
THE PRESS-ENTERPRISE

JANUARY 14, 2012

SAN JACINTO: Endangered plant loses to duck ponds



David Danelski/STAFF PHOTO Parts of the Ramona Duck Club were graded in September of 2011, raising concerns about endangered plants on the property

BY DAVID DANELSKI

Submerged in the murky water of the Ramona Duck Club's artificial ponds is a rare type of soil that harbored one of the last stands of an endangered plant, the San Jacinto Valley crownscale.

The duck club last year brought in heavy equipment to refurbish the ponds and lure game birds. The earth was scraped bare, and the alkali, clay-rich soil was covered with as much as a foot of water.

The state approved the work, although the club has received more than a half-million dollars in public money since 2008 for conservation efforts that were supposed to protect the plants while maintaining wetlands for waterfowl.

But state Department of Fish and Game officials, who have authority over the property, could produce no evidence that any of the plant's habitat was saved.

In 2008, wildlife biologists had found as many as 220 crownscale plants growing within the club's 92 acres along the southwest shore of Mystic Lake. Most were clustered near the center of the duck club land.

CONSERVATION CONTROVERSY

At least three times, the need to protect the plant's habitat was emphasized in public documents concerning the duck club property:

In 2006, the club obtained a permit to use 2 acres for parking, water storage, restrooms and other amenities. The rest of the land was designated as part of a regional wildlife reserve system, partly to provide a safe harbor for crownscale and other rare plants, according to regional conservation authority records.

In 2008, the club accepted \$138,000 in federal grant funds, and the U.S. Fish and Wildlife Service required known stands of crownscale to be flagged and avoided during work to refurbish duck ponds.

In 2011, state wildlife officials paid the club \$383,000 to preserve the land for conservation, noting in a report the land supported the crownscale and other plants listed under the Endangered Species Act.

Critics say the club and the state Department of Fish and Game have little regard for the endangered plants that require the area's unique soil to survive.

Among those critics is Tom Paulek, a former manager of the state's San Jacinto Wildlife Area and a wildlife biologist. The state land borders the duck club.

The club essentially used public money to rebuild ponds to attract ducks for hunters and rode roughshod over rare plant habitat that should have been saved, he said.

"It just galls me to see this plundering," Paulek said.

Walking along a dirt road separating the duck club and the wildlife area, Paulek gestured to the ponds in frustration. He said his complaints to Fish and Game and several other agencies were fruitless.

"If you are going to pay them," he said, "for God's sake, they've got to protect the plants."

Duck club President Malcom Smith said he knows of no endangered plants on the property. He said Fish and Game officials, who oversee a conservation easement on the club property, approved the pond work.

Fish and Game spokesman Andrew Hughan said the department took "due diligence" to avoid harming protected plants, but he could not provide details.

He said he did not know how the plants were protected, nor could he point to any particular places where the plants had been growing.

Although public documents repeatedly mention the land's value as rare plant habitat, state and federal officials have said there was nothing improper about the earth-moving work.

Kimberly Nicol, a Fish and Game regional manager based in Los Alamitos, said in a Dec. 14 letter to Paulek that the duck club property has no long-term conservation value for the crownscale plant because of the land's ongoing use as duck ponds.

"Suitable habitat for rare plants was not expected," she wrote.

The Fish and Wildlife Service has found no violations related to last year's grading, agency spokeswoman Stephanie Weagley said.

In an email, she said work done in the fall involved repairing one levee and "normal maintenance."

The service has consulted with a biologist for the California Waterfowl Association, a hunting and conservation group that oversaw the grant-funded pond rehabilitation project, and has asked him to prepare a report on how the duck club's work affected the plants. Weagley said federal officials plan to visit the property when ponds are drawn down later this year.

Earth-clearing work described in public records and observed by The Press-Enterprise in September appears to have been far more extensive than routine maintenance.

DISAPPEARING RANGE

The crownscale has been losing ground for decades.

