Biological Resource Evaluation

Brown Bear Hotel and Yosemite Conference Center

Mariposa County, California

PREPARED FOR:

MRCC Properties, LLC
PO Box 1886
Mariposa, CA 95338

PREPARED BY:

Colibri Ecological Consulting, LLC
9493 N Fort Washington Road, Suite 108
Fresno, CA 93730
www.colibri-ecology.com

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Contents

Executive Summary iii

Abbreviations iv

1.0 Introduction 1

1.1 Background 1

1.2 Project Description 1

1.3 Project Location 1

1.4 Purpose of Proposed Project 4

1.5 Regulatory Framework 4

1.5.1 State Requirements 4

1.5.2 Federal Requirements 5

2.0 Methods 7

2.1 Desktop Review 7

2.2 Reconnaissance Survey 7

2.3 Significance Criteria 7

3.0 Results 10

3.1 Desktop Review 10

3.2 Reconnaissance Survey 17

3.2.1 Land Use and Habitats 17

3.2.2 Plant and Animal Species Observed 21

3.2.3 Nesting Birds 24

3.2.4 Regulated Habitats 24

3.3 Special-Status Species 25

3.3.2 Northwestern pond turtle (*Actinemys marmorata*) (SSSC) 25

3.3.3 Townsend's big-eared bat (*Corynorhinus townsendii*) (SSSC) 25

3.3.4 Pallid bat (*Antrozous pallidus*) (SSSC) 26

4.0 Environmental Impacts 27

4.1 Significance Determinations 27

4.1.2 Cumulative Effects 29

4.1.3 Unavoidable Significant Adverse Effects 30

5.0 Literature Cited.....31

Figures

Figure 1. Project site vicinity map. 2
Figure 2. Project site map. 3
Figure 3. Reconnaissance survey area map. 9
Figure 4. CNDDB occurrence map. 11
Figure 5. Photograph of the Project site, showing blue oak woodland. 18
Figure 6. Photograph of the Project site, showing nonnative annual grassland. 19
Figure 7. Photograph of the Project site, showing outbuildings associated with nearby residence. 19
Figure 8. Photograph of the Project site, showing one of two rural residences onsite. 20
Figure 9. Photograph of the Project site, showing eastern branch of dry ephemeral drainage that drains to Mariposa Creek. 20
Figure 10. Photograph of the Project site, showing western branch of dry ephemeral drainage that drains to Mariposa Creek. 21

Tables

Table 1. Special-status species, their listing status, habitats, and potential to occur on or near the Project site. 12
Table 2. Plant and animal species observed during the reconnaissance survey. 21

Appendices

Appendix A. USFWS list of threatened and endangered species. 33
Appendix B. CNDDB occurrence records. 41
Appendix C. CNPS plant list. 46

Executive Summary

MRCC Properties, LLC proposes to develop a hotel, conference center, and residential housing on 17.97 acres in western Mariposa, Mariposa County, California. The property is at 4987 Brown Bear Lane, south of State Route 49, approximately 0.3 miles northwest of the intersection of State Route 49 and State Route 140. The project will be built in two phases. Phase 1 will involve construction of the Brown Bear Hotel and Yosemite Conference Center on four parcels totaling 11.2 acres. Phase 1 will involve a zone change of a 7.02-acre parcel and a 0.39-acre parcel from residential to commercial. Phase 2 will involve construction of residential housing on two parcels totaling 6.76 acres. The purpose of the project is to increase capacity to provide lodging, meeting space, and residential housing in Mariposa.

To evaluate whether the project may affect biological resources under California Environmental Quality Act (CEQA) purview, we (1) obtained lists of special-status species from the California Department of Fish and Wildlife, the United States Fish and Wildlife Service, and the California Native Plant Society; (2) reviewed other relevant background information such as aerial images and topographic maps; and (3) conducted a field reconnaissance survey of the project site.

This biological resource evaluation summarizes existing biological conditions on the project site, the potential for special-status species and regulated habitats to occur on or near the project site, the potential effects of the project on biological resources and regulated habitats, and measures to reduce those potential effects to a less-than-significant level under CEQA.

We concluded the project could impact three non-listed, special-status wildlife species and nesting migratory birds, but effects can be reduced to less-than-significant levels with mitigation. We also concluded the project could affect one regulated habitat.

Abbreviations

Abbreviation	Definition
APN	Accessor Parcel Number
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CFGC	California Fish and Game Code
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Data Base
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
EPA	Environmental Protection Agency
FE	Federally listed as Endangered
FESA	Federal Endangered Species Act
FP	Fully Protected
FT	Federally listed as Threatened
MBTA	Migratory Bird Treaty Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanographic and Atmospheric Administration
SCE	State Candidate for listing as Endangered
SE	State-listed as Endangered
SSSC	State Species of Special Concern
ST	State-listed as Threatened
SWRCB	State Water Resources Control Board
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

1.0 Introduction

1.1 Background

MRCC Properties, LLC (MRCC) proposes to develop a hotel, conference center, and residential housing on 17.97 acres in western Mariposa, Mariposa County, California (Project).

The purpose of this biological resource evaluation is to determine whether the Project will affect state- or federally-protected resources pursuant to California Environmental Quality Act (CEQA) guidelines. Such resources include species of plants or animals listed or proposed for listing under the California Endangered Species Act (CESA) or federal Endangered Species Act (FESA), as well as those covered under the federal Migratory Bird Treaty Act (MBTA), the California Native Plant Protection Act, various other sections of the California Fish and Game Code, and the California Native Plant Society Inventory of Rare and Endangered Plants. This biological resource evaluation also addresses Project-related impacts to regulated habitats, which are those under the jurisdiction of the United States Army Corps of Engineers (USACE), State Water Resources Control Board, or California Department of Fish and Wildlife (CDFW).

1.2 Project Description

The Project will involve building Brown Bear Hotel, Yosemite Conference Center, and residential housing units on 17.97 acres in western Mariposa, Mariposa County, California. The project will be built in two phases. Phase 1 will involve construction of the 132,000-square-foot Brown Bear Hotel and Yosemite Conference Center on four parcels totaling 11.2 acres. Phase 1 will involve a zone change of a 0.39-acre parcel (Accessor Parcel Number [APN] 013-050-059) and a 7.02-acre parcel (APN 013-050-0600) from residential to commercial. Phase 2 will involve construction of residential housing on two parcels (APNs 013-050-0080 and 013-071-0030) totaling 6.76 acres.

Phase 1 will include 180–200 hotel rooms, a 5000-square-foot conference center, an 1800-square-foot restaurant, a 1426-square-foot lobby lounge, a 575-square-foot fitness center, an outdoor pool, a garden area, an outdoor wedding venue, and an outdoor barbecue area. Phase 2 will include a two-story residential complex consisting of 100–200 units for living wage earners.

1.3 Project Location

The Project site is in the Sierra Nevada foothills, at an elevation of 2100 feet above mean sea level. It is at 4987 Brown Bear Lane, roughly 0.3 miles west of the intersection of State Route 49 and State Route 140, in western Mariposa, Mariposa County, California (Figure 1). It encompasses APNs 013-050-0590, 013-050-0600, 013-050-0090, and 013-050-0570. The site occupies 17.97 acres south of State Route 49, east and south of Brown Bear Lane, west of Fournier Road, and north of Mariposa Creek (Figure 2).

