Initial Study/Mitigated Negative Declaration

Shirk Road Widening and Mill Creek Culvert Modification

Prepared for:



City of Visalia 707 W. Acequia Ave. Visalia, CA 93291 (559) 713-4369 Contact: Paul Scheibel, Principal Planner

Prepared by:



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PROJECT INFORMATION

Introduction and Background

This document is the Initial Study / Mitigated Negative Declaration on the potential environmental effects of the proposed Shirk Road Widening and Mill Creek Culvert Modification Project (Project). The City of Visalia (City) will act as the Lead Agency for this project pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

The City proposes to widen Shirk Road from two to four lanes between a point approximately 750 feet north of the intersection of Shirk Road and State Route 198 and the North Mill Creek culvert, north of School Avenue. The Project is intended to improve traffic flow and safety and to accommodate existing development and future growth in the area. The City's General Plan Circulation Element designates Shirk Road as a four-lane arterial and was thus planned for widening. The Project will be funded through City impact fees and is part of the City's Capital Improvement Program. The Project is expected to impact two culverts, one at North Mill Creek and one at South Mill Creek. The purpose of this Project is to reduce vehicle congestion along Shirk Road caused by commercial, industrial, and residential growth.

Project title

Shirk Road Widening and Mill Creek Culvert Modification Project

Lead agency name and address

City of Visalia 707 W. Acequia Ave. Visalia, CA 93291

Contact person and phone number

Fred Lampe, P.E. (559) 686-4716

Project sponsor's name/address

Same as Lead Agency.

Project location

The Project is located in western Visalia in Tulare County, California. Project construction will occur along Shirk Road from approximately 750 feet north of its intersection with State Route 198 to just north of School Avenue. The section of roadway subject to construction activity is approximately 0.33 miles long (north to south). The entire Area of Potential Effect (APE) is approximately 4.45 acres. See Figures 1 and 2 for Project location.

General plan designation

Existing Public Roadway. Surrounding parcels are designated: Low-Density Residential / Agriculture / Conservation

Zoning

Existing Public Roadway: Surrounding parcels are zoned: Low-Density Residential / Agriculture

Project Description

The City of Visalia is proposing to widen Shirk Road from two lanes to four lanes between a point approximately 750 feet north of the intersection of State Route 198 and the culvert at North Mill Creek, just north of School Avenue. The existing culvert at South Mill Creek will be extended approximately 330 feet north and east from its headwall at Hillsdale Avenue. Shirk Road will be widened, extending the existing road surface east to an existing sidewalk, curb, and gutter, and connecting that sidewalk to one on the north side of North Mill Creek. The new road surface will then be built on top of the newly extended culvert.

The City plans to complete the Project in two stages. In the first stage, Shirk Road will be widened in the existing right of way (ROW). The street will be wide enough to accommodate four lanes but will not include an island or raised median. The second stage will be completed after a full 110-foot ROW is acquired and will include an island or raised median, curbs, gutters, and sidewalks along both northbound and southbound lanes.

Construction is expected to begin in late 2020.

Surrounding Land Uses/Existing Conditions

Shirk Road is a two-lane roadway designated as a future arterial street in the City's General Plan Circulation Element. The road serves as a major access point for residential, commercial and industrial growth in the area. The area to the west of the Project consists of agricultural fields (planted in orchard trees as of November 2019). To the east is the existing man-made Mill Creek irrigation canal and residential housing. The area to the south of the Project is the existing Shirk Road / HWY 198 Interchange, while the area to the north consists of residential housing and agriculture.

Tiering and Documents Incorporated by Reference

The City has determined that an Initial Study / Mitigated Negative Declaration is the appropriate environmental document for the proposed Project. Pursuant to CEQA Guidelines Section 15152, the Initial Study is tiered from the City's General Plan Update Environmental Impact Report (State Clearinghouse #2010041078) that was adopted in 2014. The General Plan EIR analyzed the general effects of buildout in the Project area, including the widening of Shirk Road to accommodate existing development and projected growth. The tiering of the environmental analysis for the Project allows the Initial Study to rely on the General Plan EIR for: (1) a discussion of general background and setting information for environmental topic areas; (2) overall growthrelated issues; (3) issues that were evaluated in sufficient detail in the General Plan EIR, and for which there is not significant new information, a change in circumstances, project changes, or new significant environmental impacts requiring further analysis; and (4) long-term cumulative impacts. The purpose of the Initial Study is to evaluate the potential environmental impacts of the Shirk Road Widening Project with respect to the analysis in the General Plan EIR, and to determine what level of additional environmental review, if any, is appropriate.

This Initial Study refers to, and incorporates information from the City's General Plan Update Environmental Impact Report (State Clearinghouse #2010041078) that was adopted in 2014. Where relevant environmental information is applicable, it has been noted in this Initial Study. The General Plan Update EIR and associated documents may be examined at the City of Visalia Community Development Department, 315 E. Acequia Avenue, Visalia, CA 93291.

Other Public Agencies Involved

- San Joaquin Valley Air Pollution Control District
- Central Valley Regional Water Quality Control Board
- California Department of Fish & Wildlife
- U.S. Fish & Wildlife Service
- U.S. Army Corps of Engineers
- State of California Native American Heritage Commission

Tribal Consultation

A Tribal Cultural Resource (TCR) is defined under Public Resources Code section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that are either included and that is listed or eligible for inclusion in the California Register of Historic Resources or in a local register of historical resources. In addition, the City of Visalia, acting as the Lead Agency, supported by substantial evidence, can choose at its discretion to treat the resource as a TCR. As discussed herein, under Section V, Cultural Resources, criteria (b) and (d), no known archeological resources, ethnographic sites or Native American remains are located on the proposed Project site. As discussed under criterion (b) implementation of Mitigation Measure CUL-1 would reduce impacts to unknown archaeological deposits, including TCRs, to a less than significant level. As discussed under criterion (d), compliance with California Health and Safety Code Section 7050.5 would reduce the likelihood of disturbing or discovering human remains, including those of Native Americans. The City has determined that the proposed Project does not meet the City's criteria to conduct additional Tribal consultation.



Figure 1 – Project Vicinity Map



Figure 2 – Project Disturbance Limits

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics	Agriculture Resources and Forest Resources	Air Quality
Biological Resources	Cultural Resources	Energy
Geology / Soils	Greenhouse Gas Emissions	Hazards &HazardousMaterials
Hydrology / Water Quality	Land Use / Planning	Mineral Resources
Noise	Population / Housing	Public Services
Recreation	Transportation	Tribal Cultural Resources
Utilities / Service Systems	Wildfire	Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- I find that although the proposed project could have a significant effect on the environment, the project impacts were adequately addressed in an earlier document or there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
 - I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
 - I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
 - I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

In Cy

Travis Crawford (Environmental Consultant) on behalf of:

12/10/2019

Paul Scheibel, Principal Planner

Date

City of Visalia

ENVIRONMENTAL CHECKLIST

I. AESTHETICS Would the project:

- a. Have a substantial adverse effect on a scenic vista?
- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and regulations governing scenic quality?
- d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

RESPONSES

a. Have a substantial adverse effect on a scenic vista?

b. <u>Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</u>

c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and regulations governing scenic quality?

Less than Significant Impact.

Scenic Vistas

A scenic vista is defined as a viewpoint that provides expansive views of highly valued landscape for the benefit of the general public. The Sierra Nevada Mountains are the only natural and visual resource in the Project area. Views of these distant mountains are afforded only during clear conditions due to poor air quality in the valley. Distant views of the Sierra Nevada Mountains would largely be unaffected by the development of the Project because of the nature of the Project (primarily surface-level improvements), distance and limited visibility of these features. The City of Visalia does not identify views of these features as required to be "protected."

Scenic Highway

The 44-mile stretch of State Route 198 between State Route 99 and Sequoia National Park is classified as eligible for State Scenic Highway status, but is not officially designated. This includes the length of SR 198 within the City's Planning Area. While the City has not requested official designation, it has evaluated the corridor in the Scenic Highways Element of the existing General Plan and has taken steps to preserve and enhance the corridor's scenic quality. The main "entrance" to the city is from the west, on Highway 198. Here, agricultural land has been maintained from Plaza Park nearly to Akers Street. The landscape features orchards, fields, and oak trees, and oaks are planted along portions of the roadway itself. As development occurs in the area, a 200-foot conservation buffer will maintain the rural character in that portion of the community.¹ The Project is outside the 200-foot buffer.

Visual Character

Most of the Project components are at ground level and would not impose a significant visual impact, however there are components such as signage and street lights that could potentially impact the visual character of the surrounding areas. The Project area consists primarily of single-family residential units, roadways, and agricultural facilities. See photos below:

¹ Visalia General Plan Update EIR (2014), page 3.13-2.



Photo 1: Looking north on Shirk Road from southern Project boundary



Photo 2: Looking south on Shirk Road from northern Project boundary

Roadway improvements such as those proposed by the Project are typical of City streetscapes and are generally expected from residents of the City. These improvements would not degrade the visual character of the area and would not diminish the visual quality of the area, as they would be consistent with the existing visual setting.

Project construction activities could temporarily impact the visual character of the area, but is not considered significant because the impact is temporary and the contractor must comply with standard construction measures pertaining to maintaining a clean work site both during and after construction.

Light / Glare

This section of Shirk Road has existing street lighting that may be modified for the proposed Project. The Project may include the installation of street lighting where they do not exist along this segment of Shirk Road. Nighttime lighting is necessary to provide and maintain safe, secure, and attractive environments; however, these lights have the potential to produce spillover light and glare and waste energy, and if designed incorrectly, could be considered unattractive. Light that falls beyond the intended area is referred to as "light trespass." Types of light trespass include spillover light and glare. Minimizing all these forms of obtrusive light is an important environmental consideration. A less obtrusive and well-designed energy efficient fixture would face downward, emit the correct intensity of light for the use, and incorporate energy timers.

The increase in lighting would enhance nighttime security for residents and pedestrians in the area and provide safer driving conditions for motorists along Shirk Road. The City's General Plan policies outline standards related to light and glare to reduce impacts from new sources of light. The Project street lights will be designed to adhere to these standards.

Therefore, the Project has a *less than significant impact* on aesthetics.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.

- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

II. AGRICULTURE AND FOREST RESOURCES

Would the project:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?
- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- d. Result in the loss of forest land or conversion of forest land to non-forest use?
- e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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			\boxtimes
			\square
			\boxtimes

RESPONSES

- a.<u>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as</u> shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the <u>California Resources Agency, to non-agricultural use?</u>
- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c. <u>Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</u>
- d. Result in the loss of forest land or conversion of forest land to non-forest use?
- e. <u>Involve other changes in the existing environment which, due to their location or nature, could result</u> in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The Project site is located in an area of the City that has been developed and is continuing to develop with urban land uses. According to the City's General Plan EIR, there is *Prime Farmland*, *Unique Farmland, or Farmland of Statewide Importance* and lands under the Williamson Act contracts that occur in the Project area, primarily to the west. However, the Project itself is a road widening project and will not result in the significant loss of agricultural or forest lands, nor would it result in changes to the existing environment that would cause the conversion of farmland or forestland. Any right of way acquisition that is needed along the western border of the Project will be negligible within the context of loss of agricultural lands. The Project is intended to reduce vehicle congestion on Shirk Road by implementing the City's General Plan which identifies Shirk Road as a 4-lane arterial. As no significant loss or conversion of farmland occurs, there is a *less than significant impact*.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.

- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

III. AIR QUALITY Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan?

- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?
- c. Expose sensitive receptors to substantial pollutant concentrations?
- Result in other emissions (such as those leading to odors or adversely affecting a substantial number of people)?

	Less than		
	Significant		
Potentially	With	Less than	
Significant	Mitigation	Significant	No
Impact	Incorporation	Impact	Impact
		\square	

RESPONSES

- a. <u>Conflict with or obstruct implementation of the applicable air quality plan?</u>
- b. <u>Result in a cumulatively considerable net increase of any criteria pollutant for which the project</u> <u>region is non-attainment under an applicable federal or state ambient air quality standard?</u>
- c. Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. The proposed Project lies within the San Joaquin Valley Air Basin (SJVAB). At the Federal level, the SJVAB is designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM₁₀ and CO, and nonattainment fort PM_{2.5}. At the State level, the SJVAB is designated as nonattainment for the 8-hour ozone, PM₁₀, and PM_{2.5} standards. Although the Federal 1-hour ozone standard was revoked in 2005, areas must still attain this standard, and the SJVAPCD recently requested

an EPA finding that the SJVAB has attained the standard based on 2011-2013 data². To meet Federal Clean Air Act (CAA) requirements, the SJVAPCD has multiple air quality attainment plan (AQAP) documents, including:

- Extreme Ozone Attainment Demonstration Plan (EOADP) for attainment of the 1-hour ozone standard (2004);
- 2007 Ozone Plan for attainment of the 8-hour ozone standard;
- 2007 PM₁₀ Maintenance Plan and Request for Redesignation; and
- 2008 PM_{2.5} Plan.

Because of the region's non-attainment status for ozone, PM_{2.5}, and PM₁₀, if the project-generated emissions of either of the ozone precursor pollutants (ROG or NOx), PM₁₀, or PM_{2.5} were to exceed the SJVAPCD's significance thresholds, then the project uses would be considered to conflict with the attainment plans. In addition, if the project uses were to result in a change in land use and corresponding increases in vehicle miles traveled, they may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans.

The annual significance thresholds to be used for the Project for construction and operational emissions are as follows³:

- 10 tons per year ROG;
- 10 tons per year NOx;
- 15 tons per year PM₁₀; and
- 15 tons per year PM_{2.5}.

The Project will result in construction emissions as described below.

Short-Term (Construction) Emissions

Site preparation and Project construction would involve excavation, grading, hauling, and various activities needed to construct the Project. During construction, the Project could generate pollutants such as hydrocarbons, oxides of nitrogen, carbon monoxide, and suspended PM. A major source of PM would be windblown dust generated during construction activities. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Vehicles leaving the site could deposit dirt and mud on local streets, which could be an additional source of airborne dust

² San Joaquin Valley Air Pollution Control District. Guide to Assessing and Mitigating Air Quality Impacts. March 19, 2015. Page 28. http://www.valleyair.org/transportation/GAMAQI 3-19-15.pdf. Accessed June 2019.

³ San Joaquin Valley Air Control District – Air Quality Threshold of Significance – Criteria Pollutants. <u>http://www.valleyair.org/transportation/0714-GAMAQI-Criteria-Pollutant-Thresholds-of-Significance.pdf</u>. Accessed June 2019.

after it dries. PM10 emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM10 emissions would depend on soil moisture, the silt content of soil, wind speed, and the amount of operating equipment. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. These emissions would be temporary and limited to the immediate area surrounding the construction site.

The proposed Project construction schedule would begin in late 2020 and would last up to twelve months. (Note: to provide an overly conservative emission estimate, a construction schedule of 12 months was used for air calculations). Emissions were estimated using the *Road Construction Emissions Model*, Version 8.1.0 and assumed construction of a $\frac{1}{2}$ mile road segment with adequate shoulder setbacks to account for curb, gutter and sidewalks. Construction related emissions are shown in Table 1. Refer to Appendix A – Air Emissions Output Table for the full emissions output estimates for construction activities.

Table 1Project Construction Emissions in Tons				
	ROG (tons)	NO _x (tons)	PM10* (tons)	CO2 (tons)
Grubbing / Land Clearing	0.02	0.17	0.67	28.05
Grading / Excavation	0.36	4.08	3.15	572.04
Drainage / Utilities / Sub-Grade	0.14	1.44	2.05	223.64
Paving	0.03	0.32	0.02	55.06
Total Emissions:	0.55	6.01	5.89	878.79
Threshold of Significance	10	10	15	
Exceed Threshold?	No	No	No	No

* Appendix A includes projected emissions from ozone, carbon monoxide, lead, particulate matter (less than 2.5 microns in diameter), but are not included in this table because there is no established threshold of significance for these emissions.

As shown in Table 1, construction emissions would be below the SJVAPCD's threshold for annual construction emissions. However, the SJVAPCD has implemented Regulation VIII measures for dust control related to construction projects, which are applicable to the Project and will be enforced by the City and the City's contractor.

Long-Term (Operational) Emissions

The Project is being implemented in response to existing and planned growth in the area. Shirk Road provides a major access point to urban areas in northwest Visalia and was identified in the City's General Plan as a future four lane arterial. Arterials collect and distribute traffic from freeways and expressways to collector streets. The Project itself will improve local roadway operations, but would not generate additional vehicle trips on Shirk Road beyond what was already planned for and analyzed in the City's

General Plan EIR. The Project is not therefore considered growth inducing. In addition, there are no stationary source emissions resulting from the Project.

Therefore, the Project would not increase mobile source emissions beyond what was previously analyzed in the City's General Plan EIR and would not otherwise violate any air quality standards or significantly increase any criteria pollutant and will not expose sensitive receptors to substantial pollutant concentrations. Thus, impacts would be *less than significant*.

d. <u>Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?</u>

Less Than Significant Impact. During construction, the various diesel and gas powered vehicles and equipment in use on-site could create localized odors. These odors would be temporary and are not likely to be noticeable for extended periods of time beyond the perimeter of the Project site. In addition, once the Project is operational, there would be no new source of odors that result directly from the Project. Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

- 1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.
- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

IV. BIOLOGICAL RESOURCES **Would the project:**

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact	
	\boxtimes			
		\boxtimes		



RESPONSES

Colibri Ecological Consulting, LLC was retained to conduct a reconnaissance survey to describe the biotic resources of the proposed Project site and to evaluate potential impacts to those resources that could result from proposed Project development. Field surveys were conducted on October 22, 2019. The results of these surveys are summarized herein and the full report is included in Appendix B – *Shirk Road Widening and Mill Creek Culvert Modification Project* (November 2019).

