

La Mineta Ranch Project Biological Resource Assessment

Mariposa County, CA

Prepared for

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SUMMARY OF FINDINGS AND CONCLUSIONS

Environmental Site Restoration, Inc. (ESR) prepared this Biological Resource Evaluation (BRE) of the La Mineta Ranch property hereinafter referred to as the "project or project site" in response to a request from Mr. Gabriel Albarian, Jr. to meet the environmental documentation compliance provisions of the California Environmental Quality Act (CEQA). It is anticipated that a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR) will be prepared for the project in order to clear the project environmentally under CEQA.

ESR, Inc. prepared the BRE based on both a review of existing literature, several habitat/terrestrial field surveys, and protocol level floral surveys during appropriate blooming periods conducted on May 30, 2014, June 4, 2014, March 12, 2015, March 13, 2015, April 16, 2015, and June 15, 2015. Additionally, ESR has conducted years of field surveying and biological assessments in Mariposa County and, in particular, the Hornitos/Catheys Valley/Mariposa area triangle and has a very good understanding of the sensitive species potential use within the area and listings of species observed in the area. In addition, biotic habitats protected by state or federal law, or otherwise considered sensitive according to the guidelines of CEQA, were assessed.

The approximately 115 acre site is currently undeveloped except for an unnamed property road and is characterized as open space consisting of Blue Oak – Foothill Pine habitat and Chamise-Redshank Chaparral habitat with an intermittent seasonal drainage (La Mineta Gulch) running along its northeastern boundary.

The focus of this effort was to identify sensitive biotic resources that might be adversely affected by completing a minor subdivision of the site into 4 new parcels with a remainder. The four new subdivided parcels will consist of Parcel A (6.0 acres), Parcel B (7.89 acres), Parcel C (5.18 acres), Parcel D (10.10 acres) with a remainder of 85.84 acres. The primary focus was upon the portion of the property to be subdivided with the accompanied road improvements. The remainder of the property (85.84 acres) was included in site surveys for botanical and faunal resources but was not assessed for potential impacts as this portion of the property will remain intact without proposed improvements. The current property road will be upgraded to a Mariposa County Class II road, which will consist of a 20 foot wide gravel road with 2 foot shoulders, or a total width of 24 feet with a cul-de-sac at the end (Figure 3). The current lay out of the road is not finalized but will be designed to minimize impacts to existing oak trees. The road improvements will require a 24-foot right-of-way (ROW) but for potential impacts, ESR considered a potential 60-foot ROW.

The physical address of the proposed minor subdivision is located at 49870 Hummingbird Lane, just off of State Highway 140, situated between Catheys Valley and Mariposa in Mariposa County (County). The site and project is described as being within the Las Mariposas Section, Township 5 South, Range 18 East, Mount Diablo Base and Meridian. The site is currently undeveloped but had been previously brushed and is therefore currently over grown with underbrush, including dense stands of poison oak which is an aggressive "disturbance follower."

Characteristic of the floristic central Sierra Nevada Foothills Subregion in which it is situated, the approximate 115 acre project site supports areas of intact and degraded Blue Oak-Foothill Pine Woodland (~111.74 ac.), Chamise-Redshank Chaparral (~2.4 ac.) and intermittent seasonal creek (~0.86 ac.) habitats. The overstory of this vegetative community on the property is generally dominated by Blue oak, Interior live oak, California buckeye, and Foothill (Gray) pine, while the shrub community is dominated by chamise, toyon, and manzanita.

The approximately 0.86 acres of intermittent seasonal creek habitat is based on an average ten feet either side of the thalweg of the La Mineta Gulch (gulch) drainage located along the northeastern portion of the property. For most of the project site the gulch serves as the northeastern boundary of the project and as such in these areas only the area southwest of the thalweg is considered in the habitat calculation. The entire gulch will be avoided during road improvement activities. The gulch habitat area is described as rocky and mostly devoid of vegetation, but with sparse patches of riparian vegetation where the water flows are captured. The gulch would likely be considered jurisdictional Waters of the U.S. by the U.S. Army Corps of Engineers (ACOE) given its connectivity with Aqua Fria Creek which eventually flows into Bear Creek which flows into the San Joaquin River located approximately 40 miles to the southwest. The Blue Oak-Foothill Pine woodland, and intermittent seasonal creek (riparian corridor) are considered to be sensitive natural communities.

Readily available data was collect from regulatory agencies to evaluate the potential resources located at the site. The database searches included the California Department of Fish and Wildlife (CDFW or Department) California Natural Diversity Database (CNDBB) and the U. S. Fish and Wildlife Service's (USFWS or Service) Environmental Conservation Online System (ECOS). The Service maintains the Information, Planning, and Conservation System (IPaC) on their ECOS website as an online conservation tool to help assess project-related conflicts with natural resources. With IPaC, natural resources that have the potential of being impacted are compiled including Threatened and Endangered species, Migratory Bird Treaty Act (MBTA) Birds

of Conservation Concern (BCC), potential wetlands, USGS Geographical Analysis Program (GAP) land cover, USFWS critical habitat, and other nature resource map layers. In addition, the California Native Plant Society (CNPS) website is accessed to generate species they are actively tracking. All of the species listed by the resource agencies are compiled into Table 1 and are hereafter referred to as "special status species".

The property boundary was evaluated using a nine (9) United States Geologic Service (USGS) quadrangle database search. The project lies within the Catheys Valley quadrangle and the surrounding quadrangles included: Illinois Hill, Ben Hur, Mariposa, Feliciano Mtn., Bear Valley, Hornitos, Indian Gulch, and Owens Reservoir. The CNDDB database searches did not list any special-status botanical or faunal species as previously occurring on the project site.

However, a non-critical habitat polygon for the state listed Limestone salamander, *Hydromantes brunus*, was included on the Hornitos quadrangle. According to the supporting data provided by the USFWS and the CDFW, this species specialized habitat is canyon slopes and talus piles within the Merced River corridor that are greater than 35 degrees (Flannery 2001). The project site is approximately 1.8 miles from the appropriate habitat in the Merced River corridor. The project site is in a different watershed and no suitable habitat is present for the species.

The plant species *Madera leptosiphon* (*Leptosiphon serrulatus*) was listed as being approximately 1.3 mile to the northeast of the property. No sensitive faunal species were listed as occurring within a 2 mile area of the project site.

1.0 INTRODUCTION

The introduction provides a project description of the area to be assessed, explains the purpose of the assessment, what studies are required to complete the assessment and when they were completed.

1.1 Project Description

The project site encompasses approximately 115 acres on State Highway 140 between the community of Catheys Valley and the town of Mariposa, in an unincorporated area of southern Mariposa County (Figure 1: Project Vicinity). The project proponent proposes a minor subdivision of the property into 4 new parcels with a remaining portion. The four new subdivided parcels will consist of Parcel A (6.0 acres), Parcel B (7.89 acres), Parcel C (5.18 acres), Parcel D (10.10 acres) with the remainder being 85.84 acres. The current unnamed property road will be upgraded to a Mariposa County Class II road, which will consist of a 20 foot wide gravel road with 2 foot shoulders, or a total width of 24 feet with a cul-de-sac at the end (Figure 3). The current lay out of the road is not finalized but will be designed to minimize impacts to existing oak trees with a diameter at breast height (dbh) of 5 inches or greater. The access roadway (Hummingbird Lane) currently crosses, by culvert, the intermittent seasonal drainage (La Mineta Gulch). No improvements are currently proposed to Hummingbird Lane, therefore no changes to the current culverted road crossing is proposed. The vicinity of the project site is characterized by several multi-acre residential parcels ranging in size from 7 acres to over 1,400 acres. The majority of the northeastern border is along the La Mineta Gulch with approximately 598 feet of frontage along Highway 140 west of Hummingbird Lane (Figure 2: Project Location, Topographic; Figure 3: Project Location, Aerial). The property access road connects to Hummingbird Lane, south of the gulch, and extends approximately 1,600 feet where it terminates in a cul-de-sac. The currently unnamed property roadway will serve as the primary access to each of the proposed parcels.

