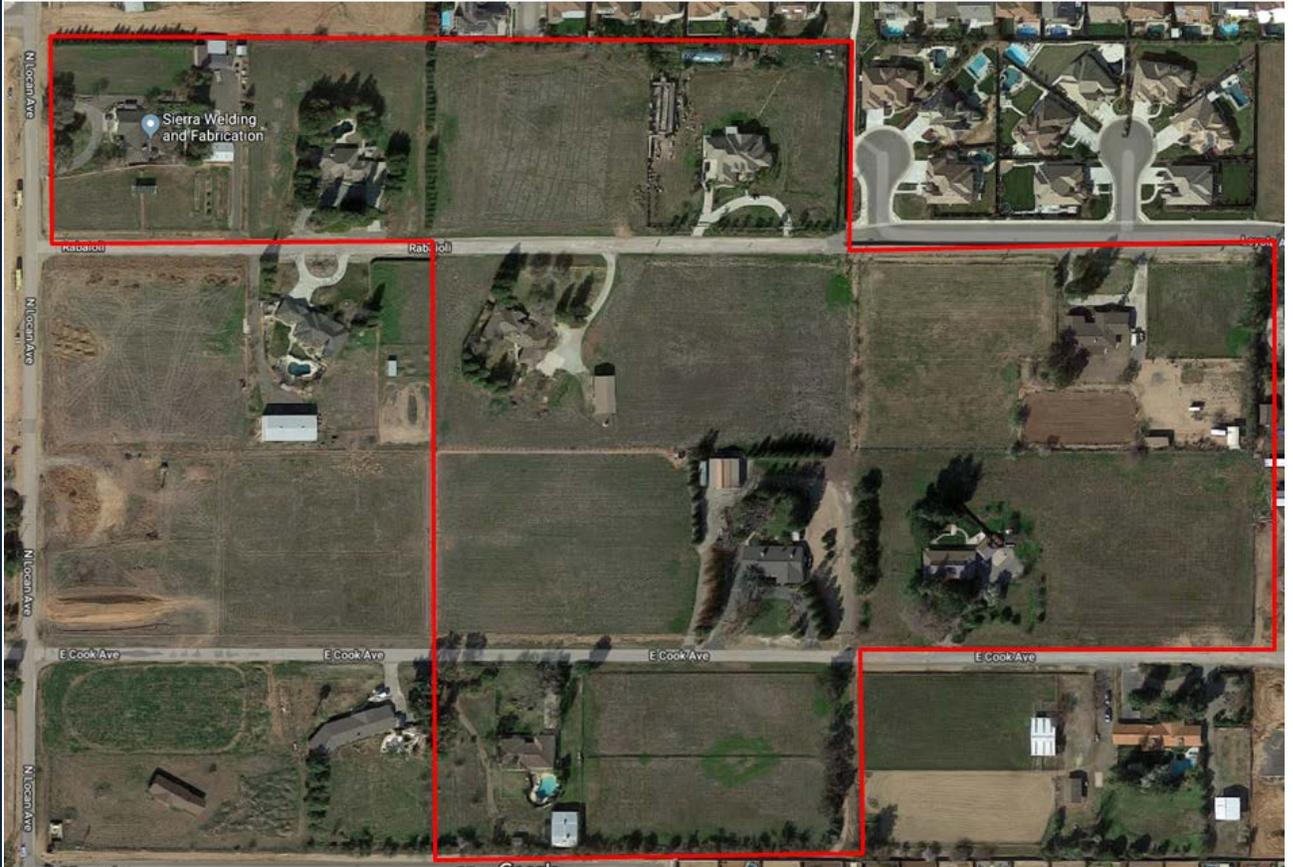


# BIOLOGICAL HABITAT ASSESSMENT

OF

Locan 35 Acres



# **BIOLOGICAL HABITAT ASSESSMENT**

**OF THE**

**Locan 35 Acres**

**Clovis, Fresno County,**

**California**

*Prepared For:*

Granville Homes

*Prepared By:*



2377 Gold Meadow Way, Suite 100  
Gold River, CA 95670

July, 2018

# TABLE OF CONTENTS

		<u>PAGE</u>
<b>SECTION 1</b>	<b>INTRODUCTION.....</b>	<b>1-1</b>
	1.1 EXECUTIVE SUMMARY .....	1-1
	1.2 INTRODUCTION .....	1-1
	1.3 STUDY OBJECTIVES.....	1-2
	1.3.1 Regulatory Jurisdiction and Background.....	1-2
<b>SECTION 2</b>	<b>METHODS .....</b>	<b>2-1</b>
	2.1 DATA AND LITERATURE REVIEW.....	2-1
	2.1.1 Aerial Photography and Wetland Mapping .....	2-1
	2.1.2 Field Reconnaissance.....	2-1
<b>SECTION 3</b>	<b>RESULTS .....</b>	<b>3-1</b>
	3.1 PHYSICAL RESOURCES AND ELEMENTS .....	3-1
	3.1.1 Land Use and Habitat Types.....	3-1
	3.1.2 Site Topography.....	3-2
	3.1.3 Climate/Soils.....	3-3
	3.2 RESULTS OF SITE INVESTIGATION.....	3-4
	3.2.1 Land Use and Habitat Types.....	3-4
	3.2.2 Special Status Species.....	3-4
	3.3 CONCLUSION.....	3-8
<b>SECTION 4</b>	<b>REFERENCES.....</b>	<b>4-1</b>

## List of Tables

<b>Table 1</b>	<b>Project Area Soil Units .....</b>	<b>3-4</b>
<b>Table 2</b>	<b>Summary of Potential Species Status Species Impacts.....</b>	<b>3-6</b>

## Appendices

- Appendix A Location Map and Photos**
- Appendix B CNDDDB Bios Report**



**1.1 EXECUTIVE SUMMARY**

Argonaut Ecological, Inc. conducted a biological review of a 35 acre parcel located between North Locan Avenue and North De Wolf Avenue in Fresno County in the City of Clovis. This report presents the findings of a field review conducted to assess the biological resources present and potential biological impacts of site development. The results include a description of the habitat present and the likelihood for the site to support sensitive biological resources (waters, wetland, and special status species habitat) based on a literature review, database review, and a field review. Results of the field review are that the property has been in agricultural development for many years. The site does not support waters of the U.S. or wetland habitats. The site does support nesting habitat for burrowing owls although no presence of owls was observed. The project area may provide nesting habitat for raptors and migratory birds.

**1.2 INTRODUCTION**

Locan 35 Acres is made up of eight individual parcels that total approximately 34.48 acres. The properties are located in the City of Clovis.

The project area is located between of North Locan Avenue and North De Wolf Avenue in Fresno County, California. The project area has been developed as rural residential since at least 1998. The area to the north began to be developed into more urban housing in 2004. The following are the parcels included within the project area:

- Bracich – 558-020-19 – 2.48 acres
- Genco – 558-020-20 – 2.30 acres
- Her/Yang – 558-020-09 – 5 acres
- Stevens – 558-020-10 – 5 acres
- Nicholson – 558-290-06 – 5 acres
- Whitford – 558-020-11 & 12 – 5.15 acres
- White – 558-020-06 – 5 acres
- McKoane – 558-020-13 – 4.55 acres



## 1.3 STUDY OBJECTIVES

The purpose of this technical report is to present the findings of a biological habitat assessment conducted on the properties. This technical report is intended to provide an overall assessment of the biological resources potentially present, describe the biological characteristics of the area, and the likelihood of the area to support sensitive biological resources (such as wetlands or creeks/drainages). This review relied heavily on the review of available information, aerial photography review, and a field review to verify the aerial photography and determine the potential for the project area to support habitat that may be used or occupied by special status species. The study also is designed to determine the approximate extent of potential wetland habitat on the site. “Wetland habitat” includes those areas that may be considered both “Waters of the U.S., as defined by the U.S. Army Corps of Engineers, and/or wetlands as defined by the Army Corps and the State of California. As described in Section 1.2.1, wetlands are a subset of “Waters of the U.S.” under the Federal Clean Water Act.

This report can be used to assess the potential effects on biological resources if the current land use changes. The specific type of land use change would dictate the type of regulatory approvals or permits required. This review focused on the extent of the Waters of the U.S., including any wetlands that would potentially be subject to regulation under Section 404 of the Clean Water Act or by the State of California Wetland Policy (Resolution 2008-0026) which is designed to protect all waters of the State, including wetlands dredge and fill discharges. These reviews also focused on assessing and identifying any potential impacts site development may have on species protected by the Federal Endangered Species Act or protected under the California Environmental Quality Act.

### 1.3.1 Regulatory Jurisdiction and Background

Regulatory jurisdiction over biological resources within the project area is shared by several agencies. The following is a brief description of the primary agencies and their respective jurisdiction.

#### **Wetland Protection**

##### *U.S. Army Corps of Engineers*

The U.S. Army Corps of Engineers (Army Corps) and the U.S. Environmental Protection Agency regulates placement of fill into the Waters of the U.S under Section 404 of the Federal Clean Water Act and Section 10 of the Rivers and Harbor Act. The term “Waters of the U.S.”

Include wetlands, special aquatic sites, and other non-wetland waters such as bays, rivers, and lakes. The jurisdictional limit of tidal Waters of the U.S. under Section 10 of the Rivers and Harbor Act is the Mean High-Water line. However, Section 404 of the Federal Clean Water Act



extends the jurisdictional limit to the High Tide line. The High Tide Line is the highest elevation of the tide in a normal year, excluding storm events. Wetlands adjacent to the Mean High-Water line or High Tide Line are also under the USACE jurisdiction. For purposes of this document, the term “Waters of the U.S.” is legally defined under Section 404 of the Federal Clean Water Act. It includes seasonal drainages that have a defined channel and support wetland species, but lack positive indicators of wetland soils.

As previously stated Waters of the U.S. includes wetlands. The Army Corps defines wetland as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (Environmental Laboratory 1987). Seasonally inundated areas that meet the criteria of all three wetland parameters as defined in the recently issued Wetland Delineation Manual for the Arid West (USACE 2006) are also considered jurisdictional wetlands. However, drainage ditches excavated on dry land that do not convey flows from historical streams and/or channels are usually considered non-jurisdictional as defined in Title 33 CFR Part 328.3 (a). A determination of whether any particular area is considered non-jurisdictional varies on a case-by-case basis.

Since 2001, the U.S. Supreme Court found in several court rulings that regulation of isolated intrastate waters by the Army Corps under the Migratory Bird Rule and other arguments is unconstitutional and impinges on state rights to regulate intrastate commerce. The decisions, which include both *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (SWANCC) and *Rapanos v. United States* (Rapanos) limited the scope of federal jurisdiction under the Federal Clean Water Act and excluded many California wetlands from federal regulation.

In May 2015 the U.S. Environmental Protection Agency and the U.S. Army finalized the “Clean Water Rule” “with the intent of clarifying what constitutes a waters of the U.S., and presumably, acts to more precisely define and making permitting more predictable, thus less costly and easier. The rule was not intended to create any new permitting requirements for agriculture and maintains all previous exemptions and exclusions. The new Clean Water Rule went in effect at the end of August, 2015. On October 9, 2015 the Sixth U.S. Circuit Court of Appeals issued a nationwide stay of the rule pending further court action. Therefore, currently, application of the Clean Water Rule is not enforced and the current regulatory definition of waters of the U.S. remains unchanged.

#### Executive Order 11990

Executive Order 11990 (signed May 24, 1977) directs all federal agencies to refrain from assisting in or giving financial support to projects that encroach on publicly or privately-owned wetlands. It further requires that federal agencies support a policy to minimize the destruction, loss, or degradation of wetlands. A federal project that encroaches on wetlands may not be undertaken unless the agency in question has determined that: (1) there are no practicable alternatives to such construction; (2) the project includes all practicable measures to minimize harm to wetlands that would be affected by the project; and (3) the resulting impact will be minor.



The Executive Order, does not apply to issuance by Federal Agencies of permits, licenses, or allocation to private parties for activities involving wetland on non-Federal property. Executive Order 1190 is also not intended to be applied on a project by project basis. Section 1 of the order states the following: “*This Order does not apply to the issuance by Federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property.*”

### California State Water Resources Control Board

Since 1993, California has had a Wetlands Conservation Policy (a.k.a., the Executive Order W-51 59-93). Commonly referred to as the *No Net Loss Policy* for wetlands, this order establishes for the State the mandate that it develops and adopts a policy framework and strategy to protect the State’s wetland ecosystems.

