

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 585-1800

**W 17a****ADDENDUM**

DATE: June 8, 2009
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item W17a, Channel Islands Harbor Notice of Impending Development 1-09 (Five-Year Programmatic Tree Trimming) Wednesday, June 10, 2009 Commission Meeting in Marina del Rey.

The purpose of this addendum is to modify NOID language, attach and respond to correspondence from The Beacon Foundation, and attach correspondence from the Ventura County Harbor Department

Note: ~~Strikethrough~~ indicates text to be deleted from the May 28, 2009 staff report and underline indicates text to be added to the May 28, 2009 staff report.

1.) The following language is proposed by the Channel Islands Harbor Department to be added to the 5-year Programmatic Tree Trimming NOID:

Bottom of pg. 2 of the May 28, 2009 staff report:

The County of Ventura and the City of Oxnard have prepared the following plan for implementation. All tree trimming and removal shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act. The purpose of this 5-year programmatic tree trimming NOID is to ensure the long term protection of breeding and nesting habitat of birds protected by the Fish and Game Code, the Migratory Bird Treaty Act, and all bird species of special concern. The trimming or removal of any tree that has been used for breeding and nesting within the past 5 years, determined by a qualified biologist, shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act, and the parameters below.

...

2.) The Beacon Foundation ("Beacon") submitted a letter and email to the Commission regarding NOID 1-08, received on Tuesday, June 2, 2009, attached hereto. Beacon makes

several arguments opposing the staff recommendation for Commission approval of the NOID. Beacon's main arguments are stated below and a staff response follows each argument:

a. Beacon asserts that the NOID substantially undermines and amends PWP Policy 14 because the NOID “eliminates protection of habitat as the overall long term purpose of the tree trimming and removal policy.” (p.1 of the June 2, 2009 letter) Beacon objects to the omission of the purpose language from the NOID.

The Harbor Department has proposed adding the purpose language, exactly as provided for in Policy 14, to NOID 1-09. (*See 1. above*)

b. Beacon asserts that the NOID “eliminates County accountability.” (p.2 of the June 2, 2009 letter)

The County is accountable for all tree trimming and major vegetation removal undertaken in Channel Islands Harbor. The NOID outlines parameters for tree trimming and removal in the Channel Islands Harbor, which must be complied with by all parties, whether it be the Harbor Department itself or the City of Oxnard (responsible for park maintenance in the Harbor). Even though the City of Oxnard may undertake the trimming and/or removal, all provisions of NOID 1-09 must be complied with, including biologist and arborist assessments. The City of Oxnard has agreed to comply with all NOID 1-09 provisions. The attached correspondence between the Channel Islands Harbor Department and the City of Oxnard, dated April 29, 2009, indicates that the City agrees with the provisions of the NOID.

Further, the County is accountable to the Coastal Commission and to the public for all tree trimming and tree removal activities in the harbor. All tree trimming and/or removal must be undertaken in conformance with the parameters of Policy 14 and NOID 1-09. Under both the proposed NOID and the existing PWP Policy 14, the Harbor Department must maintain records, available for public review, of the arborist tree removal/replacement reports and biologist bird surveys. All trimming and removal of trees must also comply, under language contained within NOID 1-09, with federal and state laws regarding protection of birds, including all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act.

c. Beacon asserts that the “action sanctioned by the proposed NOID is not contained in nor is it consistent with existing Policy 14 and must be rejected because such a change requires a PWP amendment.” Beacon also argues that “[t]his is an impermissible use of a NOID to make substantive changes to an existing provision of the PWP.” (p.3 of the June 2, 2009 letter)

In response, the proposed NOID is consistent with Policy 14 and does not require a PWP amendment. This NOID in no way supersedes or undermines Policy 14 because the NOID implements the policy, as it stands, and does not contain any language that is contrary or weakens Policy 14. The programmatic NOID submitted by

the Harbor Department was specifically allowed for under Policy 14 of the PWP. The first paragraph of Policy 14, approved by the Commission through revised findings in October 2008, states: "*Tree trimming or removal can also be accomplished through a harbor-wide programmatic NOID that incorporates the parameters below.*" The Harbor Department has come forth with a programmatic NOID for a five year term. After five years, the Harbor Department will have to return for Commission approval of further tree trimming/removal proposals in compliance with Policy 14, either through individual NOIDs or another programmatic NOID.

Further, the proposed NOID contains only minor modifications to the language of Policy 14 to allow the policy to be effectively implemented. (See all changes to Policy 14, as submitted in NOID 1-09, shown below in strike out and underline). The proposed changes have been reviewed and approved by Dr. Jonna Engel, the Commission's staff ecologist. No major changes were made to the policy as asserted by the Beacon Foundation. As stated in the May 28, 2009 staff report, in addition to numbering and format changes, only minor changes to the policy language were incorporated into the proposed 5-year programmatic NOID, as follows:

-To provide more clarification of which bird species and nests are protected (state or federally listed species, all California bird species of special concern, and wading birds (egrets and herons))

-To provide clarification that all trimming must also be at least 500 feet away from raptor (e.g., bald eagle, osprey, owl) nests.

-To modify the definition of "health and safety danger" to change the language from "...is in imminent danger of collapse or breaking away" to "...is seriously compromised." This modification was made for practical application purposes. This modification will allow more flexibility for the arborist, in consulting with the Harbor Department, to determine whether a health and safety danger exists without necessarily making a determination that a branch or tree is in "imminent" danger of collapse or breaking away. A tree or branch can be a danger to health and safety even without the immediacy requirement and trimming or removal may be necessary to avoid the "imminent" danger. However, this modification does not materially change the definition of "health and safety danger" and this requirement must still be met for trimming or removal during nesting and breeding season.

