



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

P.O. Box 944209
Sacramento, CA 94244-2090
wildlife.ca.gov

June 4, 2026

Michael Peterka
Associate Planner
Town of Mammoth Lakes
437 Old Mammoth Road, Suite 230, Mammoth Lakes, CA 93546

Dear Mr. Michael Peterka:

474 JOAQUIN ROAD PROJECT (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2026041111

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Town of Mammoth Lakes for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Michael Peterka, Associate Planner
Town of Mammoth Lakes
June 4, 2026
Page 2

PROJECT DESCRIPTION SUMMARY

Proponent: Mark Rafeh, Promark Investments

Objective: The objective of the Project is to develop a 3.24 acre vacant lot into a multi-family residential neighborhood that includes 38 residential units in a mix of two (2) triplexes and 16 duplexes (total 84,946 square feet), 76 enclosed parking spaces and 18 exterior guest spaces, 5,700 square feet of open space, and 23,460 square feet of snow storage, as well as the realignment of the existing multi-use path along the north, east, and south sides of the Project Site. The Project also includes two storm drain systems: one to collect runoff from the existing drainage around and along the south and east sides of the Project Site, and a second storm drain system with storage piping for retention to capture runoff from on-site improvements and the off-site surface runoff from the west. The Project includes land clearing, grading, and leveling.

Location: Mammoth Lakes, Mono County, Meridian Boulevard and Joaquin Road; 37.641056, -118.977139

Timeframe: Not Specified

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Town of Mammoth Lakes in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

I. Project Description and Related Impact Shortcoming

Would 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 CDFW or USFWS?

COMMENT 1: Incomplete Project Description and Impact Analysis

Section 3.4, Page 3-4

Issue: An ephemeral stream traverses the central portion of the Project site, identified in the IS/MND as ephemeral drainage AR-1. During a site visit on May 5, 2026, with the Town of Mammoth Lakes and the Project proponent, CDFW was informed that the Project includes an additional section of stream outside the Project boundary that would be directed into the Project's proposed stormwater drainage system. This proposed reroute and associated ground-disturbing activities are not described in the Project Description, nor are the potential direct and indirect impacts from this activity analyzed in the IS/MND. Because CEQA requires a full and accurate description of the whole of the action (Pub. Resources Code § 21000 et seq.; Guidelines § 15124, § 15125), omission of this component results in an incomplete Project Description and an inadequate evaluation of potential impacts to biological resources and hydrology. The IS/MND should be revised to include the full extent of proposed stormwater rerouting activities and to analyze all associated environmental impacts.

Specific impact: The IS/MND does not analyze potential loss or degradation of riparian habitat or ephemeral stream functions associated with the proposed rerouting of drainage AR-1. Redirecting an ephemeral stream into a stormwater system outside the defined project area would alter existing hydrology, remove

Michael Peterka, Associate Planner
Town of Mammoth Lakes
June 4, 2026
Page 3

or modify riparian vegetation, and eliminate natural channel processes that support local wildlife and ecological functions.

Why impact would occur: Impacts to the ephemeral stream (AR-1) and its associated riparian habitat could occur because these habitats rely on the timing, duration, and volume of flows generated from the existing stormwater outlet. Rerouting stormwater into a constructed drainage system would alter the natural hydrologic regime that currently sustains this channel. Modifications to the drainage network could change existing drainage patterns and water quality conditions within, upstream, and downstream of the Project site. These changes may include alterations in the volume, velocity, and frequency of surface flows; increased soil erosion; and sedimentation of downstream waters. Additionally, redirecting flows into a stormwater system may eliminate or substantially reduce flow to the existing ephemeral stream, resulting in the loss or degradation of riparian vegetation and stream habitat dependent on these hydrologic inputs.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the project and the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting is incomplete due to the incomplete Project description and therefore the Project has not been adequately described or analyzed in the MND. Because key components of the Project, such as the stormwater reroute and associated off-site work, are not disclosed, the baseline environmental conditions for hydrology, riparian habitat, and stream functions cannot be accurately characterized. CDFW is concerned that without a complete and accurate description of the Project and the environmental setting it affects, the MND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether these impacts have been mitigated to a less-than-significant level. Under CEQA, where substantial evidence indicates that a project may cause a significant impact, and where the environmental document fails to analyze that impact due to an incomplete description, the impact must be considered potentially significant. The missing Project elements therefore create substantial evidence that significant hydrologic and biological impacts may occur and remain unmitigated.

