

Appendix C Biological Resources Due Diligence Survey

Appendix

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June 21, 2024

Mariana Zimmermann
Senior Associate II
PlaceWorks
3 MacArthur Place, Suite 1100
Santa Ana, California 92707

RE: Results of a Biological Resources Due Diligence Survey Conducted for an approximately 2.4-acre Property in the City of Porterville, Tulare County, California

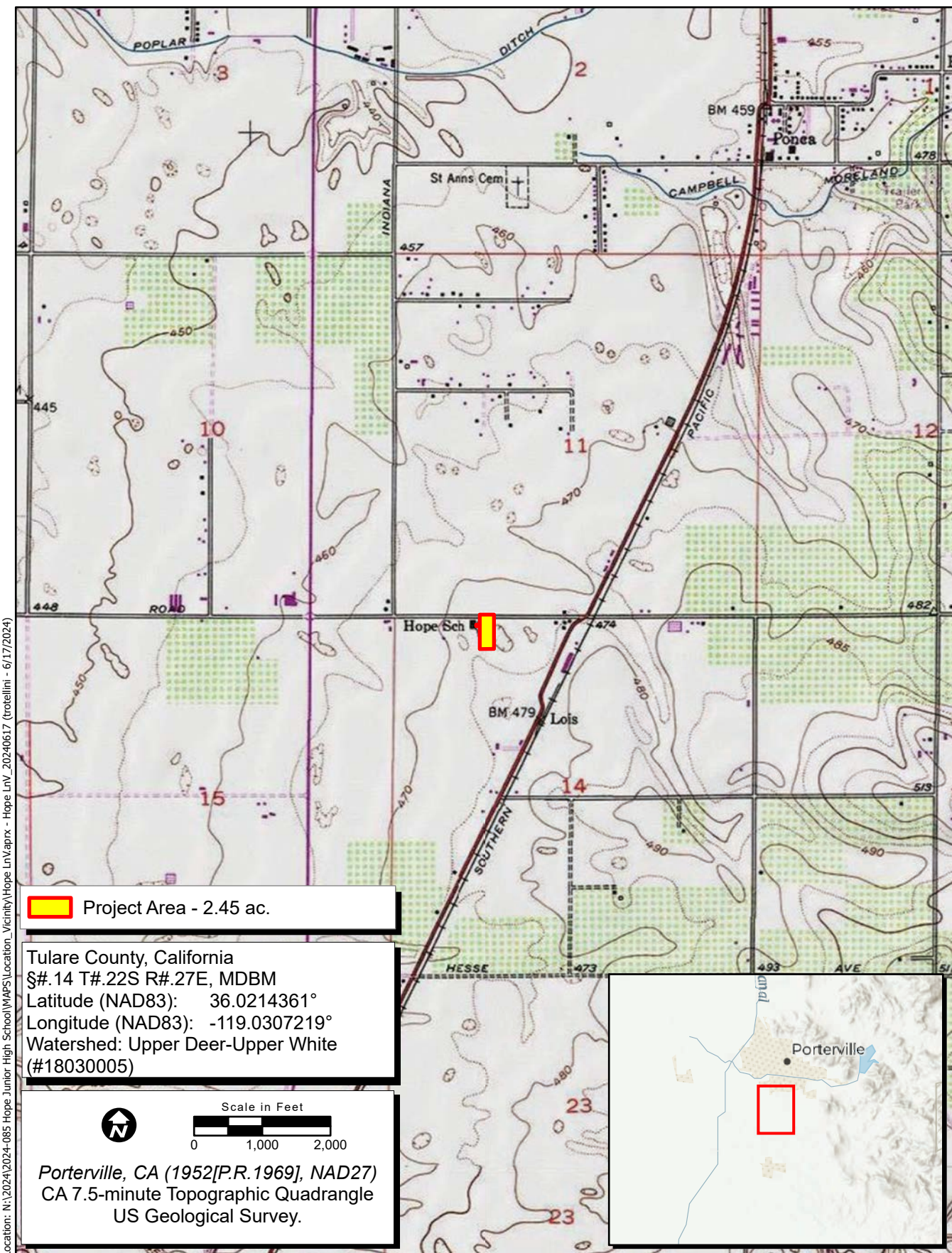
Dear Ms. Zimmermann:

This report presents the results of a biological resources due diligence survey conducted by ECORP Consulting, Inc. (ECORP) for an approximately 2.4-acre portion of Assessor's Parcel Number 303-060-041, in the City of Porterville (Project Area; Figure 1). The Project Area is located in Porterville, approximately 15.5 miles east of State Route 99, south of West Teapot Dome Avenue and west of Road 238 (Figure 2). The survey was conducted for the purposes of determining the baseline biological conditions, to identify any biological constraints that could affect the Site plan for the Hope Junior High School Project (Project) and identify the need for additional focused or preconstruction special-status species surveys.