The State Water Board’s Policy is only proposed and no new regulatory authority has been granted to the State of California to regulate wetlands other than what currently exists. The order is intended to bring a uniform regulatory approach between the State Water Resources Control Board, other agencies involved in aquatic resource protection, and the Federal Clean Water Act Section 404 program for dredge and fill discharges by establishing procedures and criteria for the application, review and approval of permits to discharge dredged or fill material to waters of the State.

Under the State’s 401 Water Quality Certification and Wetland Program, the state provides certification for any proposed fill of waters of the U.S. Although the State has not historically regulated fills of wetlands/waters of the state, they have boldly asserted they have the regulatory authority to regulate fills of isolated wetlands/waters under the Porter-Cologne Water Quality Control Act.

Under California's Porter-Cologne Water Quality Control Act (Porter-Cologne), the regional boards regulate the "discharge of waste" to "waters of the state". All parties proposing to discharge waste that could affect waters of the state must file a report of waste discharge with the appropriate regional board. The regional board will then respond to the report of waste discharge by issuing waste discharger requirements (WDRs) in a public hearing, or by waiving WDRs for the proposed discharge.

Both of the terms "discharge of waste" and "waters of the state" are broadly defined in Porter-Cologne, such that discharges of waste include fill, any material resulting from human activity, or any other "discharge" that may directly or indirectly impact "waters of the state". While all "waters of the United States" that are within the borders of California are also "waters of the state", the converse is not true - "waters of the United States" is a subset of "waters of the state." However, a recent court case has provided clarity with respect to the limit to the Regional Boards jurisdiction. The California Superior Court in December 2017 (*John D. Sweeney and Point Duck Club, LLC vs. San Francisco Bay Conservation and Development Commission and the San Francisco Regional Water Quality Control Board, FCS048136*). In that case the court found that “the California Water Code (Porter-Cologne) §13304 does not give the State the authority (in this case the California Regional Water Quality Control Board) to regulate discharges into areas



that are not “waters of the State” and found that “waters of the State” are not areas that are considered dry land (defined as an area that does not have perennial, ephemeral, or intermittent surface waters). The court ruling also made clear that vegetation removal from a waters is not “fill” or “discharge” that can be regulated by the State. At this time, it is unknown how this court ruling will, or will not, change how the Regional Boards proceed with respect to wetland regulation.

It is important to note that, while Section 404 permits and 401 certifications are required when the activity results in fill or discharge directly below the ordinary high water line of waters of the United States, any activity that results or may result in a discharge that directly or indirectly impacts waters of the state or the beneficial uses of those waters are subject to waste discharge requirements (WDRs). In practice, most regional boards rely on applications for 401 certification to determine whether WDRs need also be issued for a proposed project.

### Listed Protected Species and Habitat Protection

#### U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) implements the Migratory Bird Treaty Act (16 USC Section 703-711), Bald and Golden Eagle Protection Act (16 United States Code [USC] Section 668), and Federal Endangered Species Act (FESA; 16 USC § 153 *et seq.*). Projects that would result in “take” of any federally-listed threatened or endangered species are required to obtain authorization from the USFWS through either Section 7 (interagency consultation) or Section 10(a) (incidental take permit) of FESA, depending on whether the federal government is involved in permitting or funding the project. The authorization process is used to determine if a project would jeopardize the continued existence of a listed species and what mitigation measures would be required to avoid jeopardizing the species.

“Take” under the federal definition means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. “Candidate species” do not have the full protection of FESA. However, the USFWS advises project applicants that it is prudent to address these species since they could be elevated to “listed status” prior to completion of projects with long planning or development schedules.

The **Migratory Bird Treaty Act (MBTA)** was first enacted in 1916 in order to implement the convention for protection of migratory birds between the United States and Great Britain (acting on behalf of Canada). The MBTA makes it illegal for anyone to take, possess, import, transport, purchase, barter or offer for sale or purchase any migratory birds, its nests or eggs unless a permit has been issued by the federal agency. The USFWS has statutory authority and responsibility for enforcing the MBTA. In accordance with the MBTA Reform Act (MBTARA) of 2004 all species native to the U.S. or its territories which occur as a result of natural biological or ecological processes (70 FR 12710, March 15, 2005) and does not include nonnative species whose occurrences in the US are solely the result of intentional or unintentional human introduction. The USFWS maintains a list of bird species protected under the MCTA and the MBTRA. However, on December 22, 2017 the Deputy Solicitor General issued an opinion



(Order 3345) that the MBTA does not prohibit “incidental take” of a migratory bird as the result of an otherwise lawful activity.

### California Department of Fish and Wildlife

The California Department of Fish and Wildlife (CDFW), formally known as the California Department of Fish and Game, is a Trustee Agency with responsibility under the CEQA for commenting on projects that could impact plant and wildlife resources. In addition, pursuant to the Fish and Game Code Section 1802, the CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. The California Fish and Game Code also provide authority for the CDFW to regulate projects that could result in the “take” of any species listed by the State as threatened or endangered (Section 2081).

Perennial and intermittent streams also fall under the jurisdiction of CDFW pursuant to Sections 1601-1603 of the Fish and Game Code (Streambed Alteration Agreements). The CDFW’s jurisdiction over work within the stream zone includes, but is not limited to, the diversion or obstruction of the natural flow or changes in the channel, bed, or bank of any river, stream or lake. Prior to issuing a 1601 or 1603 Streambed Alteration Agreement, the CDFW must demonstrate compliance with CEQA. In most cases, CDFW relies on the CEQA review performed by the local lead agency. However, in cases where no CEQA review was required for the project, CDFW would act as the lead agency under CEQA.

The CDFW also has authority for protection state-listed species issues Section 2081 Incidental Take Permit if a project has the potential to negatively affect state-protected plant or animal species or their habitats, either directly or indirectly. Protected species include those “listed” by the state as endangered or threatened. Besides listed species, there are other categories of species protection, including “fully protected” and California Species of Special Concern (CSC). Adverse impacts to species that have the “fully protected” designation is prohibited.

Under current California Fish & Game Code (FGC Section 3503) “it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird...” Birds of prey (falcons, hawks, owls, and eagles) get extra protection under the law (FGC Section 3503.5).

### California Endangered Species Act

The California Endangered Species Act (CESA) provides protection for candidate plants and animal species as well as those listed as rare, threatened, or endangered by the California Department of Fish and Game (CDFG). This act prohibits the take of any such species unless authorized. Section 2081 authorizes the state to issue incidental take permits. The state definition of take applies only to acts that result in the death of or adverse impacts to protected species.

### California Environmental Quality Act

The CEQA Guidelines require review of projects to determine their environmental effects and to identify mitigation for significant effects. The Guidelines state an effect may be significant if it affects rare and endangered species. Section 15380 of the Guidelines defines *rare* to include



listed species, and allows agencies to consider rare species other than those designated as State or Federal threatened or endangered, but that meet the standards for rare under the Federal or State endangered species acts. On this basis, plants designated as rare by non-regulatory organizations (e.g., California Native Plant Society), species of special concern as defined by CDFW, candidate species as defined by USFWS and other designations may need to be considered in CEQA analyses.

City of Clovis

The project area falls within the City of Clovis, California. The City is responsible for all local land use decisions within its jurisdictional boundary.



The following section describes the methods used to assess the project area, which includes a combination of data review and evaluation, field studies, and aerial photograph interpretations.

## **2.1 DATA AND LITERATURE REVIEW**

The approximately 34.8 acre project area is located in a historically rural residential (including some agricultural, livestock grazing, and equestrian) in Clovis, California. The following documents and/or sources were used in preparing this report.

- U.S. Department of Agricultural, Natural Resources Conservation Service, Soil Survey of Fresno Area (Soils mapper).
- Aerial photography (Google Earth®, Bing®, and historic aerials dating back to 1983).
- The California Department of Fish and Game, California Natural Diversity Database (CNDDDB/RareFind - Recent version with updates).
- U.S. Fish and Wildlife Service National Wetland Inventory Map
- U.S. Fish and Wildlife Service Information for Planning and Conservation (IPaC)
- U.S. Geologic Survey, Historic topographic Map, Clovis Quadrangle, 1919, University of Texas, Austin, Perry-Castañeda Map Collection
- Previous experience with biological studies, CEQA reviews, and wetland delineation work on lands adjacent to the Project area.

### **2.1.1 Aerial Photography and Wetland Mapping**

A series of aerial photographs of the project area were reviewed to assess changes in land use over time, dating back to 1998. Specifically, black and white and color aerial photographs ranging in resolution from 0.5 meters to 1.0 meter. We also reviewed wetland mapping and the aerials to determine if the project area recently supported wetlands.

### **2.1.2 Field Reconnaissance**

Prior to conducting a site review, we reviewed the California Natural Diversity Database/Rarefind (CNDDDB/Rarefind). The CNDDDB includes records of reported observations for special status plant and animal species. A search radius that included up to nine USGS quadrangles was employed. The results of the CNDDDB/RareFind were reviewed to identify which species would present the greatest likelihood of being present on the site based on the distance of the site from known records and the similarity in habitats between the project area and the habitats that the species required and/or preferred. Also prior to the field work, high resolution aerials photographs were reviewed to determine if there are any areas on the site that appear to support waters of the U.S., or other water features.



A field review was conducted on June 6, 2018. The field review included walking throughout the project area looking for evidence or any indication of sensitive habitats. Photographs were taken and are included in Appendix A.



The following section describes the physical (i.e., topography, drainage, and soils) and the biological resources present, or potentially present, within the project area. Section 3.1 describes the physical components (i.e., soils, hydrology, etc.) of the project area. The physical components strongly influence the types of plants and animals present. Section 3.2 is an overview of the resources and habitats present within the project area, including descriptions of the specific biological resources observed.

The information presented is not an exhaustive inventory of plants or animals present. Rather it is designed to provide sufficient information to identify what, if any, biological resources are present that may be considered unique, sensitive, or protected by current law and the potential impacts to those resources if the site is developed.

### **3.1 PHYSICAL RESOURCES AND ELEMENTS**

#### **3.1.1 Land Use and Habitat Types**

Based on aerial photographs obtained from Google Earth, the site has been developed as rural agricultural since at least 1998. In 2004 the property to the north and northwest began to be developed into housing. Similar housing was developed in 2006 northeast and east of the property. More recently in 2017 housing has been developed south of the property. There is little change to the property itself between 1998 to present, remaining as rural agricultural habitat. Appendix A includes photographs taken of the site showing the habitat within the project site.

The properties within the project area are developed with rural residential homes and associated outbuildings. The properties include several large homes and expansive pastures, gardens, swimming pools, barns, and other out buildings. There is some active grazing land (primarily goats, horses, etc.). The area immediately surrounding the parcels is actively under construction with high-density residential and infrastructure construction (sewer, water, etc.).

The parcels within the project area are nearly the last remaining rural residential parcels within this immediate area. Although not shown on the aerial map, all the property fronting N. Locan have homes being built. The same is true of the property along De Wolf Avenue. Access to the rural residential parcels is through high density development. During the field review, we spoke with several owners of the parcels and they said the noise, dust, and traffic surrounding them as a result of the active construction and intense development makes it difficult to access their property or enjoy their rural lifestyle. For that reason, the owners within the project area have chosen to sell their property.

