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December, 11, 2013

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23315 8<sup>th</sup> Street  
Newhall, CA 91321

**RECEIVED**

DEC 27 2013

**Mariposa County Planning Dept.**

**RE: Vallecito Project, Mariposa County, CA  
Updated Report to the Biological Assessment Report  
Dated January 31, 2012**

This updated report to the above referenced Biological Assessment Report for the Vallecito Project in Mariposa County, CA was prepared to address the comments received from the County in a letter dated September 16, 2013. Specifically, clarification was requested concerning the Oak Woodland Assessment, wildlife corridors and migratory birds.

As described in the Biological Assessment Report, the project site encompasses approximately 98.94 acres on State Highway 140 near Catheys Valley in an unincorporated area of southern Mariposa County. The proposed Vallecito Project is the completion of the previous development initiated at the site. The majority of the project site footprint is currently developed with existing roadways, leveled lots, ranching facilities with associated outbuildings, fencing and roads, and a fairly extensive water utility development including a water storage tank, associated roads, appurtenances, outbuildings, and enclosure fencing.

The immediate vicinity of the project site is characterized by a variety of retail/commercial developments and individual residential developments, which has resulted in fragmentation, alteration, and/or removal of the native habitat in the area. Hornitos Road, a paved county road, adjoins the entrance to the property from the north. Numerous residences and other developments are located in close proximity to the north, west, and south boundary of the project site. Cathey's Valley School is adjacent to the southeast corner of the property. Parcels to the east of the site are also developed and appear to be utilized for ranching purposes which are located in the general area. The site and the majority of the surrounding areas have already been historically modified to accommodate the residential, commercial, utility, and ranching activities.

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The biological integrity of the site and surrounding areas has been significantly reduced due to the current and historical anthropogenic alterations and should not be considered as being in a pristine, native, or "wild" condition but rather "a cumulative contribution of county approved and proposed projects that have lead to fragmentation of oak woodlands in the project vicinity."<sup>1</sup>

### **Oak Woodland Assessment**

This addendum provides a number of the explanatory protocol descriptors, quantifying rational, and limitations for the oak tree assessments undertaken by ESR, Inc. Generally speaking, an oak tree of the *Quercus* genus is only considered germane to the discussions in the various regulations if it is greater than 5 inches in diameter when measured at breast height (dbh) from an uphill side measurement. The project site was reported as consisting of approximately 16.23 acres of Blue Oak Woodland comprised of trees >5" dbh and trees <5" dbh in stands, groups, and individual trees, which tends to bias the perceived percentage of oak woodland habitat toward the high side. ESR uses this approach in conducting field surveys to give planning personnel a relative understanding of the habitat types and composition found on sites so that informed California Environmental Quality Act (CEQA) level decisions can be made.

The methods used by ESR, Inc. have been developed following direct discussions with Mr. Eric K. Huff, RFP No. 2544, Executive Officer, Foresters Licensing, California Department of Forestry and Fire Protection and the guidelines as presented in the following regulations:

- Public Resources Code (PRC) §21083.4 as promulgated from SB 1334;
- PRC §750 *et seq.* known and cited as the Professional Foresters Law;
- CEQA Guidelines §15149; and,
- California Fish and Game Code §1360-1372 known and cited as the Oak Woodland Conservation Act.

The above listed regulations were used to assess the impacts to oak (*Quercus sp.*) species during the development of the proposed project. Per the Oak Woodland Conservation Act, oak woodlands (i.e. >10% canopy cover from >5" dbh trees) are identified as sensitive natural communities by the State. The Act grew out of concern that California's oak woodland habitats were threatened and that the State was continuing to lose oaks to development, firewood harvesting, agricultural conversions, and Sudden Oak Death Syndrome.

Due to the fragmentation of the oak woodlands both on, and adjacent, to the site, the oak woodlands on site should be classified as "moderately degraded", as defined in the *Oak*

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<sup>1</sup> Oak Woodland Impact Decision Matrix, A Guide for Planner's to Determine Significant Impacts to Oaks as Required by SB 1334. (Public Resources Code 21083.4), 163 Hulford Hall, Berkeley, CA, 94270, 2008, page 3.