As seen below, these changes in the NOID are consistent with Policy 14 and no PWP amendment is necessary.

3.) For clarification purposes, the changes to Policy 14 to develop it into a NOID, explained above, are shown in underline and strike-out below:

The County of Ventura and the City of Oxnard have prepared the following plan for implementation. All tree trimming and removal shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish

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~~and Wildlife Service, and the U.S. Migratory Bird Treaty Act. The purpose of this policy- 5-year programmatic tree trimming NOID is to ensure the long term protection of breeding and nesting habitat of birds protected by the Fish and Game Code, the Migratory Bird Treaty Act, and all bird species of special concern. The trimming or removal of any tree that has been used for breeding and nesting within the past 5 years, determined by a qualified biologist, shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act and shall require approval through a Notice of Impending Development undertaken pursuant to the parameters listed below. Tree trimming or removal can also be accomplished through a harbor-wide programmatic NOID that incorporates the parameters below.~~

~~Tree trimming or tree removal shall be prohibited during the breeding and nesting season of the bird species referenced above (January – September) unless the Harbor Department, in consultation with a certified arborist, determines that a tree causes danger to public health and safety.~~

1. No tree trimming or removal shall take place during breeding and nesting season (January through September) unless a tree is determined by a qualified arborist to be a danger to public health and safety. A health and safety danger exists if a tree or branch is dead, diseased, dying, or injured and is seriously compromised and said tree or branch is in imminent danger of collapse or breaking away.

2. Trees or branches with a nest of a wading bird (heron or egret), a state or federal listed species, or a California bird species of special concern that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.

3. ~~The removal of any breeding and nesting tree shall require mitigation at~~ Any breeding or nesting tree that must be removed shall be replaced at a 1:1 ratio. Replacement trees shall ~~be consist of native or regionally appropriate non-natives, and non-invasive. tree species. Replacement trees shall be selected from the plant palette approved by the County Board of Supervisors in the Channel Islands Harbor Public Areas Plan and Design Guidelines on June 24, 2008.~~

a. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree locations, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards.

b. An annual monitoring report for tree replacement shall be submitted for the review and approval of the Harbor Director and maintained on file as public information.

~~A. 4. Tree Trimming or removal During the Non-Breeding and Non-Nesting Season (October 1 through December 31) shall follow the following procedures.~~

4. a. Prior to tree trimming or removal, a qualified biologist shall survey the trees to be trimmed or removed to detect nests and submit the survey(s) to the Harbor Department. Tree trimming or removal may proceed if a nest is found, but has not been used within the prior 5 years and no courtship or nesting behavior is observed. Data collected on nest locations from

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the periodic surveys conducted by the Harbor Biologist, Jeffrey Froke, Ph. D., may be used to determine the past history of the nest.

~~2. b.~~ In the event that ~~any a wading of the bird (heron or egret) species, a state or federal listed species, or a California bird species of special concern referenced above~~ return or continue to occupy trees during the non-nesting season (October 1 through December 31), trimming shall not take place until a qualified biologist has assessed the site, determined that courtship behavior has not commenced, and given approval to proceed within 300 feet of any occupied tree (500 feet for raptor species (e.g., bald eagles, osprey, owls)) .

~~3. c.~~ Trimming of nesting trees shall not encroach within 10 feet of an unoccupied nest of any of the bird species referenced above. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat.

~~B. 5. Tree Trimming or Removal During Breeding and Nesting Season (January-September) shall be undertaken only if tree trimming or removal activities cannot feasibly avoid the breeding season because a health and safety danger exists, as determined by a qualified arborist, in consultation with the Harbor Department and the City of Oxnard, and shall use the following guidelines-procedures. must be followed:~~

~~4. a.~~ A qualified biologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or nesting behavior in or within 300 feet (500 feet for raptors) of the work area. An arborist, in consultation with the qualified biologist, shall prepare a tree trimming and/ or removal plan. ~~shall be prepared by an arborist in consultation with the qualified biologist.~~ The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the Harbor Director and maintained on file as public information. The plan shall incorporate the following:

~~a. i.~~ A description of how work will occur (work must be performed using non-mechanized hand tools to the maximum extent feasible).

~~b. ii.~~ Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing.

~~c. iii.~~ Insurance Steps shall be taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and nesting birds and their habitat.

~~2. b.~~ Prior to commencement of tree trimming and/or removal the qualified biologist shall notify in writing the Department of Fish and Game and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal.

Attachments

- 1) June 2, 2009 letter to Commissioners from The Beacon Foundation (3 pages)
- 2) June 3, 2009 letter to the Commissioners from the Ventura County Harbor Department (2 pages)
- 3) Email correspondence from City of Oxnard to Harbor Department, dated April 29, 2009



The Beacon Foundation

PMB 352
3844 W Channel Islands Blvd
Oxnard, CA 93035

June 2, 2009

W 17a

Tree Removal NOID;
War On The Birds

Dear Commissioners

Ventura County has submitted as a NOID what is actually a **substantive amendment** to existing bird protection provisions of the certified Channel Islands Harbor Public Works Plan (PWP). The County proposal would enable clear cutting of trees on public lands that stand in the path of its Harbor development projects. Removal of healthy trees presenting no safety hazard could precede submission of a development project to the Commission. The County would thereby avoid Commission consideration of habitat protection.

We ask the Commission to determine the County NOID proposal is inconsistent with Policy 14 of the PWP and that it cannot be adopted as a NOID.