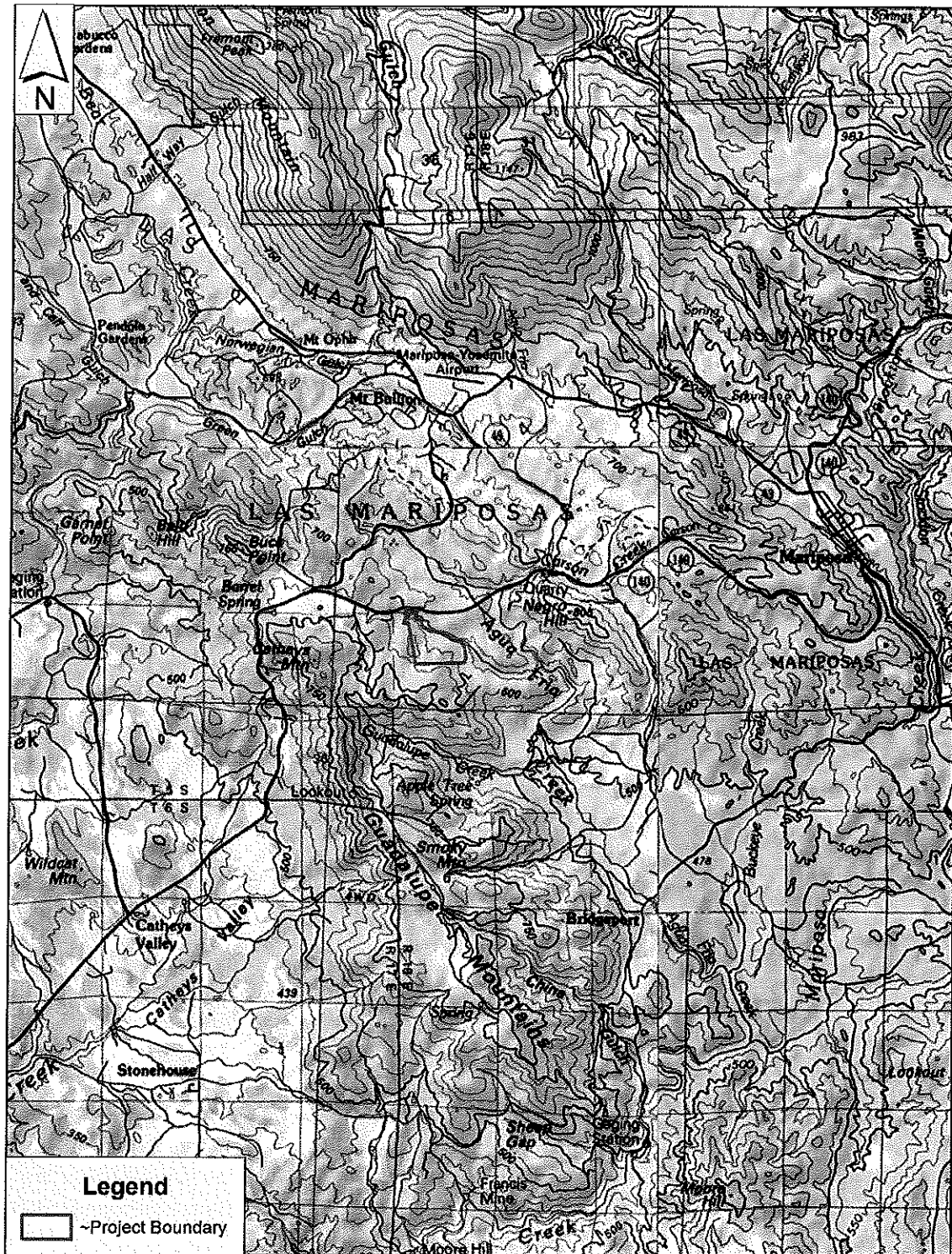


Figure 1 - Project Vicinity Map

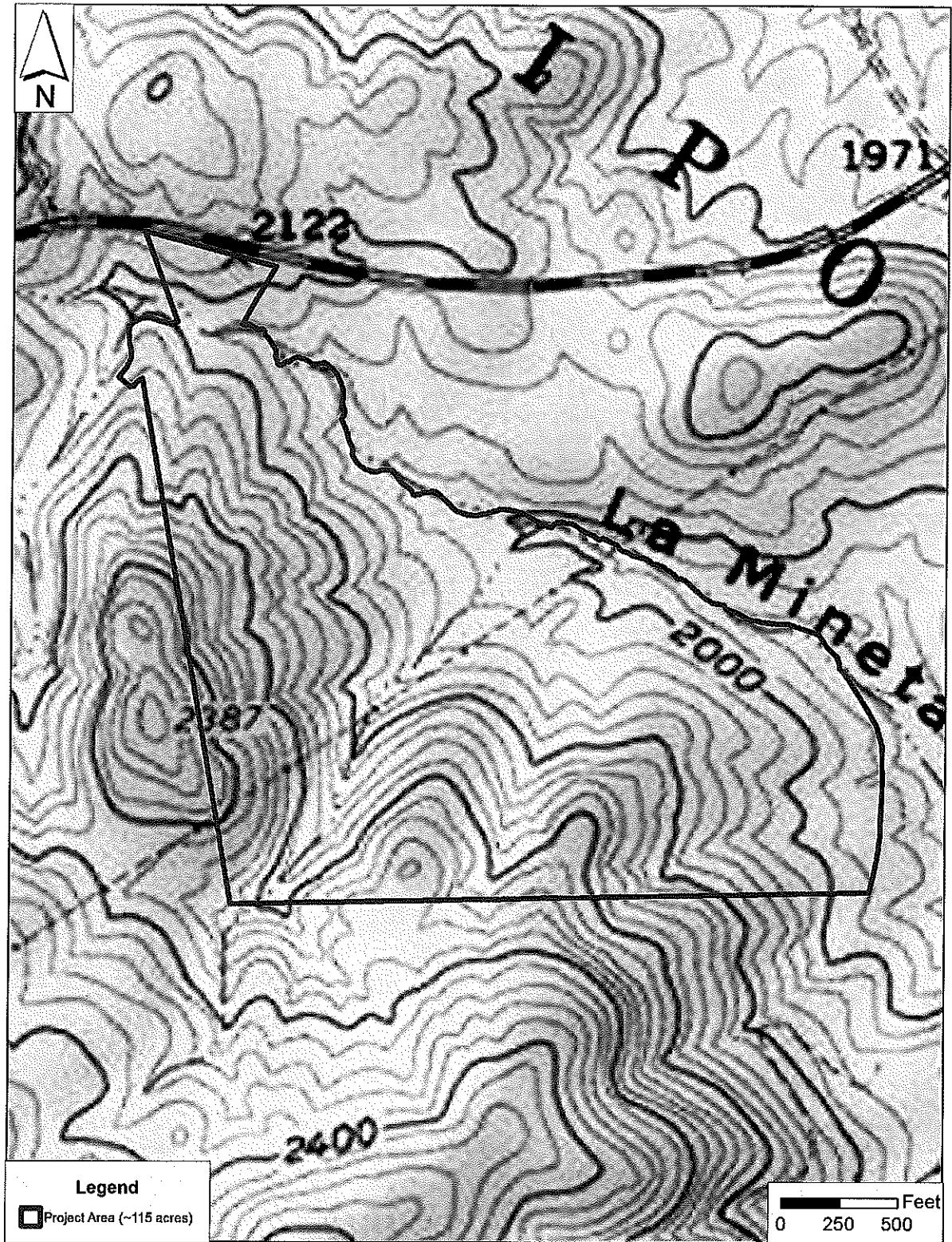


Figure 2 - Project Topographical Map

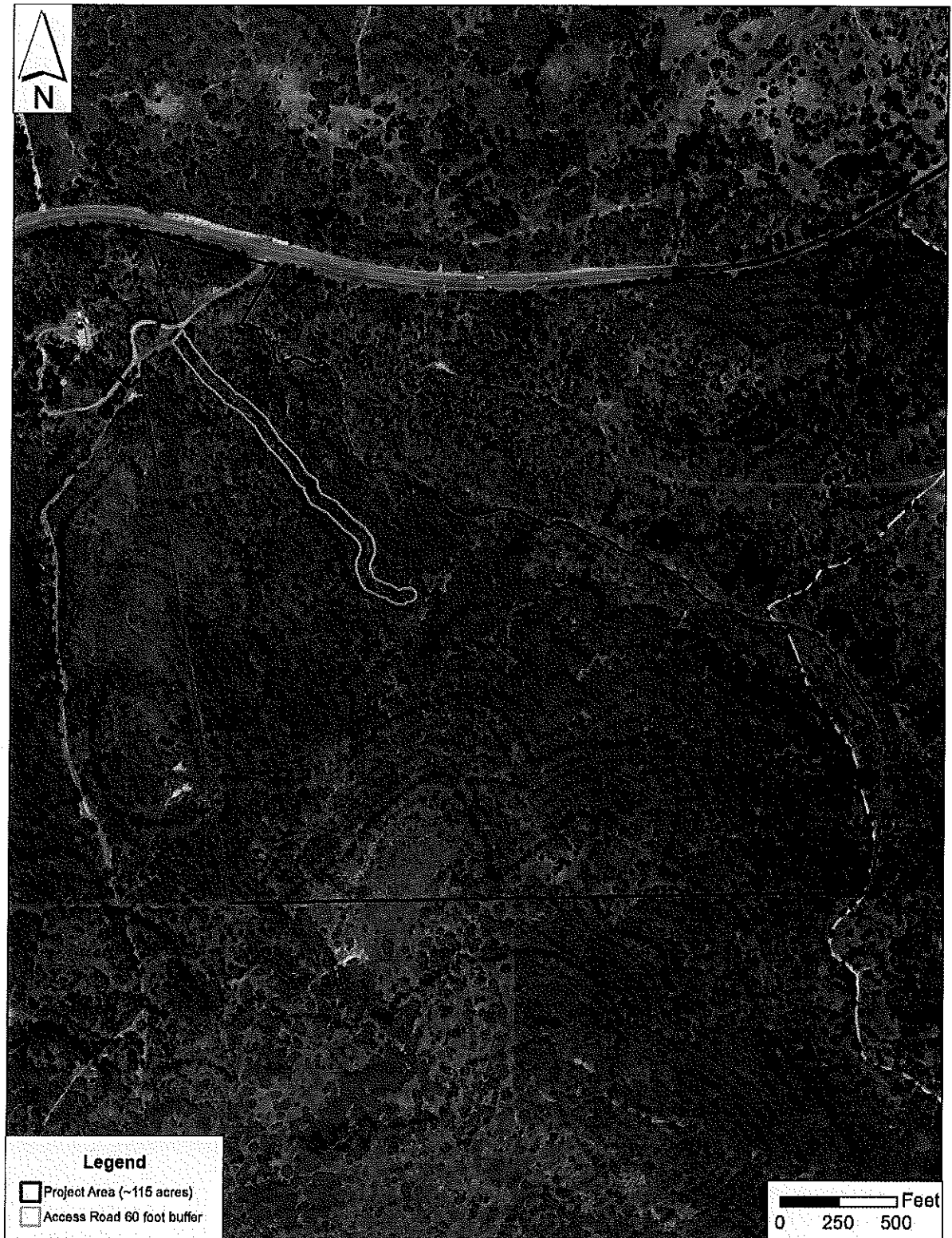


Figure 3 - Project Site Aerial Map

1.2 Purpose of Assessment

The purpose of this assessment is to evaluate whether there are sensitive biological resources that will be adversely impacted by the proposed minor subdivision of the project site, thus precluding Mariposa County from making a CEQA Mitigated Negative Declaration. Appropriate mitigation measures will be proposed where project impacts will be significant or otherwise regulated by state and federal resource agencies. Sensitive biotic resources generally include the following:

Special Status Species. "Special Status Species" is a general term that refers to all taxa tracked by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB), the USFWS IPaC, and the CNPS (Resource Agencies), regardless of their legal or protection status. These taxa generally fall into one or more of the following categories:

- Officially listed or proposed for listing under the State and/or Federal Endangered Species Acts.
- State or Federal candidate for possible listing.
- Taxa that meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the CEQA Guidelines.
- Taxa considered by the Resource Agencies to be a "Species of Special Concern".
- Taxa that are biologically rare; very restricted in distribution; declining throughout their range; or have a critical, vulnerable stage in their life cycle that warrants monitoring.
- Populations in California that may be on the periphery of a taxon's range but are threatened with extirpation in California.
- Taxa closely associated with a habitat that is declining in California at an alarming rate (e.g., wetlands, riparian, old growth forests, desert aquatic systems, native grasslands, vernal pools, etc.).
- Taxa designated as a special status, sensitive, or declining species by other state or federal agencies, or a non-governmental organization

For most animal taxa, the CNDDDB is interested in sightings that indicate the presence of a resident population; for many birds, however, the CNDDDB tracks only nesting locations. It is not necessary to actually locate a nest to confirm breeding status. Any indication of breeding (territorial males, adults carrying nest material or food, the presence of newly fledged young, etc.) is acceptable evidence of nesting. For other taxa

where only a certain part of a distribution range or life history is tracked, the area or life stage is indicated.