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*Woodland Impact Decision Matrix*<sup>2</sup>, (herein after referred to as matrix or decision matrix) developed by the UC Integrated Hardwood Range Management Program. Moderately degraded is defined by the decision matrix as a site that has obviously been altered from a "wild" condition but is currently in a state where oak trees are present; natural regeneration is capable of occurring; limited ecological services are still being provided and the site still provides for utilization by wildlife. Roads and streams crossings are present but limited or clustered. Developed areas are centralized and concentrated over a small percentage of the site."<sup>3</sup> It should be noted that the decision matrix is promoted merely as a tool to assist planners with evaluating significance and appropriate mitigation, if needed. It has not been promulgated into any of the existing regulations to date.

ESR used the decision matrix "site scale" spatial extent as a means to determine significance. The decision matrix site scale metrics used were based on 1) road density, pre and post development; 2) percent oak canopy pre and post development; and 3) oak species pre and post development.<sup>4</sup>

As previously stated the site baseline condition is moderately degraded due in part to the cumulative contribution of county approved and proposed projects that have lead to fragmentation of oak woodlands in the project vicinity. The impact to the oak trees from the improvements to the roadways based on pre and post development are not considerably different in location, alignment, or density since the roadway already principally exist in paved and unpaved forms. The impact magnitude for the roadways would be considered "low"<sup>5</sup> according to the decision matrix as the roadways and infrastructure would likely impact less than ten trees. The impact to the percent canopy cover pre and post development is considered low since minimal additional disturbance is anticipated due to the existing condition of the site. The site consists of two types of oak trees; Live oak (*Quercus wislenzii*) and Blue oak (*Quercus douglasii*). The types of species present will not change at the site and therefore the impact would be considered low.

The impacts to the moderately degraded woodland at the site align fairly close to the "low impact" category in the decision matrix. As stated in the decision matrix the impacts are considered low since regeneration potential is being maintained across the site; expansion of developed areas are maintained and centralized; new stream crossing are not being considered. It should be noted that there are no streams included in the area to be developed. The ACOE has determined that crossings in the developed area are ephemeral drainages that

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<sup>2</sup> Matrix op. cit., Page 3.

<sup>3</sup> Matrix op. cit., Page 4.

<sup>4</sup> Matrix op. cit., Page 6.

<sup>5</sup> Matrix op. cit., Page 11.

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already have been improved with culvert systems. Furthermore, improvements to roadways and culvert crossing will primarily be in existing impacted areas when within the oak woodland areas. During discussions with the project proponent and the design engineering team, it has been stated that with the existing paved and unpaved roadways and the currently proposed alignment that few (<10), if any, oak trees would need to be removed.

The impacts to the moderately degraded woodland at the site do not firmly meet the “moderate impact” category in the decision matrix. The decision matrix defines a moderate impact as regeneration potential is being marginalized; developed areas are expanding into previously undeveloped sites; new roads or stream crossing [*sic*] are being proposed; habitat features are being lost; activities being proposed will add to existence of exotic or evasive species. The proposed project will not marginalize the regeneration potential for the oak trees; the site has already been developed, as previously discussed; the roads and crossings already exist at the site in paved and unpaved configurations; the oak woodland habitat features are not being lost; and, activities are not being proposed that would add to the existence of exotic or invasive species. The alignment of the roadways and infrastructure improvements are mostly topographically down gradient of the existing trees stands so that the moisture and hydraulic regime supporting the trees should not be significantly altered. Examples of moderate impacts at a site scale may include: Understory removal; thinning of existing trees; or removal of snags and other wildlife elements. Although some of these examples may eventually take place it would not likely exceed the decision matrix limit of impacting >3 acres<sup>6</sup> of oak woodland.

Mariposa County does not have, in place, an oak tree ordinance to quantify oak woodland baseline conditions, measure potential impacts to oak woodlands from proposed projects, determine significance of those impacts, or provide mitigation measures to reduce impacts to less than significant. The decision matrix suggests that, in conformance with the provisions of CEQA, projects predicted to have “significant impacts” should include mitigation measures designed to avoid, minimize, or compensate the impacts. Mitigation measures may be proposed to reduce the level of impacts, restore impacted resources, or enhance degraded resources.