On October 16, 2008, the Commission, on its own initiative, amended the PWP to add Policy 14. Policy 14 establishes for the first time habitat protection standards for trimming and removal of trees on the public lands of the Channel Islands Harbor. The Commission imposed this amendment after extensive public testimony regarding County predation of habitat resources ... conduct termed by one Commissioner as a "war on the birds."

The purported NOID substantially undermines and amends PWP Policy 14 as follows:

- **The NOID eliminates protection of habitat as the overall long term purpose of the trimming and removal policy .**

Policy 14 of the existing PWP (see page 8 of the staff report) states its "purpose" is "...to ensure the long term protection of breeding and nesting habitat of birds protected by the Fish and Game Code, the Migratory Bird Treaty Act, and all birds species of special concern." The purpose of Policy 14 is long term habitat protection. This is not limited to just protecting individual nesting trees for five years.

The NOID eliminates the "purpose" language entirely. It retains only a provision for minimizing impacts when a nesting tree is taken during the nesting season. The consequences of excising the "purpose" are enormous. If there is no overall limitation of tree removal to the minimum necessary for safety, there may soon be no habitat anywhere in the Harbor. The principal birds of the Harbor rookery, heron and egrets, are not habituated to prior nesting trees – they utilize groups of trees and specific ones chosen for nests vary from year to year.

Exhibit 2 to your staff report is a diagram prepared for the County to show nesting sites over the past five years. The sites are concentrated in two areas. First, the west side, on or adjacent to the proposed Boating Instruction and Safety Center (BISC). Second, the peninsula, on or adjacent to a proposed major hotel. In a letter to the Commission of May 6, 2008 the Harbor Director states "... the last nesting season on the west side for birds was 2003...." If the proposed NOID is approved the County might proceed,

in the non nesting season of October to December 2009, to clear cut all these trees whether or not they pose any safety hazard.

The proposed NOID, by omitting the Commission's purpose statement of long term habitat protection, opens the door for clear cutting by the County that would have been foreclosed by the existing PWP Policy 14. The NOID supersedes Policy 14 to enable the County to do this cutting without approval or even report to the Commission.

Consequences of the proposed NOID are even more devastating for habitat on the peninsula. Many trees there have seen nesting within the past five years according to the County biologist - including multiple nests sites of Black Crowned Night Heron in 2007. These trees are on or adjacent to the Casa Sirena hotel parcel. The County has entered a 60 year lease calling for demolition of existing structures and development of a major hotel resort. Pursuant to the NOID, the County could remove non nesting trees (including those posing no safety hazard) during the October to December non nesting season. This might be in tandem with "trimming" historic nesting trees. The County could engage a strategy of attrition. Over a few seasons, healthy trees without nesting histories would be eliminated and, tree-by-tree, the five year protection window for nesting trees would run out so they too can be cut.

By the time the hotel resort project is brought to the Commission bird habitat could be a moot issue because tree removal pursuant to the NOID may have eliminated viability of the area for nesting. The cutting would be done under the proposed NOID without further submission to or approval by the Commission. A County strategy of attrition will be foreclosed if the NOID is rejected as inconsistent with PWP Policy 14. Left intact, Policy 14 requires a specific NOID for this action and the stated habitat protection purpose of Policy 14 would foreclose cutting to clear the path for development.

In the May 6, 2008 letter, the Harbor Director states that the County study of birds "... aimed at understanding where the birds roosted and nested year by year in order to plan for working around the birds or relocating the birds as redevelopment progressed." The County has developed no relocation plan and instead of "working around" the birds it now seeks authority to simply clear cut them out of the path of development.

- **The NOID eliminates County accountability.**

In a March 20, 2008 letter Commission staff asked the County: "Who will determine that a health and safety danger exists that will necessitate tree trimming during bird nesting and breeding season, the Channel Islands Harbor Department or the City of Oxnard?" The County response, in a letter of April 13, 2009, is that "The City of Oxnard has agreed to contact the Harbor Department prior to any trimming" and the County will then seek a "review" by a biologist and arborist prior to action. Thus, under the proposed NOID, decision making devolves to County paid consultants if and when the County is informed by Oxnard of its plans. The proposed NOID has not been reviewed or approved in a public process at either the County or City level and there is nothing to show that the City has committed to the NOID,

The Harbor Department letter of May 6, 2008 to the Commission (page 7) states: "The County and City have an informal agreement that the City is to consult with the County before any major trimming or tree removal."

The consequence of a lack of County accountability for habitat removal on the County owned public lands of the Harbor is all too well known. An example is the severe trimming and canopy removal of a constituent of the grove at the BISC site. The Harbor Director sought to explained this event in the May 6, 2008 letter to the Commission as a failure of the City to consult because of a "new [City] park supervisor" so the County "had no knowledge whatsoever of the tree removal."

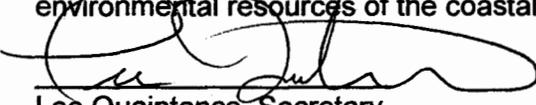
Policy 14 of the PWP makes the County accountable for abiding by the purpose and all of the conditions of Policy 14. The proposed NOID eliminates strict County accountability and responsibility for tree trimming and removal. This is a substantive amendment to PWP Policy 14.

CONCLUSION:

By strategic omission and a few deft turns of phrase, the County has lobotomized habitat protection imposed on the County by Commission adoption of Public Works Plan Policy 14 on October 16, 2008. By means of a proposed NOID, it saps the Commission action of its purpose and opens the Channel Islands Harbor to habitat destruction far more severe then if there were no tree trimming policy at all. This is an impermissible use of a NOID to make substantive changes to an existing provision of the PWP.

