

CNPS SAN DIEGO CHAPTER

BOARD OF DIRECTORS MEETING

January 3, 2018

Audubon Offices, 4010 Morena Blvd. Suite 100 San Diego, CA

AGENDA

Call to Order: 6:30 p.m. (Quorum = Six Board Members)

Known absences: None

- I. **Welcome visitors** (6:30 – 6:45)
 - A. **Mike Gonzales**
 1. Idea and request from the SD Pollinator Alliance.
 2. Follow-up at the February Board mtg. with a 15-min. presentation by Jonathan Snapp-Cook (USFWS) and Ann Baldrige (RCD).
- II. **Additions or Changes to the Agenda** – 1 min (6:45-6:47)
 - A. Vote to approve.
- III. **Election of Board Officers for 2018** (6:47 – 7:05)
 - A. **President**
 - B. **Vice President**
 - C. **Treasurer**
 - D. **Secretary**
- IV. **Review of Minutes** – (Mike) min (7:05-7:10)
 - A. December 2017 – vote to approve.
- V. **Treasurer's Report** – (Connie) 15 min (7:10-7:25)
 - A. December Report (Connie) – vote to approve.
 - B. FY 2018/2019 Budget - Request that 2 or 3 Board Members participate in budget recommendations for next year. A new format will be created for better understanding of Chapter and fundraising activities.
 - C. Annual calendar of Board activities (Connie)
- VI. **Committee Reports**
 - A. **Programs** (Torrey for featured speakers and Sue for Natives for Novices) 7:25-7:30
 1. Honorarium for speakers? (Torrey)
 - B. **Field Trips** (Justin) 7:30-7:35
 - C. **Conservation Committee** (Frank) 30 min 7:35 – 8:05
 1. See Attachment 1
 - D. **Frank's Non-conservation items** 8:05-8:15
 1. 2018 CNPS Conservation Conference February 2-4, 2018
 2. Chapter Council Meeting March 9-11, 2018.
 - E. **Mini-grant Guidelines** (Tom, Torrey, Mike and Bobbie are the committee). Table to next meeting so committee can review guidelines distributed December 27, 2017.
 - F. **Winter Workshop Update** from Judie Lincer (Attachment 2).
 - G. **Garden Tour Update** from Judie Lincer (Attachment 3)
 - H. **Garden Committee** – (Al) (8:15-8:20)
 1. Garden Native name (Attachment 4)
 2. Motion
 3. Vote.

- I. **Personnel Committee** (Bobbie) 8:20-8:25
 - 1. Advertise for Media Director in February
 - 2. Motion.
 - 3. Vote.
- VII. **New Business**
 - A. **Scholarship/mini-grant for attendance at FIELD BOTANY OF SAN DIEGO COUNTY class** (Torrey) (8:25-8:30)
- VIII. **Old Business**
 - A. **Chapter Alliances** (Joseph) (8:30 – 8:35)
 - 1. Motion.
 - 2. Vote to approve.
 - B. **Ideas for our money** (Tom/Al) (8:35-8:45)
 - 1. Scholarship, Spanish education on natives, big project.
- IX. **Chapter Meeting Welcoming Table Assignments** (Connie) - 1 min
- X. **Chapter Council Mtg – March 2018, Anza Borrego.**
- XI. **Next Meeting Date: February 7, 2018**
 - Important agenda items?
 - Tasks to accomplish prior?
- XII. **Wrap up and conclusions** (8:55-9:00)

ATTACHMENTS

ATTACHMENT 1: Conservation Issues (Frank)
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December 31, 2017

1. Vernal Pool Habitat Conservation Plan

- a. Goes to City Council January 22. Prior to that, City Planning is supposed to get back to us with their responses to our concerns, presented at a December 18 meeting.
- b. A lawyer is already considering whether there is a good case to be made for litigating against it.
- c. If there is a good reason for litigation, the suit would have to be filed within 30 days of when the Notice of Decision is filed, which likely means the end of February.
- d. To enable CNPS to *potentially* enter a lawsuit, I have to send a more filled-out version of the attached letter to the state Board of Directors, with as many details as I can muster. **THE CRITICAL THING THE STATE NEEDS TO KNOW ARE THEIR DEADLINES. THEREFORE AN INCOMPLETE LETTER WILL BE SENT AS A FIRST NOTICE OF A POTENTIAL ACTION, PER THEIR INSTRUCTIONS, SO THEY CAN BEGIN THEIR PROCESS.**
- e. I (Frank) am NOT interested in CNPSSD pursuing this if the lawyer doesn't think there is a good case. I do not have time to assemble the case between now and January 22, so I am depending on lawyers from other groups to determine if we have a case and a need to litigate.
- f. If there is a good case, the CNPSSD board will need to vote on whether or not to sponsor this litigation or not. If the board votes to not sponsor, state CNPS may still decide to sue, but the CNPSSD board will not be further involved in the litigation.