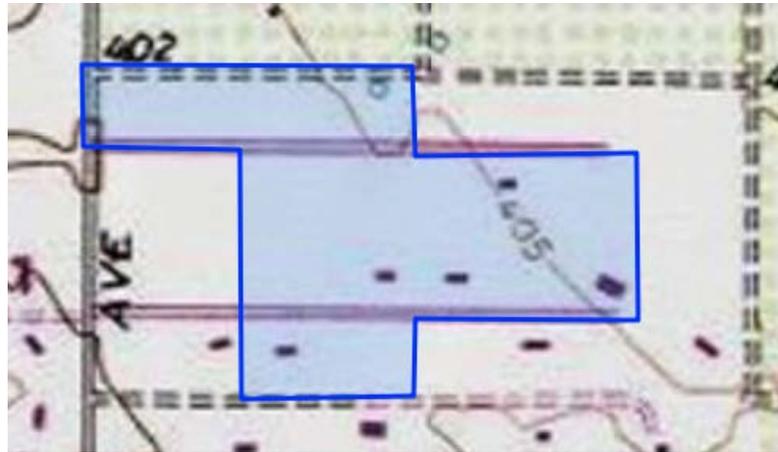
There are numerous large trees within the project area that could provide suitable nesting habitat for raptors. No active nests were observed but occupation of nests may occur during the nest breeding season. Along the northern portion of the project area, there are several mounds of dirt



that ground squirrel have occupied. The mounds are located on a vacant parcel. The presence of ground squirrels could also provide suitable nesting habitat for burrowing owls although no evidence of owl occupation was observed. According to several residence, there are red fox residing under a barn within the project area. The residence has contact the City and the City will relocate the fox. Since so much construction is occurring surrounding the project area, this is the last remaining habitat for urban wildlife.

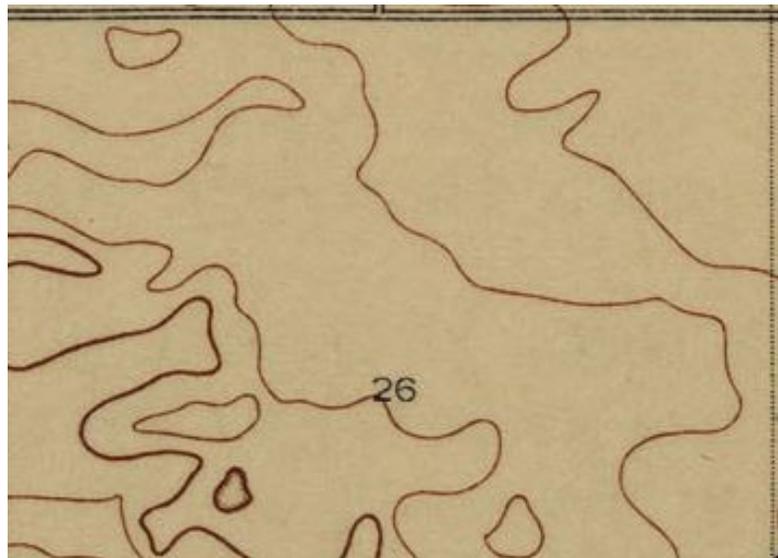
### 3.1.2 Site Topography

The property lies within the Central Valley and is fairly flat with very little change in elevation, remaining around 400-405 meters above sea level throughout the site.



USGS Topographic Map

The project area has historically not had any drainages on or near it. However, based on the increased elevation to the west the site likely historically drained to the east. The topographic map from 1921 (right) shows the general vicinity of the project area.



USGS Historical Topographic Map (1921)



A query of the National Wetland Inventory Map shows no wetlands, ponds, or rivers on the site. There is one pond southeast of the site. The National Wetland Inventory Map code is “PUBHx” which correlates to “palustrine, unconsolidated bottom, permanently flooded, excavated.”



**U.S. Fish and Wildlife Service  
National Wetland Inventory Map**

### 3.1.3 Climate/Soils

Climate in the project area is typical of the central San Joaquin Valley with summers that are long, hot, and dry and winters that are cool and mild. Rainfall in the winter averages approximately 10.9 inches per year, falling mainly between November and April (Western Regional Climate Center, 2004).

The Natural Resources Conservation Service (NRCS) soil survey mapped four soil types within the project area. One soil type, alamo clay, is hydric. Hydric soil is readily formed under ponded condition and is a strong indicator of areas experiencing prolonged ponding (e.g., wetlands). The presence of mapped hydric soils may indicate that the soils could support wetlands; but, there is not a direct correlation. Wetlands can occur in areas where no hydric soil are mapped and may be absent in areas mapped as hydric soils. The following is a summary of the soil type present.



**Table 1**  
**Project Area Soil Units**

Map Unit Symbol	Map Unit Name	Hydric		Approximate Acres in Area of Interest	Percent of Area of Interest
		Yes	No		
An	Alamo Clay	✓		1.9	5.4%
CzcB	Cometa-San Joaquin sandy loams, 3 to 9 percent slopes		✓	0.8	2.2%
SdA	San Joaquin sandy loam, shallow, 0 to 3 percent slopes		✓	1.9	5.4%
SgA	San Joaquin loam, shallow, 0 to 3 percent		✓	30.1	87.0%
<b>Totals for Area of Interest</b>				34.6	100.0%

## 3.2 RESULTS OF SITE INVESTIGATION

### 3.2.1 Habitats and Waters of the U.S. and Waters of the State

The entire project area is rural residential agricultural land with suburban housing surrounding. There are no Waters of the State or Waters of the U.S. on the site. There was one area located toward the south end of the project area that was investigated in detail because it appeared on the aerial as a potential wetland. However, upon inspection we determined the area is surrounding a leaking sprinkler head that created a patch of lush grass. This area is located within a livestock pasture and does not meet any criteria as a wetland.

### 3.2.2 Special Status Species

A search of the California Natural Diversity Database (CNDDDB) was reviewed to determine which special status species could be present within the project area (Appendix B). There is no critical habitat for any listed species within or near the project area. Table 2 provides a summary of the species identified in the CNDDDB and by the U.S. Fish and Wildlife Service that would have the highest likelihood of being present based on habitat requirements. Although the database did not include all migratory birds/ and raptors, such species could use the site to forage for food or nest the trees. The CNDDDB BIOS map shows the nearest records of listed species. The nearest records, the large California tiger salamander boundary and Greene's tuctoria (*Tuctoria greenei*), are roughly 1 mile away from the site. Other species records located near the site include the western pond turtle (*Emys marmorata*) and succulent owl's-clover (*Castilleja campestris var. succulenta*).

#### California Tiger Salamander

California tiger salamander (*Ambystoma californiense*) is both federally and state listed as endangered. CTS are endemic to California and the historical presence of it likely includes



grassland habitats that are found throughout the state. The primary cause for decline in populations has been habitat loss and fragmentation due to urban and agricultural development, land conversion, and other human-caused factors. California tiger salamander occupy different habitats depending on the state of their life cycle and breeding cycle. CTS require seasonal ponds that retain water until at least May or June in order to successfully breed and the young to mature. Once the aquatic larvae have matured, they relocate to the dry upland habitat to aestivate (oversummer) during the hot dry summers, seeking shelter in underground burrows. Once the winter rains return and suitable ponding has occurred, the adults return to the seasonal ponds to breed. During years of low rainfall the males may migrate into the seasonal ponds but the females may remain in their upland habitat. There appears to be a strong association between grazed communities, burrowing mammals, and the presence of CTS. Adults will find burrows dug by California ground squirrels (*Otospermophilus beecheyi*) and pocket gophers (*Thomomys bottaeto*) to aestivate (Barry and Shaffer 1994, Trenham 2001).

Typically CTS breed in seasonal wetlands, ponds (including some farm ponds) or in slow moving portions of creeks. The upland habitat they use is typically grassland or ruderal habitat that has friable soils and supports a burrowing rodent. CTS have been reported to travel up to 1.3 miles between breeding habitat and upland habitat.

There are two occurrences of CTS within a 1.3 mile radius of the study site. Occurrence #613 is a large boundary but is from 1974 and CTS is now considered extirpated from this area. Occurrence #888 is northwest of the site. At this location there were two CTS larvae observed there in February 2006. CTS is considered extant on this site.

The project area supports some ground burrowing mammals; however because of the marginal quality of habitat and distance from the closest CTS breeding habitat, it is highly unlikely this site provides suitable CTS aestivation habitat. The lands surrounding the site are dense residential and the amount of ongoing construction on the roadways and parcels surrounding would preclude CTS migration into the area. In addition, there are larger roadways within the 1.32 mile radius of the site that could cause significant barriers to CTS. Nonetheless CTS will readily cross roads and other barriers to reach their breeding ponds, which is a major cause for mortality in CTS (Barry and Shaffer 1994). However, the project area does not support any aquatic habitat that can support the CTS. Table 2 shows a summary of species found or potentially found in the site.



**Table 2**  
**Summary of Potential Special Status Species Impacts**

<i>Common Name</i>	<i>Scientific Name</i>	<i>Status<sup>1</sup></i>	<i>Effects<sup>2</sup></i>	<i>Occurrence in the Project Area<sup>3</sup></i>
<b>Birds</b>				
Burrowing owl	<i>Athene cunicularia</i>	BCC	ME	<b>Absent.</b> No individuals observed in area of effect but possible habitat for burrows is present
Tricolored blackbird	<i>Agelaius tricolor</i>	CT	NE	<b>Absent.</b> No individuals in area of effect but suitable foraging habitat is present
Swainson's hawk	<i>Buteo swainsoni</i>	BCC	ME	<b>Absent.</b> No individuals in area of effect. No nests observed but suitable nesting habitat (large trees) present within project area.
<b>Mammals</b>				
Fresno kangaroo rat	<i>Dipodomys nitratooides</i>	CE, FE	NE	<b>Absent.</b> No individuals in area of effect
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	CT, FE	NE	<b>Absent.</b> No individuals in area of effect. No suitable habitat present to support species, no dens
<b>Amphibians</b>				
California tiger salamander	<i>Ambystoma californiense</i>	CE, FE	NE	<b>Absent.</b> No individuals in area of effect

1 Status= Listing of special status species, unless otherwise indicated

CE: California listed as Endangered

CT: California listed as Threatened

FE: Federally listed as Endangered

FT: Federally listed as Threatened

BCC: Bird of Conservation Concern in

USFWS = U.S. Fish and Wildlife Service

2 Effects = Effect determination

NE: No Effect

ME: May effect, not likely to adversely affect

3 Definition Of Occurrence Indicators

Present: Species recorded in area

Absent/Likely Absent: Species not recorded in project area and/or

CNDDDB = California Natural Diversity Database provided by CDFG

CNPS Categories for Plant Species:

1A - Presumed extinct in California

1B - Rare or endangered in California and elsewhere;





**Figure. CNDDDB Bio Mapping Showing Record of Known Species**

### Swainson's hawk

Swainson's hawk (*Buteo swainsoni*) is state threatened and is a migrant species that spends much of the spring, summer, and early fall in California's Central Valley. Their foraging habitat consists of grasslands, plains, and farmland. They have been observed more frequently in recent years within the Central Valley. Due to the recent expansion of their population, it is possible that agricultural, grassland, and rural residential areas may support foraging and possibly nesting hawks.

### Burrowing Owl

Burrowing owl (*Athene cunicularia*) is a species of concern in California. It is a small owl that lives in grassland habitats of the Central Valley region that also support California ground squirrels. The owl seeks shelter in the ground squirrel burrows from February to July. Although the numbers of owls have declined in some parts of California over the past 20 years, their numbers have increased greatly in some agricultural areas. In Fresno County, the species mostly occurs on the valley floor. The project site may provide suitable foraging and nesting habitat (within the area occupied by ground squirrels) for the species but there is no critical habitat in the site. Prior to any future ground disturbance associated with land conversion (from any existing use), habitat assessments and, if needed, pre-construction surveys for burrowing owl should be performed.



### Other Migratory Nesting Birds

There are several species of migratory and resident nesting birds that could potentially use the project site for nesting area. The USFWS lists 11 migratory bird species in the area however the project site does not support the habitat needed by every species for breeding or wintering. The following selected species are representative of the variety of species identified in the CNDDDB and USFWS list.

The tricolored blackbird (*Agelaius tricolor*) was recently listed as state threatened. It uses marshy areas for breeding; however their foraging habitat includes open fields and farmland. The project area does provide this habitat.

### 3.3 CONCLUSION

#### Conclusions and Recommendations

The project area has been developed as rural residential since at least 1998 however the project area is surrounded by ongoing high density residential construction. The site does not support any wetland habitat or waters of the State or U.S. The potential for the property to support any species of concern is extremely low because of the lack of habitat diversity. However, the large trees present could provide suitable nesting habitat for raptors, and burrowing owls could take up residence within the project area given the presence of ground squirrels. No other species of special concern could occur within the project area.

