



5.3 Biological Resources

5.3 BIOLOGICAL RESOURCES

This section describes the existing biological resources on the project site, and the potential adverse impacts associated with implementation of the proposed project. An analysis of compliance with all Federal, State, and local regulations and policies regarding biological resources has also been conducted. This section is primarily based upon the *Habitat Assessment for the Mammoth Creek Park West New Community Multi-Use Facilities Project* (Habitat Assessment), prepared by Michael Baker International, Inc., dated August 2, 2016; refer to [Appendix 11.2, Habitat Assessment](#).

5.3.1 EXISTING SETTING

The project site is approximately 4.9 acres and is bounded by multi-family residential uses and commercial uses to the north, Old Mammoth Road to the east, recreational open space to the south, and multi-family residential uses to the west. The areas north of the project site have generally undergone a conversion from natural habitats into residential, and commercial land uses, while the area south of the project site is generally undeveloped, open space. The project site is comprised of Mammoth Creek Park West, which currently includes playground equipment, grass/open space, picnic areas, trail connections, and a surface parking lot for 44 vehicles. Vehicular access to the site is provided via Old Mammoth Road, and pedestrians/trail users can access the site via the Town Loop trail to the east and south of the project site. Mammoth Creek is south of the project site.

VEGETATION

The eastern half of the project site consists of the existing Mammoth Creek Park West that is developed and no longer supports native plant communities. However, the western half of the project site is undeveloped and supports native vegetation surrounded by existing developments with several existing dirt trails. One plant community was observed within the boundaries of the project site during the Habitat Assessment: big sagebrush scrub with scattered pine trees. In addition, three human-modified areas were observed within the boundaries of the project site during the Habitat Assessment: landscaped, disturbed, and developed. These vegetation communities and land cover types are described in further detail below; refer to [Exhibit 5.3-1, Existing On-Site Vegetation](#).

- *Big Sagebrush Scrub* – The undeveloped western half of the project is dominated by a big sagebrush scrub plant community that is primarily composed of big sagebrush (*Artemesia tridentata*). Other common larger woody plant species observed within this plant community include antelope bush (*Purshia tridentata*), and mountain snowberry (*Symphoricarpos rotundifolius*) with sparse aspen (*Populus tremuloides*). Other common plant species observed in this plant community include rabbibrush (*Ericameria nauseosa*), western wallflower (*Erysimum capitatum*), woolly mule's ears (*Wyethia millis*), one seeded pussypaws (*Calyptridium monospermum*), and goosefoot violet (*Viola purpurea* ssp. *purpurea*).

Within the big sagebrush scrub plant community are scattered pine trees, primarily Jeffery pine (*Pinus jeffreyi*), and lodgepole pine (*Pinus contorta* ssp. *murrayana*). These individual pine trees are not grouped together and do not provide a dense canopy.



Source: Michael Baker International, August 2016.

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ENVIRONMENTAL IMPACT REPORT
MAMMOTH CREEK PARK WEST
NEW COMMUNITY MULTI-USE FACILITIES
Existing On-Site Vegetation

Exhibit 5.3-1

- Landscaped – The majority of the eastern half of the project site is comprised of landscaped vegetation associated with Mammoth Creek Park West. This area consists primarily of manicured lawns, and ornamental vegetation that have been planted for the park.
- Disturbed – Disturbed areas on the project site no longer support native vegetation or comprise a native plant community, but are generally un-vegetated except for sparse ruderal/weedy plant species that have been subject to human disturbances from recreational activities. Disturbed areas include dirt trails and are composed of heavily compacted soils with early successional and non-native plant species.
- Developed – Developed areas generally encompass all buildings, as well as paved, impervious surfaces. Developed areas within the proposed project site include a parking lot, bathroom, park recreational equipment, and paved access routes associated with the Mammoth Creek Park West, and the existing paved Old Mammoth Road.

WILDLIFE

Plant communities provide foraging habitat, nesting/denning sites, and shelter from adverse weather or predations. This section provides a discussion of those wildlife species that were observed or expected to occur within the project site. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation.

- Fish – No fish or hydrogeomorphic features (e.g., creeks, ponds, lakes, reservoirs) with frequent sources of water that would support populations of fish were observed on the project site. It should be noted that Mammoth Creek, located approximately 240 feet south of and outside of the project site supports native fish populations. No water features occur on the project site that would support fish, and as a result, fish are presumed absent from the project site.
- Amphibians – No amphibians or hydrogeomorphic features (e.g., creeks, ponds, lakes, reservoirs) with frequent sources of water that would support amphibian species were observed on the project site. Mammoth Creek, south of the project site, has the potential to support Sierran treefrog (*Pseudacris sierra*). However, Mammoth Creek is off-site and no water features occur on the project site that would support amphibians. As a result, no amphibians are expected to occur and are presumed absent from the project site.
- Reptiles – Based on the habitats present, the project site provides marginal habitat for a limited number of reptilian species acclimated to human presence and disturbance. No reptilian species were detected during the Habitat Assessment. Reptilian species expected to occur on-site include Great Basin fence lizard (*Sceloporus occidentalis longipes*), and sagebrush lizard (*Sceloporus graciosus gracilis*).
- Birds – The project site provides suitable foraging and cover habitat for a variety of resident and migrant bird species. Common bird species detected during the field survey included stellar jay (*Cyanocitta stelleri*), brewer's blackbird (*Euphagus cyanocephalus*), common raven (*Corvus corax*), northern flicker (*Colaptes auratus*), northern mockingbird (*Mimus polyglottos*), Bewick's wren (*Thryomanes bewickii*), mountain chickadee (*Poecile gambeli*), red-breasted nuthatch (*Sitta canadensis*), mourning dove (*Zenaida macroura*), American robin (*Turdus migratorius*), brown-

headed blackbird (*Molothrus ater*), lesser goldfinch (*Spinus psaltria*), song sparrow (*Melospiza melodia*), cliff swallow (*Petrochelidon pyrrhonota*), and western wood-pewee (*Contopus sordidulus*).

- Mammals – The project site and surrounding habitat has the potential to support a limited amount of mammalian species adapted to human disturbances. Only one mammal was observed on-site during the habitat site investigation, lodgepole chipmunk (*Tamias speciosus*). However, most mammal species are nocturnal and are difficult to observe during a diurnal field visit. Other mammalian species that have the potential to occur on-site and have adapted to human presence and development include mule deer (*Odocoileus hemionus*), raccoon (*Procyon lotor*), and coyote (*Canis latrans*).