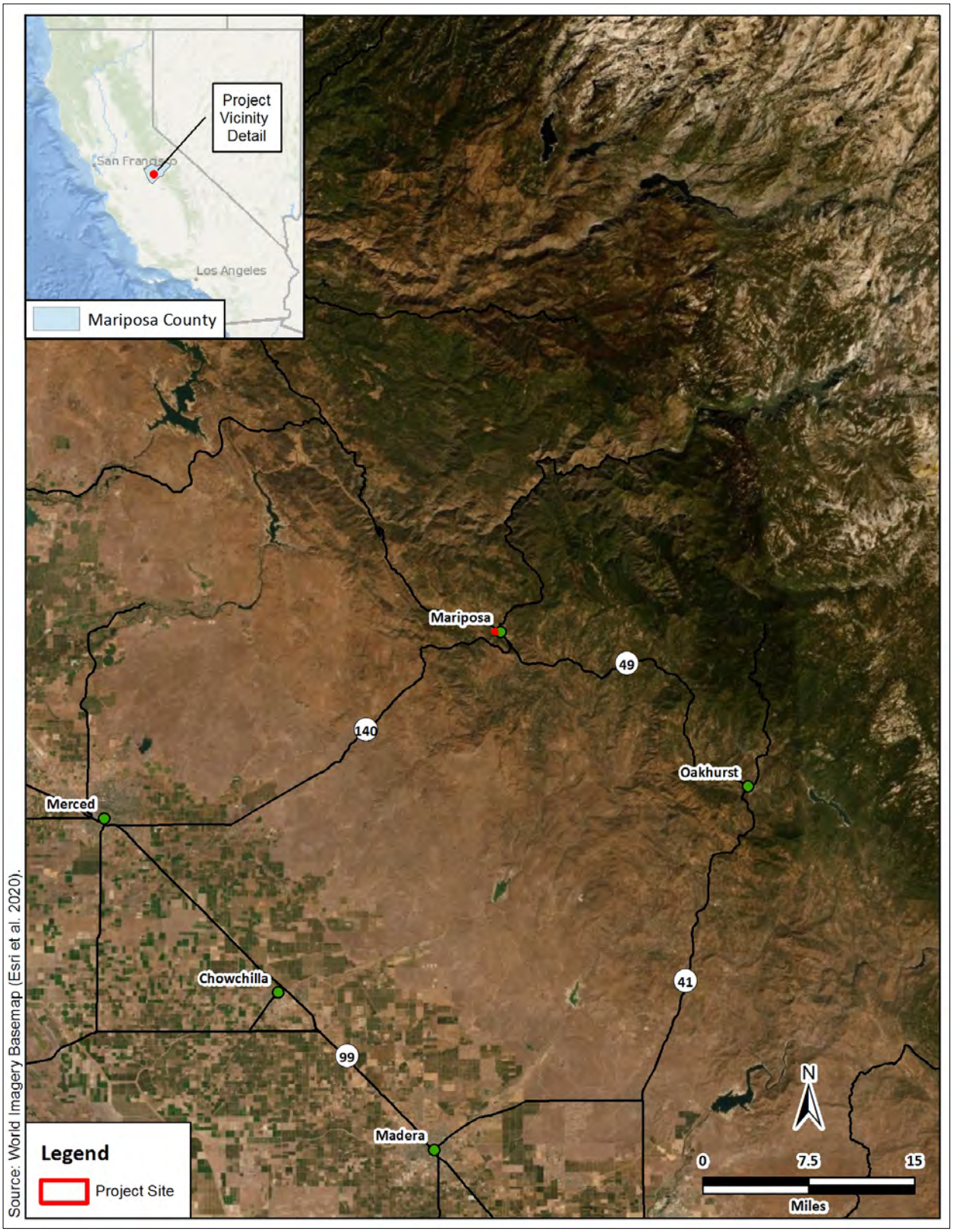

Figure 1. Project site vicinity map.

Figure 2. Project site map.

1.4 Purpose of Proposed Project

The purpose of the Project is to increase the capacity for lodging, meeting space, and living wage residential housing in Mariposa.

1.5 Regulatory Framework

The relevant state and federal regulatory requirements and policies that guide the impact analysis of the Project are summarized below.

1.5.1 State Requirements

California Endangered Species Act. The California Endangered Species Act (CESA) of 1970 (Fish and Game Code § 2050 et seq. and California Code of Regulations (CCR) Title 14, Subsection 670.2, 670.51) prohibits the take of species listed under CESA (14 CCR Subsection 670.2, 670.5). Take is defined as hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill. Under CESA, state agencies are required to consult with the California Department of Fish and Wildlife (CDFW) when preparing CEQA documents. Consultation ensures that proposed projects or actions do not have a negative effect on state-listed species. During consultation, CDFW determines whether take would occur and identifies "reasonable and prudent alternatives" for the project and conservation of special-status species. CDFW can authorize take of state-listed species under Sections 2080.1 and 2081(b) of Fish and Game Code in those cases where it is demonstrated that the impacts are minimized and mitigated. Take authorized under section 2081(b) must be minimized and fully mitigated. A CESA permit must be obtained if a project will result in take of listed species, either during construction or over the life of the project. Under CESA, CDFW is responsible for maintaining a list of threatened and endangered species designated under state law (Fish and Game Code § 2070). CDFW also maintains lists of species of special concern, which serve as "watch lists." Pursuant to the requirements of CESA, a state or local agency reviewing a proposed project within its jurisdiction must determine whether the proposed project will have a potentially significant impact upon such species. Project-related impacts to species on the CESA list would be considered significant and would require mitigation. Impacts to species of concern or fully protected species would be considered significant under certain circumstances.

California Environmental Quality Act. The California Environmental Quality Act (CEQA) of 1970 (Subsections 21000–21178) requires that CDFW be consulted during the CEQA review process regarding impacts of proposed projects on special-status species. Special-status species are defined under CEQA Guidelines subsection 15380(b) and (d) as those listed under FESA and CESA and species that are not currently protected by statute or regulation but would be considered rare, threatened, or endangered under these criteria or by the scientific community. Therefore, species considered rare or endangered are addressed in this biological resource evaluation regardless of whether they are afforded protection through any other statute or regulation. The

California Native Plant Society (CNPS) inventories the native flora of California and ranks species according to rarity (CNPS 2019). Plants with Rare Plant Ranks 1A, 1B, 2A, or 2B are considered special-status species under CEQA.

Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines Section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if it can be shown to meet certain specified criteria. These criteria have been modeled after the definition in the FESA and the section of the California Fish and Game Code dealing with rare and endangered plants and animals. Section 15380(d) allows a public agency to undertake a review to determine if a significant effect on species that have not yet been listed by either the United States Fish and Wildlife Service (USFWS) or CDFW (i.e., candidate species) would occur. Thus, CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the respective government agency has an opportunity to designate the species as protected, if warranted.

California Native Plant Protection Act. The California Native Plant Protection Act of 1977 (California Fish and Game Code §§ 1900–1913) requires all state agencies to use their authority to carry out programs to conserve endangered and otherwise rare species of native plants. Provisions of the act prohibit the taking of listed plants from the wild and require the project proponent to notify CDFW at least 10 days in advance of any change in land use, which allows CDFW to salvage listed plants that would otherwise be destroyed.

Nesting birds. California Fish and Game Code Subsections 3503, 3503.5, and 3800 prohibit the possession, incidental take, or needless destruction of birds, their nests, and eggs. California Fish and Game Code Section 3511 lists birds that are "Fully Protected" as those that may not be taken or possessed except under specific permit.

California Department of Fish and Wildlife Jurisdiction. The CDFW has regulatory jurisdiction over lakes and streams in California. Activities that divert or obstruct the natural flow of a stream; substantially change its bed, channel, or bank; or use any materials (including vegetation) from the streambed, may require that the project applicant enter into a Streambed Alteration Agreement with the CDFW in accordance with California Fish and Game Code Section 1602.

1.5.2 Federal Requirements

Federal Endangered Species Act. The USFWS and the National Oceanographic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) enforce the provisions stipulated in the Federal Endangered Species Act of 1973 (FESA, 16 United States Code [USC] § 1531 et seq.). Threatened and endangered species on the federal list (50 Code of Federal Regulations [CFR] 17.11 and 17.12) are protected from take unless a Section 10 permit is granted to an entity other than a federal agency or a Biological Opinion with incidental take provisions is rendered to a federal lead agency via a Section 7 consultation. Take is defined as harass, harm,

pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. Pursuant to the requirements of the FESA, an agency reviewing a proposed action within its jurisdiction must determine whether any federally listed species may be present in the proposed action area and determine whether the proposed action may affect such species. Under the FESA, habitat loss is considered an effect to a species. In addition, the agency is required to determine whether the proposed action is likely to jeopardize the continued existence of any species that is listed or proposed for listing under the FESA (16 USC § 1536[3], [4]). Therefore, proposed action-related effects to these species or their habitats would be considered significant and would require mitigation.

Migratory Bird Treaty Act. The federal Migratory Bird Treaty Act (MBTA) (16 USC § 703, Supp. I, 1989) prohibits killing, possessing, trading, or other forms of take of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. "Take" is defined as the pursuing, hunting, shooting, capturing, collecting, or killing of birds, their nests, eggs, or young (16 USC § 703 and § 715n). This act encompasses whole birds, parts of birds, and bird nests and eggs. The MBTA specifically protects migratory bird nests from possession, sale, purchase, barter transport, import, and export, and take. For nests, the definition of take per 50 CFR 10.12 is to collect. The MBTA does not include a definition of an "active nest." However, the "Migratory Bird Permit Memorandum" issued by the USFWS in 2003 clarifies the MBTA in that regard and states that the removal of nests, without eggs or birds, is legal under the MBTA, provided no possession (which is interpreted as holding the nest with the intent of retaining it) occurs during the destruction (USFWS 2003).

United States Army Corps of Engineers Jurisdiction. Areas meeting the regulatory definition of "waters of the United States" (jurisdictional waters) are subject to the jurisdiction of the United States Army Corps of Engineers (USACE) under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as waters of the United States, tributaries of waters otherwise defined as waters of the United States, the territorial seas, and wetlands adjacent to waters of the United States (33 CFR part 328.3). Ditches and drainage canals where water flows intermittently or ephemerally are not regulated as waters of the United States. Wetlands on non-agricultural lands are identified using the *Corps of Engineers Wetlands Delineation Manual* and related Regional Supplement (USACE 1987 and 2008). Construction activities, including direct removal, filling, hydrologic disruption, or other means in jurisdictional waters are regulated by the USACE. The placement of dredged or fill material into such waters must comply with permit requirements of the USACE. No USACE permit will be effective in the absence of state water quality certification pursuant to Section 401 of the Clean Water Act. The State Water Resources Control Board is the state agency (together with the Regional Water Quality Control Boards) charged with implementing water quality certification in California.

2.0 Methods

2.1 Desktop Review

As a framework for the evaluation and reconnaissance survey, we obtained a USFWS species list for the Project site (Appendix A). In addition, we searched the California Natural Diversity Data Base (CNDDB) and the CNPS Inventory of Rare and Endangered Plants for records of special-status plant and animal species in the Project area (CNDDB 2020, CNPS 2020). Regional lists of special-status species were compiled using USFWS, CNDDB, and CNPS database searches confined to the Mariposa 7.5-minute United States Geological Survey (USGS) topographic quad, which encompasses the Project site, and the eight surrounding quads (Bear Valley, Ben Hur, Buckingham Mtn., Catheys Valley, Feliciana Mtn., Horsecamp Mountain, Illinois Hill, and Stumpfield Mtn.). A local list of special-status species was compiled using CNDDB records from within 5 miles of the Project site. Species that lack a special-status designation by state or federal regulatory agencies or other groups were omitted from the final list. Species for which the Project site does not provide habitat were eliminated from further consideration. We also reviewed aerial imagery from Google Earth (Google 2020) and other sources, USGS topographic maps, the Web Soil Survey (NRCS 2020), and relevant literature.

