlight the ongoing work at this site by our Chapter's weed warriors who plan the weed attacks with National Park Service (NPS) restoration ecologist, Christy Brigham. Last year's accomplishments included the removal and control of English Ivy (that had climbed the alders and sycamores threatening to kill them), *Vinca major*, umbrella sedge, dallis grass, and the ubiquitous *Euphorbia terracina*. This team of dedicated volunteers headed by Jo Kitz along with Henry Carleton, David Hollombe, John Kuiper, Sid Mendel, and Mike O'Brien, myself and many others, continues to make significant progress in eliminating non-native, invasive plants from wild spaces in the Santa Monica Mountains. Many of the monthly (2nd Sunday of each month) weed wars for 2006 were scheduled at various places along the Solstice Canyon Trail. I hope you all will join us in appreciating the beauty of this remarkable canyon with its lovely stream and waterfall and fascinating cultural resources.

Historically, the CNPS weed warriors spent many hours in the 1980s after Solstice was acquired by the Santa Monica Mountains Conservancy removing forests of milk thistle. A few years later, the efficacy of weed control was proven after a fire swept through Solstice Canyon. As NPS staff lamented the occurrence of milk thistle and other weeds, CNPS had the historic overview. Native plants were in the ascendancy and areas that were milk thistle forests a few years earlier, were replete with native shrubs, trees and forbs. We urge you to take part in the weed wars and other restoration activities sponsored by the Chapter and its affiliated organizations. Together we can make a difference. Our Chapter thanks the weed warriors for all their hard work.

– Snowdy Dodson

Evolutionary Change in Human-altered Environments: An International Summit to Translate Science into Policy

Thursday, February 8 - Saturday, February 10, 2007
University of California, Los Angeles
Sponsored by the Institute of the Environment

Human activities are affecting the evolutionary processes that generate and maintain biodiversity. Climate change and deforestation are facilitating the evolutionary jump of animal diseases to humans. Fish farming has resulted in the spread of poorly adaptive genes to the wild. Introductions of exotic species are impacting native species and limiting their ability to adapt. In response to this developing crisis, we are convening an international summit of evolutionary biologists, conservation practitioners, and policy makers to synthesize current knowledge and to begin to develop plans to mitigate the effects. The summit will feature talks from more than 40 top evolutionary biologists, poster presentations, and working groups. *A central goal of the summit is to bring the discussion beyond academic boundaries to frame real-world solutions to these problems.* Organized by Thomas Smith and Louis Bernatchez.

For more information, to register, or to submit an abstract for a poster, please visit our web site at www.ioe.ucla.edu/ctr/ioesymposium.html

Introduction to the California Environmental Quality Act (CEQA)

January 30 - 31, 2007, 9:00 A.M. to 4:00 P.M. (2 Days)
Courtyard Marriott - Old Pasadena
180 North Fair Oaks Ave, Pasadena, CA 91103

Instructor: Richard Grassetti, Principal, GECO
Presented by The Northwest Environmental Training Center

This workshop provides an applied overview of the California Environmental Quality Act with an emphasis on the process and technical requirements for environmental impact assessment. Starting with a brief background of environmental impact assessment in the U.S. and a review of CEQA's regulatory context, the course will discuss the various approaches used in scoping and preparing environmental impact assessments under CEQA. The documents required under CEQA will be examined and the roles of key players explored.

Emphasis will also be placed on determining the adequacy of CEQA documents in terms of environmental settings, impact assessment, mitigation development, significance thresholds, and data sources. The documents and process for projects regulated by the National Environmental Policy Act (NEPA) will also be briefly explained and discussed.

Course topics: www.nwetc.org/capol-301_01-07_pasadena.htm

Prerequisites: Some experience working with CEQA documents or public process will be helpful, but is not required. Registration: \$355 (\$295 for Native American Tribes; nonprofits; government employees; and students). Environmental Training Center at (206)762-1976.

State Of Urban and Community Forestry

The newest report on the "State of Urban and Community Forestry in California: Status in 2003 and Trends since 1988" is now available for downloading from the UFEI Website www.ufe.org/files/ufeipubs/SUF03.pdf

Wildlife and Invasive Plants: Finding Common Ground to Protect Ecological Diversity

January 30-31, 2007, Portola Plaza Hotel, Monterey, CA
This 1-1/2 day joint symposium between Cal-IPC and The Wildlife Society addresses research and management issues related to invasive plants and wildlife features research and management updates, a poster session, and a panel discussion.

The program is posted at www.cal-ipc.org. Register at www.tws-west.org. Be sure to use the section for the pre-conference symposium.

