

May 23, 2022

Ms. Mandy Owensby Danco Group 5251 Ericson Way Arcata, CA 95521

RE: Biological Resources Assessment

210 East Gobbi Street, Ukiah, CA 95482

AEI Project No. 457555

Dear Ms. Owensby,

AEI Consultants (AEI) is pleased to provide the Biological Resources Assessment for the proposed multifamily residential development located at 210 East Gobbi Street, Redding, CA. The Biological Resources Assessment assessed the 2.36-acre Project Area.

The report includes the biological conditions of the Project Area, the potential for special-status species and regulated habitats located on or near the Project Area, water resources, and mitigation measures to reduce potential impacts to less than significant levels. If you have any additional questions or would like clarifications, please contact me at johni.etheridge@aeiconsultants.com or 831.524.1153.

Sincerely,

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BIOLOGICAL RESOURCES ASSESSMENT FOR THE DEVELOPMENT PROJECT AT 210 EAST GOBBI STREET, UKIAH, CALIFORNIA



May 23, 2022

Prepared by:

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1. INTRODUCTION

1.1. PROJECT LOCATION AND DESCRIPTION

A biological resources assessment was conducted on a 2.36-acre property located at 210 E. Gobbi Street, Ukiah in Mendocino County, California (see Exhibits). The property consists of three parcels: APN 003-040-77 (0.86 acre); APN 003-040-78 (0.63 acre); and APN 003-040-79 (0.87 acre). The proposed project ("Project Area") is a residential facility for multi-family housing with parking and ornamental landscaping. A specific Project Area was not provided. The entire 2.36-acre property was defined as the Study Area.

1.2. SCOPE OF ASSESSMENT

This assessment provides information about the biological resources within the Study Area, the regulatory environment affecting such resources, any potential Project-related impacts upon these resources, and finally, to identify mitigation measures and other recommendations to reduce the significance of these impacts. The specific scope of services performed for this assessment consisted of the following tasks:

- Compile all readily-available historical biological resource information about the Study Area;
- Spatially query state and federal databases for any occurrences of special-status species or habitats within the Study Area and vicinity;
- Perform a reconnaissance-level field survey of the Study Area, including photographic documentation;
- Inventory all flora and fauna observed during the field survey;
- Characterize and map the habitat types present within the Study Area, including any potentiallyjurisdictional water resources;
- Evaluate the likelihood for the occurrence of any special-status species;
- Assess the potential for the Project to adversely impact any sensitive biological resources;
- Recommend mitigation measures designed to avoid or minimize Project-related impacts; and
- Prepare and submit a report summarizing all of the above tasks.

1.3. REGULATORY SETTING

The following section summarizes applicable regulations of biological resources on real property in California.

1.3.1. Special-status Species Regulations

The United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service implement the Federal Endangered Species Act of 1973 (FESA) (16 USC §1531 et seq.). Threatened and endangered species on the federal list (50 CFR §17.11, 17.12) are protected from "take" (direct or indirect harm), unless a FESA Section 10 Permit is granted or a FESA Section 7 Biological Opinion with incidental take provisions is rendered. Pursuant to the requirements of FESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed species may be present in the project area and determine whether the proposed project will have a potentially significant impact upon such species. Under FESA, habitat loss is considered to be an impact to the species. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC §1536[3], [4]). Therefore, project-related impacts to these species or their habitats would be considered significant and would require mitigation. Species that are candidates for listing are not protected under FESA; however,

USFWS advises that a candidate species could be elevated to listed status at any time, and therefore, applicants should regard these species with special consideration.

The California Endangered Species Act of 1970 (CESA) (California Fish and Game Code §2050 *et seq.*, and CCR Title 14, §670.2, 670.51) prohibits "take" (defined as hunt, pursue, catch, capture, or kill) of species listed under CESA. A CESA permit must be obtained if a project will result in take of listed species, either during construction or over the life of the project. Section 2081 establishes an incidental take permit program for state-listed species. Under CESA, California Department of Fish and Wildlife (CDFW) has the responsibility for maintaining a list of threatened and endangered species designated under state law (CFG Code 2070). CDFW also maintains lists of species of special concern, which serve as "watch lists." Pursuant to requirements of CESA, an agency reviewing proposed projects within its jurisdiction must determine whether any state-listed species may be present in the Study Area and determine whether the proposed project will have a potentially significant impact upon such species. Project-related impacts to species on the CESA list would be considered significant and would require mitigation.

California Fish and Game Code Sections 4700, 5050, and 5515 designates certain mammal, amphibian, and reptile species "fully protected", making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The California Native Plant Protection Act of 1977 (CFG Code §1900 *et seq.*) requires CDFW to establish criteria for determining if a species or variety of native plant is endangered or rare. Section 19131 of the code requires that landowners notify CDFW at least 10 days prior to initiating activities that will destroy a listed plant to allow the salvage of plant material.

Many bird species, especially those that are breeding, migratory, or of limited distribution, are protected under federal and state regulations. Under the Migratory Bird Treaty Act of 1918 (16 USC §703-711), migratory bird species and their nests and eggs that are on the federal list (50 CFR §10.13) are protected from injury or death, and project-related disturbances must be reduced or eliminated during the nesting cycle. California Fish and Game Code (§3503, 3503.5, and 3800) prohibits the possession, incidental take, or needless destruction of any bird nests or eggs. Fish and Game Code §3511 designates certain bird species "fully protected", making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The Bald and Golden Eagle Protection Act (16 USC §668) specifically protects bald and golden eagles from harm or trade in parts of these species.

California Environmental Quality Act (CEQA) (Public Resources Code §15380) defines "rare" in a broader sense than the definitions of threatened, endangered, or fully protected. Under the CEQA definition, CDFW can request additional consideration of species not otherwise protected. CEQA requires that the impacts of a project upon environmental resources must be analyzed and assessed using criteria determined by the lead agency. Sensitive species that would qualify for listing but are not currently listed may be afforded protection under CEQA. The CEQA Guidelines (§15065) require that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines (§15380) provide for assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Plant species on the California Native Plant Society (CNPS) Lists 1A, 1B, or 2 are typically considered rare under CEQA. California "Species of Special Concern" is a category conferred by CDFW on those species that are indicators of regional habitat changes or are considered potential future protected species. While they do not have statutory protection, Species of Special Concern are typically considered rare under CEQA and thereby warrant specific protection measures.

1.3.2. Water Resource Protection

Real property that contains water resources are subject to various federal and state regulations and activities occurring in these water resources may require permits, licenses, variances, or similar authorization from federal, state and local agencies, as described next.

The Federal Water Pollution Control Act Amendments of 1972 (as amended), commonly known as the Clean Water Act (CWA), established the basic structure for regulating discharges of pollutants into "waters of the United States" (WOTUS). WOTUS includes essentially all surface waters, all interstate waters and their tributaries, all impoundments of these waters, and all wetlands adjacent to these waters. CWA Section 404 requires approval prior to dredging or discharging fill material into any waters of the US, especially wetlands. The permitting program is designed to minimize impacts to waters of the US, and when impacts cannot be avoided, requires compensatory mitigation. The US Army Corps of Engineers (USACE) is responsible for administering Section 404 regulations. Substantial impacts to jurisdictional wetlands may require an Individual Permit. Small-scale projects may require only a Nationwide Permit, which typically has an expedited process compared to the Individual Permit process. Mitigation of wetland impacts is required as a condition of the CWA Section 404 Permit and may include on-site preservation, restoration, or enhancement and/or off-site restoration or enhancement. The characteristics of the restored or enhanced wetlands must be equal to or better than those of the affected wetlands to achieve no net loss of wetlands.

Under CWA Section 401, every applicant for a federal permit or license for any activity which may result in a discharge to a water body must obtain State Water Quality Certification that the proposed activity will comply with State water quality standards. The California State Water Resources Control Board is responsible for administering CWA Section 401 regulations.

Section 10 of the Rivers and Harbors Act of 1899 requires approval from USACE prior to the commencement of any work in or over navigable Waters of the US, or which affects the course, location, condition or capacity of such waters. Navigable waters of the United States are defined as waters that have been used in the past, are now used, or are susceptible to use, as a means to transport interstate or foreign commerce up to the head of navigation. Rivers and Harbors Act Section 10 permits are required for construction activities in these waters.