2. CalFire Vegetation Treatment Program

- a. Comments are due January 12.
- b. I'm coordinating a statewide response to this statewide document. Help is welcome.

- c. To give an idea of how bad this is, the VTP proposes fuel breaks, WUI treatments, and "ecological restoration treatment areas." Their mapping is problematic and probably wrong (a serious issue under CEQA), and there is ample evidence that they did not check their maps before publishing them. For example, the VTP maps show proposed 300' wide fuel breaks on Torrey Pines State Reserve, TRNERR, Cabrillo National Monument, Cleveland National Forest, MCAS Miramar, Superstition Hills Naval Reserve, Carmel Mountain, Del Mar Mesa Ecological Reserve, the proposed Merge 56 shopping center next to Del Mar Mesa (around the vernal pools), Anza Borrego State Park, Algodones dunes, all or most Indian reservations in San Diego and Imperial County, and the San Diego Zoo Safari Park, among many others. Maps for other parts of the state are just as bad. The critical questions are whether the VTP should have an EIR/S rather than a EIR (since the maps cover federal and tribal lands), whether all the property owners affected by the VTP were properly notified of the comment period for the PEIR (evidence is that there was no notification of Indian tribes), whether the maps presented are the actual maps of the VTP, and if not, what to do about it.
3. **County Climate Action Plan.** FEIR is due out January 8. It goes to the County Planning Commission on January 18. Sierra Club is unhappy and may renew their litigation, and it is unclear what is driving County Planning to suddenly fast-track this project.
 4. **Safari Highlands DEIR.** comments were due January 2. I submitted comments for CNPSSD.
 5. **WHCC.** Over the last few months, I have been going to politician's offices with people from the Wildlife and Habitats Conservation Coalition, and one of the issues we are discussing is what to do about mountain bikers cutting trails.
 - a. The epicenter is Carlsbad Highlands Ecological Reserve (CHER), where over 50 miles of trails were cut in 470 acres of ecological reserve between 2006 and 2009. San Diego Mountain Biking Association has pressured CDFW and state politicians to retroactively open CHER to mountain biking.
 - b. WHCC has been talking with SDMBA, and they are starting to realize just how stupid this idea was (ecological reserves are the most restricted class of CDFW lands, meant to protect endangered species, and if CDFW retroactively allows vandals access, then we potentially open them all and lose endangered species protection. CDFW mismanages ecological reserves, but gutting their legal protection won't help). Still, SDMBA is pushing for more trails in federal wilderness and other areas, so this is an active issue.
 - c. This week we'll be meeting with staff from the offices of Susan Davis and Darrell Issa.
 6. **"Chemophobia."** Carlsbad and Encinitas seem to have limited or banned the use of glyphosate in their parks. CNPS Orange County has had similar issues in their parks, and they are pushing for a statewide campaign to ameliorate the bans by educating the people who want to ban all pesticide use over the difference between our (CNPS) highly controlled use of herbicides and broadcast spraying it on lawns. We've also talked at Chapter Council about publicizing the dangers of alternatives, such as Jason Giessow losing an arm during a mowing accident. This is properly not a conservation committee issue, but the emails come to me. Does CNPSSD want to take up this issue, and if so, who will take the lead on it?

Very preliminary VPHCP litigation summary:

LITIGATION SUMMARY REPORT

Litigation Summary for: **City of San Diego Vernal Pool Habitat Conservation Plan (VPHCP)**

Author: Frank Landis, Conservation Chair

Date: January 5, 2018

Note: language in [brackets] is from the directions CNPS provides for filling out a litigation summary report. They want notification as early as possible over potential litigation, so they can work on their end to determine if CNPS will litigate, who will be delegated to act on behalf of CNPS in the matter, and who will pay.