A preconstruction survey for nesting migratory birds and birds should be conducted prior to tree removal, unless tree removal occurs outside the nesting period (i.e., tree removal should occur between Sept 1 – Feb 1). A preconstruction survey for burrowing owl should be conducted in the northern portion of the project area to confirm no burrowing owls have taken up residence for either overwintering or nesting in the spring/summer.



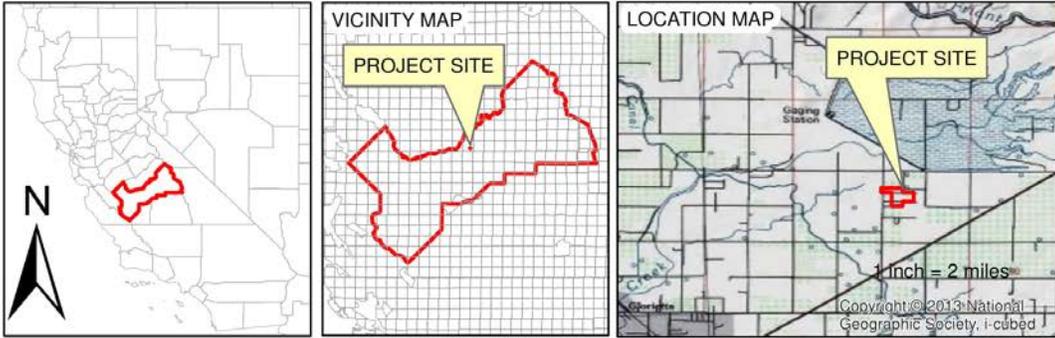
- Barry, S.J., and H.B. Shaffer. 1994. The Status of the California Tiger Salamander (*Ambystoma californiense*) at Lagunita: A 50-Year Update. *Journal of Herpetology* 28: 159-164.
- CDFG (California Department of Fish and Game). 2018. California Natural Diversity Data Base (CNDDB). Wildlife and Habitat Data Analysis Branch, Sacramento, CA.
- IPaC (Information for Planning and Consulting). 2018. Migratory Birds.
- Trenham, P.C. 2001. Terrestrial habitat used by adult California tiger salamanders. *Journal of Herpetology* 35:343-346.
- Shaffer, H. B., R. N. Fisher, and S. E. Stanley. 1993. Status report: the California tiger salamander (*Ambystoma californiense*). Final report to the California Department of Fish and Game, Inland Fisheries Division, Rancho Cordova California, under Contracts (FG9422 and 1383



# APPENDIX A Location Map and Photos

## VICINITY AND LOCATION MAP

PROJECT NAME: Clovis Property Granville  
 PROJECT LOCATION: Section 26, T.12S., R.22E.,  
 Mount Diablo Base and Meridian, Fresno County California,



### Legend

 Approximate boundary(+/-34.8AC.)



Date: 6/12/2018





**Photograph 1**

View of the property facing north



**Photograph 2**

View of the property facing west





### **Photograph 3**

View of vegetation on  
the property facing  
northeast



### **Photograph 4**

View of a fence line  
on property facing  
east





### Photograph 5

View of a fence line  
and farmland facing  
south



### Photograph 6

View of a fence line  
on the property  
facing east





### Photograph 7

View of a fenced in area facing east



### Photograph 8

View of a fence line facing northeast



### Photograph 9

View of a fence line and outbuildings facing southwest



### Photograph 10

View from a fenced in area facing northeast





**Photograph 11**

Ground squirrel  
burrow on the  
property



**Photograph 12**

Wider view of the  
ground squirrel  
burrow





### Photograph 13

View of a metal and wooden fence line on the property



### Photograph 14

View of an open grassy area along tree lines on the property





**Photograph  
15**

View of an  
outbuilding and  
building  
materials



**Photograph  
16**

View from a  
fenced in area



# APPENDIX B      CNDDDB BIOS REPORT

---





**Multiple Occurrences per Page**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



**Query Criteria:** Quad<span style='color:Red'> IS </span>(Clovis (3611976))<br /><span style='color:Red'> AND </span>Taxonomic Group<span style='color:Red'> IS </span>(Dune<span style='color:Red'> OR </span>Scrub<span style='color:Red'> OR </span>Herbaceous<span style='color:Red'> OR </span>Marsh<span style='color:Red'> OR </span>Riparian<span style='color:Red'> OR </span>Woodland<span style='color:Red'> OR </span>Forest<span style='color:Red'> OR </span>Alpine<span style='color:Red'> OR </span>Inland Waters<span style='color:Red'> OR </span>Marine<span style='color:Red'> OR </span>Estuarine<span style='color:Red'> OR </span>Riverine<span style='color:Red'> OR </span>Palustrine<span style='color:Red'> OR </span>Fish<span style='color:Red'> OR </span>Amphibians<span style='color:Red'> OR </span>Reptiles<span style='color:Red'> OR </span>Birds<span style='color:Red'> OR </span>Mammals<span style='color:Red'> OR </span>Crustaceans<span style='color:Red'> OR </span>Insects<span style='color:Red'> OR </span>Ferns<span style='color:Red'> OR </span>Gymnosperms<span style='color:Red'> OR </span>Monocots<span style='color:Red'> OR </span>Dicots<span style='color:Red'> OR </span>Lichens<span style='color:Red'> OR </span>Bryophytes<span style='color:Red'> OR </span>Fungi)<br /><span style='color:Red'> AND </span>(Federal Listing Status<span style='color:Red'> IS </span>(Endangered<span style='color:Red'> OR </span>Threatened)<span style='color:Red'> OR </span>State Listing Status<span style='color:Red'> IS </span>(Endangered<span style='color:Red'> OR </span>Threatened))

<b>Ambystoma californiense</b>		<b>Element Code:</b> AAAAA01180	
California tiger salamander			
<b>Listing Status:</b>	<b>Federal:</b> Threatened	<b>CNDDB Element Ranks:</b>	<b>Global:</b> G2G3
	<b>State:</b> Threatened		<b>State:</b> S2S3
	<b>Other:</b> CDFW_WL-Watch List, IUCN_VU-Vulnerable		
<b>Habitat:</b>	<b>General:</b> CENTRAL VALLEY DPS FEDERALLY LISTED AS THREATENED. SANTA BARBARA AND SONOMA COUNTIES DPS FEDERALLY LISTED AS ENDANGERED.		
	<b>Micro:</b> NEED UNDERGROUND REFUGES, ESPECIALLY GROUND SQUIRREL BURROWS, AND VERNAL POOLS OR OTHER SEASONAL WATER SOURCES FOR BREEDING.		

<b>Occurrence No.</b>	583	<b>Map Index:</b>	46277	<b>EO Index:</b>	46277	<b>Element Last Seen:</b>	1936-05-16
<b>Occ. Rank:</b>	None	<b>Presence:</b>	Extirpated	<b>Site Last Seen:</b>		1936-05-16	
<b>Occ. Type:</b>	Natural/Native occurrence	<b>Trend:</b>	Unknown	<b>Record Last Updated:</b>		2002-08-20	

**Quad Summary:** Malaga (3611966), Fresno South (3611967), Clovis (3611976), Fresno North (3611977)  
**County Summary:** Fresno

<b>Lat/Long:</b>	36.77388 / -119.77951	<b>Accuracy:</b>	5 miles
<b>UTM:</b>	Zone-11 N4073392 E251931	<b>Elevation (ft):</b>	300
<b>PLSS:</b>	T13S, R20E, Sec. 27 (M)	<b>Acres:</b>	0.0

**Location:** FRESNO.  
**Detailed Location:**  
**Ecological:**  
**General:** 1879 RECORD FROM THE USNM (#11794), NO OTHER INFORMATION GIVEN. CORNELL UNIVERSITY MUSEUM OF VERTEBRATES #3017 (2 SPECIMENS) COLLECTED 16 MAY 1936 BY L.F. HADSELL. JENNINGS CONSIDERS THIS SITE EXTIRPATED.  
**Owner/Manager:** UNKNOWN



**Multiple Occurrences per Page**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



<b>Occurrence No.</b>	613	<b>Map Index:</b> 46427	<b>EO Index:</b> 46427	<b>Element Last Seen:</b>	1974-05-03
<b>Occ. Rank:</b>	None		<b>Presence:</b> Extirpated	<b>Site Last Seen:</b>	1974-05-03
<b>Occ. Type:</b>	Natural/Native occurrence		<b>Trend:</b> Unknown	<b>Record Last Updated:</b>	2001-11-07

**Quad Summary:** Clovis (3611976)

**County Summary:** Fresno

<b>Lat/Long:</b>	36.85063 / -119.68563	<b>Accuracy:</b>	1 mile
<b>UTM:</b>	Zone-11 N4081669 E260551	<b>Elevation (ft):</b>	380
<b>PLSS:</b>	T12S, R21E, Sec. 33 (M)	<b>Acres:</b>	0.0

**Location:** WEST SIDE OF THE FRIANT-KERN CANAL, 1.5 MILES NORTHWEST OF HWY 168. NORTH OF CLOVIS.

**Detailed Location:**

**Ecological:** VERNAL POOL.

**General:** OBSERVATION BY L.G. DUNN (DFG) DURING 1-3 MAY 1974 SURVEY. JENNINGS CONSIDERS THIS SITE EXTIRPATED.

**Owner/Manager:** UNKNOWN

<b>Occurrence No.</b>	888	<b>Map Index:</b> 66458	<b>EO Index:</b> 66562	<b>Element Last Seen:</b>	2006-02-26
<b>Occ. Rank:</b>	Good		<b>Presence:</b> Presumed Extant	<b>Site Last Seen:</b>	2006-02-26
<b>Occ. Type:</b>	Natural/Native occurrence		<b>Trend:</b> Unknown	<b>Record Last Updated:</b>	2007-02-20

**Quad Summary:** Clovis (3611976)

**County Summary:** Fresno

<b>Lat/Long:</b>	36.87369 / -119.67091	<b>Accuracy:</b>	80 meters
<b>UTM:</b>	Zone-11 N4084192 E261935	<b>Elevation (ft):</b>	400
<b>PLSS:</b>	T12S, R21E, Sec. 22, NW (M)	<b>Acres:</b>	0.0

**Location:** NORTH SIDE OF A CONSTRUCTED FLOOD CONTROL CHANNEL, 0.25 MILE DOWNSTREAM OF BIG CREEK DAM, 3.5 MILES NE OF CLOVIS.

**Detailed Location:** THE SWALE THAT CONTAINED THE LARVAE WAS IMMEDIATELY ADJACENT TO A CHANNEL THAT FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONSTRUCTED AND USES TO RELEASE WATER DOWNSTREAM. SURROUNDING AREA CONTAINS SEASONAL WETLANDS AND VERNAL POOLS.

**Ecological:** HABITAT CONSISTS OF A SWALE CONTAINING ~3" OF WATER; SWALE APPEARS TO BE PART OF THE ORIGINAL CREEK MEANDER THAT WAS CUT OFF WHEN BIG CREEK DAM WAS CONSTRUCTED IN 1948. THE ADJACENT FLOOD CONTROL CHANNEL CONTAINS FISH AND BULLFROGS.

**General:** 2 CTS LARVAE OBSERVED ON 26 FEB 2006.

**Owner/Manager:** UNKNOWN



**Multiple Occurrences per Page**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



<b><i>Buteo swainsoni</i></b>		<b>Element Code:</b> ABNKC19070	
Swainson's hawk			
<b>Listing Status:</b>	<b>Federal:</b> None	<b>CNDDB Element Ranks:</b>	<b>Global:</b> G5
	<b>State:</b> Threatened		<b>State:</b> S3
	<b>Other:</b> BLM_S-Sensitive, IUCN_LC-Least Concern, USFWS_BCC-Birds of Conservation Concern		
<b>Habitat:</b>	<b>General:</b> BREEDS IN GRASSLANDS WITH SCATTERED TREES, JUNIPER-SAGE FLATS, RIPARIAN AREAS, SAVANNAHS, & AGRICULTURAL OR RANCH LANDS WITH GROVES OR LINES OF TREES.		
	<b>Micro:</b> REQUIRES ADJACENT SUITABLE FORAGING AREAS SUCH AS GRASSLANDS, OR ALFALFA OR GRAIN FIELDS SUPPORTING RODENT POPULATIONS.		