To evaluate whether the Project may affect biological resources under CEQA purview, Colibri: (1) obtained official lists from the United States Fish and Wildlife Service and the California Department of Fish and Wildlife of special-status species and designated and proposed critical habitat, (2) reviewed other relevant background information such as aerial images and topographic maps, and (3) conducted a field reconnaissance survey of the Project site.

Desktop Review

As a framework for the evaluation and reconnaissance survey, Colibri obtained a USFWS species list for the Project site (USFWS 2019). In addition, they searched the California Natural Diversity Data Base (CNDDB) and the CNPS Inventory of Rare and Endangered Plants for records of special status plant and animal species in the Project area (CNDDB 2019, CNPS 2019). Regional lists of special-status species were compiled using USFWS, CNDDB, and CNPS database searches confined to the Visalia 7.5-minute United States Geological Survey (USGS) topographic quad, which encompasses the Project site and the eight surrounding quads (Traver, Monson, Ivanhoe, Goshen, Exeter, Paige, Tulare, and Cairns Corner). A local list of special-status species was compiled using CNDDB records from within 5 miles of the Project site. Species that lack a special status designation by state or federal regulatory agencies or other groups were omitted from the final list. Species for which the Project site does not provide habitat were eliminated

from further consideration. Colibri also reviewed aerial imagery from Google Earth (Google 2019) and other sources, USGS topographic maps, the Web Soil Survey (NRCS 2019), and relevant literature.

Desktop Review Results

The USFWS species list for the Project site includes eight species listed as threatened or endangered under the FESA (USFWS 2019, Table 1, Appendix B). None of those species could occur on or near the Project site due to either a lack of habitat, the Project site being outside the current range of the species, or the presence of development that would otherwise preclude occurrence (Table 1 of Appendix B). The Project site does not occur in USFWS-designated Critical Habitat for any species (USFWS 2019, Appendix A – of Appendix B).

Searching the CNDDB for records of special-status species from within the Visalia 7.5-minute USGS topographic quad and the eight surrounding quads produced 197 records of 39 species (CNDDB 2019, Table 1, Appendix B). Of those species, three are not considered further because state or federal regulatory agencies or other groups do not recognize them through special designation (Appendix B). Of the remaining 36 species, 15 are known from within 5 miles of the Project site (Table 1, Figure 4 of Appendix B). Of those 15 species, two could occur on the Project site (Table 1 of Appendix B).

Two additional species identified in the 9-quad search also could occur based on the presence of habitat (Table 1 of Appendix B). Searching the CNPS Inventory of Rare and Endangered Plants of California for records of special status plant species from within the Visalia 7.5-minute USGS topographic quad and the eight surrounding quads yielded 19 taxa (CNPS 2019, Appendix C – of Appendix B), 17 of which have of a CRPR of 1B or 2B (Table 1 of Appendix B). One of those species could occur on the Project site based on the presence of habitat. The remaining species are not expected due to a lack of habitat (Table 1 of Appendix B).

The Project site is underlaid by Tagus loam, 0 to 2% slopes and Nord fine sandy loam 0 to 2% slopes soil types (NRCS 2019). The elevation of the Project site ranges from 302 to 310 feet above mean sea level.

Reconnaissance Survey

Colibri Associate Scientists Joe Medley and Kristofer Robison conducted a field reconnaissance survey of the Project site on 22 October 2019. The Project site and a 50-foot buffer surrounding the Project site were walked and thoroughly inspected to evaluate and document the potential for the area to support state- or federally protected resources. The survey area also included a 0.5-mile buffer around the Project site to evaluate the potential occurrence of special-status raptors (Figure 3 of Appendix B). All plants except ornamentals and all animals (vertebrate wildlife species) observed within the survey area were identified and documented. The survey area was evaluated for the presence of regulated habitats, including lakes, streams, and other waters using methods described in the *Wetlands Delineation Manual* and regional supplement (USACE 1987, 2008) and as defined by the CDFW (https://www.wildlife.ca.gov/conservation/lsa).

Reconnaissance Survey Results

The Project site consists of a paved road, dirt road shoulders, and segments of a channelized stream (Figure 5 of Appendix B). A residential development borders the Project site to the east and an orchard borders the site to the west (Figure 6 of Appendix B). Surrounding land consists of orchard and row crop agriculture, a fallow field, and commercial and residential development. Four large valley oak (*Quercus lobata*) trees could be impacted by the Project (Figures 7 and 8 of Appendix B). North and South Mill Creek, an earthen channelized waterway, crosses the site and could be impacted by Project activities (Figures 5 and 8 of Appendix B).

A total of 51 plant species (24 native and 27 nonnative), two reptile species, 15 bird species, and two mammal species were observed during the survey (Table 2 of Appendix B). However, none of the potential sensitive species identified in the databases were observed on the site. See Table 1 of Appendix B. Mitigation measures have been added to address the potential for protected species to move onto the site.

Nesting Birds and the Migratory Bird Treaty Act

Migratory birds have the potential to nest on or near the Project site. Such species include, but are not limited to, mourning dove (*Zenaida macroura*), red-tailed hawk (*Buteo jamaicensis*), Swainson's hawk, house finch (*Haemorhous mexicanus*), and California scrub-jay (*Aphelocoma californica*).

Significant Determination

Less Than Significant Impact With Mitigation [a.), b.), c.), d.), e.), and f.)]. This Project, which could result in permanent impacts to developed and disturbed land cover, several large valley oaks, and a channelized creek, will not: (1) substantially reduce the habitat of a fish or wildlife species (criterion a) as developed and disturbed land cover is regionally abundant and ubiquitous; (2) cause a fish or wildlife population to drop below self-sustaining levels (criterion b) as no such potentially vulnerable population is known from the area; (3) threaten to eliminate a plant or animal community (criterion c) as no such potentially vulnerable communities are known from the area; (4) substantially reduce the number or restrict the range of a rare or endangered plant or animal (criterion d) as no such potentially vulnerable species are known from the area; (5) have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS (criterion f) as no impacts to riparian habitat or other sensitive natural community are

anticipated; (6) have a substantial adverse effect on wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (criterion g) as no impacts to wetlands will occur; or (7) conflict with the provisions of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional, or state habitat conservation plan (criterion j) as no such plan has been adopted. Thus, these significance criteria are not analyzed further.

The remaining statutorily defined criteria provided the framework for criteria BIO1 through BIO3 below.

These criteria are used to assess the impacts to biological resources stemming from the Project and provide the basis for determinations of significance:

- **Criterion BIO1**: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS (significance criterion e).
- **Criterion BIO2**: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (significance criterion h).
- **Criterion BIO3:** Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (criterion i).

Criterion BIO1 - Have a Substantial Effect on any Special-Status Species (Criterion BIO1): The Project could substantially impact the state-listed as threatened Swainson's hawk, which could nest near the Project site, as well as northwestern pond turtle and pallid bat, both California Species of Special Concern. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs, nestlings, or young, or otherwise lead to nest abandonment for Swainson's hawk or to maternal colony abandonment for pallid bat. Loss of fertile eggs, nestlings, or young or any activities resulting in nest or maternal colony abandonment would constitute a significant impact. Mitigation Measures BIO – 1 through BIO - 3 (below) shall be included in the conditions of approval to reduce the potential impact to a less-than-significant level.

Mitigation Measure BIO - 1. Protect nesting Swainson's hawk.

1. To the extent practicable, construction shall be scheduled to avoid the Swainson's hawk nesting season, which extends from March through August.

2. If it is not possible to schedule work between September and February, a qualified biologist shall conduct a survey for active Swainson's hawk nests within 0.5 miles of the Project site no more than 14 days prior to the start of construction. If an active nest is found within 0.5 miles, and the qualified biologist determines that Project activities would disrupt nesting, a construction-free buffer or limited operating period shall be implemented in consultation with the CDFW.

Mitigation Measure BIO - 2. Northwestern pond turtle.

- 1. To the extent practicable, construction in and adjacent to Mill Creek shall be scheduled to occur when it is dry to avoid the possibility of northwestern pond turtle being present at the worksite.
- Conduct a pre-construction survey for northwestern pond turtle. A preconstruction survey shall be conducted no more than 14 days prior to the initiation of construction activities. The survey shall be conducted by a qualified biologist to determine if turtles are occupying Mill Creek on or adjacent to the Project site.

During this survey, the qualified biologist shall inspect all sections of stream within 300 feet of planned work activities, including adjacent upland areas, for turtles and nests. If a turtle or nest is found within 300 feet of the worksite, a qualified biological monitor shall remain on site during construction to ensure that no turtles or turtle nests are impacted by work activities. Any turtle found on or adjacent to the worksite shall be allowed to leave on its own.

Mitigation Measure BIO - 3. Protect pallid bat.

- 1. To the extent practicable, construction shall be scheduled to avoid the pallid bat pupping season, which extends from April through July.
- 2. If it is not possible to schedule work between August and March, a qualified biologist shall conduct a survey for active pallid bat maternal colonies in large trees on and within 50 feet of the Project site no more than 14 days prior to the start of construction. If an active colony is found, and the qualified biologist determines that Project activities would disrupt breeding, a construction-free buffer or limited operating period shall be implemented in consultation with the CDFW.

Criterion BIO2 - Interfere Substantially with Native Wildlife Movements, Corridors, or Nursery Sites: The Project has the potential to impede the use of nursery sites for native birds protected under the MBTA and CFGC. Migratory birds are expected to nest on and near the Project site. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment or loss of reproductive effort can be considered take under the MBTA and CFGC. Loss of fertile eggs or nesting birds, or any activities resulting in nest abandonment, could constitute a significant effect if the species is particularly rare in the region. Construction activities such as excavating, trenching, and grading that disturb a nesting bird on the Project site or immediately adjacent to the construction zone could constitute a significant effect. Mitigation Measure BIO-4 (below) shall be included in the conditions of approval to reduce the potential effect to a less-than-significant level.

Mitigation Measure BIO-4. Protect nesting birds.

- 1. To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August.
- 2. If it is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities.

During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has failed for non-construction related reasons.

Criterion BIO3 - Conflict with any Local Policies or Ordinances Protecting Biological Resources, such as a Tree Preservation Policy or Ordinance: The Project could impact four large valley oaks, including a 40.1-inch Diameter at Breast Height (DBH) tree, a 38.2-inch DBH tree, a 26.7-inch DBH tree, and a 25.8-inch DBH tree. Article I of the City of Visalia's Oak Tree Ordinance defines basic standards, measures, and compliance requirements for the preservation and protection of native valley oak trees and landmark trees (City of Visalia 2019). Mitigation Measure BIO-5 (below) shall be included in the conditions of approval to reduce the potential effect to a less-than-significant level.

Mitigation Measure BIO-5. Protect Valley oak trees.

- 1. Consult with the City's Department of Urban Forestry to determine the best course of action as it relates to the anticipated Project footprint and specific design elements to better understand whether the four trees listed above will be impacted.
- 2. If removal is necessary and the City approves, obtain an oak tree removal permit for each valley oak to be removed (Section 12.24.030 of the City's valley oak ordinance).
 - a. In consultation with the City's Department of Urban Forestry (559) 713-4020, determine the appropriate mitigation strategy to mitigate the loss of each individual valley oak by either paying a fee of \$120 multiplied by each inch of DBH (e.g., \$120 x 40.1=\$4812) or planting trees "in-kind" on the Project site amounting to one new tree for each inch of DBH that is impacted by the Project.

CEQA Guidelines Section 15152 Findings:

- 1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.
- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

∨. Wo	CULTURAL RESOURCES	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?		\square		
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		\boxtimes		
c.	Disturb any human remains, including those interred outside of formal cemeteries?		\boxtimes		

RESPONSES

- a. <u>Cause a substantial adverse change in the significance of a historical resource pursuant to</u> <u>§15064.5?</u>
- b. <u>Cause a substantial adverse change in the significance of an archaeological resource pursuant to</u> <u>§15064.5?</u>
- c. Disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact with Mitigation. Refer to Appendix C - Cultural / Historic Resource Information Memorandum for more information pertaining to this topic.

The Project Area of Potential Effect (APE) consists of a paved road, dirt road shoulders, and segments of a channelized stream. The work (including construction staging areas) will be done in existing City rightof-way and will not impede on private properties. The section of roadway subject to construction activity is approximately 0.33 miles long (north to south). The entire Area of Potential Effect (APE) is approximately 4.45 acres. A residential development borders the Project site to the east and an orchard borders the site to the west. Surrounding land consists of orchard and row crop agriculture, a fallow field, and commercial and residential development. Four large valley oak (*Quercus lobata*) trees could be impacted by the Project. North and South Mill Creek, an earthen channelized waterway, crosses the site and could be impacted by Project activities. It should be noted that the entire Project APE consists of land that has been graded/formed to its current configuration. The heavily developed area has been disturbed through various activities including from housing developments, construction of the Shirk/HWY 198 Interchange, construction of the man-made Mill Creek channels, and heavy on-going agricultural activities. These developments required extensive ground disturbance and grading activities which has left the existing APE void of natural or undisturbed areas.

As part of the City's General Plan Update, a records search was conducted through the California Historical Resources Information System at the Southern San Joaquin Valley Information Center. According to the search, there have been 152 archaeological investigations that had been performed in the City. Seven archaeological resources were identified, however, none are located on or near the Project APE. Due to resource protection concerns, the locations of the seven archaeological resources are not disclosed.⁴

The City maintains a Local Register of Historic Structures, which features approximately 340 buildings, including residential, commercial, civic, and religious structures. These are classified in three categories: exceptional, focus, and background structures. Exceptional structures or sites are those having preeminent historical, cultural, architectural, archaeological, or aesthetic significance, considered candidates for nomination to the National Register of Historic Places. Currently, four of these buildings have national and State historic designation: the Bank of Italy Building on East Main Street; the U.S. Post Office on West Acequia Avenue; Hyde House on South Court Street; and the Pioneer statue in Mooney Grove Park. None of these are located near the Project APE.

The only structures that will require demolition are the existing culverts at Shirk Road and Mill Creek. Those structures were installed during construction activities associated with the housing development to the east and during construction associated with Shirk Road improvements and the HWY 198 interchange work. See Appendix C for photos of the existing culverts. These structures have not been determined to possess significant historical value, as they are not unique or historically relevant to the area.

Although no other cultural or archaeological resources, paleontological resources or human remains have been identified in the Project area, the possibility exists that such resources or remains may be discovered during Project site preparation, excavation and/or grading activities. Mitigation Measures CUL – 1 and CUL – 2 will be implemented to ensure that Project will result in *less than significant impacts with mitigation*.

⁴ Visalia General Plan Update EIR (2014), page 3.12-3.

Mitigation Measure CUL – 1. Archaeological Resources.

Should evidence of prehistoric archeological resources be discovered during construction, the contractor shall halt all work within 25 feet of the find and the resource shall be evaluated by a qualified archaeologist. If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation shall proceed to evaluate the deposits for determination of significance as defined by the CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Project proponent shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources).

Mitigation Measure CUL - 2. Human Remains.

In order to ensure that the proposed Project does not impact buried human remains during Project construction, the Project proponent shall be responsible for on-going monitoring of Project construction. Prior to the issuance of any grading permit, the Project proponent shall provide the City with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction, further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall be halted until the Tulare County coroner is contacted and the coroner has made the determinations and notifications required pursuant to Health and Safety Code Section 7050.5. If the coroner determines that Health and Safety Code Section 7050.5(c) require that he give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c). In that event, the NAHC will conduct the notifications required by Public Resources Code Section 5097.98. Until the consultations described below have been completed, the landowner shall further ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices where Native American human remains are located, is not disturbed by further development activity until the landowner has discussed and conferred with the Most Likely Descendants on all reasonable options regarding the descendants' preferences and treatments, as prescribed by Public Resources Code Section 5097.98(b). The NAHC will mediate any disputes regarding treatment of remains in accordance with Public Resources Code Section 5097.94(k). The landowner shall be entitled to exercise rights established by Public Resources Code Section 5097.98(e) if any of the circumstances established by that provision become applicable.

CEQA Guidelines Section 15152 Findings:

- 1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.
- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

			Less than		
			Significant		
∨I. Wo	ENERGY uld the project:	Potentially Significant Impact	With Mitigation Incorporation	Less than Significant Impact	No Impact
a.	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				
b.	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			\boxtimes	

RESPONSES

- a. <u>Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary</u> <u>consumption of energy resources, during project construction or operation?</u>
- b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less Than Significant Impact. The proposed Project involves widening of an existing road. During construction, the Project would consume energy in two general forms: (1) the electricity and fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass. Title 24 Building Energy Efficiency Standards would provide guidance on construction techniques to maximize energy conservation and it is expected that contractors and the Project Sponsors have a strong financial incentive to use recycled materials and products originating from nearby sources in order to reduce materials costs. As such, it is anticipated that materials used in construction and construction vehicle fuel energy would not involve the wasteful, inefficient, or unnecessary consumption of energy.

Operational Project energy consumption would be minimal, as the roadway does not require energy once it is installed. Operational energy would also be consumed during each vehicle trip associated with the proposed use for maintenance or otherwise.

As discussed in Impact XVII – Transportation/Traffic, the proposed Project is intended to accommodate existing and projected growth in the area. Adopted federal vehicle fuel standards have continually
improved since their original adoption in 1975 and assists in avoiding the inefficient, wasteful, and unnecessary use of energy by vehicles.

