

## 5.2 BIOLOGICAL RESOURCES

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### 5.2.1 INTRODUCTION

This section focuses on both common and special-status biological resources either occurring or potentially occurring within or immediately adjacent to the proposed project site; the potential significant adverse impacts on these resources as a result of the proposed project; and the measures proposed to mitigate these impacts. The section is based on a review of pertinent literature and natural resource databases as well as on a field survey conducted by Impact Sciences' biologists.

### 5.2.2 SUMMARY OF 2030 GENERAL PLAN EIR FINDINGS

Many special-status animal species or their habitat occur throughout the planning area. Species that could be expected to occur in the planning area include, but are not limited to, Keck's checkerbloom, Madera leptosiphon, San Joaquin adobe sunburst, Springville clarkia, calico monkeyflower, spiny-sepaled button-celery, elderberry, striped adobe-lily, San Joaquin kit fox, American badger, pallid bat, western mastiff bat, California condor, great blue heron, bald eagle, white tailed kite, tricolored blackbird, Western pond turtle, vernal pool fairy shrimp, valley elderberry longhorn beetle, Morrison's blister beetle, and molestan blister beetle. Natural communities found within the planning area include grasslands, valley foothill riparian, montane hardwood, vernal pools, wetlands, and other riparian habitat.

Buildout of the Porterville 2030 General Plan would largely introduce urban uses on land contiguous to existing development, with the exception of the Resort Residential use along Lake Success and proposed industrial development near the Porterville Airport. Such construction has the potential to result in a significant impact on sensitive habitats, individual plants, and wildlife species. The primary impact involves removal of sensitive habitats for building pad development and the construction of buildings, infrastructure, and roadways. Additional impacts will result from increased incidence of fire due to human activity, increased erosion from roadways, and the introduction of non-native weed and animal species. The protection of environmentally sensitive areas, including wildlife species habitat, and other natural resources is a key initiative of the general plan. Policies within the Land Use and Open Space and Conservation elements establish specific measures that the City will implement to protect and preserve sensitive habitats which support protected species.<sup>1</sup> However, even with implementation of the below mentioned policies, this impact from buildout of the Porterville 2030 General Plan is still considered significant and unavoidable.

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<sup>1</sup> City of Porterville, *2030 General Plan*, "Land Use Element," 40-41; Open Space and Conservation Element, 131-132.

Some development that may occur under the proposed general plan is located along the outskirts of the urbanized areas on previously undeveloped sites, but this would not result in the exclusion of species from their normal migration routes. No development is proposed directly within the Tule River channel on any watercourse and, therefore, would not interfere with the movement of fish. Therefore, development within the planned urban areas would not interfere with the movement of fish or other wildlife species that migrate through the already urbanized areas of the City, and impacts would be less than significant.

The general plan was developed to ensure continued coordination with all adopted plans, such as the Recovery Plan for Upland Species of the San Joaquin Valley and the Valley Elderberry Longhorn Beetle Habitat Conservation Plan.<sup>2</sup> Implementation of the proposed general plan would not conflict with any local policies or ordinances protecting biological resources, including a tree preservation policy or ordinance.

### 5.2.3 METHODS

#### Literature and Database Review

A thorough review of relevant documentation was conducted by Impact Sciences prior to and during the preparation of this draft EIR section. Specific information concerning biological resources within the City of Porterville and the project site were reviewed, which includes the following:

- *Porterville Commercial Center Draft Environmental Impact Report*, November 2005.<sup>3</sup> A 75,000-square-foot retail commercial project on a 10.5-acre property located approximately one block to the east of the project site on Jaye Street and Poplar Avenue
- *Porterville 2030 General Plan Program Final EIR*, March 2008<sup>4</sup>

Analysis of potential wildlife movement corridors associated with the project area was based on information compiled from a review of pertinent literature, relevant databases, results of field surveys, and analysis of aerial photographs and topographic maps of the area.

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<sup>2</sup> City of Porterville, *2030 General Plan Program Final Environmental Impact Report*, March 2008, 133–134.

<sup>3</sup> Quad Knopf, *Draft Environmental Impact Report for the Porterville Commercial Center Project*, November 2005.

<sup>4</sup> City of Porterville, *2030 General Plan Program Final Environmental Impact Report*, March 2008.

Database references searched included the California Natural Diversity Database<sup>5</sup> (CNDDDB) and the California Native Plant Society's (CNPS) Rare Plant Inventory.<sup>6</sup> The CNDDDB lists historical and recently recorded occurrences of both special-status plant and wildlife species whereas the CNPS database lists historical and recent occurrences of special-status plant species. The database query included the following United States Geological Survey (USGS) 7.5-minute topographic quadrangle maps: Porterville (project location), Ducor, Sausalito School, Frazier Valley, Success Dam, Fountain Springs, Lindsay, Caims Corner, and Woodville.

## **Field Surveys**

A habitat suitability survey was conducted by Impact Sciences staff in February 2009 to assess the potential for on-site or adjacent habitats to support sensitive biological resources, such as special-status plants and animals, foraging or nesting animals, sensitive habitats, protected trees, wildlife migration corridors, and jurisdictional resources.

Following the literature and database review and Impact Sciences' field survey, an assessment was made of the potential for occurrence of sensitive biological resources within the vicinity of the project area. An individual special-status plant or animal species was determined to have the potential to occur on or adjacent to the project site if its documented geographic range included the project vicinity and if suitable habitat for the species was identified nearby.

### **5.2.4 EXISTING CONDITIONS**

#### **General Characteristics**

The approximately 21.8 acre project site is located on the southeast corner of Indiana Street and Springville Drive, immediately northeast of the State Highway 190/State Highway 65 interchange. The property is characterized by vacant and disturbed land, containing non-native grasses and weeds. The site has undergone rough grading. Weed abatement is performed yearly on the project site. The site is relatively flat, with a gentle gradient to the west. Land uses surrounding the site include medium- and low-medium-density residential to the north, existing commercial to the east, general and service commercial uses to the south beyond State Route (SR) 190, while to the west lie more low-medium-density residential uses opposite Indiana Street.

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<sup>5</sup> California Department of Fish and Game, "California Natural Diversity Database," 2008, [http://imaps.dfg.ca.gov/viewers/cnddb\\_quickviewer/app.asp](http://imaps.dfg.ca.gov/viewers/cnddb_quickviewer/app.asp).

<sup>6</sup> California Native Plant Society, "Rare Plant Inventory," 2008, [http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi/Html?item=checkbox\\_9.htm#q9](http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi/Html?item=checkbox_9.htm#q9).

## Soils

Soils on the project site are heavily compacted and have been completely altered by the mechanical movement of the original soil.