California Fish and Game Code (§1601 - 1607) protects fishery resources by regulating "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake." CDFW requires notification prior to commencement, and issuance of a Lake or Streambed Alteration Agreement, if a proposed project will result in the alteration or degradation of "waters of the State". The limit of CDFW jurisdiction is subject to the judgment of the Department; currently, this jurisdiction is interpreted to be the "stream zone", defined as "that portion of the stream channel that restricts lateral movement of water" and delineated at "the top of the bank or the outer edge of any riparian vegetation, whichever is more landward". CDFW reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by the CDFW and the applicant is the Streambed Alteration Agreement. Projects that require a Streambed Alteration Agreement may also require a CWA 404 Section Permit and/or CWA Section 401 Water Quality Certification.

For construction projects that disturb one or more acres of soil, the landowner or developer must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ).

1.3.3. Tree Protection

At the State level, in areas inside timberland, any tree removal is subject to the conditions and requirements set forth in the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules. If development of a project will result in the removal of commercial tree species, one of the following permits is needed: Less than 3 Acre Conversion Exemption; Christmas Tree; Dead, Dying or Diseased, Fuelwood, or Split Products Exemption; a Public Agency, Public and Private Utility Right of Way.

Exemption; a Notice of Exemption from Timberland Conversion Permit for Subdivision; or an Application for Timberland Conversion Permit.

For the City of Ukiah, no relevant county or municipal tree ordinances were identified that would protect non-commercial tree species such as native oaks (*Quercus* spp.) outside of the downtown zoning code. The City may require protection of tree resources during the CEQA compliance process, for such applications such as grading permits.

2. ENVIRONMENTAL SETTING

The Study Area is located within the Inner North Coast Range geographic subregion, which is contained within the Northwestern California geographic subdivision of the larger California Floristic Province (Baldwin et al. 2012). This region has a Mediterranean-type climate, characterized by distinct seasons of hot, dry summers and wet, moderately-cold winters. The Study Area and vicinity is in climate Zone 14 "Northern California's Inland Areas with Some Ocean Influence", with maritime air moderating temperatures that would otherwise be hotter in summer and colder in the winter (Sunset, 2021). The topography of the Study Area is flat with gentle drainage swales. The elevation ranges from approximately 598 feet to 601 feet above mean sea level. Drainage runs into the municipal stormwater drain, which eventually flows into the Russian River. The Study Area is a fallow field/infill lot that is mowed to reduce fire risk. The surrounding land uses are multi-family residential and single-family residential and light commercial. Along the northern edge of the parcel is East Gobbi Street, a large local transportation corridor. An abandoned railroad track borders the eastern margin of the parcel.

3. METHODOLOGY

3.1. PRELIMINARY DATA GATHERING AND RESEARCH

Prior to conducting the field survey, the following information sources were reviewed:

- Any readily-available previous biological resource studies pertaining to the Study Area or vicinity
- Aerial photography of the Study Area (current and historical)
- United States Geologic Service 7.5 degree-minute topographic quadrangles of the Study Area and vicinity
- USFWS National Wetland Inventory
- USDA Natural Resources Conservation Service soil survey maps
- California Natural Diversity Database (CNDDB), electronically updated monthly by subscription
- USFWS species list (IPaC Trust Resources Report).

3.2. FIELD SURVEY

Consulting biologist Tim Nosal, MS. conducted a reconnaissance-level field survey on May 10, 2022. Weather conditions were cool and sunny. A variable-intensity pedestrian survey was performed, and modified to account for differences in terrain, vegetation density, and visibility. All visible fauna and flora observed were recorded in a field notebook and identified to the lowest possible taxon. Survey efforts emphasized the search for any special-status species that had documented occurrences in the CNDDB within the vicinity of the Study Area and those species on the USFWS species list (Appendix 1).

When a specimen could not be identified in the field, a photograph or voucher specimen (depending upon permit requirements) was taken and identified in the laboratory using a dissecting scope where necessary. Dr. Geo Graening holds the following scientific collection permits: CDFW Scientific Collecting Permit No. SC-006802; and CDFW Plant Voucher Specimen Permit 09004. Tim Nosal holds CDFW Plant Voucher Specimen Permit 2081(a)-16-102-V. Taxonomic determinations were facilitated by referencing museum specimens or by various texts, including the following: Powell and Hogue (1979); Pavlik (1991); (1993); Brenzel (2012); Stuart and Sawyer (2001); Lanner (2002); Sibley (2003); Baldwin et al. (2012); Calflora (2021); CDFW (2021b,c); NatureServe 2021; and University of California at Berkeley (2021a,b).

The locations of any special-status species sighted were marked on aerial photographs and/ or georeferenced with a geographic positioning system (GPS) receiver. Habitat types occurring in the Study Area were mapped on aerial photographs, and information on habitat conditions and the suitability of the habitats to support special-status species was also recorded. The Study Area was also informally assessed for the presence of potentially-jurisdictional water features, including

riparian zones, isolated wetlands and vernal pools, and other biologically-sensitive aquatic habitats.

3.3. MAPPING AND OTHER ANALYSES

Locations of species' occurrences and habitat boundaries within the Study Area were digitized to produce the final habitat maps. The boundaries of potentially jurisdictional water resources within the Study Area were identified and measured in the field, and similarly digitized to calculate acreage and to produce informal delineation maps. Geographic analyses were performed using geographical information system software (ArcGIS 10, ESRI, Inc.). Vegetation communities (assemblages of plant species growing in an area of similar biological and environmental factors), were classified by Vegetation Series (distinctive associations of plants, described by dominant species and particular environmental setting) using the CNPS Vegetation Classification system (Sawyer and Keeler-Wolf, 1995). Informal wetland delineation methods consisted of an abbreviated, visual assessment of the three requisite wetland parameters (hydrophytic vegetation, hydric soils, hydrologic regime) defined in the US Army Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory, Wildlife habitats were classified according to the CDFW's California Wildlife Habitat Relationships System (CDFW, 2021c). Species' habitat requirements and life histories were identified using the following sources: Baldwin et al. (2012); CNPS (2021), Calflora (2021); CDFW (2021a,b,c); and University of California at Berkeley (2021a,b).

4. RESULTS

4.1. INVENTORY OF FLORA AND FAUNA FROM FIELD SURVEY

All plants detected during the field survey of the Study Area are listed in Appendix 2. The following animals were detected within the Study Area during the field survey:

northwestern fence lizard (*Sceloporus occidentalis* occidentalis); broad-footed mole (*Scapanus latimanus*); dog (*Canis lupis familiaris*); acorn woodpecker (*Melanerpes formicivorus*); American crow (*Corvus brachyrhynchos*); Anna's hummingbird (*Calypte anna*); bushtit (*Psaltriparus minimus*); California scrub jay (*Aphelocoma californica*); English house sparrow (*Passer domesticus*); Eurasian collared-dove (*Streptopelia decaocto*); house finch (*Haemorhous mexicanus*); northern mockingbird (*Mimus polyglottos*); Nuttall's woodpecker (*Picoides nuttallii*); oak titmouse (*Baeolophus inornatus*); and red-shouldered hawk (*Buteo lineatus*).

<u>No</u> federally-listed species were detected. <u>No</u> special-status species were detected.

4.2. VEGETATION COMMUNITIES AND WILDLIFE HABITAT TYPES

4.2.1. Terrestrial Vegetation Communities

The Study Area contains the following terrestrial vegetation communities: Ruderal/Disturbed; and freshwater emergent wetland. These vegetation communities are discussed here and are delineated in the Exhibits.

Ruderal/Disturbed: The entire Project Area has been modified. The southeast parcel was recently used as a community garden, the northeast parcel has an abandoned concrete slab, and the western parcel has a large soil pile as well as an inlet for the municipal stormwater system. Vegetation within this habitat type consists primarily of nonnative weedy or invasive species lacking a consistent community structure. Although several valley oak (Quercus lobata) and Fremont cottonwood (Populus fremontii) trees are found within the Study Area, the habitat within the Study Area provides limited resources for wildlife and is utilized primarily by species tolerant of human activities. The disturbed and altered condition of these lands greatly reduces their habitat value and ability to sustain rare plants or diverse wildlife assemblages.