<b>Occurrence No.</b>	2583	<b>Map Index:</b> 46277	<b>EO Index:</b> 91594	<b>Element Last Seen:</b>	1956-05-04
<b>Occ. Rank:</b>	Unknown		<b>Presence:</b> Presumed Extant	<b>Site Last Seen:</b>	1956-05-04
<b>Occ. Type:</b>	Natural/Native occurrence		<b>Trend:</b> Unknown	<b>Record Last Updated:</b>	2013-09-26
<b>Quad Summary:</b>	Malaga (3611966), Fresno South (3611967), Clovis (3611976), Fresno North (3611977)				
<b>County Summary:</b>	Fresno				
<b>Lat/Long:</b>	36.77388 / -119.77951		<b>Accuracy:</b>	5 miles	
<b>UTM:</b>	Zone-11 N4073392 E251931		<b>Elevation (ft):</b>	300	
<b>PLSS:</b>	T13S, R20E, Sec. 27 (M)		<b>Acres:</b>	0.0	
<b>Location:</b>	FRESNO.				
<b>Detailed Location:</b>	MAPPED GENERALLY TO GIVEN LOCALITY "NEAR FRESNO," EXACT DETECTION LOCATIONS UNKNOWN.				
<b>Ecological:</b>					
<b>General:</b>	ACTIVE NEST(S) OBSERVED BY MINTURN ON 23 APR 1956 AND 4 MAY 1956, AS REPORTED IN BLOOM (1979).				
<b>Owner/Manager:</b>	UNKNOWN				

<b><i>Coccyzus americanus occidentalis</i></b>		<b>Element Code:</b> ABNRB02022	
western yellow-billed cuckoo			
<b>Listing Status:</b>	<b>Federal:</b> Threatened	<b>CNDDB Element Ranks:</b>	<b>Global:</b> G5T2T3
	<b>State:</b> Endangered		<b>State:</b> S1
	<b>Other:</b> BLM_S-Sensitive, NABCI_RWL-Red Watch List, USFS_S-Sensitive, USFWS_BCC-Birds of Conservation Concern		
<b>Habitat:</b>	<b>General:</b> RIPARIAN FOREST NESTER, ALONG THE BROAD, LOWER FLOOD-BOTTOMS OF LARGER RIVER SYSTEMS.		
	<b>Micro:</b> NESTS IN RIPARIAN JUNGLES OF WILLOW, OFTEN MIXED WITH COTTONWOODS, WITH LOWER STORY OF BLACKBERRY, NETTLES, OR WILD GRAPE.		

<b>Occurrence No.</b>	87	<b>Map Index:</b> 14944	<b>EO Index:</b> 25589	<b>Element Last Seen:</b>	1902-07-10
<b>Occ. Rank:</b>	None		<b>Presence:</b> Extirpated	<b>Site Last Seen:</b>	1902-07-10
<b>Occ. Type:</b>	Natural/Native occurrence		<b>Trend:</b> Unknown	<b>Record Last Updated:</b>	1989-08-10
<b>Quad Summary:</b>	Sanger (3611965), Malaga (3611966), Round Mountain (3611975), Clovis (3611976)				
<b>County Summary:</b>	Fresno				
<b>Lat/Long:</b>	36.75271 / -119.63986		<b>Accuracy:</b>	1 mile	
<b>UTM:</b>	Zone-11 N4070690 E264333		<b>Elevation (ft):</b>	345	
<b>PLSS:</b>	T13S, R21E, Sec. 36, SW (M)		<b>Acres:</b>	0.0	
<b>Location:</b>	FANCHER CREEK, 6 MI NE OF FRESNO.				
<b>Detailed Location:</b>					
<b>Ecological:</b>					
<b>General:</b>	REPORTED AS UNCOMMON BUT NESTING BY TYLER (1913).				
<b>Owner/Manager:</b>	PVT				



**Multiple Occurrences per Page**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



<b><i>Vireo bellii pusillus</i></b>		<b>Element Code:</b> ABPBW01114	
least Bell's vireo			
<b>Listing Status:</b>	<b>Federal:</b> Endangered	<b>CNDDB Element Ranks:</b>	<b>Global:</b> G5T2
	<b>State:</b> Endangered		<b>State:</b> S2
	<b>Other:</b> IUCN_NT-Near Threatened, NABCI_YWL-Yellow Watch List		
<b>Habitat:</b>	<b>General:</b> SUMMER RESIDENT OF SOUTHERN CALIFORNIA IN LOW RIPARIAN IN VICINITY OF WATER OR IN DRY RIVER BOTTOMS; BELOW 2000 FT.		
	<b>Micro:</b> NESTS PLACED ALONG MARGINS OF BUSHES OR ON TWIGS PROJECTING INTO PATHWAYS, USUALLY WILLOW, BACCHARIS, MESQUITE.		

<b>Occurrence No.</b>	505	<b>Map Index:</b>	91510	<b>EO Index:</b>	92586	<b>Element Last Seen:</b>	1912-05-16
<b>Occ. Rank:</b>	None	<b>Presence:</b>	Possibly Extirpated	<b>Site Last Seen:</b>		1912-05-16	
<b>Occ. Type:</b>	Natural/Native occurrence	<b>Trend:</b>	Unknown	<b>Record Last Updated:</b>		2014-02-10	

**Quad Summary:** Clovis (3611976)  
**County Summary:** Fresno

<b>Lat/Long:</b>	36.78960 / -119.69871	<b>Accuracy:</b>	1 mile
<b>UTM:</b>	Zone-11 N4074931 E259193	<b>Elevation (ft):</b>	345
<b>PLSS:</b>	T13S, R21E, Sec. 21 (M)	<b>Acres:</b>	0.0

**Location:** VICINITY OF TARPEY, SOUTH OF CLOVIS, NORTHEAST OF FRESNO.  
**Detailed Location:** MAPPED GENERALLY TO TARPEY. PROVIDED LOCATION DESCRIPTION WAS "TARPEY, GOVED DITCH." GOVED DITCH MAY REFER TO GOULD CANAL, WHICH RUNS ALONG THE WESTERN AND NORTHERN EDGE OF TAPEY (1923 CLOVIS 7.5 MIN TOPO MAP).  
**Ecological:** AREA IS HEAVELY DEVELOPED BASED ON AERIAL IMAGES FROM 1998-2013. GOULD CANAL STILL PRESENT BUT LACKS VEGETATION AND IS SURROUNDED BY RESIDENTIAL AND COMMERCIAL BUILDINGS.  
**General:** EGG SET CONSISTING OF 4 EGGS COLLECTED (WFVZ #33084) BY J. TYLER ON 16 MAY 1912; INCUBATION CONSIDERED "WELL BEGUN." A BIRD WAS ALSO OBSERVED ON THE NEST.  
**Owner/Manager:** UNKNOWN

<b>Occurrence No.</b>	506	<b>Map Index:</b>	91511	<b>EO Index:</b>	92587	<b>Element Last Seen:</b>	1906-05-25
<b>Occ. Rank:</b>	None	<b>Presence:</b>	Possibly Extirpated	<b>Site Last Seen:</b>		1906-05-25	
<b>Occ. Type:</b>	Natural/Native occurrence	<b>Trend:</b>	Unknown	<b>Record Last Updated:</b>		2014-02-10	

**Quad Summary:** Clovis (3611976)  
**County Summary:** Fresno

<b>Lat/Long:</b>	36.82290 / -119.70690	<b>Accuracy:</b>	1 mile
<b>UTM:</b>	Zone-11 N4078646 E258567	<b>Elevation (ft):</b>	360
<b>PLSS:</b>	T13S, R21E, Sec. 08 (M)	<b>Acres:</b>	0.0

**Location:** CLOVIS, NORTHEAST OF FRESNO.  
**Detailed Location:** PROVIDED LOCATION DESCRIPTION WAS "CLOVIS." MAPPED GENERALLY TO CLOVIS POST OFFICE. MAY HAVE COME FROM CLOVIS DITCH NEAR NORTH END OF TOWN WHICH APPEARS ON 1947 TOPO.  
**Ecological:** NEST WAS CONSTRUCTED IN A WILLOW TREE. AREA IS HEAVELY DEVELOPED BASED ON AERIAL IMAGES FROM 1998-2013 AND IS SURROUNDED BY RESIDENTIAL AND COMMERCIAL BUILDINGS.  
**General:** EGG SET CONSISTING OF 4 EGGS COLLECTED (WFVZ #33083) BY J. TYLER ON 25 MAY 1906; EGG INCUBATION CLASSIFIED AS BEING "FRESH." A VIREO WAS ALSO OBSERVED PERCHED NEAR NEST.  
**Owner/Manager:** UNKNOWN



**Multiple Occurrences per Page**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



<b><i>Branchinecta lynchi</i></b>		<b>Element Code:</b> ICBRA03030	
vernal pool fairy shrimp			
<b>Listing Status:</b>	<b>Federal:</b> Threatened	<b>CNDDB Element Ranks:</b>	<b>Global:</b> G3
	<b>State:</b> None		<b>State:</b> S3
	<b>Other:</b> IUCN_VU-Vulnerable		
<b>Habitat:</b>	<b>General:</b> ENDEMIC TO THE GRASSLANDS OF THE CENTRAL VALLEY, CENTRAL COAST MOUNTAINS, AND SOUTH COAST MOUNTAINS, IN ASTATIC RAIN-FILLED POOLS.		
	<b>Micro:</b> INHABIT SMALL, CLEAR-WATER SANDSTONE-DEPRESSION POOLS AND GRASSED SWALE, EARTH SLUMP, OR BASALT-FLOW DEPRESSION POOLS.		

<b>Occurrence No.</b>	148	<b>Map Index:</b>	33666	<b>EO Index:</b>	30639	<b>Element Last Seen:</b>	1993-03-12
<b>Occ. Rank:</b>	Unknown	<b>Presence:</b>	Presumed Extant	<b>Site Last Seen:</b>	1993-03-12		
<b>Occ. Type:</b>	Natural/Native occurrence	<b>Trend:</b>	Unknown	<b>Record Last Updated:</b>	1997-03-17		
<b>Quad Summary:</b>	Round Mountain (3611975), Clovis (3611976)						
<b>County Summary:</b>	Fresno						
<b>Lat/Long:</b>	36.81407 / -119.63591		<b>Accuracy:</b>	3/5 mile			
<b>UTM:</b>	Zone-11 N4077489 E264873		<b>Elevation (ft):</b>	385			
<b>PLSS:</b>	T13S, R21E, Sec. 12 (M)		<b>Acres:</b>	0.0			
<b>Location:</b>	EAST OF DE WOLF AVE AND SOUTH OF BULLARD AVE, EAST OF CLOVIS.						
<b>Detailed Location:</b>	1 FEATURE INSPECTED SOMEWHERE IN SECTION 12. BRANCHINECTA LYNCHI OBSERVED. NO LEPIDURUS PACKARDI OBSERVED.						
<b>Ecological:</b>	NATURAL VERNAL POOL.						
<b>General:</b>	SUGNET RECORD NUMBER 98.						
<b>Owner/Manager:</b>	UNKNOWN						

<b>Occurrence No.</b>	404	<b>Map Index:</b>	64752	<b>EO Index:</b>	64831	<b>Element Last Seen:</b>	2006-02-03
<b>Occ. Rank:</b>	Poor	<b>Presence:</b>	Presumed Extant	<b>Site Last Seen:</b>	2006-02-03		
<b>Occ. Type:</b>	Natural/Native occurrence	<b>Trend:</b>	Unknown	<b>Record Last Updated:</b>	2015-01-07		
<b>Quad Summary:</b>	Clovis (3611976)						
<b>County Summary:</b>	Fresno						
<b>Lat/Long:</b>	36.83107 / -119.63998		<b>Accuracy:</b>	1/10 mile			
<b>UTM:</b>	Zone-11 N4079385 E264562		<b>Elevation (ft):</b>	395			
<b>PLSS:</b>	T13S, R21E, Sec. 01, NW (M)		<b>Acres:</b>	0.0			
<b>Location:</b>	EAST SIDE OF ENTERPRISE CANAL, 0.3 MILE EAST OF DE WOLF AVENUE AND 0.4 MILE SOUTH OF HERNDON AVENUE, ENE OF CLOVIS.						
<b>Detailed Location:</b>	COORDINATES GIVEN FOR SPECIMEN COLLECTED IN 2003 AND LOCATION PROVIDED ON 2006 FIELD SURVEY FORM FALL WITHIN RESIDENTIAL LOT; THOUGH LOCATION DESCRIPTIONS INDICATE THE DETECTIONS WERE TO THE WEST, WITHIN THE CANAL EASEMENT.						
<b>Ecological:</b>	2006: 2X10 FOOT (1-2 INCH DEPTH) PUDDLE; LIKELY A REMNANT OF VERNAL POOLS THAT ONCE WERE FOUND AT THIS SITE; PUDDLE CONTAINED A MUD SUBSTRATE AND WAS SLIGHTLY MURKY.						
<b>General:</b>	3 COLLECTED ON 3 FEB 2003. 3 ADULTS OBSERVED ON 3 FEB 2006.						
<b>Owner/Manager:</b>	PVT, FRESNO FLOOD CONTROL DIST						



**Multiple Occurrences per Page**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



***Caulanthus californicus***

**Element Code:** PDBRA31010

California jewelflower

<b>Listing Status:</b>	<b>Federal:</b> Endangered	<b>CNDDB Element Ranks:</b>	<b>Global:</b> G1
	<b>State:</b> Endangered		<b>State:</b> S1
	<b>Other:</b> Rare Plant Rank - 1B.1		
<b>Habitat:</b>	<b>General:</b> CHENOPOD SCRUB, VALLEY AND FOOTHILL GRASSLAND, PINYON AND JUNIPER WOODLAND.		
	<b>Micro:</b> SANDY SOILS. 65-1860 M.		