### **Suggested Mitigation Measures**

As previously stated, the County of Mariposa has no Oak Woodland Preservation Ordinance in place at this time. The impacts to the oak woodlands have been classified using the guidance provided by the decision matrix. The impacts have been classified as “less than significant”. However, the project proponent has further suggested the following mitigation measures to

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<sup>6</sup> Matrix op. cit., Page 11.

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minimize potential impacts to the oak woodlands by implementing the following development guidelines:

1. Improve or construct roads to avoid existing tree stands;
2. Minimizing crossings of the ephemeral drainages by using and upgrading existing crossings;
3. Designing variable lot sizes to accommodate adequate building envelopes without needing to remove significant numbers of oak trees (low impact is considered <10 trees, there is no "moderate" or "significant" determinant for number of trees removed provided in the decision matrix);
4. Creating a 25' buffer from centerline of existing drainages, which would result in a >50' in width open space designation along the length of the drainages except where those buffer areas already infringe on the existing infrastructure.
5. If greater than 10 oak trees<sup>7</sup> are to be impacted by removal, then a 2:1 replacement ratio will be enacted. It is suggested that the use of acorns from the site be used to propagate the trees should they be required. The trees, if needed, could be placed within the non-development buffers.

### **Migratory Corridors**

The September 16, 2013 letter for the County of Mariposa stated that the project site is within the USDA's Sierra Nevada Foothill Ecoregion and the Northern Sierra Foothill Wildlife Connectivity Study Area (WCS) and requested that the conclusion reached by ESR, specifically that the site would not impact migratory corridors on a regional basis, should be supported by analysis of literature, field reconnaissance, and consultation with the CDFW.

ESR contacted Dr. Crystal Krause of the CDFW, who is listed as the contact person for the WCS and she indicated that the study was not complete. She stated "...We are still working on our analysis and don't have any final layers to give out yet. I'm shooting for early next year for the data to be available through BIOS..." The WCS is a further refinement of the California Essential Habitat Connectivity Project<sup>8</sup> (CEHCP). The WCS will refine the GIS data to areas of ~2,000 acres in size.

It is important to note that the CEHCP is a planning tool created by the Department of Transportation, Caltrans, and the California Department of Fish and Wildlife and is designed primarily for conservation programs associated with transportation projects. The agencies have

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<sup>7</sup> Greater than 5" dbh

<sup>8</sup> Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration.

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stated that is not a regulation that dictates land use for any public or private entity. The CEHCP is broad scale and encompassing the entire state of California. The minimum size of a habitat (Natural Landscape Block) identified and analyzed for connectivity with any other habitat block was ~10,000 acres. The CEHCP is not at a “fine” scale, with every piece of habitat identified. Small reserves may not show up on the statewide map because of the scale of analysis. The map and strategy do not suggest these reserves are unimportant, only that they are more appropriate pieces for a regional level (e.g. groups of counties) or even a local level strategy to conserve connectivity. The CEHCP uses “Essential Connectivity Areas” to mean important areas for maintaining connectivity between large blocks of habitat. The CEHCP does not mean to be confused with “essential habitat”, often identified by the US Fish and Wildlife Service to augment maps of “critical habitat” created for endangered species recovery plans.<sup>9</sup>

The CEHCP looks at Natural Landscape Blocks of ~10,000 acres and uses least-cost modeling to identify areas best able to support movement between Natural Landscape Blocks for each of several focal species. The CEHCP approach also uses patch configuration analysis to evaluate how well the design supports movement for these species. Patch configuration analysis is also used to consider the needs of focal species for which a least-cost model is not appropriate.

Least-cost modeling is a GIS technique that models the relative cost for a species to move between Natural Landscape Blocks (more specifically, suitable habitat within each block) based on how each species is affected by various landscape characteristics. The landscape is portrayed in a GIS as a grid of squares; such a grid is called a *raster*, and each square is called a *pixel*. Resistance values are calculated for each pixel in the raster as a function of the input data layer’s attributes representing habitat characteristics, such as landcover, topography, and level of human disturbance. *Resistance* refers to the difficulty of moving through a pixel and *cost* is the cumulative resistance incurred in moving from the pixel to targeted endpoints in each Natural Landscape Block. Early examples of least-cost modeling identified a least-cost path—that is, a string of pixels that is only one pixel wide. A pixel wide path is not a realistic proposal for conservation, so most conservation GIS analysts now identify the lowest-cost *swath* of pixels, which is called a *least-cost corridor*. The least-cost corridor represents the land that best supports species movement between wildland blocks under the model’s assumptions. The project site lies in an area rated at approximately the midpoint between urban and native on the least cost model. This definition does support the ESR migratory conclusions as stated below from the April 19, 2012 supplemental letter to the County of Mariposa.