## On-Site Plant Communities

The entire project site is disturbed and consists of non-native vegetation, primarily weed species, and is best described as ruderal. Plant species observed on site were mainly ruderal plants associated with disturbed sites, and consisted of Rancher's Fireweed (*Amsinkia menziesii*) 60 percent cover, Wildoats (*Avena sativa*) 40 percent cover, with several dead Russian Thistle (*Salsola tragus*) remnants. There was one mulefat shrub growing in a depression on an artificial mound in the southwest corner of the site. Two other species were growing on the immediate edge of new roadsides, an Atriplex (less than 20 plants) and *Descurainia sophia* (a few small patches), both recent disturbance species. The vegetation was fairly uniform in height and distributed over the entire site, likely due to grading or disking prior to this growing season.

## Common Wildlife

Most wildlife species require a mosaic of plant communities to provide the necessary shelter, water, food, and other life-cycle resources. The relative lack of intact vegetation communities and the disturbed nature of the site provide little overall habitat value to most species known to occur in the region. Several avian predators—American Kestrels (*Falco sparverius*), white-tailed kites (*Elanus caeruleus*), red-tailed hawks (*Buteo jamaicensis*), Swainson's hawks (*Buteo swainsoni*) and loggerhead shrikes (*Lanius ludovicianus*)—are sometimes seen foraging over vacant lots in Tulare County but were not observed during the field survey. In addition, such lands can be utilized to a limited extent by mammalian predators such as coyote (*Canis latrans*) and foxes (*Vulpes* spp.). The value of a given vacant lot to mammalian predators is largely dependent upon the availability and abundance of a suitable prey base. Small deer mice (*Peromyscus maniculatis*), California voles (*Microtus californica*), and western harvest mice (*Reithrodontomys megalotis*) may occur on vacant lots, although weed-control and fire-prevention practices would tend to restrict their abundance.

Western meadowlarks were the only wildlife observed on the site. No burrows or worn paths were noted, other than the dirt roads leading to the construction trailers on the north-central part of the site.

## **Special-Status Biological Resources**

The natural vegetation communities of the southern San Joaquin Valley have historically supported a diverse assemblage of plant and animal species. The conversion of native and naturalized plant communities by agricultural development, road construction, dam construction, and urbanization has significantly reduced available wildlife and plant habitat. As a result of this conversion, several species of both plants and animals have been reduced or become extinct from the southern San Joaquin Valley, and populations of other species have declined significantly. The California Department of Fish and Game (CDFG) and the United States Fish and Wildlife Service (USFWS) have listed many southern San Joaquin Valley species as Threatened, Endangered, or as candidates for state or federal listing.<sup>7</sup>

The following discussion describes biological resources potentially occurring within the project vicinity that have been afforded special recognition by federal, state, and/or local resource agencies or jurisdictions, or recognized resource conservation organizations. Special-status habitats (habitats or plant communities considered rare or unique or that support special-status species) and wildlife movement corridors are also discussed in this section.

### ***Special-Status Plant Species***

Plant species that are classified as Endangered or Threatened, proposed for listing as Endangered or Threatened, are Candidate species for listing by federal or state resource agencies, or are considered federal Species of Concern are all considered to be special-status species. In addition, plants included on Lists 1 and 2 of the CNPS inventory<sup>8</sup> are also considered to be special-status, as well as some List 3 species and any taxa listed in the CNPS inventory.

A number of special-status plant species have been recorded within the CNDDDB and CNPS nine quad searches; however, none have been historically recorded on the project site and none are expected to occur based on the disturbed condition of the project site. There is no evidence that special-status biological resources have the potential to occur on the project site, primarily because nearly the entire site is disturbed. Furthermore, the 2030 General Plan does not identify the presence of any special-status plant species on the site.<sup>9</sup>

A list of special-status plant species that have been recorded in the CNDDDB and CNPS databases for the project region is included in **Appendix 5.2**.

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<sup>7</sup> City of Porterville, *2030 General Plan*, "Open Space and Conservation Element," 127–132.

<sup>8</sup> California Native Plant Society Web site: <http://www.cnps.org/cnps/rareplants/ranking.php>. Accessed July 2009.

<sup>9</sup> City of Porterville, *2030 General Plan*, "Open Space and Conservation Element," Figure 6-4, "Special Status Species and Sensitive Vegetation."

### *Special-Status Plant Communities*

Plant communities that are considered of special-status include those that support Rare, Threatened, or Endangered plant or wildlife species that are diminishing in range or that are of special concern to resource agencies.<sup>10</sup> Those communities that have few occurrences and small coverage are of highest priority. No special-status plant communities were observed on the project site during Impact Sciences' biological survey of the entire project site. This is consistent with the character of the project site which is heavily disturbed and dominated by non-native ruderal species. Furthermore, Figure 6-4, Special Status Species & Sensitive Vegetation, from the 2030 General Plan does not identify the presence of any special status plant communities on the site.<sup>11</sup>

### *Special-Status Wildlife Species*

Special-status wildlife species include those that are state listed or federally listed as Threatened or Endangered, are proposed for listing as Threatened or Endangered, have been designated as state or federal candidates for listing, are considered state or federal Species of Concern, or that are considered a state Special Animal or state listed as Fully Protected. A number of special-status animal species have been recorded within the nine-quad CNDDDB search;<sup>12</sup> however, none have been historically recorded on or adjacent to the project site and none is expected to occur on the site based on the site's disturbed condition and location surrounded by urban development. Furthermore, Figure 6-4, Special Status Species & Sensitive Vegetation, of the 2030 General Plan does not indicate the presence of any special-status animal species on the site.<sup>13</sup> Provided below in **Table 5.2-1, Special-Status Animal Species Known to Occur in the Project Region**, is a list of special-status animal species that have been recorded in the CNDDDB for the project region.

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<sup>10</sup> California Department of Fish and Game, "California Wildlife: Conservation Challenges," <http://www.dfg.ca.gov/wildlife/WAP/docs/report/ch2-speciesatrisk.pdf>, July 2009.

<sup>11</sup> City of Porterville, *2030 General Plan*, "Open Space and Conservation Element," Figure 6-4, "Special Status Species and Sensitive Vegetation."

<sup>12</sup> California Department of Fish and Game, "California Natural Diversity Database," 2008, [http://imaps.dfg.ca.gov/viewers/cnddb\\_quickviewer/app.asp](http://imaps.dfg.ca.gov/viewers/cnddb_quickviewer/app.asp).

<sup>13</sup> City of Porterville, *2030 General Plan*, "Open Space and Conservation Element," Figure 6-4, "Special Status Species and Sensitive Vegetation."