As discussed previously, the proposed Project would be required to implement and be consistent with existing energy design standards at the local and state level, such as Title 24. The Project would also be subject to energy conservation requirements in the California Energy Code and CALGreen. Adherence to state code requirements would ensure that the Project would not result in wasteful and inefficient use of non-renewable resources due to building operation.

Therefore, any impacts are *less than significant*.

Mitigation Measures: None are required.

VII. GEOLOGY AND SOILS **Would the project:**

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - ii. Strong seismic ground shaking?
 - iii. Seismic-related ground failure, including liquefaction?
 - iv. Landslides?
- b. Result in substantial soil erosion or the loss of topsoil?
- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	ignificant With Less than Aitigation Significant S corporation Impact Im	
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creating substantial direct or indirect risks to life or property?

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
- f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

		\boxtimes
	\boxtimes	

RESPONSES

- a-i. <u>Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury,</u> or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-<u>Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other</u> <u>substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication</u> <u>42.</u>
- a-ii. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?
- a-iii. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?
- a-iv. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Less Than Significant Impact. The proposed Project site is not located in an earthquake fault zone as delineated by the 1972 Alquist-Priolo Earthquake Fault Zoning Map Act.

Visalia is located in a seismically stable region of the State. No active faults are known to exist in the Planning Area; the major, historically active fault systems—the San Andreas Fault and the Owens Valley Fault Group—are located 75 and 125 miles to the west and east, respectively. As a result, the risk of surface rupture is very low. The Planning Area has very little elevation change; therefore, the risk of landslides is minimal. No specific liquefaction hazard areas have been identified in the Planning Area; however the potential for liquefaction is recognized throughout the San Joaquin Valley in locations

where the water table is high. Ground shaking is considered the greatest seismic hazard in the Planning Area. Low levels of shaking, with less frequency, would be expected to damage weaker masonry buildings, and very infrequent, large earthquakes could cause strong shaking. Given the distance to major faults, the region is considered to have a relatively low ground shaking hazard.⁵

The Project site is underlaid by Tagus loam, 0 to 2% slopes and Nord fine sandy loam 0 to 2% slopes soil types (NRCS 2019). The elevation of the Project site ranges from 302 to 310 feet above mean sea level.

The Project consists of widening and existing road. There are no habitable structures or other features associated with the Project that would expose people to substantial seismic-related adverse effects. However, it is anticipated that the proposed Project site would be subject to some ground acceleration and ground shaking associated with seismic activity during its design life. The Project site would be engineered and constructed in strict accordance with the earthquake resistant design requirements contained in the latest edition of the California Building Code (CBC), as well as Title 24 of the California Administrative Code, and therefore would avoid potential seismically induced hazards on planned facilities. The impact of seismic hazards on the Project would be *less than significant*.

Mitigation Measures: None are required.

- b. Result in substantial soil erosion or the loss of topsoil?
- c. <u>Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the</u> project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction <u>or collapse?</u>
- d. <u>Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform</u> <u>Building Code creating substantial risks to life or property?</u>

Less than Significant Impact. Construction activities associated with the Project involves some excavation of existing asphalt pavement and concrete as well as ground preparation work for new pavement and concrete for roadway and curb/gutter/sidewalk. These activities could expose barren soils to sources of wind or water, resulting in the potential for erosion and sedimentation on and off the Project site. During construction, nuisance flow caused by minor rain could flow off-site. The City and/or contractor would be required to employ appropriate sediment and erosion control BMPs as part of a

⁵ Visalia General Plan Update EIR (2014), page 3.7-12.

Stormwater Pollution Prevention Plan (SWPPP) that would be required in the California National Pollution Discharge Elimination System (NPDES). In addition, soil erosion and loss of topsoil would be minimized through implementation of the SVJAPCD fugitive dust control measures (See Section III). Once construction is complete, the Project would not result in on-going soil erosion or loss of topsoil. Therefore, there is a *less than significant impact*.

Mitigation Measures: None are required.

e. <u>Have soils incapable of adequately supporting the use of septic tanks or alternative waste water</u> <u>disposal systems where sewers are not available for the disposal of waste water?</u>

No Impact. The proposed Project does not include the construction or usage of septic tanks or alternative wastewater disposal systems. No new septic systems or alternative wastewater disposal systems are proposed. There is *no impact*.

Mitigation Measures: None are required.

f. <u>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</u>

Less Than Significant Impact. As identified in the cultural analysis prepared for the Project site, there are no known paleontological resources on or near the site. (See Section V. for more details). Mitigation measures have been added that will protect unknown (buried) resources during construction, including paleontological resources. There are no unique geological features on site or in the area. Therefore, there is a *less than significant impact*.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.

- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

VIII. GREENHOUSE GAS EMISSIONS

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

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	Significant		
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Significant	Mitigation	Significant	No
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		\boxtimes	

Loce than

RESPONSES

- a. <u>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant</u> <u>impact on the environment?</u>
- b. <u>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the</u> <u>emissions of greenhouse gases?</u>

Less Than Significant Impact. Construction of the Project would generate short-term emissions of greenhouse gases. As shown in Table 1, CO2 emissions were determined to be 878.79 tons. If emissions are amortized over a 30-year period to account for their contribution to Project lifetime greenhouse gas emissions, the result is well below the Council of Environmental Quality (CEQ) presumptive threshold of 25,000 MTCO2e. Construction emissions would therefore have a less than cumulatively considerable contribution to global climate change impacts.

As noted earlier, the Project is being implemented in response to existing and planned growth in the area. Shirk Road provides a major access point to urban areas in northwest Visalia. The City's General Plan identified Shirk Road as a future four lane arterial. Arterials collect and distribute traffic from freeways and expressways to collector streets. The Project itself will improve local roadway operations, but would not generate additional vehicle trips on Shirk Road beyond what was already planned for and analyzed in the City's General Plan EIR. The Project is not therefore considered growth inducing. Therefore, the Project would not increase mobile source greenhouse gas emissions beyond what was previously analyzed in the City's General Plan EIR. Because construction of the Project will result in less than significant increases in CO2 emissions, it is therefore not in conflict with any greenhouse gas reducing plans, policies, or regulations. Therefore, there is a *less than significant impact*.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

- 1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.
- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?
- f. Impair implementation of or physically interfere with an adopted emergency

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
		\square	
		\boxtimes	

Less than Significant IX. HAZARDS AND HAZARDOUS Potentially With Less than MATERIALS Significant Significant No Mitigation Would the project: Impact Incorporation Impact Impact response plan or emergency evacuation plan? Expose people or structures either directly g. \square or indirectly to a significant risk of loss, injury or death involving wildland fires?

RESPONSES

- a. <u>Create a significant hazard to the public or the environment through the routine transport, use, or</u> <u>disposal of hazardous materials?</u>
- a. <u>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</u>

Less than Significant Impact. Construction of the Project would require the use and transport of hazardous materials, including fuels, oils, and other chemicals (e.g., paints, lead, adhesives, etc.) typically used during construction. It is likely that these hazardous materials and vehicles would be stored by the contractor(s) onsite during construction activities. Improper use and transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. However, all materials used during construction would be contained, stored, and handled in compliance with applicable standards and regulations established by the Department of Toxic Substances Control (DTSC), the U.S. Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA). In addition, a Storm Water Pollution Prevention Plan (SWPPP) is required for the Project and shall include emergency procedures for incidental hazardous materials releases. The SWPPP also includes Best Management Practices which includes requirements for hazardous materials storage. Therefore, no significant impacts would occur during construction activities.

The use of hazardous materials would be confined to the Project construction period. The Project itself, once constructed, will not contain, use or produce any hazardous materials.

The proposed Project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials, nor would a significant hazard to the public or to the environment through the reasonably foreseeable upset and accidental conditions involving the likely release of hazardous materials

into the environment occur. Therefore, the proposed Project will not create a significant hazard to the public or the environment and any impacts would be *less than significant*.

Mitigation Measures: None are required.

c. <u>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste</u> within one-quarter mile of an existing or proposed school?

No Impact. Hurley Elementary School is located approximately 800 feet northeast of the northern boundary of the Project on Shirk Road. The Project is separated from the school by the intervening portion of Shirk Road and Hurley Avenue as well as residential housing. As identified in Impacts a. and b. above, the Project would not result in the use or emission of substantial quantities of hazardous materials that would pose a human or environmental health risk. Because of the lack of potential hazardous materials, intervening land uses, and lack of direct impact/access to the school from the Project site, the impact is considered *less than significant*.

Mitigation Measures: None are required.

d. <u>Be located on a site which is included on a list of hazardous materials sites compiled pursuant to</u> <u>Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public</u> <u>or the environment?</u>

No Impact. The proposed Project site is not located on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 (Geotracker and DTSC Envirostor databases – accessed in November 2019).⁶ There are no hazardous materials sites that impact the Project. As such, *no impacts* would occur that would create a significant hazard to the public or the environment.

Mitigation Measures: None are required.

⁶ California Department of Toxic Substances Control. Envirostor Database.

https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=shirk+road+visalia%2C+ca Accessed November 2019.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Less Than Significant Impact. The Visalia Municipal Airport is located approximately 1.3 miles west of the Project site. However, the Project consists of a road widening and does not include any above ground structures (other than standard street lighting). The Project will not otherwise conflict with any adopted airport land use plans. Thus, the Project will have *a less than significant impact* on airport safety.

Mitigation Measures: None are required.

f. <u>Impair implementation of or physically interfere with an adopted emergency response plan or</u> <u>emergency evacuation plan?</u>

Less Than Significant Impact. The proposed Project site will be accessible via the existing roadway, temporary access roads and/or other methods to ensure that emergency access will be maintained throughout construction. The construction contractor will be required to coordinate with the City during construction activities to maintain adequate emergency access. As such, the Project will not interfere with any adopted emergency response or evacuation plan. There is a *less than significant impact*.

Mitigation Measures: None are required.

g. <u>Expose people or structures to a significant risk of loss, injury or death involving wildland fires,</u> <u>including where wildlands are adjacent to urbanized areas or where residences are intermixed with</u> <u>wildlands?</u>

No Impact. There are no residences or structures on or near the Project site that would be at increased risk of wildfire due to the Project. There are no wildlands in the area. Once constructed, the road will not create an increased risk of fire. There is *no impact*.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

- 1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.
- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - i. Result in substantial erosion or siltation on- or off- site;

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

iii. create or contribute runoff waterwhich would exceed the capacity ofexisting or planned stormwater drainagesystems or provide substantial additionalsources of polluted runoff; or

iv. impede or redirect flood flows?

Pot Sig I	tentially gnificant mpact	Significant With Mitigation Incorporation	Significant With Less than Mitigation Significant Incorporation Impact No			
			\boxtimes			
			\boxtimes			
			\boxtimes			
			\boxtimes			
			\boxtimes			

Less than

X. HYDROLOGY AND WATER QUALITY

Would the project:

- d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
			\boxtimes

RESPONSES

a. <u>Violate any water quality standards or waste discharge requirements or otherwise substantially</u> <u>degrade surface or ground water quality?</u>

Less Than Significant Impact. The Project has the potential to impact water quality standards and/or waste discharge requirements during construction (temporary impacts) and operation (polluted stormwater runoff due to an increase in impervious surfaces). Impacts are discussed below.

Construction

Although the proposed Project site is relatively small in scale, grading, excavation, removal of vegetation cover, and loading activities associated with construction activities could temporarily increase runoff, erosion, and sedimentation. Construction activities also could result in soil compaction and wind erosion effects that could adversely affect soils and reduce the revegetation potential at construction sites and staging areas.

Three general sources of potential short-term construction-related stormwater pollution associated with the proposed Project are: 1) the handling, storage, and disposal of construction materials containing pollutants; 2) the maintenance and operation of construction equipment; and 3) earth moving activities which, when not controlled, may generate soil erosion and transportation, via storm runoff or mechanical equipment. Generally, routine safety precautions for handling and storing construction materials may effectively mitigate the potential pollution of stormwater by these materials. These same types of common sense, "good housekeeping" procedures can be extended to non-hazardous stormwater pollutants such as sawdust and other solid wastes.

Poorly maintained vehicles and heavy equipment leaking fuel, oil, antifreeze, or other fluids on the construction site are also common sources of stormwater pollution and soil contamination. In addition, grading activities can greatly increase erosion processes. Two general strategies are recommended to prevent construction silt from entering local storm drains. First, erosion control procedures should be implemented for those areas that must be exposed. Secondly, the area should be secured to control offsite migration of pollutants. These Best Management Practices (BMPs) would be required in the Stormwater Pollution Prevention Plan (SWPPP) to be prepared prior to commencement of Project construction. When properly designed and implemented, these "good-housekeeping" practices are expected to reduce short-term construction-related impacts to less than significant.

In accordance with the National Pollution Discharge Elimination System (NPDES) Stormwater Program, as discussed in Section 3.5 Geology and Soils the Project will be required to comply with existing regulatory requirements to prepare a SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the Regional Water Quality Control Board (RWQCB) has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The specific controls are subject to the review and approval by the RWQCB and are an existing regulatory requirement.

Operation

The proposed Project would result in a minor amount of new impervious areas associated with installation of asphalt and sidewalk where none currently exist. However, the Project is designed to direct stormwater run-off to the existing storm drain system and will incorporate appropriate pollution prevention and BMPs in accordance with City design standards and RWQCB requirements. The Project would not contribute significantly more runoff or polluted water than produced by the existing roadway and shoulders.

Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

b. <u>Substantially decrease groundwater supplies or interfere substantially with groundwater recharge</u> <u>such that the project may impede sustainable groundwater management of the basin?</u>

No Impact. The proposed Project, once operational, will not require on-going use of water and therefore would not affect an aquifer or local water table. Therefore, the Project will have *no impact*.

Mitigation Measures: None are required.

c. <u>Substantially alter the existing drainage pattern of the site or area, including through the alteration</u> of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. result in substantial erosion or siltation on- or offsite;

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

<u>iii.</u> create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

iv. impede or redirect flood flows?

Less Than Significant Impact. The Project includes minor changes to the existing stormwater drainage pattern of the area through the installation of asphalt, curb, gutter and sidewalks. However, stormwater on the existing and proposed impervious surfaces would be collected via the existing drainage system as well as proposed improvements. As described in impact a. above, the Project would not contribute significantly more runoff or polluted water than produced by the existing roadway and drainage patterns would not be significantly altered. In addition, the Project would not otherwise degrade water quality. Therefore, the Project will have a *less than significant impact*.

Mitigation Measures: None are required.

d. In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?

Less Than Significant Impact. According to Figure 3.6-1 of the City's General Plan EIR, a portion of the Project site is within a designated flood zone. However, because the Project is a road widening, and does not include any housing or structures that would be subject to flooding either from a watercourse or from dam inundation, the risk of damage or release of pollutants is minimal. There are no bodies of water near the site that would create a potential risk of hazards from seiche, tsunami or mudflow. Therefore, the impacts are considered to be *less than significant*.

Mitigation Measures: None are required.

e. <u>Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater</u> <u>management plan?</u>

Less than Significant Impact. The Project is required to comply with all rules, regulations and policies pertaining to water quality (see Response a. above). The Project would not otherwise conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, as the Project does not require on-going use of water (once constructed). Therefore, any impacts are *less than significant*.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

- 1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.
- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

XI. LAND USE AND PLANNING

Would the project:

- a. Physically divide an established community?
- b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

	Less than		
	Significant		
Potentially	With	Less than	
Significant	Mitigation	Significant	No
Impact	Incorporation	Impact	Impact
			\boxtimes

RESPONSES

- a. Physically divide an established community?
- b. <u>Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over</u> <u>the project (including, but not limited to the General Plan, specific plan, local coastal program, or</u> <u>zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</u>

No Impact. The Project has no characteristics that would physically divide the City of Visalia. Shirk Road is an existing road, the widening of which will not divide a community. It is intended to improve traffic flow and pedestrian/bicycle access along the roadway. The Project is consistent with the City's General Plan and there are no plans that the Project conflicts with. Therefore, there is *no impact*.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding

environmental or regulatory setting that have occurred since the General Plan EIR was adopted.

- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

XII. MINERAL RESOURCES **Would the project:**

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

	Less than		
	Significant		
Potentially	With	Less than	
Significant	Mitigation	Significant	No
Impact	Incorporation	Impact	Impact
			\boxtimes

RESPONSES

- a. <u>Result in the loss of availability of a known mineral resource that would be of value to the region</u> <u>and the residents of the state?</u>
- b. <u>Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</u>

No Impact. There are no known mineral resources in the proposed Project area and the site is not included in a State classified mineral resource zones. Therefore, there is *no impact*.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.

- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

XIII. NOISE Would the project:

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b. Generation of excessive groundborne vibration or groundborne noise levels?
- c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

	Less than		
	Significant		
Potentially	With	Less than	
Significant	Mitigation	Significant	No
Impact	Incorporation	Impact	Impact
		\boxtimes	

RESPONSES

- a. <u>Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity</u> of the project in excess of standards established in the local general plan or noise ordinance, or <u>applicable standards of other agencies?</u>
- b. Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. The nearest sensitive noise receptors are the existing residential homes located along the eastern border of Shirk Road. The houses are separated from the roadway by landscaping and block walls. Both short-term (construction) and long-term (operational) noise impacts are discussed herein.

Short-term (Construction) Noise Impacts

Proposed Project construction related activities will involve temporary noise sources and are anticipated to begin in late 2020. Typical construction related equipment include graders, trenchers, small tractors and excavators. During the proposed Project construction, noise from construction related activities will contribute to the noise environment in the immediate vicinity. Activities involved in construction will generate maximum noise levels, as indicated in Table 2, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise controls.