Sensitive Habitats. Sensitive habitats may include the following:

- Native habitats of limited distribution (i.e. wetlands of various types, riparian habitat, native grasslands, etc.);
- native habitats used by state or federally listed threatened or endangered species;
- habitats supporting particularly high concentrations of native plants and animals; and,
- habitats that are within the jurisdiction of one or more state and federal resource agencies (i.e. wetland, endangered species habitat, etc.).

Migratory Corridors of Native Fish and Wildlife. Such corridors could include riparian habitats, ridge tops, spur ridges, etc. Some amphibians may make regular localized movements between breeding habitat and aestivation habitat through grasslands that are indistinguishable from adjacent grasslands that are not so used. Although this report focuses on the sensitive biotic resources of the project area, the broader environmental setting has been described. Thus, the various biotic habitats observed in the project area have been described and their component plants and animals listed in Tables 1.0 and 2.0. This has been done in order to provide context for the discussion more specifically related to special status species and other sensitive habitats.

1.3 Studies Required

Studies in support of this biological resource assessment have included the following:

- **Literature Review and Database Search.** A database and literature review was conducted to include some, or all, of the following: USFWS Federal Endangered and Threatened Species list (USFWS IPaC Trust Resource Report, May 2015), CDFW (CNDDDB, update April 2015), CNPS's Inventory of Rare and Endangered Vascular Plants of California (CNPS, May, 2015), other technical studies recently completed for other projects in the area, USGS topographic maps, Natural Resource Conservation Service (NRCS) soil maps, National Wetland Inventory Maps, etc.
- **Floristic Survey.** ESR, Inc. conducted several pedestrian surveys during various blooming periods of the project site, during which the biotic habitats were noted,

and vascular plants recorded. Particular attention was given to habitats of the project site, which would be suitable, or potentially suitable, for special status plant species (state or federally listed species, candidate species, and species with CNPS listing status).

- **Wildlife Survey.** ESR, Inc. conducted several pedestrian surveys of the project site, during which wildlife species and their sign were recorded. Particular attention was given to the habitats of the project site, which would be suitable, or potentially suitable, for special status species (state and federally listed species, species proposed for such listing, or candidate species).
- **Oak Tree Survey.** ESR, Inc. conducted an oak tree assessment and mapping within the proposed access road right-of-way (ROW). The roadway will require a 24 foot ROW, however ESR conducted a 60 foot assessment along the proposed corridor to assist in the design of the final roadway to minimize impacts to qualifying oaks. Qualifying trees are defined as trees of the genus *Quercus* with a trunk diameter greater than five inches when measured at a height of four and a half feet above ground level.¹ Qualifying trees were identified and are depicted on Figure 5: Site Habitat map. The map depicts the 60 foot ROW and the qualifying trees within it. It should be noted that the final road construction will be 24 feet and the intent is to avoid all potential impacts to these trees. The ESR count is therefore meant to serve as a potential maximum, not a definitive actuality.

1.4 Survey Dates and Personnel

Messrs. Scott Larson (Senior Biologist) and William Stolp (Senior Biologist) with ESR, Inc., in Oakhurst, California conducted terrestrial field surveys and protocol level floral surveys during appropriate blooming periods conducted on May 30, 2014, June 4, 2014, March 12, 2015, March 13, 2015, April 16, 2015, and June 15, 2015. This included habitat mapping and inventorying of species and conducting an oak tree community survey.

¹ This level will be referred to as "Diameter at Breast Height" or "dbh".

1.5 Problems Encountered and Limitations that May Influence Results

No encumbering conditions (e.g. bad weather, access restrictions, etc.) that would bias the conclusions of this report were experienced during the conduction of the survey. On all days, weather was sunny to partly cloudy with an approximate air temperature of between 65° F and 90° F. Upon each visit, the biologists collected data throughout the project site by conducting thorough pedestrian surveys with high optics and Global Positioning System (GPS) units. All plant and wildlife species encountered were positively identified, wetlands and drainages were mapped, vegetative communities were categorized, and the general habitat quality was evaluated for the presence of rare species.

It should be noted that even though GPS equipment with sub-meter accuracy was utilized during the surveys, a dilution of precision is always possible depending on the location of the satellites during the data recordation process. Additionally, the Geographic Information System (GIS) maps created using the ArcMap program were prepared based on the importation of shapefiles and metafiles from various georeferenced sources which can cause minor discrepancies in the placement of the data. Nonetheless, the maps generated from the recorded data are adequate for these levels of survey but should be used for planning purposes only and are not intended to be the basis for engineered designs.

2.0 REGULATORY BACKGROUND

The proposed project falls under jurisdiction of several Federal, State, and local policies and regulatory guidelines in relation to biological resources. Those Guidelines are explained in the following section and provide for the basis of this assessment.

2.1 Federal Endangered Species Act

The Federal Endangered Species Act (ESA) prohibits the "take" of federally-listed endangered or threatened wildlife species. "Take" is defined to include harassing, harming (including significantly modifying or degrading habitat), pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species or any attempt to engage in such conduct (16 USC 1532, 50 CFR 17.3). Actions that result in take can result in civil or criminal penalties. The Federal ESA and Section 404 guidelines prohibit the issuance of wetland permits for projects that would jeopardize the existence

of threatened or endangered species. The US Army Corps of Engineers must consult with the U.S. Fish and Wildlife Service, and possibly the National Marine Fisheries Service (NMFS) when threatened or endangered species may be affected by the proposed project to determine whether issuance of a Section 404 permit would jeopardize the continued existence species. In the context of the project site, the Federal ESA would be triggered if development resulted in take of a threatened or endangered species or if issuance of a Section 404 permit or other federal agency action could adversely affect or jeopardize a threatened or endangered species.

2.2 California Endangered Species Act

The State ESA is similar to the Federal ESA but pertains to state-listed endangered and threatened species. It required state agencies to consult with the California Department of Fish and Wildlife when preparing California Environmental Quality Act documents to ensure that the state lead agency actions do not jeopardize the existence of listed species. It directs agencies to consult with CDFW on projects or actions that could affect listed species, directs CDFW to determine whether jeopardy would occur, and allows CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. Agencies can approve a project that affects a listed species if they determine that there are "overriding considerations"; however, the agencies are prohibited from approving projects that would result in the extinction of a listed species. The state ESA prohibits the taking of state-listed endangered or threatened plant and wildlife species. CDFW exercises authority over mitigation projects involving state-listed species, including those resulting from CEQA mitigation requirements. CDFW may authorize "take" if an approved habitat management plan or management agreement that avoids or compensates for possible jeopardy is implemented. CDFW required preparation of mitigation plans in accordance with published guidelines.

2.3 California Environmental Quality Act

CEQA applies to public agencies in California with discretionary authority over project approvals and permits. CEQA requires that impacts of proposed projects be assessed before the project is approved. Projects with significant impacts on the environment cannot be approved without adequate mitigation or compensation, unless a finding of overriding consideration is made. Discretionary approval from public agencies may require avoidance measures or compensatory mitigation. CEQA also provides that less than significant impacts of an individual project can be treated as significant if they contribute to significant cumulative impacts on the environment.

2.4 California Department of Fish and Wildlife Streambed Alteration Agreement

Under Sections 1600 - 1616 of the California Fish and Game Code, CDFW is responsible for protecting and conserving the state's fish and wildlife resources. Section 1600 and 1603 of the code describes CDFW's responsibilities and Sections 1602 and 1603 identify the procedures and requirements that must be followed to obtain an agreement to "substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake." These agreements may include specific requirements related to construction techniques and remedial and compensatory measures to mitigate adverse impacts. CDFW also may require long-term monitoring as part of an agreement to assess the effectiveness of the proposed mitigation.

2.5 Migratory Bird Treaty Act

The Migratory Bird Treaty Act, first enacted in 1918, implements domestically a series of treaties (on behalf of Canada) between the United States and Great Britain, Mexico, Japan, and the former USSR. The MBTA provides for international migratory bird protection, and authorizes the Secretary of the Interior to regulate the "taking" of migratory birds. Specifically, the MBTA states that it shall be unlawful, except as permitted by regulations, to "at any time, by any means, or in any manner, to pursue, take, kill, possess, sale, purchase, ship, transport, carry, or export, at any time, or in any manner, any migratory bird, or any part, nest, or egg of any such bird" (16 USC 703). The current list of species protected by the MBTA can be located in Title 50, CFR Section 10.13 and are classified as "Birds of Conservation Concern" (BCC).

2.6 Birds of Prey

Birds of prey are also protected in California under provisions of the State Fish and Game Code (Section 3503.5, 1992), which states that it is "unlawful to take, possess, or destroy the nest or eggs of any such bird in the order Falconiformes or Strigiformes (bird of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that

causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

2.7 Section 404 of the Clean Water Act

The US Army Corps of Engineers and the Environmental Protection Agency (EPA) regulate the discharge of dredged and fill material into "Waters of the United States" under Section 404 of the Clean Water Act (CWA). ACOE jurisdiction over non-tidal Waters of the United States extends to the "ordinary high water mark," provided the jurisdiction is not extended by the presence of "wetlands" (33 CFR Part 328, Section 328.4).