## Jurisdictional Resources

Wetlands, creeks, streams, and permanent and intermittent drainages are generally subject to the jurisdiction of the Army Corps of Engineers (USACE) under Section 404 of the federal Clean Water Act.<sup>14</sup> The USACE has jurisdiction up to the “ordinary high water mark” of rivers, creeks, and streams that are considered “waters of the U.S.” as defined by the Clean Water Act. If adjacent wetlands are present, the limits of jurisdiction extend beyond the ordinary high water mark to the outer edge of the wetlands. Wetlands are defined by USACE as “those areas that are inundated or saturated by surface or groundwater at a frequency or duration to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.”<sup>15</sup> The presence and extent of wetland areas are normally determined by examination of the vegetation, soils, and hydrology of a site. The USACE definition of wetlands requires that all three wetland identification parameters be met. Any wetlands or waters identified by a jurisdictional delineation should be verified by the USACE as meeting the current jurisdictional requirements per recent guidance (Regulatory Guidance Letter 08-02).

Streambeds are subject to regulation by CDFG under Section 1602 of the California Fish and Game Code.<sup>16</sup> A stream is defined under these regulations as “a body of water that flows at least periodically or intermittently through a bed or channel having banks, and that supports fish or other aquatic life.”

The Porterville General Plan identifies wetlands and other jurisdictional resources based on data provided by the United States Fish and Wildlife Service.<sup>17</sup> The project site is not located within an area identified as having jurisdictional waters or streambeds. No areas of the project site would qualify either as USACE “waters of the U.S.” per Sections 401–404 of the Federal Clean Water Act, or as “streambeds” per Section 1600–1603 of the California Fish and Game Code.<sup>18</sup>

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<sup>14</sup> U.S. Code of Federal Regulations, Title 33, Clean Water Act, Section 404, “Navigation and Navigable Waters,” Chapter 26, “Water Pollution Prevention and Controls,” Subchapter IV, “Permits and Licenses,” Section 1344, “Permits for dredged or fill material” (1977, as amended 1994).

<sup>15</sup> U.S. Army Corps of Engineers, 1987. *Wetlands Delineation Manual*. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

<sup>16</sup> California Water Code, (1969, as amended), Porter-Cologne Water Quality Control Act, Section 13020.

<sup>17</sup> City of Porterville, *2030 General Plan*, “Open Space and Conservation Element,” Figure 6-4, “Special Status Species and Sensitive Vegetation.”

<sup>18</sup> U.S. Code of Federal Regulations, Title 33, Clean Water Act, Section 404, “Navigation and Navigable Waters,” Chapter 26, “Water Pollution Prevention and Controls,” Subchapter IV, “Permits and Licenses,” Section 1344, “Permits for dredged or fill material” (1977, as amended 1994).

**Table 5.2-1  
Special-Status Animal Species Known to Occur in the Project Region<sup>1</sup>**

Common Name <i>Scientific Name</i>	Status			Habitat Requirements	Potential for Occurrence and Survey Results
	Federal	State	Other		
<b>Invertebrates</b>					
Molestan blister beetle <i>Lytta molesta</i>	-	-	CNDDDB Special Animal	Often found on flowers. Has been collected on <i>Lupinus</i> , feeding on its flowers and seed pods, on <i>Trifolium wormskioldii</i> in dried vernal pools, and on <i>Eriodium</i> .	<i>Not Expected:</i> Suitable habitat does not occur on the project site.
<b>Amphibians and Reptiles</b>					
Blunt-nosed leopard lizard <i>Gambelia sila</i>	FE	CE	DFG:FP IUCN:EN	Suitable habitat is characterized by sparsely vegetated scrub and grassland habitats in areas of low topographic relief between 30 and 730 m (100 to 2400 ft.). In areas of higher relief, distribution is usually confined to broad sandy washes. Does not appear to use slopes greater than 30–40 degrees. Shade is provided by mammal burrows, shrubs or structures such as fence posts. Apparently, leopard lizards do not excavate their own burrows. Population densities may be correlated with an abundance of vacated small mammal burrows. Grazing practices that result in maintenance of scattered shrubs and grasses may benefit this lizard.	<i>Not Expected:</i> Suitable habitat does not occur on the project site. No burrows were observed during field surveys.
San Joaquin whipsnake <i>Masticophis flagellum ruddocki</i>	-	CSC	-	Found from near 20 m to around 900 m. Occurs in open, dry, treeless areas, including grassland and saltbush scrub. Takes refuge in rodent burrows, under shaded vegetation, and under surface objects.	<i>Not Expected:</i> Suitable habitat does not occur on the project site. No burrows were observed during field surveys.
Southwestern pond turtle <i>Actinemys marmorata pallida</i>	-	CSC	BLM:S IUCN:VU USFS:S	Requires basking sites such as partially submerged logs, vegetation mats or open mud banks and needs suitable nesting sites in permanent or near permanent bodies of water in many habitat types below 2,000 m mean sea level (msl).	<i>Not Expected:</i> Suitable habitat does not occur on the project site. No permanent bodies of water are located on or near the project site.

Common Name Scientific Name	Status			Habitat Requirements	Potential for Occurrence and Survey Results
	Federal	State	Other		
<b>Amphibians and Reptiles (continued)</b>					
Western spadefoot <i>Spea hammondi</i>	-	CSC	BLM:S IUCN:NT	Vernal pools and other areas of seasonally ponded water, primarily in grasslands habitats, but can be found in valley-foothill hardwood woodlands.	<i>Not Expected:</i> Suitable habitat does not occur on the project site. No vernal pools or other water features exist on the project site.
Coast (California) horned lizard <i>Phrynosoma coronatum</i> (frontale population)	-	CSC	BLM:S	Inhabits open areas of sandy soil and low vegetation in valleys, foothills and semiarid mountains from sea level to 8,000 ft. (2,438 m) in elevation. Found in grasslands, coniferous forests, woodlands, and chaparral, with open areas and patches of loose soil. Often found in lowlands along sandy washes with scattered shrubs and along dirt roads, and frequently found near ant hills.	<i>Not Expected:</i> Suitable habitat does not occur on the project site.
Western pond turtle <i>Actinemys marmorata</i>	-	CSC	IUCN:VU	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches with aquatic vegetation. Need basking sites and suitable (sandy banks or grassy open fields) upland habitat for egg-laying. Also known as <i>Emys marmorata</i> .	<i>Not Expected:</i> Suitable habitat does not occur on the project site, no water features or drainages exist on the project site.
<b>Birds</b>					
Burrowing owl <i>Athene cucularia</i>	-	CSC	BLM:S IUCN:LC USFWS:BCC	Open, dry grassland and desert habitats throughout California, or scrublands characterized by low-growing, widely spaced vegetation. Dependent upon burrowing mammals, especially California ground squirrel.	<i>Not Expected:</i> Suitable habitat does not occur on the project site. No burrows were observed during field surveys.
Mountain plover <i>Charadrius montanus</i>	-	CSCS	ABC:GL AUDUBON:WL BLM:S IUCN:VU USBC:WL USFWS:BCC	Short vegetation, bare ground and flat topography associated with grasslands, freshly plowed fields, newly sprouting grain fields and sometimes sod farms. Prefers grazed areas and areas with burrowing rodents.	<i>Not Expected:</i> Shrub habitat is not present on the project site nor were burrows observed on the project site.