2.2 Reconnaissance Survey

Colibri Associate Scientist Joe Medley conducted a field reconnaissance survey of the Project site on 21 January 2020. The Project site and a 50-foot buffer surrounding the Project site were walked and thoroughly inspected to evaluate and document the potential for the area to support state- or federally protected resources (Figure 3). All plants except ornamentals and cultivated agricultural species and all animals (vertebrate wildlife species) observed within the survey area were identified and documented. The survey area was evaluated for the presence of regulated habitats, including lakes, streams, wetlands, and other waters using methods described in the *Wetlands Delineation Manual* and regional supplement (USACE 1987, 2008) and as defined by the CDFW (https://www.wildlife.ca.gov/conservation/lsa).

2.3 Significance Criteria

CEQA defines "significant effect on the environment" as "a substantial, or potentially substantial, adverse change in the environment" (Public Resource Code, § 21068). Under CEQA Guidelines Section 15065, a project's effects on biological resources are deemed significant where the project would do any of the following:

a) Substantially reduce the habitat of a fish or wildlife species,

b) Cause a fish or wildlife population to drop below self-sustaining levels,

c) Threaten to eliminate a plant or animal community, or

d) Substantially reduce the number or restrict the range of a rare or endangered plant or animal.

In addition to the Section 15065 criteria, Appendix G of the CEQA Guidelines includes six additional impacts to consider when analyzing the effects of a project. Under Appendix G, a project's effects on biological resources are deemed significant where the project would do any of the following:

e) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or the USFWS;

f) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS;

g) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

h) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

i) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

j) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

These criteria were used to determine whether the potential effects of the Project on biological resources qualify as significant.

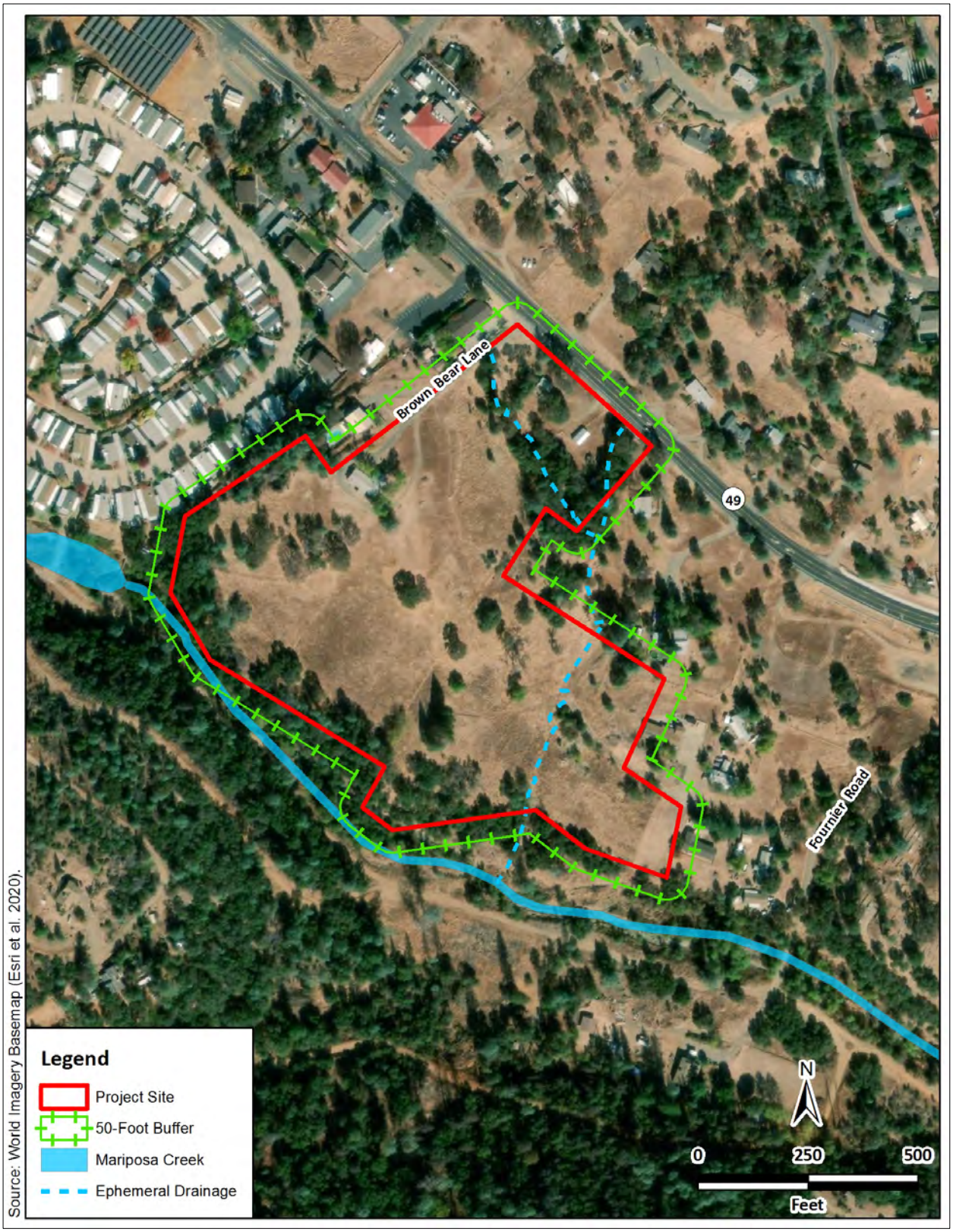

Figure 3. Reconnaissance survey area map.

3.0 Results

3.1 Desktop Review

The USFWS species list for the Project site includes three species listed as threatened or endangered under the FESA (USFWS 2020, Table 1, Appendix A). None of those species could occur on or near the Project site due to either a lack of habitat or the Project site being outside the current range of the species (Table 1).

Searching the CNDDB for records of special-status species from within the Mariposa 7.5-minute USGS topographic quad and the eight surrounding quads produced 117 records of 35 species (CNDDB 2020, Table 1, Appendix B). Of those species, six are not considered further because state or federal regulatory agencies or other groups do not recognize them through special designation or are thought to be extinct (Mariposa daisy, *Erigeron mariposanus*) (Appendix B). Of the remaining 29 species, 16 are known from within 5 miles of the Project site (Table 1, Figure 4). Of those 16 species, two could occur on the Project site (Table 1). One additional species identified in the 9-quad search but from outside the 5-mile buffer also could occur based on the presence of habitat (Table 1).

Searching the CNPS Inventory of Rare and Endangered Plants of California for records of special-status plant species from within the Mariposa 7.5-minute USGS topographic quad and the eight surrounding quads yielded 32 taxa (CNPS 2020, Appendix C), 17 of which have of a CRPR of 1B (Table 1). None of those species are expected to occur on or near the Project site due to a lack of habitat, lack of proper soil types, or a lack of records from within 5 miles (Table 1).

The Project site is underlain by Blasingame loam and riverwash and tailings soil types (NRCS 2020).