<b>Occurrence No.</b>	38	<b>Map Index:</b>	46277	<b>EO Index:</b>	63230	<b>Element Last Seen:</b>	XXXX-XX-XX
<b>Occ. Rank:</b>	None	<b>Presence:</b>	Extirpated	<b>Site Last Seen:</b>			1986-XX-XX
<b>Occ. Type:</b>	Natural/Native occurrence	<b>Trend:</b>	Unknown	<b>Record Last Updated:</b>			2016-04-18

**Quad Summary:** Malaga (3611966), Fresno South (3611967), Clovis (3611976), Fresno North (3611977)

**County Summary:** Fresno

<b>Lat/Long:</b>	36.77388 / -119.77951	<b>Accuracy:</b>	5 miles
<b>UTM:</b>	Zone-11 N4073392 E251931	<b>Elevation (ft):</b>	
<b>PLSS:</b>	T13S, R20E, Sec. 27 (M)	<b>Acres:</b>	0.0

**Location:** FRESNO.

**Detailed Location:** EXACT LOCATION UNKNOWN, MAPPED IN THE GENERAL VICINITY OF FRESNO.

**Ecological:**

**General:** SITE IS BASED ON AN UNDATED DAVIDSON COLLECTION, POSSIBLY MADE IN THE LATE 1890'S OR EARLY 1900'S. NO HABITAT REMAINS IN VICINITY OF FRESNO ACCORDING TO TAYLOR (1986).

**Owner/Manager:** UNKNOWN



**Multiple Occurrences per Page**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



***Tuctoria greenei***

Element Code: PMPOA6N010

Greene's tuctoria

**Listing Status: Federal:** Endangered

**CNDDDB Element Ranks: Global:** G1

**State:** Rare

**State:** S1

**Other:** Rare Plant Rank - 1B.1

**Habitat: General:** VERNAL POOLS.

**Micro:** VERNAL POOLS IN OPEN GRASSLANDS. 25-1325 M.

**Occurrence No.** 22      **Map Index:** 14941      **EO Index:** 22344      **Element Last Seen:** 1937-05-27

**Occ. Rank:** None      **Presence:** Extirpated      **Site Last Seen:** 1987-06-01

**Occ. Type:** Natural/Native occurrence      **Trend:** Unknown      **Record Last Updated:** 1995-07-19

**Quad Summary:** Clovis (3611976)

**County Summary:** Fresno

**Lat/Long:** 36.85300 / -119.64264      **Accuracy:** 1/5 mile

**UTM:** Zone-11 N4081825 E264392      **Elevation (ft):** 405

**PLSS:** T12S, R21E, Sec. 26, SE (M)      **Acres:** 0.0

**Location:** 5 MILES NORTHEAST OF CLOVIS.

**Detailed Location:** EXACT LOCATION UNKNOWN, MAPPED IN THE VICINITY OF TOLLHOUSE ROAD AND NEES AVENUE.

**Ecological:**

**General:** SITE KNOWN FROM 1937 COLLECTION BY HOOVER. AREA SEARCHED IN 1981 AND 1987 BUT NO PLANTS SEEN. ACC TO BIOSYSTEMS ANALYSIS, 1988, NO VERNAL POOL HABITAT REMAINS IN THIS AREA; HABITAT ELIMINATED, SITE EXTIRPATED.

**Owner/Manager:** PVT

## TECHNICAL MEMORANDUM

DATE: August 14, 2019

TO: Mr. Drew Phelps, Granville Homes

SUBJECT: ADDENDUM TO THE BIOLOGICAL HABITAT ASSESSMENT OF THE LOCAN 35 ACRES STUDY LOCATED EAST OF N. LOCAN ACENUE NEAR COOK ROAD, CITY OF FRESNO, CALIFORNIA

This technical memorandum is an addendum to a previously prepared Biological Habitat Assessment prepared by Argonaut Ecological Consulting, Inc., for the subject project. Since preparation of our report, dated July 2019, Granville Homs has added an additional 2.39 acre parcel to the Study Area as shown in Figure 1.



Figure 1 - June 2019 Study Area and Additional 2.39 Parcel

The objective of this technical study is as follows:

- Evaluate and additional study area (see figure below) and determine if the 2.39 acre parcel to be added to the study area has any biological resources of concern or if inclusion of the 2.39 acre parcel would change the previously made biological findings in our July 2019 Biological Habitat Assessment.

Numerous sources of information were used for this evaluation. In general resources included: available resources data bases (state and federal), National Wetland Inventory Map, aerial photography, a previous site review of the adjacent parcels, historic topographic maps, and the California Natural Diversity Database.

The findings of our July 2019 Biological Habitat Assessment were as follows:

*“The project area has been developed as rural residential since at least 1998 however the project area is surrounded by ongoing high density residential construction. The site does not support any wetland habitat or waters of the State or U.S. The potential for the property to support any species of concern is extremely low because of the lack of habitat diversity. However, the large trees present could provide suitable nesting habitat for raptors, and burrowing owls could take up residence within the project area given the presence of ground squirrels. No other species of special concern could occur within the project area.*

*A preconstruction survey for nesting migratory birds and birds should be conducted prior to tree removal, unless tree removal occurs outside the nesting period (i.e., tree removal should occur between Sept 1 – Feb 1). A preconstruction survey for burrowing owl should be conducted in the northern portion of the project area to confirm no burrowing owls have taken up residence for either overwintering or nesting in the spring/summer.”*

## Conclusions and Recommendations:

Based on our review of the additional 2.39 acre parcel, the findings of the previously Biological Habitat Study remains the same and no new environmental issues were found. The Study Area supports identical habitat as the remainder of the larger study area and the site does not support any sensitive habitat (wetlands, waters) or known habitat for special status species.



---

Kathy R. Kinsland, Sr. Scientist

BIOLOGICAL EVALUATION  
OF THE  
MARTIN PROPERTY  
FRESNO, CALIFORNIA  
APN: 559 051 014

ARGONAUT  
ECOLOGICAL  
CONSULTING, INC.



*October 24, 2016*

# BIOLOGICAL EVALUATION

OF THE

MARTIN PROPERTY

FRESNO, CALIFORNIA

APN: 559 051 014

*Prepared For:*

Valley Coastal Development, LLC.

*Prepared By:*



2377 Gold Meadow Way, Suite 100  
Gold River, CA 95670

October 24, 2016

## Table of Contents

SECTION 1	Introduction.....	1
	1.1 Study Objectives .....	1
	1.2 Regulatory Jurisdiction and Background.....	1
SECTION 2	Methods.....	7
	2.1 Data and Literature Review .....	7
	2.2 Aerial Photography .....	7
	2.3 Field Reconnaissance.....	7
SECTION 3	Results .....	8
	3.1 Physical Resources and Elements .....	8
	Land Use and Habitat Types.....	8
	Site Topography.....	8
	Drainage, Watershed, and Wetlands.....	9
	3.2 Results of Site Investigation .....	9
	Habitats, Waters of the U.S. and Waters of the State .....	9
	Special Status Species.....	10
	3.3 Conclusions and Recommendations .....	13

## List of Tables and Figures

Figure 1 Vicinity and Location.....	2
Figure 2 CNDDDB Bios Map .....	12
Table 1 Summary of Potential Special Status Species Impacts.....	11



Argonaut Ecological, Inc. conducted a biological review of the Martin Property, APN 559 051 014, located in Part of Section 7, T. 12S., R.14E., Mount Diablo Base and Meridian. The property is located northeast of Clovis, California between Shepherd Avenue on the North and N. Locan Avenue on the East. The parcel totals approximately 4.9 acres (See Figure 1). This report presents the findings of a field review conducted to assess the biological resources present and potential biological impacts of site development.

## 1.1 STUDY OBJECTIVES

This review identifies biological resources within the Study Area and describes the suitability of the Study Area to support species of special concern. This review does not, nor was it designed to include exhaustive surveys for special status plant and animal species. Instead the review included a field survey designed to determine the potential for the site to support habitat that may be used or occupied by special status plant and animals species. The study also is designed to determine the approximate extent of potential wetland habitat on the site. “Wetland habitat” includes those areas that may be considered both “Waters of the U.S., as defined by the U.S. Army Corps of Engineers, and/or wetlands as defined by the Army Corps and the State of California. As described in Section 1.2, wetlands are a subset of “Waters of the U.S.” under the Federal Clean Water Act.

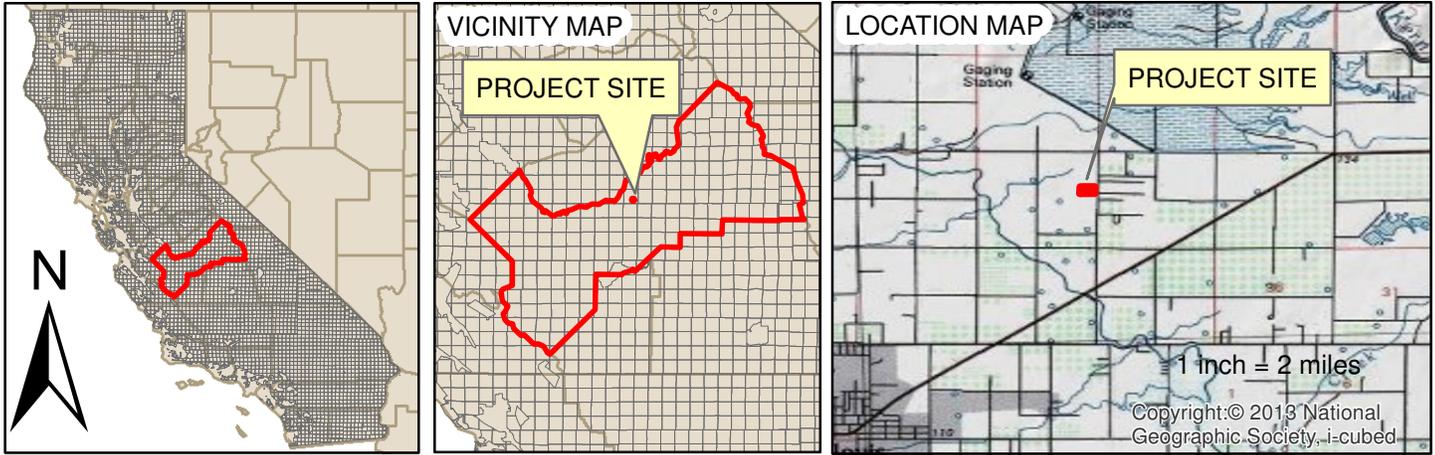
This report can be used to assess the potential effects on biological resources if the current land use changes. The specific type of land use change would dictate the type of regulatory approvals or permits required. This review focused on the extent of the Waters of the U.S., including any wetlands that would potentially be subject to regulation under Section 404 of the Clean Water Act or by the State of California Wetland Policy (Resolution 2008-0026) which is designed to protect all waters of the State, including wetlands dredge and fill discharges. These reviews also focused on assessing and identify any potential impacts site development may have on species protected by the Federal Endangered Species Act or protected under the California Environmental Quality Act.

