Appendix A
Biological Resources Reports

LSA

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September 18, 2009

Mr. Steve Speidel, Principal Planner
Town of Mammoth Lakes
Post Office Box 1609
Mammoth Lakes, California 93546

Subject: General Biological Resources Report for the Whitmore Park Track and Sports Complex Project (LSA Project No. TML0901)

Dear Mr. Speidel:

LSA Associates, Inc. (LSA) is under contract to the Town of Mammoth Lakes to provide a biological resources assessment for the DRAFT Parks and Recreation Master Plan and the DRAFT Trail System Master Plan Environmental Impact Reports (EIRs). As part of this study, LSA has included a reconnaissance-level biological resources survey for the Whitmore Park Improvement project, located outside of the town limits.

The Whitmore Park Track and Sport Complex project will add a multipurpose sports field, a building for lockers/concessions/equipment storage, and an asphalt parking and loop driveway. This study includes the proposed additions as shown on the Whitmore Track and Sport Complex Concept Plan prepared by Brett T. Long on February 17, 2008. This study does not include the entire Whitmore Park and Community Pool. See attached Figures 1 and 2 for the project maps.

The proposed project is located in Mono County, California, near the center of Section 6, Township 4 South, Range 29 East, as shown on the U.S. Geological Survey (USGS) *Whitmore Hot Springs, California* 7.5-minute quadrangle (Figures 1 and 2; all figures attached).

In order to assess the biological resources on site, LSA biologists Sarah Barrera (sarah.barrera@lsa-assoc.com) and Wendy Walters visited the site on July 3 and 6, 2009. The assessment was conducted for the identification of potential impacts to special status biological resources and to address compliance with the California Environmental Quality Act (CEQA). The results of the assessment are summarized below.

- The project site is primarily surrounded on all sides by undeveloped areas characterized by basin sagebrush vegetation. While much of the site is currently developed as a park, there are several areas where stands of basin sagebrush occur.
- No potential jurisdictional waters of the U.S. or adjacent wetlands regulated by the U.S. Army Corps of Engineers (ACOE) and the Regional Water Quality Control Board (RWQCB) or jurisdictional streambed of the California Department of Fish and Game (CDFG) were observed in the study area.

- If project activities are planned during the avian nesting season (approximately April 1 to August 31), nesting bird surveys should be conducted within one week prior to disturbance to ensure birds protected under the Migratory Bird Treaty Act (MBTA) are not harmed.
- The project site contains suitable vegetation and soils to support one special-interest plant species, Long-Valley milkvetch (*Astragalus johannis-howellii*). Substantial impacts to this species as a result of project construction are not anticipated due to the small amount of marginally suitable habitat within the project limits.
- The project site does not contain suitable habitat to support any special-interest wildlife species. No project impacts to special-interest wildlife species or habitat are anticipated.

METHODS

A literature review was conducted to determine the existence or potential occurrence of sensitive plant and animal species on or in the vicinity of the project site. Database records for the *Whitmore Hot Springs* and *Convict Lake, California* USGS 7.5-minute quadrangles were searched on July 2, 2009, using the CDFG's Natural Diversity Data Base application *Rarefind 3* (version 3.1.0, dated January 4, 2009) and the California Native Plant Society's *Electronic Inventory of Rare and Endangered Vascular Plants of California* (online edition, v7-08d, 2008, http://www.cnps.org/inventory). A current aerial photograph (2007) was reviewed and maps of U.S. Fish and Wildlife Service (USFWS) designated critical habitats were used to determine the locations of critical habitats relative to the project site.

Vegetation communities were mapped by hand onto a 200-scale (1"=200') aerial photograph. Vegetation community classifications used in this report generally follow the vegetation classifications described in the Town of Mammoth Lakes General Plan Final Program EIR (May 2007) and the U.S. Forest Service CALVEG system.

A field survey was conducted on July 3 and 6, 2009, by LSA biologists Sarah Barrera and Wendy Walters. Notes were made on general site conditions, vegetation, and suitability of habitat for various sensitive elements. All plant and animal species observed during the field survey were noted. Weather conditions were sunny and warm during the site survey. Wind was less than 3 miles per hour.