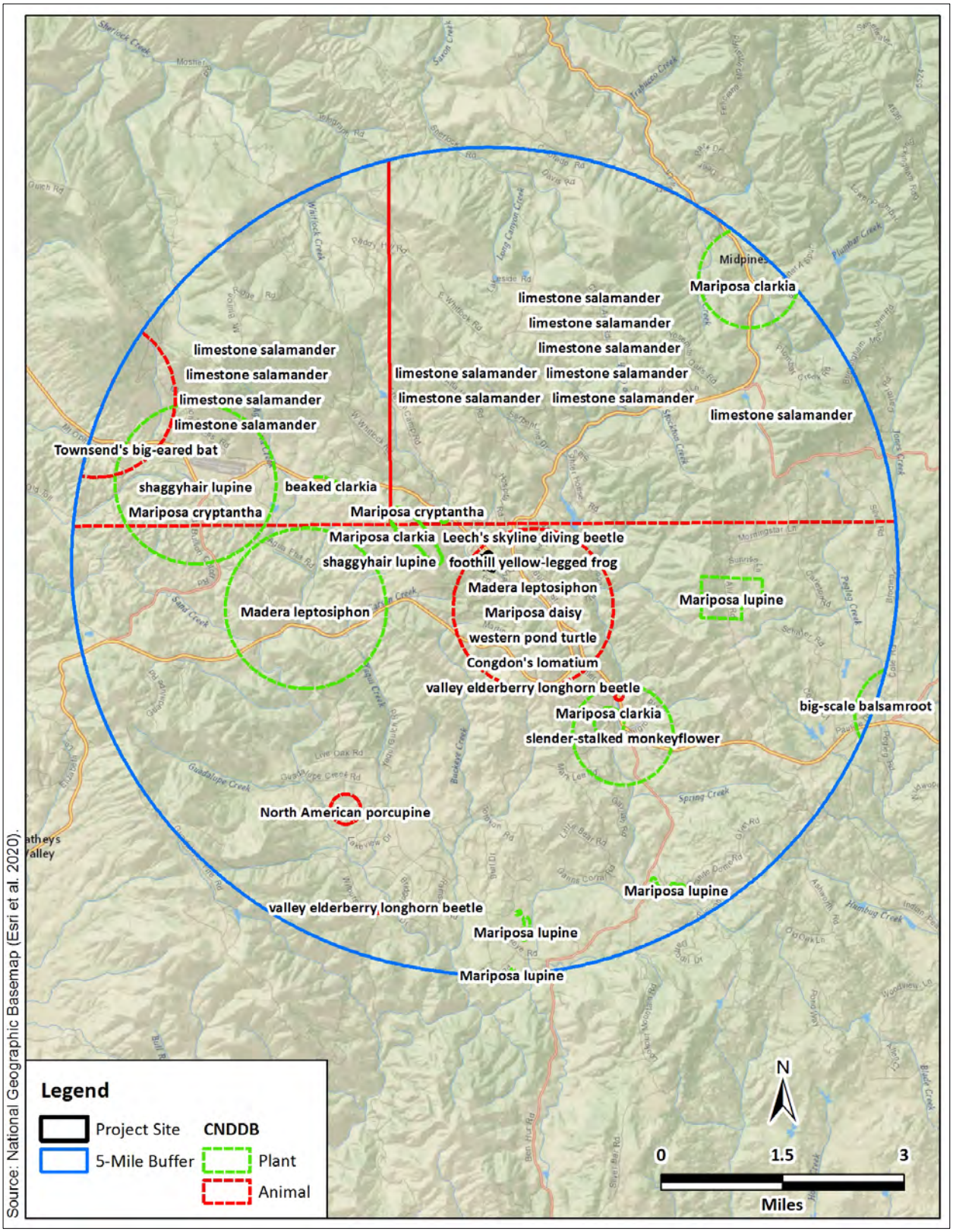

Figure 4. CNDDB occurrence map.

Table 1. Special-status species, their listing status, habitats, and potential to occur on or near the Project site.

Species	Status[1]	Habitat	Potential to Occur[2]
Federally and State-Listed Endangered or Threatened Species			
Mariposa pussypaws[3] (*Calyptridium pulchellum*)	FT, 1B.1	Sandy or gravelly granitic soils in chaparral and cismontane woodland at 1310–3610 feet elevation.	**None.** Habitat lacking; no granitic soils.
Valley elderberry longhorn beetle[3] (*Desmocerus californicus dimorphus*)	FT	Elderberry (*Sambucus* sp.) plants having basal stem diameter greater than 1" at ground level, usually below 500 feet elevation.	**None.** Five elderberry plants found in the survey area with stem diameter greater than 1"; however, Project site is above known elevation range.
Delta smelt (*Hypomesus transpacificus*)	FT, SE	Estuarine river channels and tidally influenced sloughs.	**None.** Habitat lacking; no connectivity with tidally influenced estuarine habitat; no records from within 5 miles.
California red-legged frog (*Rana draytonii*)	FT, SSSC	Creeks, ponds, and marshes for breeding; burrows for upland refuge.	**None.** Habitat lacking; no potential aquatic breeding habitat in the survey area; the Project site is outside the known range of this species; no records from within 5 miles.
California tiger salamander (*Ambystoma californiense*)	FT, ST	Vernal pools or seasonal ponds for breeding; small mammal burrows for upland refugia.	**None.** Habitat lacking; no potential aquatic breeding was found in the survey area; the Project site is outside the known range of this species.
Foothill yellow-legged frog[3] (*Rana boylii*)	ST	Perennial streams and rivers with rocky substrates and open, sunny banks in forests, chaparral, and woodlands.	**None.** Habitat lacking; Mariposa Creek, 30 feet south, is intermittent.
Limestone salamander[3] (*Hydromantes brunus*)	ST	Limestone outcrops, caverns, talus, or rock fissures in foothill pine and chaparral along the	**None.** Habitat lacking; outside known local range.

Species	Status[1]	Habitat	Potential to Occur[2]
		Merced River and its tributaries.	
Sierra Nevada yellow-legged frog (*Rana sierrae*)	FE, ST	Lakes, ponds, and meadow streams in the Sierra Nevada between 4500–12,000 feet elevation.	**None.** Habitat lacking; Project site is below current known elevation range.
Bald eagle (*Haliaeetus leucocephalus*)	SE, FP	Large trees for nesting near permanent water.	**None.** Habitat lacking; Mariposa Creek, 30 feet south, is intermittent.
Hardhead[3] (*Mylopharodon conocephalus*)	SSSC	Undisturbed areas of larger perennial streams and rivers with high water quality.	**None.** Habitat lacking; Mariposa Creek, 30 feet south, is intermittent.
Northwestern pond turtle[3] (*Actinemys marmorata*)	SSSC	Ponds, rivers, marshes, streams, and irrigation ditches, usually with aquatic vegetation and woody debris for basking and adjacent natural upland areas for egg laying.	**Moderate.** Mariposa Creek, 30 feet south, may support this species, and the Project site could provide upland nesting habitat.
Pallid bat (*Antrozous pallidus*)	SSSC	Arid or semi-arid locations in rocky mountainous areas and sparsely vegetated grassland near water. Roosts in caves, crevices, and tree hollows.	**Low.** Although no records are known from within 5 miles, this species could roost in large trees and forage in open fields at the Project site.
Spotted bat (*Euderma maculatum*)	SSSC	Rock crevices, caves, and buildings for roosting; forages over waterbodies.	**None.** Habitat lacking; no high, vertical walls for roosting.
Townsend's big-eared bat[3] (*Corynorhinus townsendii*)	SSSC	Caves, tunnels, buildings, or other human structures for roosting.	**Low.** Outbuildings may support roosting.
California Rare Plants			
Bacigalupi's yampah (*Perideridia bacigalupii*)	4.2	Serpentine soils in chaparral and low elevation conifer forest at 1475–3395 feet elevation.	**None.** Habitat lacking; no serpentine soils.

Species	Status[1]	Habitat	Potential to Occur[2]
Beaked clarkia[3] (*Clarkia rostrata*)	1B.3	Cismontane woodland and valley and foothill grassland at 195–1640 feet elevation.	**None.** Habitat lacking; Project site is above known elevation range.
Big-scale balsamroot[3] (*Balsamorhiza macrolepis*)	1B.2	Often associated with serpentine soils in chaparral, cismontane woodland, and valley and foothill grassland at 145–5100 feet elevation.	**None.** Habitat lacking; no serpentine soils.
Congdon's onion (*Allium sanbornii* var. *congdonii*)	4.3	Serpentine or volcanic soils in chaparral or cismontane woodland at 980–4575 feet elevation.	**None.** Habitat lacking; no serpentine or volcanic soils.
Congdon's lomatium[3] (*Lomatium congdonii*)	1B.2	Serpentine soils in chaparral and cismontane woodland at 980–6980 feet elevation.	**None.** Habitat lacking; no serpentine soils.
Congdon's woolly sunflower (*Eriophyllum congdonii*)	SR, 1B.2	Rocky, metamorphic soils in chaparral, cismontane woodland, low elevation conifer forest, and valley and foothill grassland at 1640–6235 feet elevation.	**None.** Habitat lacking; species known only from Merced River Drainage.
Elongate copper moss (*Mielichhoferia elongata*)	4.3	Meadows and seeps with metamorphic soils in broadleaf upland forest, chaparral, cismontane woodland, low elevation and subalpine conifer forest from sea level to 6430 feet elevation.	**None.** Habitat lacking; no meadows or seeps.
Ewan's larkspur (*Delphinium hansenii* ssp. *ewanianum*)	4.2	Rocky soils in cismontane woodland and valley and foothill grassland at 195–1970 feet elevation.	**None.** Habitat lacking; Project site is above known elevation range.
Foothill jepsonia (*Jepsonia heterandra*)	4.3	Rocky, metamorphic soils in cismontane woodland and low elevation conifer forest at 160–1640 feet elevation.	**None.** Habitat lacking; Project site is above known elevation range.

Species	Status[1]	Habitat	Potential to Occur[2]
Forked fiddleneck (*Amsinckia furcata*)	4.2	Cismontane woodland and valley and foothill grassland with semi-barren, loose, shaly soils at 160–3280 feet elevation.	**None.** Habitat lacking; no shaly soils.
Fresno ceanothus (*Ceanothus fresnensis*)	4.3	Openings in cismontane woodland and low elevation conifer forest at 2950–6900 feet elevation.	**None.** Habitat lacking; Project site is below known elevation range.
Koch's cord moss (*Entosthodon kochii*)	1B.3	Soil in cismontane woodland at 590–3280 feet elevation.	**None.** Not detected during field survey.
Madera leptosiphon[3] (*Leptosiphon serrulatus*)	1B.2	Cismontane woodland and low elevation conifer forest at 980–4265 feet elevation.	**None.** Outside of current known range; records from within 5 miles are from late 1800s.
Mariposa clarkia[3] (*Clarkia biloba* ssp. *australis*)	1B.2	Serpentine soils in chaparral and cismontane woodland at 980–4790 feet elevation.	**None.** Habitat lacking; no serpentine soils.
Mariposa cryptantha[3] (*Cryptantha mariposae*)	1B.3	Rocky, serpentine soils in chaparral at 655–2135 feet elevation.	**None.** Habitat lacking; no serpentine soils.
Mariposa lupine[3] (*Lupinus citrinus* var. *deflexus*)	1B.2	Granitic or sandy soils in chaparral and cismontane woodland at 1310–2000 feet elevation.	**None.** Habitat lacking; no granitic or sandy soils.
Mountain lady's-slipper (*Cypripedium montanum*)	4.2	Mixed evergreen or conifer forest, broadleaf upland forest, cismontane woodland, and low elevation and North Coast conifer forest at 605–7300 feet elevation.	**None.** Habitat lacking; no records from within 5 miles.
Northern clustered sedge (*Carex arcta*)	2B.2	Bogs and fens in North Coast conifer forest at 195–4595 feet elevation.	**None.** Habitat lacking; no bogs or fens.
Parry's horkelia (*Horkelia parryi*)	1B.2	Ione formation and other soils in chaparral and cismontane woodland at 260–3510 feet elevation.	**None.** Habitat lacking; no records from within 5 miles.