As discussed above, ACOE regulatory jurisdiction under Section 404 is founded on a connection between the water body in question and interstate commerce. This connection may be direct; through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce, or may be indirect, through a nexus identified in the ACOE regulations. On January 9, 2001, the Supreme Court issued a decision in *Solid Waste Agency of Northern Cook County [SWANCC] v. U.S. Army Corps of Engineers* concerning Clean Water Act jurisdiction over isolated waters. This decision substantially affected the extent of Corps regulatory authority over "non-navigable, isolated, intrastate waters," and particularly, the use of indirect indicators of interstate commerce (e.g., use by migratory birds that cross state lines) as a basis for jurisdiction.

The preamble to Corps regulations in the Preamble Section 328.3 – Definitions, states that the Corps does not generally consider the following waters to be waters of the U.S. The Corps does, however, reserve the right to regulate these waters on a case by case basis.

- Non-tidal drainage and irrigation ditches excavated on dry land,
- Artificially irrigated areas that would revert to upland if the irrigation ceased,
- Artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing,
- Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons,
- Water filled depressions created in dry land incidental to construction activity and pits excavated in dry land for purposes of obtaining fill, sand or gravel unless and

until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the U.S.

2.8 Section 401 of the Clean Water Act

In association with obtaining a Section 404 permit, a Water Quality Certification must be obtained from the Regional Water Quality Control Board. Section 401 of the Clean Water Act requires that the project proponent for any project that affects Waters of the United States must request a 401 Water Quality Certification, which must be issued before the start of project construction. To obtain approval of the application for Water Quality Certification, projects must follow the Corps' 404(b) (1) Guidelines which specify avoidance of wetland impacts and minimization and mitigation of impacts to any affected wetlands.

2.9 Oak Woodland Conservation Act

In 2001, the California Legislature passed the California Oak Woodland Conservation Act (Act). This act grew out of concern that California's oak woodland habitats were threatened and that the State was continuing to lose oaks to development, firewood harvesting, agricultural conversions, and Sudden Oak Death Syndrome. Such losses could critically impact a wide range of wildlife species that are so dependent on this habitat type since oak woodlands are home to more than 300 species of terrestrial vertebrates, as well as thousands of invertebrates. In addition, woodlands moderate temperatures, reduce soil erosion, facilitate nutrient cycling, and sustain water quality. The Act recognized the importance of California's oak woodlands in enhancing the natural and scenic beauty of this State, increasing the monetary and ecological value of real property, and promoting ecological balance.

As a result of the Act, the Oak Woodland Conservation Program was established. This Program, administered by the Wildlife Conservation Board (WCB), is designed to provide \$10 million to help local jurisdictions protect and enhance their oak woodland resources. It offers landowners, conservation organizations, and cities and counties an opportunity to obtain funding for projects designed to conserve and restore California's oak woodlands. It authorizes the WCB to purchase oak woodland conservation easements and provide grants for land improvements and oak restoration efforts. While the Program is statewide in nature, it is designed to address oak woodland issues on a regional priority basis.

The Legislature created the Oak Woodlands Conservation Program with the expressed intent to accomplish the following:

- Support and encourage voluntary, long-term private stewardship and conservation of California oak woodlands by offering landowners financial incentives to protect and promote biologically functional oak woodlands;
- Provide incentives to protect and encourage farming and ranching operations that are operated in a manner that protect and promote healthy oak woodlands;
- Provide incentives for the protection of oak trees, providing superior wildlife values on private land, and;
- Encourage planning that is consistent with oak woodland preservation.

The WCB is authorized to award cost-share incentive payments to private landowners who enter into long-term agreements. The Act requires that at least 80 percent of the money be used for grants for the purchase of easements, for restoration activities, or for enhancement projects. In addition, the funds may be used for grants that provide cost-share incentive payments and long-term agreements. The remaining 20 percent of the funds may be used for public education and outreach efforts by local governments, park and open space districts, resource conservation districts, and nonprofit organizations. To qualify for funding, the county or city of interest must have an *Oak Woodland Management Plan*. Once the city or county has demonstrated that an *Oak Woodland Management Plan* exists, landowners are eligible to participate in the Program. Mariposa County does not currently have an *Oak Woodland Management Plan* or receive associated funding through the WCB.

Additional regulations regarding oak woodland conservation were later adopted by the State. Section 21083.1 of the Public Resources Code mandates counties to determine whether projects within their jurisdiction require an environmental impact report, negative declaration, or mitigated negative declaration by CEQA. On September 24, 2004, Senate Bill No. 1334 added Section 21083.4 to the Public Resources Code to specifically include an assessment of oak woodland impacts in this determination. "Oak" is defined as a native tree species in the genus *Quercus* that is ≥ 5 inches dbh. The section states that if a county determines that a project significantly affects oak woodlands, one or more of the following mitigation measures are required:

- (1) Conserve oak woodlands, through the use of conservation easements.
- (2) (A) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.

(B) The requirement to maintain trees pursuant to this paragraph terminates seven years after the trees are planted.

(C) Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirements for the project.

(D) The requirement imposed pursuant to this paragraph also may be used to restore former oak woodlands.

(3) Contribute funds to the Oak Woodlands Conservation fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. A project applicant that contributes funds under this paragraph shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project.

(4) Other mitigation measures developed by the county.

2.10 Mariposa County General Plan

The Mariposa County General Plan (General Plan) identifies specific policies regarding biological resources. Specifically, *Implementation Measure 11-4a (6)* requires site surveys in compliance with Federal and State regulations as part of environmental review to determine:

- The presence or absence of endangered species and their habitat;
- The presence or absence of threatened or rare wildlife and plant species and their habitat;
- The presence or absence of breeding raptors and migratory birds;
- The presence or absence of sensitive native plant communities;
- The presence or absence of native wildlife migration or travel corridors; and
- The presence or absence of jurisdictional wetland or other waters of the U.S.

Additionally, *Implementation Measure 11-4a (8)* mandates compliance with Federal and State regulations to require measures that:

- Protect endangered species and their habitat;
- Protect threatened or rare wildlife and plant species and their habitats;
- Protect breeding raptors and migratory birds;
- Protect and avoid, to the extent feasible, sensitive native plant communities;

- Protect and avoid, to the extent feasible, native wildlife migration or travel corridors; and
- Protect and avoid, to the extent feasible, jurisdictional wetland or other waters of the U.S.

These aspects of the General Plan are consistent with, and are superseded by Federal and State ESA's, CEQA, and Section 1603 of the Fish and Game Code (described above). While this biological assessment analyzes the proposed project's consistency with the General Plan pursuant to CEQA Section 15125(d), the final determination is ultimately subject to the Mariposa County Board of Supervisors.

3.0 REGIONAL SETTING

The project site encompasses approximately 115 acres in the eastern portion of Catheys Valley U.S. Geological Survey 7 ½ minute quadrangle. It lies within an unincorporated area of southern Mariposa County, which is located near the center of the State of California. Mariposa County is bordered by Madera County to the south, by Merced County to the west, and by Tuolumne County to the north and east. The County Seat is situated approximately 72 miles from Fresno, 167 miles from San Francisco, and 290 miles from Los Angeles. Refer to Figure 1 for a graphic depiction of the project vicinity.

3.1 Geographic Area

Mariposa County encompasses 1,451 mi² in the western foothills of the Sierra Nevada Mountains, the highest range in the contiguous United States. The County, which has an average elevation of 2,000 ft, extends westward to the San Joaquin Valley and eastward to central Yosemite National Park.

Mariposa County encompasses portions of the following three Subregions within the California Floristic Province: San Joaquin Valley, central Sierra Nevada Foothills, and central High Sierra Nevada. The project site is located within the central Sierra Nevada Foothills Subregion. This Subregion is characterized by blue-oak/gray-pine woodlands with isolated patches of serpentine soils and associated vegetation.

3.2 Local Setting

The approximately 115 acre project site is located off State Highway 140 near the intersection of Hummingbird Lane and State Highway 140. The northern boundary

aligns adjacent to State Highway 140 with the northeastern boundary of the property aligned along La Mineta Gulch. The project site can be accessed from Hummingbird Lane. Refer to Figure 2 and Figure 3 for a graphic depiction of the project site perimeter in both topographic and aerial formats, respectively.

The vicinity of the project site is characterized by other individual residential developments ranging from a few acres to over 1,400 acres. Several larger parcels that appear to be utilized for ranching purposes are located in the general area.

According to the NRCS, the project site is characterized by Ahwahnee-Auberry rocky sandy loams, 9-30% slopes (~54% of site); Ahwahnee-Auberry very rocky sandy loams, 30-75% slopes, (~16% of site); Auburn loams, 15-30% slopes, eroded (~3% of site); Auburn very rocky loam, 15-30% slopes (~12% of site), and Rock Land (~15% of site). A graphic depiction of the soil distribution is provided in Figure 4.

The topography of the project site is gently sloped to steep and generally rises steadily towards the southwest of the property up Mockingbird Ridge. The sharpest gradients are associated with an unnamed peak on the western boundary that has been measured at approximately 2,300 feet. Slopes in this area vary from 9% to 75% with the majority between 9% – 30%. The property flattens out toward the northeast of the site as it downward slopes towards La Mineta Gulch.

The project site is not located within a designated Natural Resource Area, and does not encompass any Key (rare) Vegetative Habitat, Key Wildlife Habitat or Significant Wildlife Habitat. It primarily supports the Blue Oak-Foothill Pine community with a smaller portions supporting Chamise-Redshank Chaparral and an intermittent drainage community, which is characteristic of the floristic central Sierra Nevada Foothills Subregion in which it is situated. These communities are discussed in more detail below.