“...While the site does act as a way for species to traverse across the property to the Owens Creek drainage, the project as proposed should not present a restriction to these movements on a regional basis as the wet meadow will remain undeveloped with a 25 foot buffer to avoid

<sup>9</sup> <http://www.dfg.ca.gov/habcon/connectivity/>. What It Is/What It Is Not.pdf

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impact to the wet meadow. The access to the Owens Creek drainage should remain relatively the same as before the project on a regional basis. The following section regarding the corridors has been extracted from the Biological Assessment Report.

As stated in the report on page 55 that "...The importance of continuous habitat corridors and the effects of habitat fragmentation on wildlife populations have been studied extensively and are well understood. Land development and linear structures (e.g., roadways) convert large habitat blocks into noncontiguous patches separated by barriers; individual animals and entire populations may become isolated in remnant habitat "fragments". Depending on their size and other characteristics, these fragments may not support viable populations of some animals.

Wildlife movement corridors are linear habitats that function to connect two or more areas of significant wildlife habitat. These corridors may function on a local level as links between small habitat patches (e.g., streams in urban settings) or may provide critical connections between regionally significant habitats (e.g., deer movement corridors). Wildlife corridors typically include vegetation and topography that facilitate the movements of wild animals from one area of suitable habitat to another in order to fulfill foraging, breeding, and territorial needs. These corridors often provide cover and protection from predators that may be lacking in surrounding habitats. Wildlife corridors generally include riparian zones and similar linear expanses of contiguous habitat."

As suggested in the CEHCP, the proposed project has provided a wildlife corridor linkage design<sup>10</sup> to set aside significant areas for migration in both the west to east direction and the north to south direction by the placement of the buffers along the ephemeral drainages and the development exclusion of the wetland area. The project, therefore, does not restrict any wildlife movement that would be considered significant on a regional basis as per the CECHP. Numerous days, as listed in this letter, were spent in the field conducting reconnaissance and detailed biological surveys for the site and general area which supported the ESR conclusion that the project would not hinder migratory species from traversing the site.

### **Migratory Birds**

ESR has conducted numerous surveys over several years at the site and no breeding raptors or use by migratory birds has been observed. The National Audubon Society mapped the Important Bird Areas in California to identify and promote conservation of habitats supporting avian biodiversity (National Audubon Society 2008). This international program was initiated in 1985 due to concerns about the loss and fragmentation of important bird habitat. The National Audubon Society (2008) describes Important Bird Areas as "sites that provide essential habitat

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<sup>10</sup> CECHP, op. cit.

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for (i) rare, threatened or endangered birds, (ii) exceptionally large congregations of shorebirds, or (iii) exceptionally large congregations of waterfowl.” The designation of a site as an Important Bird Area, while providing no regulatory authority, can be used to leverage conservation efforts that help to conserve essential bird habitat in the state. The National Audubon Society’s and the CECHP maps were assessed and evaluated for use by migratory avian species. The project site is not within any of the listed or mapped Important Bird Areas.

### **County of Mariposa Implementation Measures**

The County of Mariposa General Plan – Volume I, Countywide General Plan Implementation Measure (IM) 11-4a(6) states that the County shall require site surveys in compliance with Federal and State regulation as part of [sic] environmental review to determine the presence or absence of endangered species and their habitats; the presence or absence of threatened or rare wildlife or plant species and their habitat; the presence or absence of breeding raptors or migratory birds; the presence or absence of sensitive native plant communities; the presence or absence of native wildlife migration or travel corridors; the presence or absence of jurisdictional wetlands or other waters of the U.S. ESR conducted numerous surveys spanning several years with all findings reported in the reports, letters and supplemental materials detailed in the following sections.