Brooklyn Botanic Garden Publication on Native Alternatives to Invasive Plants (09/01/06)

With the landmark release of *Native Alternatives to Invasive Plants*, Brooklyn Botanic Garden presents the first-ever double issue in the acclaimed All Region Guide series. In 1996, BBG published the groundbreaking handbook, *Invasive Plants: Weeds of the Global Garden*. The first comprehensive publication to identify North America's worst invasive plants and for years readers have asked for a companion volume featuring ecologically safe alternatives. For the complete news release and further information about the book visit: www.bbg.org/abo/pressroom/gardenpubs/2006/2006native.html

Landscape Design Certification Offered at Cal State Northridge - Spring 2007

Earn your landscape design certificate at The Tseng College of Extended Learning.

Classes run from February through May, including:

- Introduction to Landscape Design
- Plant Material Identification
- Landscape Design Principles (Presentation Techniques and Planting Design)
- Irrigation Methods and Techniques
- Landscape Construction Materials and Implementation

This program is for you if you are interested in entering the landscape design profession, currently working in the field and seeking career advancement with contractors or full-service nurseries, or are attracted to designing and developing gardens for personal enjoyment.

For more information visit <http://tsengcollege.csun.edu> or call (818) 677-CSUN.

Stunt Ranch Annual Report (2004-2005) Now Available

The Stunt Ranch Santa Monica Mountains Reserve officially joined the UC National Reserve System in November 1995, becoming the system's 32nd site and the only one administered by the Los Angeles campus.

This 67-acre site is located four miles inland on the north central flank of the Santa Monica Mountains, southernmost of California's Transverse Ranges.

Click <http://nrs.ucop.edu/reserves/stunt.html> to download a PDF file of this latest report.

PROGRAMS

TUES 1/9 7:30-9:30pm
First United Methodist Church, Santa Monica

California and the Global Significance of Mediterranean-Climate Ecosystems

Speaker: Dr. Philip Rundel, UCLA

Directions: The First United Methodist Church, 1008 11th Street, Santa Monica CA 90403, is one and a half blocks north of Wilshire Boulevard on 11th Street in Santa Monica. From the 10 freeway, exit at Lincoln. Go right, or north to Wilshire. Turn right. In three blocks turn left on 11th Street. The church is on the left, just past California. Church parking is on the right under an apartment complex. The Fireside Room is at the north end of the church's large patio, next to the Sanctuary. Native plant and gardening books will be for sale and refreshments are served. A no-host dinner precedes the meeting at 6:00pm at El Cholo Mexican Restaurant in Santa Monica at 1025 Wilshire Blvd.

TUES 2/13 7:30-9:30pm
Sepulveda Garden Center, Encino

Wildfire Influences on Vegetation in the Santa Monica Mountains

Speaker: Dr. Robert Taylor, NPS
 Directions: the Sepulveda Garden Center, 16633 Magnolia Blvd. in Encino, is on the north side of Magnolia between Balboa & Hayvenhurst. Park in the lighted lot at the east end of the garden, walk west along the path to the garden center building. Native plant and gardening books will be for sale and refreshments are served. A no-host dinner precedes the meeting at 6:00pm at Chevy's Mexican Restaurant in Encino (16705 Ventura Blvd.)

For information about the above programs, please see "Upcoming Programs" on front page.

BOARD MEETINGS

TUES 1/2 7pm
 LA/SMM CNPS Chapter Board Meeting at the home of Steve Hartman. Chapter members are invited. 4444 Longridge Ave., Sherman Oaks. (818) 881-3521(day)

TUES 2/6 7pm
 LA/SMM CNPS Chapter Board Meeting at the home of Jo Kitz. Chapter members are invited. 6223 Lubao Ave., Woodland Hills. (818) 348-5910

HIKES AND RESTORATION

SUN 1/14 9am
Malibu Creek State Park
 Planting in CNPS' Commemorative Oaks Grove Credit for community service hours. *Reservations required.* 3hrs. (818) 348-5910. Co-sponsored with the Mountains Restoration Trust.

THURS 1/18 8:30am
Caballero Canyon, Tarzana
 Chaparral Chatter has moved and will explore the trails and byways of the valley's entrance into Topanga State Park. Winter rains bring a flush of green and early spring blooms (mountains lilacs and currants) add color to the canyon. Bring water and snack. Meet at the lower trailhead 1.9 miles south of Ventura Fwy just past the fountains on the left side.. 3hrs. (818) 345-6749.