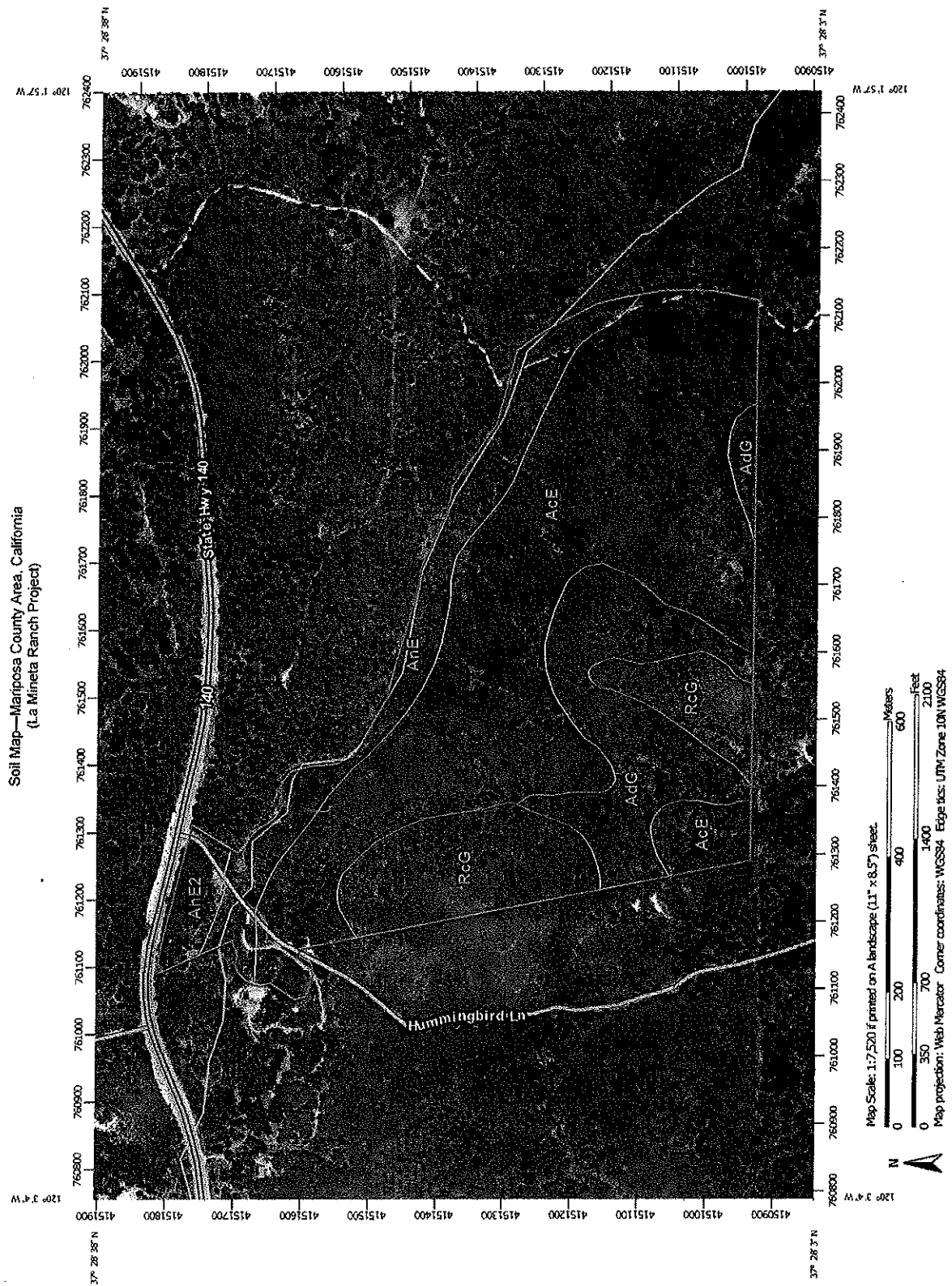


Figure 4 – Project Site Soils Map

4.0 BIOLOGICAL COMMUNITIES

A community is an assemblage of populations of plants, animals, bacteria, and fungi that live in an environment and interact with one another, forming a distinctive living system with its own composition, structure, environmental relationships, development, and functions (Whittaker 1975). Here we use the Wildlife Habitat Relationship System (WHRS) to classify communities. This widely utilized methodology subjects classification to the dominant vegetation present. Dominance is contingent upon (1) amount or (2) an indicator unique to specific environmental conditions (Mayer and Laudenslayer 1988). The three habitats identified by the WHRS on the project site are Blue Oak-Foothill Pine, Chamise-Red Shank Chaparral, and Intermittent Drainage. Areas encompassed by these habitats are graphically depicted in Figure 5, and are discussed below with their respective plant and wildlife species. All plant and wildlife species identified during the survey of the project site are listed in Tables 3 and 4 respectively.

4.1 Blue Oak-Foothill Pine

Approximately 97% of the site is classified as Blue Oak – Foothill Pine habitat. The structure of this vegetative community is typically both horizontally and vertically diverse with a mixture of hardwoods, conifers, and shrubs. Blue oak woodlands rarely form a continuous cover over large areas. Instead, it is a major item in a mosaic that includes valley grassland, chaparral, and riparian forest. Most stands of this community are in mature stages with a canopy cover of 10 to 59%, a canopy height of 50 ft., and a dbh range of 1 to 12 inches.

In the foothills of the Sierra Nevada, tree species typically associated with this community are Interior live oak and California buckeye. At higher elevations, the Blue Oak - Foothill Pine community begin to merge with Ponderosa pine to form a mixed ecotone. The understory is primarily composed of annual grasses and forbs characteristic of Annual Grasslands, but at higher elevations it typically includes patches of shrubs as well.

The overstory of the Blue Oak - Foothill Pine community on the project site is generally equally dominated by Blue oak (*Quercus douglasii*), Interior live oak (*Quercus wislizenii*), Foothill pine (*Pinus sabiniana*) and California Buckeye (*Aesculus californica*). The understory is composed of shrubs including Toyon (*Heteromeles arbutifolia*), Yerba santa (*Eriodictyon* spp.), Ceanothus (*Ceanothus* spp.), and common Manzanita

(*Arctostaphylos viscida*). The understory also includes an abundance of grasses and forbs characteristic of Annual Grasslands including Soft chess (*Bromus hordeaceus*), Wild oat (*Avena fatua*), Ripgut brome (*Bromus rigidus*), Hare barley (*Hordeum leporinum*), Red-stemmed filaree (*Erodium cicutarium*), Tarweed (*Holocarpha heermanii*), and Vinegar weed (*Trichostema lanceolatum*). A complete list of all plant species identified during the survey of the project site is provided in Table 3 – La Mineta Ranch Project Area Botanical Survey.

The Blue Oak - Foothill Pine community generally provides breeding, foraging, and cover habitat for numerous wildlife species, although none are completely dependent upon it. In addition to the nesting opportunities available in cavities, the abundant acorn crop annually produced is an important source of forage for many species. In the western Sierra Nevada, approximately 29 species of reptiles and amphibians, 79 species of birds, and 22 species of mammals have been documented utilizing this habitat type to fulfill life history requirements. Some of the wildlife species observed more commonly in this community during the project site survey include birds such as Mourning dove (*Zenaidura macroura*), California quail (*Callipepla squamata*), Western scrub-jay (*Aphelocoma californica*), Mockingbird (*Mimus polyglottos*), Pygmy nuthatch (*Sitta pygmaea*), House wren (*Troglodytes aedon*), California towhee (*Pipilo crissalis*), Acorn woodpecker (*Melanerpes formicivorus*), White-crowned sparrow (*Zonotrichia leucophrys*), Golden-crowned sparrow (*Zonotrichia atricapilla*), Spotted towhee (*Pipilo maculatus*), Western wood-pewee (*Contopus virens*), Yellow warbler (*Dendroica petechia*), House finch (*Carpodacus mexicanus*), and Ash-throated flycatcher (*Myiarchus crinitus*). The primary mammal species observed utilizing this habitat included Black-tailed deer (*Odocoileus hemionus*) and Brush rabbit (*Sylvilagus bachmani*). Additional fossorial wildlife species including mice and other small mammals are likely to be supported on the project site as well. A complete list of all wildlife species identified is provided in Table 4 – La Mineta Ranch Project Area Faunal Species.