Freshwater Emergent Wetland: Water from surrounding parcels is directed onto the western parcel where a storm drain has been installed to move the runoff into the municipal stormwater system. Land adjacent to the storm drain supports dense growth of Italian rye (Festuca perennis), Himalayan blackberry (Rubus armeniacus), Baltic rush (Juncus balticus), and sedge (Carex spp.). The wetland habitat within the Study Area can be classified as the Holland Type "Coastal and Valley Freshwater Marsh" or as "41.321.00 Perennial Rye Grass Fields (CDFW 2022e).

4.2.2. Wildlife Habitat Types

Wildlife habitat types were classified using CDFW's Wildlife Habitat Relationship System. The Study Area contains the following wildlife habitat types: Urban; Annual Grassland; and Valley Oak Woodland.

4.2.3. Critical Habitat and Special-status Habitat

No critical habitat for any federally-listed species occurs within the Project Area or the surrounding Study Area. The nearest Critical Habitat is for the marbled murrelet (*Brachyramphus marmoratus*)

approximately 10 miles northwest of the Study Area. The CNDDB reported no special-status habitats within the Project Area or surrounding Study Area. The CNDDB reported the following special-status habitats in a 10-mile radius outside of the Study Area: Serpentine Bunchgrass and Northern Interior Cypress Forest. One special-status habitat was detected within the Study Area: freshwater emergent wetland.

4.2.4. Habitat Plans and Wildlife Corridors

Wildlife movement corridors link remaining areas of functional wildlife habitat that are separated primarily by human disturbance, but natural barriers such as rugged terrain and abrupt changes in vegetation cover are also possible. Wilderness and open lands have been fragmented by urbanization, which can disrupt migratory species and separate interbreeding populations. Corridors allow migratory movements and act as links between these separated populations.

No wildlife corridors exist within or near the Study Area. No fishery resources exist in or near the Study Area. The Study Area is surrounded by urban development. The Study Area is not located within any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

4.3. LISTED SPECIES AND OTHER SPECIAL-STATUS SPECIES

For the purposes of this assessment, "special status" is defined to be species that are of management concern to state or federal natural resource agencies, and include those species that are:

- Listed as endangered, threatened, proposed, or candidate for listing under the Federal Endangered Species Act;
- Listed as endangered, threatened, rare, or proposed for listing, under the California Endangered Species Act of 1970;
- Designated as endangered or rare, pursuant to California Fish and Game Code (§1901);
- Designated as fully protected, pursuant to California Fish and Game Code (§3511, §4700, or §5050);
- Designated as a species of special concern by CDFW;
- Plants considered to be rare, threatened or endangered in California by the California Native Plant Society (CNPS); this consists of species on Lists 1A, 1B, and 2 of the CNPS Ranking System; or
- Plants listed as rare under the California Native Plant Protection Act.

4.3.1. Reported Occurrences of Listed Species and Other Special-status Species

A list of special-status plant and animal species that have occurred within the Study Area and vicinity was compiled based upon the following:

- Any previous and readily-available biological resource studies pertaining to the Study Area;
- Informal consultation with USFWS by generating an electronic Species List (Information for Planning and Conservation website at https://ecos.fws.gov/ipac/);
- A spatial query of the CNDDB using the standard 9 quadrangle boundary; and
- A query of the California Native Plant Society's database *Inventory of Rare and Endangered Plants of California* (online edition).

The CNDDB was queried, and any reported occurrences of special-status species were plotted in relation to the Study Area boundary using GIS software (see exhibits). The CNDDB reported no special-status species occurrences within the Study Area or the surrounding Project Area. Within a 10-mile buffer of the Study Area boundary, the CNDDB reported several special-status species occurrences, summarized in Appendix 4 along with any additional CNPS species.

A USFWS species list was generated online using the USFWS' IPaC Trust Resource Report System (see Appendix 1). This list is generated using a regional and/or watershed approach and does not

necessarily indicate that the Study Area provides suitable habitat. The following listed species should be considered in the impact assessment:

- Northern Spotted Owl (Strix occidentalis caurina) Threatened
- Western Snowy Plover (Charadrius nivosus nivosus) Threatened
- Yellow-billed Cuckoo (Coccyzus americanus) Threatened
- Monarch Butterfly (Danaus plexippus) Candidate
- Burke's Goldfields (Lasthenia burkei) Endangered
- Contra Costa Goldfields (Lasthenia conjugens) Endangered
- Showy Indian Clover (Trifolium amoenum) Endangered

Migratory birds should also be considered in the impact assessment.

4.3.2. Listed Species or Special-status Species Observed During Field Survey

During the field survey, no special-status species were detected within the Study Area or the surrounding Project Area.

4.3.3. Potential for Listed Species or Special-status Species to Occur in the Study Area

See Appendix 4 for a complete table of Special-status Species and their potential to occur in the Study Area. The ruderal/disturbed and wetland habitats within the Study Area have a low potential for harboring special-status plant species due to the dense growth of aggressive non-native grasses and forbs. Special-status animals have a low potential to occur in the ruderal/disturbed and wetland habitats, especially within the urban setting of the Study Area which produces regular disturbance from noise and weed control.

4.4. POTENTIALLY-JURISDICTIONAL WATER RESOURCES

The USFWS National Wetland Inventory reported no water features within the Project Area or the surrounding Study Area (see Exhibits).

An informal assessment for the presence of potentially-jurisdictional water resources within the Study Area was also conducted during the field survey. The field survey determined that the Study Area does not contain any channels. The Study Area contains one wetland—a freshwater emergent wetland (see Exhibits). There are no vernal pools in the Study Area.

5. IMPACT ANALYSES AND MITIGATION MEASURES

This section establishes the impact criteria, then analyzes potential Project-related impacts upon the known biological resources within the Study Area, and then suggests mitigation measures to reduce these impacts to a less-than-significant level.

5.1. IMPACT SIGNIFICANCE CRITERIA

The significance of impacts to biological resources depends upon the proximity and quality of vegetation communities and wildlife habitats, the presence or absence of special-status species, and the effectiveness of measures implemented to protect these resources from Project-related impacts. As defined by CEQA, the Project would be considered to have a significant adverse impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a special-status species in local or regional plans, policies, or regulations, or by USFWS or CDFW
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by USFWS or CDFW
- 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
- 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
- Conflict with any county or municipal policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved governmental habitat conservation plan.

5.2. IMPACT ANALYSIS

The following discussion evaluates the potential for Project-related activities to adversely affect biological resources. The Project boundaries were digitized and then overlaid on the habitat map using GIS to quantify potential impacts. Historical aerial photos were also analyzed for changes in land use.

5.2.1. Potential Direct / Indirect Adverse Effects Upon Special-status Species

 Will the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No special-status species were detected within the Study Area. The ruderal/disturbed and wetland habitats within the Study Area have a low potential for harboring special-status plant species due to the dominance of aggressive non-native grasses and forbs. No impacts to special-status species were identified from project implementation.

No special-status animal species have a moderate or high potential to occur in Project Area. No special-status animals were observed within the Project Area or the surrounding Study Area. No direct impacts to special-status animals are expected from implementation of the proposed project.

Special-status bird species were reported in databases (CNDDB and USFWS) in the vicinity of the Project Area. The Project Area, and adjacent trees and utility poles, contain suitable nesting habitat for various bird species. However, no nests were observed during the field survey. If construction activities are conducted during the nesting season, nesting birds could be directly impacted by tree removal and indirectly impacted by noise, vibration, and other construction-related disturbance. Therefore, Project construction is considered a potentially significant adverse impact to nesting birds.

Recommended Mitigation Measures

If construction activities would occur during the nesting season (typically February through August), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site. With the implementation of this mitigation measure, adverse impacts upon special-status bird species and nesting birds would be reduced to a less-than-significant level.