NESTING BIRDS

No remnant or active avian nests were observed during the June 8, 2016 site investigation. However, the plant communities within the proposed project footprint provide suitable foraging and nesting habitat for a variety of year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area. The vegetation located within and surrounding the project site have the potential to provide suitable nesting opportunities for avian species.

MIGRATORY CORRIDORS AND LINKAGES

Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages, but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet still inadequate for others. Wildlife corridors are features that allow for the dispersal, seasonal migration, breeding, and foraging of a variety of wildlife species. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The project site is not located within any local or regional designated migratory corridors or linkages. However, Mammoth Creek, south of and outside of the project site, has the potential to provide west to east wildlife movement opportunities along the riparian corridor associated with the creek from the mountains to the valley floor.

JURISDICTIONAL AREAS

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The United States Army Corps of Engineers (USACE) Regulatory Branch regulates discharge of dredge or fill materials into “waters of the United States” pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the California Department of Fish and Wildlife (CDFW) regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

No jurisdictional drainage or wetland features were observed on the project site during the site investigation that would be considered jurisdictional by the USACE, Regional Board, or CDFW. It should be noted that Mammoth Creek generally flows west to east approximately 240 feet south of the project site. The riparian corridor associated with the Creek is topographically confined and lined with coyote willow (*Salix exigua*), Booth's willow (*S. boothii*) and shining willow (*S. lucida* ssp. *candata*), alder (*Alnus* sp.), and aspen.

SPECIAL STATUS SPECIES

The California Natural Diversity Database (CNDDDB) was queried for reported locations of listed and special-status plant and wildlife species as well as special-status natural plant communities in the Old Mammoth, Mammoth Mountain, Bloody Mountain, and Crystal Crag USGS 7.5-minute quadrangles. A search of published records of these species within these quadrangles was conducted using the CNDDDB Rarefind 5 online software. The California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants of California supplied information regarding the distribution and habitats of vascular plants in the vicinity of the project site. The Habitat Assessment was used to assess the ability of the plant communities found on-site to provide suitable habitat for relevant special-status plant and wildlife species.

The literature search identified 48 special-status plant species, 20 special-status wildlife species, and one special-status plant community as having the potential to occur within the Old Mammoth, Mammoth Mountain, Bloody Mountain, and Crystal Crag United States geological Survey (USGS) 7.5-minute quadrangles; refer to Table 5.3-1, *Potentially Occurring Sensitive Biological Resources*. These special-status plant and wildlife species were evaluated for their potential to occur on the project site based on habitat requirements, availability/quality of suitable habitat, and known distributions.

Table 5.3-1
Potentially Occurring Sensitive Biological Resources

Scientific Name Common Name	Status		Observed On-Site	Potential to Occur
Wildlife Species				
Accipiter gentilis Northern goshawk	Fed: CA:	None None	No	Low. The project site provides suitable foraging habitat, but no suitable nesting habitat.
Anaxyrus canorus Yosemite toad	Fed: CA:	THR None	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
Aplodontia rufa californica Sierra Nevada mountain beaver	Fed: CA:	None None	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
Bombus morrisoni Morrison bumble bee	Fed: CA:	None None	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
Buteo swainsoni Swainson's hawk	Fed: CA:	None THR	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
Catostomus fumeiventris Owens sucker	Fed: CA:	None None	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
Gulo gulo California wolverine	Fed: CA:	None None	No	Presumed absent. There is no suitable habitat within the proposed project footprint.

Table 5.3-1 [continued]
Potentially Occurring Sensitive Biological Resources

Scientific Name Common Name	Status		Observed On-Site	Potential to Occur
Wildlife Species (continued)				
<i>Lasionycteris noctivagans</i> silver-haired bat	Fed: CA:	None None	No	Low. The project site provides suitable foraging habitat, but no suitable nesting habitat.
<i>Lepus townsendii townsendii</i> western white-tailed jackrabbit	Fed: CA:	None None	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Martes caurina sierra</i> Sierra marten	Fed: CA:	None None	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Myotis evotis</i> long-eared myotis	Fed: CA:	None None	No	Low. The project site provides suitable foraging habitat, but no suitable nesting habitat.
<i>Myotis yumanensis</i> Yuma myotis	Fed: CA:	None None	No	Low. The project site provides suitable foraging habitat, but no suitable nesting habitat.
<i>Ochotona princeps schisticeps</i> grey-headed pika	Fed: CA:	None None	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Oncorhynchus clarkia seleniris</i> Paiute cutthroat trout	Fed: CA:	THR None	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Pekania pennant</i> fisher – west coast DPS	Fed: CA:	Proposed THR Candidate THR	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Picoides arcticus</i> black-backed woodpecker	Fed: CA:	None None	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Rana sierra</i> Sierra Nevada yellow-legged frog	Fed: CA:	END THR	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Sorex lyelli</i> Mount Lyell shrew	Fed: CA:	None None	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Strix nebulosi</i> great grey owl	Fed: CA:	None END	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Vulpes vulpes necator</i> Sierra Nevada red fox	Fed: CA:	None THR	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
Plant Species				
<i>Agrostis humilis</i> mountain bent grass	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Antennaria pulchella</i> beautiful pussy-toes	Fed: CA: CNPS:	None None 4.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Arabis repanda</i> <i>var. greenei</i> Greene’s rockcress	Fed: CA: CNPS:	None None 3.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Astragalus johannishowellii</i> Long Valley milkvetch	Fed: CA: CNPS:	None Rare 1B.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Astragalus kentrophyta</i> <i>var. danaus</i> Sweetwater Mountains milk-vetch	Fed: CA: CNPS:	None None 4.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Astragalus monoensis</i> Mono milk-vetch	Fed: CA: CNPS:	None Rare 1B2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Atriplex pusilla</i> smooth saltbush	Fed: CA: CNPS:	None None 2B.1	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Boechera cobrensis</i> Masonic rockcress	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.