The County of Mariposa General Plan – Volume I, Countywide General Plan Implementation Measure (IM) 11-4a(8) states that during project review and environmental analysis the County shall comply with Federal and State regulations to require measures that protect and avoid, to *the extent feasible*<sup>11</sup>, sensitive plant communities, jurisdictional wetlands and waters of the U.S. Additionally, the IM requires the protection of raptors and migratory birds, threatened or rare wildlife and plant species, endangered species and their habitat. The project has complied with Implementation Measure 11-4a(8) by avoiding, to the extent feasible, impacts to oak woodlands and designating the wetlands in the southwestern portion of the property as non-development open space and placing a 25 foot buffer from the centerline of the ephemeral drainages. No threatened or endangered floral or faunal species, breeding raptors or migratory birds were found at the site during the numerous biological surveys. The data provided in the reports, additional surveys, letters and supplements have been extracted in the following paragraphs to support the above position.

The Biological Assessment Report (January 31, 2012) stated on page 9 that “...The final reconnaissance level work including an amphibian survey, a fairy shrimp survey of the vernal pools and selected botanicals will be conducted once the pools meet sampling requirements. The first winter storm of 2012 that dropped measureable amounts of rain commenced on

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<sup>11</sup> Emphasis added by author.



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January 20, 2012. Should the results of those surveys identify sensitive species then an addendum to this report will be prepared...”

“... Messrs. Scott Larson (senior biologist) and William Stolp (senior biologist) with ESR, Inc., in Oakhurst, California conducted a reconnaissance level field survey on December 12, 13, and 15, 2011. This included habitat mapping, inventorying of species, and conducting an oak tree community survey. Additional reconnaissance level work was conducted on January 9, 10, 16, and 25, 2012...”

On page 47 the report states “...None of the species identified by the database searches are believed to be at risk from project implementation because their required habitat is either not present on the project site, or, if present, it will not incur significant impact; the project site is out of their known range; they were not detected during site surveys; or they were otherwise considered unlikely to occur at the project site based on the disturbed or altered habitats present at the site or the confirmed presence of multiple predatory species occurring in the required habitat for the species to exist. All water retaining features were sampled on November 23, 2011 and January 25, 2012 following measurable rainfall events. None of the listed sensitive species with standing water features were found. Additional sampling events are planned and, if species are located, an addendum to this report will be prepared...”

Following the submittal of the report, ESR continued to survey and sampled the site according to protocol requirements<sup>12</sup>. Additional surveys were conducted within protocol timelines following precipitation events that meet rainfall requirements for the selected sensitive species. Surveys were conducted on February 8, 14, and 16, 2012; March 1, 7, 15, 19, and 29, 2012; and, April 2, and 15, 2012. During each of these field activity events, additional floristic surveys were conducted in blooming periods of the sensitive species referenced in the Biological Assessment. No sensitive floral or faunal species were observed during any of the sampling and surveying episodes.

During the course of the documentation review process, the County of Mariposa Planning Department and the Agricultural Commission submitted biological referenced comments regarding the site. The following information was provided to address those comments. The format was presented in a form that provides the Agency comment followed by the ESR response.

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<sup>12</sup> USFWS Sensitive Species Survey Protocols located at [http://www.fws.gov/sacramento/ES/Survey-Protocols-Guidelines/es\\_survey.htm](http://www.fws.gov/sacramento/ES/Survey-Protocols-Guidelines/es_survey.htm);

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### **Mariposa County Agricultural Commission**

**Comment:** On April 18, 2012 Mariposa county Agricultural Commission asked the following "...Table 3- Fortner Botanical Species List, you list Brownie thistle (*Cirsium Quercetorum*) as being present on the Fortner property...please let me know where it is present ..."

#### **Response**

On April 19, 2012 ESR sent the following: "...the surveyor who entered the Brownie Thistle said he must have incorrectly entered the species name and that he is of the opinion that he should have entered Bull Thistle (*Cirsium vulgare*) which was found near the entrance to the site from Highway 140..."

**Comment:** On April 18, 2012 Mariposa county Agricultural Commission asked the following "...how much Italian thistle (*Carduus pycnocephalus*) was found on the property and in what areas..."