- The action sanctioned by the proposed NOID is not contained in nor is it consistent with existing Policy 14 of the certified PWP and must be rejected because such a change requires a PWP amendment.
- It is inconsistent with Section 4.5 of the PWP that specifically recognizes the importance of utilization of trees in the harbor for roosting and nesting by bird species including heron.
- It is inconsistent with Section 30240b of the Coastal Act because it could allow the County to impact and degrade park and recreation areas to serve the interests of incompatible development.
- The proposed NOID violates Commission CEQA responsibility to reject projects if there are feasible alternatives that substantially lessen "any significant adverse effect the activity may have on the environment." We have enumerated significant adverse effects the NOID may have on long term protection of habitat. The impacts are obviously and substantially reduced by leaving the existing PWP Policy 14 intact.

The Beacon Foundation is a non profit 501 (c) 3 organization dedicated to protection of environmental resources of the coastal zone of Ventura County.



Lee Quaintance, Secretary



CHANNEL ISLANDS HARBOR
Ventura County Harbor Department
3900 Pelican Way • Oxnard, CA 93035-4367



Lyn Krieger
Director

June 3, 2009

Telephone (805) 382-3001
FAX (805) 382-3015
www.channelislandsharbor.org

Chair Bonnie Neely
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

**SUBJECT: Item W 17a
Notice of Impending Development (NOID) 1-09
Channel Islands Harbor Five-Year Programmatic Tree Trimming
And Removal Plan**

Chair Neely and Members of the Commission:

This letter is to respond to the letter from The Beacon Foundation dated June 2, 2009, concerning the above NOID scheduled for hearing before your Commission on Wednesday, June 10, 2009.

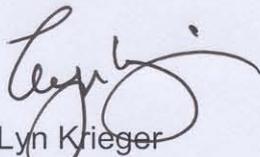
The programmatic NOID has been submitted to the Coastal Commission for approval consistent with Policy 14 of the Public Works Plan, which was added into the Waterside Amendment by the Commission. The NOID quotes directly from this policy and attempts to further define procedural issues that can be followed in the field by the City of Oxnard and County of Ventura personnel. The Harbor Department recognizes that the policy's intent is to protect existing nesting trees while allowing the Harbor and its Lessees to maintain Harbor properties for the primary purpose of public access

The Channel Islands Harbor contains over 2,000 trees, all of which were planted as part of an overall landscaping scheme in the 1960s and 1970s. Of these over 2,000 trees a handful are used on a regular basis for nesting. Trees in the Harbor survive in a harsh environment that is extremely salty and very windy. They lose branches, develop disease, age out, and are sometimes damaged and must be removed. The NOID sets out the procedures by which the Harbor Department will carry out these necessary improvements in consideration of the birds that use a few of these trees.

Were the County to be as nefarious as Mr. Quiantance claims, we would surely have removed trees before this policy was adopted, when there was no policy in place. This is not the case. The County has voluntarily funded the work of a biologist to track the nesting of the Harbor heron population for the last seven years because the Board of Supervisors recognizes that protection of these bird populations is important to the community, to the Commission and to the Board. The County is, in fact, agreeing, at

considerable expense, to contract with both a biologist and an arborist to review any proposed removal or trimming of trees prior to such action to insure that no existing nesting habitat is removed. Further, we are agreeing to replacement of any nesting trees that have to be removed with mature trees as required by the Commission.

We hope this clarifies our intention with respect to this Notice of Impending Development.

A handwritten signature in black ink, appearing to read 'Lyn Krieger', with a large, stylized flourish at the end.

Lyn Krieger
Director

From: "Gene Gonzales" <Gene.Gonzales@ci.oxnard.ca.us>
 To: "Marilyn Miller" <Marilyn.Miller@ventura.org>
 CC: "Leo Ovalle" <Leo.Ovalle@ci.oxnard.ca.us>, "Lori Rice" <Lori.Rice@ci.oxn...>
 Date: 4/29/2009 4:09 PM
 Subject: Re: Harbor

Marilyn, the City Of Oxnard agrees with the NOID. The City Of Oxnard will not do any tree trimming or removal from January thru September unless there is a tree that poses a hazard or a risk to the public, or if we get a call after hours, then we will contact the Channel Islands Harbor district. The City will cone or barricade the area until someone from the harbor tells us it is o.k to proceed with any trimming.

Gene Gonzales
 Parks Supervisor
 City Of Oxnard
 Maintenance Services Branch
 Trees and Medians
 Cell - 207-0318
 Gene.Gonzales@ci.oxnard.ca.us

>>> "Marilyn Miller" <Marilyn.Miller@ventura.org> 4/29/2009 10:25:06 AM >>>

The yellow with green cross hatched is the harbor area that is subject to the tree trimming NOID. Jack is out today, but I'll talk to him tomorrow about the contact info. Thank you very much.

Marilyn K. Miller, AICP
 Director, Harbor Planning & Redevelopment
 Channel Islands Harbor
 County of Ventura Harbor Department
 3900 Pelican Way, L#5200
 Oxnard CA 93035-4367
 805 382-3005
 805 382-3015 fax
 marilyn.miller@ventura.org

>>> "Gene Gonzales" <Gene.Gonzales@ci.oxnard.ca.us> 4/28/2009 8:16 AM >>>
 can you please call me at 207-0318 to discuss.

Gene Gonzales
 Parks Supervisor
 City Of Oxnard
 Maintenance Services Branch
 Trees and Medians
 Cell - 207-0318
 Gene.Gonzales@ci.oxnard.ca.us

RECEIVED
 APR 30 2009

CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



W 17a

DATE: May 28, 2009

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
Steve Hudson, South Central Coast District Manager
Barbara Carey, Supervisor, Planning and Regulation
Amber Tysor, Coastal Program Analyst

SUBJECT: **Notice of Impending Development (NOID) 1-09**, for a Five-Year Programmatic Tree Trimming and Removal Plan, for Public Hearing and Commission Action at the June 10, 2009 Commission Meeting in Marina del Rey.