## 1.2 REGULATORY JURISDICTION AND BACKGROUND

Regulatory jurisdiction over biological resources within the Study Area is shared by several agencies. The following is a brief description of the primary agencies and their respective jurisdiction.

# VICINITY AND LOCATION MAP

CLIENT NAME: Valley Coastal Development, LLC PROJECT NAME: Martin,  
 PROJECT LOCATION: APN 559 051 14, Section 27, T. 12S., R.21E., Mount Diablo Base and Meridian  
 City of Clovis, Fresno County California,



## Legend

 Approximate boundary (+/-4.9AC)



## Wetland Protection

### U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (Army Corps) and the U.S. Environmental Protection Agency regulates placement of fill into the Waters of the U.S under Section 404 of the Federal Clean Water Act and Section 10 of the Rivers and Harbor Act. The term “Waters of the U.S.” include wetlands, special aquatic sites, and other non-wetland waters such as bays, rivers, and lakes. The jurisdictional limit of tidal Waters of the U.S. under Section 10 of the Rivers and Harbor Act is the Mean High Water line. However, Section 404 of the Federal Clean Water Act extends the jurisdictional limit to the High Tide line. The High Tide Line is the highest elevation of the tide in a normal year, excluding storm events. Wetlands adjacent to the Mean High Water line or High Tide Line are also under the USACE jurisdiction. For purposes of this document, the term “Waters of the U.S.” is legally defined under Section 404 of the Federal Clean Water Act. It includes seasonal drainages that have a defined channel and support wetland species, but lack positive indicators of wetland soils.

As previously stated, Waters of the U.S. includes wetlands. The Army Corps defines wetland as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (Environmental Laboratory 1987). Seasonally inundated areas that meet the criteria of all three wetland parameters as defined in the recently issued Wetland Delineation Manual for the Arid West (USACE 2006) are also considered jurisdictional wetlands. However, drainage ditches excavated on dry land that do not convey flows from historical streams and/or channels are usually considered non-jurisdictional as defined in Title 33 CFR Part 328.3 (a). A determination of whether any particular area is considered non-jurisdictional varies on a case-by-case basis.

Since 2001, the U.S. Supreme Court found in several court rulings that regulation of isolated intrastate waters by the Army Corps under the Migratory Bird Rule and other arguments is unconstitutional and impinges on state rights to regulate intrastate commerce. The decisions, which include both *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (SWANCC) and *Rapanos v. United States* (Rapanos) limited the scope of federal jurisdiction under the Federal Clean Water Act and excluded many California wetlands from federal regulation.

In May 2015 the U.S. Environmental Protection Agency and the U.S. Army finalized the “Clean Water Rule” with the intent of clarifying what constitutes a waters of the U.S., and presumably, acts to more precisely define and making permitting more predictable, thus less costly and easier. According to the U.S. EPA, the rule was not intended to create any new permitting requirements for agriculture and maintains all previous exemptions and exclusions. However, many individuals in the regulated community disagree. The new Clean Water Rule went in effect at the end of August 2015. On October 9, 2015 the Sixth U.S. Circuit Court of Appeals issued a nationwide stay of the rule pending further court action. Therefore, currently, application of the Clean Water Rule is not enforced and the current regulatory definition of waters of the U.S. remains.



### Executive Order 11990

Executive Order 11990 (signed May 24, 1977) directs all federal agencies to refrain from assisting in or giving financial support to projects that encroach on publicly or privately owned wetlands. It further requires that federal agencies support a policy to minimize the destruction, loss, or degradation of wetlands. A project that encroaches on wetlands may not be undertaken unless the agency in question has determined that: (1) there are no practicable alternatives to such construction; (2) the project includes all practicable measures to minimize harm to wetlands that would be affected by the project; and (3) the resulting impact will be minor.

The Executive Order, the Order does not apply to issuance by Federal Agencies of permits, licenses, or allocation to private parties for activities involving wetland on non-Federal property. Executive Order 1190 is also not intended to be applied on a project-by-project basis. Section 1 of the order states the following: *“This Order does not apply to the issuance by Federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property.”*

### California State Water Resources Control Board

Since 1993, California has had a Wetlands Conservation Policy (a.k.a., the Executive Order W-51 59-93). Commonly referred to as the *No Net Loss Policy* for wetlands, this order establishes for the State the mandate that it develops and adopts a policy framework and strategy to protect the State’s wetland ecosystems.

The State Water Board’s Policy is only proposed and no new regulatory authority has been granted to the State of California to regulate wetlands other than what currently exists. Bring a uniform regulatory approach between the State Water Resources Control Board, other agencies involved in aquatic resource protection and the federal Clean Water Act Section 404 program for dredge and fill discharges by establishing procedures and criteria for the application, review and approval of permits to discharge dredged or fill material to waters of the State.

Under the State’s 401 Water Quality Certification and Wetland Program, the state provides certification for any proposed fill of waters of the U.S. Although the State has not historically regulated fills of wetlands/waters of the state, they have boldly asserted they have the regulatory authority to regulate fills of isolated wetlands/waters under the Porter-Cologne Water Quality Control Act.

Under California's Porter-Cologne Water Quality Control Act (Porter-Cologne), the regional boards regulate the "discharge of waste" to "waters of the state". All parties proposing to discharge waste that could affect waters of the state must file a report of waste discharge with the appropriate regional board. The regional board will then respond to the report of waste discharge by issuing waste discharge requirements (WDRs) in a public hearing, or by waiving WDRs (with or without conditions) for that proposed discharge.

Both of the terms "discharge of waste" and "waters of the state" are broadly defined in Porter-Cologne, such that discharges of waste include fill, any material resulting from human activity, or any other "discharge" that may directly or indirectly impact "waters of the state". While all "waters of the United States" that are within the borders of California are also "waters of the



state", the converse is not true - "waters of the United States" is a subset of "waters of the state."

It is important to note that, while Section 404 permits and 401 certifications are required when the activity results in fill or discharge directly below the ordinary high water line of waters of the United States, any activity that results or may result in a discharge that directly or indirectly impacts waters of the state or the beneficial uses of those waters are subject to waste discharge requirements (WDRs). In practice, most regional boards rely on applications for 401 certification to determine whether WDRs need also be issued for a proposed project.

### Listed Protected Species and Habitat Protection

#### U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) implements the Migratory Bird Treaty Act (16 USC Section 703-711), Bald and Golden Eagle Protection Act (16 United States Code [USC] Section 668), and Federal Endangered Species Act (FESA; 16 USC § 153 *et seq.*). Projects that would result in “take” of any federally-listed threatened or endangered species are required to obtain authorization from the USFWS through either Section 7 (interagency consultation) or Section 10(a) (incidental take permit) of FESA, depending on whether the federal government is involved in permitting or funding the project. The authorization process is used to determine if a project would jeopardize the continued existence of a listed species and what mitigation measures would be required to avoid jeopardizing the species.

“Take” under the federal definition means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. “Candidate species” do not have the full protection of FESA. However, the USFWS advises project applicants that it is prudent to address these species since they could be elevated to “listed status” prior to completion of projects with long planning or development schedules.

#### California Department of Fish and Wildlife

The California Department of Fish and Wildlife (CDFW), formally known as the California Department of Fish and Game, is a Trustee Agency with responsibility under the CEQA for commenting on projects that could impact plant and wildlife resources. In addition, pursuant to the Fish and Game Code Section 1802, the CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. The California Fish and Game Code also provide authority for the CDFW to regulate projects that could result in the “take” of any species listed by the State as threatened or endangered (Section 2081).

Perennial and intermittent streams also fall under the jurisdiction of CDFW pursuant to Sections 1601-1603 of the Fish and Game Code (Streambed Alteration Agreements). The CDFW’s jurisdiction over work within the stream zone includes, but is not limited to, the diversion or obstruction of the natural flow or changes in the channel, bed, or bank of any river, stream or lake. Prior to issuing a 1601 or 1603 Streambed Alteration Agreement, the CDFW must demonstrate compliance with CEQA. In most cases, CDFW relies on the CEQA review performed by the local lead agency. However, in cases where no CEQA review was required for the project, CDFW would act as the lead agency under CEQA.



The CDFW also has authority for protection state-listed species issues Section 2081 Incidental Take Permit if a project has the potential to negatively affect state-protected plant or animal species or their habitats, either directly or indirectly. Protected species include those “listed” by the state as endangered or threatened. Besides listed species, there are other categories of species protection, including “fully protected” and California Species of Special Concern (CSC). Adverse impacts to species that have the “fully protected” designation are prohibited.

Under current California Fish & Game Code (FGC Section 3503) “it is unlawful to take, possess or needlessly destroys the nest or eggs of any bird...” Birds of prey (falcons, hawks, owls and eagles) get extra protection under the law (FGC Section 3503.5). To help clarify the state nesting bird laws, California Department of Fish and Wildlife (CDFW) proposed to “clarify” its regulations, and in doing so, would expand regulatory reach to all nesting birds. Following a lengthy comment period, on August 5, 2016 CDFW issued a notice that they were not going to proceed with this proposed regulation (Notice of Decision Not Proceed for Proposed Nest Regulations (Section 681, Title 14, CCR).

### California Endangered Species Act

The California Endangered Species Act (CESA) provides protection for candidate plants and animal species as well as those listed as rare, threatened, or endangered by the California Department of Fish and Game (CDFG). This act prohibits the take of any such species unless authorized. Section 2081 authorizes the state to issue incidental take permits. The state definition of take applies only to acts that result in the death of or adverse impacts to protected species.

### California Environmental Quality Act

The CEQA Guidelines require review of projects to determine their environmental effects and to identify mitigation for significant effects. The Guidelines state an effect may be significant if it affects rare and endangered species. Section 15380 of the Guidelines defines *rare* to include listed species, and allows agencies to consider rare species other than those designated as State or federal threatened or endangered, but that meet the standards for rare under the federal or State endangered species acts. On this basis, plants designated as rare by non-regulatory organizations (e.g., California Native Plant Society), species of special concern as defined by CDFW, candidate species as defined by USFWS and other designations may need to be considered in CEQA analyses.

### City of Fresno

The Study Area falls within the limits of the City of Fresno, California. The City is responsible for all local land use decisions within its jurisdictional boundary. For any project review, the City would serve as the local land use agency as defined by CEQA.



The following section describes the methods used to assess the Study Area, which includes a combination of data review and evaluation, field studies, and aerial photograph interpretations.

## 2.1 DATA AND LITERATURE REVIEW

The approximately 4.9-acre project area is located within a historically agricultural area. The following documents and/or sources were used in preparing this report.

- Aerial photography (Google Earth®, Bing®, and historic aerials dating back to 1998).
- The California Department of Fish and Game, California Natural Diversity Database (CNDDDB/RareFind - Recent version with updates).
- U.S. Fish and Wildlife Service National Wetland Inventory Map
- U.S. Geologic Survey, Historic topographic Map, Clovis Quadrangle, 1919, University of Texas, Austin, Perry-Castañeda Map Collection

## 2.2 AERIAL PHOTOGRAPHY AND WETLAND MAPPING

A series of aerial photographs of the Study Area were reviewed to assess changes in land use over time, dating back to 1998. Specifically, black & white and color aerial photographs ranging in resolution from 0.5 meter to 1.0 meter. We also reviewed wetland mapping and the aerials to determine if the Study Area recently supported wetlands.

## 2.3 FIELD RECONNAISSANCE

Prior to conducting a site review, we reviewed the California Natural Diversity Database/Rarefind (CNDDDB/Rarefind). The CNDDDB includes records of reported observations for special status plant and animal species. A search radius that included two USGS quadrangles was performed. The results of the CNDDDB/RareFind were reviewed to identify which species would present the greatest likelihood of being present on the site based on the distance of the site from known records and the similarity in habitats between the Study Area and the habitats that the species required and/or preferred. Also prior to the field work, a high resolution aerial was reviewed to determine if there are any areas on the site that appear to support waters of the U.S., or other water features.