**Response:** On April 19, 2012 ESR sent the following: "...the surveyor found one Italian Thistle plant within the roadside ditch along Highway 140 approximately 400 yards from the northwest corner of the property. As this is a noxious weed, the plant was "boot" extracted by the surveyor and disposed of back at our offices. I have prepared the attached map to give you a general location of the plant location. According to the surveyor, it was his opinion that this was a "pioneering vagrant" that was possibly introduced from seed carried along Highway 140 by some vehicle..."

**Comment:** On April 18, 2012 Mariposa county Agricultural Commission asked the following "...no Medusahead (*Taeniatherum caputmedusae*) was noted as found..."

**Response:** On April 19, 2012 ESR sent the following: "...I discussed the three species with the team. We all agree that, indeed, Medusahead is a fairly common species that we see and have seen in various places in Mariposa County during other surveys; however, at the time of the surveys [conducted for the Biological Assessment Report dated January 31, 2012] the species was not readily identified by the team members. It is our opinion that this common species is likely at the location and during our subsequent surveys that are still being conducted at the site; this species will likely be found. If not found it will be duly noted..." Additionally, following the comment response field surveys indicate that indeed Medusahead is indeed located in most locations at the site in varying densities. Concentration of the species is

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prominent in the wet meadow areas with diminishing density apparent in the sloping upland habitat.

**Comment:** On April 26, 2012, the Mariposa County Agricultural Commissioner asked for information for Madera leptosiphon and Beaked Clarkia should be included in the report and ongoing surveys should look for the species...”

**Response:** The following sections regarding the two species has been extracted from the report. In addition, numerous floristic surveys conducted during prime blooming periods **did not** identify the species on site.

On page 2 of the report it is stated that “...The communities on the project site can provide valuable habitat for a variety of plant and wildlife species. However, the database searches listed no special-status plant and wildlife species as potentially occurring on the project site. One vegetative species (*Leptosiphon serrulatus*, CNPS ranking 1B.2) was recorded on April 21, 1957 approximately 1,100 feet to the north of property across Highway 140 near the residential/commercial development. No other species was identified within one mile of the project perimeter. The CNDDDB did identify occurrences of one other special status plant species within five miles of the project site perimeter. The complete database search listed 59 special-status species as occurring, or potentially occurring, or having critical habitat within the area encompassed by the Catheys Valley U.S. Geological Survey 7 ½ minute quadrangle and the other eight surrounding quads... Almost all of the species are expected to be absent due to lack of suitable habitat. No special status species were identified on the project site. Marginal habitat was identified for the California tiger salamander, and vernal pool fairy shrimp, but these species were not observed and the ubiquitous predatory bullfrogs observed likely preclude them from occurring.

The report states on page 30 that the “...The California Department of Fish and Game’s Natural Diversity Database (CNDDDB), California Native Plant Society (CNPS) database, and Sacramento Fish & Wildlife Endangered and Threatened Species List were reviewed to assess whether special-status species may be affected by projects within the Catheys Valley and surrounding U.S. Geological Survey 7 ½ minute quadrangles including Hornitos, Bear Valley, Feliciano Mtn., Indian Gulch, Mariposa, Owens Reservoir, Illinois Hill, and Ben Hur. No occurrences of special-status species were identified on the project site with one species *Leptosiphon serrulatus*, CNPS 1.B.2 ranking, recorded in 1957 located approximately 1,100 feet to the northwest and one species *Clarkia rostrata*, CNPS ranking 1B.3, located approximately 3 miles west of the site perimeter, by the CNDDDB.

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The CNDDDB did identify any other occurrences of special-status species within five miles of the project site. The complete database search listed 59 special-status species as occurring, or potentially occurring, or having Critical Habitat somewhere within the entire area encompassed by the nine quadrangles. The following tables provide the listing and ranking of the recorded species (Table 1) and the habitat requirements and occurrence potential (Table 2)..."

The following descriptions and tables are extracted from the biological report for the referenced species. Furthermore, during the subsequent sequence of field surveys neither species was located on the site.

The report states starting on page 46 that "... The CNDDDB search identified Madera leptosiphon (*Leptosiphon serrulatus*) and beaked clarkia (*Clarkia rostrata*) as occurring within five miles of the project site. These species are only tracked by the CNPS, and do not have Federal or State status..."