SUMMARY AND STAFF RECOMMENDATION

The Ventura County Harbor Department proposes a five-year programmatic Notice of Impending Development (NOID) that will allow tree trimming and removal to occur, as needed, in compliance with Public Works Plan policies requiring protection of biological resources, including certain bird species, living within Channel Islands Harbor.

The required items necessary to provide a complete Notice of Impending Development (NOID) were received in the South Central Coast Office on April 30, 2009 and the notice was deemed filed on May 7, 2009.

Staff is recommending that the Commission determine that the notice of impending development **is consistent** with the certified Channel Islands Harbor Public Works Plan (PWP) as submitted. The project is consistent with all resource protection policies and provisions of the Public Works Plan. See associated Motion and Resolution beginning on **Page 2**. The standard of review for the proposed NOID is conformity with the policies of the certified PWP.

I. PROCEDURAL ISSUES

Sections 30605 and 30606 of the Coastal Act and Title 14, Sections 13357(a)(5), 13359, and 13353-54 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified PWP. Section 13354 requires the Executive Director or his designee to review the Notice of

Impending Development (or development announcement) within five working days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified PWP. The notice is deemed filed when all necessary supporting information has been received.

Pursuant to Section 13359 of Title 14 of the California Code of Regulations, within thirty working days of the project proponent's filing of the Notice of Impending Development, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified PWP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified PWP and whether conditions are required to bring the development into conformance with the PWP. No development shall commence until after the Commission votes to render the proposed development consistent with the certified PWP.

II. STAFF RECOMMENDATION:

MOTION: *I move that the Commission determine that the development described in Ventura County Harbor Department Notice of Impending Development 1-09 (5-Year Programmatic Tree Trimming), as submitted, is consistent with the certified Channel Islands Harbor Public Works Plan.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development 1-09, as submitted, is consistent with the certified Channel Islands Harbor Public Works Plan, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DETERMINE DEVELOPMENT IS CONSISTENT WITH PWP:

The Commission hereby determines that the development described in the Notice of Impending Development 1-09 as is consistent with the certified Channel Islands Harbor Public Works Plan for the reasons discussed in the findings herein.

III. PROPOSED 5-YEAR TREE TRIMMING AND REMOVAL PROGRAM

The County of Ventura and the City of Oxnard have prepared the following plan for implementation. All tree trimming and removal shall be undertaken in compliance with

all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act.

1. No tree trimming or removal shall take place during breeding and nesting season (January through September) unless a tree is determined by a qualified arborist to be a danger to public health and safety. A health or safety danger exists if a tree or branch is dead, diseased, dying, or injured and is seriously compromised. Tree trimming or removal shall only be carried out from October 1 through December 31.

2. Trees or branches with a nest of a wading bird (heron or egret), a state or federal listed species, or a California bird species of special concern that has been active anytime in the last five years shall not be removed or disturbed unless a health and safety danger exists.

3. Any breeding or nesting tree that must be removed shall be replaced at a 1:1 ratio. Replacement trees shall be native or regionally appropriate non-natives and non-invasive. Replacement trees shall be selected from the plant palette approved by the County Board of Supervisors in the Channel Islands Harbor Public Areas Plan and Design Guidelines on June 24, 2008.

a. A tree replacement and planting plan for each tree replacement shall be developed to specify replacement tree locations, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards.

b. An annual monitoring report for tree replacement shall be submitted for the review and approval of the Harbor Director and maintained on file as public information.

4. Tree trimming or removal during the non-breeding and non-nesting season (October 1 through December 31) shall follow the following procedures.

a. Prior to tree trimming or removal, a qualified biologist shall survey the trees to be trimmed or removed to detect nests and submit the surveys to the Harbor Department. Tree trimming or removal may proceed if a nest is found, but has not been used within the prior 5 years and no courtship or nesting behavior is observed. Data collected on nest locations from the periodic surveys conducted by the Harbor Biologist, Jeffrey Froke, Ph. D., may be used to determine the past history of the nest.

b. In the event that a wading bird (heron or egret) species, a state or federal listed species, or a California bird species of special concern return or continue to occupy trees during the non-nesting season (October 1 through December 31), trimming shall not take place until a qualified biologist has assessed the site, determined that courtship behavior has not commenced, and has given approval to proceed within 300 feet of any occupied tree (500 feet for raptor species (e.g., bald eagles, osprey, owls)).

c. Trimming of nesting trees shall not encroach within 10 feet of an unoccupied nest of any of the bird species referenced above. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat.

5. Tree trimming or removal during breeding and nesting season (January-September) shall be undertaken only because a health and safety danger exists, as determined by a qualified arborist, in consultation with the Harbor Department and the City of Oxnard, and shall use the following procedures:

a. A qualified biologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or nesting behavior in or within 300 feet (500 feet for raptors) of the work area. An arborist, in consultation with the qualified biologist, shall prepare a tree trimming and/or removal plan. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the Harbor Director and maintained on file as public information. The plan shall incorporate the following:

- i. A description of how work will occur (work must be performed using non-mechanized hand tools to the maximum extent feasible).
- ii. Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing.
- iii. Steps taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and/or nesting birds and their habitat.

b. Prior to commencement of tree trimming and/or tree removal the qualified biologist shall notify in writing the Department of Fish and Game and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal.

