

**California Fish and Game Commission**  
**Notice of Findings for**  
**Bear Lake Buckwheat (*Eriogonum microtheca* var. *lacus-ursi*)**  
***April 9, 2026***

**NOTICE IS HEREBY GIVEN** that the California Fish and Game Commission (Commission), at a meeting on December 10-11, 2025, found pursuant to California Fish and Game Code Section 2075.5, that the information contained in the petition to list the species Bear Lake buckwheat (*Eriogonum microtheca* var. *lacus-ursi*) and other information in the record before the Commission, warrants adding Bear Lake buckwheat to the list of endangered species under the California Endangered Species Act (CESA; Fish and Game Code Section 2050 et seq.). (See also California Code of Regulations, Title 14, Section 670.1, subsection (i).)

**NOTICE IS ALSO GIVEN** that, at its April 15-16, 2026 meeting, the Commission adopted the findings herein outlining the reasons for its determination.

**I. Background and Procedural History**

***Petition History***

On July 16, 2024, the Commission received a petition from the California Department of Fish and Wildlife (Department) to list Bear Lake buckwheat as an endangered species under CESA, pursuant to Section 2072.7 of the California Fish and Game Code. A Department recommendation under this section is considered a petition with a Departmental recommendation to accept and consider the petition, as described in subdivision (a)(2) of Section 2073.5 of the Fish and Game Code. The Commission gave public notice of its receipt of the petition on August 9, 2024 (California Regulatory Notice Register 2024, No. 32-Z, p.1017). At its August 14-15, 2024 meeting, the Commission publicly received the Department's petition as part of its meeting materials.

At its October 9-10, 2024 meeting, the Commission determined that listing may be warranted and subsequently provided notice regarding the Bear Lake buckwheat's status as a candidate species (California Regulatory Notice Register 2024, No. 43-Z, p. 1396).

***Status Review Overview***

The Commission's action designating Bear Lake buckwheat as a candidate species triggered the Department's process for conducting a status review to inform the Commission's decision on whether to list the species.

On September 5, 2025, the Department transmitted to the Commission the Department's report to the Commission, *Status Review for Bear Lake Buckwheat* (*Eriogonum microtheca* var. *lacus-ursi*), dated August 2025. The Commission publicly noted receipt of the Department's status review report as part of the Commission's October 8-9, 2025 meeting materials. On December 10, 2025, the Commission found that the information contained in the petition to list Bear Lake buckwheat and other information in the record before the Commission warranted listing Bear Lake buckwheat as an endangered species under CESA.

## ***Species Description***

Bear Lake buckwheat is a subshrub in the buckwheat family with only a single known occurrence on the south shore of Big Bear Lake in San Bernardino County, California. Bear Lake buckwheat grows on a unique substrate of gray, silty, clay soil in Jeffrey pine and juniper woodland. Bear Lake buckwheat occupies an area of less than 1.5 acres, with 836 plants counted in 2024.

## **II. Statutory and Legal Framework**

The Commission, as established by the California State Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA (California Constitution, Article IV, Section 20, subdivision (b); Fish and Game Code Section 2070). The CESA listing process for this species began with a petition submitted to the Commission. The regulatory and legal process that ensued is described in some detail in the preceding section, along with related references to the Fish and Game Code and controlling regulations. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104;
- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4th 105;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597;
- *Central Coast Forest Association v. California Fish and Game Commission* (2017) 2 Cal.5th 594;
- *Central Coast Forest Association v. California Fish and Game Commission* (2018) 18 Cal.App.5th 1191; and
- *Almond Alliance of California v. California Fish and Game Commission* (2022) 79 Cal.App.5th 337.

The Commission's "is warranted" determination stems from obligations established by Fish and Game Code Section 2075.5. Under that provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process: whether listing a species is warranted or is not warranted. Here, the Commission made the finding under Section 2075.5, subdivision (e)(2), that listing is warranted.

The Commission was guided in making its determination by statutory provisions and other controlling law. Section 2062 of the Fish and Game Code, for example, defines an endangered species under CESA as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease." Similarly, Section 2067 of the Fish and Game Code defines a threatened species under CESA as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with

extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required” by CESA.

The Commission also considered California Code of Regulations, Title 14, Section 670.1, subsection (i)(1)(A), in making its determination. The provision provides, in pertinent part, that the Commission will list a species or subspecies as endangered or threatened under CESA if the Commission determines that the species’ continued existence is in serious danger or is threatened by any one or any combination of six factors:

1. Present or threatened modification or destruction of its habitat,
2. overexploitation,
3. predation,
4. competition,
5. disease, or
6. other natural occurrences or human-related activities.