ENVIRONMENTAL SETTING

Existing and Adjacent Land Use

The project site is currently used as a recreational park with turf baseball and softball fields and associated facilities. The Whitmore Community Pool is less than 0.5 mile to the southeast. The local vicinity is an area of high geothermal activity and contains several hot springs as well as several drainages important to native wildlife.

Elevation, Topography, and Soils

The site elevation is approximately 7,050 feet above mean sea level. The site is generally flat and level. Mapped soils on the site are Watterson gravelly loamy sand, 0 to 4 percent slopes, and Plutos family-Cashbaugh-Rock outcrop association, 0 to 30 percent slopes. Watterson soils are derived from volcanic ash or alluvium parent materials while Plutos family and Cashbaugh soils are derived from volcanic ash parent material. (*Natural Resources Conservation Service Soil Survey: Benton-Owens Valley Area Parts of Inyo and Mono Counties, Version 6,* 2008).

Vegetation and Disturbance

The majority of the project site consists of dirt driveways and parking areas and turf-covered ball fields. Native vegetation has been left in place adjacent to all facilities as well as in the southwest and northeast corners of the park. This vegetation consists of basin sagebrush species including great basin sagebrush (*Artemisia tridentata*), antelope bitterbrush (*Purshia tridentata*), and mountain snowberry (*Symphoricarpus rotundifolius*).

Wildlife

Several northern rough-winged swallows (*Stelgidopteryx serripennis*) were observed during both visits foraging on insects associated with the turf of the ball fields. Lesser goldfinches (*Carduelis psaltria*) and black phoebe (*Sayornis nigricans*) were also heard on site. No other wildlife species were observed during site visits.

During the bird breeding season (typically April 1 through August 31) trees, shrubs, and other vegetation may provide nest sites for migratory birds. Most birds and their active nests are protected from "take" (meaning destruction, pursuit, possession, etc.) under the MBTA and/or Sections 3503–3801 of the California Fish and Game Code. Activities that cause destruction of active nests, or that cause nest abandonment and subsequent death of eggs or young, may constitute violations of one or both of these laws.

POTENTIAL JURISDICTIONAL WATERS AND STREAMBEDS

The ACOE, under Section 404 of the Federal Clean Water Act, regulates discharges of dredged or fill material into "waters of the United States." These waters include wetlands and non-wetland bodies of water that meet specific criteria, including a connection to interstate commerce. This connection may be direct (through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce) or it may be indirect (through a connection identified in ACOE regulations). The ACOE typically regulates as non-wetland waters of the U.S. any body of water displaying an "ordinary high water mark." In order to be considered a "jurisdictional wetland" under Section 404, an area must possess hydrophytic vegetation, hydric soils, and wetland hydrology. The CDFG, under Sections 1600 et seq. of the California Fish and Game Code, regulates alterations to lakes, rivers, and streams. A stream is defined by the presence of a channel bed and banks, and at least an occasional flow of water. The RWQCB is responsible for the administration of Section 401 of the Clean Water Act, through water quality certification of any activity that may result in a discharge to jurisdictional waters of the U.S. The RWQCB may also regulate discharges to "waters of the State," including wetlands, under the California Porter-Cologne Water Quality Control Act.

No potential jurisdictional waters or streambeds regulated by ACOE, CDFG, or RWQCB were observed on site during the field surveys. Authorization from these agencies *will not be required* for the proposed project.

The findings and conclusions presented in this report, including the location and extent of wetlands and other waters subject to regulatory jurisdiction, represent the professional opinion of LSA. These findings and conclusions should be considered preliminary until verified by the ACOE and CDFG.

CEQA COMPLIANCE

Adopted Habitat Conservation Plans

Section 10(a)(2)(A) of the 1973 Federal Endangered Species Act requires the preparation of a habitat conservation plan (HCP) for incidental take of threatened or endangered species when there is no federal agency involvement in a project. The project site *is not subject* to any adopted habitat conservation plan.

Threatened and Endangered Species

The USFWS and CDFG may list species as threatened or endangered under the Federal and State Endangered Species Acts. The USFWS can designate critical habitat that identifies specific areas, either occupied or unoccupied, that are essential to the conservation of a listed species. Critical habitat areas may require special management considerations or protections.