THURS 1/25 10am
Cold Creek Preserve
 Cold Creek Meanderings Pass under oak canopies, through mountain lilac tunnels and across open meadows for 3 to 5 miles. Bring water and lunch. Meet at Lower Stunt High Trailhead 1 mile from Mulholland Highway on Stunt Road. 3 hrs. (818) 348-5910.

SUN 1/28 10am
Solstice Canyon
 Canyon Caper Follow a beautiful streamside trail under a canopy of oaks and alders to a waterfall. Stop at the burned-out ruins of Tropical Terrace, bring lunch and water, 3-mile return. From Pacific Coast Highway, turn inland on Corral Canyon Road. Drive 0.25 mile to park entrance. 3 hrs. (818) 348-5910.

THURS 2/15 8:30am
Caballero Canyon, Tarzana
 Chaparral Chatter has moved and will explore the trails and byways of the valley's entrance into Topanga State Park. Winter rains bring a flush of green and early spring blooms (mountains lilacs and currants) add color to the canyon. Bring water and snack. Meet at the lower trailhead on Reseda Blvd. 1.9 miles south of Ventura Fwy just past the fountains on the left side. 3hrs. (818) 345-6749.

THURS 2/22 10am
Cold Creek Preserve
 Cold Creek Meanderings Pass under oak canopies, through mountain lilac tunnels and across open meadows for 3 to 5 miles. Bring water and lunch. Meet at Lower Stunt High Trailhead 1 mile from Mulholland Highway on Stunt Road. 3 hrs. (818) 348-5910.

SUN 2/25 10am
Malibu Bluffs Park
 Bluffs Ramble to the Sea Walk 2-miles on trails with great views, dip your toes into the bay, look for dolphins, sea lions and early blooming shrubs. 2hrs. (818) 348-5910.

SUN 2/11 9am
Malibu Bluffs Park
 Habitat Restoration Day Individuals and groups are invited to do native plantings, remove invasive plant species and restore habitat. Credit for community service hours. *Reservations required.* 4hrs. (818) 348-5910. Co-sponsored with the Mountains Restoration Trust.

Desert Field Trip - March 11-16

Mark your calendars for the week after the Chapter Council meeting weekend (March 9-10) at Rancho Santa Ana Botanic Gardens. Steve Hartman will be leading a week-long trip to the far southern California deserts including Anza-Borrego Desert State Park, the Algodones (Imperial) Sand Dunes, and the Chocolate Mountains vicinity. Destinations Sunday-Wednesday are for all vehicles. Camping and travel on Wednesday night, Thursday and Friday require off-road 4-wd vehicles. Reservations Required! Contact Steve by email at naturebase@aol.com or leave a message at (818) 881-3706. Additional details will be sent to you once you make your reservation.

Theodore Payne Foundation Events

10459 Tuxford Street, Sun Valley 91352 - (818) 768-1802 - www.theodorepayne.org

California Native Plant Horticulture

February 3, Saturday, 10:00 am - 1:00 pm

Taught by Stephanie Blanc, Landscape Designer

This class will cover a wide range of topics, including the definition of native plant, why they're valuable, plant communities, plant requirements, establishment, planting details pruning, irrigation, maintenance and where to see and buy native plants. It is recommended for anyone who is just getting started with natives and as a precursor to our California Native Plant Garden Design Course.

Please call (818) 768-1802 to register in advance.

Fee: \$35 for members, \$45 for nonmembers. Cancellation policy for all classes - No refunds will be issued for cancellations made less than 7 days in advance of the class.

Tree Hacking, Bush Wacking, Anal Retentive Lawn Maintenance and Solid Waste Landfill Environmental Tragedies

Wayne T. Williams, PhD

PART 2. Whacking and Hacking and Mowing

Our management of shrubs and bushes is another manifestation of the philosophy of man over and controlling nature. The landscape is full of shrubs and bushes that are barely recognizable as living plants. They look more like biscuits, walls, loaves of bread, spheres, and not counting topiary, they are shaven and sheared. They suffer from this improper pruning, and are not allowed to reach and produce the beauty and real estate values that they are capable of, because of the legacy from some tyrant kings in France, Germany and England who once thought that all of Nature was theirs to control; not to nourish. Everything had to be under the thumb, and it was not a green thumb. The plants suffered, and that bourgeois philosophy of the effete rich has lingered on and the plants continue to be misaligned.

Given the freedom to grow to their potential, bushes and shrubs and other medium sized plants will grow into lovely forms, creating shade, shelter, visual heterogeneity and diversity into a landscape that engenders visual harmony between people and nature, and creates more livable cities and towns. Given present mismanagement on a collective scale, the plants remain humbled, sterile, snipped and sheared to monotony, not serving the purposes for which they were planted.