5.2.2. Potential Direct / Indirect Adverse Effects Upon Special-status Habitats or Natural Communities or Corridors

 Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The Study Area is not within any designated listed species' critical habitat. The Study Area does not contain any special-status habitats; the exception is the marsh, which is discussed in the next section.

Recommended Mitigation Measures

No mitigation is necessary.

5.2.3. Potential Direct / Indirect Adverse Effects on Jurisdictional Water Resources

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

Potential direct impacts to water resources could occur during construction by the filling or removal of the wetland. If the development project area can be designed with a minimum of a 20-foot setback from the wetland, no direct impacts to water resources are expected. If the wetland must be removed, this action is a significant impact that requires mitigation.

Potential indirect impacts to water resources could occur during construction of the proposed project; surface water quality has the potential to be degraded from storm water transport of sediment from disturbed soils or by accidental release of hazardous materials or petroleum products from sources such as heavy equipment servicing or refueling. This is a potentially significant impact. If ground disturbance

is equal to or greater than 1 acre, the landowner and its designated general contractor must enroll under the State Water Quality Control Board's Construction General Permit prior to the initiation of construction. In conjunction with enrollment under this Permit, a Storm Water Pollution Prevention Plan, Erosion Control Plan, and a Hazardous Materials Management/Spill Response Plan must be created and implemented during construction to avoid or minimize the potential for erosion, sedimentation, or accidental release of hazardous materials. Implementation of these measures mandated by law would reduce potential construction-related impacts to water quality to a less-than-significant level. No mitigation is necessary.

Recommended Mitigation Measures

It is recommended that a formal delineation of jurisdictional waters be performed before construction work, or ground disturbance, is performed within 20 feet of any wetland or channel. If the USACE determines that the water features are subject to their jurisdiction, a CWA 404 permit must be obtained, and mitigation performed before the ditches and marsh are filled. If waters of the State are present, a Streambed Alteration Agreement may be needed before ground disturbance is initiated at the marsh.

Any alteration or degradation of a channel below the ordinary high-water mark requires a waiver from USACE or a Clean Water Act Section 404 permit. Avoidance and minimization measures, as well as compensatory mitigation for loss of jurisdictional waters, is required by federal and state permits to maintain the policy of "No Net Loss" of wetlands and other protected water resources. Compensatory mitigation would consist of any combination of in-lieu fee payment to a mitigation bank, stream enhancement, or land dedication, at mitigation ratios determined by USACE. Clean Water Act Section 401 Water Quality Certification would be required in conjunction with a Section 404 permit.

The placement of fill or structures in waters of the State may require a permit from the State Water Resources Control Board (Waste Discharge Requirements). Alteration of a channel or destruction of vegetation of a streambank within the limits of riparian vegetation (the Stream Zone) would require a California Fish and Game Code Section 1600 streambed alteration agreement. Clean Water Act Section 401 Water Quality Certification would be required in conjunction with these permits. Avoidance and minimization measures, as well as compensatory mitigation for loss of jurisdictional waters, are required under state permits.

5.2.4. Potential Impacts to Wildlife Movement, Corridors, etc.

• Will the project 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?

No wildlife corridors exist within or near the Study Area. The Study Area is surrounded by urban development including busy transportation corridor (E. Gobbi Street) and railroad tracks. Thus, implementation of the proposed project is a less than significant impact upon wildlife movement. Implementation of the project will not 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.

Recommended Mitigation Measures

No mitigation is necessary.

5.2.5. Potential Conflicts with Ordinances, Habitat Conservation Plans, etc.

- Will the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- Will the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

If all trees are retained, the property would not be able to be fully developed. If fully developed, a proposed project would require the removal of 5 isolated trees: 1 mature catalpa tree and several small valley oaks and cottonwood trees. The project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or another approved governmental habitat conservation plan. The Study Area is not within the coverage area of any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

Recommended Mitigation Measures

No mitigation measures were identified as necessary unless the City requires mitigation or permitting for the removal of trees.