Type of Equipment	dBA at	50 ft
	Without Feasible Noise Control	With Feasible Noise Control
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75

Table 2Typical Construction Noise Levels

The distinction between short-term construction noise impacts and long-term operational noise impacts is a typical one in both CEQA documents and local noise ordinances, which generally recognize the reality that short-term noise from construction is inevitable and cannot be mitigated beyond a certain level. Thus, local agencies frequently tolerate short-term noise at levels that they would not accept for permanent noise sources. A more severe approach would be impractical and might preclude the kind of construction activities that are to be expected from time to time in urban environments. Most residents of urban areas recognize this reality and expect to hear construction activities on occasion.

8.36.050 of the City's Noise Ordinance addresses construction activities as they pertain to noise. The Project contractor will be required to adhere to hours of construction between 6:00 AM and 7:00 PM Monday through Friday and between 9:00 AM and 7:00 PM on Saturday and Sunday. However, in order to minimize the timeframe of disruption from construction activities (such as lane closures / detours), the contractor may be allowed to perform some work outside of these established hours at the discretion of the City.

Long-term (Operational) Noise Impacts

The Project is being implemented in response to existing and planned growth in the area. Shirk Road provides a major access point to urban areas in northwest Visalia and was identified in the City's General Plan as a future four lane arterial. Arterials collect and distribute traffic from freeways and expressways to collector streets. The Project itself will improve local roadway operations, but would not generate additional vehicle trips on Shirk Road beyond what was already planned for and analyzed in the City's General Plan EIR. The Project is not therefore considered growth inducing and will not result in noise impacts beyond what was previously analyzed in the City's General Plan EIR.

According to the City's General Plan EIR, major noise sources in Visalia are related to roadways, vehicle traffic, and railroad noises. The area of Shirk Road being widened is located in a developed area near roadways that are heavily travelled (SR 198). According to the City's General Plan EIR, Shirk Road (from SR 198 to Goshen Avenue) is projected to produce traffic noise levels of 74.2 Ldn (day-night average sound level) at 50 feet⁷ at full buildout of the General Plan in Year 2030. Thus, the Project site is included in the City's Future Noise Contours.⁸ When future development projects are proposed (such as residential or commercial) in areas within the City's Noise Contours, such developments may require sound attenuation measures such as noise barriers.

The Project involves widening Shirk Road to accommodate installation of additional travel lanes, curb, gutter, sidewalk and related improvements. Because of the widening, there are some areas where the roadway will be closer to some existing residential houses than from its current configuration. Noise from the Project will be similar to existing conditions and will generally include noise from vehicles, but the vehicles will be in closer proximity to sensitive receptors (single family houses) along Shirk Road.

According to the City's General Plan:

- Except under special conditions, a change in sound level of 1 decibel (dB) cannot be perceived;
- A 3 dB change is considered a just noticeable difference;
- A 5 dB change is required before any noticeable change in community response would be expected. A 5 dB increase is often considered a significant impact; and

⁷ Visalia General Plan EIR, page 3.10-27.

⁸ Visalia General Plan EIR, page 3.10-31, Figure 3.10-3.

• A 10 dB increase is subjectively heard as an approximate doubling in loudness and almost always causes an adverse community response.

Generally speaking, if traffic is moved half as close to existing homes (i.e. from 100 feet to 50 feet), the noise levels will increase by 3 decibels.⁹ It is therefore assumed that even though the Project will result in traffic noise at a closer distance to sensitive receptors than existing conditions, it is not likely to increase noise by more than 3 dBA.

The Project is not therefore considered growth inducing and will not result in significant noise impacts beyond what was previously analyzed in the City's General Plan EIR. Therefore, the impact is considered *less than significant*.

Mitigation Measures: None are required.

- e. For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Less Than Significant Impact. The Visalia Municipal Airport is located approximately 1.3 miles west of the Project site. However, the Project consists of a road widening and does not include any above ground structures (other than standard street lighting). The Project will not otherwise conflict with any adopted airport land use plans or expose people to excessive airport noise. Thus, the Project will have *a less than significant impact* from airport noise levels.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts

⁹ <u>www.dot.state.mn.us/environment/noise/pdf/noisebrochure5-24-11.pdf</u> and https://www.cityofroseville.com/DocumentView.aspx?DID=2982

for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.

- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

XIV. POPULATION AND HOUSING **Would the project:**

- a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

	Less than		
	Significant		
Potentially	With	Less than	
Significant	Mitigation	Significant	No
Impact	Incorporation	Impact	Impact
			\boxtimes

RESPONSES

- a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b. <u>Displace substantial numbers of existing people or housing, necessitating the construction of</u> <u>replacement housing elsewhere?</u>

Less Than Significant Impact. There are no new homes associated with the proposed Project and there are no residential structures currently on-site. The Project is being implemented in response to existing and planned growth in the area. Shirk Road provides a major access point to urban areas in northwest Visalia and was identified in the City's General Plan as a future four lane arterial. Arterials collect and distribute traffic from freeways and expressways to collector streets. The Project itself will improve local roadway operations, but would not generate additional vehicle trips on Shirk Road beyond what was already planned for and analyzed in the City's General Plan EIR. The Project is not therefore considered growth inducing.

The proposed Project will not affect any regional population, housing, or employment projections anticipated by City of Visalia policy documents. Therefore, there is a *less than significant impact*.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

- 1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.
- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

T .1

			Less than		
			Significant		
$\sim \sim$		Potentially	With	Less than	
	. FUDLIC SERVICES	Significant	Mitigation	Significant	No
Wo	ald the project:	Impact	Incorporation	Impact	Impact
a.	Would the project result in substantial				
	adverse physical impacts associated with				
	the provision of new or physically altered				
	governmental facilities, need for new or				
	physically altered governmental facilities,				
	the construction of which could cause				
	significant environmental impacts, in				
	order to maintain acceptable service				
	ratios, response times or other				
	performance objectives for any of the				
	public services:				
	Fire protection?				\boxtimes
	Police protection?				\boxtimes
	Schools?				\boxtimes
	Parks?				\boxtimes
	Other public facilities?				\boxtimes

RESPONSES

a. <u>Would the project result in substantial adverse physical impacts associated with the provision of new or</u> physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

No Impact. The proposed Project site will continue to be served by the City's Fire Department. The nearest station is Fire Station 53, located approximately 2 miles southeast of the Project site near the

intersection of Akers Street and Walnut Avenue. No additional fire personnel or equipment is anticipated, as the site is already served by the Fire Station. There is *no impact*.

Police Protection?

No Impact. The proposed Project will continue to be served by the City's Police Department. No additional police personnel or equipment is anticipated. There is *no impact*.

Schools?

No Impact. The direct increase in demand for schools is normally associated with new residential projects that bring new families with school-aged children to a region. The proposed Project does not contain any residential uses. The proposed Project, therefore, would not result in an influx of new students in the Project area and is not expected to result in an increased demand upon District resources and would not require the construction of new facilities. There is *no impact*.

Parks?

No Impact. The Project would not result in an increase in demand for parks and recreation facilities because it would not result in an increase in population. There is *no impact*.

Other public facilities?

No Impact. The proposed Project is not growth inducing and is within the land use and growth projections identified in the City's General Plan and other infrastructure studies. The Project, therefore, would not result in increased demand for, or impacts on, other public facilities such as library services. Accordingly, *no impact* would occur.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.

- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

XVI. RECREATION **Would the project:**

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

	Less than			
	Significant			
Potentially	With	Less than		
Significant	Mitigation	Significant	No	
Impact	Incorporation	Impact	Impact	
			\boxtimes	

RESPONSES

- a. <u>Would the project increase the use of existing neighborhood and regional parks or other recreational</u> <u>facilities such that substantial physical deterioration of the facility would occur or be accelerated?</u>
- b. <u>Does the project include recreational facilities or require the construction or expansion of</u> recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project has no design, construction or operational characteristics that would necessitate the need for new or expanded facilities related to recreational facilities. There is no housing related or population inducing component of the Project. However, the Project is likely to improve pedestrian and bicycle access along the road segment, thereby resulting in improved recreational opportunities. Therefore, there is *no impact*.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts

for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.

- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

XV TRA Wo	II. TRANSPORTATION/ AFFIC uld the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a.	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				
b.	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				
c.	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
d.	Result in inadequate emergency access?			\square	

RESPONSES

- a. <u>Conflict with a program plan, ordinance or policy addressing the circulation system, including</u> <u>transit, roadway, bicycle and pedestrian facilities?</u>
- b. <u>Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision</u> (b)?
- c. <u>Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</u>
- d. Result in inadequate emergency access?

Less Than Significant. The proposed Shirk Road Widening Project was identified in Table 3.2-5 of the City's General Plan EIR (adopted 2014) as a planned circulation system improvement project in the City. The Project includes widening, installation of additional travel lanes, pedestrian/bike facilities, and installation of curb, gutter and sidewalk as described in Chapter Two - Project Description. The Project is being implemented in response to existing and planned growth in the area in accordance with the

City's General Plan. Shirk Road provides a major access point to urban areas in northwest Visalia and was identified in the City's General Plan as a future four lane arterial. Arterials collect and distribute traffic from freeways and expressways to collector streets. The Project itself will improve local roadway operations in response to growth in the area, but would not generate additional vehicle trips on Shirk Road beyond what was already planned for and analyzed in the City's General Plan EIR. The Project is not therefore considered growth inducing and will not result in additional vehicle traffic impacts beyond what was previously analyzed in the City's General Plan EIR. Future traffic volumes along Shirk Road in the area are projected for Year 2030 as follows: 20,660 annual average daily traffic (AADT) for the segment from Goshen Avenue to Doe Avenue and 24,900 AADT for the segment from Walnut Avenue to SR 198.¹⁰

The Project is in response to growth projected by the City's General Plan and would not generate new vehicle trips in and of itself, therefore it would not result in any new traffic that would exceed the capacity of the street system. Although the Project would not generate new vehicle trips, construction of the Project could result in temporary increase in traffic volumes and disruption of traffic flow during construction activities. The Project will likely require lane closures, minor detours and other traffic disrupting activities during construction. However, the Project site will be accessible via the existing roadway, temporary access lanes and/or other methods to ensure that emergency access will be maintained throughout construction. The construction contractor will be required to coordinate with the City during construction activities to maintain adequate emergency access.

Therefore, because the Project is in response to existing and projected development in the area and will not result in additional vehicle traffic impacts beyond what was previously analyzed in the City's General Plan EIR, there is a *less than significant impact*.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding

¹⁰ Visalia General Plan Update EIR (2014), page 3.2-30, Table 3.2-6.
environmental or regulatory setting that have occurred since the General Plan EIR was adopted.

- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

XVIII. TRIBAL CULTURAL RESOURCES **Would the project:**

- a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

	Less than		
	Significant		
Potentially	With	Less than	
Significant	Mitigation	Significant	No
Impact	Incorporation	Impact	Impact

	\boxtimes	

RESPONSES

- a). Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - ii) <u>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.
 </u>

Less than Significant Impact. A Tribal Cultural Resource (TCR) is defined under Public Resources Code section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that are either included and that is listed or eligible for inclusion in the California Register of Historic Resources or in a local register of historical resources. In addition, the City of Visalia, acting as the Lead Agency, supported by substantial evidence, can choose at its discretion to treat the resource as a TCR. As discussed herein, under Section V, Cultural Resources, criteria (b) and (d), no known archeological resources, ethnographic sites or Native American remains are located on the proposed Project site. As discussed under criterion (b) implementation of Mitigation Measure CUL-1 would reduce impacts to unknown archaeological deposits, including TCRs, to a less than significant level. As discussed under criterion (d), compliance with California Health and Safety Code Section 7050.5 would reduce the likelihood of disturbing or discovering human remains, including those of Native Americans. The City has determined that the proposed Project does not meet the City's criteria to conduct additional Tribal consultation. Therefore, any impacts to TCR would be considered *less than significant*.

Mitigation Measures: No additional measures are required.

XIX. UTILITIES AND SERVICE SYSTEMS **Would the project:**

- a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
		\boxtimes	

RESPONSES

- a. <u>Require or result in the relocation or construction of new or expanded water, wastewater treatment</u> or storm water drainage, electric power, natural gas, or telecommunications facilities, the <u>construction or relocation of which could cause significant environmental effects?</u>
- b. <u>Have sufficient water supplies available to serve the project and reasonably foreseeable future</u> <u>development during normal, dry and multiple dry years?</u>
- c. <u>Result in a determination by the wastewater treatment provider which serves or may serve the</u> project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- d. <u>Generate solid waste in excess of State or local standards, or in excess of the capacity of local</u> <u>infrastructure, or otherwise impair the attainment of solid waste reduction goals?</u>
- e. <u>Comply with federal, state, and local management and reduction statutes and regulations related to</u> <u>solid waste?</u>

Less than Significant Impact. The Project will not generate wastewater and therefore does not have the potential to exceed wastewater treatment capacity or requirements of the RWQCB.

The proposed improvements would result in a minor amount of new impervious areas associated with installation of asphalt and sidewalk where none currently exist. However, the Project is designed to direct stormwater run-off to the existing storm drain system and will incorporate appropriate pollution prevention and BMPs in accordance with City design standards and RWQCB requirements. The Project would not contribute significantly more runoff or polluted water than produced by the existing roadway.

Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

CEQA Guidelines Section 15152 Findings:

1. The proposed Project (Shirk Road widening) was identified and included in the City's General Plan EIR (SCH #2010141078) that was adopted in 2014. The environmental impacts for this topic were analyzed within the General Plan EIR, but are also being re-examined and updated within this current Initial Study to determine site-specific environmental impacts and because of changes to the CEQA Guidelines and/or changes in the surrounding environmental or regulatory setting that have occurred since the General Plan EIR was adopted.

- 2. Policies and Mitigation Measures from the General Plan EIR addressed Project impacts except where new mitigation is included within this current document.
- 3. The project site was included within the scope of the City of Visalia General Plan EIR (SCH #2010141078), and cumulative impacts for this topic were adequately addressed in that EIR.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- Substantially impair an adopted emergency response plan or emergency evacuation plan?
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
			\square
			\boxtimes
			\boxtimes

RESPONSES

- a. Substantially impair an adopted emergency response plan or emergency evacuation plan?
- b. <u>Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose</u> project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c. <u>Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks,</u> <u>emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may</u> <u>result in temporary or ongoing impacts to the environment?</u>

d. <u>Expose people or structures to significant risks, including downslope or downstream flooding or</u> <u>landslides, as a result of runoff, post-fire slope instability, or drainage changes?</u>

Less Than Significant Impact. Once constructed, the road will not create an increased risk of fire as there is limited vegetation in the area and the Project itself does not expose people or structures to increased fire risks. Emergency access will be maintained in the area at all times. Therefore, there is a *less than significant impact*.

Mitigation Measures: None are required.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE Would the project:

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

RESPONSES

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below selfsustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict

	Less than Significant		
Potentially Significant	With Mitigation	Less than Significant	No
Impact	Incorporation	Impact	Impact
	\boxtimes		

the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact With Mitigation. The analyses of environmental issues contained in this Initial Study indicate that the proposed Project is not expected to have substantial impact on the environment or on any resources identified in the Initial Study. Mitigation measures have been incorporated in the Project to reduce all potentially significant impacts to *less than significant*.

b. Does the project have impacts that are individually limited, but cumulatively considerable?
 ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant Impact. CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the Project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. The proposed Project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increase need for housing, increase in traffic, air pollutants, etc.). The impact is *less than significant*.

c. <u>Does the project have environmental effects which will cause substantial adverse effects on human</u> <u>beings, either directly or indirectly?</u>

Less than Significant Impact With Mitigation. The analyses of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial impact on human beings, either directly or indirectly. Mitigation measures have been incorporated in the Project to reduce all potentially significant impacts to *less than significant*.

MITIGATION AND MONITORING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Shirk Road Widening and Mill Creek Culvert Modification Project. The MMRP lists mitigation measures recommended in the IS/MND for the proposed Project and identifies monitoring and reporting requirements as well as conditions recommended by responsible agencies who commented on the project.

The first column of the Table identifies the mitigation measure. The second column, entitled "Party Responsible for Implementing Mitigation," names the party responsible for carrying out the required action. The third column, "Implementation Timing," identifies the time the mitigation measure should be initiated. The fourth column, "Party Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last column will be used by the City to ensure that individual mitigation measures have been monitored.