METHODS

Prior to conducting the survey, a literature review and data base search was performed using the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Data Base (CNDDDB) and the California Native Plant Society's Electronic Inventory (CNPSEI) to determine the special-status plant and wildlife species that have been documented near the Project Area. ECORP reviewed CNDDDB and CNPSEI records within the Project Area boundaries as depicted on U.S. Geological Survey 7.5-minute Porterville topographic quadrangle, plus the surrounding eight topographic quadrangles, including, Cairns Corner, Ducor, Fountain Springs, Frazier Valley, Lindsey, Sausalito School, Success Dam, and Woodville. The CNDDDB and CNPSEI contain records of reported occurrences of federally or state-listed endangered, threatened, proposed endangered or threatened species, California Species of Special Concern, and/or other special-status species or habitat that may occur within or near the Project.

Following the literature review, a comprehensive survey was conducted by walking the Project Area to determine the vegetation communities and wildlife habitats. The biologist documented the plant and animal species present, and the location and condition of the Project Area were assessed for the potential to provide habitat for special-status plant and wildlife species, including burrowing owl (*Athene cunicularia*) and San Joaquin kit fox (*Vulpes macrotis mutica*). Data were recorded on a Global Positioning System unit, field notebooks, and/or maps. Photographs were also taken during the survey to provide visual representation of the various vegetation communities or land cover types within the Project Area. Additionally, the Site was inspected for any aquatic resources that may be potentially under the jurisdiction of the U.S. Army Corps of Engineers or CDFW.



Location: N:\2024\2024-085 Hope Junior High School\WAPPS\Location_Vicinity\Hope Ln\Maprx - Hope Ln\Maprx - Hope Ln\Maprx - 6/17/2024

Project Area - 2.45 ac.

Tulare County, California
 §#. 14 T#. 22S R#. 27E, MDBM
 Latitude (NAD83): 36.0214361°
 Longitude (NAD83): -119.0307219°
 Watershed: Upper Deer-Upper White
 (#18030005)

Scale in Feet

0 1,000 2,000

Porterville, CA (1952[P.R.1969], NAD27)
 CA 7.5-minute Topographic Quadrangle
 US Geological Survey.