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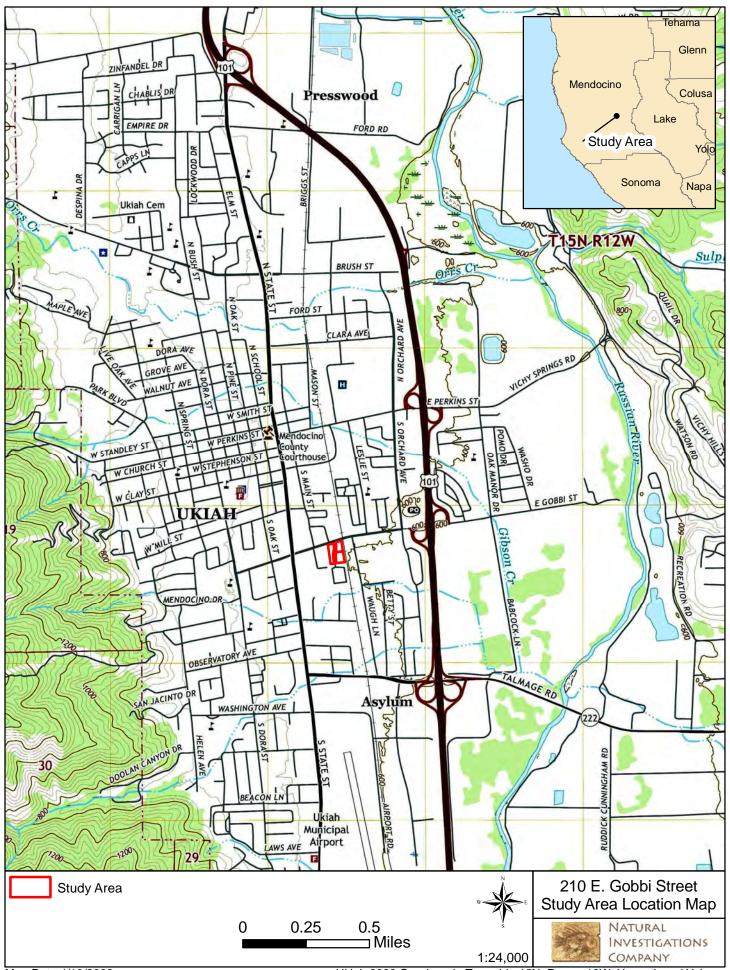
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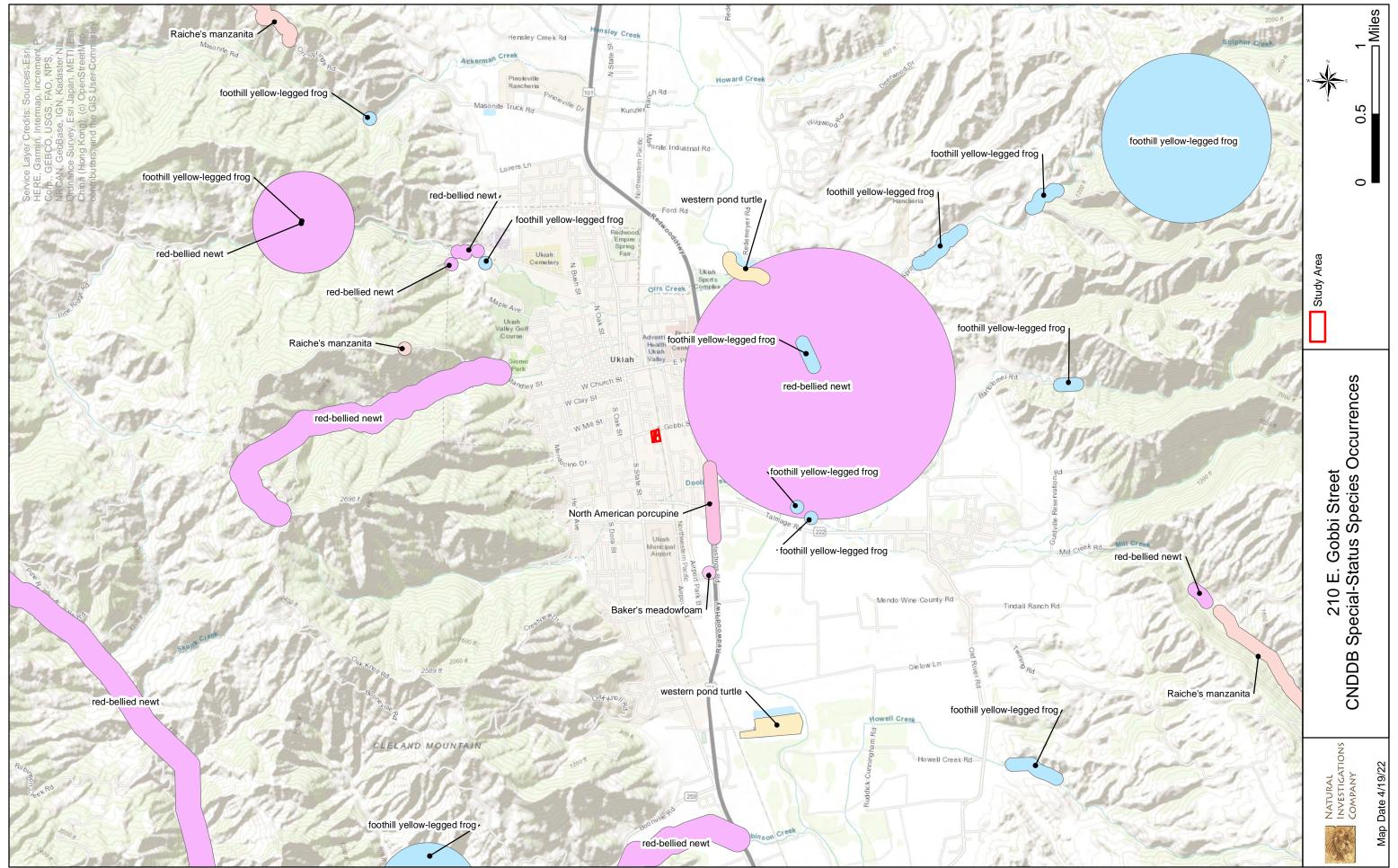
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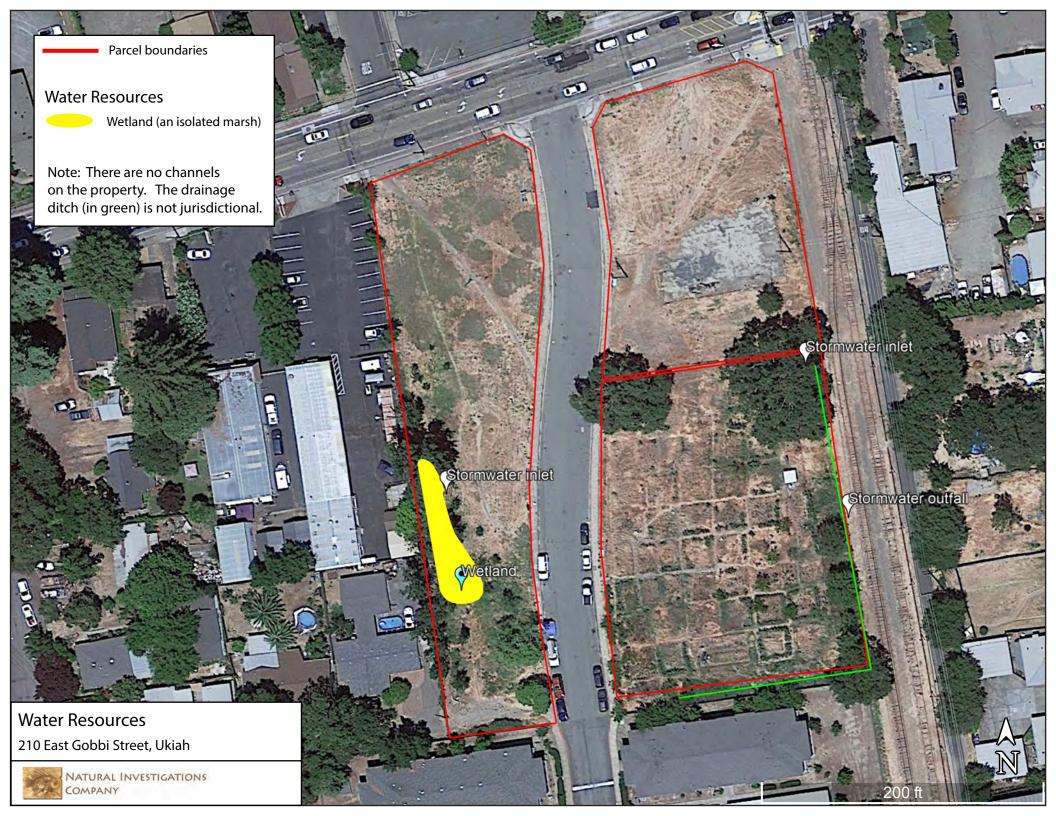
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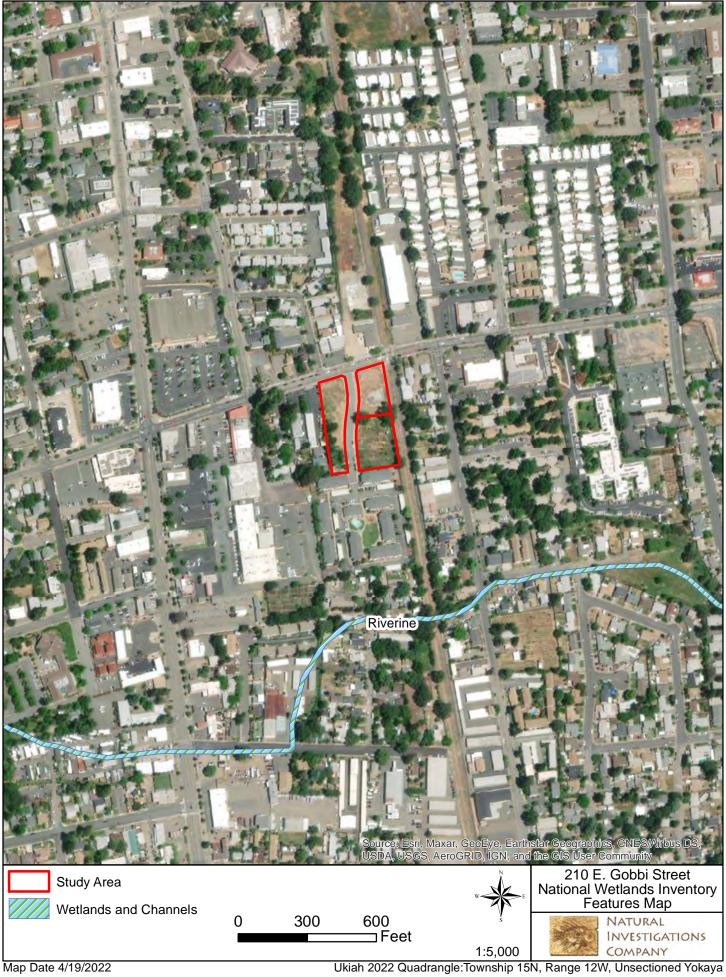
EXHIBITS











APPENDIX 1: USFWS SPECIES LIST



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Arcata Fish And Wildlife Office 1655 Heindon Road Arcata, CA 95521-4573 Phone: (707) 822-7201 Fax: (707) 822-8411

In Reply Refer To: May 11, 2022

Project Code: 2022-0041841 Project Name: 210 E.Gobbi Street

Subject: List of threatened and endangered species that may occur in your proposed project

location or may be affected by your proposed project

To Whom It May Concern:

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

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

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

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

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

05/11/2022

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

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

This species list is provided by:

Arcata Fish And Wildlife Office 1655 Heindon Road Arcata, CA 95521-4573 (707) 822-7201

Project Summary

Project Code: 2022-0041841

Event Code: None

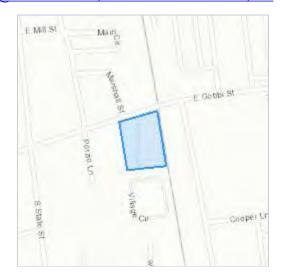
Project Name: 210 E.Gobbi Street

Project Type: Commercial Development

Project Description: Development

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@39.14326165,-123.20322727432881,14z



Counties: Mendocino County, California

Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

Birds

NAME

Northern Spotted Owl Strix occidentalis caurina

Threatened

There is **final** critical habitat for this species. The location of the critical habitat is not available.