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT, AS SUBMITTED

The following findings support the Commission's approval of the Notice of Impending Development, as submitted. The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION AND BACKGROUND

The Ventura County Harbor Department proposes a programmatic Notice of Impending Development (NOID) for a five year term in order to allow tree trimming and removal on

an as-needed basis throughout Channel Islands Harbor (Exhibits 1-2). Trimming is necessary in areas with the most public use, including parks, walkways, parking lots, and in and around the apartment complexes. The most recent Public Works Plan Amendment (PWPA 1-07) for the waterside portion of Channel Islands Harbor (revised findings approved by the Commission in October 2008) included a tree trimming policy. The policy (Policy 14 in the Biological Resources Section) provides standards for removal and trimming of trees to protect breeding and nesting habitat for bird species protected by the Fish and Game Code, the Migratory Bird Treat Act, and bird species of special concern. The policy states that tree trimming and removal requires a NOID undertaken pursuant to the parameters outlined, but that such trimming or removal can be accomplished through a harbor-wide programmatic NOID incorporating the parameters. In order to implement this policy, the Harbor Department has issued a programmatic NOID for a five year term to allow tree trimming and removal without having to submit separate NOIDs each time trimming or removal is necessary. No previous NOIDs for only tree trimming or removal have been processed for the Channel Islands Harbor.

The Harbor Department intends to conduct tree trimming and removal in consultation with the City of Oxnard. Through an annexation agreement from 1963 between the County of Ventura and the City of Oxnard, the City of Oxnard Parks Department maintains the trees in the parks and other public areas within the harbor. The Harbor Department finds that regular trimming around public spaces is necessary in order to keep walkways and other areas free of hazards from falling branches or other tree debris. Trees and vegetation proposed to be trimmed includes Monterey Cypress, Melaluca, New Zealand Christmas Trees, eucalyptus trees, olive trees, palm trees, and Myoporum. Many of these trees were planted when the harbor was originally developed.

Background

On September 19, 1986, the Channel Islands Public Works Plan (PWP) was effectively certified by the Commission. The purpose of the PWP, as certified, is to provide “a detailed and specific planning document to guide future Harbor development.” Jurisdiction within the Channel Islands Harbor is shared by both the County of Ventura and the City of Oxnard. Oxnard’s City limits extend to all Harbor land areas. Based on a previous agreement between the two governmental authorities and the Commission’s certification of the Public Works Plan, the County assumed planning and regulatory authority within the Harbor. Under the certified PWP, the County is responsible for approval of all development within the Harbor permitted by the plan. Under the PWP the County must submit a Notice of Impending Development (NOID) describing any proposed development that is listed in the plan, for review and approval by the Commission. For a project contained in the certified PWP, the Commission’s review of a Notice of Impending Development is limited to determining whether the development is consistent with the PWP, or can be made consistent by imposing reasonable terms and conditions to ensure that the development conforms to the PWP.

Requirements for the level of information contained in a Public Works Plan are contained in Section 13353 of Title 14 of the California Code of Regulations, which states that a PWP “shall contain sufficient information regarding the kind, size, intensity and location of development activity intended to be undertaken pursuant to the plan.” Such information includes: 1) the specific type of activity or activities proposed to be undertaken; 2) the maximum and minimum intensity of activity or activities proposed to be undertaken; 3) maximum size of facilities proposed to be constructed pursuant to the plan; and 4) the proposed location or alternative locations considered for any development activity or activities to be undertaken pursuant to the proposed plan. The Coastal Act envisions that a Public Works Plan functions more as a Specific Plan or a master development permit in order for specific projects or activities described in the PWP to be approved quickly through the Notice of Impending Development Process at later dates with minimal review. Activities, projects, or facilities not specifically proposed in a Public Works Plan in the level of detail described above may require an amendment to the certified PWP that must be approved by the Coastal Commission prior to approval and issuance of a Notice of Impending Development for said activity, project, or facility.

The standard of review for the Notice of Impending Development is the certified PWP (originally certified in 1986 and more recently amended). The PWP contains policies and provisions that identify areas for harbor development while protecting coastal resources including the marine environment, scenic and visual resources, and public access and recreation.

B. BIOLOGICAL RESOURCES

The certified Channel Islands Harbor PWP incorporates by reference Sections 30240, 30230, and 30231 of the Coastal Act. Section 30240 provides for the protection of Environmentally Sensitive Habitat Areas. Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored.

Section 30240 of the Coastal Act States:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Channel Islands Harbor Public Works Plan also contains specific policies to protect marine and biological resources and in and around the Harbor.

Policy 2 (Biological Resources) in the PWP states:

Use of the marine environment shall be permitted to the extent that it does not adversely impact the biological productivity of Harbor and coastal waters.

Section 4.5 (Biological Resources) in the PWP states:

Within Channel Islands Harbor terrestrial biological resources are limited in distribution and significance. The area is completely developed with commercial, recreational and residential structures; terrestrial vegetation consists entirely of introduced landscaping species.

Notwithstanding this man-made environment, several bird species, such as great blue herons and black-crowned night herons, utilize the trees in the Harbor for roosting and nesting. Although none of these species is listed as threatened or endangered, their presence is considered important. In

addition, nearby Hollywood Beach west of the Harbor is designated as critical habitat for western snowy plover and California least tern.

PWP Policy 14 regarding Trimming and Removal of Trees states:

The purpose of this policy is to ensure the long term protection of breeding and nesting habitat of birds protected by the Fish and Game Code, the Migratory Bird Treaty Act, and all bird species of special concern. The trimming or removal of any tree that has been used for breeding and nesting within the past 5 years, determined by a qualified biologist, shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act and shall require approval through a Notice of Impending Development undertaken pursuant to the parameters listed below. Tree trimming or removal can also be accomplished through a harbor-wide programmatic NOID that incorporates the parameters below.