The spindly, silvery-green plant can live only in the moist, clay-laden, alkali soils associated with Mystic Lake, the San Jacinto River and Salt Creek, all in the area between Perris and the Badlands east of Moreno Valley.

Most of its traditional range has been eaten away by farming, development and waterworks, said Orange County biologist David Bramlet, an expert on crownscale and other rare native plants.

The plant clusters grow in the damp soil of seasonal pools that fill in winter and slowly evaporate in spring. During dry months, the plant withers, and the seeds lie dormant in the soil.

“It is our very own Riverside County plant; it doesn’t grow anywhere else,” said Andrew Sanders, a UC Riverside plant scientist and curator of the university’s herbarium.

Letting it become extinct would be a loss to a local ecosystem and probably would harm other wildlife, he said. Scientists might have a great deal to learn from it — research on other rare plants has led to development of improved crops and better drugs, Sanders said.

The crownscale is one of 146 vulnerable plants and animals in western Riverside County protected by a habitat-preservation effort spearheaded by the Western Riverside County Regional Conservation Authority, which is working to establish an interlinked reserve system covering about 500,000 acres.

The system saves “pristine open space to protect threatened and endangered species and preserve the region’s natural beauty for future generations,” said Tom Mullen, a former Riverside County supervisor who led the efforts to create a regional conservation plan a decade ago. Mullen later served as the authority’s executive director.

Building reserves also benefits transportation projects, he said.

It “accelerates the construction of much-needed road and freeway improvements in the region by satisfying in advance federal and state habitat conservation requirements for plants and animals protected by the Endangered Species Act and other environmental laws,” Mullen said in an email.

Because the duck club is in a sensitive habitat area, the Conservation Authority had to be consulted in 2006 when the club sought a county permit to use 2 acres for parking, water storage, restrooms and trap and skeet shooting ranges.

When the permit was granted, the rest of the property was designated for the regional wildlife reserve system. The land would “conserve ... soils supporting sensitive plants such as San Jacinto Valley crownscale,” among other rare species, according to authority records.

The land also would maintain habitat for waterfowl, preserve seasonal pools and establish permanent open space allowing wildlife to pass between other reserve areas, the records say.

The Conservation Authority’s goal is to set aside 6,900 acres suitable for crownscale. So far 3,300 acres are considered conserved. That area no longer includes the duck club land.

FEDERAL GRANT

In 2008, the California Waterfowl Association, a duck- and goose-hunting advocacy organization, obtained a \$1 million grant from the U.S. Fish and Wildlife Service for waterfowl habitat enhancement in San Diego County and the Mystic Lake area, including three privately owned duck clubs. The application for the North American Wetlands Conservation

Act grant said the crownscale and other plants listed under the Endangered Species Act could benefit.

The Ramona Duck Club received \$138,000 from the grant to restore its system of hunting ponds.

According to the grant agreement between the club and the waterfowl association, 56,000 cubic yards of earth would be moved for levee construction, and 2,700 feet of water pipe would be installed.

The agreement included a 30-year habitat management plan that made no mention of crownscale but called for the ponds to be disked during dry months to promote the growth of swamp timothy and other plants that provide food and cover for ducks and geese.

Chadd Santerre, a biologist and grant project manager for the waterfowl association, said in a November interview that endangered plants were not an issue because none were found during biological surveys of the club property in 2008. He emphasized that the project benefited ducks and other waterfowl by providing space for them to forage, nest and raise their young.

When provided with Fish and Wildlife Service records showing as many as 220 crownscale plants on the property in 2008, Santerre said he had had a memory lapse. He added that he oversees several projects and that the Ramona Duck Club surveys were done more than three years ago.

The federal record showed that the Fish and Wildlife Service required several areas where crownscale was found, including a patch of 100 to 200 plants, to be flagged and avoided during construction.