Recommended Revision: CDFW recommends that the IS/MND be revised and recirculated per CEQA Guidelines § 15073.5 to include a full and accurate description of all activities associated with rerouting stormwater flows away from the existing ephemeral stream, including all on- and off-site ground-disturbing work. This expanded Project Description should be accompanied by a complete environmental analysis evaluating potential impacts to hydrology, riparian habitat, and ephemeral stream functions.

I. Environmental Setting and Related Impact Shortcoming

Would 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 CDFW or USFWS?

COMMENT 2: Special-Status Plants

Section 4.4, Page 4-18

Issue: The IS/MND identifies six special-status plant species with potential to occur within the Project area. However, CDFW is concerned that the surveys conducted are not adequate to determine absence of these species. The report does not provide evidence that surveys were conducted during the

Michael Peterka, Associate Planner
Town of Mammoth Lakes
June 4, 2026
Page 4

appropriate season, phenological window, or under conditions necessary to reliably detect these taxa. As a result, the survey effort may not reflect current on-site conditions or accurately characterize the extent of sensitive plant resources within the Project footprint. Because the survey data are incomplete or outdated, the proposed mitigation lacks the specificity needed to avoid or minimize impacts to special-status plant species. Without updated, protocol-level surveys and site-specific avoidance or minimization measures, there is a substantial likelihood that sensitive plant populations could be impacted or lost during Project construction.

Specific impact: According to a search of the California Natural Diversity Database (CNDDDB), six special-status plant species—Liddon's sedge (*Carex petasata*) CNPS List 2B.3, Long Valley milkvetch (*Astragalus johannis-howellii*, State Rare), masonic rockcress (*Boechnera cobrensis*) CNPS List 2B.3, short-leaved hulsea (*Hulsea brevifolia*) CNPS 1B.2, Tulare rockcress (*Boechnera tularensis*) CNPS 1B.3, upswept moonwort (*Botrychium ascendens*) CNPS 2B.3, and Fiddleleaf hawksbeard (*Crepis runcinata*) CNPS 2B.2, have potential to occur within or near the Project vicinity. The IS/MND and Appendix C-1 state that these species were not observed during reconnaissance surveys conducted on May 18, 2022 and May 28, 2022, and therefore conclude that they are not expected to occur onsite in the foreseeable future. However, reconnaissance-level surveys are not floristic in nature and are not adequate for determining presence or absence of special-status plants. Additionally, the surveys were conducted outside of the documented blooming periods for masonic rockcress (June–July), Tulare rockcress (June–July), and upswept moonwort (June–August), making detection of these species unlikely.

Because surveys were performed outside appropriate phenological windows and are now older than CDFW's recommended three-year validity period for narrow endemic plants, the biological report does not provide a reliable assessment of current on-site plant conditions. As a result, the Project may directly or indirectly impact previously undetected special-status plant populations through vegetation removal, grading, soil compaction, and hydrologic modifications. Without updated, protocol-level botanical surveys and appropriately tailored avoidance and minimization measures, special-status plant species may be inadvertently destroyed or their habitat permanently altered.

These deficiencies create a substantial likelihood of biological impacts that are not disclosed or analyzed in the IS/MND, underscoring the need for appropriately timed floristic surveys consistent with the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018) and incorporation of MM BIO-1 to protect sensitive plant communities from Project-related impacts.