**Table 5.3-1 [continued]
Potentially Occurring Sensitive Biological Resources**

Scientific Name Common Name	Status		Observed On-Site	Potential to Occur
Plant Species (continued)				
<i>Boechera pinzliae</i> Pinzl's rockcress	Fed: CA: CNPS:	None None 1B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Boechera tularensis</i> Tulare rockcress	Fed: CA: CNPS:	None None 1B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Bruchia bolanderi</i> Bolander's bruchia	Fed: CA: CNPS:	None None 4.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Carex congdonii</i> Congdon's sedge	Fed: CA: CNPS:	None None 4.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Carex davyi</i> Davy's sedge	Fed: CA: CNPS:	None None 1B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Carex geyeri</i> Geyer's sedge	Fed: CA: CNPS:	None None 4.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Carex incurviformis</i> Mt. Dana sedge	Fed: CA: CNPS:	None None 4.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Carex petasata</i> Liddon's sedge	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Carex scirpoidea</i> <i>ssp. pseudoscirpoidea</i> Western single-spiked sedge	Fed: CA: CNPS:	None None 2B.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Carex tiogana</i> Tioga Pass sedge	Fed: CA: CNPS:	None None 1B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Claytonia megarhiza</i> fell-fields claytonia	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Crepis runcinata</i> fiddleleaf hawksbeard	Fed: CA: CNPS:	None None 2B.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Cryptantha glomeriflora</i> clustered-flower cryptantha	Fed: CA: CNPS:	None None 4.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Draba cana</i> canescent draba	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Draba incrassata</i> Sweetwater Mountain draba	Fed: CA: CNPS:	None None 1B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Draba lonchocarpa</i> spear-fruited draba	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Draba praealta</i> tall draba	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.

Table 5.3-1 [continued]
Potentially Occurring Sensitive Biological Resources

Scientific Name Common Name	Status		Observed On-Site	Potential to Occur
Plant Species (continued)				
<i>Elymus scribneri</i> Scribner's wheat grass	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Epilobium howellii</i> subalpine fireweed	Fed: CA: CNPS:	None None 4.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Ericameria nana</i> dwarf goldenbush	Fed: CA: CNPS:	None None 4.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Eriogonum microthecum</i> var. <i>alpinum</i> northern limestone buckwheat	Fed: CA: CNPS:	None None 4.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Eriophorum gracile</i> slender cottongrass	Fed: CA: CNPS:	None None 4.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Festuca minutiflora</i> small-flowered fescue	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Hulsea brevifolia</i> short-leaved hulsea	Fed: CA: CNPS:	None None 1B.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Hulsea vestita</i> ssp. <i>parryi</i> Parry's sunflower	Fed: CA: CNPS:	None None 4.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Ivesia unguiculata</i> Yosemite ivesia	Fed: CA: CNPS:	None None 4.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Kobresia myosuroides</i> Seep kobresia	Fed: CA: CNPS:	None None 2B.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Lupinus duranii</i> Mono Lake lupine	Fed: CA: CNPS:	None None 1B.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Meesia longiseta</i> long seta hump moss	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Mentzelia monoensis</i> Mono Craters blazing star	Fed: CA: CNPS:	None None 4.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Minuartia stricta</i> bog sandwort	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Phacelia inyoensis</i> Inyo phacelia	Fed: CA: CNPS:	None None 1B.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Potamogeton robbinsii</i> Robbin's pondweed	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
<i>Puccinellia simplex</i> California alkali grass	Fed: CA: CNPS:	None None 1B.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.

Table 5.3-1 [continued]
Potentially Occurring Sensitive Biological Resources

Scientific Name Common Name	Status		Observed On-Site	Potential to Occur
Plant Species (continued)				
Salix brachycarpa var. brachycarpa Short-fruited willow	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
Salix nivalis snow willow	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
Sedum pinetorum Pine City sedum	Fed: CA: CNPS:	None None 3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
Senecio hydrophiloides sweet marsh ragwort	Fed: CA: CNPS:	None None 4.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
Stuckenia filiformis ssp. alpine slender-leaved pondweed	Fed: CA: CNPS:	None None 2B.2	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
Triglochin palustris marsh arrow-grass	Fed: CA: CNPS:	None None 2B.3	No	Presumed absent. There is no suitable habitat within the proposed project footprint.
Sensitive Habitats				
Mono Pumice Flat	CDFW Sensitive Habitat		No	Absent
Notes: U.S. Fish and Wildlife Service (USFWS) - Federal END- Federal Endangered THR- Federal Threatened California Department of Fish and Wildlife (CDFW) - California END- California Endangered THR- California Threatened FP- Fully Protected CSC- California Species of Concern WL- Watch List California Native Plant Society (CNPS) California Rare Plant Rank 1A Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere 1B Plants Rare, Threatened, or Endangered in California and Elsewhere 2B Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere 3 Plants About Which More Information is Needed – A Review List 4 Plants of Limited Distribution – Watch List Threat Ranks 0.1- Seriously Threatened in California 0.2- Moderately Threatened in California 0.3- Not Very Threatened in California				
Source: Michael Baker International, Inc., Habitat Assessment for the Mammoth Creek Park West New Community Multi-Use Facilities Project, August 2, 2016.				

Special-Status Plants

Forty-eight (48) special-status plant species have been recorded in the CNDDDB and CNPS in the Old Mammoth, Mammoth Mountain, Bloody Mountain, and Crystal Crag quadrangles. No sensitive plant species were observed on-site during the Habitat Assessment. Based on habitat requirements for specific species and the availability and quality of habitats needed by each special-status plant species, it was determined that the project site does not provide suitable habitat for special-status species known to occur in the general vicinity of the project site. All special-status plant species are presumed to be absent from the project site.

Special-Status Wildlife

Twenty (20) special-status wildlife species have been recorded in the CNDDDB in the Old Mammoth, Mammoth Mountain, Bloody Mountain, and Crystal Crag quadrangles. No special-status wildlife species observed on-site during the June 8, 2016 field investigation. Based on habitat requirements for specific species and the availability and quality of habitats needed by each special-status wildlife species, it was determined that the project site has a low potential to provide suitable foraging habitat for northern goshawk (*Accipiter gentilis*), silver-haired bat (*Lasionycteris noctivagans*), long-eared myotis (*Myotis evotis*), and Yuma myotis (*Myotis yumanensis*). All remaining special-status wildlife species are presumed to be absent from the project site based on habitat requirements, availability, and quality of habitat needed by each species and known distributions.