Common Name Scientific Name	Status			Habitat Requirements	Potential for Occurrence and Survey Results
	Federal	State	Other		
<b>Birds (continued)</b>					
Snowy egret <i>Egretta thula</i>	-	-	IUCN:LC USBC: WL	Colonial nester, with nest sites situated in protected beds of dense tules. Rookery sites situated close to foraging areas: marshes, tidal-flats, streams, wet meadows, and borders of lakes.	<i>Not Expected:</i> Suitable habitat for nesting or foraging does not occur on the project site.
Black-crowned night heron <i>Nycticorax nycticorax</i>	-	-	BLM:S IUCN:LC	Colonial nester, usually in trees, occasionally in tule patches. Rookery sites located adjacent to foraging areas: lake margins, mud-bordered bays, marshy spots.	<i>Not Expected:</i> Suitable habitat for nesting or foraging does not occur on the project site.
White-faced ibis <i>Plegadis chihi</i>	-	-	DFG:WL IUCN:LC	Prefers to feed in fresh emergent wetland, shallow lacustrine waters, muddy ground of wet meadows, and irrigated or flooded pastures and croplands. Nests in dense, fresh emergent wetland. Roosts amidst dense, freshwater emergent vegetation such as bulrushes, cattails, reeds or low shrubs over water. Extensive marshes are required for nesting.	<i>Not Expected:</i> Suitable habitat for nesting or foraging does not occur on the project site.
Fulvous whistling-duck <i>Dendrocygna bicolor</i>	-	CSC	IUCN:LC	Freshwater wetlands, especially shallow impoundments managed for rice. Also flooded grasslands and pasture.	<i>Not Expected:</i> Suitable habitat does not occur on the project site.
Swainson's hawk <i>Buteo swainsoni</i>	-	CT	ABC:GL AUD BON:WL USBC: WL USFS:S USFWS: BCC	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannas and agricultural or ranch fields. Requires adjacent suitable foraging areas such as grasslands or agricultural fields supporting rodent populations.	<i>Not Expected:</i> Suitable habitat for nesting or foraging does not occur on or adjacent to the project site.

Common Name Scientific Name	Status			Habitat Requirements	Potential for Occurrence and Survey Results
	Federal	State	Other		
<b>Birds (continued)</b>					
Western snowy plover <i>Charadrius alexandrinus nivosus</i>	FT	-	ABC:GL AUDU BON:WL USBC: WL USFWS: BCC	Nests, feeds, and takes cover on sandy or gravelly beaches along the coast, on estuarine salt ponds, alkali lakes, and at the Salton Sea. Requires a sandy, gravelly or friable soil substrate for nesting. Nests are shallow depressions in the sand or soil, sometimes lined with small pebbles, glass fragments, or gravel. Frequently locates nest near or under objects such as driftwood, rocks, or defoliated bushes. Nests also may be on barren ground with no nearby cover.	<i>Not Expected:</i> Suitable habitat for nesting or foraging does not occur on or adjacent to the project site.
Tricolored blackbird <i>Agelaius tricolor</i>	-	CSC	ABC:GL AUDU BON:WL BLM:S IUCN:LC USBC: WL USFWS: BCC	Highly colonial species, requiring open water, protected nesting substrate and foraging areas with insect prey within a few kilometers of the colony.	<i>Not Expected:</i> Suitable habitat for nesting or foraging does not occur on or adjacent to the project site.
Le Conte's thrasher <i>Toxostoma lecontei</i>	-	CSC	ABC:GL AUDU BON:WL BLM:S IUCN:LC USBC: WL USFWS: BCC	Desert wash, desert scrub, desert alkali scrub, and desert succulent scrub habitats. Commonly nests in a dense, spiny shrub or densely branched cactus in desert wash habitat, usually 2 to 8 ft. above the ground.	<i>Not Expected:</i> Suitable habitat for nesting or foraging does not occur on or adjacent to the project site.

Common Name Scientific Name	Status			Habitat Requirements	Potential for Occurrence and Survey Results
	Federal	State	Other		
<b>Mammals</b>					
Nelson's antelope squirrel <i>Ammospermophilus nelsoni</i>	-	CT	IUCN:EN	Lives in small underground familial colonies on sandy, easily excavated grasslands in isolated locations.	<i>Not Expected:</i> Due to past grading activities, the soils found on the project site are highly compacted and do not provide suitable burrowing materials.
San Joaquin pocket mouse <i>Perognathus inornatus inornatus</i>	-	-	BLM:S IUCN:LC	Friable soils, typically in grasslands and blue oak savannas.	<i>Not Expected:</i> Due to past grading activities, the soils found on the project site are highly compacted and do not provide suitable burrowing materials.
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	FE	CT	IUCN:LC	Lives in annual grasslands or grassy open stages of vegetation dominated by scattered brush, shrubs, and scrub. Open, level areas with loose-textured soils supporting scattered, shrubby vegetation with little human disturbance represent suitable habitats for kit foxes. Some agricultural areas may support these foxes. The principal foods are black-tailed jackrabbits and desert cottontails, rodents (especially kangaroo rats and ground squirrels), insects, reptiles, and some birds, bird eggs, and vegetation. Cover provided by dens they dig in open, level areas with loose-textured, sandy and loamy soils.	<i>Not Expected:</i> Very little vegetation exists on the project site. Nor does the site provide an abundance of game. In addition, the project site is located in an urbanized area which presents a high level of human presence precluding the fox's use of the site for its den. Highly compacted soils due to past grading activities also make it very unlikely that this species from using the project site for its den. The site does not provide suitable habitat for this animal.
Tipton kangaroo rat <i>Dipodomys nitratoides nitratoides</i>	FE	CE	IUCN:CR	Inhabits arid-land vegetative communities with level or nearly level terrain usually with one or more species of woody shrubs, such as saltbush, iodine bush, goldenbush, and honey mesquite, sparsely scattered throughout ground cover dominated by introduced and native grasses and forbs. Burrows are commonly located in slightly elevated mounds, the berms of roads, canal embankments, railroad beds, and bases of shrubs and fences where wind-blown soils accumulate above the level of surrounding terrain.	<i>Not Expected:</i> Shrubland habitat does not exist on the project site. No burrows were observed on the project site.