Why impact would occur: Without appropriately timed, floristic-level pre-activity surveys and clearly defined avoidance measures, biological construction monitoring may be ineffective at detecting special-status plant species. Construction monitors cannot reliably identify or protect species that were never documented or mapped prior to ground disturbance. As a result, undetected special-status plants may be inadvertently trampled, crushed, or otherwise damaged during vegetation removal, grading, equipment movement, or staging activities. This lack of adequate pre-construction survey information creates a foreseeable risk that sensitive plant populations could be permanently impacted or eliminated during Project implementation.

Evidence impact would be significant: Because protocol-level botanical surveys were not conducted during the appropriate survey window, and because reconnaissance-level surveys are insufficient to determine presence or absence

Michael Peterka, Associate Planner
Town of Mammoth Lakes
June 4, 2026
Page 5

of special-status plants, there is substantial evidence that undetected sensitive plant species may be present within the Project area. Without reliable baseline data, the IS/MND cannot demonstrate that impacts have been fully disclosed or that they can be mitigated to a less-than-significant level. Furthermore, without adequate pre-activity surveys and clearly defined avoidance measures, special-status plants may remain undetected during construction. As a result, these species could be inadvertently trampled, crushed, or otherwise damaged during grading, vegetation clearing, equipment staging, or ground-disturbing activities. These impacts would be permanent and constitute a loss of sensitive biological resources.

Because CEQA requires that significant impacts be identified and mitigated with enforceable, feasible measures, the absence of adequate survey data and the lack of specific mitigation provide substantial evidence that the Project may result in significant impacts to special-status plant species.

Recommended Mitigation Measure to Minimize Significant Impacts: CDFW strongly recommends the following edits to MM Bio-1 and be incorporated into the final MND (additions in **bold** and edits in ~~strike through~~):

MM BIO-1: Conduct Special-Status Plant Species Surveys

The applicant shall retain a qualified biologist **botanist experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting,** to perform focused preconstruction botanical surveys to determine the presence/absence of special-status plant species with potential to occur in and adjacent to (within 25 feet, where appropriate) the proposed impact area of ~~each the Project component.~~

These surveys shall be conducted during times of year when plants are evident and identifiable (i.e., flowering or fruiting), and in a manner that maximizes the likelihood of locating special status plants and sensitive natural communities that may be present, potentially warranting multiple surveys to determine the presence or absence of special-status plants in the Project area; in accordance with CDFW recommended Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Botanical field surveys shall be floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status. ~~Guidelines for Assessing Effects of Proposed Developments on Rare Plants and Plant Communities (Nelson, 1994).~~ Plant surveys will be reviewed and accepted by the Mammoth Lakes Planning Division prior to site disturbance or construction activity.

COMMENT 3: Nesting Birds

Section 4.4, Page 4-19

Issue: CDFW is concerned that the nesting bird mitigation measure included in the IS/MND does not provide adequate protection for nesting birds. The IS/MND indicates that the Project site has the potential to host a variety of avian wildlife, and two site visits documented five different bird species as well as suitable nesting habitat. However, the proposed mitigation does not account for the variability in nesting season timing or the site-specific conditions that influence nesting behavior.

Michael Peterka, Associate Planner
Town of Mammoth Lakes
June 4, 2026
Page 6

The timing of the nesting season varies depending on several factors, such as the bird species present, weather conditions in any given year, and long-term climate changes (e.g., drought, and warming temperatures). CDFW staff have observed that shifting climate conditions may result in the nesting occurring earlier or later than historical timeframes. For this reason, CDFW recommends that nesting bird surveys be conducted regardless of the time of year to ensure compliance with state and federal laws protecting nesting birds and to avoid take of active nests.

Additionally, because nest establishment and incubation duration can vary widely among species, CDFW recommends that surveys for nesting behavior and nest construction be conducted within three days prior to the start of Project activities. This approach ensures that all active nests within or near the Project area are identified and appropriately protected. All surveys should be conducted by an appropriately trained and qualified biologist.