Fish and Game Code Section 2070 provides similar guidance, providing that the Commission shall add or remove species from the lists of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. CESA also provides that it is the policy of the state that all state agencies, boards, and commissions shall seek to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA (Fish and Game Code Section 2055). This statutory guidance does not compel a particular determination by the Commission in the CESA listing context. Nevertheless, “[l]aws providing for the conservation of natural resources’ such as the CESA are of great remedial and public importance and thus should be construed liberally.” (*California Forestry Association v. California Fish and Game Commission*, supra, 156 Cal.App.4th at pp. 1545-1546, citing *San Bernardino Valley Audubon Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 601; Fish and Game Code sections 2051 and 2052.)

Finally, in considering the six factors set forth above, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party (see, e.g., Fish and Game Code sections 2071, 2074.4 and 2078; California Code of Regulations, Title 14, Section 670.1, subsection (h)). The related notice obligations and public hearing opportunities before the Commission are also considerable (Fish and Game Code sections 2073.3, 2074, 2074.2, 2075, 2075.5, and 2078; California Code of Regulations, Title 14, Section 670.1, subsections (c), (e), (g) and (i); see also California Government Code Section 11120 et seq.). The referenced obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition, a related recommendation regarding candidacy, and a review of the candidate species’ status, culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science (Fish and Game Code sections 2073.4, 2073.5, 2074.4 and 2074.6; California Code of Regulations, Title 14, Section 670.1, subsections (d), (f) and (h)).

### **III. Factual and Scientific Bases for the Commission’s Final Determination**

The factual and scientific bases for the Commission’s determination that designating Bear Lake buckwheat as an endangered species under CESA is warranted are set forth in detail in

the Commission's record of proceedings, including the petition; the Department's petition evaluation report; the Department's status review report; written and oral comments received from members of the public, the regulated community, tribal entities, and the scientific community; and other evidence included in the Commission's record of proceedings, which is incorporated herein by reference.

The Commission determines that the continued existence of Bear Lake buckwheat in the state of California is in serious danger or threatened by one or a combination of the six factors set forth in California Code of Regulations, Title 14, Section 670.1, subsection (i)(1)(A):

1. Present or threatened modification or destruction of its habitat,
2. overexploitation,
3. predation,
4. competition,
5. disease, or
6. other natural occurrences or human-related activities.

The Commission also determines that the information in the Commission's record constitutes the best scientific information available and establishes that designating Bear Lake buckwheat as an endangered species under CESA is warranted. Similarly, the Commission determines that Bear Lake buckwheat is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

The items highlighted here and detailed in the following threats section represent only a portion of the complex issues aired and considered by the Commission during the CESA listing process for Bear Lake buckwheat. Similarly, the issues addressed in these findings represent some, but not all, of the evidence, issues, and considerations affecting the Commission's final determination. Other issues aired before and considered by the Commission are addressed in detail in the record before the Commission.

### ***Background***

The Commission bases its "is warranted" finding for Bear Lake buckwheat most fundamentally on the species' rarity. Bear Lake buckwheat's small range and low abundance is a significant factor influencing the ability of the species to survive and reproduce.

### ***Threats***

Bear Lake buckwheat is endangered due to:

- Present or threatened modification or destruction of its habitat (see, e.g., Department's status review report at pages 18-23, and references cited therein), including impacts associated with:
  - Development in and around the population (see, e.g., Department's status review report at pages 18-20, and references cited therein)
  - Recreational use, foot traffic, littering, and other human disturbances on the land where Bear Lake buckwheat occurs (see, e.g., Department's status review report at pages 18 and 20-22, and references cited therein); and

- Wildfire and fuel reduction activities (see, e.g., Department’s status review report at pages 22-23, and references cited therein).
- Competition with non-native plants (see, e.g., Department’s status review report at pages 23-24, and references cited therein).
- Other natural occurrences or human-related activities. In particular, natural occurrences or human-related activities of significance include:
  - Small population size (see, e.g., Department’s status review report at pages 18-19 and 22, and references cited therein) and
  - Climate change (see, e.g., Department’s status review report at pages 24-25, and references cited therein).

The Commission finds these factors result in a significant threat to the continued existence of Bear Lake buckwheat, as explained in the Department’s status review report. This finding and the Department’s explanation are supported by the whole of the record before the Commission.

#### **IV. Final Determination by the Commission**

The Commission has weighed and evaluated the information for and against designating Bear Lake buckwheat as a threatened or endangered species under CESA, including scientific and other general evidence in the petition; the Department’s petition evaluation report; the Department’s status review report; the Department’s related recommendations; written and oral comments received from members of the public, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission’s record of proceedings.

Based upon the evidence in the record, the Commission has determined that the best scientific information available indicates the continued existence of Bear Lake buckwheat is in serious danger or threatened by modification or destruction of the species’ habitat or other natural occurrences or human-related activities, where such factors are considered individually or in combination (see, generally, California Code of Regulations, Title 14, Section 670.1, subsection (i)(1)(A); Fish and Game Code sections 2062 and 2067).

The Commission determines that there is sufficient scientific information to indicate that designating Bear Lake buckwheat as an endangered species under CESA is warranted, and that, with adoption and publication of these findings, Bear Lake buckwheat shall be listed as endangered for purposes of its legal status under CESA.