Species profile: https://ecos.fws.gov/ecp/species/1123

Western Snowy Plover Charadrius nivosus nivosus

Threatened

Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of

Pacific coast)

There is **final** critical habitat for this species. The location of the critical habitat is not available.

Species profile: https://ecos.fws.gov/ecp/species/8035

Yellow-billed Cuckoo *Coccyzus americanus*

Threatened

Population: Western U.S. DPS

There is **final** critical habitat for this species. The location of the critical habitat is not available.

Species profile: https://ecos.fws.gov/ecp/species/3911

Insects

NAME STATUS

Monarch Butterfly Danaus plexippus

Candidate

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743

Flowering Plants

NAME STATUS

Burke's Goldfields Lasthenia burkei

Endangered

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4338

Contra Costa Goldfields *Lasthenia conjugens*

Endangered

There is **final** critical habitat for this species. The location of the critical habitat is not available.

Species profile: https://ecos.fws.gov/ecp/species/7058

Showy Indian Clover *Trifolium amoenum*

Endangered

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6459

Critical habitats

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

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the <u>National Wildlife Refuge</u> system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

05/11/2022

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described <u>below</u>.

- 1. The Migratory Birds Treaty Act of 1918.
- 2. The Bald and Golden Eagle Protection Act of 1940.
- 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Allen's Hummingbird <i>Selasphorus sasin</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9637	Breeds Feb 1 to Jul 15
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Jan 1 to Aug 31

05/11/2022

NAME	BREEDING SEASON
California Thrasher <i>Toxostoma redivivum</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jan 1 to Jul 31
Cassin's Finch <i>Carpodacus cassinii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9462	Breeds May 15 to Jul 15
Clark's Grebe <i>Aechmophorus clarkii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jun 1 to Aug 31
Common Yellowthroat <i>Geothlypis trichas sinuosa</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/2084	Breeds May 20 to Jul 31
Golden Eagle Aquila chrysaetos This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Lawrence's Goldfinch <i>Carduelis lawrencei</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9464	Breeds Mar 20 to Sep 20
Nuttall's Woodpecker <i>Picoides nuttallii</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9410	Breeds Apr 1 to Jul 20
Oak Titmouse <i>Baeolophus inornatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9656	Breeds Mar 15 to Jul 15
Olive-sided Flycatcher <i>Contopus cooperi</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31
Tricolored Blackbird <i>Agelaius tricolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3910	Breeds Mar 15 to Aug 10

NAME	BREEDING SEASON
Wrentit Chamaea fasciata	Breeds Mar 15
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA	to Aug 10
and Alaska.	0

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

- 1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
- 2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
- 3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

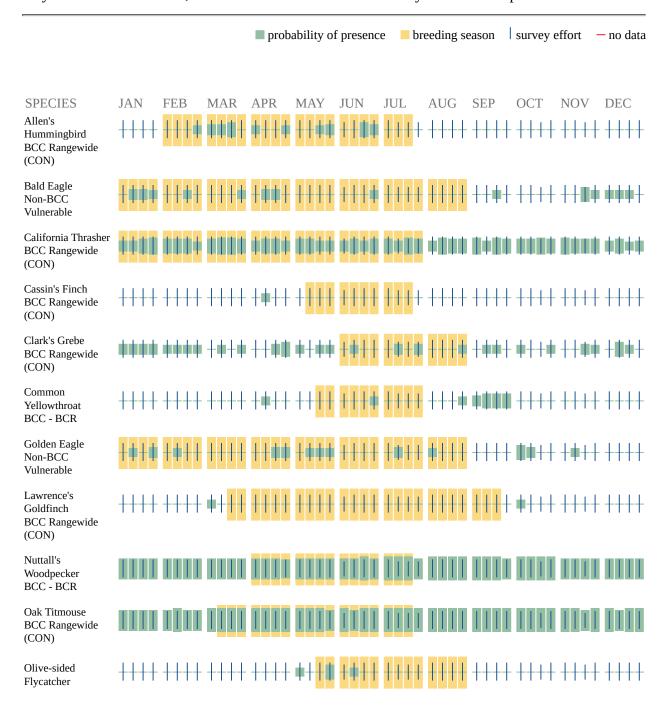
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

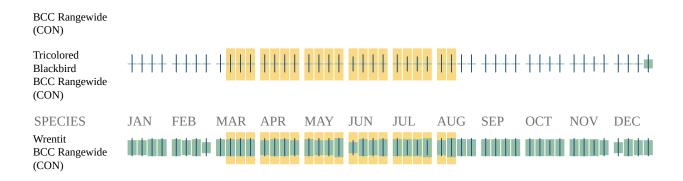
No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern https://www.fws.gov/program/migratory-birds/species
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS <u>Birds of Conservation Concern</u> (<u>BCC</u>) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the <u>AKN Phenology Tool</u>.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the <u>Avian Knowledge Network (AKN)</u>. This data is derived from a growing collection of <u>survey</u>, <u>banding</u>, <u>and citizen science datasets</u>.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

- 1. "BCC Rangewide" birds are <u>Birds of Conservation Concern</u> (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
- 2. "BCC BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
- 3. "Non-BCC Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides

birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the <u>NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.</u>

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the <u>Diving Bird Study</u> and the <u>nanotag studies</u> or contact <u>Caleb Spiegel</u> or <u>Pam Loring</u>.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to <u>obtain a permit</u> to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to <u>NWI wetlands</u> and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local <u>U.S. Army Corps of Engineers District</u>.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT https://www.fws.gov/wetlands/data/mapper.html OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

05/11/2022

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APPENDIX 2: CHECKLIST OF PLANTS DETECTED IN THE STUDY AREA

Common Name	Scientific Name
Common borage	Borago officinalis
Brown sedge	Carex subfusca
Northern catalpa	Catalpa speciosa
Cut leaf plantain	Plantago coronopus
Nectarine	Prunus persica
Spanish lotus	Acmispon americanus
Slender wild oat	Avena barbata
Wild oat	Avena fatua
Rattlesnake grass	Briza maxima
Rescue brome	Bromus catharticus
Ripgut brome	Bromus diandrus
Soft chess	Bromus hordeaceus
Western bittercress	Cardamine oligosperma
Italian thistle	Carduus pycnocephalus
Slender sedge	Carex gracilior
Yellow star thistle	Centaurea solstitialis
Chicory	Cichorium intybus
Poison hemlock	Conium maculatum
Field bindweed	Convolvulus arvensis
Bermuda grass	Cynodon dactylon
Nut grass	Cyperus sp.
Tall willowherb	Epilobium brachycarpum
Broad leaved filaree	Erodium botrys
White stem filaree	Erodium moschatum
California poppy	Eschscholzia californica
Tall fescue	Festuca arundinacea
Brome fescue	Festuca bromoides
Rattail sixweeks grass	Festuca myuros
Italian ryegrass	Festuca perennis
Bedstraw	Galium aparine
Cutleaf geranium	Geranium dissectum
Shortpod mustard	Hirschfeldia incana
Mediterranean barley	Hordeum marinum ssp. gussoneanum
Wall barley	Hordeum murinum
Smooth cat's-ear	Hypochaeris glabra
Baltic rush	Juncus balticus
Sharp-leaved fluellin	Kickxia elatine
Prickly lettuce	Lactuca serriola
Sweet pea	Lathyrus latifolius
Hawkbit	Leontodon saxatilis
Narrowleaf cottonrose	Logfia gallica
Miniature lupine	Lupinus bicolor
Hyssop loosestrife	Lythrum hyssopifolia