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
 Mitigation Measure BIO - 1. Protect nesting Swainson's hawk. To the extent practicable, construction shall be scheduled to avoid the Swainson's hawk nesting season, which extends from March through August. If it is not possible to schedule work between September and February, a qualified biologist shall conduct a survey for active Swainson's hawk nests within 0.5 miles of the Project site no more than 14 days prior to the start of construction. If an active nest is found within 0.5 miles, and the qualified biologist determines that Project activities would disrupt nesting, a construction-free buffer or limited operating period shall be implemented in consultation with the CDFW. 	City of Visalia and Construction Contractor	Prior to and during ground disturbance	City of Visalia and Construction Contractor	
 Mitigation Measure BIO - 2. Northwestern pond turtle. 1. To the extent practicable, construction in and adjacent to Mill Creek shall be scheduled to occur when it is dry to avoid the possibility of northwestern pond turtle being present at the worksite. 2. Conduct a pre-construction survey for northwestern pond turtle. A preconstruction survey shall be conducted no more than 14 days prior to the initiation of construction activities. The survey shall be conducted by a qualified biologist to determine if turtles are occupying Mill Creek on or adjacent to the Project site. During this survey, the qualified biologist shall inspect all sections of stream within 300 feet of planned work activities, including adjacent upland areas, for turtles and nests. If a turtle or nest is found within 300 feet of the worksite. 	City of Visalia and Construction Contractor	Prior to and During Construction	City of Visalia and Construction Contractor	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
shall remain on site during construction to ensure that no turtles or turtle nests are impacted by work activities. Any turtle found on or adjacent to the worksite shall be allowed to leave on its own.				
 Mitigation Measure BIO - 3. Protect pallid bat. 1. To the extent practicable, construction shall be scheduled to avoid the pallid bat pupping season, which extends from April through July. 2. If it is not possible to schedule work between August and March, a qualified biologist shall conduct a survey for active pallid bat maternal colonies in large trees on and within 50 feet of the Project site no more than 14 days prior to the start of construction. If an active colony is found, and the qualified biologist determines that Project activities would disrupt breeding, a construction-free buffer or limited operating period shall be implemented in consultation with the CDFW. 	City of Visalia and Construction Contractor	Prior to and During Construction	City of Visalia and Construction Contractor	
 Mitigation Measure BIO-4. Protect nesting birds. To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August. If it is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. 	City of Visalia and Construction Contractor	Prior to and During Construction	City of Visalia and Construction Contractor	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
a. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has failed for non-construction related reasons.				
 Mitigation Measure BIO-5. Protect Valley oak trees. 1. Consult with the City's Department of Urban Forestry to determine the best course of action as it relates to the anticipated Project footprint and specific design elements to better understand whether the four trees listed above will be impacted. 2. If removal is necessary and the City approves, obtain an oak tree removal permit for each valley oak to be removed (Section 12.24.030 of the City's valley oak ordinance). a. In consultation with the City's Department of Urban Forestry (559) 713-4020, determine the appropriate mitigation strategy to mitigate the loss of each individual valley oak by either paying a fee of \$120 multiplied by each inch of DBH (e.g., \$120 x 40.1=\$4812) or planting trees "in-kind" on the Project site amounting to one new tree for each inch of DBH that is impacted by the Project. 	City of Visalia and Construction Contractor	Prior to and During Construction	City of Visalia and Construction Contractor	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
Mitigation Measure CUL-1. Archaeological Resources Should evidence of prehistoric archeological resources be discovered during construction, the contractor shall halt all work within 25 feet of the find and the resource shall be evaluated by a qualified archaeologist. If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation shall proceed to evaluate the deposits for determination of significance as defined by the CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Project proponent shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources).	City of Visalia and Construction Contractor	During Construction	City of Visalia and Construction Contractor	
Mitigation Measure CUL-2. Human Remains In order to ensure that the proposed Project does not impact buried human remains during Project construction, the Project proponent shall be responsible for on-going monitoring of Project construction. Prior to the issuance of any grading permit, the Project proponent shall provide the City with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction, further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent				

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
coroner is contacted and the coroner has made				
the determinations and notifications required				
pursuant to Health and Safety Code Section 7050.5.				
It the coroner determines that Health and Safety				
Code Section 7050.5(c) require that he give notice				
to the Native American Heritage Commission, then				
such notice shall be given within 24 hours, as				
required by Health and Safety Code Section				
7050.5(C). In that event, the NAHC will conduct the				
notifications required by Public Resources Code				
below have been completed the landowner shall				
further ansure that the immediate vicinity				
ionnel ensure indi ine inimediale vicinity,				
archaeological standards or practices where				
Native American human remains are located is not				
disturbed by further development activity until the				
landowner has discussed and conferred with the				
Most Likely Descendants on all reasonable ontions				
regarding the descendants' preferences and				
treatments as prescribed by Public Resources				
Code Section 5097 98(b) The NAHC will mediate				
any disputes regarding treatment of remains in				
accordance with Public Resources Code Section				
5097.94(k). The landowner shall be entitled to				
exercise rights established by Public Resources				
Code Section 5097.98(e) if any of the				
circumstances established by that provision				
become applicable.				

Appendices

Appendix A Air Emission Model

Road Construction Emissions Model, Version 9.0.0

Daily Emission Estimates for ->	Shirk Widening			Total	Exhaust	Fugitive Dust	Total	Exhaust	Fugitive Dust					
Project Phases (Pounds)	ROG (lbs/day)	CO (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)	PM10 (lbs/day)	PM10 (lbs/day)	PM2.5 (lbs/day)	PM2.5 (lbs/day)	PM2.5 (lbs/day)	SOx (lbs/day)	CO2 (lbs/day)	CH4 (lbs/day)	N2O (lbs/day)	CO2e (Ibs/day)
Grubbing/Land Clearing	1.17	9.98	12.99	50.56	0.56	50.00	10.90	0.50	10.40	0.02	2,125.20	0.58	0.05	2,153.40
Grading/Excavation	6.09	48.15	68.73	53.00	3.00	50.00	13.12	2.72	10.40	0.10	9,630.29	2.87	0.12	9,738.85
Drainage/Utilities/Sub-Grade	3.58	30.56	36.45	51.77	1.77	50.00	12.05	1.65	10.40	0.06	5,647.59	1.20	0.08	5,701.92
Paving	1.65	17.60	16.16	0.97	0.97	0.00	0.87	0.87	0.00	0.03	2,780.82	0.75	0.06	2,815.89
Maximum (pounds/day)	6.09	48.15	68.73	53.00	3.00	50.00	13.12	2.72	10.40	0.10	9,630.29	2.87	0.12	9,738.85
Total (tons/construction project)	0.55	4.55	6.02	5.89	0.28	5.61	1.42	0.25	1.17	0.01	878.80	0.24	0.01	888.46
Notes: Project Start Year ->	2020													
Project Length (months) ->	12													
Total Project Area (acres) ->	5													
Maximum Area Disturbed/Day (acres) ->	5													
Water Truck Used? ->	Yes						-							
	Total Material Im	ported/Exported		Daily VMT	(miles/day)									
	Volume ((yd³/day)		Bally this	(micorday)									
Phase	Soil	Asphalt	Soil Hauling	Asphalt Hauling	Worker Commute	Water Truck								
Grubbing/Land Clearing	0	0	0	0	200	40]							
Grading/Excavation	0	0	0	0	800	40								
Drainage/Utilities/Sub-Grade	0	0	0	0	560	40								
Paving	0	0	0	0	400	40								
PM10 and PM2.5 estimates assume 50% control of fugitive dust from water	ring and associated d	Just control measures	s if a minimum numb	per of water trucks ar	e specified.									
Total PM10 emissions shown in column F are the sum of exhaust and fugitive	/e dust emissions sho	own in columns G and	d H. Total PM2.5 en	nissions shown in Co	lumn I are the sum of	f exhaust and fugitiv	e dust emissions sho	wn in columns J and	К.					
CO2e emissions are estimated by multiplying mass emissions for each GHC	З by its global warmir	ng potential (GWP), '	1 , 25 and 298 for C	O2, CH4 and N2O, r	espectively. Total CC	02e is then estimate	d by summing CO2e	estimates over all GH	HGs.					
Total Emission Estimates by Dhase for N	Ohish Widening													
Project Phases	Shirk Widening			Totai	Exhaust	Fugitive Dust	Totai	Exhaust	Fugitive Dust					
(Tons for all except CO2e. Metric tonnes for CO2e)	ROG (tons/phase)	CO (tons/phase)	NOx (tons/phase)	PM10 (tons/phase)	PM10 (tons/phase)	PM10 (tons/phase)	PM2.5 (tons/phase)	PM2.5 (tons/phase)	PM2.5 (tons/phase)	SOx (tons/phase)	CO2 (tons/phase)	CH4 (tons/phase)	N2O (tons/phase)	CO2e (MT/phase)
Grubbing/Land Clearing	0.02	0.13	0.17	0.67	0.01	0.66	0.14	0.01	0.14	0.00	28.05	0.01	0.00	25.79
Grading/Excavation	0.36	2.86	4.08	3.15	0.18	2.97	0.78	0.16	0.62	0.01	572.04	0.17	0.01	524.80
Drainage/Utilities/Sub-Grade	0.14	1.21	1.44	2.05	0.07	1.98	0.48	0.07	0.41	0.00	223.64	0.05	0.00	204.84
Paving	0.03	0.35	0.32	0.02	0.02	0.00	0.02	0.02	0.00	0.00	55.06	0.01	0.00	50.58
Maximum (tons/phase)	0.36	2.86	4.08	3.15	0.18	2.97	0.78	0.16	0.62	0.01	572.04	0.17	0.01	524.80
Total (tons/construction project)	0.55	4.55	6.02	5.89	0.28	5.61	1.42	0.25	1.17	0.01	878.80	0.24	0.01	806.01
PM10 and PM2.5 estimates assume 50% control of fugitive dust from water	ring and associated c	Just control measure:	s if a minimum numb	per of water trucks ar	e specified.									

Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in Column I are the sum of exhaust and fugitive dust emissions shown in columns J and K.

CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs.

The CO2e emissions are reported as metric tons per phase.

Appendix B Biological Report

Biological Resource Evaluation

Shirk Road Widening and Mill Creek Culvert Modification Project

Tulare County, California



PREPARED FOR:

The City of Visalia Purchasing Division 707 W Acequia Avenue Visalia, CA 93291 PREPARED BY:

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Executive Summary

The City of Visalia (City) proposes to widen Shirk Road from two to four lanes between a point approximately 750 feet north of the intersection of Shirk Road and State Route 198 and the North Mill Creek culvert, north of School Avenue. The project will be funded through City impact fees and is part of the City's Capital Improvement Program. The project is expected to impact two culverts, one at North Mill Creek and one at South Mill Creek. The purpose of this project is to reduce vehicle congestion along Shirk Road caused by commercial, industrial, and residential growth.

To evaluate whether the project may affect biological resources under California Environmental Quality Act (CEQA) purview, we (1) obtained lists of special-status species from the California Department of Fish and Wildlife, the United States Fish and Wildlife Service, and the California Native Plant Society, (2) reviewed other relevant background information such as aerial images and topographic maps, and (3) conducted a field reconnaissance survey of the project site.

This biological resource evaluation summarizes existing biological conditions on the project site, the potential for special-status species and regulated habitats to occur on or near the project site, the potential effects of the project on biological resources and regulated habitats, and measures to reduce those potential effects to a less-than-significant level under CEQA.

We concluded that the project could impact the state-listed as threatened Swainson's hawk (*Buteo swainsoni*), two California Species of Special Concern [American badger (*Taxidea taxus*) and pallid bat (*Antrozous pallidus*)], a rare plant [Sanford's arrowhead (*Sagittaria sanfordii*)], nesting migratory birds, and four large valley oak trees. However, impacts can be reduced to less-than-significant levels with mitigation. We also conculded the project could affect one regulated habitat.

Abbreviations

Abbreviation	Definition
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CFGC	California Fish and Game Code
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Data Base
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
DBH	Diameter at Breast Height
EPA	Environmental Protection Agency
FE	Federally listed as Endangered
FESA	Federal Endangered Species Act
FP	Fully Protected
FT	Federally listed as Threatened
MBTA	Migratory Bird Treaty Act
ROW	Right of Way
SCE	State Candidate for listing as Endangered
SE	State-listed as Endangered
SSSC	State Species of Special Concern
ST	State-listed as Threatened
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

1.0 Introduction

1.1 Background

The City of Visalia (City) proposes to improve road infrastructure by widening Shirk Road from two lanes to four lanes as part of the City's Capital Improvement Program. The City will fund this road improvements project (Project) through City impact fees. These road improvements will help the City reduce traffic congestion along Shirk Road and designate Shirk Road as an arterial street as outlined in the City's general plan circulation element.

The purpose of this biological resource evaluation is to determine whether the Project will affect state- or federally protected resources pursuant to CEQA guidelines. Such resources include species of plants or animals listed or proposed for listing under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA), as well as those covered under the federal Migratory Bird Treaty Act (MBTA), the California Native Plant Protection Act, various other sections of the California Fish and Game Code, and the California Native Plant Society Inventory of Rare and Endangered Plants. This biological resource evaluation also addresses Project-related impacts to regulated habitats, which are those under the jurisdiction of the United States Army Corps of Engineers (USACE), State Water Resources Control Board, or California Department of Fish and Wildlife (CDFW).

1.2 Project Description

This Project will involve widening Shirk Road from two lanes to four lanes between a point approximately 750 feet north of the intersection of State Route 198 and the culvert at North Mill Creek, just north of School Avenue. The existing culvert at South Mill Creek will be extended approximately 330 feet north and east from its headwall at Hillsdale Avenue. Shirk Road will be widened, extending the existing road surface east to an existing sidewalk, curb, and gutter, and connecting that sidewalk to one on the north side of North Mill Creek. The new road surface will then be built on top of the newly extended culvert.

The City plans to complete the Project in two stages. In the first stage, Shirk Road will be widened in the existing right of way (ROW). The street will be wide enough to accommodate four lanes but will not include an island or raised median. The second stage will be completed after a full 110-foot ROW is acquired and will include an island or raised median, curbs, gutters, and sidewalks along both northbound and southbound lanes.

1.3 Project Location

The Project site is along Shirk Road from roughly 750 feet north of its intersection with State Route 198 to just north of School Avenue in western Visalia, Tulare County, California (Figures 1 and 2).



Figure 1. Project Site vicinity map.



Figure 2. Project Site map.

1.4 Purpose and Need of Proposed Project

The purpose of the Project is to reduce traffic congestion along Shirk Road, which has become crowded due to growing commercial and residential vehicle traffic. The Project is needed to fulfill the City's general plan circulation element.

1.5 Regulatory Framework

The relevant federal and state regulatory requirements and policies that guide the impact analysis of the Project are summarized below.

1.5.1 State Requirements

California Endangered Species Act. The California Endangered Species Act (CESA) of 1970 (Fish and Game Code § 2050 et seq. and California Code of Regulations (CCR) Title 14, Subsection 670.2, 670.51) prohibits the take of species listed under CESA (14 CCR Subsection 670.2, 670.5). Take is defined as hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill. Under CESA, state agencies are required to consult with the California Department of Fish and Wildlife when preparing CEQA documents. Consultation ensures that proposed projects or actions do not have a negative effect on state-listed species. During consultation, CDFW determines whether take would occur and identifies "reasonable and prudent alternatives" for the project and conservation of special-status species. CDFW can authorize take of state-listed species under Sections 2080.1 and 2081(b) of Fish and Game Code in those cases where it is demonstrated that the impacts are minimized and mitigated. Take authorized under section 2081(b) must be minimized and fully mitigated. A CESA permit must be obtained if a project will result in take of listed species, either during construction or over the life of the project. Under CESA, CDFW is responsible for maintaining a list of threatened and endangered species designated under state law (Fish and Game Code § 2070). CDFW also maintains lists of species of special concern, which serve as "watch lists." Pursuant to the requirements of CESA, a state or local agency reviewing a proposed project within its jurisdiction must determine whether the proposed project will have a potentially significant impact upon such species. Project-related impacts to species on the CESA list would be considered significant and would require mitigation. Impacts to species of concern or fully protected species would be considered significant under certain circumstances.

California Environmental Quality Act. The California Environmental Quality Act (CEQA) of 1970 (Subsections 21000–21178) requires that CDFW be consulted during the CEQA review process regarding impacts of proposed projects on special-status species. Special-status species are defined under CEQA Guidelines subsection 15380(b) and (d) as those listed under FESA and CESA and species that are not currently protected by statute or regulation but would be considered rare, threatened, or endangered under these criteria or by the scientific community. Therefore, species considered rare or endangered are addressed in this biological resource evaluation

regardless of whether they are afforded protection through any other statute or regulation. The California Native Plant Society (CNPS) inventories the native flora of California and ranks species according to rarity (CNPS 2019). Plants with Rare Plant Ranks 1A, 1B, 2A, or 2B are considered special-status species under CEQA.

Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines Section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if it can be shown to meet certain specified criteria. These criteria have been modeled after the definition in the FESA and the section of the California Fish and Game Code dealing with rare and endangered plants and animals. Section 15380(d) allows a public agency to undertake a review to determine if a significant effect on species that have not yet been listed by either the United States Fish and Wildlife Service (USFWS) or CDFW (i.e., candidate species) would occur. Thus, CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the respective government agency has an opportunity to designate the species as protected, if warranted.

California Native Plant Protection Act. The California Native Plant Protection Act of 1977 (California Fish and Game Code §§ 1900–1913) requires all state agencies to use their authority to carry out programs to conserve endangered and otherwise rare species of native plants. Provisions of the act prohibit the taking of listed plants from the wild and require the project proponent to notify CDFW at least 10 days in advance of any change in land use, which allows CDFW to salvage listed plants that would otherwise be destroyed.

Nesting birds. California Fish and Game Code Subsections 3503, 3503.5, and 3800 prohibit the possession, incidental take, or needless destruction of birds, their nests, and eggs. California Fish and Game Code Section 3511 lists birds that are "Fully Protected" as those that may not be taken or possessed except under specific permit.

California Department of Fish and Wildlife Jurisdiction. The CDFW has regulatory jurisdiction over lakes and streams in California. Activities that divert or obstruct the natural flow of a stream; substantially change its bed, channel, or bank; or use any materials (including vegetation) from the streambed, may require that the project applicant enter into a Streambed Alteration Agreement with the CDFW in accordance with California Fish and Game Code Section 1602.