- Northern goshawks – Northern goshawks typically nest in mature and old growth forests dominated by large trees with a high canopy cover with open understory, and prefer site with a creek, pond or lake nearby. Northern goshawks may rely heavily on mature forests while foraging, but may also forage in younger forests, edges, and openings. They also forage in the forest along riparian corridors, and may forage in open habitats on forests edges.
- Silver-haired bat – Silver-haired bats are among the most common bats in forested areas in the United States, and are considered to be a solitary, tree roosting species. Prefer temperate woodland and montane coniferous forests close to streams, ponds, or rivers. They tend to be fond of willow, maples and ash trees. They have a short-range feeding strategy, traveling over woodland ponds and streams.
- Long-eared myotis – Long-eared myotis roost in buildings, crevices, spaces under tree bark, and snags. This bat is found in a wide range of habitats, but is most commonly found in mixed coniferous forests. It is often assumed that bodies of open water and riparian areas serve as foraging and drinking sites for bats, and thus would be located close to day-time roost sites in order to conserve energy. Most research suggests that long-eared myotis forage in the vicinity of water.
- Yuma myotis – Yuma myotis is found in a variety of habitats, ranging from juniper and riparian woodlands to desert regions near open water. This bat species has a strong affinity to bodies of water and can be found near rivers, streams, ponds, and lakes which it uses as foraging sites and sources of drinking water. Yuma myotis roosts in buildings, mines, caves, attics, underneath bridges, and other similar structures.

Special-Status Plant Communities

The CNDDDB lists one special-status plant community as having been recorded in the Old Mammoth, Mammoth Mountain, Bloody Mountain, and Crystal Crag quadrangles: Mono pumice flat. This special-status plant community does not occur on-site.

5.3.2 REGULATORY SETTING

Threatened and endangered species are listed by the U.S. Fish and Wildlife Service (USFWS) and CDFW. In California, three agencies generally regulate activities within inland streams, wetlands, and riparian areas: USACE; the CDFW; and the Regional Water Quality Control Board (RWQCB). The USACE Regulatory Branch regulates activities pursuant to Section 404 of the CWA and Section 10 of the Rivers and Harbors Act. The CDFW regulates activities under CDFW Code Sections 1600-1607. The RWQCB regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Act.

FEDERAL

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973 is intended to protect plants and animals that have been identified as being at risk of extinction and classified as either threatened or endangered. FESA also regulates the “taking” of any endangered fish or wildlife species, per Section 9 of the Act. A responsible agency or individual landowners are required to submit to a formal consultation with the USFWS to assess potential impacts to listed species as the result of a development project, pursuant to FESA Sections 7 and 10. The USFWS is required to make a determination as to the extent of impact to a particular species a project would have. If it is determined that potential impacts to a species would likely occur, measures to avoid or reduce such impacts must be identified.

Sensitive Species

The United States Forest Service (USFS) designates plant and animal species identified by a regional forester that are not listed or proposed for listing under FESA for which population viability is a concern, as evidenced by significant current or predicted downward trends in population numbers or density or significant current or predicted downward trends in habitat capability that would reduce a species’ existing distribution, as “sensitive.” Although these species generally have no special legal status, they are given special consideration under CEQA during project review.

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (16 U.S.C. Sections 661-667e) requires that whenever waters or channel of a stream or other body of water are proposed or authorized to be modified by a public or private agency under a federal license or permit, the federal agency must first consult with the USFWS and/or National Oceanic and Atmospheric Administration (NOAA) Fisheries and with the head of the agency exercising administration over the wildlife resources of the state where construction

would occur (in this case the CDFW), with a view to conservation of birds, fish, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent.

Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act

The Migratory Bird Treaty Act (MBTA) implements various treaties for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. Unless permitted by regulations, the MBTA provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. The MBTA protects the nests of all native bird species, including common species such as mourning dove, Anna's hummingbird, and common yellowthroat.

The Bald Eagle Protection Act (16 U.S.C. 668) was passed in 1940 to protect bald eagles and was later amended to include golden eagles. Under the act, it is unlawful to import, export, take, sell, purchase, or barter any bald eagle or golden eagle, their parts, products, nests, or eggs. Take includes pursuing, shooting, poisoning, wounding, killing, capturing, trapping, collecting, molesting, or disturbing eagles.

Federal Clean Water Act

SECTION 404

The USACE maintains regulatory authority over the discharge of dredged or fill material into the waters of the United States, pursuant to Section 404 of the CWA. The USACE and U.S. Environmental Protection Agency (EPA) define "fill material" as any "material placed in waters of the United States where the material has the effect of: (i) Replacing any portion of a water of the United States with dry land; or (ii) Changing the bottom elevation of any portion of the waters of the United States." Fill material may include sand, rock, clay, construction debris, wood chips, or other similar "materials used to create any structure or infrastructure in the waters of the United States." The term "waters of the United States" includes the following:

- All waters that have, are, or may be used in interstate or foreign commerce (including sightseeing or hunting), including all waters subject to the ebb and flow of the tide;
- Wetlands;
- All waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; the use, degradation or destruction of which could affect interstate or foreign commerce;
- All impoundments of water mentioned above;
- All tributaries of waters mentioned above;
- Territorial seas; and
- All wetlands adjacent to the waters mentioned above.

In the absence of wetlands, the USACE's jurisdiction in non-tidal waters extends to the Ordinary High Water Mark (OHWM), which is defined as *"...that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character*

of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area (33 CFR 328.3(e)).”

Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are jointly defined by the USACE and EPA as *“those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR 328.3(b)).”*

SECTION 401

The RWQCB is the primary agency responsible for protecting water quality in California. The RWQCB regulates discharges to surface waters under the Federal CWA and the California Porter-Cologne Water Quality Control Act. The RWQCB’s jurisdiction extends to all waters of the State and to all waters of the United States, including wetlands (isolated and non-isolated conditions). Through 401 Certification, Section 401 of the CWA allows the RWQCB to regulate any proposed Federally-permitted activity that may affect water quality. Such activities include the discharge of dredged or fill material, as permitted by the USACE, pursuant to Section 404 of the CWA. The RWQCB is required to provide “certification that there is reasonable assurance that an activity which may result in the discharge to waters of the United States will not violate water quality standards,” pursuant to Section 401. Water Quality Certification must be based on the finding that proposed discharge will comply with applicable water quality standards, which are given as objectives in each of the RWQCB’s Basin Plans.

In addition, pursuant to the Porter-Cologne Water Quality Control Act, the State is given authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. As such, any person proposing to discharge waste into a water body that could affect its water quality must first file a Report of Waste Discharge if a Section 404 does not apply. “Waste” is partially defined as any waste substance associated with human habitation, including fill material discharged into water bodies.