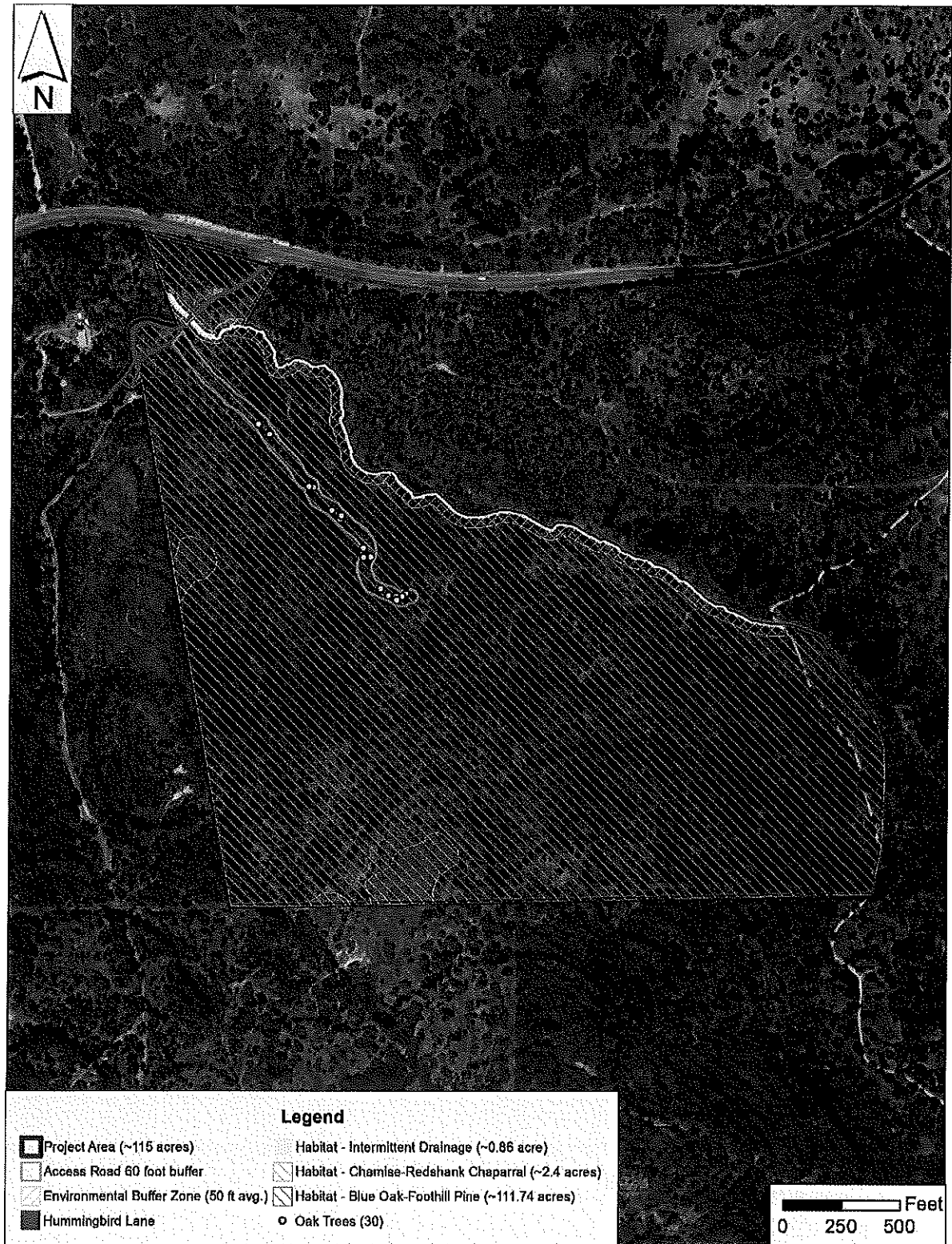


Figure 5 - Project Site Habitat Map

4.2 Chamise-Redshank Chaparral

Chamise-Redshank Chaparral habitat encompasses approximately 2.4 acres of the project site (~2%) at the uppermost elevations and is single layered, generally lacking well-developed herbaceous ground cover and overstory trees. Shrub canopies frequently overlap, producing a nearly impenetrable canopy of interwoven branches. Chamise-dominated stands average 1 to 2 m (3.3 to 6.6 ft) in height, but can reach 3 m (9.8 ft) (Horton 1960, Cheatham and Haller 1975, Hanes 1977). Total shrub cover frequently exceeds 80 percent, but may be considerably lower on extremely xeric sites with poor soils (Minnich 1976, Vogl 1976, Hanes 1977). Structure and composition of the Chamise-Redshank Chaparral may consist of nearly pure stands of chamise or redshank, a mixture of both, or with other shrubs. The purest stands of chamise occur on xeric, south-facing slopes (Hanes 1976). Toyon, sugar sumac, poison oak, redberry, and California buckthorn are commonly found in drainage channels and on other relatively mesic sites (Vogl 1976). At upper elevations or on more mesic exposures, chamise mixes with ceanothus, manzanita, scrub oak, and laurel sumac (Horton 1960, Hanes 1976, Parker and Matyas 1981). On some sites, Chamise-Redshank Chaparral may form an ecotone with Ponderosa Pine (PPN), Coastal Oak Woodland (COW), or mixed conifer types. In northern California, and on the project site, the lower boundary is with Annual Grassland (AGS) and Blue Oak-Foothill Pine (BOP).

Fire occurs regularly in Chamise-Redshank Chaparral and influences habitat structure. Fire is the primary disturbance initiating secondary succession in Chamise-Redshank Chaparral. Annuals, perennial herbs, and subshrubs are abundant for several years after a fire. Shrubs begin to appear either as seedlings or rootcrown sprouts beginning the first growing season after burning (Hanes 1971). As the habitat matures, shrub cover and height increase and herbaceous cover declines (Hanes 1971). Relatively short-lived shrubs and subshrubs, such as California buckwheat, common deerweed, and most species of ceanothus, may be absent or rare in older stands (Horton and Kraebel 1955, Hanes 1977). After each fire, populations of these species and post-fire herbs regenerate quickly from the seed bank in the soil (Sweeney 1956). In old unburned stands, species diversity is low, growth rates are slow, long-lived shrubs accumulate dead material, and some shrubs may die (Hanes 1971, Rundel and Parsons 1979). The general schedule of post-fire recovery in chaparral is described by the following general pattern. Herbaceous cover is dominant for 1 to 3 years. Long- and short-lived shrubs increase in height and cover but canopies generally do not overlap for 3 to 15 years after fire. From 10 to 30+ years, shortlived shrubs die, shrub cover increases, the canopy closes, and dead material begins to accumulate. The Chamise-

Redshank Chaparral community on the project appears to fit into the 10-30+ year classification as the chamise shrub community on the project site is very dense.

4.3 Riverine

A marginal Riverine habitat (intermittent creek) encompasses approximately 0.86 acres (~1%) of the property. Intermittent flows or continually running water is primarily what distinguishes streams from rivers. An intermittent stream originates at some elevated source, such as a spring or lake, but primarily collects overland rain flows (sheet flow) and flows downward at a rate relative to slope or gradient and the volume of surface runoff or discharge. Intermittent creeks that also receive flows from a secondary source, such as surface springs or overflows from flooded ponds and lakes, will flow for a limited time that the secondary water source provides after rainfall has stopped. An ephemeral creek only receives flow from sheet flow and generally stops flowing shortly after rainfall has ceased. Velocity generally declines at progressively lower altitudes, and the volume of water increases until the enlarged stream finally becomes sluggish. Over this transition from a rapid, surging stream to a slow, sluggish river, water temperature and turbidity will tend to increase, dissolved oxygen will decrease and the bottom will change from rocky to muddy (McNaughton and Wolf 1973).

Willow, Blue oak, and Interior live oak dominated the tree layer of this community on the project site. Common manzanita (*Arctostaphylos manzanita*), Deer bush (*Ceanothus intererrgimus*), Toyon, California blackberry, and especially Poison oak dominated the understory. During the surveys, no Blue elderberry shrubs were identified on the property and specifically along the riparian corridor within the reach traversing the entire portion of the site.

While many of the wildlife species are permanent residents and meet all of their life history requirements here, many species are only transient visitors. At least 50 species of amphibians and reptiles, 55 species of mammals, and 147 bird species have been documented utilizing this habitat type. Many of the bird species listed above in the Blue Oak - Foothill Pine community were identified utilizing the intermittent stream community during the survey as well. The primary amphibian encountered was the Pacific tree frog (*Hyla regilla*). This ubiquitous frog undoubtedly serves as a stable prey base for reptilian predators such as Common garter snakes (*Thamnophis* spp.). Additional signs of wildlife occurrence in the riparian corridor included numerous tracks left by Opossum (*Didelphis marsupialis*), Shrews (*Sorex* spp.), Gray fox (*Urocyon cinereoargenteus*), Black-tailed deer (*Odocoileus hemionus columbianus*), and other mammalian species.

The majority of fast stream inhabitants live in riffles, on the underside of rubble and gravel, sheltered from the current. Characteristic of the riffle insects are the nymphs of mayflies, caddisflies, alderflies, stoneflies; and the larva and pupae of true flies. In pools, the dominant insects are burrowing mayfly nymphs, dragonflies, damselflies and water striders. Water moss and heavily branched filamentous algae are held to rocks by strong holdfasts and align with the current. Other algae grow in spheric, or cushionlike colonies with smooth, gelatinous surfaces. Algae growth in streams often exhibits zonation on rocks, which is influenced by depth and current.

With increasing temperatures, decreasing velocities and accumulating bottom sediment, organisms of the fast water environment are replaced by organisms adapted to slower moving water. Mollusks and crustaceans replace the rubble-dwelling insect larvae. Backswimmers, water boatmen and diving beetles inhabit sluggish stretches and backwaters. Emergent vegetation grows along river banks, and duckweed floats on the surface. Abundant decaying matter on the river bottom promotes the growth of plankton populations that are not usually found in fast water.

4.4 Sensitive Natural Communities/Biological Resources

A sensitive community has particularly high ecological value or functions. Sensitive communities are considered important because their degradation or destruction could threaten populations of dependent plant and wildlife species and significantly reduce the regional distribution and viability of the community. As the number and extent of sensitive communities continue to diminish, the endangerment status of dependent special-status (i.e., rare, threatened, or endangered) species could become more precarious, and populations of currently stable species (i.e., non-special-status species) could become rare. Loss of sensitive communities can also eliminate or reduce important ecosystem functions, such as water filtration by wetlands and bank stabilization by riparian forests. Oak woodland and riparian corridor/ wetland drainage were identified during the survey as two sensitive natural communities/ biological resources occurring on the project site.

4.4.1 Oak Woodland

Per the California Oak Woodland Conservation Act, oak woodlands are identified as sensitive natural communities by the State. The Act grew out of concern that California's oak woodland habitats were threatened and that the State was continuing to lose oaks to development, firewood harvesting, agricultural conversions, and Sudden Oak Death Syndrome. Persistence of oaks has also been of particular concern in recent years

given that they have generally exhibited little regeneration since the 1800s. Oak woodland losses could critically impact a wide range of wildlife species that are dependent on this habitat type since it is home to more than 300 species of terrestrial vertebrates, as well as thousands of invertebrates. In addition, woodlands moderate temperatures, reduce soil erosion, facilitate nutrient cycling, and sustain water quality. The 101 acres of Blue Oak-Foothill Pine habitat documented on the project site is therefore categorically considered to be a sensitive community.

4.4.2 Riverine/Seasonal Wetland Drainage

All seasonal wetland habitats, such as occurring on the project site, are highly valuable for many wildlife species. Although they typically comprise only a small percentage of the landscape, they frequently harbor a disproportionately high number of wildlife species and perform a disparate number of ecological functions relative to upland habitats. These corridors also serve as movement corridors for a suite of species, and are becoming increasingly utilized to mitigate the effects of habitat fragmentation and conserve biodiversity. They have been documented to promote faunal movement and enhance gene flow between populations.

Most intermittent streams are fed, in large part, by surface flow from surrounding areas. Such flow typically occurs across topographic features including swales and drainages with defined bed and banks. Impacts to these features, even if geographically removed from actual wetland ecosystems, can nonetheless cause impacts downstream to the wetland ecosystems themselves. This susceptibility to long distance effects highlights the sensitivity of wetland ecosystems.