Common Name Scientific Name	Status			Habitat Requirements	Potential for Occurrence and Survey Results
	Federal	State	Other		
<b>Mammals (continued)</b>					
Tulare grasshopper mouse <i>Onychomys torridus tularensis</i>	-	CSC	BLM:S IUCN:DD	Feeds almost exclusively on arthropods, especially scorpions and orthopteran insects. Vertebrate prey includes salamanders, lizards, frogs, and small mammals. Both vertebrates and seeds are minor components of the diet. Low to moderate shrub cover is preferred. Nests are constructed in burrows abandoned by other rodents, or may be excavated.	<i>Not Expected:</i> Shrub habitat is not present on the project site nor were burrows observed on the project site.
American badger <i>Taxidea taxus</i>	-	CSC	IUCN:LC	Drier, open stages of most shrub, forest, and herbaceous habitats with friable soils.	<i>Not Expected:</i> Shrub habitat is not present on the project site.
Short-nosed kangaroo rat <i>Dipodomys nitratoides brevinasus</i>	-	CSC	BLM:S IUCN:NT	Found mostly on flat and gently sloping terrain and on hilltops in desert-shrub associations, primarily saltbushes and California ephedra.	<i>Not Expected:</i> Shrub habitat is not present on the project site.
Buena Vista Lake shrew <i>Sorex ornatus relictus</i>	FE	CSC	IUCN:LC	Lives in areas with a dense mesophytic cover and an abundant layer of litter. Plants associated with the habitat description include Fremont cottonwood, willows, alkali heath, wild rye grass, and Baltic rush.	<i>Not Expected:</i> Shrub habitat is not present on the project site.

**Source:** California Department of Fish and Game, California Natural Diversity Database, 2008; California Native Plant Society, Rare Plant Inventory, 2008

**Status Key:**

**Federal:** FE = Federal Endangered; FT = Federal Threatened; FC = Federal Candidate; BCC = Fish and Wildlife Service Bird of Conservation Concern

**State:** CE = California Endangered; CT = California Threatened; CSC = California Species of Concern

**CNDDDB Special Animal:** Species that do not have a formal designation by any resource agency, but that are considered sensitive resources by the CDFG due to known declines in population

**Other ABC:GL = American Bird Conservancy Green List; AUDUBON:WL = Audubon Watch List; BLM:S = Bureau of Land Management – Sensitive;**

**DFG:FP = California Dept. of Fish & Game - Fully Protected; DFG:WL = California Dept. of Fish & Game - Watch List; IUCN:LC = International Union for the**

**Conservation of Nature - Least Concern; IUCN:NT = International Union for the Conservation of Nature - Near Threatened; IUCN:DD = International**

**Union for the Conservation of Nature - Data Deficient; IUCN:CR = International Union for the Conservation of Nature - Critically Endangered;**

**IUCN:EN – International Union for the Conservation of Nature – Endangered; IUCN:VW = International Union for the Conservation of Nature –**

**Vulnerable; USBC:WL = United States Bird Conservation Watch List; USFWS:BCC = U. S. Fish & Wildlife Service Birds of Conservation Concern**

**USFS:S = U.S. Forest Service – Sensitive**

## Wildlife Movement Corridors

Wildlife corridors link together areas of suitable wildlife habitat that are otherwise separated by topography, changes in vegetation, or by human disturbance. The fragmentation of wildlife habitat by urbanization creates isolated “islands” of wildlife habitat. Corridors mitigate the effects of this fragmentation by (1) allowing animals to move between remaining habitats, which allows depleted populations to be replenished and promotes genetic exchange with separate populations; (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fire or disease) would result in population or species extinction; and (3) serving as travel paths for individual animals as they wander about their home ranges in search of food, water, mates, and other needs.

Wildlife movement corridors are generally defined at the regional level as habitat linkages that connect otherwise large disjunct open space areas such as local, state, and national parks, forests, preserves, and wilderness areas. Within these habitat linkages, riparian strips, canyon bottoms, drainages, and even dirt roads and trails are often used to facilitate movement. However, within a large natural habitat block or patch, these features are generally not referred to as movement corridors but, rather, travel paths to facilitate movement within the habitat patch.

The project site is completely surrounded by existing development and, therefore, does not function as a wildlife corridor. The Tule River, located approximately 1,000 feet to the north of the project site, may facilitate some wildlife movement along its course. But such movement would be very limited and would not extend to the project site, as the river is completely surrounded by urban and agricultural uses throughout the San Joaquin Valley and does not serve as a habitat linkage to open spaces to the east of Porterville. The 2030 General Plan illustrates the urban nature of the area surrounding the project site.<sup>19</sup>

Based on this analysis, the project site does not occupy an area that is considered an essential component of any regional movement corridor that connects large open space areas.

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<sup>19</sup> City of Porterville, 2030 General Plan, “Open Space and Conservation Element,” Figure 6-1, “Open Space Resources.”

## 5.2.5 REGULATORY PLANS AND POLICIES

### Federal Regulations

#### *Federal Endangered Species Act*

Section 9 of the Endangered Species Act (ESA)<sup>20</sup> prohibits the “take” of federally listed Threatened and Endangered species. The ESA defines “take” as any action that would harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any Threatened or Endangered species. If a proposed project may result in take of a listed species, and there is no nexus with any other federal agency, an Incidental Take Permit under Section 10(a)(1)(B) of the ESA is required, and a habitat conservation plan (HCP) must accompany this permit application. If there is a nexus with a federal agency, an Incidental Take Permit under Section 7 of the ESA is required. No “take” of any federally listed species is anticipated with implementation of the proposed project.

#### *Federal Clean Water Act*

Wetlands and permanent and intermittent drainages, creeks, and streams are generally subject to jurisdiction of the USACE under Section 404 of the federal Clean Water Act.<sup>21</sup> By USACE definition, all aquatic or riverine habitats between the ordinary high water mark of rivers, creeks, and streams are potentially considered waters of the U.S. and may fall under USACE jurisdiction. If adjacent wetlands occur, the limits of jurisdiction extend beyond the ordinary high water mark to the outer edge of the wetlands. Wetlands are defined by USACE as “those areas that are inundated or saturated by surface or groundwater at a frequency or duration to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.”<sup>22</sup> The presence and extent of wetland areas are normally determined by examination of the vegetation, soils, and hydrology of a site. The USACE definition of wetlands requires that all three wetland identification parameters be met. Any deposit of fill into waters of the U.S., including wetlands, requires the acquisition of a permit from the USACE pursuant to Section 404 of the Federal Clean Water Act. No wetlands are located within or adjacent to the project boundaries.