Common Name	Scientific Name
Common mallow	Malva neglecta
California burclover	Medicago polymorpha
Wild tobacco	Nicotiana sp.
Harding grass	Phalaris aquatica
Common lippia	Phyla nodiflora
English plantain	Plantago lanceolata
Bluegrass	Poa sp.
Knot grass	Polygonum arenastrum
Fremont cottonwood	Populus fremontii
Cherry plum	Prunus cerasifera
Valley oak	Quercus lobata
Jointed charlock	Raphanus sativus
Rose	Rosa sp.
Himalayan blackberry	Rubus armeniacus
Curly dock	Rumex crispus
Dock	Rumex sp.
Sow thistle	Sonchus oleraceus
Red sandspurry	Spergularia rubra
Tamarisk	Tamarix sp.
Poison-oak	Toxicodendron diversilobum
Salsify	Tragopogon porrifolius
Rose clover	Trifolium hirtum
Tiny vetch	Vicia hirsuta
Spring vetch	Vicia sativa
Winter vetch	Vicia villosa
Periwinkle	Vinca major
European grape	Vitis vinifera

APPENDIX 3: SITE PHOTOS



























APPENDIX 4: SPECIAL-STATUS SPECIES TABLE AND POTENTIAL TO OCCUR

Special-status Species Reported by CNDDB and CNPS in the Vicinity of the Study Area

Common Name	Scientific Name	Status*	General Habitat**	Microhabitat**	Potential to Occur in Project Area***
Red-bellied newt	Taricha rivularis	CSSC	Broadleaved upland forest; North coast coniferous forest; Redwood; Riparian forest; Riparian woodland	Lives in terrestrial habitats, juveniles generally underground, adults active at surface in moist environments. Will migrate over 1 km to breed, typically in streams with moderate flow and clean, rocky substrate.	Absent: No habitat onsite.
Foothill yellow-legged frog	Rana boylii	CE/CSSC	Aquatic; Chaparral; Cismontane woodland; Coastal scrub; Klamath/North coast flowing waters; Lower montane coniferous forest; Meadow & seep; Riparian forest; Riparian woodland; Sacramento/San Joaquin flowing waters	Needs at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis.	Absent: No habitat onsite.
Osprey	Pandion haliaetus	CWL	Riparian forest	Large nests built in tree-tops within 15 miles of a good fish-producing body of water.	Low potential to occur: Marginal habitat is present.
Northern goshawk	Accipiter gentilis	CSSC	North coast coniferous forest; Subalpine coniferous forest; Upper montane coniferous forest	Usually nests on north slopes, near water. Red fir, lodgepole pine, Jeffrey pine, and aspens are typical nest trees.	Absent: No habitat onsite.
Grasshopper sparrow	Ammodramus savannarum	CSSC	Valley & foothill grassland	Favors native grasslands with a mix of grasses, forbs and scattered shrubs. Loosely colonial when nesting.	Absent: No habitat onsite.
Tricolored blackbird	Agelaius tricolor	CT/CSSC	Freshwater marsh; Marsh & swamp; Swamp; Wetland	Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	Absent: No habitat onsite.
Clear Lake tule perch	Hysterocarpus traskii lagunae	CSSC	Aquatic		Absent: No habitat onsite.
Townsend's big-eared bat	Corynorhinus townsendii	CSSC	Broadleaved upland forest; Chaparral; Chenopod scrub; Great Basin grassland; Great Basin scrub; Joshua tree woodland; Lower montane coniferous forest; Mojavean desert scrub; Meadow & seep; Riparian forest; Riparian woodland; Sonoran desert scrub; Sonoran	Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Low potential to occur: Marginal habitat is present.
Pallid bat	Antrozous pallidus	CSSC	Chaparral; Coastal scrub; Desert wash; Great Basin grassland; Great Basin scrub; Mojavean desert scrub; Riparian woodland; Sonoran desert scrub; Upper montane coniferous forest; Valley & foothill grassland	Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Low potential to occur: Marginal habitat is present.
Sonoma tree vole	Arborimus pomo	CSSC	North coast coniferous forest; Oldgrowth; Redwood	Feeds almost exclusively on Douglas-fir needles. Will occasionaly take needles of grand fir, hemlock or spruce.	Absent: No habitat onsite.
North American porcupine	Erethizon dorsatum		Broadleaved upland forest; Closed-cone coniferous forest; Cismontane woodland; Lower montane coniferous forest; North coast coniferous forest; Upper montane coniferous forest	Wide variety of coniferous and mixed woodland habitat.	Absent: No habitat onsite.
Fisher	Pekania pennanti	CSSC	North coast coniferous forest; Oldgrowth; Riparian forest	Uses cavities, snags, logs and rocky areas for cover and denning. Needs large areas of mature, dense forest.	Absent: No habitat onsite.
Western pond turtle	Emys marmorata	CSSC	Aquatic; Artificial flowing waters; Klamath/North coast flowing waters; Klamath/North coast standing waters; Marsh & swamp; South coast flowing waters; South coast standing waters; Sacramento/San Joaquin flowing waters; Sacramento/San Joaquin standing wa	Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	Absent: No habitat onsite.
Western bumble bee	Bombus occidentalis			Once common and widespread, species has declined precipitously from central Ca to southern B.C., perhaps from disease.	Absent: No habitat onsite.
Obscure bumble bee	Bombus caliginosus			Food plant genera include Baccharis, Cirsium, Lupinus, Lotus, Grindelia and Phacelia.	Absent: No habitat onsite.
Western ridged mussel	Gonidea angulata		Aquatic	Primarily creeks and rivers and less often lakes. Originally in most of state, now extirpated from central and southern California.	Absent: No habitat onsite.
Raiche's manzanita	Arctostaphylos stanfordiana ssp. raichei	1B.1	Chaparral; Lower montane coniferous forest; Ultramafic	Rocky, serpentine sites. Slopes and ridges. 485-1070 m.	Absent: No habitat onsite.
Brewer's milk-vetch	Astragalus breweri	4.2	Chaparral, Cismontane woodland, Meadows and seeps, Valley and foothill grassland	Serpentinite (often), Volcanic	Absent: No habitat onsite.
Sonoma sunshine	Blennosperma bakeri	FE/CE/1B.1	Valley & foothill grassland; Vernal pool; Wetland	Vernal pools and swales. 10-290 m.	Absent: No habitat onsite.
Watershield	Brasenia schreberi	2B.3	Marsh & swamp; Wetland	Aquatic known from water bodies both natural and artificial in California. 1-2180 m.	Absent: No habitat onsite.
Bristly sedge	Carex comosa	2B.1	Coastal prairie; Freshwater marsh; Marsh & swamp; Valley & foothill grassland; Wetland	Lake margins, wet places; site below sea level is on a Delta island5-1010 m.	Absent: No habitat onsite.