No threatened or endangered species have the potential to occur in the project area due to the lack of suitable habitat. The site *is not within* designated critical habitat of any species.

Other Special Interest Species

The CDFG, USFWS, local agencies, and special interest groups, such as the California Native Plant Society (CNPS), maintain lists of species that they consider to be in need of monitoring. Legal protection for these special interest species varies widely.

One special-interest plant species, Long-Valley milkvetch (*Astragalus johannis-howellii*), may occur on site as marginally suitable habitat is present. This species is a CNPS List 1B species and typically occurs in sandy areas of volcanic ash or pumice substrates of sagebrush scrub habitat. This species has a low potential of occurrence on site due to the degraded nature of the basin sagebrush habitat. It is not listed as threatened or endangered under state or federal law. Given the marginal quality of the habitat and the relatively small project area, any occurrence of this species on the site would be expected to involve relatively few individuals. Such minimal impacts to this species would not be considered significant.

The site *does not contain suitable habitat* to support any special interest wildlife species known to occur in the local vicinity.

Wildlife Movement, Corridors, and Nursery Sites

Wildlife movement includes seasonal migration along corridors, as well as daily movements for foraging. Migrational corridors may include areas of unobstructed movement of deer, riparian corridors providing cover for migrating birds, routes between breeding waters and upland habitat for amphibians, and between roosting and feeding areas for birds.

Due to the small project size, current use of the project site as a community park, and availability of large amounts of habitat for wildlife adjacent to the project area, the proposed project *would not substantially limit* wildlife movement in the study area nor increase habitat fragmentation in the region.

Natural Communities of Interest

Riparian habitats, oak woodlands, and vernal pools are among the natural communities of interest to the CDFG.

No plant communities that might be considered sensitive are present on the project site.

Wetlands

No wetlands occur within the study area.

Local Policies and Ordinances Protecting Biological Resources

City and County General Plans and development ordinances may include regulations or policies governing biological resources. For example, policies may include tree preservation, locally designated species survey areas, local species of interest, and significant ecological areas.

There are *no local ordinances* applicable to biological resources and the project will not be in conflict with local policies or ordinances protecting biological resources.

Indirect Effects

Indirect impacts to surrounding areas as a result of the project may include, but are not limited to, increased dust, noise, lighting, traffic, and stormwater runoff. Noise and traffic impacts are not likely to increase above the existing impacts caused by the existing park. It is likely that Whitmore Park would receive more use by community members; however, the increased traffic and noise are not likely to cause substantial impacts to adjacent undeveloped areas. Additional lighting associated with the park improvements should be shielded and directed to avoid increased lighting of adjacent undeveloped areas. Best Management Practices (BMPs) should be implemented to control erosion and surface runoff.

Because of the small scale of the project, loss of habitat is *not expected to* substantially affect any species and substantial indirect impacts *are not anticipated*.

Cumulative Effects

Cumulative impacts refer to incremental effects of an individual project when viewed in connection with the effects of past projects, current projects, and probable future projects.

Project construction will contribute to the incremental loss of basin sagebrush habitat in the region, including marginally suitable habitat for some special interest species. Cumulative impacts potentially include habitat fragmentation, increased edge effects, increased traffic and reduced habitat quality. The proposed project will occur in an area already subject to traffic, noise, and lighting impacts from the existing park facilities. Due to the small footprint and small loss of basin sagebrush habitat relative to the amount of this habitat in the Mammoth Lakes region, a significant contribution to cumulative effects as a result of the proposed project *is not anticipated*.

Recommendations

The following action is recommended in order to avoid unauthorized project impacts to biological resources:

- If project activities are planned during the avian nesting season (approximately April 1 to August 31), nesting bird surveys should be conducted within one week prior to disturbance to ensure birds protected under the MBTA are not harmed.

Sincerely,

LSA ASSOCIATES, INC.