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<sup>20</sup> U.S. Code, Title 16, Endangered Species Act, (1973 as amended), Section 9.

<sup>21</sup> *Ibid.*, Title 33, Section 404, Clean Water Act, Navigation and Navigable Waters, Chapter 26, “Water Pollution Prevention and Controls,” Subchapter IV, “Permits and Licenses,” Section 1344, “Permits for dredged or fill material” (1977, as amended 1994).

<sup>22</sup> U.S. Army Corps of Engineers, 1987. *Wetlands Delineation Manual*. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

### ***Migratory Bird Treaty Act***

The Migratory Bird Treaty Act (MBTA)<sup>23</sup> was implemented as a domestic law for the protection of migratory birds. The proposed project would also be subject to the requirements of the MBTA. This regulation protects all migratory birds and their nests and makes it unlawful to take unless permitted by regulations. The MBTA provides that it is unlawful to pursue, hunt, take, capture or kill, attempt to take capture or kill, possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the MBTA, the Secretary of the Interior may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting, or exporting of any migratory bird, part, nest, or egg will be allowed, having regard for temperature zone, distribution, abundance, economic value, breeding habits, and migratory flight patterns.<sup>24</sup> The project would be required to perform surveys for active bird's nests; in the event that active nests are found, construction activities would be restricted within 300 feet of the nest. These measures would ensure that the project would be consistent with the MBTA.

### **State Regulations**

#### ***California Endangered Species Act***

The California Endangered Species Act (CESA)<sup>25</sup> prohibits the take of state-listed Threatened and Endangered species. The CESA defines "take" as any action that would harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any Threatened or Endangered species. If a proposed project may result in the take of a listed species, a permit pursuant to Section 2081 of CESA is required from the CDFG. No threatened or endangered species are expected to occur within the project site and therefore, no permit would be required.

#### ***California Fish and Game Code (Sections 3503 and 3513)***

The proposed project would also be subject to the requirements of Sections 3503, 3503.5, and 3513 of the California Fish and Game Code.<sup>26</sup> These regulations protect all native birds and their nests and make it unlawful to take (e.g., pursue, kill, harm, harass) any migratory bird, bird of prey, and their active nests. The project would be required to perform surveys for active bird's nests; in the event that active nests are

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<sup>23</sup> U.S. Code, Title 16, Chapter 7, Migratory Bird Treaty Act, "Protection of Migratory, Game, and Insectivorous Birds" (1918).

<sup>24</sup> Ibid.

<sup>25</sup> California Endangered Species Act, Fish and Game Code, Section 2081 (1984).

<sup>26</sup> California Fish and Game Code, Section 3503, 3505.5, and 3513

found, construction activities would be restricted within 300 feet of the nest. This would ensure consistency with Sections 3505 and 3513 of the California Fish and Game Code.

### ***California Fish and Game Code (Sections 1601–1603)***

Streambeds are potentially subject to regulation by the CDFG under Sections 1601–1603 of the California Fish and Game Code.<sup>27</sup> A stream is defined under these regulations as “a body of water that flows at least periodically or intermittently through a bed or channel having banks and that supports fish or other aquatic life.” This definition includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation. CDFG generally asserts that its jurisdiction extends to the edge of the riparian vegetation canopy associated with any stream. Any work within a streambed or the removal of associated riparian vegetation requires the acquisition of a streambed alteration agreement from the CDFG. No streams are located within or adjacent to the project site.

## **Local Regulations**

### ***City of Porterville 2030 General Plan***

The City of Porterville 2030 General Plan has developed land use and open space and conservation goals and policies that provide guidance for decision makers regarding the impacts to biological resources within the planning area.<sup>28</sup> Relevant policies from the general plan are listed below.

- |         |  |
|---------|--|
| LU-I-3  | Amend the Urban Development Boundary (UDB) in order to guide growth through annexation and development, and the efficient extension of public services to new areas.           |
| LU-I-5  | Require contiguous development within the UDB unless it can be demonstrated that development of property which is contiguous to urban development is unavailable.              |
| LU-I-17 | Require that all new subdivisions preserve natural, cultural, and biological resources, including stands of large trees and rock outcroppings, to the maximum extent feasible. |
| LU-I-23 | Establish an incentive program that will provide for density and FAR [floor area ratio] bonuses for mixed use development that includes amenities for public                   |

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<sup>27</sup> California Fish and Game Code, Sections 1601–1603, <http://www.dfg.ca.gov/1600/1600code.html>.

<sup>28</sup> City of Porterville, 2030 General Plan, “Land Use Element,” and “Open Space and Conservation Element.”

benefit, such as workforce housing, pedestrian-oriented facilities (outdoor seating, plazas, weather protection, and transit waiting areas), historic preservation, cultural facilities, public art and water features, and open space preservation.

- C-I-7                    Require street tree planting as part of an urban forestry program.
- OSC-I-3                Establish a secure funding source for open space acquisition and management.
- OSC-I-4                Establish standards for the management and maintenance of open space within subdivisions, and require formation of open space acquisition and maintenance districts where necessary and appropriate, to protect open space resources.
- OSC-I-6                Support the preservation of the Yaudanchi Ecological Preserve.
- OSC-I-11              Support regional and sub-regional efforts to acquire, develop, and maintain, open space lands.
- OSC-I-12              Establish priorities for open space preservation and acquisition based on an evaluation of:
- significant natural areas that are historically, ecologically, or scientifically unique or are outstanding, important or threatened;
  - wildlife habitats and fragile ecosystems in need of protection;
  - watersheds or significant water recharge areas;
  - lands suitable for recreation such as biking, photography or nature study.
  - land suitable for agricultural production.
- OSC-I-26              Adopt habitat conservation regulations, including requirements and incentives to incorporate natural, wildlife habitat features into new development and public landscapes, parks, and other public facilities.
- OSC-I-27              Protect and enhance the natural habitat features of the Tule River and open space corridors within the Planning Area.
- OSC-I-28              Require protection of sensitive habitat areas and special status species in new development site designs in the following order: (1) avoidance, (2) on-site mitigation, (3) off-site mitigation, and (4) purchase of mitigation credits.