Specific impact: The Project may result in take of nesting birds and the loss of nesting and foraging habitat. Construction activities occurring during the breeding season could cause disturbance that leads to the incidental loss of fertile eggs or nestlings, or cause adults to abandon active nests. Construction impacts can also extend beyond the immediate work area, as elevated noise, vegetation removal, and increased human presence may disturb birds nesting in adjacent habitats, potentially causing nest failure even when nests are located outside the direct footprint of ground disturbance. Because many bird species are sensitive to disturbance during nest establishment, incubation, and fledging, these impacts could directly or indirectly result in nest abandonment, reproductive failure, and long-term reductions in local bird populations.

Why impact would occur: Project activities may disturb nesting birds, which can lead to failure of the nest or unauthorized take. Without robust survey protocols and clearly defined avoidance procedures, birds that are actively nesting may go undetected prior to the start of construction. Construction-related noise, vegetation removal, equipment operation, and increased human presence can easily disrupt adults during critical nesting stages, resulting in nest abandonment, egg loss, or mortality of nestlings. While CDFW appreciates the consideration given to nesting birds in the IS/MND, CDFW is concerned that the recommended measure lacks sufficient detail regarding survey timing, survey methods, buffer establishment, buffer adjustment criteria, and monitoring frequency necessary to ensure effective protection of nesting birds and compliance with State and federal laws.

Evidence impact would be significant: The IS/MND describes the site as having trees and vegetation suitable for nesting, and the Project is intended to remove trees and vegetation prior to construction. Because suitable nesting habitat is present and the Project proposes habitat-modifying activities, there is a foreseeable risk of directly or indirectly impacting active nests if adequate avoidance measures are not implemented. The proposed Project should disclose all potential activities that may incur a direct or indirect take of nongame nesting birds within the Project footprint and its close vicinity. Without this disclosure, and without detailed, enforceable mitigation requirements, the IS/MND does not demonstrate that potential impacts can be reduced to a less-than-significant level. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the environmental document. Measures to avoid impacts should include species-specific work windows, biological monitoring, installation of noise-attenuation barriers, clearly defined buffer distances, and other protective measures.

Promark Investments is responsible for complying with Fish and Game Code sections 3503, 3503.5, and 3513, which state as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird,

Michael Peterka, Associate Planner
Town of Mammoth Lakes
June 4, 2026
Page 7

except as otherwise provided by the Fish and Game Code or its regulations; section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey), or to take, possess, or destroy their nests or eggs except as otherwise provided by law; and section 3513 makes it unlawful to take or possess any migratory nongame bird except as allowed under regulations adopted by the Secretary of the Interior pursuant to the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Given these legal protections, any disturbance resulting in nest abandonment, egg loss, or nestling mortality would constitute a significant impact under CEQA because it would result in noncompliance with State and federal law.

Recommended Mitigation Measure to Minimize Significant Impacts: CDFW recommends replacing MM-Bio-4 with the following language.

~~The Project applicant would implement the following practices for protection of migratory birds with the potential to nest within the Project Area.~~

- ~~• Pre-Project surveys for migratory birds and raptors will be conducted in suitable nesting habitat within 500 feet of vegetation removal, construction, and development activities, and will be reviewed and accepted by the Town prior to site disturbance or construction activity. Visual surveys of trees larger than approximately 11 inches in diameter at breast height (dbh) and taller than 30 feet will be conducted. Determination of habitat suitability, and whether a pre-Project survey is required, should be based on a reconnaissance field assessment of habitat conditions before initiating projects in these areas. Survey Timing: March 15 to August 31.~~
- ~~• If an active raptor or migratory bird nest is located during the pre-Project surveys (see HMP Table 4-3, Appendix 3.3), notify the County and the CDFW. To avoid disturbances to or loss of active nest sites, between March 1 and August 31, delay Project activities within 0.25 mile of (or at a distance directed by the appropriate regulatory agency) the nest to avoid disturbance until the nest is no longer active. Project activities include vegetation removal, earth moving, and construction. The 0.25-mile buffer may be reduced through consultation with the County and/or the CDFW.~~

Regardless of the time of year, nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist shall make every effort to avoid potential nest predation as a result of the survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).