Sarah Barrera
Biologist

Attachments: Figure 1: Regional and Project Location
Figure 2: Local Vicinity Map
Figure 3: Conceptual Design

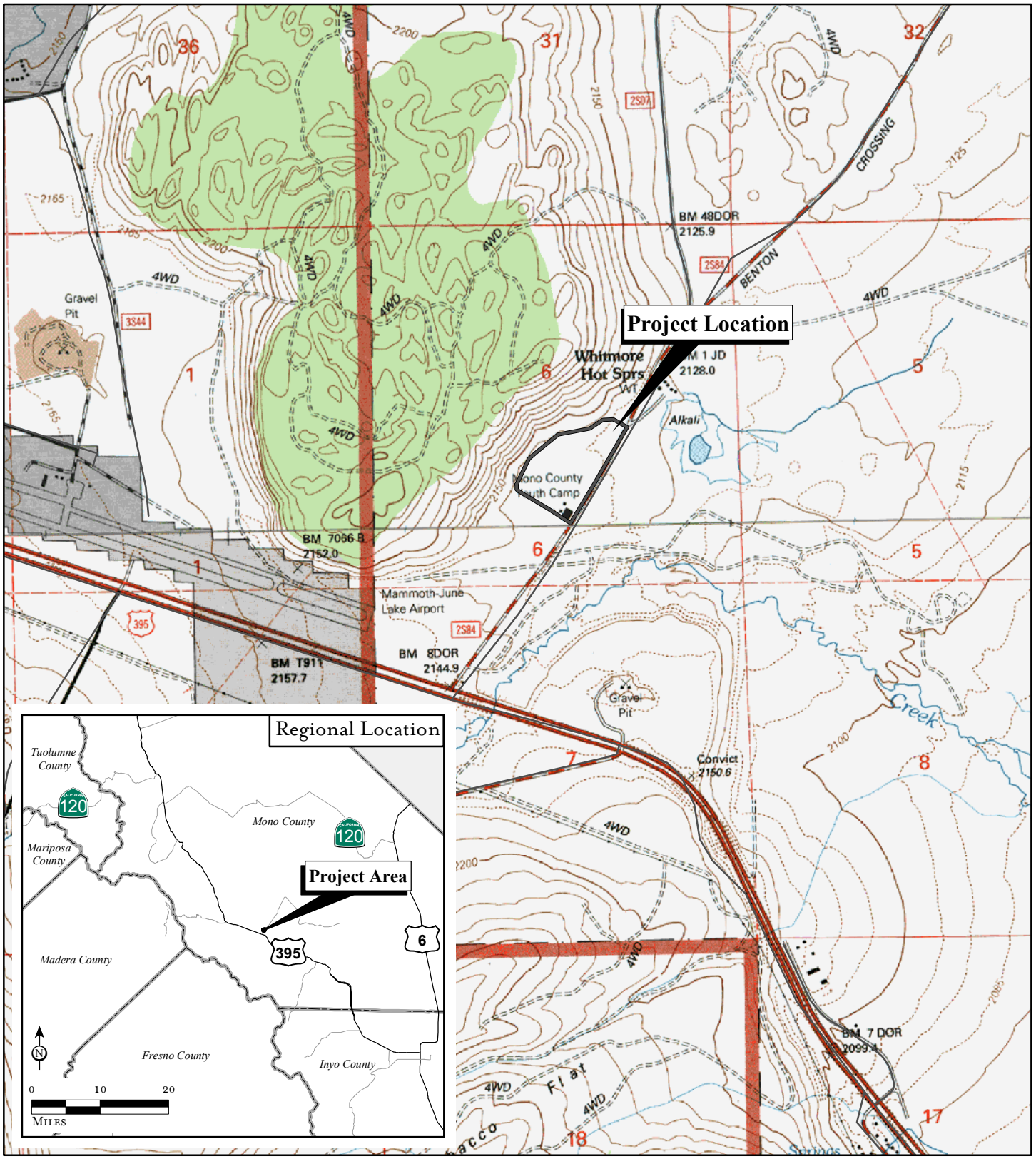

FIGURE 1

Whitmore Park Improvement Project
Mammoth Lakes
Biological Resources

Regional and Project Location

SOURCE: USGS 7.5' Quads: Whitmore Hot Springs (1983), Convict Lake (1983), CA; Mammoth Lakes, 2009.