STATE OF CALIFORNIA

California Endangered Species Act

The California Endangered Species Act (CESA) of 1984, in combination with the California Native Plant Protection Act of 1977, regulates the listing and take of plant and animal species designated as endangered, threatened, or rare within the State (Sections 2074.2 and 2075.5 of the Fish and Game Code). The State of California also lists Species of Special Concern based on limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. The CDFW is given the responsibility by the State to assess development projects for their potential to impact listed species and their habitats. State listed special-status species are also addressed through the issuance of a 2081 permit (Memorandum of Understanding).

California Department of Fish and Game Code

Within the State of California, fish, wildlife, and native plant resources are protected and managed by the CDFW. The Fish and Game Commission and/or the CDFW are responsible for issuing permits for the take or possession of protected species. The following sections of the Fish and Game Code address the protected species: Section 3511 (birds); Section 4700 (mammals); Section 5050 (reptiles and amphibians); and, Section 5515 (fish).

California Department of Fish and Wildlife Lake and Streambed Alteration Agreements

Section 1602 of the Fish and Game Code requires any person, state, or local governmental agency, or public utility to notify the CDFW before commencing any activity that would result in one or more of the following:

- Substantially obstruct or divert the natural flow of a river, stream, or lake;
- Substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or
- Deposit debris, waste, or other material that could pass into any river, stream, or lake.

Fish and Game Code Section 1602 applies to all perennial, intermittent, ephemeral, and episodic rivers, streams, and lakes within the State of California. While the jurisdictional limits are similar to the limits defined by USACE regulations, CDFW jurisdiction includes riparian habitat supported by a river, stream, or lake with or without the presence or absence of saturated soil conditions or hydric soils. CDFW jurisdiction generally includes to the top of bank of the stream, or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Any project that occurs within or in the vicinity of a river, stream, lake, or their tributaries typically requires notification of the CDFW, including rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life, and watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

California Native Plant Society

The CNPS publishes and maintains an Inventory of Rare and Endangered Vascular Plants of California (Inventory) in both hard copy and electronic version. The Inventory assigns plants to the following categories:

- 1A – Presumed extinct in California and either rare or extinct elsewhere;
- 1B – Rare, threatened, or endangered in California and elsewhere;
- 2A – Presumed extirpated in California, but common elsewhere;
- 2B – Rare, threatened, or endangered in California, but more common elsewhere;
- 3 – Plants for which more information is needed; and
- 4 – Plants of limited distribution.

Additional endangerment codes are assigned to each taxa as follows:

- 0.1 Seriously threatened in California (over 80 percent of occurrences threatened/high degree and immediacy of threat);
- 0.2 Moderately threatened in California (20-80 percent occurrences threatened/moderate degree and immediacy of threat); and
- 0.3 Not very threatened in California (<20 percent of occurrences threatened/low degree and immediacy of threat or no current threats known).

Plants on Lists 1A, 1B, 2A, 2B, and 3 of the CNPS Inventory consist of plants that may qualify for listing, and are given special consideration under CEQA during project review. Although plants on List 4 have little or no protection under CEQA, they are usually included in the project review for completeness.

Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are either unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by Federal, State, and local conservation plans, policies, or regulations. The CDFW ranks sensitive communities as “threatened” or “endangered” and keeps records of their occurrences in its CNDDDB. Sensitive vegetation communities are also identified by CDFW on its Natural Communities List recognized by the CNDDDB. Impacts to sensitive natural communities and habitats identified in local or regional plans, policies, and regulations, or by federal or state agencies, must be considered and evaluated under CEQA (CCR: Title 14, Div. 6, Chap. 3, Appendix G).

Fully Protected Species and Species of Special Concern

The classification of “fully protected” was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibian and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (fish at Section 5515, amphibian and reptiles at Section 5050, birds at Section 3511, and mammals at Section 4700) dealing with “fully protected” species states that these species “. . . may not be taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take a fully protected (species),” although take may be authorized for necessary scientific research. This language makes the “fully protected” designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with fully protected species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

Species of special concern are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW,

land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under CEQA during project review.

California Environmental Quality Act

In addition to specific Federal and State statutes for the protection of threatened and endangered species, *CEQA Guidelines* Section 15380(b) 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 that the species meets certain specified criteria. Modeled after definitions in the FESA and the section of the California Fish and Game Code dealing with rare or endangered plants and animals, these criteria are given in *CEQA Guidelines* Section 15380(b). The effect of Section 15380(b) is to require public agencies to undertake reviews to determine if projects would result in significant effects on species not listed by either the USFWS or CDFW (i.e., candidate species). Through this process, agencies are provided with the authority to protect additional species from the potential impacts of a project until the appropriate government agencies have an opportunity to designate the species as protected, if deemed appropriate.

Critical Habitat

Under the Federal Endangered Species Act, “Critical Habitat” is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to habitat or a specific geographic area that contains the elements and features that are essential for the survival and recovery of the species. In the event that a project may result in take or in adverse effects to a species’ designated Critical Habitat, the project proponent may be required to engage in suitable mitigation. However, consultation for impacts to Critical Habitat is only required when a project has a federal nexus (i.e., occurs on federal land, is issued federal permits [e.g., USACE Section 404 Clean Water Act permit], or receives any other federal oversight or funding). If a project does not have a federal nexus, consultation with the United States Fish and Wildlife Service (USFWS) is not required for loss or adverse modification to Critical Habitat.

The project site is not located within federally designated Critical Habitat. The closest designated Critical Habitat is located 2.4 miles south of the project site for Yosemite toad (*Anaxyrus canorus*), and 2.6 miles south of the project site for Sierra Nevada bighorn sheep (*Ovis Canadensis sierra*).

LOCAL REGULATIONS

In addition to Federal and State regulations, the *Town of Mammoth Lakes General Plan 2007* (General Plan) defines certain goals, policies, and implementation measures protecting natural resources. Also, the Town has adopted various codes and ordinances that provide protection to natural resources within the Town’s limits.