1.5.2 Federal Requirements

Federal Endangered Species Act. The USFWS and the National Oceanographic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) enforce the provisions stipulated in the Federal Endangered Species Act of 1973 (FESA, 16 United States Code [USC] § 1531 et seq.). Threatened and endangered species on the federal list (50 Code of Federal Regulations [CFR] 17.11 and 17.12) are protected from take unless a Section 10 permit is granted to an entity other than a federal agency or a Biological Opinion with incidental take provisions is

rendered to a federal lead agency via a Section 7 consultation. Take is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. Pursuant to the requirements of the FESA, an agency reviewing a proposed action within its jurisdiction must determine whether any federally listed species may be present in the proposed action area and determine whether the proposed action may affect such species. Under the FESA, habitat loss is considered an effect to a species. In addition, the agency is required to determine whether the proposed action is likely to jeopardize the continued existence of any species that is listed or proposed for listing under the FESA (16 USC § 1536[3], [4]). Therefore, proposed action-related effects to these species or their habitats would be considered significant and would require mitigation.

Migratory Bird Treaty Act. The federal Migratory Bird Treaty Act (MBTA) (16 USC § 703, Supp. I, 1989) prohibits killing, possessing, trading, or other forms of take of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. "Take" is defined as the pursuing, hunting, shooting, capturing, collecting, or killing of birds, their nests, eggs, or young (16 USC § 703 and § 715n). This act encompasses whole birds, parts of birds, and bird nests and eggs. The MBTA specifically protects migratory bird nests from possession, sale, purchase, barter transport, import, and export, and take. For nests, the definition of take per 50 CFR 10.12 is to collect. The MBTA does not include a definition of an "active nest." However, the "Migratory Bird Permit Memorandum" issued by the USFWS in 2003 clarifies the MBTA in that regard and states that the removal of nests, without eggs or birds, is legal under the MBTA, provided no possession (which is interpreted as holding the nest with the intent of retaining it) occurs during the destruction (USFWS 2003).

United States Army Corps of Engineers Jurisdiction. Areas meeting the regulatory definition of "waters of the United States" (jurisdictional waters) are subject to the jurisdiction of the United States Army Corps of Engineers (USACE) under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as waters of the United States, tributaries of waters otherwise defined as waters of the United States, the territorial seas, and wetlands adjacent to waters of the United States (33 CFR part 328.3). Ditches and drainage canals where water flows intermittently or ephemerally are not regulated as waters of the United States. Wetlands on non-agricultural lands are identified using the Corps of Engineers Wetlands Delineation Manual and related Regional Supplement (USACE 1987 and 2008). Construction activities, including direct removal, filling, hydrologic disruption, or other means in jurisdictional waters are regulated by the USACE. The placement of dredged or fill material into such waters must comply with permit requirements of the USACE. No USACE permit will be effective in the absence of state water quality certification pursuant to Section 401 of the Clean Water Act. The State Water Resources Control Board is the state agency (together with the Regional Water Quality Control Boards) charged with implementing water quality certification in California.

2.0 Methods

2.1 Desktop Review

As a framework for the evaluation and reconnaissance survey, we obtained a USFWS species list for the Project site (USFWS 2019). In addition, we searched the California Natural Diversity Data Base (CNDDB) and the CNPS Inventory of Rare and Endangered Plants for records of specialstatus plant and animal species in the Project area (CNDDB 2019, CNPS 2019). Regional lists of special-status species were compiled using USFWS, CNDDB, and CNPS database searches confined to the Visalia 7.5-minute United States Geological Survey (USGS) topographic quad, which encompasses the Project site and the eight surrounding quads (Traver, Monson, Ivanhoe, Goshen, Exeter, Paige, Tulare, and Cairns Corner). A local list of special-status species was compiled using CNDDB records from within 5 miles of the Project site. Species that lack a specialstatus designation by state or federal regulatory agencies or other groups were omitted from the final list. Species for which the Project site does not provide habitat were eliminated from further consideration. We also reviewed aerial imagery from Google Earth (Google 2019) and other sources, USGS topographic maps, the Web Soil Survey (NRCS 2019), and relevant literature.

2.2 Reconnaissance Survey

Colibri Associate Scientists Joe Medley and Kristofer Robison conducted a field reconnaissance survey of the Project site on 22 October 2019. The Project site and a 50-foot buffer surrounding the Project site were walked and thoroughly inspected to evaluate and document the potential for the area to support state- or federally protected resources. The survey area also included a 0.5-mile buffer around the Project site to evaluate the potential occurrence of special-status raptors (Figure 3). All plants except ornamentals and all animals (vertebrate wildlife species) observed within the survey area were identified and documented. The survey area was evaluated for the presence of regulated habitats, including lakes, streams, and other waters using methods described in the *Wetlands Delineation Manual* and regional supplement (USACE 1987, 2008) and as defined by the CDFW (https://www.wildlife.ca.gov/conservation/lsa).

2.3 Significance Criteria

CEQA defines "significant effect on the environment" as "a substantial, or potentially substantial, adverse change in the environment" (Public Resource Code, § 21068). Under CEQA Guidelines Section 15065, a project's effects on biological resources are deemed significant where the project would do the following:

a) Substantially reduce the habitat of a fish or wildlife species,

- b) Cause a fish or wildlife population to drop below self-sustaining levels,
- c) Threaten to eliminate a plant or animal community, or
- d) Substantially reduce the number or restrict the range of a rare or endangered plant or animal.

In addition to the Section 15065 criteria, Appendix G of the CEQA Guidelines includes six additional impacts to consider when analyzing the effects of a project. Under Appendix G, a project's effects on biological resources are deemed significant where the project would do any of the following:

- e) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or the USFWS,
- f) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS,
- g) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means,
- h) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites,
- i) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or
- j) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

These criteria were used to determine whether the potential effects of the Project on biological resources qualify as significant.



Figure 3. Reconnaissance survey area map.

3.0 Results

3.1 Desktop Review

The USFWS species list for the Project site includes eight species listed as threatened or endangered under the FESA (USFWS 2019, Table 1, Appendix A). None of those species could occur on or near the Project site due to either a lack of habitat, the Project site being outside the current range of the species, or the presence of development that would otherwise preclude occurrence (Table 1). The Project site does not occur in USFWS-designated Critical Habitat for any species (USFWS 2019, Appendix A).

Searching the CNDDB for records of special-status species from within the Visalia 7.5-minute USGS topographic quad and the eight surrounding quads produced 197 records of 39 species (CNDDB 2019, Table 1, Appendix B). Of those species, three are not considered further because state or federal regulatory agencies or other groups do not recognize them through special designation (Appendix B). Of the remaining 36 species, 15 are known from within 5 miles of the Project site (Table 1, Figure 4). Of those 15 species, two could occur on the Project site (Table 1). Two additional species identified in the 9-quad search also could occur based on the presence of habitat (Table 1).

Searching the CNPS Inventory of Rare and Endangered Plants of California for records of specialstatus plant species from within the Visalia 7.5-minute USGS topographic quad and the eight surrounding quads yielded 19 taxa (CNPS 2019, Appendix C), 17 of which have of a CRPR of 1B or 2B (Table 1). One of those species could occur on the Project site based on the presence of habitat. The remaining species are not expected due to a lack of habitat (Table 1).

The Project site is underlaid by Tagus loam, 0 to 2% slopes and Nord fine sandy loam 0 to 2% slopes soil types (NRCS 2019). The elevation of the Project site ranges from 302 to 310 feet above mean sea level.



Figure 4. CNDDB occurrence map.
Table 1. Special-status species, their listing status, habitats, and potential to occur on or near the Project site.

Species	Status ¹	Habitat	Potential to Occur ²
Federally and State-Listed E	ndangered	d or Threatened Species	
California jewelflower	FE, SE,	Chenopod scrub, valley	None. Habitat lacking; no
(Caulanthus californicus)	1B.1	and foothill grassland,	records from within 5
		and pinyon and juniper	miles.
		woodland at 200–3500	
		feet elevation.	
Hoover's spurge	FT,	Vernal pools from sea	None. Habitat lacking; no
(Euphorbia hooveri)	1B.2	level to 820 feet	vernal pools found in the
		elevation.	survey area; no records
			from within 5 miles.
San Joaquin Valley Orcutt	FT <i>,</i> SE,	Vernal pools at or below	None. Habitat lacking; no
grass	1B.1	2625 feet elevation.	vernal pools found in the
(Orcuttia inaequalis)			survey area; no records
			from within 5 miles.
San Joaquin adobe	FT, SE,	Valley and foothill	None. Habitat lacking; no
sunburst	1B.1	grassland with bare, dark	records from within 5
(Pseudobahia peirsonii)		clay soils at 300–3000	miles.
		feet elevation.	
Crotch bumble bee ³	SCE	Grassland and scrub	None. Habitat lacking; no
(Bombus crotchii)		habitats in the Central	grassland or scrublands in
		Valley.	the survey area.
Valley elderberry longhorn	FT	Elderberry (Sambucus	None. The Project site is
beetle		sp.) plants having basal	outside the current
(Desmocerus californicus		stem diameter greater	known range of this
dimorphus)		than 1" at ground level.	species.
Vernal pool fairy shrimp ³	FT	Vernal pools; some	None. Habitat lacking; no
(Branchinecta lynchi)		artificial depressions,	vernal pools or seasonal
		stock ponds, vernal	wetlands were found in
		swales, ephemeral	the survey area.
		drainages, and seasonal	
		wetlands.	
Vernal pool tadpole shrimp	FE	Vernal pools, clay flats,	None. Habitat lacking; no
(Lepidurus packardi)		alkaline pools, and	vernal pools or seasonal
		ephemeral stock tanks.	wetlands or stock tanks
			were found in the survey
			area; no records from
Delte en clt	FT CF		Within 5 miles.
	FI, SE	Estuarine river channels	None. Habitat lacking; no
(Hypomesus		and tidally influenced	connectivity with tidally
transpacificus)		sioughs.	

Species	Status ¹	Habitat	Potential to Occur ²
			influenced estuarine habitat.
Blunt-nosed leopard lizard (<i>Gambelia sila</i>)	FE, SE, FP	Upland scrub and sparsely vegetated grassland with small mammal burrows.	None. Habitat lacking; no records from within 5 miles.
California red-legged frog (<i>Rana draytonii</i>)	FT, SSSC	Creeks, ponds, and marshes for breeding; burrows for upland refuge.	None. Habitat lacking; no suitable aquatic breeding habitat in the survey area; the Project site is outside the known range of this species; no records from within 5 miles.
California tiger salamander (Ambystoma californiense)	FT, ST	Vernal pools or seasonal ponds for breeding; small mammal burrows for upland refugia.	None. Habitat lacking; although two ground squirrel burrows were found near the Project site, no potential aquatic breeding was found in the survey area, and the Project site is developed, disturbed, and surrounded by agricultural and urban development, precluding the occurrence of this species; no records from within 5 miles.
Giant garter snake (<i>Thamnophis gigas</i>)	FT, ST	Marshes, sloughs, ponds, or other permanent sources of water with emergent vegetation, and grassy banks or open areas during active season; uplands with underground refuges or crevices during inactive season.	None. Habitat lacking; the Project site is outside the current known range of this species.
Swainson's hawk ³ (<i>Buteo swainsoni</i>)	ST	Large trees for nesting with adjacent grasslands, wild prairie, or grain fields for foraging.	Moderate. Potential nest trees were on the Project site and foraging habitat was in the survey area.

Species	Status ¹	Habitat	Potential to Occur ²
Tricolored blackbird (Agelaius tricolor)	ST	Freshwater emergent vegetation or prickly or spiny terrestrial	None. Habitat lacking; no nesting habitat found; no records from within 5
		vegetation for nesting; freshwater emergent	miles.
		wetlands, agricultural	
		fields, irrigated pastures, grassland, and cattle	
		feedlots for foraging.	
Western yellow-billed	FT, SE	Mature riparian	None. Habitat lacking; no
сискоо (Соссугия americanus		(Salix) cottonwood	suitable riparian
occidentalis)		(Populus), alder (Alnus),	present in the survey
		box elder (<i>Acer</i>), walnut	area.
		(Juglans), or dense	
San loaguin kit fox ³	FF ST	mesquite (<i>Prosopis</i>).	None Habitat lacking: the
(Vulpes macrotis mutica)	12, 31	scrub with a small	Project site is developed,
		mammal prey base.	disturbed, and
			surrounded by
			agricultural and urban
			potential dens were
			found in the survey area.
Tipton kangaroo rat	FE, SE	Upland scrub, grassland,	None. Habitat lacking; the
(Dipodomys nitratoides nitratoides)		and alkall sink	disturbed and
		nearly level terrain.	surrounded by
			agricultural and urban
			development; no records
State Species of Special Con	cern		from within 5 miles.
Northern California legless	SSSC	Moist warm loose soil in	None. Habitat lacking; no
lizard ³		sparsely vegetated areas	suitable land cover types
(Anniella pulchra)		of beach dunes,	found in the survey area.
		woodlands, desert scrub	
		and sandy wash.	
Northwestern pond turtle ³	SSSC	Ponds, rivers, marshes,	Low. Mill Creek might
(Actinemys marmorata)		streams, and irrigation	provide aquatic habitat
		aquatic vegetation.	as an intermittent

Species	Status ¹	Habitat	Potential to Occur ²
		Basking sites and suitable upland areas for egg laying.	waterway (the creek was dry at the time of survey), it is unsuitable for year- round use.
Northern leopard frog (<i>Lithobates pipiens</i>)	SSSC	Wet meadows, canals, bogs, marshes, and reservoirs in grassland, forest, and woodland.	None. Although this species uses aquatic habitat such as that found on the Project site, the Project site is outside the range of native populations of this species.
Western spadefoot ³ (<i>Spea hammondii</i>)	SSSC	Rain pools for breeding; nearby areas with sandy gravelly soils for upland cover.	None. Habitat lacking; no rain pools or other suitable ephemeral aquatic habitats found in the survey area.
Burrowing owl (Athene cunicularia)	SSSC	Grassland and upland scrub with friable soil; some agricultural or other developed and disturbed areas with ground squirrel burrows.	None. Although two ground squirrel burrows were found on the Project site, intensive development on and surrounding the Project site precludes the occurrence of this species; no records from within 5 miles.
Loggerhead shrike (<i>Lanius ludovicianus</i>)	SSSC	Open areas with short vegetation and widely spaced shrubs or low trees for nesting.	None. Habitat lacking; the Project site is developed, disturbed, and surrounded by agricultural and urban development; no records from within 5 miles.
American badger (<i>Taxidea taxus</i>)	SSSC	Variable. Open, dry grassland and coniferous forests, farms, meadows, marshes, desert.	None. Habitat lacking; the Project site is developed, disturbed, and surrounded by agricultural and urban development; no records from within 5 miles.

Species	Status ¹	Habitat	Potential to Occur ²
Pallid bat	SSSC	Arid or semi-arid	Low. Although no records
(Antrozous pallidus)		locations in rocky	are known from within 5
		mountainous areas and	miles of the Project site,
		sparsely vegetated	this species could roost in
		grassland near water.	large trees and forage at
			the Project site and
			nearby fields.
Western mastiff bat ³	SSSC	Prefers open, arid areas	None. Habitat lacking; no
(Eumops perotis		with high cliffs; open	high cliff roosting habitat
californicus)		forests, woodlands, and	in survey area.
		grasslands for foraging.	
California Rare Plants			
Heartscale ³	1B.2	Grasslands, meadows	None. Habitat lacking; the
(Atriplex cordulata ssp.		and seeps, and	Project site is developed,
cordulata)		chenopod scrub	disturbed, and
		communities with saline	surrounded by
		or alkaline soils.	agricultural and urban
			development.
Earlimart orache	1B.2	Valley and foothill	None. Habitat lacking; no
(Atriplex cordulata var.		grassland with saline or	alkaline soils on the
erecticaulis)		alkaline soil below 328	Project site; no records
		feet elevation.	from within 5 miles.
Brtittlescale ³	1B.2	Chenopod scrub, playas,	None. Habitat lacking; no
(Atriplex depressa)		valley and foothill	vernal pools or alkaline
		grassland, and vernal	soils on the Project site.
		pools with alkaline or	
		clay soils below 1050	
		feet elevation.	
Lesser saltscale ³	1B.1	Chenopod scrub, playa,	None. Habitat lacking; the
(Atriplex minuscula)		and grassland in the San	Project site is developed,
		Joaquin Valley with	disturbed, and
		sandy, alkaline soil below	surrounded by
		328 feet elevation.	agricultural and urban
			development.
Vernal pool smallscale	1B.2	Alkaline vernal pools	None. Habitat lacking; no
(Atriplex persistens)		below 377 feet	vernal pools found in the
		elevation.	survey area; no records
			from within 5 miles.
Subtle orache ³	1B.2	Saline depressions below	None. Habitat lacking; no
(Atriplex subtilis)		229 feet elevation.	saline depressions found
			in the survey area.

Species	Status ¹	Habitat	Potential to Occur ²
Recurved larkspur	1B.2	Poorly drained, fine	None. Habitat lacking; the
(Delphinium recurvatum)		alkaline soils in grassland	Project site is developed,
		and saltbush scrub at	disturbed, and
		98–1968 feet elevation.	surrounded by
			agricultural and urban
			development.
Spiny-sepaled button-	1B.2	Vernal pools and swales	None. Habitat lacking; no
celery		at 330–4200 feet	suitable land cover types
(Eryngium spinosepalum)		elevation.	found in the survey area;
			no records from within 5
			miles.
Winter's sunflower	1B.2	Steep, south-facing	None. Habitat lacking; the
(Helianthus winteri)		grassy slopes, rock	Project site is developed,
		outcrops, and road cuts	disturbed, and
		at 590–1509 feet	surrounded by
		elevation.	agricultural and urban
			development; no records
			from within 5 miles.
California satintail ³	2B.1	Wet springs, meadows,	None. The two segments
(Imperata brevifolia)		streambanks, and	of Mill Creek on the
		floodplains below 1640	Project site are
		feet elevation.	channelized and highly
			disturbed, precluding the
			occurrence of this
			species.
Coulter's goldfields	1B.1	Saline areas and vernal	None. Habitat lacking; no
(<i>Lasthenia glabrata</i> ssp.		pools below 3280 feet	vernal pools in the survey
coulteri)		elevation.	area; not known from
			within 5 miles.
California alkali grass ³	1B.1	Scrub, meadows, seeps,	None. Habitat lacking; no
(Puccinellia simplex)		grassland, vernal pools,	suitable land cover types
		saline flats, and mineral	found in the survey area.
		springs below 2952 feet	
		elevation.	
Sanford's arrowhead	1B.2	Ponds, sloughs and	Low. Although Mill Creek
(Sagittaria sanfordii)		ditches or canals at sea	could support this
		level to 650 feet	species, the waterway
		elevation.	was dry at the time of
			survey, and it was not
			observed; not known
			from within 5 miles.