### ***Madera leptosiphon***

Madera leptosiphon is a CNPS List 1B.2 plant, and is therefore classified as "fairly endangered" in California. It typically inhabits dry slopes on decomposed granite in cismontane woodlands, approximately 300-1,300 meters in elevation above sea level. Thus, marginal habitat for this species exists on the project site. However, it was not observed during the survey which was conducted during the appropriate blooming period (April – May).

### ***Beaked clarkia***

Beaked clarkia is a CNPS List 1B.3 plant, and is therefore classified as "not very endangered" in California. It typically inhabits cismontane woodlands and valley/foothill grasslands, approximately 60-500 meters in elevation above sea level. Thus, marginal habitat for this species exists on the project site. However, it was not observed during the survey which was conducted during the appropriate blooming period (April – May).

**Table 1 - Fortner Family Trust Nine Quad Search Results**

| <b>Scientific Name</b>        | <b>Common Name</b> | <b>Federal</b> | <b>State</b> | <b>CDF or CNPS</b> |
|-------------------------------|--------------------|----------------|--------------|--------------------|
| <i>Clarkia rostrata</i>       | Beaked clarkia     | None           | None         | 1B.3               |
| <i>Leptosiphon serrulatus</i> | Madera leptosiphon | None           | None         | 1B.2               |

| Table 2 - Fortner Family Trust Species Summary |                    |           |   |                      |  |
|--|--------------------|-----------|---|----------------------|--|
| Scientific Name                                | Common Name        | Status    | Habitat Requirement   | Occurrence Potential | Comments   |
| <i>Clarkia rostrata</i>                        | Beaked clarkia     | CNPS 1B.3 | Occurs in valley and foothill grasslands between 60-500 m; blooms April-May                               | Moderate             | Suitable habitat may be present on site but no observation of the species during any surveys.                                |
| <i>Leptosiphon serrulatus</i>                  | Madera leptosiphon | CNPS 1B.2 | An annual herb that blooms from April - May in Cismontane woodlands and Lower montane coniferous forests. | Moderate             | No suitable habitat present on site; no observation of the species during any surveys. Species identified near site in 1957. |

**County of Mariposa- Mariposa Planning**

**Comment:** On April 20, 2012, Mariposa Planning stated under the Biological Assessment heading the following "...Project implementation is not expected to impact any of the wetlands due to the proposed development deed restrictions for the wet meadow areas...Additionally, a proposed environmental buffer will preclude construction activities within 250 feet of the two vernal pools and within 25 feet of the ephemeral drainage system..." and asked the following "...No information has been provided regarding development deed restrictions for the wet meadows area. Additionally, because the county isn't party to deed restrictions, the ability to ensure this mitigation as implemented cannot be guaranteed. Additional information is requested regarding this potential impact, including a proposal to ensure that an enforceable mechanism is in place..." Additionally, on May 9, 2012 Mariposa County Planning submitted the following: "...The maps are very good in showing the important water features on the site. However, exactly which lots the features are located on are not shown since the features are not overlain with a tentative map showing the lots... like to actually have the color-coded map

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that would show the features overlain with a tentative map... what lots will have no-construction setback/buffer language attached to them..."

**Response:** After discussion with the Mariposa Planning Department it was agreed that the buffers to avoid impact would be placed on the Tentative Map with an "Open Space" classification and incorporated into the conditions for finalization of the map by the county. Additionally a map was prepared and submitted that depicted the habitat features with the lot layout.

It should be noted that even though GPS equipment with sub-meter accuracy was utilized during the surveys, a dilution of precision is always possible depending on the location of the satellites during the data recordation process. The maps generated from the recorded data should be used for planning purposes and are not intended to be the basis for engineered designs. The shapefile data provided in the preparation of the GIS maps will be forwarded to the County of Mariposa for their files.

ESR, Inc. trusts that this supplemental addendum to the previously submitted data and in response to the September 19, 2013 letter from County of Mariposa Planning Department meets the need of the County for making a final conclusive determination regarding the significance of the impacts to referenced resources. Should you have any questions, comments or need further clarification, please do not hesitate to contact us.

Sincerely,  
**ESR, Inc.**

A handwritten signature in black ink that reads "Scott Larson". The signature is written in a cursive, flowing style.

Scott Larson  
Vice President