Town of Mammoth Lakes General Plan

The Town of Mammoth Lakes policies pertaining to biological resources are contained in the Resource Management and Conservation Element of the General Plan (adopted August 2007). The intent of the Resource Management and Conservation Element is to establish and emphasize the Town's stewardship of the community's natural resources. These policies include, but are not limited to, the following:

- R.1.A. Policy: Be stewards of important wildlife and biological habitats within the Town's municipal boundary.
- R.1.B. Policy: Development shall be stewards of special status plant and animal species and natural communities and habitats.
- R.1.C. Policy: Prior to development, projects shall identify and mitigate potential impacts to site-specific sensitive habitats, including special status plant, animal species, and mature trees.
- R.1.D. Policy: Be stewards of primary wildlife habitats through public and/or private management programs. For example, construction of active and passive recreation and development areas away from the habitat.
- R.1.E. Policy: Support fishery management activities.
- R.1.J. Policy: Live safely with wildlife within our community.
- R.2.E. Policy: Require open space in the following areas:
 - Lands with slopes in excess of 20-25 percent
 - Wetland areas
 - Stream corridors
 - Scenic corridors
- R.3.A. Policy: Prohibit development in the vicinity of Mammoth Creek that does not maintain minimum established setbacks and protect stream-bank vegetation.
- R.3.B. Policy: Manage all properties held by the Town of Mammoth Lakes along the Mammoth Creek corridor for open space, habitat preservation, and passive recreation.
- R.3.C. Policy: Restore degraded areas within and adjacent to Mammoth Creek, in association with contiguous development projects or as off-site mitigation.
- R.3.D. Policy: Improve public access to Mammoth Creek through discretionary project review and other available means.

Town of Mammoth Lakes Municipal Code

The Town has adopted the following code requirements that provide protection to natural resources within the Town's limits.

- Chapter 12.08, Land Clearing, Earthwork, and Drainage Facilities – Regulates work on public and private property in order to control grading, earthwork, clearing, erosion, sedimentation, drainage interference, and to promote the conservation of natural resources, including the natural beauties of the land, streams and watersheds, hills, trees and vegetation; to protect the public health and safety; and to generally preserve the terrain and the flora in their natural state as much as possible.
- Chapter 17.36.030, Exterior Lighting – Provides rules and regulations for outdoor lighting within the Town to promote a safe, glare free, and pleasant nighttime environment for residents and visitors; to protect and improve safe travel for all modes of transportation; to prevent nuisances caused by unnecessary light intensity, glare, and light trespass; to protect the ability to view the night sky by restricting unnecessary upward projection of light; to phase out existing non-conforming fixtures that violate this section, including those owned by the Town and other public agencies; and to promote lighting practices and systems to conserve energy.
- Chapter 17.36.140, Tree Removal and Protection – Provides provisions to protect and to regulate the removal of certain trees, based on the important environmental, aesthetic and health benefits that trees provide to Mammoth Lakes residents and visitors, and the contribution of such benefits to public health, safety, and welfare, except in those instances outlined in Chapter 17.36.140(C) (i.e., removal of a tree that presents an immediate safety hazard to life or property, as determined by the Town Manager, Director, Building Official, Public Works Director, Police Chief, Fire Marshall, Public Utility Company, or their designees; routine tree maintenance, such as the trimming or thinning of branches; tree removal performed by the Town, public utilities, or other public agencies in public utility easements or public rights-of-way; tree removal for fuels reduction purposes on publicly owned land, performed in conjunction with an approved fuel reduction program or activity; removal of trees felled by natural weather conditions or an act of God; removal of visibly dead trees; and coniferous and deciduous trees with a “Diameter at Breast Height” (DBH) of less than 12 inches). These benefits include, but are not limited to, enhancement of the character and beauty of the community as a “Village in the Trees,” protection of property values, provision of wildlife habitat, reduction of soil erosion, noise buffering, wind protection, and visual screening for development.
- 17.40.040(A), General Requirements – Provides rules and regulations for the selection of landscaping materials to protect and preserve native and natural plant species, promote the survival of new plants, adhere to current local Fire Codes, protect against erosion, and preserve water. Recommendations for plant materials that could meet the requirements of this section are included in the Mammoth Lakes Recommended Plant List found in the *Making the Most of Every Drop* users guide.

5.3.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

The issues presented in the Initial Study Environmental Checklist (Appendix G of the *CEQA Guidelines*) have been utilized as thresholds of significance in this Section. Accordingly, biological

resources impacts resulting from the implementation of the proposed project may be considered significant if they would result in the following:

- 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Services (refer to Impact Statement BIO-1);
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Services (refer to Impact Statement BIO-2);
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (refer to Section 8.0, *Effects Found Not To Be Significant*);
- 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 (refer to Impact Statement BIO-3);
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (refer to Impact Statement BIO-2); and/or
- Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (refer to Section 8.0, *Effects Found Not To Be Significant*).

CEQA Guidelines Section 15065(a), *Mandatory Findings of Significance*, states that a project may have a significant effect on the environment if it would have "... the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species ..."

An evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that would substantially diminish, or result in the loss of, an important biological resource or those that would obviously conflict with local, State, or Federal resource conservation plans, goals, or regulations. Impacts are sometimes locally adverse but not significant because, although they would result in an adverse alteration of existing conditions, they would not substantially diminish or result in the permanent loss of an important resource on a population- or region-wide basis.

CEQA Guidelines Section 15380, *Endangered, Rare or Threatened Species*, states that a lead agency can consider a non-listed species to be Rare, Threatened, or Endangered for the purposes of CEQA if the species can be shown to meet the criteria in the definition of Rare, Threatened, or Endangered. For the purposes of this discussion, the current scientific knowledge on the population size and

distribution for each special-status species was considered according to the definitions for Rare, Threatened, and Endangered listed in *CEQA Guidelines* Section 15380.

Based on these standards, the effects of the proposed project have been categorized as either a “less than significant impact” or a “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact.

5.3.4 IMPACTS AND MITIGATION MEASURES

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES

BIO-1 PROJECT IMPLEMENTATION WOULD NOT HAVE AN ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS.

Impact Analysis:

Plant Species

Although not observed on-site, 48 special-status plant species have been recorded in the CNDDDB and CNPS in the Old Mammoth, Mammoth Mountain, Bloody Mountain, and Crystal Crag quadrangles; refer to [Table 5.3-1](#). However, based the Habitat Assessment, the project site does not provide suitable habitat for special-status plant species known to occur in the general vicinity of the project site. All special-status plant species are presumed to be absent. As such, no impact would occur in this regard.

Wildlife Species

Although not observed on-site, 20 special-status wildlife species have been recorded in the CNDDDB in the Old Mammoth, Mammoth Mountain, Bloody Mountain, and Crystal Crag quadrangles; refer to [Table 5.3-1](#). Based the Habitat Assessment, the project site has a low potential to provide suitable foraging habitat for northern goshawk (*Accipiter gentilis*), silver-haired bat (*Lasionycteris noctivagans*), long-eared myotis (*Myotis evotis*), and Yuma myotis (*Myotis yumanensis*). All remaining special-status wildlife species are presumed to be absent from the project site based on habitat requirements, availability, and quality of habitat needed by each species and known distributions. As such, no impact to special-status wildlife species would occur.