The habitat describe above, as well as the remainder of the La Mineta drainage system, are therefore considered to be sensitive communities and/or biological resources. USGS topographic maps corroborate the field level reconnaissance indicating that all of these features ultimately establish connectivity with Aqua Fria Creek. Consequently, its protection is important to the integrity of other downstream wetland ecosystems.

5.0 SPECIAL-STATUS SPECIES

The following discussion describes the plant and wildlife species that have been afforded special recognition by federal, state, or local resource agencies or organizations. Special-status species are of relatively limited distribution and may require specialized habitat conditions. Special status species are defined as species that are:

- legally protected under the California and Federal Endangered Species Acts or under other regulations;
- considered sufficiently rare by the scientific community to qualify for such listing; or,
- considered sensitive because they are unique, declining regionally or locally, or at the extent of their natural range.

Readily available data was collect from regulatory agencies to evaluate the potential resources located at the site. The database searches included the California Department of Fish and Wildlife California Natural Diversity Database and the U. S. Fish and Wildlife Service's Environmental Conservation Online System. The Service maintains the Information, Planning, and Conservation System on their ECOS website as an online conservation tool to help assess project-related conflicts with natural resources. With IPaC, natural resources that have the potential of being impacted are compiled including Threatened and Endangered Species lists, Migratory Bird Treaty Act Birds of Conservation Concern, potential wetlands, USGS Geographical Analysis Program land cover, USFWS critical habitat, and other nature resource map layers. In addition, the California Native Plant Society website is accessed to generate species they are actively tracking.

The database lists were generated to assess whether special-status species may be affected by projects within the Catheys Valley U.S. Geological Survey 7 ½ minute quadrangle and the surrounding eight quads including Hornitos, Bear Valley, Feliciano Mtn., Indian Gulch, Mariposa, Owens Reservoir, Illinois Hill, and Ben Hur. No known occurrences of special-status species were identified on the project site or within one mile, while one species, Madera leptosiphon (*Leptosiphon serrulatus*), CNPS 1.B.2 ranking, was recorded in 1800's located approximately 1.3, miles to the northeast. The Bisbee Peak rush-rose (*Helianthemum suffrutescens*), previously tracked by the CNPS (3.2 rank), recorded in 2005 located approximately 1.9 miles northeast of the site perimeter, is no longer tracked by the CNDDDB or CNPS as it failed to be listed in the most current data list. The CNDDDB did identify other occurrences of special-status species within five miles of the project site (Figure 6: La Mineta Ranch CNDDDB Sightings). The complete database search listed 80 special-status species as occurring, or potentially occurring, or having Critical Habitat somewhere within the entire area encompassed by the nine quadrangles. The following tables provide a compilation of the lists and ranking status of the recorded species (Table 1) and the habitat requirements and occurrence potential (Table 2).

Table 1 – La Mineta Ranch Project Site Nine Quad Search Results

Scientific Name	Common Name	Federal	State	MBTA or CNPS
<i>Agelaius tricolor</i>	Tricolor blackbird	None	Endangered	BCC
<i>Allium sanbornii</i> var. <i>congdonii</i>	Condgon's onion	None	None	4.3
<i>Ambystoma californiense</i>	California tiger salamander	Threatened	Threatened	
<i>Amphispiza belli</i>	Bell's sparrow	None	None	BCC
<i>Amsinckia furcata</i>	Forked fiddleneck	None	None	4.2
<i>Asio flammeus</i>	Short-eared owl	None	SSC	BCC
<i>Athene cunicularia</i>	Burrowing owl	None	SSC	BCC
<i>Antrozous pallidus</i>	Pallid bat	None	SSC	
<i>Baeolophus inornatus</i>	Oak titmouse	None	None	BCC
<i>Balsamorhiza hindsii</i>	Big-scale balsamroot	None	None	1B.2
<i>Branchinecta lynchi</i>	Vernal pool fairy shrimp	Threatened	None	
<i>Branchinecta mesoamericana</i>	Midvalley fairy shrimp	None	None	
<i>Calochortus clavatus</i> var. <i>avicus</i>	Pleasant Valley mariposa-lily	None	None	1B.2
<i>Calycadenia hindsii</i>	Hoover's calycadenia	None	None	1B.3
<i>Calypte costae</i>	Costa's hummingbird	None	None	BCC
<i>Calyptidium pulchellum</i>	Mariposa pussypaws	Threatened	None	1B.1
<i>Castilleja campestris</i> ssp. <i>succulenta</i>	Succulent owl's-clover	Threatened	Endangered	1B.2
<i>Charadrius alexandrinus</i>	Snowy plover	None	SSC	BCC
<i>Clarkia biloba</i> ssp. <i>australis</i>	Mariposa clarkia	None	None	1B.2
<i>Clarkia rostrata</i>	Beaked clarkia	None	None	1B.3
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	None	Candidate Threatened	
<i>Cryptantha mariposae</i>	Mariposa cryptantha	None	None	1B.3
<i>Delphinium hansenii</i> ssp. <i>ewanianum</i>	Ewan's larkspur	None	None	4.2
<i>Desmocercus californicus dimorphus</i>	Valley elderberry longhorn beetle	Threatened	None	
<i>Dipodomys heermanni dixonii</i>	Merced kangaroo rat	None	None	
<i>Downingia pusilla</i>	Dwarf downingia	None	None	2B.2
<i>Emys marmorata</i>	Western pond turtle	None	SSC	
<i>Entosthodon kochii</i>	Koch's cord moss	None	None	1B.3
<i>Erigeron mariposanus</i>	Mariposa daisy	None	None	1A
<i>Eriogonum tripartitum</i>	Tripod buckwheat	None	None	4.2
<i>Eriophyllum confertiflorum</i> var. <i>tanacetiflorum</i>	Tansy-flowered woolly sunflower	None	None	4.3
<i>Eryngium spinosepalum</i>	Spiny-sepaed button-celery	None	None	1B.2
<i>Euderma maculatum</i>	Spotted bat	None	SSC	
<i>Falco columbarius</i>	Merlin	None	None	

All of the plants constituting California Rare Plant Rank 1A, 1B, and 2 meet the definitions of Section 1901, Chapter 10 (Native Plant Protection Act) or Sections 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. It is mandatory that they be fully considered during preparation of environmental documents relating to CEQA. All other rankings are not required for consideration for CEQA documents.² The following table addresses only the required plant species meeting 1A, 1B, and 2 rankings.

According to the CCDFW publication: "What is a Species of Special Concern"; ... "Sections 15063 and 15065 of the CEQA Guidelines, which address how an impact is identified as significant, are particularly relevant to SSCs. Project-level impacts to listed (rare, threatened, or endangered species) species are generally considered significant thus requiring lead agencies to prepare an Environmental Impact Report to fully analyze and evaluate the impacts. In assigning "impact significance" to populations of non-listed species [i.e. SSC and BCC], analysts usually consider factors such as population-level effects, proportion of the taxon's range affected by a project, regional effects, and impacts to habitat features." After analysis of the Species of Special Concern and Birds of Conservation Concern for the listed quadrangles, the following table does not include SSC and BCC listings unless they meet impact factors related to population-level effects, proportion of the taxon's range affected by the project, regional effects, and/or impacts to habitat features by the project.

² <http://www.cnps.org/cnps/rareplants/ranking.php>

Table 2 – La Mineta Ranch Project Site Species Summary

Scientific Name	Common Name	Status	Habitat Requirement	Occurrence Potential	Comments
<i>Agelaius tricolor</i>	Tricolored blackbird	SE; SSC; BCC	A highly colonial species, requires open water with protected nesting substrate.	None	No requisite habitat on site
<i>Ambystoma californiense</i>	California tiger salamander	FT; ST	Most commonly found in grasslands or open woodland habitats. Lives in vacant or mammal-occupied burrows (e.g., California ground squirrel, valley pocket gopher), and occasionally other underground retreats, throughout most of the year. Lays eggs on submerged stems and leaves, usually in shallow ephemeral or semi-permanent pools and ponds that fill during heavy winter rains, sometimes in permanent ponds.	None	No breeding or aestivation habitat on-site or within the requisite 0.7 mile radius.
<i>Amphispiza belli</i>	Bell's sparrow	BBC	Typically found in barren sagebrush habitats, on western side of San Joaquin Valley and coastal mountains	Low	Preferred habitat not on site.
<i>Asio flammeus</i>	Short-eared owl	SSC; BCC	Utilizes swamp lands, lowland meadows, irrigated fields. Nests in tule patches, tall grasses	None	No requisite habitat on site.
<i>Athene cunicularia</i>	Burrowing owl	SSC; BBC	Commonly found in open, dry grasslands, deserts and scrublands; subterranean nester utilizing ground squirrel burrows	None	No requisite habitat on site.
<i>Antrozous pallidus</i>	Pallid bat	SSC	Most commonly found in open, dry habitats with rocky areas for roosting. Roost area must protect bats from high temperatures.	Low	Requisite roosting habitat is absent.
<i>Baeolophus inornatus</i>	Oak titmouse	BCC	Inhabits oak woodlands and nests in tree cavities	Moderate	Habitat on site, species not observed during surveys.