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LSA

FIGURE 2

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0 120 240

FEET

Study Area

Whitmore Park Improvement Project
Mammoth Lakes
Biological Resources

Local Vicinity Map

SOURCE: Mammoth Lakes, 2009; Google Earth, 2009.

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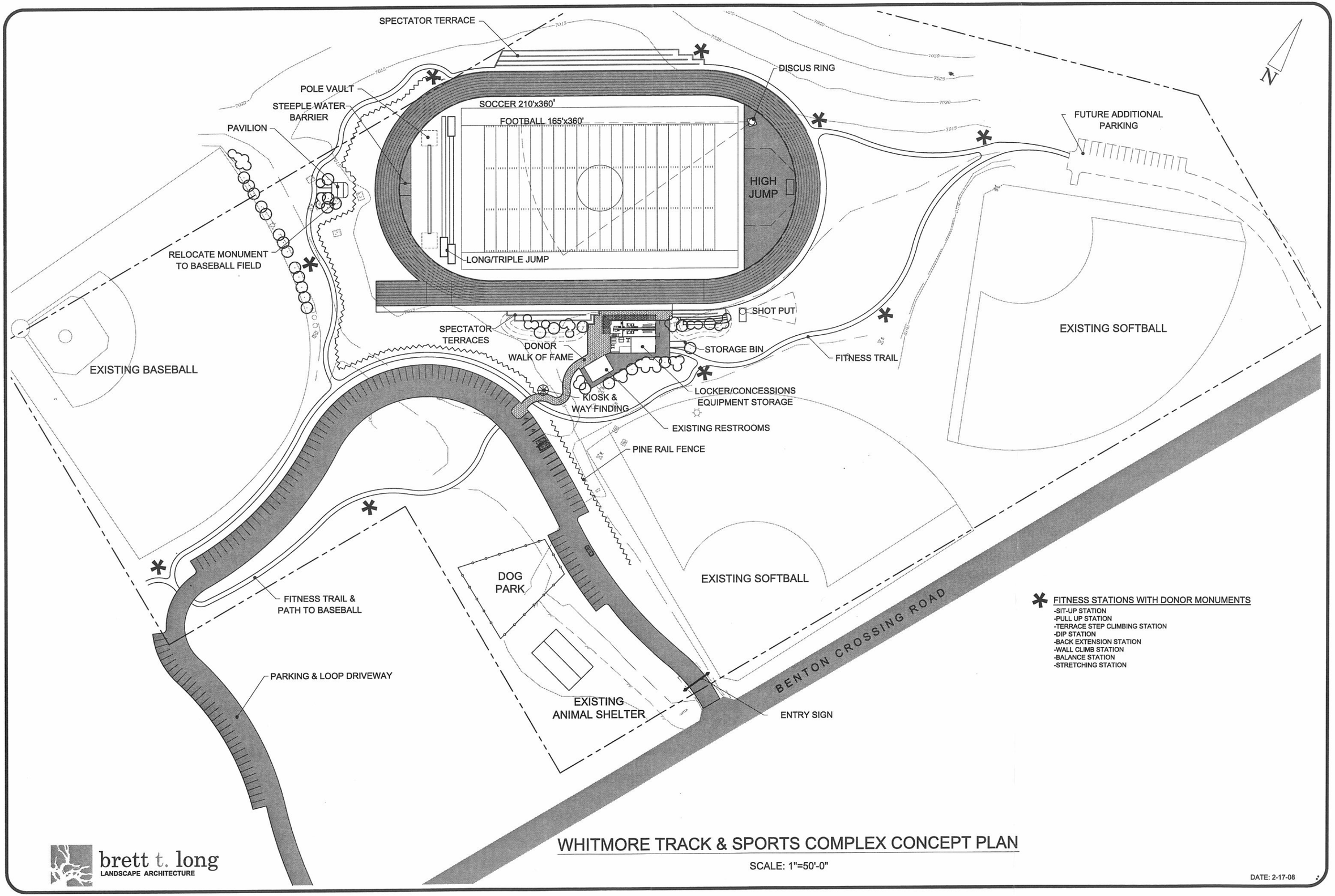