I. Executive Summary [a short (one sentence, if possible) statement of who CNPS wants to sue, on what grounds, and what native plants or plant communities would benefit from the action.]. Coalition issues on the Vernal Pool Habitat Conservation Plan (VPHCP) are:

- Destruction of some of the most important remaining vernal pools and vernal pool habitat
- important for restoration would be authorized on City and private properties;
- Several important existing vernal pool preserves would not be provided needed conservation management;
- The necessary level of conservation management appears to be underestimated for several vernal pool preserves;
- The costs of particular important vernal pool conservation management activities appear to be underestimated;
- Public education is neglected as a critical element of vernal pool conservation management;
- The City's database of vernal pools is incomplete

II. Timing for Board Action [state any known deadlines for the litigation to be filed (e.g., statute of limitations), and any dates by which the Board must make a decision whether to authorize the litigation to allow sufficient time for litigation documents to be researched and drafted before the expiration of any applicable limitations period.]. The San Diego City Council votes on whether to certify the VPHCP January 22, 2018. Assuming this is the same date as the Notice of Determination, the 30 day limit for filing suit ends February 22, 2018.

III. Rationale for the Action: [explain why the probable resolution of the legal claims will result in furthering CNPS' mission and goals. Does the lawsuit protect a particularly important population or plant community? Will the action set favorable precedent, or stop repeated or ongoing violations of laws that protect native plants or native plant communities? Are there any alternatives to litigation that would result in an acceptable or more reliable solution, or that would improve local public understanding and support for CNPS' concerns, if litigation is ultimately necessary?]

IV. Desired Outcome [state the outcomes the Litigation Sponsor would view as acceptable in the matter, including any suggested terms of compromise or settlement that may allow for resolution of the matter before a final decision is rendered by a court.]. As of 12/31/2017, we are waiting to see what, if anything, City Planning proposes in response to the seven issues proposed above. If City Planning provides adequate relief or the counsel reviewing the document does not believe we have a good case, no litigation will happen.

V. Identification of Litigation Sponsor and Potential Settlement Committee Members [state who is proposing the litigation (the "Litigation Sponsor"), what Chapter, if any, has formally endorsed the litigation, who is proposed to serve as the chair of the Settlement Committee (if different than the Litigation Sponsor), and up to three additional CNPS members who are proposed to serve on the

Settlement Committee. To the extent available, attach any resolutions, minutes or other documentation demonstrating individual Chapter's support. The Board shall not authorize litigation in the name of any Chapter of CNPS without evidence that the board of directors of that Chapter has approved being named in the suit. The Board of Directors may authorize proposed litigation on behalf of any member of CNPS with or without Chapter support. As noted above, CNPS is a single 501(c)(3) organization, and the state CNPS Board of Directors retains ultimate authority over review and approval of any chapter litigation.]. Frank Landis would be litigation sponsor. CNPSSD will not vote on whether to pursue litigation until 2/7/2018.

VI. Identification of Counsel [provide the name and contact information for any attorney who is proposed to represent CNPS in the matter, and, a brief statement of why the Litigation Sponsor believes this individual should represent CNPS. If counsel has not been identified, please state so as the Litigation Committee may be able to assist the member or Chapter in identifying appropriate counsel for the matter.]

VII. Statement of Aligned and Opposing Parties [to the extent known, list all parties who would join with CNPS in prosecuting the lawsuit, and all parties, persons or entities who would either be named as adverse parties, or who foreseeably stand to be harmed if CNPS proceeds, whether they are named in the suit or not. Please be as inclusive as possible. Opposing parties include, but are not limited to, applicants for development permits, owners of land, government agencies who are in partnership or cooperation with a defendant agency or person, or other persons or entities, including other non-profit organizations, who might reasonably suffer financial, emotional, physical or reputational injury by virtue of the litigation. Accordingly, special attention should be paid to the question of whether any conflicts of interest, such as those described above, might be presented by the proposed litigation.]

Aligned parties include Preserve Wild Santee (Van Collinsworth) and David Hogan. Other groups that might be involved include California Chaparral Institute, Center for Biological Diversity, Cleveland National Forest Foundation, Endangered Habitats League, Environmental Center of San Diego, Friends of Rose Canyon, San Diego Audubon Society, Save Our Forests and Ranchlands, and Sierra Club San Diego. Opposing parties include the City of San Diego. It is unclear whether projects identified as "in the pipeline" in the VPHCP would be harmed by delay of the VPHCP. This needs to be determined by legal counsel.