Mostly, proper care of our vegetation costs less than current prices. The mountain of prunings from the victims of mismanagement pile up, costing millions of dollars to be hauled off and out of sight into the landfills, where they create another sort of environmental disorder. At about 35 dollars per ton at the bin sites for "green" waste, San Diego County is spending between \$16,800,000 and \$39,700,000 a year to mismanage their lawns and parks. If only one-half of that biomass remained *in situ*, where the landscape designers originally planned them to grow, they would create far greater real estate values than the mentally ill methods and outrageously expensive practices currently in vogue, and save precious landfill space simultaneously. Trees and shrubs for the most part can grow freely, giving color and vibrancy to the landscape, instead of growing into the half-dead and sickly presentations around the offices and buildings, parking lots and boulevards we now must endure.

Mowing the lawn every weekend until you sweat and toil, getting every blade at exactly the same height, throwing fertilizers on the lawn endlessly, watering the Colorado River dry and occasionally drenching the grass with pesticides is the favorite hobby of America. It is a sick hobby. It isn't a hobby at all, but rather a passion to control nature, to conform to the neighborhood, to create artificiality, It is an attempt to create Astro turf instead of living organisms, an appearance of wealth, and really does nothing more than produce enormous profits for the lawn and garden maintenance industries. All that hacking and whacking certainly doesn't beautify anything. In our busy lives of endless freeways and never-dying deadlines, we amuse ourselves by working in the sun on the lawn getting sweaty and itchy, and worse, go into debt for all the machinery and tools it takes to make your lawn look like a pool table. We have collectively accepted the warped attitude of uniformity in the landscape wrought about by our neurotic avoidance regarding daring to be different, and we think this gives us joy. Mowing the lawn *ad nauseum* is anal-retentive behavior to the "nth" degree. It is a pathological expression of waste in Amerika. It is almost as bad as being a football or baseball fan. Except it is worse, because it is an even more conspicuous waste of our time, our energy, our economy, and the world's resources. It also creates a decaying stinking mountain of organic material

in the landfills that causes health hazards locally and regionally when not managed correctly.

The solutions to this behavioral mess are not easy, of course. It took a lot of practice, greed and wrong information to get us this far along the road to entropy. Fortunately there are numerous solutions. In a perfect benevolent dictatorship, it would be easy. Someone like Nikita Khrushchev, in his better moments, could say, "Plant trees along all of the roads of the country. Make them natives where possible, plant them in harmony with nature, plant lots of fruits and nuts and assign someone in the collective farm to manage them properly." Or the dictator could also say, "Plant a greenbelt around every city in the nation twice as big as the city itself. Cities are organisms, and need lungs." Or His Benevolency could say "All home owners and park visitors and especially planners and other vile sorts must learn about and practice basic ecological functions and the principles of botany and plant growth and landscape horticulture, and if the populace doesn't follow those rules, then they shall have their property taken away from them, and the planners shall be sent to the Guatemala Central City Dump to ponder the solution there." Those would of course be some of the benevolent solutions.

On the other hand, within the realm of reason, and the formation of a better society, planners should be required to complete courses in ecology and botany and horticulture for their licensures, and all homeowners should be constantly urged to do it right. Landscaping companies and other land managers should be educated at a higher level of appreciation as to what is correct and what is not. (Yes, dear, there is really a difference between green and dead). Those same companies should also be subjected to enforcement for bad horticultural practices. Most importantly, all landscape architects, and structural architects must work together better to be able to visualize what is harmonious design, and what is simply bad taste, to have a renaissance between the plants and mankind, of which we are the ones in charge, but obviously, second best.

Part 1 appeared in the previous issue of TOYON

Chapter Officers Elected

Thanks to those of you who voted in our recent election. And thanks to Snowdy Dodson (President), Jo Kitz and Halli Mason (Co-vice-presidents), Betsey Landis (Chapter Council Delegate), and Henrietta Yuan (Secretary) for continuing to serve our chapter!

Welcome New Members

Starting with this issue we will welcome new LA/SMM chapter members to our chapter in the TOYON. Apologies to all the members who have joined in previous years but did not get their names in print.