The western half of the project site is undeveloped and supports a big sagebrush scrub plant community with scattered pine trees. This plant community found on-site provides marginal nesting/roosting opportunities for northern goshawk, silver-haired bat, long-eared myotis, and Yuma myotis. Although these species forage along riparian corridors, and over streams and rivers, such as Mammoth Creek south of and outside of the project footprint, they could forage over open adjacent habitats similar to the project site.

It was determined that the project site has a low potential to provide suitable edge foraging habitat for these species, but is not a primary foraging area for these species. Although this low potential foraging area for northern goshawk, silver-haired bat, long-eared myotis, and Yuma myotis will be lost with the development of the proposed project, the undeveloped areas south and east of Old Mammoth Road adjacent to Mammoth Creek provide ample edge foraging opportunities for these species, and development of the proposed project will result in minimal impacts that are less than significant. Therefore, no mitigation would be required for the loss of potential foraging habitat.

Special-Status Habitat

One special-status plant community has been recorded in the CNDDDB and CNPS in the Old Mammoth, Mammoth Mountain, Bloody Mountain, and Crystal Crag quadrangles; refer to [Table 5.3-1](#). However, based on the Habitat Assessment, the special-status plant community is absent from the project site. As such, no impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SENSITIVE NATURAL COMMUNITIES

BIO-2 PROJECT IMPLEMENTATION WOULD NOT HAVE AN ADVERSE EFFECT ON RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITIES.

Impact Analysis: The majority of the project site and immediate surrounding areas have converted natural habitats into commercial, residential, transportation, and recreational land uses. The eastern half of the project site consists of the existing Mammoth Creek Park West that is developed and no longer supports native plant communities. However, the undeveloped western half of the project is dominated by a big sagebrush scrub plant community along with scattered pine trees. Based on the Habitat Assessment, there is no riparian habitat on-site. The closest riparian habitat is located along the Mammoth Creek, approximately 240 feet south of the project site. Based on the current design plan, no impacts to Mammoth Creek would occur as a result of development of the proposed project. A less than significant impact would occur in this regard.

Pine trees, primarily Jeffery pine, and lodgepole pine, were noted on-site. The Town's Municipal Code (Section 17.36.140) provides provisions to protect and to regulate the removal of certain trees, based on the important environmental, aesthetic, and health benefits that trees provide to Mammoth Lakes' residents and visitors, and the contribution of such benefits to public health, safety, and welfare. These benefits include, but are not limited to, enhancement of the character and beauty of the community as a "Village in the Trees," protection of property values, provision of wildlife habitat, reduction of soil erosion, noise buffering, wind protection, and visual screening for development. Project implementation could include the removal of trees. If tree removal is proposed, the project would be required to prepare a tree removal and protection plan that is consistent with Section 17.36.140 of the Municipal Code; refer to Mitigation Measure BIO-1. The tree removal and protection plan would be required to depict all trees to be preserved and/or removed on the site. If trees are removed, the ratio

of tree removal to replacement planting would be negotiated with the Community and Economic Development Manager. Replacement trees would be required to be consistent with the species identified in the Town of Mammoth Lakes' Recommended Plan List and be a minimum size of seven gallons. A Registered Professional Forester or arborist may also determine the value of the tree and include additional replacement requirements. It will be the Applicants responsibility to maintain the plantings. Adherence to the Town's Municipal Code (Section 17.36.140) and implementation of Mitigation Measure BIO-1 would reduce impacts in this regard to a less than significant level.

Mitigation Measures:

BIO-1 A detailed tree removal and protection plan shall be submitted to Community and Economic Development Manager by the project Contractor, depicting all trees to be preserved and/or removed on the site. The Contractor shall develop the tree removal and protection plan to avoid impacts to on-site Jeffrey pine and lodgepole pine trees. The project Contractor shall follow the recommended guidelines in the General Plan and Municipal Code, which include the following:

- All site development shall be designed to avoid and preserve significant groups of trees and large trees as determined by the project Biologist and approved by the Community and Economic Development Manager.
- Removal of native trees shall be mitigated at a ratio determined by the Community and Economic Development Manager. If replacement plantings of the removed trees is required, the minimum replacement tree size shall be seven gallons. Further, replacement shall be limited to plantings in areas suitable for tree replacement with species identified in the Town of Mammoth Lakes' Recommended Plant List. Replacement requirements may also be determined based on the valuation of the tree as determined by a Registered Professional Forester or arborist.
- A tree removal and protection plan shall be developed by the project Biologist and submitted to the Community and Economic Development Manager. The landscape plan shall also limit the use of turf over root zones of native trees to avoid or minimize adverse impacts of excessive water to native trees.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

WILDLIFE CORRIDORS

BIO-3 IMPLEMENTATION OF THE PROPOSED PROJECT COULD INTERFERE WITH THE MOVEMENT OF A NATIVE RESIDENT OR MIGRATORY SPECIES.

Impact Analysis: Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages, but provide specific opportunities for animals to disperse or migrate between areas and allows for breeding, and foraging.

The project site is not located within any local or regional designated migratory corridors or linkages. However, Mammoth Creek has the potential to provide west to east wildlife movement opportunities along the riparian corridor associated with the creek from the mountains to the valley floor.

One mammal, the lodgepole chipmunk, and multiple bird species including the stellar jay, brewer's blackbird, common raven, northern flicker, northern mockingbird, Bewick's wren, mountain chickadee, red-breasted nuthatch, mourning dove, American robin, brown-headed blackbird, lesser goldfinch, song sparrow, cliff swallow, and western wood-pewee were observed on-site during the habitat site investigation. The project site provides marginal habitat for a limited number of reptilian species acclimated to human presence and disturbance. However, no reptilian species were detected during the Habitat Assessment. Further, no water features occur on the project site that would support fish or amphibians. As a result, no amphibians are expected to occur and are presumed absent from the project site.

According to the Habitat Assessment, project implementation would not impact Mammoth Creek and is not expected to disrupt or have any adverse effects to potential wildlife movement along Mammoth Creek due to the distance from the project site (approximately 240 feet south of the project site) and lack of disturbance to the Creek. Therefore, impacts involving wildlife movement would be less than significant. However, the plant community found on the western half of the project site provides foraging habitat, nesting/denning sites, and shelter for wildlife including migrant and nesting bird species.