Tree trimming or tree removal shall be prohibited during the breeding and nesting season of the bird species referenced above (January - September) unless the Harbor Department, in consultation with a certified arborist, determines that a tree causes danger to public health and safety. A health and safety danger exists if a tree or branch is dead, diseased, dying, or injured and said tree or branch is in imminent danger of collapse or breaking away. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.

The removal of any breeding and nesting tree shall require mitigation at a 1:1 ratio. Replacement trees shall consist of native or non-native, non-invasive tree species. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree locations, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards. An annual monitoring report for tree replacement shall be submitted for the review and approval of the Harbor Director and maintained on file as public information.

A. Tree Trimming During Non-Breeding and Non-Nesting Season (October-December)

1. Prior to tree trimming or removal, a qualified biologist shall survey the trees to be trimmed or removed to detect nests and submit the survey(s) to the Harbor Department. Tree trimming or removal may proceed if a nest is found, but has not been used within the prior 5 years.

2. In the event that any of the bird species referenced above return or continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist has assessed the site, determined that courtship behavior has

not commenced, and given approval to proceed within 300 feet of any occupied tree.

3. Trimming of nesting trees shall not encroach within 10 feet of an unoccupied nest of any of the bird species referenced above. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat.

B. Tree Trimming or Removal During Breeding and Nesting Season (January-September)

If tree trimming or removal activities cannot feasibly avoid the breeding season because a health and safety danger exists, the following guidelines must be followed:

1. A qualified biologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or nesting behavior in or within 300 feet of the work area. A tree trimming and/ or removal plan shall be prepared by an arborist in consultation with the qualified biologist. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the Harbor Director and maintained on file as public information. The plan shall incorporate the following:

a. A description of how work will occur (work must be performed using non- mechanized hand tools to the maximum extent feasible).

b. Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing.

c. Insurance that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and nesting bird's and their habitat.

2. Prior to commencement of tree trimming and/or removal the qualified biologist shall notify in writing the Department of Fish and Game and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal.

Several bird species, such as great blue herons, black-crowned night herons, and snowy egrets utilize trees in the Harbor for roosting and nesting. Although none of these species are listed as threatened or endangered, the presence of these birds, particularly their nesting in the area, is considered important because these species play an integral role in the ecosystem as top wetland predators. Although most of the trees used by these birds are not native trees, they do contribute to the viability of the above-mentioned bird species in that they provide nesting and roosting habitat near the areas where they forage in the harbor. The height of the trees and the dense foliage

provide protection from disturbance and predators. Such habitat areas have become much more rare in the Southern California area owing to coastal development.

Great blue herons and black-crowned night herons use various locations throughout the Channel Islands Harbor as nesting sites. It is recognized that these birds may return to the same trees for nesting from year to year, or they may use different trees. The County has contracted with a biologist, Dr. Jeffrey Froke, to survey nesting areas in the Harbor. Nesting tree sites have been documented monthly from 2003 to the present by Dr. Froke. The trees that have been utilized or may be used in the future by sensitive bird species are located on the landside of the harbor, within park areas, landscaped areas, and parking lots.

Trimming or removal of nesting trees can impact birds, either causing them to leave established nests or preventing them from nesting or other reproductive activity. Policy 14, above, requires a NOID or programmatic NOID for the trimming or removal of any tree that has been used for breeding or nesting by these species within the past five years within the harbor. This policy also identifies certain parameters for tree trimming during the breeding and nesting season (January-September) and outside of the breeding and nesting season (October-December). Tree trimming and removal is prohibited during the breeding season of the bird species mentioned above, except where a danger to public health and safety is determined to exist. Additionally, the removal of any breeding or nesting tree requires a replacement tree as mitigation and a five-year monitoring program to ensure success of the replacement tree (Exhibit 3).

The proposed NOID is for the trimming and/or removal of trees on an as-needed basis for five-years from the date of approval. The programmatic NOID has been developed in compliance with biological resource policies of the PWP to assure protection of important bird species in the harbor. Specifically, the programmatic NOID was developed in compliance with the tree trimming and removal policy (Section 14) of the PWP approved by the Commission (revised findings) in October 2008. The programmatic NOID is consistent with the language in Policy 14, outlined above.

Minor changes to the policy language were incorporated into the proposed 5-year programmatic NOID in order to provide more clarification of which bird species and nests are protected (state or federally listed species, all California birds species of special concern, and wading birds (egrets and herons)) and provide clarification that all trimming must also be at least 500 feet away from raptor (e.g., bald eagle, osprey, owl) nests. The definition of "health and safety danger" was also modified to change the language from "...is in imminent danger of collapse or breaking away" to "...is seriously compromised." This modification was made for practical application purposes. This modification will allow more flexibility for the arborist, in consulting with the Harbor Department, to determine whether a health and safety danger exists without necessarily making a determination that a branch or tree is in "imminent" danger of collapse or breaking away. A tree or branch can be a danger to health and safety even without the immediacy requirement and trimming or removal may be necessary to avoid the "imminent" danger. However, this modification does not materially change the definition

of “health and safety danger” and this requirement must still be met for trimming or removal during nesting and breeding season.