* FITNESS STATIONS WITH DONOR MONUMENTS
-SIT-UP STATION
-PULL UP STATION
-TERRACE STEP CLIMBING STATION
-DIP STATION
-BACK EXTENSION STATION
-WALL CLIMB STATION
-BALANCE STATION
-STRETCHING STATION

WHITMORE TRACK & SPORTS COMPLEX CONCEPT PLAN

SCALE: 1"=50'-0"

DATE: 2-17-08

brett t. long
LANDSCAPE ARCHITECTURE

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April 9, 2010

Mr. Steve Speidel, Principal Planner
Town of Mammoth Lakes
Post Office Box 1609
Mammoth Lakes, California 93546

Subject: Amendment to General Biological Resources Report for the Whitmore Park Track and Sports Complex Project (LSA Project No. TML0901)

Dear Mr. Speidel:

LSA Associates, Inc. (LSA) prepared a general biological resources letter report based on a reconnaissance-level biological resources survey for the Whitmore Track and Sports Complex Project. This letter serves as an amendment to the letter report dated January 4, 2010, to discuss potential project impacts to the greater sage-grouse (*Centrocercus urophasianus*).

The proposed Whitmore Park Track and Sports Complex is located outside of the town limits near the center of Section 6, Township 4 South, Range 29 East, as shown on the U.S. Geological Survey (USGS) *Whitmore Hot Springs, California* 7.5-minute quadrangle. Figures showing project location are included with the original report.

Greater Sage-Grouse

The greater sage-grouse, a California Species of Special Concern, is known to occur in the general vicinity of the project area. This species occupies sagebrush habitats, especially those dominated by big sagebrush. The U.S. Fish and Wildlife Service, USFWS, concluded in a Federal Register Notice (50 CFR Part 17[FWS-R6-ES-2010-0018] [MO 92210-0-0008-B2]) dated March 4, 2010 that while the greater sage-grouse warrants listing as a Federally threatened or endangered species that it will not be listed at this time.

Sage-grouse habitat is defined by large areas of contiguous sagebrush, particularly big sagebrush (*Artemisia tridentata*), with native understories. The Long Valley population of greater sage-grouse occurs in the area surrounding Crowley Lake, approximately 2.5 miles southeast of the project site, and from the area east of the Mammoth Airport, approximately 1 mile northeast of the project site. While this species is known from the area, the greater sage-grouse has a low potential of occurrence on site due to the degraded nature and small amount of basin sagebrush habitat within the project area. The proposed project would not result in loss of quality suitable habitat for this species and is not expected to result in direct or indirect impacts to the greater sage-grouse. As a pre-cautionary measure, surveys for nesting birds prior to project activities are recommended, as discussed below, in order to prevent potential impacts to this species.

Recommendations

The following action is recommended in order to avoid unauthorized project impacts to greater sage-grouse:

- If project activities are planned during the avian nesting season (approximately April 1 to August 31), nesting bird surveys should be conducted within one week prior to disturbance to ensure birds protected under the MBTA are not harmed.

Sincerely,

LSA ASSOCIATES, INC.

Sarah Barrera
Biologist

July 11, 2010

Steve Speidel
Principal Planner
Town of Mammoth Lakes
Post Office Box 1609
Mammoth Lakes, CA 93546

Subject: Whitmore Park Improvement Project Biological Resources Memo

Mr. Speidel,

The Town of Mammoth Lakes is planning to construct a multipurpose sports field, a building for lockers/concessions/equipment storage, improve existing parking areas with asphalt and pave an existing loop driveway at the existing Whitmore Park.

Whitmore Park is located along the west side of Benton Crossing Road, north of Highway 395 and outside the Town limits. The site is located in Mono County, California, in Section 6, Township 4 South, Range 29 East, as shown on the Whitmore Hot Springs U.S. Geological Survey (USGS) 7.5-minute quadrangle. The site is at an elevation of 7,050 feet and is essentially flat.

The purpose of this survey was to determine whether the biological resources of the site had changed significantly since previous biological studies (LSA 2009, LSA 2010) were conducted.