Table 2 – La Mineta Ranch Project Site Species Summary

Scientific Name	Common Name	Status	Habitat Requirement	Occurrence Potential	Comments
<i>Balsamorhiza macrolepis</i>	Big-Scale balsamroot	CNPS 1B.2	Most commonly found in grasslands or open woodland habitats. Exhibits an affinity to serpentine soils. Blooms March – June.	Low	No serpentine soils located on site, thick shrub and tree overstory
<i>Branchinecta lynchi</i>	Vernal pool fairy shrimp	FT	Endemic to the grasslands of the Central Valley, Central Coast Mountains and South Coast Mountains, in astatic rain-filled pools. Inhabit small, clear-water sandstone-depression pools and grassed swales, earthen slumps, or basalt-flow depression pools.	None	No habitat (vernal pools) on site or within 250 ft radius of project site.
<i>Calochortus clavatus</i> var. <i>avius</i>	Pleasant Valley mariposa-lily	CNPS 1B.2	A perennial bulbiferous herb that occurs in lower montane coniferous forest with Josephine silt loam and volcanic soils. Blooming period is May – July.	Low	Blue Oak-Foothill Pine provides marginal habitat on site but no observation of the species during any surveys.
<i>Calycadenia hooveri</i>	Hoover's calycadenia	CNPS 1B.3	Occurs in valley and foothill grasslands with rocky soils between 200-1000 ft.; blooms Jul-Sep	None	Suitable habitat is not present on site; site is outside normal elevation range
<i>Calypte costae</i>	Costa's hummingbird	BCC	Inhabits desert riparian, and arid scrub foothill habitats	Low	Low quality requisite habitat on site, species not observed during surveys.
<i>Calyptridium pulchellum</i>	Mariposa pussypaws	CNPS 1B.1	Occurs in sandy or gravelly, granitic soils in Chaparral and Cismontane woodland. Blooms April - August	Moderate	Suitable habitat is present on site but no observations were made of the species during any surveys
<i>Castilleja campestris</i> ssp. <i>succulenta</i>	Succulent owl's-clover	FT; SE; CNPS 1B.2	Occurs in vernal pools in valley and foothill grasslands 25 – 750 m.	None	No suitable habitat on site.
<i>Charadrius alexandrinus</i>	Snowy plover	SSC; BCC	Requires sandy beaches, open grasslands; loose sandy substrate for nesting	None	No requisite habitat on site.

Table 2 – La Mineta Ranch Project Site Species Summary

Scientific Name	Common Name	Status	Habitat Requirement	Occurrence Potential	Comments
<i>Clarkia biloba ssp. australis</i>	Mariposa clarkia	CNPS 1B.2	An annual herb that blooms May - July in serpentinite soils in Chaparral and Cismontane woodlands.	Low	Suitable habitat not readily apparent on site; no serpentine soils on-site; no observation of the species during any surveys.
<i>Clarkia rostrata</i>	Beaked clarkia	CNPS 1B.3	Occurs in valley and foothill grasslands between 200-1600 ft; blooms April-May	Low	Suitable habitat may be present on site; site above normal elevation range; no observation of the species during any surveys.
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC	Most common in mesic sites; roosts in open caverns, hanging from walls and ceilings	Low	No roosting habitat on site.
<i>Cryptantha mariposae</i>	Mariposa cryptantha	CNPS 1B.3	An annual herb that blooms in April – June in rocky, serpentinite Chaparral	Low	Suitable habitat not readily apparent; no serpentine soils; no observation of the species during any surveys.
<i>Desmocerus californicus dimorphus</i>	Valley elderberry longhorn beetle	FT	Species is dependent upon the Elderberry plant for critical life stages. These plants are typically associated with riparian forests which occur along rivers and streams.	None	No suitable VELB habitat found on site. No elderberry plants observed on site.
<i>Downingia pusilla</i>	Dwarf downingia	CNPS 2.2	Occurs in vernal pools in valley and foothill grasslands between 1-445 m; blooms March-May	None	No suitable habitat present on site; site is above normal elevation range.
<i>Entosthodon kochii</i>	Koch's cord moss	CNPS 1B.3	Mossy life form that occurs in moist, disturbed Cismontane woodland soils.	Low	Suitable habitat (soils type) does not occur on site, no observations of the species during any surveys.
<i>Erigeron mariposanus</i>	Mariposa daisy	CNPS 1A	A perennial herb that preferred cismontane woodland and believed to be extinct.	Low	Suitable habitat may be present on site but no observation of the species during any surveys, believed to be extinct
<i>Eryngium spinosepalum</i>	Spiny-sepaled button-celery	CNPS 1B.2	Occurs on vernal pools in valley and foothill grassland	None	No suitable habitat present on site.

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<i>Euderma maculatum</i>	Spotted bat	SSC	Occupies a wide variety of habitats from arid deserts to mixed conifer forests; feeds over water and along washes primarily on moths; needs rock crevices in cliffs or caves for roosting.	Low	Marginal feeding habitat on site, no roosting habitat on site.
<i>Falco columbarius</i>	Merlin	None	Inhabit fairly open country, such as willow or scrub. They are not very habitat-specific and can be found from sea level to the tree line. Prefer a mix of low and medium-height vegetation with some trees avoiding dense forests	Moderate	Suitable habitat is present on the subject property and the surrounding area.
<i>Falco peregrinus</i>	Peregrine falcon	Delisted; Delisted; BCC	Found near wetlands, lakes, rivers, or other water; nests on open scrapes or depressions on ledges in an open site.	None	No requisite habitat on site.
<i>Haliaeetus leucocephalus</i>	Bald eagle	Delisted; SE; BCC	Foraging habitat varies from 1,700 to 10,000 acres. Home ranges are smaller where food is present in great quantity. Nests are built in large trees near rivers or coasts.	Low	Suitable foraging habitat is low to moderate on site; no suitable nesting habitat is on site; no observation of the species during any surveys.
<i>Horkelia parryi</i>	Parry's horkelia	CNPS 1B.2	A perennial herb that prefers lone formation soils in Chaparral and Cismontane woodlands. Blooms April - September	Low	No preferred soils on site. Suitable habitat may be present on site but no observation of the species during any surveys
<i>Hydromantes brunus</i>	Limestone salamander	ST	Species inhabits mossy limestone crevices and talus in the Grey Pine, Oak, Buckeye, Chaparral belt of the lower Merced River Canyon, typically on steep slopes. Has also been found in abandoned mine tunnels.	Low	Suitable habitat not readily apparent; no observation of the species during any surveys.
<i>Hypomesus transpacificus</i>	Delta smelt	FT	Adults occur in open brackish and freshwater of large channels.	None	No habitat on site.

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<i>Lanius ludovicianus</i>	Loggerhead shrike	SSC; BCC	Prefers broken woodlands, savannah, riparian woodlands, open country for hunting; fairly dense shrubs and brush for nesting	Moderate	Moderate habitat on site, species not observed during surveys.
<i>Lepidurus packardii</i>	Vernal pool tadpole shrimp	FE	Occurs in seasonal pools (e.g., vernal pools) in unplowed grasslands with old alluvial soils underlain by hardpan or heavy clay or in sandstone depressions	None	No habitat on site.
<i>Leptosiphon serrulatus</i>	Madera leptosiphon	CNPS 1B.2	An annual herb that blooms from April - May in Cismontane woodlands and Lower montane coniferous forests.	Moderate	Suitable habitat present on site; no observation of the species during any surveys. Species identified near site in 1800's.
<i>Lomatium congdonii</i>	Congdon's lomatium	CNPS 1B.2	A perennial herb that prefers serpentinite soils in chaparral or cismontane habitat. Blooms March - June	Low	Suitable habitat may be on site; no serpentine soils on site; no observation of the species during any surveys
<i>Lupinus citrinus var. deflexus</i>	Mariposa lupine	ST; CNPS 1B.2	An annual herb that occurs in granitic, sandy soils associated with chaparral and cismontane woodlands. Blooms April – May.	Moderate	Preferred suitable habitat present on site. No observation of the species during any surveys
<i>Lupinus spectabilis</i>	Shaggyhair lupine	CNPS 1B.2	An annual herb that blooms from April - May in serpentinite located in Chaparral and Cismontane woodlands.	Low	Suitable habitat not readily apparent; no serpentine soils on site; no observation of the species during any surveys.
<i>Melanerpes lewis</i>	Lewis's woodpecker	BCC	Breeds in open forest and woodlands with an open canopy and brushy understory; requires dead trees for nest cavities.	Moderate	Habitat on site; species not observed during surveys.
<i>Mimulus filicaulis</i>	Slender-stemmed monkeyflower	CNPS 1B.2	An annual herb located in mesic vernal habitat, cismontane woodland, lower montane coniferous forest, meadows and seeps, and upper montane coniferous forest, 2900-5740 ft. Blooms April – August.	Low	Suitable habitat may be present on site; project site below normal elevation range; no observation of the species during any surveys

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<i>Mimulus gracilipes</i>	Slender-stalked monkeyflower	CNPS 1B.2	An annual herb that occurs in decomposed granitic, often in burned or disturbed areas within chaparral, cismontane woodland, and lower montane coniferous forests. Blooms April - June	Moderate	Suitable habitat may be present on site but no observation of the species during any surveys
<i>Mimulus pulchellus</i>	Yellow-lipped pansy monkeyflower	CNPS 1B.2	An annual herb that prefers vernal mesic habitats and often disturbed areas consisting of clay in Lower montane coniferous forest, meadows and seeps. Blooms April – July.	Low	No suitable habitat present on site; no observation of the species during any surveys
<i>Navarretia myersii</i> ssp. <i>myersii</i>	Pincushion navarretia	CNPS 1B.1	An annual herb that blooms from April - May often acidic soils and vernal pools.	None	No suitable habitat on site
<i>Navarretia nigelliformis</i> ssp. <i>radians</i>	Shining navarretia	CNPS 1B.2	Occurs in vernal pools in valley and foothill grasslands between 1-445 m; blooms March-May	None	No suitable habitat present on site; no observation of the species during any surveys.
<i>Neostapfia colusana</i>	Colusa grass	FT; SE; CNPS 1B.1	An annual herb that blooms from May - August especially in large, adobe vernal pools.	None	No suitable habitat on site.
<i>Oncorhynchus mykiss</i>	Central Valley steelhead	FT	In streams, deep low-velocity pools are important wintering habitats. Spawning habitat consists of gravel substrates free of excessive silt	None	No suitable habitat on site.
<i>Orcuttia inaequalis</i>	San Joaquin Valley Orcutt grass	FT; SE; CNPS 1B.1	An annual herb found in vernal pools. 10-755 m. Blooms April to September	None	No suitable habitat on site.
<i>Otus flammeolus</i>	Flammulated owl	BCC	Needs montane forests with some understory brush for breeding; closely associated with Ponderosa and Jeffery pine	Low	Site does not support Ponderosa or Jeffery pine habitat.
<i>Passerella iliaca</i>	Fox sparrow	BCC	Found in undergrowth of coniferous or mixed woodlands, chaparral	Moderate	Suitable habitat on site.