Therefore, the Commission finds that the Notice of Impending Development, as proposed, is consistent with the biological policies of the certified PWP.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Harbor Department, in its role as lead agency for the PWP and the NOID for purposes of the California Environmental Quality Act (“CEQA”),¹ has determined that the project is categorically exempt from the provisions of CEQA, under CEQA Guidelines Section 15301. 14 C.C.R. § 15301 (“Existing Facilities”); see *also* CEQA section 21084 (authorizing promulgation of regulations listing categorical exemptions). For CEQA purposes, the Commission’s role with respect to this project is that of a responsible agency. Despite the lead agency’s determination of categorical exemption for the project, the Commission has separately considered the potential environmental impacts of the project as it would be characterized under both CEQA and the Coastal Act. As an agency with a certified regulatory program under CEQA section 21080.5, the Commission regularly assesses whether its approval of a project, as modified by any conditions of approval, is consistent with the provisions in CEQA Section 21080.5(d)(2)(A) that a proposed project not be approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect the activity may have on the environment. As in other contexts, the Commission has considered that question here.

The Commission incorporates its findings on Coastal Act and PWP consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development approved by this NOID is consistent with the policies of the certified PWP. There are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the Notice of Impending Development, as submitted, is consistent with CEQA Section 21080.5(d)(2)(A), and the applicable provisions of the Public Works Plan.

¹ Cal. Pub. Res. Code (“PRC”) §§ 21000 *et seq.* All further references to CEQA sections are to sections of the PRC.

552

SEE 522

MAP

0 25 50 75 100
feet
0 .25 .5 1
miles

SEE 386

MAP

EXHIBIT 1
CI Harbor NOID 1-09
Vicinity Map



HERON NEST ATLAS for CHANNEL ISLANDS HARBOR HERONRY, 2003-2007



- Nest Tree Species: Monterey Cypress
 Monterey Pine
 n = 43
 Pohutukawa (New Zealand Christmas Tree)
 Magnolia (01) & Melaleuca (02)
 Mexican Fan Palm
 Red circle indicates trees that were used only once during 2003-2007

JS Froese PNO / 01.14.08 v2

EXHIBIT 2

CI Harbor NOID 1-09

General Bird Locations in Harbor

recommendations: landscape

Plant Palette

- Large trees
- Medium trees



Acer macrophyllum



Alnus rhombifolia



Adiantum menziesii



Lyonothamnus floribundus ssp. asperidifolius



Pinus muricata



Pinus torreyana



Platanus racemosa



Populus fremontii



Pinus sabiniana ssp. haysii



Quercus agrifolia



Quercus tormentella



Umbellularia californica

EXHIBIT 3

CI Harbor NOID 1-09

Tree Planting Palette

recommendations: landscape

Plant Palette

- Small trees and tree-like shrubs
- Palm trees
- Large shrubs



Arctostaphylos catalinae



Arctostaphylos glandulosa



Brahma edulis



Calycanthus occidentalis



Ceanothus arboreus



Ceanothus impressus



Comarostaphylos diversifolia



Dendromecon harfordii



Heteromeles arbutifolia



Prunus ilicifolia ssp. *ilicifolia*



Rhus integrifolia



Samolus mexicana

Latin name	Common name	Native to...	Form	height (ft)	spread (ft)	light level			moisture			uses				
						full sun	part shade	full shade	low	moderate	regular	moist	parks	promenade	retvetment or slope	streetscape
Small trees and tree-like shrubs																
<i>Arctostaphylos californica</i>	California Manzanita	Channel Isl.	broadleaf evergr. tree/shrub	18	12	*	*	*	*	*			*	*		
<i>Ceanothus arboreus</i>	Island Ceanothus	Channel Isl.	broadleaf evergr. tree/shrub	15-20	12	*	*	*	*	*			*	*		
<i>Comarostaphylos diversifolia</i>	Summer Holly	California	broadleaf evergr. tree/shrub	6-10	8	*	*	*	*	*			*	*		
<i>Heteromeles arbutifolia</i> var. <i>macrocarpa</i>	Island Toyon	Channel Isl.	broadleaf evergr. tree/shrub	15	15	*	*	*	*	*			*	*		
<i>Prunus ilicifolia</i> sp. <i>ilicifolia</i>	Hollyleaf Cherry	California	broadleaf evergr. tree/shrub	3-20	10+	*	*	*	*	*			*	*		
<i>Sambucus mexicana</i>	Mexican Elderberry	California	decid shrub/tree	6-20	15+	*	*	*	*	*			*	*		
<i>Xylococcus bicolor</i>	Mission Manzanita	California	broadleaf evergr. tree/shrub	8	6	*	*	*	*	*			*	*		
Palm trees																
<i>Borlia ornata</i>	Blue Hesper Palm	Baja Calif.	palm tree	45	10	*	*	*	*	*			*	*		
<i>Borlia edulis</i>	Guadalupe Palm	Baja Calif.	palm tree	15	10	*	*	*	*	*			*	*		
Large shrubs																
<i>Arctostaphylos glandulosa</i> sp. <i>crassifolia</i>	Del Mar Manzanita	California	evergreen shrub	6-15	8-10	*	*	*	*	*			*	*		
<i>Gadonanthus occidentalis</i>	Spice Bush	California	decid shrub	6-12	8	*	*	*	*	*			*	*		
<i>Ceanothus griseus</i> Santa Ana'	Santa Ana Ceanothus	California	evergreen shrub	6	12	*	*	*	*	*			*	*		
<i>Ceanothus impressus</i>	Santa Barbara Ceanothus	California	evergreen shrub	5-10	8	*	*	*	*	*			*	*		
<i>Dendromecon harfordii</i>	Channel Island Bush Poppy	Channel Isl.	evergreen shrub	6-15	12	*	*	*	*	*			*	*		
<i>Lesatium asperifolium</i>	Island Tree Mallow	California	evergreen shrub	10-15	10	*	*	*	*	*			*	*		
<i>Rhus integrifolia</i>	Lemonadeberry	California	evergreen shrub	5-15	10+	*	*	*	*	*			*	*		