Marti Rae Armington, North Hollywood; R. C. Brody, Topanga; Robert Cox, Santa Monica; Ralph Crane, Northridge; Suzan Green-Singh, Los Angeles; Natalie Hall, Encino; Pam Hamilton, Lake Balboa; Kathy Horbund, Venice; Sunny Johnson, Topanga; M. Rosalie Kaufman, Los Angeles; Keith Larson, Agoura Hills; Elizabeth Lutz, Woodland Hills; John Lyons, Winnetka; Linda McManus, Sierra Madre; Peggy Mueller, Marina del Rey; Peter Nonacs and Smadar Gilbou, Los Angeles; Jane Sroutman, Beverly Hills; Christine Walker, Santa Monica; Joni Zapata, Northridge; Gillian Cole, Palos Verdes Estates, Ray & Florence Van de Water, Claremont; Calvin Chun, Long Beach; Tammy Lee, Los Angeles; Dennis Pitts, Sierra Madre; Steve Hoskinson, Ventura.

City of Malibu Takes Issue With Article about Mansionization by Steve Hartman

The article in the previous issue of TOYON (Volume 26, Number 6) about two projects in the City of Malibu and David Magney's concerns about these projects has created a stir. (Note: Mr. Magney of David Magney Environmental Consulting [DMEC] is a longtime CNPS leader, serving on the CNPS State Board of Directors almost continuously since 1984, including serving as President.) The City of Malibu sent a letter to the Editor and "appreciates the opportunity to respond to the accusations made..." Below are key excerpts from the 2 page letter that I hope covers the salient arguments along with "rebuttals" by David Magney.

The City of Malibu: "The title of the article is "Mansionization Threatens Listed Plants in Malibu." The title itself is inaccurate and misleading. Mr. Magney states in the article that "CNPS-listed plants *Baccharis plummerae* and *Juglans californica* var. *californica* - were found onsite." Mr. Magney's own biological assessment states the following in the second paragraph on page 18: "Two (2) of the tracked special-status plant species were observed within the Ramirez Canyon project site, including *Juglans californica* var. *californica*. The very next sentence states, "(neither of these species were observed by DMEC inside the two parcels..." and explains that they are actually nearby. Additionally, it should be noted that Malibu's Local Coastal Program (LCP), written by the California Coastal Commission, specifically omits CNPS List 3 and 4 species (the latter being the designation afforded both referenced species) from consideration as special-status plants. Land Use Plan (LUP) Section 3.4, page 49 specifically only includes CNPS List IB and List 2 as species with "compelling evidence of rarity."

David Magney replies that: Of concern is that neither the applicant's biological consultants (Andrew Forde and Rincon Consultants one for each project) or the City Biologist identified any special-status plant species as present onsite, or in the immediate vicinity. Rincon did NOT perform protocol-level surveys for any rare species that could occur there, and the City Biologist did not either (or at least there was no evidence presented indicating that he did). Rincon did their surveys on 1 and 9 September and 14 October 2004, not considered an appropriate time of the year for most special-status plant species. It is irrelevant that these two plant species were not specifically included in the Malibu Local Coastal Plan Land Use Plan (LCP LUP). The City mischaracterizes the LUP by stating that CNPS List 3 and 4 plants are specifically omitted; rather, the LCP LUP specifically requires the rarer species on CNPS Lists 1 and 2 be given listed status when a project undergoes CEQA review, they must be treated as if listed as threatened or endangered. The LCP LUP does NOT preclude the consideration of rare species not identified in the LUP. Additionally, CEQA requires consideration of all environment impacts, regardless of whether those species are on specifically identified on lists. Nevertheless, a DMEC staff biologist was able to find two CNPS-listed plants during the late summer date of 14 September 2006, and both are shrubs, so they should be relatively easy to see any time of the year. This fact supports Rincon's stated limitation of their surveys and assessment. Both the CNPS List 4 species found adjacent to the project sites should have been evaluated as to whether the project would impact them, and whether those impacts would be considered significant. No such identification or evaluation was performed. The field surveys that were conducted were inadequate in meeting California Department of Fish and Game and CNPS survey protocols, and did not follow protocol-level surveys. Rincon Consultants specifically stated at the end of their report, "The findings and opinions conveyed in this report are based on a suitability analysis level only and did not include definitive surveys for the presence or absence of special-status species that may be present. Definitive surveys for special-status wildlife and plant species generally require specific survey protocols requiring extensive field survey time to be conducted only at certain times of the year".