- OSC-I-29                    Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.
- OSC-I-31                    Require, as part of the proposed Tule River Corridor Plan, measures to protect and enhance riparian zones, natural areas and wildlife habitat qualities; and establish and maintain a buffer along the river where development shall not occur, except as part of the parkway enhancement (e.g., trails and bikeways).
- OSC-I-33                    Protect, revitalize and expand Porterville’s urban forest through public education, sensitive regulation, and a long-term financial commitment that is adequate to protect this resource.
- OSC-I-34                    Continue to require street tree planting in new development and support the City’s tree planting fund.
- OSC-I-36                    Establish a “no net loss” policy for wetlands and vernal pools, including credits for land banking and off-site mitigation, and maintain a protection zone around wetlands, riparian corridors, and identified habitat areas where development shall not occur, except as part of a parkway enhancement program (e.g., trails and bikeways).

## 5.2.6 THRESHOLDS OF SIGNIFICANCE

Significant impacts of proposed development on the project site were determined using the criteria in the *California Environmental Quality Act (CEQA) Guidelines*.<sup>29</sup> As stated in Appendix G of the *State CEQA Guidelines*,<sup>30</sup> a project could have a significant impact on the environment if it would result in any of the following:

- Substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS.
- Substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS.

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<sup>29</sup> California Environmental Quality Act, *State CEQA Guidelines*, Appendix G, 2009, 277–291.

<sup>30</sup> California Environmental Quality Act, *State CEQA Guidelines*, Appendix G, 2009, 277–291.

- 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 local 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 local, regional, or state habitat conservation plan.

Section 15065(a) of the *State CEQA Guidelines* also states that a project may have a significant effect on the environment when the project has the potential to

- substantially degrade the quality of the environment,
- substantially reduce the habitat of a fish or wildlife species,
- cause a fish or wildlife population to drop below self-sustaining levels,
- threaten to eliminate a plant or animal community, or
- substantially reduce the number or restrict the range of an Endangered, Rare, or Threatened species.

These significance criteria are applied to the proposed project.

### **5.2.7 PROJECT IMPACTS**

Direct impacts represent the physical alteration (i.e., typically habitat degradation or loss) of biological resources that occur on site as a result of project implementation. Indirect impacts are those reasonably foreseeable effects caused by project construction and operation on remaining or adjacent biological resources. The significance of this alteration, with respect to CEQA, is determined by evaluating the impact in terms of each of the significance threshold criteria defined above. For example, if habitat alteration results in a direct or indirect loss or causes an otherwise substantial adverse effect on a species identified as a “candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the CDFG or USFWS,” impacts would be considered significant, assuming appropriate compensatory or other mitigation is not available or feasible. Similarly, if the alteration of habitat results in a substantial adverse effect on a natural community identified as sensitive “in local or regional plans, policies, or regulations, or by the CDFG or USFWS,” then this alteration would be considered a significant impact.

An evaluation of whether an impact on biological resources would be “substantial,” and, therefore, a significant impact, must consider both the resource itself and the significance threshold criteria being evaluated. For example, because most plant and animal species are dependent on native habitats to satisfy various life-cycle requirements, a habitat-based approach that addresses the overall biological value of a particular vegetation community or habitat area is appropriate when determining whether alteration of that habitat will “substantially” affect special-status species, sensitive habitats, wetlands, or movement corridors. The relative biological value of a particular habitat area—its functions and values—can be determined by such factors as disturbance history, biological diversity, its importance to particular plant and wildlife species, its uniqueness or sensitivity status, the surrounding environment, and the presence or absence of special-status resources.

However, direct impacts to specific plant and wildlife resources (e.g., active nests and individual plants and animals) are also evaluated and discussed when impacts to these resources, in and of themselves, could be considered significant or conflict with local, state, and federal statutes or regulations. The significance of direct impacts on individuals or populations of plant and animal species takes into consideration the number of individual plants or animals potentially affected, how common the species is both on the project site and from a regional perspective, and the species' sensitivity status according to resource agencies. These factors are evaluated based on the results of on-site biological surveys and studies, results of literature and database reviews, discussions with biology experts, and established and recognized ecological and biodiversity theory and assumptions.

Because most biological resources, particularly plants and wildlife, are dependent upon the condition, extent, and character of specific ecosystems and habitat types, impacts on these resources are generally discussed in terms of the effect of project-related activities on natural habitat areas, e.g., on plant communities. However, direct impacts with respect to specific plant and wildlife resources (e.g., active nests, dens, and individual plants and animals) are also evaluated and discussed when impacts on these resources, in and of themselves, could be considered significant or conflict with local, state, and federal laws or regulations.

**Impact 5.2-1:**                    **Project construction would impact common wildlife species by converting presently vacant land to urban uses. However, the project would not cause a fish or wildlife population to drop below self-sustaining levels. Level of Significance: *Project impacts would be potentially significant, but would be reduced to less than significant with implementation of mitigation measures.***

Construction activity and subsequent operation of the proposed project would not result in the direct loss of any wildlife species. As discussed above, no wildlife other than Western meadowlarks foraging were

observed on the property during a field survey, and no recorded listing of any sensitive plant or wildlife species were found during the regulatory database search. The project site is heavily disturbed by previous disking for annual weed abatement and fire prevention, grading related to the first phase of the Riverwalk Marketplace Project and development of Vandalia Avenue. Consequently, the site retains little or no biological value. Given the mobility of the wildlife species known to occur in the project area, the relative abundance of suitable foraging (including winter raptor foraging habitat) and nesting habitat in the region, development of the project site would not be expected to have a substantial adverse effect. For these reasons, project implementation would not cause an existing wildlife population on or adjacent to the project site to drop below self-sustaining levels, and no significant impacts on wildlife species are expected to occur.

The MTBA and the California Fish and Game Code (CFGF) protect active nests of native bird species.<sup>31</sup> Any construction-related loss of active nests of common bird species located on or adjacent to the project site would conflict with these federal and state laws. The loss of active nests due to construction or operation would represent a potentially significant impact under CEQA.

### **Mitigation Measures**

The following mitigation measures to reduce impacts to common and special-status birds shall be implemented:

- 5.2-1** Within 30 days prior to ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March through August in the project region, or as determined by a qualified biologist), the applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the disturbance zone or within 300 feet (500 feet for raptors and special-status species) of the disturbance zone. The surveys shall continue on a weekly basis with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities.

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<sup>31</sup> U.S. Code, Title 16, Chapter 7, Migratory Bird Treaty Act, "Protection of Migratory, Game, and Insectivorous Birds" (1918), California Fish and Game Code, Section 3503, 3505.5, and 3513.

If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors and special-status species) shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the surveys shall be provided to CDFG in the Annual Mitigation Status Report.

### **Residual Impacts**

With implementation, mitigation impacts would be reduced to less than significant.