Species	Status[1]	Habitat	Potential to Occur[2]
Pleasant Valley Mariposa lily (*Calochortus clavatus* var. *avius*)	1B.2	Josephine silt loam and volcanic soils in low elevation conifer forest at 1000–5905 feet elevation.	**None.** Habitat lacking; no records from within 5 miles.
Serpentine bluecup (*Githopsis pulchella* ssp. *serpentinicola*)	4.3	Serpentine or Ione formation soils in cismontane woodland at 1045–2000 feet elevation.	**None.** Habitat lacking; no serpentine or Ione formation soils.
Sierra clarkia (*Clarkia virgata*)	4.3	Cismontane woodland and low elevation conifer forest at 1310–5300 feet elevation.	**None.** No records from within 5 miles.
Shaggyhair lupine[3] (*Lupinus spectabilis*)	1B.2	Serpentine soils in chaparral and cismontane woodland at 850–2705 feet elevation.	**None.** Habitat lacking; no serpentine soils.
Slender-stalked monkeyflower[3] (*Erythranthe gracilipes*)	1B.2	Decomposed granite, often in burned or disturbed areas in chaparral, cismontane woodland, and low elevation conifer forest at 1640–4265 feet elevation.	**None.** Habitat lacking; no granitic soils.
Slender-stemmed monkeyflower (*Erythranthe filicaulis*)	1B.2	Vernally mesic areas and meadows and seeps in cismontane woodland, and low and high elevation conifer forest at 2950–5740 feet elevation.	**None.** Habitat lacking; Project site lacks vernally mesic areas and is below known elevation range.
Tansy-flowered woolly sunflower (*Eriophyllum confertiflorum* var. *tanacetiflorum*)	4.3	Cismontane woodland and low elevation conifer forest at 1000–4395 feet elevation.	**None.** Habitat lacking; no records from within 5 miles.
Tripod buckwheat (*Eriogonum tripodum*)	4.2	Often serpentine soils in chaparral and cismontane woodland at 655–5250 feet elevation.	**None.** Habitat lacking; no serpentine soils.
Yellow-lip pansy monkeyflower (*Diplacus pulchellus*)	1B.2	Clay soils and vernally mesic disturbed areas in meadows and seeps and low elevation conifer	**None.** Habitat lacking; no meadows or seeps.

Species	Status[1]	Habitat	Potential to Occur[2]
		forest at 1965–6560 feet elevation.	
Yosemite onion (*Allium yosemitense*)	1B.3	Rocky, metamorphic, or granitic soils in broadleaf upland forest, chaparral, cismontane woodland, or low elevation conifer forest at 1755–7220 feet elevation.	**None.** Habitat lacking; all known occurrences are from within Yosemite National Park.
Yosemite tarplant (*Jensia yosemitana*)	3.2	Meadows and seeps in low elevation conifer forest at 3935–7545 feet elevation.	**None.** Habitat lacking; no meadows or seeps; below known elevation range.

CNDDB (2019), CNPS (2019), USFWS (2019), Jepson (2019).

Status[1]	**Potential to Occur[2]**	
FE = Federally listed Endangered	None:	Species or sign not observed; conditions unsuitable for occurrence.
FT = Federally listed Threatened	Low:	Neither species nor sign observed; conditions marginal for occurrence.
FP = Fully Protected	Moderate:	Neither species nor sign observed, but conditions suitable for occurrence.
SCE = State Candidate for listing as Endangered		
SE = State-listed Endangered		
ST = State-listed Threatened		
SSSC = State Species of Special Concern		

CNPS California Rare Plant Rank[1]:	**Threat Ranks[1]:**
1B – plants rare, threatened, or endangered in California and elsewhere.	0.1 – seriously threatened in California (> 80% of occurrences).
2B – plants rare, threatened, or endangered in California but more common elsewhere.	0.2 – moderately threatened in California (20-80% of occurrences).
3 – plants about which more information is needed.	0.3 – not very threatened in California (<20% of occurrences).
4 – plants have limited distribution in California.	

[3]Known from CNDDB records from within 5 miles of the Project site.

3.2 Reconnaissance Survey

3.2.1 Land Use and Habitats

The Project site consisted of blue oak woodland dominated by blue oak (*Quercus douglasii*), interior live oak woodland dominated by interior live oak (*Quercus wislizeni*), and nonnative annual grassland dominated by wild oat (*Avena fatua*), Heermann's tarweed (*Holocarpha heermannii*), yellow star thistle (*Centaurea solstitialis*), medusa head (*Elymus caput-medusae*), Canadian horseweed (*Erigeron canadensis*), miner's lettuce (*Claytonia* sp.), red stemmed filaree (*Erodium cicutarium*), and ripgut brome (*Bromus diandrus*) (Figures 5 through 8). Two rural residences and various associated outbuildings were also present on the Project site. These supported similar colonizing plant species as well as ornamental trees and shrubs (Figures 7 and 8). The surrounding land use was like that of the Project site, consisting mainly of rural residences to the north and east, oak woodland and riparian woodland to the south, and a mobile home park to the west. A dry ephemeral drainage consisting of two connected branches was present on the Project site (Figures 2, 9, and 10). Mariposa Creek, an intermittent stream, is about 30 feet south of the Project site.

Figure 5. Photograph of the Project site, showing blue oak woodland.

Figure 6. Photograph of the Project site, showing nonnative annual grassland.

Figure 7. Photograph of the Project site, showing outbuildings associated with nearby residence.

Figure 8. Photograph of the Project site, showing one of two rural residences onsite.

Figure 9. Photograph of the Project site, showing eastern branch of dry ephemeral drainage that drains to Mariposa Creek.

Figure 10. Photograph of the Project site, showing western branch of dry ephemeral drainage that drains to Mariposa Creek.

3.2.2 Plant and Animal Species Observed

A total of 37 plant species (17 native, 18 nonnative, and two unknown), 27 bird species, and four mammal species were observed during the survey (Table 2).

Table 2. Plant and animal species observed during the reconnaissance survey.

Common Name	Scientific Name	Status	Cal-IPC[2]
Plants			
Family Adoxaceae			
Blue elderberry	*Sambucus nigra* ssp. *caerulea*	Native	-
Family Apiaceae			
Bur chervil	*Anthriscus caucalis*	Nonnative	-
Field hedge parsley	*Torilis arvensis*	Nonnative	Moderate
Family Asteraceae			
California mugwort	*Artemisia douglasiana*	Native	-
Gumweed	*Grindelia hirsutula*	Native	-
Heermann's tarweed	*Holocarpha heermanni*	Native	-
Italian thistle	*Carduus pycnocephalus*	Nonnative	Moderate
Milk thistle	*Silybum marianum*	Nonnative	Limited

Common Name	Scientific Name	Status	Cal-IPC[2]
Canada horseweed	*Erigeron canadensis*	Native	-
Yellow star thistle	*Centaurea solstitialis*	Nonnative	High
Family Brassicaceae			
Black mustard	*Brassica nigra*	Nonnative	Moderate
Wild mustard	*Hirschfeldia incana*	Nonnative	Moderate
Family Caprifoliaceae			
Chaparral honeysuckle	*Lonicera interrupta*	Native	-
Family Cupressaceae			
Incense cedar	*Calocedrus decurrens*	Native	-
Family Ericaceae			
Whiteleaf manzanita	*Arctostaphylos viscida*	Native	-
Family Euphorbiaceae			
Doveweed	*Croton setiger*	Native	-
Family Fabaceae			
Rose clover	*Trifolium hirtum*	Nonnative	Limited
Vetch	*Vicia* sp.	Unknown	-
Family Fagaceae			
Blue oak	*Quercus douglasii*	Native	-
Interior live-oak	*Quercus wislizeni*	Native	-
Family Geraneaceae			
Big heron bill	*Erodium botrys*	Nonnative	-
Red stemmed filaree	*Erodium cicutarium*	Nonnative	Limited
Family Hypericaceae			
Klamathweed	*Hypericum perforatum*	Nonnative	Moderate
Family Lamiaceae			
Vinegarweed	*Trichostema lanceolatum*	Native	-
White horehound	*Marrubium vulgare*	Nonnative	Limited
Family Montiaceae			
Miner's lettuce	*Claytonia* sp.	Native	-
Family Pinaceae			
Foothill pine	*Pinus sabiniana*	Native	-
Ponderosa pine	*Pinus ponderosa*	Native	-
Family Plantaginaceae			
English plantain	*Plantago lanceolata*	Nonnative	Limited
Family Poaceae			
Crabgrass	*Digitaria sanguinalis*	Nonnative	-
Medusa head	*Elymus caput-medusae*	Nonnative	High
Needle grass	*Stipa* sp.	Unknown	-
Ripgut brome	*Bromus diandrus*	Nonnative	Moderate
Wild oat	*Avena fatua*	Nonnative	Moderate
Family Rhamnaceae			