A particular focus of the survey was to assess whether any special status species occur on the site. Special status species are native species that have been accorded special legal or management protection because of concern for their continued existence. There are several categories of protection at both federal and state levels, depending on the magnitude of threat to continued existence and existing knowledge of population levels. Special status species include those listed as endangered, threatened, rare, candidate and sensitive by resource agencies.

Methods

Previous biological studies of the site (LSA 2009, LSA 2010), the California Natural Diversity Database (CNDDB) output and recent air photos of the site were reviewed. The California Department of Fish and Game (CDFG) was contacted concerning significant biological resources of the area (D. Hawks pers. comm., T. Branston pers. comm.) and the site was surveyed on foot.

I conducted surveys of the site on June 5th and 6th 2010. The site was surveyed from 2:00 pm to 3:00 pm on June 5th and from 10:00 am to 12:00 pm on June 6th on foot using binoculars. Standard field notes were recorded: emphasis placed on assessing significant changes in biological resources and potential for special status species.

Results

The biological resources of the Whitmore Park site have not changed significantly since the previous biological resource surveys. The project site contains several ballfields, dirt parking lots and buildings. There are small areas within the site boundaries that contain basin sagebrush vegetation. These areas are dominated by great basin sagebrush (*Artemisia tridentata*), antelope bitterbrush (*Purshia tridentata*), and mountain snowberry (*Symphoricarpus rotundifolius*).

There are no streams, watercourses, ponds or wetland areas on the site. The site does not contain any areas that would be considered jurisdictional waters by the U.S. Army Corps of Engineers (USACOE), CDFG or the California Regional Water Quality Control Board. (RWQCB).

There is low quality habitat for one special status plant, the Long-Valley milkvetch (*Astragalus johannis-howellii*), on the site. No milkvetch were observed on the site during the surveys. The Long-Valley milkvetch is a California Native Plant Society (CNPS) List 1B species and is considered by CNPS as rare, threatened, or endangered in California and elsewhere. CNPS List 1B plants meet the definitions of the California Native Plant Protection Act or the California Endangered Species Act and are eligible for state listing.

One special status animal species, the greater sage-grouse (*Centrocercus urophasianus*), may use the basin sagebrush vegetation on site for foraging. No sage-grouse were observed on the site during the surveys. Use of the site by sage-grouse is expected to be minimal due to the small amount of basin sagebrush vegetation, the disturbed nature of the vegetation and the level of human activity on the site. The greater sage-grouse is a CDFG Species of Special Concern and the U.S. Fish and Wildlife Service has ruled that the sage-grouse warrants listing as a Federally threatened or endangered species.

There is undeveloped land surrounding the site that contains basin sagebrush vegetation. There is existing barbwire fencing to prevent range cattle in the adjacent sagebrush vegetation off the ballfields on the site. The site is not part of a wildlife movement corridor.

Wildlife species observed on the site during the surveys include: killdeer (*Charadrius vociferus*), northern raven (*Corvus corax*), northern rough-winged swallow (*Stelgidopteryx serripennis*), green-tailed towhee (*Pipilo chlorurus*) and Brewer's blackbird (*Euphagus cyanocephalus*).

Recommendations

Vegetation clearing should be done between September 1 and March 30, outside the bird nesting season. If vegetation must be cleared between April 1 and August 31, the bird nesting season, then a nesting bird survey should be conducted by a qualified biologist no more than one week prior to clearing. If nesting birds are found, then no clearing should be done within 300 feet of any active nest.

Should you have any questions concerning this memo please call me at 714-393-3823.

Respectfully,

Gregg Miller
Wildlife Biologist
626 Piedmont
Irvine, CA 92620

References

Branston T., CDFG Biologist. Phone conversation June 10, 2010.

Hawks, D., CDFG Biologist. Phone conversation June 29, 2010.

LSA, 2009. General Biological Resources Report for the Whitmore Park Track and Sports Complex Project (LSA Project No. TML0901). Prepared for the Town of Mammoth Lakes. September 18, 2009

LSA, 2010. Amendment to General Biological Resources Report for the Whitmore Park Track and Sports Complex Project (LSA Project No. TML0901). Prepared for the Town of Mammoth Lakes. April 9, 2010