CNDDB (2019), CNPS (2019), USFWS (2019), Jepson (2019).

Status ¹	Potential	to Occur ²
FE = Federally listed Endangered	None:	Species or sign not observed; conditions unsuitable for occurrence.
FT = Federally listed Threatened	Low:	Neither species nor sign observed; conditions marginal for occurrence.
FP = Fully Protected	Moderate	 Neither species nor sign observed, but conditions suitable for occurrence.
SCE = State Candidate for listing as Endangered		
SE = State-listed Endangered		
ST = State-listed Threatened		
SSSC = State Species of Special Concern		
CNPS California Rare Plant Rank ¹ :	т	hreat Ranks ¹ :
1B – plants rare, threatened, or endangered in Ca and elsewhere.	alifornia 0	.1 – seriously threatened in California (> 80% of occurrences).
2B – plants rare, threatened, or endangered in Ca but more common elsewhere.	alifornia 0 o	.2 – moderately threatened in California (20-80% of ccurrences).

³Known from CNDDB records within 5 miles of the Project site.

3.2 Reconnaissance Survey

3.2.1 Land Use and Habitats

The Project site consists of a paved road, dirt road shoulders, and segments of a channelized stream (Figure 5). A residential development borders the Project site to the east and an orchard borders the site to the west (Figure 6). Surrounding land consists of orchard and row crop agriculture, a fallow field, and commercial and residential development. Four large valley oak (*Quercus lobata*) trees could be impacted by the Project (Figures 7 and 8). North and South Mill Creek, an earthen channelized waterway, crosses the site and could be impacted by Project activities (Figures 5 and 8).



Figure 5. Photograph showing a segment of South Mill Creek that could be impacted by Project activities.



Figure 6. Photograph showing urban and residential development on the Project site.



Figure 7. Photograph showing a large valley oak that could be impacted by Project activities.



Figure 8. Photograph showing valley oaks (background) and another segment of South Mill Creek that could be impacted by Project activities.



Figure 9. Photograph showing North Mill Creek where Project-related impacts could occur.

3.2.2 Plant and Animal Species Observed

A total of 51 plant species (24 native and 27 nonnative), two reptile species, 15 bird species, and two mammal species were observed during the survey (Table 2).

Common Name	Scientific Name	Status ¹
Plants		
Family Amaranthaceae		
Prostrate pigweed	Amaranthus blitoides	Native
Family Asteraceae		
Annual burrweed	Ambrosia acanthicarpa	Native
California mugwort	Artemisia douglasiana	Native
Canada horseweed	Erigeron canadensis	Native
Common dandelion	Taraxacum officinale	Nonnative
Common sunflower	Helianthus annuus	Native
False daisy	Eclipta prostrata	Native
Jersey cudweed	Psuedognaphalium luteoalbum	Nonnative
Prickly lettuce	Lactuca serriola	Nonnative
Rough cocklebur	Xanthium strumarium	Native

Table 2. Plant and animal species observed during the reconnaissance survey.

Smooth cat's ear	Hypochaeris glabra	Nonnative Cal-IPC ² : Limited
Spiny sowthistle	Sonchus asper	Nonnative
Sticktight	Bidens frondosa	Native
Family Betulaceae		ł
White alder	Alnus rhombifolia	Native
Family Brassicaceae		ł
Bog yellow cress	Rorippa palustris	Native
Shepherd's purse	Capsella bursa-pastoris	Nonnative
Chenopodiaceae		
Lamb's quarters	Chenopodium album	Nonnative
Russian thistle	Salsola tragus	Nonnative
Family Cyperaceae		
Nut grass	Cyperus esculentus	Native
Umbrella sedge	Cyperus squarrosus	Native
Family Euphorbiaceae		
Castor bean	Ricinus communis	Nonnative Cal-IPC ² : Limited
Spotted spurge	Funhorhia maculata	Nonnative
Turkey-mullein	Croton setigur	Native
Family Fabaceae	croton serigu	Hative
Bur clover	Medicago polymorpha	Nonnative Cal-IPC ² : Limited
Lotus	Acmispon sp.	Native
Western redbud	Cercis occidentalis	Native
White sweet clover	Melilotus albus	Nonnative
Family Fagaceae		
Valley oak	Quercus lobata	Native
Family Geraniaceae		
Redstem stork's bill	Erodium cicutarium	Nonnative
Family Juglandaceae	·	ł
Northern California black		Nut
walnut	Jugians ninasii	Native
Family Lythraceae		
Grand ammannia	Ammannia robusta	Native
Family Moraceae	· ·	
Common fig	Ficus carica	Nonnative Cal-IPC ² : Moderate
Family Oleaceae	•	
Privet	Ligustrum sp.	Nonnative
Family Onagraceae	·	I
Annual fireweed	Epilobium brachycarpum	Native

Evening primrose	Oenothera elata	Native
Family Phrymaceae	•	·
Yellow monkey flower	Erythranthe guttata	Native
Family Poaceae		
Annual beard grass	Polypogon monspeliensis	Nonnative Cal-IPC ² : Limited
Annual blue grass	Poa annua	Nonnative
Hairy crabgrass	Digitaria sanguinalis	Nonnative
Johnsongrass	Sorghum halepense	Nonnative
Mexican sprangletop	Leptochloa fusca ssp. uninervia	Native
Rough barnyard grass	Echinochloa muricata	Native
Slender oat	Avena barbata	Nonnative Cal-IPC ² : Moderate
Family Polygonaceae		-
Curly dock	Rumex crispus	Nonnative Cal-IPC ² : Limited
Willow weed	Persicaria lapathifolia	Native
Family Portulacaceae		
Common purslane	Portulaca oleracea	Nonnative
Family Scrophulariaceae		
Butterfly bush	Buddleja davidii	Nonnative
Family Simaroubaceae		
Tree of heaven	Ailanthus altissima	Nonnative, Cal-IPC ² : Moderate
Family Solanaceae		
Tree tobacco	Nicotiana glauca	Nonnative, Cal-IPC ² : Moderate
Family Vitaceae		
Woodbine	Parthenocissus sp.	Nonnative
Family Zygophyllaceae		
Puncture vine	Tribulus terrestris	Nonnative
Reptiles		
Family Phrynosomatidae		
Common side-blotched lizard	Uta stansburiana	Native
Western fence lizard	Sceloporus occidentalis	Native
Birds		
Family Accipitridae		
Red-tailed hawk	Buteo Jamaicensis	MBTA, CFGC
Family Aegithalidae		
Bushtit	Psaltriparus minimus	MBTA, CFGC
Family Cathartidae		
Turkey vulture	Cathartes aura	MBTA, CFGC

Family Charadriidae		
Killdeer	Charadrius vociferus	MBTA, CFGC
Family Columbidae		
Mourning dove	Zenaida macroura	MBTA, CFGC
Family Corvidae		
American crow	Corvus brachyrhynchos	MBTA, CFGC
California scrub-jay	Aphelocoma californica	MBTA, CFGC
Family Fringillidae		
House finch	Haemorhous mexicanus	MBTA, CFGC
Family Hirundinidae		
Cliff swallow	Petrochelidon pyrrhonota	MBTA, CFGC
Family Mimidae		
Northern mockingbird	Mimus polyglottos	MBTA, CFGC
Family Parulidae		
Yellow-rumped warbler	Setophaga coronata	MBTA, CFGC
Family Passerellidae		
White-crowned sparrow	Zonotrichia leucophrys	MBTA, CFGC
Family Trochilidae		
Anna's hummingbird	Calypte anna	MBTA, CFGC
Family Turdidae		
Western bluebird	Sialia mexicana	MBTA, CFGC
Family Tyrannidae		
Black phoebe	Sayornis nigricans	MBTA, CFGC
Mammals		
Family Geomyidae	_	
Botta's pocket gopher	Thomomys bottae	Native
Family Sciuridae		
California ground squirrel	Otospermophilus beecheyi	Native

¹Status: plants – refers to Native, Nonnative, Cal-IPC Rank (See below), or regulatory status, if relevant; animals – refers to regulatory or legal protection or native or nonnative status; MBTA = Protected under the Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.); CFGC = Protected under the California Fish and Game Code (FGC § 3503 and 3513).

²Cal-IPC: California Invasive Plant Council ranks invasive plants according to their risk of altering native landscapes. A rating of <u>Limited</u> means that the species is invasive, but their ecological impacts are minor on a statewide level or there was not enough information to justify a higher score; a rating of <u>Moderate</u> means the species has a substantial and apparent, but generally no severe ecological impact on physical processes, plant and animal communities, and vegetation structure; a rating of <u>High</u> means the species has severe ecological impacts on physical processes, plant and animal communities, plant and animal communities, and vegetation structure (Calflora 2019).

3.2.3 Nesting Birds

Migratory birds could nest on or near the Project site. Such species include, but are not limited to, mourning dove (*Zenaida macroura*), red-tailed hawk (*Buteo jamaicensis*), Swainson's hawk, house finch (*Haemorhous mexicanus*), and California scrub-jay (*Aphelocoma californica*).

3.2.4 Regulated Habitats

One potentially regulated habitat, Mill Creek, was found in the survey area. This feature is an earthen waterway that has been channelized to transport irrigation water from the Kaweah River to farm fields west of the Project site. It is likely regulated by the USACE, SWRCB, and CDFW.

3.3 Special-Status Species

3.3.1 Sanford's arrowhead (*Sagittaria sanfordii*) (CRPR 1B.2)

Sanford's arrowhead is an aquatic, rhizomatous perennial herb in the family Alismataceae with a CRPR of 1B.2. It is endemic to the Central Valley of California where it occupies ponds and ditches below 984 feet elevation; it flowers May–October (Turner et al. 2012).

Although no CNDDB records are known from within 5 miles of the Project, this species is known to occur in irrigation canals in the general vicinity (C. J. Winchell, personal communication) (CNDDB 2019). Although Mill Creek could support this species, it was dry during the reconnaissance survey, when this species is flowering or setting seed (Turner et al. 2012). If Mill Creek were to contain water during the growing season and remain inundated through the flowering period, it could support Sanford's arrowhead. Therefore, its probability of occurrence on the Project site is low.

3.3.2 Northwestern pond turtle (*Actinemys marmorata*) (SSSC)

Northwestern pond turtle, family Emydidae, is California's only native freshwater turtle. It is recognized as a Species of Special Concern by the CDFW (CDFW 2019). This species is long-lived, diurnal, and aquatic. It occurs in ponds, lakes, rivers, creeks, marshes, and irrigation ditches and requires exposed banks, logs, rocks, or cattail mats for basking (Nafis 2019). Commercial harvesting beginning in the 19th century, wetland destruction and degradation in the early 20th century, and introduction of nonnative species including other turtle species and bullfrogs are the primary contributors to population declines (Nafis 2019). Mating occurs in April and May, after which females travel onto land to dig a nest, usually along stream or pond banks (Nafis 2019).

There is one CNDDB record from within 5 miles of the project site from near Visalia, dating from 1879 (CNDDB 2019). Mill Creek is hydrologically connected to the Kaweah River, a waterway that provides medium quality habitat for this species. Although Mill Creek has artificially incised banks that do not provide the necessary basking habitat this species needs, it could act as a movement

corridor, especially when flooded with irrigation water. Therefore, the probability of occurrence of this species on the Project site is low.

3.3.3 Swainson's hawk (Buteo swainsoni) (ST)

Swainson's hawk is a is state-listed as threatened raptor in the family Accipitridae (CDFW 2019). Swainson's hawk is a gregarious, migratory, breeding resident of Central California where it uses open areas including grassland, sparse shrubland, pasture, open woodland, and annual agricultural fields such as grain and alfalfa to forage on small mammals, birds, and reptiles. After breeding, it eats mainly insects, especially grasshoppers (Bechard et al. 2010). Swainson's hawk builds a small to medium-sized nest in medium to large trees near foraging habitat along roadsides, in fields, and on the edge of some urban areas. The nesting season begins in March or April in Central California when this species returns to its breeding grounds from wintering areas in Mexico and Central and South America. Nest building commences within one to two weeks of arrival to the breeding area and lasts about one week (Bechard et al. 2010). One to four eggs are laid and incubated for about 35 days. Young typically fledge in about 38–46 days and tend to leave the nest territory within 10 days of fledging (Bechard et al. 2010). Swainson's hawks depart for the non-breeding grounds between August and September.

There are nine CNDDB record for Swainson's hawk known from within 5 miles of the Project site, dating from 2012 and 2017 (CNDDB 2019). Potential nest trees are present on and within 0.5 miles of the Project site, and fallow and some agricultural fields nearby could support foraging. For those reasons, and because this species is expanding its range in Central California (Battistone et al. 2019), there is a moderate potential for it to occur on or near the Project site.

3.3.4 Pallid bat (Antrozous pallidus) (SSSC)

Pallid bat is a member of the family Vespertilionidae and is recognized as a Species of Special Concern by the CDFW (CDFW 2019). It is widespread in the western United States from southern British Columbia, Canada to northern Baja California, Mexico (Hermanson and O'Shea 1983). In California, pallid bat is locally common year-round at low elevations, where it occupies dry, open areas in grassland, shrubland, woodland, and forest (Zeiner et al. 1988–1990). Pallid bat is nocturnal and roosts during the day in caves, crevices in rocky outcrops, mines, and occasionally tree hollows and buildings. Night roosts tend to be in more open areas including porches (Zeiner et al. 1988–1990). It forages almost exclusively on the ground, where it preys on insects, arachnids, beetles, moths, and scorpions; few prey items are taken aerially (Zeiner et al. 1988–1990). Pallid bat hibernates during winter, usually near a day roost that it occupies in summer (Hermanson and O'Shea 1983).

There are no CNDDB records from within 5 miles of the Project site (CNDDB 2019), and its preferred, rocky crevice roosting habitat is not present. However, this species will roost in tree hollows, and large valley oaks along Mill Creek could support roosting. The Project site and surrounding fields and riparian areas could also support foraging. Therefore, the species has a low probability of occurrence on or near the Project site.

4.0 Environmental Impacts

4.1 Significance Determinations

This Project, which could result in permanent impacts to developed and disturbed land cover, several large valley oaks, and a channelized creek, will not: (1) substantially reduce the habitat of a fish or wildlife species (criterion a) as developed and disturbed land cover is regionally abundant and ubiquitous; (2) cause a fish or wildlife population to drop below self-sustaining levels (criterion b) as no such potentially vulnerable population is known from the area; (3) threaten to eliminate a plant or animal community (criterion c) as no such potentially vulnerable communities are known from the area; (4) substantially reduce the number or restrict the range of a rare or endangered plant or animal (criterion d) as no such potentially vulnerable species are known from the area; (5) have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS (criterion f) as no impacts to riparian habitat or other sensitive natural community are anticipated; (6) have a substantial adverse effect on wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (criterion g) as no impacts to wetlands will occur; or (7) conflict with the provisions of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional, or state habitat conservation plan (criterion j) as no such plan has been adopted. Thus, these significance criteria are not analyzed further.

The remaining statutorily defined criteria provided the framework for criteria BIO1–BIO3 below. These criteria are used to assess the impacts to biological resources stemming from the Project and provide the basis for determinations of significance:

- <u>Criterion BIO1</u>: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS (significance criterion e).
- <u>Criterion BIO2</u>: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (significance criterion h).
- <u>Criterion BIO3</u>: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (criterion i).

4.1.1 Direct and Indirect Impacts

4.1.1.1 Potential Impact #1: Have a Substantial Effect on any Special-Status Species (Criterion BIO1)

The Project could substantially impact the state-listed as threatened Swainson's hawk, which could nest near the Project site, as well as northwestern pond turtle and pallid bat, both California Species of Special Concern. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs, nestlings, or young, or otherwise lead to nest abandonment for Swainson's hawk or to maternal colony abandonment for pallid bat. Loss of fertile eggs, nestlings, or young or any activities resulting in nest or maternal colony abandonment would constitute a significant impact. We recommend that Mitigation Measures B1–B3 (below) be included in the conditions of approval to reduce the potential impact to a less-than-significant level.

Mitigation Measure B1. Protect nesting Swainson's hawk.

- 1. To the extent practicable, construction shall be scheduled to avoid the Swainson's hawk nesting season, which extends from March through August.
- 2. If it is not possible to schedule work between September and February, a qualified biologist shall conduct a survey for active Swainson's hawk nests within 0.5 miles of the Project site no more than 14 days prior to the start of construction. If an active nest is found within 0.5 miles, and the qualified biologist determines that Project activities would disrupt nesting, a construction-free buffer or limited operating period shall be implemented in consultation with the CDFW.

Mitigation Measure B2. Northwestern pond turtle.