Map Date: 6/17/2024
 Sources: ESRI, USGS

Figure 1. Project Vicinity

2024-085 Hope Junior High School

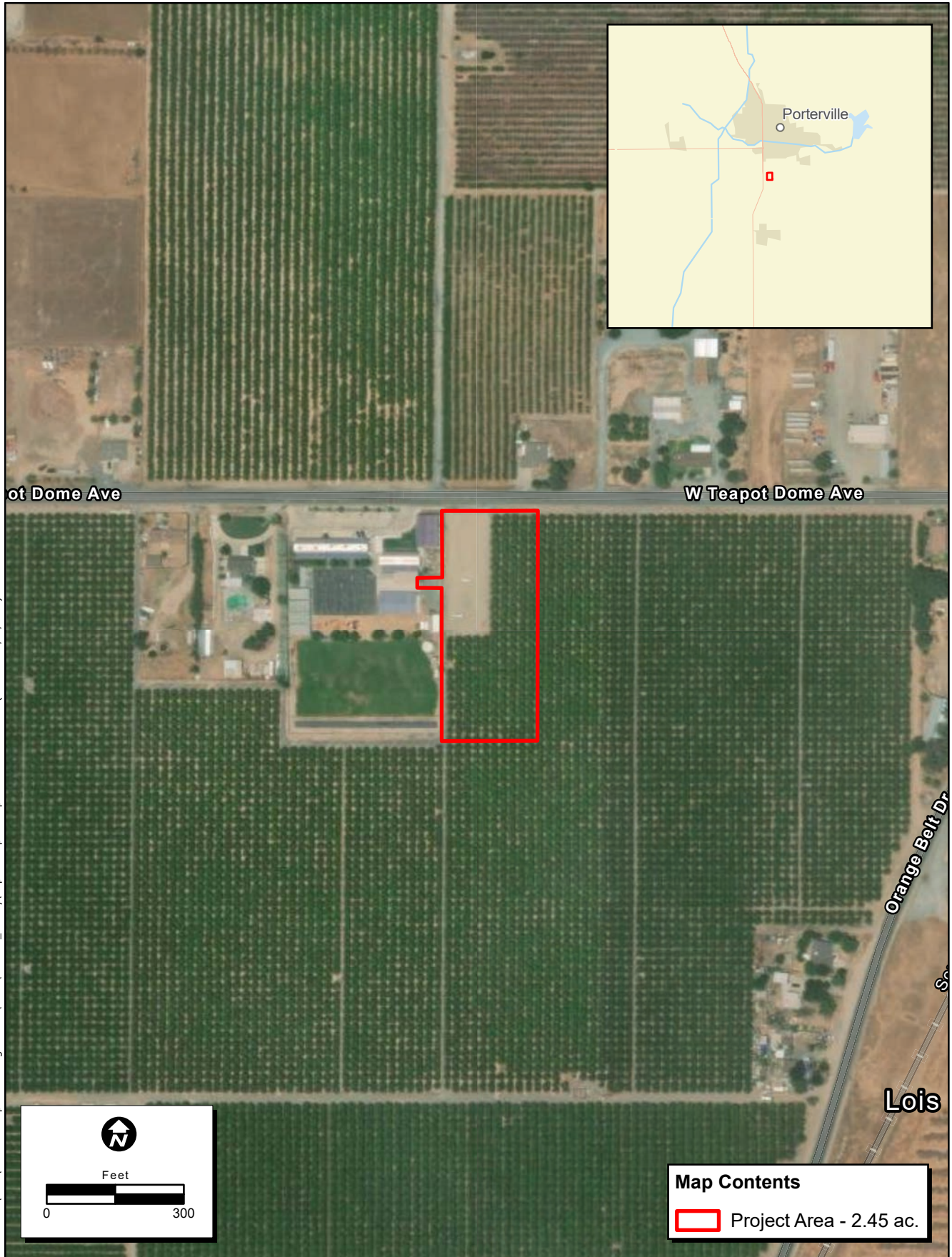


Figure 2. Project Location

2024-085 Hope Junior High School

RESULTS

The literature review and database searches conducted prior to the survey identified several listed and special-status plant and wildlife species that occur near the Project Area, including but not limited to burrowing owl, Swainson's hawk (*Buteo swainsoni*), slender clarkia (*Clarkia exillis*), San Joaquin woollythreads (*Monolopia congdonii*), San Joaquin adobe sunburst (*Pseudobahia peirsonii*), and San Joaquin kit fox. Habitat and conditions suitable for the species identified in the literature review were searched for during the survey.

The survey was conducted by ECORP biologist, Phillip Wasz, on May 15, 2024. The Project Area consisted of a single parcel, which was heavily disturbed. The Project Area is within a developed environment which is generally subjected to repeated and ongoing disturbance from human activities. Due to the Project Area's long history of disturbances, the Site did not contain any natural vegetation communities, rather it contained two land cover types, disturbed and active agriculture. Approximately 0.7 acres of the Project Area was classified as disturbed. The disturbed classification includes areas where the native vegetation community has been heavily influenced by human actions, such as grading, discing, trash dumping, and off-road use, but lacks development. The area of disturbed land was completely graded and devoid of vegetation and was currently being used as an overflow parking lot for the existing Hope Junior High School. The remaining 1.7 acres of the Project Area consisted of active agriculture (*Citrus* sp.). The Project Area is surrounded by roadways, residential developments, the existing Hope Junior High School, and active agriculture. The elevation on the Project Area was approximately 475 feet above mean sea level.

Plant species observed were generally characteristic of disturbed vegetation communities and included nonnative weedy and/or ruderal species, including black mustard (*Brassica nigra*), ripgut brome (*Bromus diandrus*), and red stemmed fillaree (*Erodium cicutarium*). Some of the wildlife species present on the Project Area at the time of the survey included Anna's hummingbird (*Calypte anna*), house finch (*Haemorhous mexicanus*), western fence lizard (*Sceloporus occidentalis*), Eurasian collared dove (*Streptopelia decaocto*), and mourning dove (*Zenaida macroura*). Representative photographs can be found in Appendix A.

Although a formal aquatic resources delineation was not conducted, no potential jurisdictional waters, wetlands, or aquatic features were identified during the literature review or observed during the survey. Therefore, it is not anticipated that the Project will require authorization from regulatory agencies under the Federal Clean Water Act Section 401 or 404, or the California Fish and Game Code Section 1602.

DISCUSSION

The literature review and database searches identified numerous special-status plant species and wildlife species that could occur in or near the Project Area. However, due to the level of human disturbance on and the current lack of suitable habitat, all the special-status plant species identified in the literature review and database searches were presumed absent and many of the wildlife species were also presumed absent from the Project Area.

Based on results of the literature review, database searches, and biological survey, two wildlife species (burrowing owl and San Joaquin kit fox) were determined to have a low potential to occur on the Project Area due to the presence of marginal (low quality) habitat and species records within the vicinity of the Project Area. If burrowing owl or San Joaquin kit fox are present on the Project Area prior to construction, direct impacts in the form of ground disturbance, vegetation removal, habitat loss, and mortality and indirect impacts to these species could occur in the form of increased human activity, noise, dust, nighttime lighting, and ground vibrations. However, impacts to burrowing owl and San Joaquin kit fox could be avoided with the implementation of the recommended measures below.