Rincon Ridge ceanothus	Ceanothus confusus	1B.1	Closed-cone coniferous forest; Chaparral; Cismontane woodland; Ultramafic	Known from volcanic or serpentine soils, dry shrubby slopes. 150-1280 m.	Absent: No habitat onsite.
California lady's-slipper	Cypripedium californicum	4.2	Bogs and fens, Lower montane coniferous forest	Seeps, Serpentinite (usually), Streambanks	Absent: No habitat onsite.
Mountain lady's-slipper	Cypripedium montanum	4.2	Broadleafed upland forest, Cismontane woodland, Lower montane coniferous forest, North Coast coniferous forest		Absent: No habitat onsite
Koch's cord moss	Entosthodon kochii	1B.3	Cismontane woodland	Moss growing on soil on river banks. 185-365 m.	Absent: No habitat onsite
Bare monkeyflower	Erythranthe nudata	4.3	Chaparral, Cismontane woodland	Seeps, Serpentinite	Absent: No habitat onsite
Stinkbells	Fritillaria agrestis	4.2	Chaparral, Cismontane woodland, Pinyon and juniper woodland, Valley and foothill grassland	Clay, Serpentinite (sometimes)	Absent: No habitat onsite
Purdy's fritillary	Fritillaria purdyi	4.3	Chaparral, Cismontane woodland, Lower montane coniferous forest	Serpentinite (usually)	Absent: No habitat onsite
Roderick's fritillary	Fritillaria roderickii	CE/1B.1	Coastal bluff scrub; Coastal prairie; Valley & foothill grassland	Grassy slopes, mesas. 20-610 m.	Low potential to occur: Marginal habitat is present.
Boggs Lake hedge-hyssop	Gratiola heterosepala	CE/1B.2	Freshwater marsh; Marsh & swamp; Vernal pool; Wetland	Clay soils; usually in vernal pools, sometimes on lake margins. 4-2410 m.	Absent: No habitat onsite
Toren's grimmia	Grimmia torenii	1B.3	Chaparral; Cismontane woodland; Lower montane coniferous forest; Limestone	Openings, rocky, boulder and rock walls, serpentine, volcanic. 325-1160 m.	Absent: No habitat onsite
Mendocino tarplant	Hemizonia congesta ssp. calyculata	4.3	Cismontane woodland, Valley and foothill grassland	Serpentinite (sometimes)	Low potential to occur: Marginal habitat is present.
Tracy's tarplant	Hemizonia congesta ssp. tracyi	4.3	Coastal prairie, Lower montane coniferous forest, North Coast coniferous forest	Openings, Serpentinite (sometimes)	Absent: No habitat onsite
Glandular western flax	Hesperolinon adenophyllum	1B.2	Chaparral; Cismontane woodland; Ultramafic; Valley & foothill grassland	Serpentine soils; generally found in sepentine chaparral. 425-1345 m.	Absent: No habitat onsite
Bolander's horkelia	Horkelia bolanderi	1B.2	Cismontane woodland; Lower montane coniferous forest; Meadow & seep; Valley & foothill grassland	Grassy margins of vernal pools and meadows. 455-855 m.	Absent: No habitat onsite
Small groundcone	Kopsiopsis hookeri	2B.3	North coast coniferous forest	Open woods, shrubby places, generally on gaultheria shallon. 120-1435 m.	Absent: No habitat onsite
Burke's goldfields	Lasthenia burkei	FE/CE/1B.1	Meadow & seep; Vernal pool; Wetland	Most often in vernal pools and swales. 15-580 m.	Absent: No habitat onsite
Colusa layia	Layia septentrionalis	1B.2	Chaparral; Cismontane woodland; Ultramafic; Valley & foothill grassland	Scattered colonies in fields and grassy slopes in sandy or serpentine soil. 15-1100 m.	Absent: No habitat onsite
Bristly leptosiphon	Leptosiphon acicularis	4.2	Chaparral, Cismontane woodland, Coastal prairie, Valley and foothill grassland		Absent: No habitat onsite
Broad-lobed leptosiphon	Leptosiphon latisectus	4.3	Broadleafed upland forest, Cismontane woodland		Absent: No habitat onsite
Woolly-headed lessingia	Lessingia hololeuca	3	Broadleafed upland forest, Coastal scrub, Lower montane coniferous forest, Valley and foothill grassland	Clay, Serpentinite	Absent: No habitat onsite
Redwood lily	Lilium rubescens	4.2	Broadleafed upland forest, Chaparral, Lower montane coniferous forest, North Coast coniferous forest, Upper montane coniferous forest	Roadsides (sometimes), Serpentinite (sometimes)	Absent: No habitat onsite
Baker's meadowfoam	Limnanthes bakeri	CR/1B.1	Freshwater marsh; Meadow & seep; Marsh & swamp; Valley & foothill grassland; Vernal pool; Wetland	Seasonally moist or saturated sites within grassland; also in swales, roadside ditches and margins of freshwater marshy areas. 175-915 m.	Low potential to occur: Marginal habitat is present.

Mendocino bush-mallow	Malacothamnus mendocinensis	1A	Chaparral	Open, roadside banks. 425-575 m.	Absent: No habitat onsite
Green monardella	Monardella viridis	4.3	Broadleafed upland forest, Chaparral, Cismontane woodland		Absent: No habitat onsite
Baker's navarretia	Navarretia leucocephala ssp. bakeri	1B.1	Cismontane woodland; Lower montane coniferous forest; Meadow & seep; Valley & foothill grassland; Vernal pool; Wetland	Vernal pools and swales; adobe or alkaline soils. 3-1680 m.	Absent: No habitat onsite
Gairdner's yampah	Perideridia gairdneri ssp. gairdneri	4.2	Broadleafed upland forest, Chaparral, Coastal prairie, Valley and foothill grassland, Vernal pools	Vernally Mesic	Low potential to occur: Marginal habitat is present.
White-flowered rein orchid	Piperia candida	1B.2	Broadleaved upland forest; Lower montane coniferous forest; North coast coniferous forest; Ultramafic	Sometimes on serpentine. Forest duff, mossy banks, rock outcrops, and muskeg. 20-1615 m.	Absent: No habitat onsite
Mayacamas popcornflower	Plagiobothrys lithocaryus	1A	Chaparral; Cismontane woodland; Valley & foothill grassland	Moist sites. 285-415 m.	Low potential to occur: Marginal habitat is present.
North Coast semaphore grass	Pleuropogon hooverianus	CT/1B.1	Broadleaved upland forest; Meadow & seep; North coast coniferous forest; Wetland	Wet grassy, usually shady areas, sometimes freshwater marsh; associated with forest environments. 45-1160 m.	Absent: No habitat onsite
Angel's hair lichen	Ramalina thrausta	2B.1	North Coast coniferous forest		Absent: No habitat onsite
Lobb's aquatic buttercup	Ranunculus lobbii	4.2	Cismontane woodland, North Coast coniferous forest, Valley and foothill grassland, Vernal pools	Mesic	Absent: No habitat onsite
Bolander's catchfly	Silene bolanderi	1B.2	Chaparral; Cismontane woodland; Lower montane coniferous forest; Meadow & seep; North coast coniferous forest; Ultramafic	Usually grassy openings, sometimes dry rocky slopes, canyons, or roadsides; sometimes serpentinite. 420-1150 m.	Absent: No habitat onsite
Hoffman's bristly jewelflower	Streptanthus glandulosus ssp. hoffmanii	1B.3	Chaparral; Cismontane woodland; Ultramafic; Valley & foothill grassland	Moist, steep rocky banks, in serpentine and non-serpentine soil. 60-765 m.	Absent: No habitat onsite
Beaked tracyina	Tracyina rostrata	1B.2	Chaparral; Cismontane woodland; Valley & foothill grassland	Open grassy meadows usually within oak woodland and grassland habitats. 150-795 m.	Low potential to occur: Marginal habitat is present.
Santa Cruz clover	Trifolium buckwestiorum	1B.1	Broadleaved upland forest; Cismontane woodland; Coastal prairie	Moist grassland. Gravelly margins. 30-805 m.	Absent: No habitat onsite
Methuselah's beard lichen	Usnea longissima	4.2	Broadleaved upland forest; North coast coniferous forest; Oldgrowth; Redwood	Grows in the "redwood zone" on tree branches of a variety of trees, including big leaf maple, oaks, ash, Douglas-fir, and bay. 45-1465 m in California.	Absent: No habitat onsite
Oval-leaved viburnum	Viburnum ellipticum	2B.3	Chaparral, Cismontane woodland, Lower montane coniferous forest		Absent: No habitat onsite

*Definitions of Status Codes: FE = Federally listed as endangered; FT = Federally proposed for listing as threatened; FC = Candidate for Federal listing; MB = Migratory Bird Act; CE = California State listed as endangered; CT = California State listed as threatened; CCSSC = California species of special concern; CR = California fully protected species; CRPR (California Rare Plant Rank) List 1A = Plants presumed extinct in California by; CRPR List 1B = Plants designated rare, threatened or endangered in California and elsewhere; CRPR List 2A = Plants presumed extirpated in California but common elsewhere; CRPR 2B = Plants rare threatened or endangered in California, but more common elsewhere; CRPR 3 Review List: Plants about which more information is needed and CRPR 4 = Watch List: Plants of limited distribution. CRPR Threat Ranks: 0.1 = seriously threatened in California; S2 = moderately threatened in California.

***Definitions of Occurrence Probability Rankings:

- Present: Species was observed during site visit. Or
- Present: Species has been previously documented to occur within the Study Area.
- Potential to occur: Suitable habitat present.
- Low potential to occur: Marginal habitat is present.
- Absent: No habitat onsite.

^{**}Copied verbatim from CNDDB or CNPS, unless otherwise noted.