Question for CNPSSD BOARD: Are there known or identifiable conflicts of interest?

VIII. Statement of Facts [a brief summary (no more than one page) of the nature of the project/proposal at issue. In short: who is violating the law? in regard to what proposed action? What plant or plant communities might be affected and where? When will the decision be made? And, when might actions on the ground be taken that could irreparably harm the plant or plant communities at risk? (note that "why" and "how" are missing: see sections II, above, and IX, below).]

IX. Legal Claims/Analysis [provide a short and readable synopsis (again, preferably no more than one page) explaining how the facts relate to applicable laws, and highlighting the most significant legal claims that the lawsuit would turn on. If no formal legal analysis is available, documents such as CEQA comment letters or administrative appeal documents may be attached, but a brief, and readable, synopsis of such claims should also be provided.]

X. Potential for Adverse Consequences [identify any known or probable adverse consequences or policy concerns that might arise if CNPS engages in litigation. Will any known CNPS cooperative ventures with public or private entities be compromised by the action? Is there a reasonable potential for legal penalties,

or a retaliatory (“SLAPP”) lawsuit to be filed by opposing parties, if CNPS initiates litigation? Is there a meaningful risk of establishing unfavorable precedent by either winning, or losing, the case?]

XI. Financial Commitments and Resources [to the extent known, state the amount, if any, that CNPS would be obligated to pay, and any secured resources available to offset those amounts, including dedications of Chapter funds, if the Board decides to authorize the litigation. Copies of attorneys’ proposed retainers, estimates or other descriptions of how fees and costs will be assessed are encouraged.]

ATTACHMENT 2 – WINTER WORKSHOP UPDATE

Winter Workshop 2018 update - January 2017

Judie Lincer-Garden Native Tour Director, CNPS-SD Board Report- Winter Workshop 2018

Things are moving smoothly and on schedule for the workshop. The only notable change in the schedule is that Su AND Hank Kraus of Moosa Creek Nursery will be doing the propagation session together. I am thrilled to have these two local experts in the field of propagation presenting this session and know this will be a great asset to our program.

See link for draft brochure for the Winter Workshop: <https://indd.adobe.com/view/f3d316f4-cb82-479f-bfa1-4410466178ab>

All speakers have provided bios, titles and descriptions so the Workshop Brochure is close to complete.. Joseph setup ticketing through Brown Paper Tickets and the event went live on Dec. 27th. The announcement will go out to our contact list the week on Jan 1st along with a social media campaign. Cost will be \$60.

San Diego Botanic (SDB) will provide the projector, screen, tables and chairs and a tech person for early morning set up. I have volunteers for registration, set up, food prep, etc. Steve Miller will be available the day of the event for tech support. A schematic has been provided to SDB for room set up.

I worked with Becky Reilly who is the State CNPS Engagement Strategist in charge of liability insurance and all documents are complete and on file with San Diego Botanic and CNPS for insurance.

I have begun contacting potential sponsors but since we need to have our Workshop Brochure in its final stages and ready for the printer by mid-January, as of now we plan to provide logo space for our consistent sponsors, even if we have not yet heard from them with a commitment of sponsorship.

CNPS-SD Winter Workshop

Budget as of 2/29/17

INCOME

Workshop Tickets Sold	4,800
(80 tickets @ \$60.00 ea)	
	4,800

EXPENSES

Honorariums	650
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Graphic Design	600
Breakfast / Lunch	600
Program Printing	300 estimate
AV Equipment Rental	250 estimate
Facility Rental - San Diego	100
Botanical Garden, Encinitas	
	2,500
INDEPENDENT CONTRACTOR	
Workshop Director	4,000

ATTACHMENT 3 – GARDEN TOUR UPDATE



Board Report-Native Garden Tour-Sat. Sun-April 14th and 15th North County of San Diego (Encinitas, Carlsbad, Oceanside, San Marcos, Vista, Escondido) Judie Lincer- Tour Director, CNPS-SD

I have visited 19 gardens so far, including some public gardens. Lux Art Institute, Encinitas and Anstine are currently our two check in locations and we are considering changing from the Anstine location to CSUSM or another more central location, given how remote Anstine is. As of now we have 12 private gardens who will be on the tour and I will be looking at a several more in the next few weeks. Garden Committee members- Al Field, Nancy Levine, Greg Rubin, Diana Stockdale and Lucy Warren have accompanied me to view many of the gardens. I have been in touch with several native garden designers: David Clarke, Ecology Artisans, Kelly Grn-Native Landscape Living and Dave Buchanan. Dave Buchanan is not interested in having his gardens considered. I, along with some GC members, will be viewing some of the other designer gardens in January.