The Malibu City letter went on to state: "The article also inaccurately states that the City Biologist, Dave Crawford, and the developer's biological consultant, Andrew Forde, claim that the Coastal Commission's Environmentally Sensitive Habitat Areas (ESHA) map is wrong and that there is no Coastal Sage Scrub ESHA on site, or that it is too difficult to determine the boundary. The readers of the article should first understand that the mapping of Environmentally Sensitive Habitat Areas (ESHA) provided by the Coastal Commission for the entire 26 miles of the City of Malibu is illustrated on four 8.5" x 11" pages. What was actually discussed at the hearing in question was the fact that the ESHA maps provided in the LCP are only meant to be an indicator of approximate location of ESHA. This is why the LCP requires independent biological assessments for any project proposed in the vicinity of the "mapped" ESHAs. The independent biological assessments are utilized in determining actual ESHA boundaries. The Coastal Commission Staff will verify this."

David Magney replies: It is true that the ESHA maps prepared by the Coastal Commission are not accurate in the exact location/boundaries of ESHA habitats; however, the ESHA Map is generally correct. An examination of the ESHA boundaries as mapped by the Coastal Commission in the Ramirez Canyon area using GIS software and high-resolution aerial photography found that at a gross level, the Map is correct, which is described and illustrated in DMEC's report. Minor boundary corrections both in and out are warranted. Regardless, the LCP LUP requires consideration of what is on the ground to determine whether and what type of ESHA is present.

Our divergence with the City is threefold. First, no readable map of present-day natural vegetation or ESHA was ever provided in Forde's report, which specifically addressed ESHA. The City Biologist also did not prepare any map, and neither of them described their methods on how they determined ESHA habitat was lacking. Second, the suggested ESHA boundaries for the two project sites were not recommended for modification by the Malibu Environmental Review Board (ERB), as specifically required in the LCP LUP prior to project approval. Third, the independence of the applicant's or City's Biologist is questioned and appears to be biased. Rincon's report did not appear to be biased; however, the lack of methods and clear maps by Forde or the City Biologist in their respective reports leave a great deal to be desired and will not likely stand up to scientific scrutiny. Rincon stated that Coastal Sage Scrub ESHA was indeed present in Ramirez Canyon on the project site, and that the proposed project would infringe upon ESHA and required setbacks from ESHA habitats, recommending modification to the project. Section 30240(b) of the Malibu LCP LUP (Page 45) states, "Development in areas adjacent to environmentally sensitive habitat areas...shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of the habitat and recreation areas". LUP Policy 1.a.3.1 (Page 48) states, "Areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem...are... ESHAs and are generally shown on the LUP ESHA Map (emphasis added). The ESHAs in the City of Malibu are riparian areas, ...coastal sage scrub,...and wetlands, unless there is site-specific evidence that establishes that a habitat area is not especially valuable because of its special nature or role in the ecosystem". The LCP LUP Policy 1.a.3.2 (Page 49) states, "Any area not designated on the LUP ESHA Map that meets the ESHA criteria is ESHA and shall be accorded all the protection provided for ESHA in the LCP...unless there is compelling site-specific evidence to the contrary:". DMEC did not see any compelling "evidence to the contrary" provided by either of the applicant's consultants or the City Biologist, as required by the LCP LUP before the boundaries of the ESHA Map can be changed. DMEC's report provides detailed evidence that Coastal Sage Scrub ESHA is present on both project parcels, and can be used to update the ESHA Map boundary in this area since DMEC used scientifically repeatable methods that satisfy the LCP LUP requirements to determine ESHA onsite. DMEC and CNPS both strive for accuracy in habitat mapping and reporting.

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City of Malibu Takes Issue With Article about Mansionization *(continued from page 5)*

The City of Malibu letter continued: Mr. Magney accuses City Staff of hiding information from the Planning Commission. This accusation is inaccurate and misleading. The Rincon report referred to in his article is in the public file and was considered in the Biological Review which is part of the information provided to the Planning Commissioners. He also states that the City Biologist "even went as far as to suggest to the Planning Commissioners that they should not allow submittal of reports from project opponents." This statement is also inaccurate and misleading. The issue brought up by the City Biologist at the hearing was a recommendation that the Planning Commissioners consider whether or not they want to encourage trespassing on private property by project opponents. The project applicant in this case stated to the City Biologist that he would have been willing to allow Mr. Magney on his property, but would have appreciated the courtesy of a request for permission.