**Impact 5.2-2:**            **The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS. Level of Significance: *This impact is considered to be less than significant.***

The project site is disturbed due to previous disking for annual weed abatement and fire prevention, grading activity associated with construction of the Riverwalk Marketplace Phase I development, and development of Vandalia Avenue. Plant species observed on site during the field survey were ruderal plants associated with disturbed sites. No sensitive plant communities or jurisdictional resources are recorded as having been found on the site based on a search of the regulatory databases. Given the ruderal nature and low biological value of the site, construction of the proposed project would not disturb plant communities that are sensitive or that provide suitable habitat for any listed wildlife species. Therefore, no significant impact would occur.

### **Mitigation Measures**

No mitigation is required

### **Residual Impacts**

No significant impact would occur.

**Impact 5.2-3:**            **The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS. Level of Significance: *This impact is considered to be less than significant impact.***

No special-status species were observed during Impact Sciences' field survey, and none was recorded as having occurred on or adjacent to the site during review of the regulatory databases. Birds may occasionally forage over the project site; however, the loss of the ruderal, non-native vegetation on the site is not expected to substantially affect a special-status species by reducing foraging or nesting habitat as the site's habitat values and functions are considered to be low. No significant impacts to special-status biological resources would occur, as none exist on the subject property.

#### **Mitigation Measures**

No mitigation is required

#### **Residual Impacts**

No significant impact would occur.

**Impact 5.2-4:**            **The proposed project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, or on other jurisdictional resources. Level of Significance: *This impact is considered to be less than significant.***

No wetlands or other jurisdictional resources occur on or adjacent to the project site. The nearest watercourse is the Tule River, which is located approximately 1,000 feet to the north. The project site consists of a single drainage area where stormwater runoff sheetflows with no defined pattern, bed, or bank that could be used to establish an ordinary high water mark. Nor does the site contain saturated soils that support hydrophitic vegetation (Vegetation that lives in water-saturated soils). Under the proposed project, stormwater runoff would sheetflow through the parking area until it is directed by grade changes and/or curbs and gutters to a series of inlets. This runoff ultimately is discharged into a network of subsurface drainage conduits. The basin that would receive the runoff is Reservoir Number 55, located just north of Highway 190 and west of Indiana Street. The method of conveyance within state right-of-way (ROW) will be Caltrans standard concrete inlet structures connected by high-density

polyethylene pipes and reinforced concrete pipe (RCP).<sup>32</sup> Due to the existing grades between Highway 190 and Vandalia Avenue, any water overtopping the basin, due to larger-than-design storm events, or ponding at the inlets, due to peak runoff surpassing the design will flow in a northwestern direction towards SR-65. The flow will be intercepted by culverts that run beneath Highway 65 and drain into open fields. Given the lack of wetlands or other jurisdictional resources on site, no significant impacts are expected to occur with project construction and operation.

### **Mitigation Measures**

No mitigation is required

### **Residual Impacts**

No significant impact would occur.

**Impact 5.2-5:**                    **The proposed project would 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. Level of Significance: *This impact is considered to be less than significant.***

Few wildlife species other than birds are expected to use the project site for local movement due to the disturbed character of the habitat and its isolation from other non-urbanized areas. Light and glare associated with the operational uses of the project would not substantially increase the amount of light and glare that already exist in the area, as the project site is surrounded by major streets and urban uses. Therefore, no significant impacts on local or regional wildlife movement would occur.

### **Mitigation Measures**

No mitigation is required

### **Residual Impacts**

No significant impact would occur.

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<sup>32</sup> CEI Engineering Associates Inc., *Highway 190 Hydrology Report*, 2007.

## 5.2.8 CUMULATIVE IMPACTS

**Impact 5.2-6:** **Buildout of the 2030 General Plan would place projects in natural areas that would result in the removal of native vegetation and displacement/destruction of resident wildlife creating a cumulatively considerable impact. The proposed Riverwalk Marketplace II Project would not contribute to this cumulative loss of habitat. Level of Significance: *The proposed project's contribution to a biological impact is not cumulatively considerable.***

At buildout of the Porterville 2030 General Plan, the Citywide population is estimated to be 107,300 persons housed within 34,250 dwelling units.<sup>33</sup> The maximum non-residential development permitted at buildout of the general plan is estimated to be 30.5 million square feet of floor area with capacity to accommodate approximately 54,460 jobs. This growth would require conversion of 14,189 acres of the 36,341 acres of land within the planning area to developed use.<sup>34</sup>

No development is proposed directly within the Tule River channel on any watercourse. The primary impact from buildout of the 2030 General Plan involves removal of sensitive habitats for building pad development and the construction of buildings, infrastructure, and roadways from within the City's planning area. Additional impacts will result from increased incidence of fire due to human activity, increased erosion from roadways, and the introduction of non-native weed and animal species. The protection of environmentally sensitive areas, including wildlife species habitat, and other natural resources is a key initiative of the general plan. Policies within the Land Use and Open Space and Conservation elements strive to establish specific measures that the City will implement to protect and preserve sensitive habitats which support protected species.<sup>35</sup> However, even with implementation of the below mentioned policies, this impact from buildout of the Porterville 2030 General Plan is still considered significant and unavoidable.

As previously discussed, the project site is a highly disturbed area, dominated by non-native, ruderal vegetation. The project site has no potential to support a high diversity of native plants. Wildlife species that could be expected to use the project site are species that are adapted to disturbance of the type associated with urbanization. Because of the highly disturbed nature of the project site and surrounding land and the relatively low biological value of the non-native plants found on site, development of the proposed project will not substantially contribute to the loss of biological resources in the project region.

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<sup>33</sup> City of Porterville, *2030 General Plan*, "Land Use Element," 30.

<sup>34</sup> City of Porterville, *2030 General Plan*, "Land Use Element," 48.

<sup>35</sup> City of Porterville, *2030 General Plan*, "Land Use Element," 40-41 "Open Space and Conservation Element," 131-132.

## **Cumulative Mitigation Measures**

The project's contribution to the cumulative loss of biological resources in the planning area is not considered cumulatively considerable. Each future development project requiring a discretionary action would be subject to its own environmental review and any associated mitigation that derives from future study. Moreover, all projects within the City's planning area are subject to federal and state law in addition to the goals and policies of the Porterville 2030 General Plan.

### **5.2.9 LEVEL OF SIGNIFICANCE AFTER MITIGATION**

Implementation of recommended mitigation measures would reduce the potential project-specific impacts on common and special-status bird nests to a less than significant level.

Buildout of the Porterville 2030 General Plan would create significant and unavoidable impacts on biological resources in the planning area. However, the project's contribution to this significant impact is not considered cumulatively considerable; therefore, cumulative impacts identified with project construction would be less than significant.