Other federal requirements called for broad levees to give the endangered plants places to grow; early-season draining to provide more opportunity for the crownscale; and setting aside topsoil to re-establish seed banks, according to an Endangered Species Act consultation document released by Fish and Wildlife. The use of federal grant money triggered the consultation.

A biologist for the California Waterfowl Association was to supervise construction to ensure the conservation measures were followed.

Santerre said the measures pertained only to work done in 2008 and that the club's efforts last year to repair broken levees was no different than a homeowner doing a project in his or her yard. He also said the ponds benefit many plants and animals that depend on wetlands.

Ileene Anderson, a botanist with the Center for Biological Diversity, said the pond work most likely severely damaged the plant habitat by compacting the soil, burying seeds too deep to germinate and making the land too wet.

The Tucson, Ariz.-based environmental group is exploring legal options to compel the Fish and Wildlife Service to make up for apparent habitat losses.

STATE MONEY

The duck club received a larger influx of public money last year.

The California Wildlife Conservation Board, which buys habitat lands for the state, in February approved the \$383,000 conservation easement purchase, covering 89 acres of the club's 92-acre holding. Such easements prevent future development.

A need to preserve habitat for the crownscale and other listed plants was part of a staff pitch for the expenditure. A conservation easement would "provide for the protection of habitat, open space and special-status species that are native to the area," according to minutes of the Feb. 24 conservation board meeting.

William Gallup, a senior land agent for the board, added during the meeting: “No new buildings, structures, or improvements other than a fence are permitted.” The deal gave the state Department of Fish and Game authority over the land.

The easement grant deed allows for “preservation and maintenance of managed wetlands” without defining what activities are considered maintenance.

A section of the deed concerning native plants is more specific: The easement prohibits “removal, destruction or cutting of native plants, trees or other vegetation located on the conserved property.”

Shortly after escrow on the easement closed in September, two Caterpillar 623B earthmovers graded most of the club’s property in what appeared to be a major project to rebuild ponds, levees and islands for duck blinds. The earthmovers, called scrapers, are 41 feet long and have tires 6 feet in diameter.

Press-Enterprise videos and photographs show that the grading occurred in the same areas where the crownscale was found during the 2008 biological surveys, including the stand of 100 to 200 plants.

Paulek managed the San Jacinto Wildlife Area for 13 years and is now a member of an environmental group called the Friends of the Northern San Jacinto Valley. He said he complained about the grading to several agencies.

One of his complaints went to Riverside County code enforcement, because county rules require a grading permit if more than 50 cubic yards of earth is to be moved. Code enforcement officials investigated and concluded no violation had taken place because the work was being done under the authority of the state, according to Riverside County spokesman Ray Smith.

When a code enforcement officer arrived at the site Sept. 16, club member and site supervisor Elmer Lackey told her the work needed to be done so the club could comply with the terms of the federal grant, according to county records. The work was described as disking and leveling ponds, repacking dikes and rebuilding a road, according to the code enforcement officer’s notes.

The code enforcement officer also spoke to Scott Sewell, the San Jacinto Wildlife Area manager who also oversees the duck club easement. He concurred with Lackey’s statement, according to her notes.

The code enforcement records make no mention of endangered plants.

The absence of a grading permit effectively cut the Regional Conservation Authority out of the loop, although it had been counting on the land for its reserve system.

Under county rules, when a grading permit is sought in sensitive habitat areas, the Conservation Authority must be contacted so the property can be surveyed for protected plants and animals before the land is disturbed.

Grading applications are “the trigger,” said Charlie Landry, the agency’s executive director. “That is the way we start everything that happens.”

On a sunny September afternoon, Paulek stood next to the duck club boundary and watched the scrapers clear the earth. The native plants could never survive such heavy work, he said.

The project makes “a charade” out of the region’s habitat conservation effort, he said.

The Department of Fish of Game isn’t doing its job, he said.

“California is mandated to manage for all the plants and animals,” he said. “This is not just a place to shoot ducks.”