David Magney replies: When a DMEC staff biologist went to City Hall and specifically requested the Rincon report from the City Biologist, he told them that the report was confidential and could not be released. The report was only provided after DMEC's client, an attorney, called the City to remind the City that all documents in a project file, up for environmental review, are public documents, after which Rincon's report was provided. Furthermore, the staff report to the Planning Commission on the Ramirez Canyon Road project did not include a copy of Rincon's report while Forde's report was attached to the staff report for the De Butts Terrace project. Also, Rincon's report was only made available to the public and the Planning Commission on the afternoon of the Planning Commission hearing; certainly this is not an example of full disclosure or providing the public a reasonable amount of time to review all the pertinent information of the project. As far as what the City Biologist said to the Planning Commissioners, listen to the tape of the hearing yourself. He was clear in his suggestion that the Commissioners should think twice about considering the comments of anyone hired by a project's opponents. Only after a pointed question by a Commissioner did Crawford step into the "trespassing" aspect of his argument. The developer, when asked, said he had no problem with DMEC conducting its own surveys onsite. Neither property is fenced or signed "No Trespassing"; in fact, a regularly used trail passes through both parcels, so the trespassing argument lacks any merit. Furthermore, when I visited the De Butts Terrace site, two Planning Commissioners were also present.

The City of Malibu concluded with the observation that "Mr. Magney has the distinct advantage of being able to be more idealistic in his interpretation of project impacts. However, the City of Malibu is governed by laws that it must follow. These and all other projects requiring a Coastal Development Permit are required to follow the guidelines in the Malibu LCP. Both of the projects Mr. Magney discusses are in full compliance with the Malibu LCP."

Magney replies: What "distinct advantage" do I have in interpreting the project impacts? I am a professional consultant that uses sound scientific principles, protocols, and methods to develop objective conclusions, as they relate to environmental and land use regulations enacted by the governmental body with authority over the area or resource. Is it that I am not influenced by City politics when reviewing the documentation for such projects? Clearly, both projects are NOT in compliance with the Malibu LCP as the Planning Commission denied the De Butts Terrace project. The Ramirez Canyon Road project was approved by the Planning Commission, but that decision has been appealed to the City Council by DMEC's client. You can review the projects by contacting the City or viewing information on the City website (www.ci.malibu.ca.us) and DMEC's review of the two projects (biology only) on DMEC's website (www.magney.org/files/reports.htm) and make up your own

mind. I concede that lack of space in a newsletter and some less-than-perfect word choices without total control over the finished product can result in a tone and impression that can lead to different interpretations than originally intended. Regardless, governments such as the City of Malibu must always strive to inform the public and its decision-makers fully on issues that affect the environment in which we live. Furthermore, under CEQA, only the public has the responsibility to enforce this law; no government body has oversight authority to ensure CEQA is abided by other than citizens and organizations such as CNPS.

To receive a pdf file of the complete letter from City of Malibu, email lacnps@lacnps.org.

Conservation Issues Are Really Heating Up On Newhall Ranch

1) Commerce Center Drive Bridge (a CalTrans interchange off of the 126 that is a gateway to the Newhall). The unbuilt road that the unbuilt bridge will connect to, trisects right through the San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*) "preserve" on the mesa. The bridge itself will come within 100 feet of the undescribed *Helianthus nova*. CNPS submitted comments on a Negative Declaration, and received a final document that had no response to our comments. CalTrans finalized the mitigated Neg Dec and Finding of No Significant Impact in September 2006. Conservation groups decided not to challenge it under CEQA but still have the option of challenging it under NEPA. The construction could start at any time.

2) Landmark Village, the first phase of Newhall, has an Environmental Impact Report issued the comments on this document are due on January 22, 2007. This 1,600-house project will impact spineflower locations and dump fill into the Santa Clara River. Funding is needed so that Friends of the Santa Clara River (FSCR) can hire experts to review parts of the document, including legal review to make sure all the CEQA bases are covered. LA/SMM Chapter and other groups have agreed to pitch in money to do so, however more money will be needed.

3) ACOE/DFG 1600/404 permit for the whole Newhall Ranch and SVSF Conservation Plan will also be released early in 2007. Like Landmark Village, FSCR is looking to hire folks to help out with the comments. CNPS can do the plant parts on that too, but clearly legal review would be beneficial.

Newhall Ranch is within our chapter's "area of concern" and is one of the key local environmental battles. Please consider supporting native plant conservation by making a direct donation to:

Friends of the Santa Clara River, c/o Ron Botorff FSCR Chair, 660 Randy Drive, Newbury Park CA 91320-3036 or visit their webpage at www.fscr.org

LA Grand Avenue Project Unlikely to Feature Native Plants

by Steve Hartman

The Los Angeles Grand Avenue Authority is the Lead Agency and has completed a Final Environmental Impact Report for the proposed Grand Avenue Project. Steve Hartman submitted comments and suggested that this project would be a great opportunity to demonstrate how southern California native plants can be used in public landscaping. The response from the Authority was as follows: "The type of landscaping for the Civic Park has not yet been decided upon, and work is in progress to determine the selection of plant materials. There has been strong public interest in sustainable measures, which would include planting native or low water consuming plants, as well as interest in a demonstration or educational garden, and these options are being considered by the park designers."