Common Name	Scientific Name	Status	Cal-IPC[2]
Buck brush	*Ceanothus cuneatus*	Native	-
Family Rosaceae			
Himalayan blackberry	*Rubus armeniacus*	Nonnative	High
Toyon	*Heteromeles arbutifolia*	Native	-

Common Name	Scientific Name	Status
Birds		
Family Accipitridae		
Cooper's hawk	*Accipiter cooperii*	MBTA, CFGC
Red-shouldered hawk	*Buteo lineatus*	MBTA, CFGC
Family Columbidae		
Eurasian collared-dove	*Streptopelia decaocto*	None
Family Corvidae		
California scrub-jay	*Aphelocoma californica*	MBTA, CFGC
Family Fringillidae		
House finch	*Haemorhous mexicanus*	MBTA, CFGC
Lesser goldfinch	*Spinus psaltria*	MBTA, CFGC
Pine siskin	*Spinus pinus*	MBTA, CFGC
Family Icteridae		
Brewer's blackbird	*Euphagus cyanocephalus*	MBTA, CFGC
Family Odontophoridae		
California quail	*Callipepla californica*	MBTA, CFGC
Family Paridae		
Oak titmouse	*Baeolophus inornatus*	MBTA, CFGC
Family Parulidae		
Yellow-rumped warbler	*Setophaga coronata*	MBTA, CFGC
Family Passerellidae		
California towhee	*Melozone crissalis*	MBTA, CFGC
Dark-eyed junco	*Junco hyemalis*	MBTA, CFGC
Golden-crowned sparrow	*Zonotrichia atricapilla*	MBTA, CFGC
Spotted towhee	*Pipilo maculatus*	MBTA, CFGC
White-crowned sparrow	*Zonotrichia leucophrys*	MBTA, CFGC
Family Phasianidae		
Wild turkey	*Meleagris gallopavo*	MBTA, CFGC
Family Picidae		
Acorn woodpecker	*Melanerpes formicivorus*	MBTA, CFGC
Northern flicker	*Colaptes auratus*	MBTA, CFGC
Nuttall's woodpecker	*Dryobates nuttallii*	MBTA, CFGC
Family Regulidae		
Ruby-crowned kinglet	*Regulus calendula*	MBTA, CFGC
Family Sittidae		

Common Name	Scientific Name	Status
White-breasted nuthatch	*Sitta carolinensis*	MBTA, CFGC
Family Sturnidae		
European starling	*Sturnus vulgaris*	None
Family Sylviidae		
Wrentit	*Chamaea fasciata*	MBTA, CFGC
Family Trochilidae		
Anna's hummingbird	*Calypte anna*	MBTA, CFGC
Family Turdidae		
Western bluebird	*Sialia mexicana*	MBTA, CFGC
Family Tyrannidae		
Black phoebe	*Sayornis nigricans*	MBTA, CFGC
Mammals		
Family Cervidae		
California mule deer	*Odocoileus hemionus*	None
Family Didelphidae		
Virginia opossum	*Didelphis virginiana*	None
Family Leporidae		
Black-tailed jackrabbit	*Lepus californicus*	None
Family Sciuridae		
Western gray squirrel	*Sciurus griseus*	None

[1]Status: plants – refers to Native, Nonnative, Cal-IPC Rank (See below), or regulatory status, if relevant; animals – refers to regulatory or legal protection status; MBTA = Protected under the Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.); CFGC = Protected under the California Fish and Game Code (FGC § 3503 and 3513).

[2]Cal-IPC: California Invasive Plant Council ranks invasive plants according to their risk of altering native landscapes. A rating of Limited means that the species is invasive, but their ecological impacts are minor on a statewide level or there was not enough information to justify a higher score; a rating of Moderate means the species has a substantial and apparent, but generally not severe ecological impact on physical processes, plant and animal communities, and vegetation structure; a rating of High means the species has severe ecological impacts on physical processes, plant and animal communities, and vegetation structure (Cal-IPC 2020).

3.2.3 Nesting Birds

No active nests were found during the reconnaissance survey. However, migratory birds could nest on or near the Project site. Such species include, but are not limited to, acorn woodpecker (*Melanerpes formicivorus*), California scrub-jay (*Aphelocoma californica*), oak titmouse (*Baeolophus inornatus*), and red-shouldered hawk (*Buteo lineatus*).

3.2.4 Regulated Habitats

One potentially regulated habitat, a dry ephemeral drainage, was found in the survey area (Figures 2, 9, and 10). This feature consisted of two connected branches of a shallow earth and rock drainage; one branch starts at a road culvert on State Route 49 at the northeast corner of

the Project site, and one branch starts east of Brown Bear Lane at the northwest corner of the Project site. Both branches join then continue south and eventually drain to Mariposa Creek. It is likely regulated by the State Water Resources Control Board (SWRCB) and the CDFW. Consultation and permitting through the SWRCB and the CDFW will be required if the Project will impact this feature.

3.3 Special-Status Species

Three special-status species could occur on or near the Project site based on the presence of habitat. Those species are described below.

3.3.2 Northwestern pond turtle (*Actinemys marmorata*) (SSSC)

Northwestern pond turtle (family Emydidae) is California's only native freshwater turtle. It is recognized as a Species of Special Concern by the CDFW (CDFW 2019). This species is long-lived, diurnal, and aquatic (Nafis 2020). It occurs in ponds, lakes, rivers, creeks, marshes, and irrigation ditches and requires exposed banks, logs, rocks, or cattail mats for basking (Nafis 2020). Commercial harvesting beginning in the 19th century, wetland destruction and degradation in the early 20th century, and introduction of nonnative species including other turtle species and bullfrogs are the primary contributors to population declines (Nafis 2020). Mating occurs in April and May, after which females travel onto land to dig a nest, usually along stream or pond banks (Nafis 2020).

One CNDDB record is known from within 5 miles of the Project site (CNDDB 2020). Mariposa Creek provides potential aquatic habitat for this species, and the Project site could represent potential nesting habitat. Therefore, there is a moderate potential for this species to occur on or near the Project site.

3.3.3 Townsend's big-eared bat (*Corynorhinus townsendii*) (SSSC)

Townsend's big-eared bat is in the family Vespertilionidae and is recognized as a Species of Special Concern by the CDFW (CDFW 2019). It occurs throughout California in a wide range of habitats, but details on its distribution are not well known (Zeiner et al. 1988–1990). It is nocturnal and roosts during the day in caves, mines, tunnels, buildings, and other human structures (Zeiner et al. 1988–1990). Suitable roosting sites are a limited resource (Zeiner et al. 1988–1990). Townsend's big-eared bat prefers mesic habitats and captures its prey in flight, or by gleaning from foliage, often foraging along habitat edges (Zeiner et al. 1988–1990). It hibernates from October through April (Zeiner et al. 1988–1990).

One CNDDB record, from 1956, is known from within 5 miles of the Project site (CNDDB 2020). Outbuildings, including storage sheds and pumphouses at the Project site could provide roosting habitat, and habitat edges may provide foraging habitat. Therefore, the species has a low probability of occurrence.

3.3.4 Pallid bat (*Antrozous pallidus*) (SSSC)

Pallid bat is a member of the family Vespertilionidae and is recognized as a Species of Special Concern by the CDFW (CDFW 2019). It is widespread in the western United States from southern British Columbia, Canada to northern Baja California, Mexico (Hermanson and O'Shea 1983). In California, pallid bat is locally common year-round at low elevations, where it occupies dry, open areas in grassland, shrubland, woodland, and forest (Zeiner et al. 1988–1990). Pallid bat is nocturnal and roosts during the day in caves, crevices in rocky outcrops, mines, and occasionally tree hollows and buildings. Night roosts tend to be in more open areas including porches (Zeiner et al. 1988–1990). It forages almost exclusively on the ground, where it preys on insects, arachnids, beetles, moths, and scorpions; few prey items are taken aerially (Zeiner et al. 1988–1990). Pallid bat hibernates during winter, usually near a day roost that it occupies in summer (Hermanson and O'Shea 1983).

No CNDDB records are known from within 5 miles of the Project site (CNDDB 2020), and the pallid bat's preferred rocky crevice roosting habitat was not present. However, this species will roost in tree hollows and buildings, and large trees and buildings on the Project site may provide roosting habitat. The Project site and surrounding fields could also support foraging. Therefore, the species has a low probability of occurrence on or near the Project site.

4.0 Environmental Impacts

4.1 Significance Determinations

This Project, which will result in permanent impacts to blue oak woodland, live oak woodland, and nonnative annual grassland, will not: (1) substantially reduce the habitat of a fish or wildlife species (criterion a) as these land cover types are locally and regionally abundant and ubiquitous; (2) cause a fish or wildlife population to drop below self-sustaining levels (criterion b) as no such potentially vulnerable population is known from the area; (3) threaten to eliminate a plant or animal community (criterion c) as no such potentially vulnerable communities are known from the area; (4) substantially reduce the number or restrict the range of a rare or endangered plant or animal (criterion d) as no such potentially vulnerable species are known from the area; (5) have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS (criterion f) as no impacts to riparian habitat or other sensitive natural community are anticipated; (6) have a substantial adverse effect on wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (criterion g) as no impacts to wetlands will occur; (7) conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (criterion i), as no such policies or ordinances exist; or (8) conflict with the provisions of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional, or state habitat conservation plan (criterion j) as no such plan has been adopted. Thus, these significance criteria are not analyzed further.