On October 18, 2016, a site review was conducted. The site was walked for full coverage. The primary objective of the field work was to identify any areas on the site, or immediately adjacent to the site, that potentially supports habitat for sensitive species or aquatic habitat. The property owner who still resides on the property was able to provide information with respect to the property history and land use.



The following section describes the physical (i.e., topography and drainage) and the biological resources present, or potentially present, within the Study Area based on data reviewed. The physical components strongly influence the types of plants and animals present. Section 3.2, is an overview of the resources and habitats present within the Study Area, including descriptions of the specific biological resources observed. The information presented is not an exhaustive inventory of plants or animals present. Rather it is designed to provide sufficient information to identify what, if any, biological resources are present that may be considered unique, sensitive, or protected by current law and the potential impacts to those resources if the site is developed.

### 3.1 PHYSICAL RESOURCES AND ELEMENTS

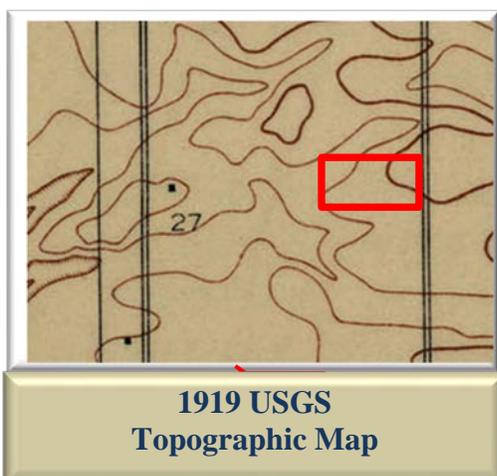
#### Land Use and Habitat Types

The property is located within an area of Clovis that has historically been used for agricultural uses and rural residential. Most of the homes in the area are located on large parcels of 2-5 acre minimum size. The Martin property has a single family home on it that was likely built in the 1970 or 1980s. An aerial from 1989 shows the home, swimming pool, landscape areas and the back portion of the property appeared to be used as pasture land. There appears to be a depression in the back of the property. Aerials from 1989 to 2015 showed the property in the same condition with little to no changes. Some additional landscaping and outbuildings appeared over time. There also appeared to be an access road created around the property.



#### Site Topography

The property lies within the Central Valley just north of the City of Merced. The Study Area site has historically been nearly level. Historically elevations within the area ranged from 375 to 400 ft MSL. According to the 1919 topographic map, the nearest drainage is Dry Creek located north of Shepherd Avenue. There are no drainages on or near the Martin Property. Current conditions do not appear to have significantly changed.



---

## Drainage, Watershed, and Wetlands

The project site historically drained to the southwest. There are no mapped wetland identified in the U.S. Fish and Wildlife Services' National Wetland Inventory Map and there are no identified drainages or waters of the U.S or riparian. The USFWS wetland map is provided below.



## 3.2 RESULTS OF SITE INVESTIGATION

Our field investigation confirmed the accuracy of the U.S. Fish and Wildlife Service's Wetland Inventory Map. No wetlands, waters, or any aquatic habitat is present within the Study Area. The western half of the site is dominated by an upland plant community that is indicative of non-native grassland/agricultural land. The east side of the property is planted in urban landscaping plants (cypress, cedar, oleander, and grass).

### Habitats and Waters of the U.S. and Waters of the State

From at least 1989, the property has been the same condition and developed as a rural residence. The western half of the property is non-native grassland that has been used as pasture. Toward the west edge of the property, it there is a depression that appears to have been excavated as a stock pond or recreational pond because the pond is roughly 8 feet in depth and the excavated soils were mounded toward the center of the pond. It appears that some years this pond was filled with water but based on the aerial it appears since 1998 the pond was only filled for a couple of years. Some vegetation was observed in the deepest portion of the pond, which isn't surprising given the pond likely ponds some rainfall. However, wetlands are not defined by just the presence of wetland vegetation and evidence of ponding. The area also has to support hydric soils. We excavated a soil test pit and there was no evidence of hydric soils. The pond was not excavated in a historic drainage and thus is not a waters of the U.S.

---

According to the property owner they currently raise goats but in the past they had various types of livestock. Sometime in the mid 1990s, the owner excavated the pond as a water feature he could stock with fish for his grandchildren to fish. He confirmed that the pond only held water on and off for a few years.

Based on a review of historical records, readily available wetland mapping databases, and a site review, there are no waters of the U.S., including wetlands or waters of the state within the Study Area.

### Special Status Species

A search of the California Natural Diversity Database (CNDDDB, 2016) was reviewed to determine which special status species could be present within the Study Area. Figure 1 shows the location of known records of special status species as found in the CNDDDB Bios Map. The nearest recorded species is California tiger salamander and two plant species associated with vernal pools. Suitable habitat is not present on site for these species. California tiger salamander require aquatic breeding habitat that remains ponded for several weeks in order for the species to complete its breeding cycle. The man made pond on site may pond for a brief period annually but not long enough for the species to successfully breed. In addition, the pond is within a residential yard with pets and livestock and recurring disturbance, which would limit species occupation.

There are no burrowing mammals, thus ground nesting birds; such as Western burrowing owl could not occupy the site. While there are shrubs and trees that could support migratory bird nesting, impacts to migratory birds could be avoided if the landscape vegetation is removed prior to February 1 when breeding typically begins.



**Table 1**  
**Summary of Potential Special Status Species Impacts**

<i>Common Name</i>	<i>Scientific Name</i>	<i>Status</i> <sup>1</sup>	<i>Habitat Present</i> <sup>2</sup>	<i>Occurrence in the Study Area</i> <sup>3</sup>
<b>Birds</b>				
Western burrowing owl	<i>Athene cunicularia</i>	MB	No	<b>Absent.</b> Suitable habitat not present
<b>Mammals</b>				
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	FE, ST	No	<b>Absent.</b> No suitable habitat presents to support species, no dens.
<b>Amphibians</b>				
California tiger salamander	<i>Amboystoma californiense</i>	FT	No	<b>Absent.</b> Species breeds in natural vernal or ephemeral ponds but will breed in artificial ponds. Requires suitable upland habitat for summer aestivation. Suitable habitat not present.
<b>Invertebrates</b>				
Valley elderberry longhorn beetle	<i>Desocerus californicus dimorphus</i>	FT	No	<b>Absent.</b> There are no elderberry plants within the Study Area or immediately adjacent to the site.
Conservancy fairy shrimp	<i>Branchinecta conservatia</i>	FE	No	<b>Absent.</b> Inhabits large vernal pools with, moderately clear and that persists until June. Potential suitable habitat not present.
Vernal pool fairy shrimp	<i>Branchineta lynchi</i>	FT	No	<b>Absent.</b> This species of shrimp occurs in vernal pools within the Central Valley. Suitable habitat potentially present.
<b>Plants</b>				
Hartweg's golden sunburst	<i>Pseudobahia bahiifolia</i>	FE, CE	No	<b>Likely Absent.</b> Occurs in grasslands. Suitable habitat not present.
San Joaquin adobe sunburst	<i>Pseudobahia peirsonii</i>	FT, CE	No	<b>Likely Absent.</b> Occurs in grasslands. No suitable habitat present.
Green's tuctoria	<i>Tuctoria greenei</i>	1B.1	No	<b>Absent:</b> Vernal pools.

1 Status= Listing of special status species, unless otherwise indicated

- CE: California listed as Endangered
- CT: California listed as Threatened
- FE: Federally listed as Endangered
- FT: Federally listed as Threatened
- 1B.1 California Native Plant Society List of Native Plants, list 1B.

3 Definition of Occurrence Indicators

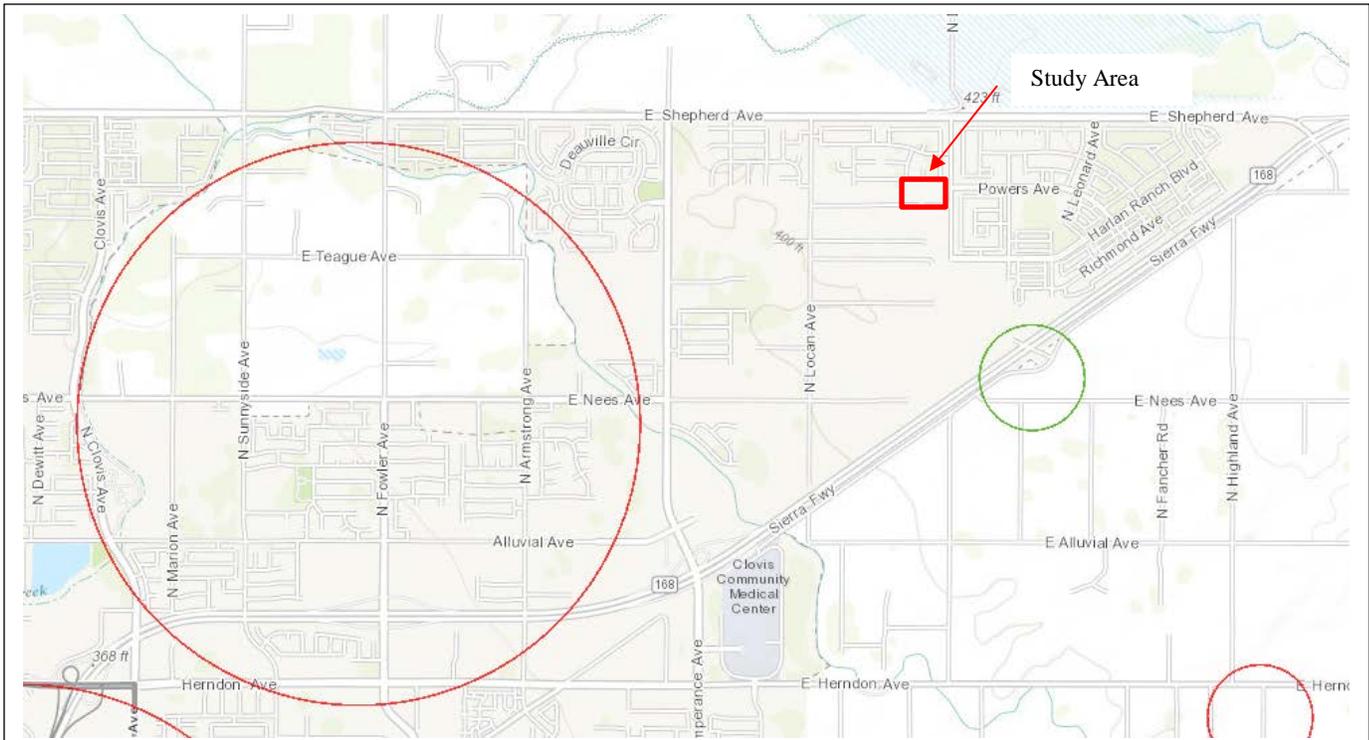
Potentially Present: Species recorded in area and suitable habitat appears to be present.

Absent/Likely Absent: Species not recorded in study area and/or habitat requirements not met

CNDDDB = California Natural Diversity Database provided by CDFG 2016

There may be numerous migratory birds present within the Study Area at any given time. Suitable nesting habitat is present for a variety of migratory bird species not included in this table because they are not listed species.





**FIGURE 2**  
**California Natural Diversity Database (CNDDDB)**  
**BIOS Map of Special Status Species Records**

**Legend**

- California tiger salamander
- Green's tuctoria (plant)



---

### 3.3 CONCLUSIONS AND RECOMMENDATIONS

#### Conclusions

The Martin property was historically used as rural residential land since at least the 1970s. Since then the site has been graded, disturbed, and used home site. There are no waters of the U.S., nor is there any historical evidence to suggest the property supported any waters of the U.S. and/or wetland habitat. There is a topographic depression on the site but it is not waters of the U.S. nor does it support jurisdictional wetlands. The site has no viable wildlife habitat given the recurring disturbance over the years, the small habitat unit, and the ongoing activity on the property.

The site supports trees or shrubs that could provide nesting habitat for raptors or other migratory birds. We recommend that the trees and shrubs be removed prior to or after the nesting season which runs from roughly February 1 – August 31.

---

The findings represent my findings and research and are based on a field investigation performed on October 18, 2016.



Kathy Kinsland, CISEC, QSP  
Senior Scientist/Biologist