Al Field, Greg Rubin and I met with Hunter Industries in Vista on Dec. 11th to discuss sponsorship and we submitted a proposal to them inviting them to be our Title Sponsor (\$15,000) for 2018. We are also drafting a letter that is targeted to the water districts since we have very similar goals and see them as good on-going potential sponsors.

I am in regular communication with Chapter Garden Committee Chair-Al Field, regarding project status and provide regular written communication and updates. Al and I and other GC members are scheduled to visit Tree of Life Nursery on Friday, Jan 5th and to visit a few more gardens for consideration.

I will be participating in a phone call on Jan 9th with Liv O'Keeffe, State CNPS Director- Marketing and Communications, and other CNPS Native Plant Tour Directors so we can share ideas and plans. I

suggested starting a shared drive so that we can share templates and not have to reinvent the wheel regarding drafting documents to fit our needs. Kristen Wernick, State CNPS Outreach Coordinator set that up on google drive and it is active for use.. Kristen has provided access to a wonderful collection of photos via flickr that we can use for media and brochures, until we develop a local native plant photo library of our own via a CNPS-SD photo contest that we have been advertising in our monthly newsletter and online. I have been in touch with Becky Reilly who is the State CNPS Engagement Strategist in charge of liability insurance for the Garden Tour and will be working on completing that in the upcoming months.

If you have any questions, don't hesitate to contact me. Thank you!

Judie

CNPS-SD Garden Native Winter Workshop & Garden Tour 2018 Director

tour@cnpssd.org

Cell 619 277-1490

ATTACHMENT 4 – GARDEN NATIVE NAME

GARDEN NATIVE

BACKGROUND: Several years ago, "Garden Native" was created by State CNPS and used when they were the sponsor organization for our San Diego tours (there were 2). Chapter individuals responsible for the tour (under State leadership) were Susan Krzywicki and Hei-ock Kim. When the Chapter assumed leadership, it was decided by the Garden Committee to continue this special event branding and to rename the Garden Committee "Garden Native". There are members of the current Garden Committee who have asked that the Board consider this recommendation.

RECOMMENDATION: It is recommended that the Chapter discontinue the use of "Garden Native" – as it relates to Chapter special events and activities.

- Individuals who promoted "Garden Native" are no longer active in CNPS. This venture was created and used by the State in sponsoring their Garden Tour endeavors. Using "Garden Native" in our conversations, in our financial records, and in our advertising – all have caused some confusion.

SOCIAL MEDIA: There are five internet activities where CNPS, SD uses the term "Garden Native". Joseph Sochor, our Webmaster and Media Director recommends the following:

- **The title of Garden Committee.** To avoid confusion, Joseph has begun calling it online the 'Garden Committee' once again. This is what he recommends going forward to avoid confusion.
- **The financial category of Garden Native.** The recommendation is that we change all "Garden Native" activities in our financial reporting to Special Events. There is a page on the chapter website that is called Special Events, found both under the About tab and the Activities tab. There are (now) 5 yearly events and they are related in that they all have financial outlay, hired personnel, and potential income for the chapter.
- **The Garden Native Facebook page.** It might make sense to change the name to a page that seasonally promotes the Special Events. Or it can be scrapped and all photos

archived, since it garners very little activity. It may be worth creating some other platform for CNPS-SD, if that is the case. Maybe Pinterest which has been suggested to our Media Director as useful for people to find us in searches.

- **The Garden Native Instagram page**. This name cannot be changed and it is recommended to just proceed with it as is. It doesn't have the traction of the CNPS-SD Instagram page but for the time being it may make sense to leave it alone as it does get some love online.
- **The Garden Native website**. Joseph has been working on merging all the Garden Native info into the chapter website. It should be completed by the January Board Meeting. His recommendation is to discontinue the use of the "Garden Native" term on the chapter website.