The remaining statutorily defined criteria provided the framework for criteria BIO1 and BIO2 below. These criteria are used to assess the impacts to biological resources stemming from the Project and provide the basis for determinations of significance:

- Criterion BIO1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS (significance criterion e).

- Criterion BIO2: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (significance criterion h).

4.1.1 Direct and Indirect Impacts

4.1.1.1 Potential Impact #1: Have a Substantial Effect on any Special-Status Species (Criterion BIO1)

The Project could substantially impact three California Species of Special Concern: northwestern pond turtle, pallid bat, and Townsend's big-eared bat. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or young or otherwise lead to turtle nest or bat maternal colony abandonment. Such loss or abandonment would constitute a significant impact. We recommend that Mitigation Measures B1–B2 (below) be included in the conditions of approval to reduce the potential impact to a less-than-significant level.

Mitigation Measure B1. Protect northwestern pond turtle.

1. A pre-construction clearance survey shall be conducted by a qualified biologist to ensure that northwestern pond turtle will not be impacted during Project construction. The pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. During this survey, the qualified biologist shall search all potential nesting habitat on the Project site for active turtle nests. If an active turtle nest is found, the qualified biologist shall determine the extent of a construction-free buffer to be established and maintained around the nest for the duration of the nesting cycle. The biologist shall then work with construction personnel to install wildlife exclusion fencing along the buffer. This fencing should be a minimum of 36 inches tall and towed-in 6 inches below ground prior to construction activities. If fencing cannot be toed-in, the bottom of the fence will be weighted down with a continuous line of long, narrow sand bags or similar, to ensure there are no gaps under the fencing where wildlife could enter. One-way exit funnels directed away from construction activities will be installed to allow turtles and other small wildlife to exit the fenced enclosure.

Mitigation Measure B2. Protect roosting bats.

2. A pre-construction clearance survey shall be conducted by a qualified biologist to ensure that no roosting special-status bats will be disturbed during the implementation of the Project. A pre-construction clearance survey shall be conducted no more than 14 days prior to the initiation of construction activities. During this survey, the qualified biologist shall inspect all potential roosting habitat in and immediately adjacent to the impact areas, including tree cavities and snags and outbuildings. If an active roost is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the

roost. If work cannot proceed without disturbing the roosting bats, work may need to be halted or redirected to other areas until the roost is no longer in use.

4.1.1.2 Potential Effect #2: Interfere Substantially with Native Wildlife Movements, Corridors, or Nursery Sites (Criterion BIO2)

The Project has the potential to impede the use of nursery sites for native birds protected under the MBTA and CFGC. Migratory birds are expected to nest on and near the Project site. 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 or loss of reproductive effort can be considered take under the MBTA and CFGC. Loss of fertile eggs or nesting birds, or any activities resulting in nest abandonment, could constitute a significant effect if the species is particularly rare in the region. Construction activities such as excavating, trenching, and grading that disturb a nesting bird on the Project site or immediately adjacent to the construction zone could constitute a significant effect. We recommend that the mitigation measure B3 (below) be included in the conditions of approval to reduce the potential effect to a less-than-significant level.

Mitigation Measure B3. Protect nesting birds.

3. To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August.

4. If it is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has failed for non-construction related reasons.

4.1.2 Cumulative Effects

Project activities could temporarily disrupt nesting birds, northwestern pond turtle, pallid bat, and Townsend's big-eared bat during the breeding season and permanently impact roosting and foraging habitat for pallid bat and Townsend's big-eared bat. However, implementing Mitigation

Measures B1 through B4 would reduce any contribution to cumulative impacts on biological resources to a less-than-significant level. The Project may impact an ephemeral drainage that is likely regulated by the SWRCB and the CDFW, resulting in the need to obtain the necessary permits or notifications. The Project will ultimately increase lodging and residential housing capacity, resulting in increased traffic and more demand for open space as residential and commercial development increases and the human population grows in Mariposa.

4.1.3 Unavoidable Significant Adverse Effects

No unavoidable significant adverse effects on biological resources would occur from implementing the Project.

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Appendix A. USFWS list of threatened and endangered species.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To:
Consultation Code: 08ESMF00-2020-SLI-0827
Event Code: 08ESMF00-2020-E-02601
Project Name: Mariposa Development Project

January 21, 2020

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600

Project Summary

Consultation Code: 08ESMF00-2020-SLI-0827

Event Code: 08ESMF00-2020-E-02601

Project Name: Mariposa Development Project

Project Type: DEVELOPMENT

Project Description: MRCC Properties, LLC proposes to develop a hotel, conference center, and residential housing on 17.97 acres in western Mariposa, Mariposa County, California. The property is at 4987 Brown Bear Lane, south of State Route 49, roughly 0.3 miles northwest of the intersection of State Route 49 and State Route 140. The project will be built in two phases. Phase 1 will involve construction of the Brown Bear Hotel and Yosemite Conference center on four parcels totaling 11.2 acres. Phase 1 will involve a zone change of a 7.02-acre parcel (APN 013-050-0600) and a 0.39-acre parcel (APN 013-050-059) from residential to commercial. Phase 2 will involve construction of residential housing on two parcels totaling 6.76 acres. The purpose of the project is to increase capacity to provide lodging and residential housing.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/37.493274721044074N119.98028417927372W

Counties: Mariposa, CA

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Amphibians

NAME	STATUS
California Red-legged Frog *Rana draytonii*	Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.
Species profile: https://ecos.fws.gov/ecp/species/2891
Species survey guidelines:
https://ecos.fws.gov/ipac/guideline/survey/population/205/office/11420.pdf

Fishes

NAME	STATUS
Delta Smelt *Hypomesus transpacificus*	Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.
Species profile: https://ecos.fws.gov/ecp/species/321

Flowering Plants

NAME	STATUS
Mariposa Pussypaws *Calyptridium pulchellum*	Threatened

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/2695

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Appendix B. CNDDB occurrence records.

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Bear Valley (3712051) OR Feliciana Mtn. (3711958) OR Buckingham Mtn. (3711957) OR Catheys Valley (3712041) OR Mariposa (3711948) OR Stumpfield Mtn. (3711947) OR Illinois Hill (3712031) OR Ben Hur (3711938) OR Horsecamp Mountain (3711937))
 AND Taxonomic Group IS (Fish OR Amphibians OR Reptiles OR Birds OR Mammals OR Mollusks OR Arachnids OR Crustaceans OR Insects OR Ferns OR Gymnosperms OR Monocots OR Dicots OR Lichens OR Bryophytes)