All measures to protect nesting birds should be performance-based. While some birds may tolerate disturbance within 250 feet of construction activities, other birds may have a different disturbance threshold and take could occur if the temporary disturbance buffers are not designed to reduce stress to that individual pair. CDFW recommends including performance-based protection measures for avoiding all nests protected under the Migratory Bird Treaty Act and Fish and Game Code. A 250-foot exclusion buffer may be sufficient;

Michael Peterka, Associate Planner
Town of Mammoth Lakes
June 4, 2026
Page 8

however, that buffer may need to be increased based on the birds' tolerance level to the disturbance.

II. Editorial Comments and/or Suggestions

The Town of Mammoth Lakes is not listed as a lead agency in CEQAnet. CDFW recommends contacting the State Clearing house to update their profile to the "Town of Mammoth Lakes" instead of the current title of "City of Mammoth Lakes." This inconstancy is confusing and makes it difficult to access project documents on CEQAnet.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link:
<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:
<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist Town of Mammoth in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Dana Scott, Environmental Scientist at (760)644-8056 or Dana.Scott@Wildlife.ca.gov.

Sincerely,

DocuSigned by:

84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

Graham Meese, Senior Environmental Scientist Supervisor
Inland Deserts Region
Graham.Meese@wildlife.ca.gov

Dana Scott, Environmental Scientist
Inland Deserts Region
Dana.Scott@wildlife.ca.gov

Michael Peterka, Associate Planner
Town of Mammoth Lakes
June 4, 2026
Page 9

REFERENCES

California Department of Fish and Wildlife. (2018, March 20). Protocols for surveying and evaluating impacts to special status native plant populations and sensitive natural communities. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>

Michael Peterka, Associate Planner
Town of Mammoth Lakes
June 4, 2026
Page 10

Attachment A
Mitigation Monitoring and Reporting Program (MMRP) for CDFW-
Proposed Mitigation Measures

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementati on Schedule	Responsible Party
MM BIO-1: Conduct Special-Status Plant Species Surveys The applicant shall retain a qualified biologist botanist experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting, to perform focused preconstruction botanical surveys to determine the presence/absence of special-status plant species with potential to occur in and adjacent to (within 25 feet, where appropriate) the proposed impact area of each the Project component. These surveys shall be conducted during times of year when plants are evident and identifiable (i.e., flowering or fruiting), and in a manner that maximizes the likelihood of locating special status plants and sensitive natural communities that may be present, potentially warranting multiple surveys to determine the presence or absence of special-status plants in the Project area; in accordance with CDFW recommended Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Botanical field surveys shall be floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status. Guidelines for Assessing Effects of Proposed Developments on Rare Plants and Plant Communities (Nelson, 1994). Plant surveys will be reviewed and	Prior to and during ground- or vegetation disturbing activities	Project Proponent

Michael Peterka, Associate Planner
Town of Mammoth Lakes
June 4, 2026
Page 11

accepted by the Mammoth Lakes Planning Division prior to site disturbance or construction activity.		
MM BIO-4: Mitigation for Impacts to Migratory Birds and Raptors Regardless of the time of year, nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of the survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1). All measures to protect nesting birds should be performance-based. While some birds may tolerate disturbance within 250 feet of construction activities, other birds may have a different disturbance threshold and take could occur if the temporary disturbance buffers are not designed to reduce stress to that individual pair. CDFW recommends including performance-based protection measures for avoiding all nests protected under the Migratory Bird Treaty Act and Fish and Game Code. A 250-foot exclusion buffer may be sufficient; however, that buffer may need to be increased based on the birds' tolerance level to the disturbance.	Prior to and during ground- or vegetation disturbing activities	Project Proponent