Although nests were not observed during the Habitat Assessment, the proposed construction activities could potentially impact nesting birds within the project site and within the immediate vicinity. The nesting season generally extends from February 1 through August 31, but can vary slightly from year to year based upon seasonal weather conditions. Some raptor species can nest as early as December. Nesting birds are protected pursuant to the MBTA, Bald/Golden Eagle Protection Act, and Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513). Implementation of Mitigation Measure BIO-2 would require a pre-construction clearance survey if construction cannot occur outside of the nesting season. The survey would ensure that no birds are nesting on or within 500 feet of the project site. A negative survey would be required by a biologist prior to construction to indicate no impacts to active bird nests. If active nests are found during the pre-construction clearance survey, construction activities would be required to stay outside a buffer determined by the biologist in consultation with CDFW, or construction would need to be delayed until the nest is inactive. During site disturbance activities, a biological monitor would be required to delineate the boundaries of the buffer area and monitor the active nest. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, a monitoring report and written authorization by the CDFW Contractor would be required prior to initiation of construction activities within the buffer area. Therefore, adherence to Mitigation Measure BIO-2 would reduce impacts to a less than significant level.

Mitigation Measures:

BIO-2 Pursuant to the Migratory Bird Treaty Act (MBTA), Bald/Golden Eagle Protection Act, and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513), if the Town of Mammoth Lakes conducts all site disturbance/vegetation removal activities (such as removal of any trees, shrubs, or any other potential nesting habitat) outside the avian

nesting season, December 1 through August 31, no further action is necessary. However, if ground disturbance/vegetation removal cannot occur outside of the nesting season, a pre-construction clearance survey for nesting birds shall be conducted within three days of the start of any ground disturbing activities to ensure that no birds are nesting on or within 500 feet of the project site. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active bird nests would occur during site disturbance activities.

If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside a buffer determined by the biologist in consultation with California Department of Fish and Wildlife (CDFW), or construction shall be delayed until the nest is inactive. The buffer shall also be and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. These buffers are typically 300 feet from the nests of non-listed, non-raptors and 500 feet from the nests of listed species or raptors. A biological monitor shall be retained and be present during site disturbance activities in order to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, a monitoring report shall be prepared and submitted to the Applicant for review and approval prior to initiation construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until written authorization is received by the Contractor from CDFW.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.3.5 CUMULATIVE IMPACTS

Section 15355 of the *CEQA Guidelines* requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in [Table 4-1, *Cumulative Projects List*](#), and illustrated on [Exhibit 4-1, *Cumulative Projects Map*](#), cumulative projects are located on both development and undeveloped sites.

- **PROJECT IMPLEMENTATION, COMBINED WITH IMPLEMENTATION OF OTHER RELATED CUMULATIVE PROJECTS, WOULD NOT HAVE AN ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS.**

Impact Analysis: Development of cumulative projects could result in direct take of special-status species, construction and post-construction disturbances, and/or special-status habitat conversion. However, as with the proposed project, all future cumulative development would undergo

environmental review on a project-by-project basis, in order to evaluate potential impacts to biological resources and ensure compliance with the established regulatory framework. Cumulative impacts to biological resources within the Town of Mammoth Lakes would be mitigated on a project-by-project basis.

As concluded in Impact Statement BIO-1, no special-status plant or wildlife species were observed on the project site and none were determined to have a potential to occur. Further, no special-status habitat are present on-site. Therefore, project implementation would not result in cumulatively considerable impacts to special-status species or habitat.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

- **PROJECT IMPLEMENTATION, COMBINED WITH IMPLEMENTATION OF OTHER RELATED CUMULATIVE PROJECTS, WOULD NOT HAVE AN ADVERSE EFFECT ON RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY.**

Impact Analysis: Riparian habitat or other sensitive natural communities could occur on cumulative project sites. Future development could result in impacts to these habitat or natural communities. However, all future cumulative development would undergo environmental review and appropriate mitigation, as necessary, on a project-by-project basis.

As discussed in Impact Statement BIO-2, project implementation would have no impact upon riparian habitat as riparian habitat does not occur on-site. However, the project would involve tree removal. The project and other future projects would be required to comply with the Town's Municipal Code. With adherence to the Municipal Code, Section 17.36.140, and the submittal of a grading/development plan outlining tree projection (Mitigation Measure BIO-1), impacts would be reduced to a less than significant level. Therefore, with compliance with Mitigation Measure BIO-1, project implementation would not result in cumulatively considerable impacts to riparian habitats or other sensitive natural communities.

Mitigation Measures: Refer to Mitigation Measures BIO-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

- **PROJECT IMPLEMENTATION, COMBINED WITH IMPLEMENTATION OF OTHER RELATED CUMULATIVE PROJECTS, WOULD NOT INTERFERE WITH THE MOVEMENT OF A NATIVE RESIDENT OR MIGRATORY SPECIES.**

Impact Analysis: The cumulative projects sites could be located within a local or regional designated migratory corridors or linkages. Therefore, cumulative projects could disrupt or have an adverse effects to potential wildlife movement. Further, plant communities found on the cumulative project sites could provide foraging habitat, nesting/denning sites, and shelter for wildlife including migrant and nesting bird species. Although the cumulative projects could potentially impact the

movement of a native resident, migratory species, or nesting birds, all future cumulative development would undergo environmental review and appropriate mitigation, as necessary, on a project-by-project basis. Nesting birds are protected pursuant to the MBTA, Bald/Golden Eagle Protection Act, and Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513). Implementation of Mitigation Measure BIO-2 would provide pre-construction clearance for nesting birds or other measures if active nests are found, reducing impacts to a less than significant level.

As concluded in Impact Statement BIO-3, the project would result in less than significant impacts to the migratory corridor along Mammoth Creek. Further, with compliance with MBTA and Mitigation Measure BIO-2, impacts to migratory birds would be reduced to a less than significant level. Thus, project implementation would not result in cumulatively considerable impacts to the movement of native resident, migratory species, or nesting birds.

Mitigation Measures: Refer to Mitigation Measures BIO-2.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.3.6 SIGNIFICANT UNAVOIDABLE IMPACTS

Biological impacts associated with project implementation would be less than significant with incorporation of the recommended mitigation measures. No significant unavoidable impacts to biological resources would occur.