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Allium yosemitense Yosemite onion	G3 S3	None Rare	Rare Plant Rank - 1B.3 USFS_S-Sensitive	2,100 2,100	14 S:1	0	0	0	0	0	1	1	0	1	0	0
Ambystoma californiense California tiger salamander	G2G3 S2S3	Threatened Threatened	CDFW_WL-Watch List IUCN_VU-Vulnerable	800 1,100	1231 S:2	0	0	0	0	0	2	2	0	2	0	0
Antrozous pallidus pallid bat	G5 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	1,200 1,200	420 S:1	0	0	0	0	0	1	1	0	1	0	0
Balsamorhiza macrolepis big-scale balsamroot	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive USFS_S-Sensitive	2,600 3,150	51 S:3	0	0	1	0	0	2	1	2	3	0	0
Calochortus clavatus var. avius Pleasant Valley mariposa-lily	G4T2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive USFS_S-Sensitive	1,000 1,000	131 S:1	0	0	0	0	1	0	1	0	0	1	0
Calyptridium pulchellum Mariposa pussypaws	G1 S1	Threatened None	Rare Plant Rank - 1B.1	1,450 1,650	9 S:2	1	0	1	0	0	0	1	1	2	0	0
Clarkia biloba ssp. australis Mariposa clarkia	G4G5T3 S3	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_RSABG-Rancho Santa Ana Botanic Garden USFS_S-Sensitive	850 2,500	119 S:18	1	1	0	0	0	16	2	16	18	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Clarkia rostrata beaked clarkia	G2G3 S2S3	None None	Rare Plant Rank - 1B.3 BLM_S-Sensitive SB_RSABG-Rancho Santa Ana Botanic Garden SB_UCBBG-UC Berkeley Botanical Garden	900 3,000	74 S:13	0	2	0	0	0	11	2	11	13	0	0
Corynorhinus townsendii Townsend's big-eared bat	G3G4 S2	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	2,325 3,175	635 S:2	0	0	0	0	0	2	2	0	2	0	0
Cryptantha mariposae Mariposa cryptantha	G2G3 S2S3	None None	Rare Plant Rank - 1B.3 BLM_S-Sensitive	2,700 2,700	9 S:2	0	0	0	0	0	2	2	0	2	0	0
Delphinium recurvatum recurved larkspur	G2? S2?	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_SBBG-Santa Barbara Botanic Garden	1,700 1,700	120 S:1	0	0	0	0	0	1	1	0	1	0	0
Desmocerus californicus dimorphus valley elderberry longhorn beetle	G3T2 S2	Threatened None		1,510 2,000	271 S:2	0	0	0	0	0	2	1	1	2	0	0
Diplacus pulchellus yellow-lip pansy monkeyflower	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive USFS_S-Sensitive	3,000 3,000	69 S:2	0	0	0	0	0	2	2	0	2	0	0
Emys marmorata western pond turtle	G3G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable USFS_S-Sensitive	950 2,835	1385 S:6	0	2	0	0	0	4	6	0	6	0	0
Entosthodon kochii Koch's cord moss	G1 S1	None None	Rare Plant Rank - 1B.3	1,200 1,200	4 S:1	0	0	0	0	0	1	1	0	1	0	0
Erethizon dorsatum North American porcupine	G5 S3	None None	IUCN_LC-Least Concern	1,592 6,744	523 S:2	0	1	0	0	0	1	1	1	2	0	0
Erigeron mariposanus Mariposa daisy	GH SH	None None	Rare Plant Rank - 1A	2,000 2,000	1 S:1	0	0	0	0	1	0	1	0	0	1	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Eriophyllum congdonii Congdon's woolly sunflower	G2 S2	None Rare	Rare Plant Rank - 1B.2 USFS_S-Sensitive	2,000 4,300	21 S:3	0	0	0	0	0	3	3	0	3	0	0
Erythranthe filicaulis slender-stemmed monkeyflower	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive USFS_S-Sensitive	3,300 3,300	49 S:1	0	0	0	0	0	1	1	0	1	0	0
Erythranthe gracilipes slender-stalked monkeyflower	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_RSABG-Rancho Santa Ana Botanic Garden USFS_S-Sensitive	1,750 2,240	13 S:2	0	0	0	0	0	2	2	0	2	0	0
Euderma maculatum spotted bat	G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern WBWG_H-High Priority	1,440 1,440	68 S:1	0	0	0	0	0	1	1	0	1	0	0
Haliaeetus leucocephalus bald eagle	G5 S3	Delisted Endangered	BLM_S-Sensitive CDF_S-Sensitive CDFW_FP-Fully Protected IUCN_LC-Least Concern USFS_S-Sensitive USFWS_BCC-Birds of Conservation Concern	620 620	327 S:1	1	0	0	0	0	0	0	1	1	0	0
Horkelia parryi Parry's horkelia	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive USFS_S-Sensitive	3,400 3,650	44 S:2	0	2	0	0	0	0	0	2	2	0	0
Hydromantes brunus limestone salamander	G2G3 S2S3	None Threatened	BLM_S-Sensitive CDFW_FP-Fully Protected IUCN_VU-Vulnerable USFS_S-Sensitive	1,060 2,930	21 S:12	0	1	0	0	0	11	5	7	12	0	0
Hydroporus leechi Leech's skyline diving beetle	G1? S1?	None None		1,940 1,940	13 S:1	0	0	0	0	0	1	1	0	1	0	0
Leptosiphon serrulatus Madera leptosiphon	G3 S3	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	1,500 2,250	27 S:3	0	0	0	0	0	3	3	0	3	0	0
Lomatium congdonii Congdon's lomatium	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	2,050 2,050	20 S:1	0	0	0	0	1	0	1	0	0	1	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Lupinus citrinus var. deflexus Mariposa lupine	G2T1T2 S1S2	None Threatened	Rare Plant Rank - 1B.2 BLM_S-Sensitive	1,414 2,240	7 S:7	5	1	0	0	0	1	5	2	7	0	0
Lupinus spectabilis shaggyhair lupine	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	1,850 2,700	24 S:5	1	0	2	0	0	2	4	1	5	0	0
Monadenia yosemitensis Yosemite Mariposa sideband	G1 S1S2	None None		1,500 2,970	7 S:2	0	0	0	0	0	2	2	0	2	0	0
Mylopharodon conocephalus hardhead	G3 S3	None None	CDFW_SSC-Species of Special Concern USFS_S-Sensitive	1,791 1,791	33 S:1	0	1	0	0	0	0	0	1	1	0	0
Myotis yumanensis Yuma myotis	G5 S4	None None	BLM_S-Sensitive IUCN_LC-Least Concern WBWG_LM-Low-Medium Priority	1,200 1,200	265 S:1	0	0	0	0	0	1	1	0	1	0	0
Philotiella speciosa bohartorum Boharts' blue butterfly	G3G4T1 S1	None None		1,160 1,200	2 S:2	0	0	0	0	0	2	2	0	2	0	0
Rana boylii foothill yellow-legged frog	G3 S3	None Candidate Threatened	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_NT-Near Threatened USFS_S-Sensitive	1,061 2,300	2468 S:11	0	1	0	0	3	7	9	2	8	0	3
Rana sierrae Sierra Nevada yellow-legged frog	G1 S1	Endangered Threatened	CDFW_WL-Watch List IUCN_EN-Endangered USFS_S-Sensitive	3,800 3,800	659 S:1	0	0	0	0	0	1	1	0	1	0	0

Appendix C. CNPS plant list.

CNPS California Native Plant Society

*The database used to provide updates to the Online Inventory is under construction. View updates and changes made since May 2019 here.

Plant List

32 matches found. *Click on scientific name for details*

Search Criteria

Found in Quads 3712051, 3711958, 3711957, 3712041, 3711948, 3711947, 3712031 3711938 and 3711937;

Modify Search Criteria | Export to Excel | Modify Columns | Modify Sort | Display Photos

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank
Allium sanbornii var. congdonii	Congdon's onion	Alliaceae	perennial bulbiferous herb	Apr-Jul	4.3	S3	G4T3
Allium yosemitense	Yosemite onion	Alliaceae	perennial bulbiferous herb	Apr-Jul	1B.3	S3	G3
Amsinckia furcata	forked fiddleneck	Boraginaceae	annual herb	Feb-May	4.2	S4	G4
Balsamorhiza macrolepis	big-scale balsamroot	Asteraceae	perennial herb	Mar-Jun	1B.2	S2	G2
Calochortus clavatus var. avius	Pleasant Valley mariposa lily	Liliaceae	perennial bulbiferous herb	May-Jul	1B.2	S2	G4T2
Calyptridium pulchellum	Mariposa pussypaws	Montiaceae	annual herb	Apr-Aug	1B.1	S1	G1
Carex arcta	northern clustered sedge	Cyperaceae	perennial herb	Jun-Sep	2B.2	S1	G5
Ceanothus fresnensis	Fresno ceanothus	Rhamnaceae	perennial evergreen shrub	May-Jul	4.3	S4	G4
Clarkia biloba ssp. australis	Mariposa clarkia	Onagraceae	annual herb	Apr-Jul	1B.2	S3	G4G5T3
Clarkia rostrata	beaked clarkia	Onagraceae	annual herb	Apr-May	1B.3	S2S3	G2G3
Clarkia virgata	Sierra clarkia	Onagraceae	annual herb	May-Aug	4.3	S3	G3
Cryptantha mariposae	Mariposa cryptantha	Boraginaceae	annual herb	Apr-Jun	1B.3	S2S3	G2G3
Cypripedium montanum	mountain lady's-slipper	Orchidaceae	perennial rhizomatous herb	Mar-Aug	4.2	S4	G4
Delphinium hansenii ssp. ewanianum	Ewan's larkspur	Ranunculaceae	perennial herb	Mar-May	4.2	S3	G4T3
Diplacus pulchellus	yellow-lip pansy monkeyflower	Phrymaceae	annual herb	Apr-Jul	1B.2	S2	G2
Entosthodon kochii	Koch's cord moss	Funariaceae	moss		1B.3	S1	G1
Erigeron mariposanus	Mariposa daisy	Asteraceae	perennial herb	Jun-Aug	1A	SH	GH
Eriogonum tripodum	tripod buckwheat	Polygonaceae	perennial deciduous	May-Jul	4.2	S4	G4

			shrub				
Eriophyllum confertiflorum var. tanacetiflorum	tansy-flowered woolly sunflower	Asteraceae	perennial shrub	May-Jul	4.3	S2?	G5T2?Q
Eriophyllum congdonii	Congdon's woolly sunflower	Asteraceae	annual herb	Apr-Jun	1B.2	S2	G2
Erythranthe filicaulis	slender-stemmed monkeyflower	Phrymaceae	annual herb	Apr-Aug	1B.2	S2	G2
Erythranthe gracilipes	slender-stalked monkeyflower	Phrymaceae	annual herb	Apr-Jun	1B.2	S2	G2
Githopsis pulchella ssp. serpentinicola	serpentine bluecup	Campanulaceae	annual herb	May-Jun	4.3	S3	G4T3
Horkelia parryi	Parry's horkelia	Rosaceae	perennial herb	Apr-Sep	1B.2	S2	G2
Jensia yosemitana	Yosemite tarplant	Asteraceae	annual herb	(Apr)May-Jul	3.2	S3	G3
Jepsonia heterandra	foothill jepsonia	Saxifragaceae	perennial herb	Aug-Dec	4.3	S3	G3
Leptosiphon serrulatus	Madera leptosiphon	Polemoniaceae	annual herb	Apr-May	1B.2	S3	G3
Lomatium congdonii	Congdon's lomatium	Apiaceae	perennial herb	Mar-Jun	1B.2	S2	G2
Lupinus citrinus var. deflexus	Mariposa lupine	Fabaceae	annual herb	Apr-May	1B.2	S1S2	G2T1T2
Lupinus spectabilis	shaggyhair lupine	Fabaceae	annual herb	Apr-May	1B.2	S2	G2
Mielichhoferia elongata	elongate copper moss	Mielichhoferiaceae	moss		4.3	S4	G5
Perideridia bacigalupii	Bacigalupi's yampah	Apiaceae	perennial herb	Jun-Aug	4.2	S3	G3

Suggested Citation

California Native Plant Society, Rare Plant Program. 2020. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website http://www.rareplants.cnps.org [accessed 20 January 2020].

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rareplants@cnps.org