The Project Area also provides habitat for nesting birds and raptors, protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, within the active citrus orchard and adjacent ornamental trees. If construction of the Proposed Project occurs during the bird breeding season (typically February 1 through August 31), ground-disturbing construction activities could directly affect birds protected by the MBTA and their nests through the removal of habitat on the Project Area, and indirectly through increased noise, vibrations, and increased human activity. However, impacts to nesting birds and raptors could be avoided with the implementation of the recommended measures below.

RECOMMENDATIONS

The following avoidance measures are recommended prior to Project implementation:

- **Preconstruction Surveys for Burrowing Owl and San Joaquin Kit Fox:** Preconstruction surveys for burrowing owl and San Joaquin kit fox should be conducted prior to the initiation of ground disturbing activities. The surveys should follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012) and the U.S. Fish and Wildlife Service (USFWS) Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011). Two surveys should be conducted, with the first survey being scheduled between 30 and 14 days before initial ground disturbance (grading, grubbing, and construction), and the second survey being conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls, suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains), San Joaquin kit fox, and/or suitable San Joaquin kit fox dens are identified on the Project Area during the survey, the Project should follow the avoidance methods and buffer distances listed in the CDFW's Staff Report on Burrowing Owl Mitigation and the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance. These features must be completely avoided; however, if impacts to those features are unavoidable then the Project proponent should consult with CDFW and USFWS prior to moving forward with construction.
- **Preconstruction Nesting Bird Survey:** Due to the presence of suitable nesting habitat for bird species protected under the MBTA, it is recommended that ground-disturbing activities and tree removal be conducted during the non-breeding season for birds (approximately September 1 through January 31) to the greatest extent possible. This will avoid potential violations of the MBTA and California Fish and Game Code §§ 3503, 3503.5 and 3513. If construction or other Project activities are scheduled to occur during the nesting bird season (generally February 1

through August 31), a preconstruction nesting bird survey should be conducted by a qualified avian biologist to ensure that active bird nests will not be disturbed or destroyed. The survey should be completed no more than three days prior to initial ground disturbance. The nesting bird survey should include the Project Area and adjacent areas where Project activities have the potential to affect active nests, either directly or indirectly, due to construction activity, noise, human activity, or ground disturbance.

- If an active nest is identified, a qualified avian biologist should establish an appropriately sized non-disturbance buffer around the nest using flagging or staking. Construction activities should not occur within any non-disturbance buffer zones until the nest is deemed inactive by the qualified avian biologist. If initial ground-disturbing activities are scheduled to occur during the nesting bird season, then a biological monitor should be present during all vegetation and tree removal activities to ensure no impacts to nesting birds occur.
- Additional Recommendations:
 - Project-related vehicles should observe a daytime speed limit of 15 miles per hour (mph) throughout the Project Area, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However, if it does occur, then the speed limit should be reduced to 10-mph. Off-road project-related traffic outside of the designated Project Area should be prohibited.
 - To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill, or wooden planks should be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW should be contacted.
 - Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of a qualified biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
 - All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or Project Area.
 - No pets, such as dogs or cats, should be permitted on the Project Area to prevent harassment, mortality of kit foxes, or destruction of dens.

- Use of rodenticides and herbicides in the Project Area should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.
- In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS/CDFW should be contacted for guidance.

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Field work conducted for this assessment was performed by me or under my direct supervision. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the Project applicant or the applicant's representative and that I have no financial interest in the Project.

SIGNED:



Phillip Wasz
Senior Wildlife Biologist
ECORP Consulting, Inc.
215 N. 5th Street
Redlands, CA 92374

DATE: 6/21/2024

LITERATURE CITED

California Department of Fish and Game. 2012. Staff Report on Burrowing Owl Mitigation.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline=true>. March.

United States Fish and Wildlife Service (USFWS). 2011. Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance.
<https://www.fws.gov/sites/default/files/documents/survey-protocols-for-the-san-joaquin-kit-fox.pdf>.

Representative Site Photographs



**Photo 1. Middle of the Northern Border,
Looking South into Disturbed Area of the Project Area**



Photo 2. Middle of the Northern Border, Looking West along West Teapot Dome Avenue



Photo 3. Middle of the Northern Border, Looking East along West Teapot Dome Avenue



Photo 4. Representative Photo of the Interior of the Active Citrus Orchard



Photo 5. Southwestern Corner of the Project Area, Looking North



**Photo 6. South Side of the Disturbed Area,
Looking North Towards West Teapot Dome Avenue**