However, in an article by Scott Timberg in the Los Angeles Times (Nov. 25, 2006) about Laurie Olin, the landscape architect for the Grand Avenue Project who has made a name for himself landscaping Pershing Square, the Los Angeles County Museum of Art's sculpture garden and the J. Paul Getty Museum, Mr. Olin is quoted asking: "The question for Los Angeles is *what is native?* The resident plant community here is mostly coastal sage scrub, which is highly flammable. There's not a single tree you can see right now that's native – *nothing* here is native. They're like you and me: They're all immigrants. There's a Mexican fan palm. These are ficus from East Asia. Almost everything you can see from here is from Asia or Latin America."

According to the article, instead of plants that evolved here, Olin relies on what he calls the region's "extraordinary horticultural tradition," which goes back at least to the 1890s. "People here are terrified of deciduous plants," he says "If a tree loses its leaves, people think it's dead. Winter is like old age here. So we've learned that we need to have enough evergreen trees that it's not too gloomy and have tried to get the longest blooming season we can. Even in Los Angeles, after all, there's something called winter."

Obviously Mr. Olin isn't enamoured with the southern California native flora, and based on these remarks it is unlikely that native plants will have a place in the Grand Avenue Project. Another missed opportunity!

ROY FREED! City Attorney to Dismiss Case Against Biologist

Another article (!) by Steve Hartman

Prior to the release of the previous TOYON, on October 20, in Los Angeles Superior Court Airport Courthouse, the City Attorney's office announced that all charges against Robert "Roy" van de Hoek will be dropped and the case dismissed.*

According to a press release from the Wetlands Defense Fund, after Roy's statement, Larry Webster of the City Attorney's office called his statement "moving," and he praised both Attorney Tom Mesereau and van de Hoek for their efforts to resolve this unfortunate incident and to educate the City Attorney and the City about the complexities of the Ballona Wetlands. The Judge also commented on the fact that he usually doesn't learn much in court proceedings, but that he had found this case to be quite interesting, and he learned a great deal.

"This is a victory for the Ballona Wetlands and a vindication for Roy, as well as for those weed warriors everywhere who realize the crucial importance of removing invasive species which are choking out our natural wild areas," said Marcia Hanscom, Project Director of the Wetlands Defense Fund and Co-Director, along with van de Hoek of the Ballona Institute.

"Invasive species are one of the top threats to biodiversity in the world now," explained van de Hoek. One of the plant species at issue in the case is highly invasive in Florida and Hawai'i and only recently became invasive here due to the arrival of a wasp which had not previously been in L.A., but whose arrival on the scene has now caused serious concern to experts who have noted this invader wreaking havoc in Echo Park and cropping up along freeway walls and in building cracks in downtown Los Angeles. Experts are extremely concerned that this Southern Asian species, *Ficus microcarpa*, will soon invade wild areas such as Ballona, where other invasive species like pampas grass from Argentina and New Zealand *Myoporum laetum*, are causing problems.

Now Roy can resume teaching others about the ecology of the Ballona Wetlands. For more information, contact:

Wetlands Defense Fund
322 Culver Blvd., Suite 317
Playa del Rey, CA 90293

The following is part of an agreement van de Hoek has made with the City Attorney's office:

Roy van de Hoek will submit to the City Recreation & Parks Department a report on the flora and fauna of Del Rey Lagoon. He will also develop and submit to the City Department of Recreation and Parks a list of suggested recommendations for Del Rey Lagoon that recognizes the ecological importance and sensitivities of the system. If requested in writing from senior management of the City Recreation & Parks Department, Mr. van de Hoek will lead two approximately one-hour field trip walk-throughs with the City Recreation and Parks Department field staff at the lagoon to share information about the ecology of the lagoon.

Additionally, if requested in writing by senior management of the City Recreation and Parks Department, Mr. van de Hoek will donate up to a maximum of 25 hours of additional time, consistent with his work schedule, during the next 18 months to assist in city activities designed to improve the environment. Roy van de Hoek will only remove plants from the Ballona Wetlands, other protected areas and public lands with either an individual permit or a permit issued to an organization of which he can prove he is affiliated with.

* case will be officially dismissed in 18 months approximately on Earth Day, April, 2008! In the meantime, no plea, no trial, no conviction and no more staying away from the wetlands.



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ROY FREED!

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