- 1. To the extent practicable, construction in and adjacent to Mill Creek shall be scheduled to occur when it is dry to avoid the possibility of northwestern pond turtle being present at the worksite.
- 2. Conduct a pre-construction survey for northwestern pond turtle. A preconstruction survey shall be conducted no more than 14 days prior to the initiation of construction activities. The survey shall be conducted by a qualified biologist to determine if turtles are occupying Mill Creek on or adjacent to the Project site. During this survey, the qualified biologist shall inspect all sections of stream within 300 feet of planned work activities, including adjacent upland areas, for turtles and nests. If a turtle or nest is found within 300 feet of the worksite, a qualified biological monitor shall remain on site during construction to ensure that no turtles or turtle nests are impacted by work activities. Any turtle found on or adjacent to the worksite shall be allowed to leave on its own.

Mitigation Measure B3. Protect pallid bat.

- 1. To the extent practicable, construction shall be scheduled to avoid the pallid bat pupping season, which extends from April through July.
- 2. If it is not possible to schedule work between August and March, a qualified biologist shall conduct a survey for active pallid bat maternal colonies in large trees on and within 50 feet of the Project site no more than 14 days prior to the start of construction. If an active colony is found, and the qualified biologist determines that Project activities would disrupt breeding, a construction-free buffer or limited operating period shall be implemented in consultation with the CDFW.

4.1.1.2 Potential Effect #2: Interfere Substantially with Native Wildlife Movements, Corridors, or Nursery Sites (Criterion BIO2)

The Project has the potential to impede the use of nursery sites for native birds protected under the MBTA and CFGC. Migratory birds are expected to nest on and near the Project site. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment or loss of reproductive effort can be considered take under the MBTA and CFGC. Loss of fertile eggs or nesting birds, or any activities resulting in nest abandonment, could constitute a significant effect if the species is particularly rare in the region. Construction activities such as excavating, trenching, and grading that disturb a nesting bird on the Project site or immediately adjacent to the construction zone could constitute a significant effect. We recommend that the mitigation measure B4 (below) be included in the conditions of approval to reduce the potential effect to a less-thansignificant level.

Mitigation Measure B4. Protect nesting birds.

- 1. To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August.
- 2. If it is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the

extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has failed for non-construction related reasons.

4.1.1.3 Potential Effect #3: Conflict with any Local Policies or Ordinances Protecting Biological Resources, such as a Tree Preservation Policy or Ordinance (Criterion BIO3)

The Project could impact four large valley oaks, including a 40.1-inch Diameter at Breast Height (DBH) tree, a 38.2-inch DBH tree, a 26.7-inch DBH tree, and a 25.8-inch DBH tree. Article I of the City of Visalia's Oak Tree Ordinance defines basic standards, measures, and compliance requirements for the preservation and protection of native valley oak trees and landmark trees (City of Visalia 2019). We recommend that the mitigation measure B5 (below) be included in the conditions of approval to reduce the potential effect to a less-than-significant level.

Mitigation Measure B5. Protect Valley oak trees.

- 1. Consult with the City's Department of Urban Forestry to determine the best course of action as it relates to the anticipated Project footprint and specific design elements to better understand whether the four trees listed above will be impacted.
- 2. If removal is necessary and the City approves, obtain an oak tree removal permit for each valley oak to be removed (Section 12.24.030 of the City's valley oak ordinance).
 - a. In consultation with the City's Department of Urban Forestry (559) 713-4020, determine the appropriate mitigation strategy to mitigate the loss of each individual valley oak by either paying a fee of \$120 multiplied by each inch of DBH (e.g., \$120 x 40.1=\$4812) or planting trees "in-kind" on the Project site amounting to one new tree for each inch of DBH that is impacted by the Project.

4.1.2 Cumulative Effects

The Project site could provide nesting and foraging habitat for Swainson's hawk, roosting and foraging habitat for pallid bat, movement corridor and foraging habitat for northwestern pond turtle, and nesting and foraging habitat for migratory birds. The Project could permanently impact such foraging and nesting habitat, including several valley oaks. However, Mitigation Measures B1 through B5 would reduce any contribution to cumulative impacts on biological resources to a less-than-significant level. The Project will impact a waterway that is likely regulated by the SWRCB and the CDFW, resulting in the need to notify those agencies and obtain the necessary permits or notifications. The Project will ultimately facilitate a connection to the City's Shirk Road Capacity Enhancement Project, which will involve widening Shirk Road from Riggin Avenue to School Avenue, resulting in increased traffic and more demand for open space

as residential and commercial development increases and the human population grows in west Visalia.

4.1.3 Unavoidable Significant Adverse Effects

No unavoidable significant adverse effects on biological resources would occur from implementing the Project.

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Appendix A. USFWS list of threatened and endangered species.



United States Department of the Interior

FISH AND WILDLIFE SERVICE Sacramento Fish And Wildlife Office Federal Building 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846 Phone: (916) 414-6600 Fax: (916) 414-6713



In Reply Refer To: Consultation Code: 08ESMF00-2019-SLI-2645 Event Code: 08ESMF00-2019-E-08421 Project Name: Visalia Shirk Road Widening and Mill Creek Culvert Modification Project

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected species/species list/species lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

August 01, 2019

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/ eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/corre

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office

Federal Building 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846 (916) 414-6600

Project Summary

Consultation Code:	08ESMF00-2019-SLI-2645
Event Code:	08ESMF00-2019-E-08421
Project Name:	Visalia Shirk Road Widening and Mill Creek Culvert Modification Project
Project Type:	TRANSPORTATION
Project Description:	The City of Visalia proposes to widen Shirk Road to four lanes within existing ROW. The proposed project is expected to impact culvert crossings at North Mill Creek and South Mill Creek.

Project Location:

Approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/place/36.3308529725761N119.36777337363199W</u>



Counties: Tulare, CA

Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
San Joaquin Kit Fox <i>Vulpes macrotis mutica</i> No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/2873</u>	Endangered
Tipton Kangaroo Rat <i>Dipodomys nitratoides nitratoides</i> No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/7247</u> Species survey guidelines: <u>https://ecos.fws.gov/ipac/guideline/survey/population/40/office/11420.pdf</u>	Endangered
Reptiles	
NAME	STATUS
Blunt-nosed Leopard Lizard <i>Gambelia silus</i> No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/625</u>	Endangered

Giant Garter Snake *Thamnophis gigas* No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/4482</u> Threatened

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: <u>https://ecos.fws.gov/ecp/species/2891</u>	Threatened
California Tiger Salamander <i>Ambystoma californiense</i> Population: U.S.A. (Central CA DPS) There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: <u>https://ecos.fws.gov/ecp/species/2076</u>	Threatened
Fishes	
NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is final critical habitat for this species. Your location is outside the critical habitat.	Threatened

Crustaceans

Species profile: <u>https://ecos.fws.gov/ecp/species/321</u>

NAME	STATUS
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i>	Threatened
Species profile: <u>https://ecos.fws.gov/ecp/species/498</u>	

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Appendix B. CNDDB occurrence records.



California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad IS (Visalia (3611933) OR Traver (3611944) OR Monson (3611943) OR Exeter (3611932) OR Paige (3611924) OR Tulare (3611923) OR Cairns Corner (3611922))
or /> AND Taxonomic Group OR Exeter (3611922))
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						Elem	ent (Dcc.	Rank	s	Populati	on Status	Presence			
Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Range (ft.)	Total EO's	A	в	с	D	x	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Agelaius tricolor tricolored blackbird	G2G3 S1S2	None Threatened	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_EN-Endangered NABCI_RWL-Red Watch List USFWS_BCC-Birds of Conservation Concern	230 230	955 S:1	0	0	0	0	C	1	0	1	1	0	0
Ambystoma californiense California tiger salamander	G2G3 S2S3	Threatened Threatened	CDFW_WL-Watch List IUCN_VU-Vulnerable	314 347	1196 S:6	0	2	1	0	C	3	3	3	6	0	0
<i>Andrena macswaini</i> An andrenid bee	G2 S2	None None		270 270	7 S:1	0	0	0	0	C	1	1	0	1	0	0
Anniella pulchra northern California legless lizard	G3 S3	None None	CDFW_SSC-Species of Special Concern USFS_S-Sensitive	325 377	375 S:2	1	0	0	0	C	1	1	1	2	0	0
<i>Antrozous pallidus</i> pallid bat	G5 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	368 368	419 S:1	1	0	0	0	С	0	0	1	1	0	0
<i>Athene cunicularia</i> burrowing owl	G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	268 343	1984 S:10	4	3	1	0	C	2	2	8	10	0	0
Atriplex cordulata var. cordulata heartscale	G3T2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	285 285	66 S:1	0	0	0	0	C	1	1	0	1	0	0



California Department of Fish and Wildlife

California Natural Diversity Database



				Elev.		Element Occ. Ranks					\$	Populatio	on Status	Presence		
Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Range (ft.)	Total EO's	A	в	с	D	x	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Atriplex cordulata var. erecticaulis	G3T1	None	Rare Plant Rank - 1B.2	285	21	1	0	1	0	0	1	0	3	3	0	0
Earlimart orache	S1	None	BLM_S-Sensitive	335	S:3											
Atriplex depressa	G2	None	Rare Plant Rank - 1B.2		60	0	0	0	0	0	2	2	0	2	0	0
brittlescale	S2	None			S:2											
Atriplex minuscula	G2	None	Rare Plant Rank - 1B.1	275	52	3	3	2	0	0	0	0	8	8	0	0
lesser saltscale	S2	None		335	S:8											
Atriplex persistens	G2	None	Rare Plant Rank - 1B.2	345	41	2	0	0	0	0	0	0	2	2	0	0
vernal pool smallscale	S2	None		355	S:2											
Atriplex subtilis	G1	None	Rare Plant Rank - 1B.2	285	24	1	0	0	0	1	0	1	1	1	1	0
subtle orache	S1	None	BLM_S-Sensitive	305	S:2											
Bombus crotchii	G3G4	None		350	234	0	0	0	0	0	1	1	0	1	0	0
Crotch bumble bee	S1S2	None		350	S:1											
Branchinecta lynchi	G3	Threatened	IUCN_VU-Vulnerable	264	768	3	2	2	0	0	7	5	9	14	0	0
vernal pool fairy shrimp	S3	None		500	S:14											
Buteo swainsoni	G5	None	BLM_S-Sensitive	230	2475	2	10	7	0	0	7	6	20	26	0	0
Swainson's hawk	S3	Threatened	IUCN_LC-Least Concern USFWS_BCC-Birds of	320	S:26											
Coulonthus colifornious	<u></u>	Endengered	Conservation Concern	205	62					1	0	1	0	0		1
	G1 S1	Endangered	Rare Plant Rank - 16.1	200	53 S:1		0			'	0		0	0		
	057070	Threatened	DIM C Constitue	285	450						0		0			
western vellow-billed cuckoo	G51213 S1	Endangered	NABCI_RWL-Red	330	S:1					1	0	1	0	0		1
western yenow-billed cackoo	51	Lindangered	Watch List USFS_S-Sensitive USFWS_BCC-Birds of Conservation Concern	330												
Delphinium recurvatum	G2?	None	Rare Plant Rank - 1B.2	305	100	0	1	0	0	0	3	1	3	4	0	0
recurved larkspur	S2?	None	BLM_S-Sensitive	340	S:4											
Desmocerus californicus dimorphus	G3T2	Threatened		405	271	0	0	1	0	0	0	1	0	1	0	0
valley elderberry longhorn beetle	S2	None		405	S:1											
Dipodomys nitratoides nitratoides	G3T1T2	Endangered	IUCN_VU-Vulnerable	320	79	0	0	0	0	0	1	1	0	1	0	0
Tipton kangaroo rat	S1S2	Endangered		320	5:1											



California Department of Fish and Wildlife

California Natural Diversity Database



	Elev. Element Occ. Ra						Rank	s	Populatio	on Status	Presence					
Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Range (ft.)	Total EO's	A	в	с	D	x	υ	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Emys marmorata</i> western pond turtle	G3G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable USFS_S-Sensitive	325 325	1369 S:1	0	0	0	0	0	1	1	0	1	0	0
Eryngium spinosepalum spiny-sepaled button-celery	G2 S2	None None	Rare Plant Rank - 1B.2	320 510	108 S:7	2	2	0	0	1	2	4	3	6	1	0
<i>Eumops perotis californicus</i> western mastiff bat	G5T4 S3S4	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern WBWG_H-High Priority	300 300	296 S:2	0	1	0	0	0	1	1	1	2	0	0
<i>Euphorbia hooveri</i> Hoover's spurge	G1 S1	Threatened None	Rare Plant Rank - 1B.2	315 345	29 S:5	0	1	3	0	1	0	1	4	4	0	1
<i>Gambelia sila</i> blunt-nosed leopard lizard	G1 S1	Endangered Endangered	CDFW_FP-Fully Protected IUCN_EN-Endangered	225 225	329 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Helianthus winteri</i> Winter's sunflower	G2? S2?	None None	Rare Plant Rank - 1B.2	460 950	55 S:7	0	3	4	0	0	0	0	7	7	0	0
<i>Imperata brevifolia</i> California satintail	G4 S3	None None	Rare Plant Rank - 2B.1 SB_SBBG-Santa Barbara Botanic Garden USFS_S-Sensitive	300 300	32 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Lanius Iudovicianus</i> loggerhead shrike	G4 S4	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	285 285	110 S:1	0	1	0	0	0	0	1	0	1	0	0
<i>Lasthenia glabrata ssp. coulteri</i> Coulter's goldfields	G4T2 S2	None None	Rare Plant Rank - 1B.1 BLM_S-Sensitive SB_RSABG-Rancho Santa Ana Botanic Garden	350 350	111 S:1	0	0	0	0	0	1	0	1	1	0	0
Lepidurus packardi vernal pool tadpole shrimp	G4 S3S4	Endangered None	IUCN_EN-Endangered	263 345	325 S:9	0	5	3	0	0	1	2	7	9	0	0



California Department of Fish and Wildlife

California Natural Diversity Database



							Elem	ent C)cc. F	Rank	5	Populatio	on Status	Presence		
Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Range (ft.)	Total EO's	Α	в	с	D	x	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Lithobates pipiens northern leopard frog	G5 S2	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	330 345	22 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Lytta hoppingi</i> Hopping's blister beetle	G1G2 S1S2	None None		325 325	5 S:1	0	0	0	0	0	1	1	0	1	0	0
Orcuttia inaequalis San Joaquin Valley Orcutt grass	G1 S1	Threatened Endangered	Rare Plant Rank - 1B.1	315 515	47 S:2	0	0	1	0	1	0	1	1	1	0	1
Pseudobahia peirsonii San Joaquin adobe sunburst	G1 S1	Threatened Endangered	Rare Plant Rank - 1B.1 SB_RSABG-Rancho Santa Ana Botanic Garden		51 S:1	0	0	0	0	1	0	1	0	0	0	1
<i>Puccinellia simplex</i> California alkali grass	G3 S2	None None	Rare Plant Rank - 1B.2	270 320	80 S:5	0	2	0	0	1	2	3	2	4	1	0
Sagittaria sanfordii Sanford's arrowhead	G3 S3	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	330 400	126 S:2	0	0	1	0	0	1	0	2	2	0	0
Spea hammondii western spadefoot	G3 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_NT-Near Threatened	0 585	933 S:29	4	22	2	0	0	1	1	28	29	0	0
<i>Talanites moodyae</i> Moody's gnaphosid spider	G1G2 S1S2	None None		400 700	6 S:3	0	0	0	0	0	3	3	0	3	0	0
<i>Taxidea taxus</i> American badger	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	370 370	590 S:1	0	0	1	0	0	0	1	0	1	0	0
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	G4T2 S2	Endangered Threatened		250 720	1018 S:21	0	0	1	0	0	20	20	1	21	0	0

Appendix C. CNPS plant list.


*The database used to provide updates to the Online Inventory is under construction. <u>View updates and changes made since May 2019 here</u>.

Plant List

19 matches found. Click on scientific name for details

Search Criteria

Found in Quads 3611944, 3611943, 3611942, 3611934, 3611933, 3611932, 3611924 3611923 and 3611922;

Q Modify Search Criteria Export to Excel O Modify Columns 2 Modify Sort Display Photos

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank
<u>Atriplex cordulata var.</u> <u>cordulata</u>	heartscale	Chenopodiaceae	annual herb	Apr-Oct	1B.2	S2	G3T2
<u>Atriplex cordulata var.</u> erecticaulis	Earlimart orache	Chenopodiaceae	annual herb	Aug-Sep(Nov)	1B.2	S1	G3T1
Atriplex depressa	brittlescale	Chenopodiaceae	annual herb	Apr-Oct	1B.2	S2	G2
Atriplex minuscula	lesser saltscale	Chenopodiaceae	annual herb	May-Oct	1B.1	S2	G2
Atriplex persistens	vernal pool smallscale	Chenopodiaceae	annual herb	Jun,Aug,Sep,Oct	1B.2	S2	G2
Atriplex subtilis	subtle orache	Chenopodiaceae	annual herb	Jun,Aug,Sep(Oct)	1B.2	S1	G1
Caulanthus californicus	California jewelflower	Brassicaceae	annual herb	Feb-May	1B.1	S1	G1
<u>Delphinium hansenii</u> <u>ssp. ewanianum</u>	Ewan's larkspur	Ranunculaceae	perennial herb	Mar-May	4.2	S3	G4T3
Delphinium recurvatum	recurved larkspur	Ranunculaceae	perennial herb	Mar-Jun	1B.2	S2?	G2?
Eryngium spinosepalum	spiny-sepaled button-celery	Apiaceae	annual / perennial herb	Apr-Jun	1B.2	S2	G2
Euphorbia hooveri	Hoover's spurge	Euphorbiaceae	annual herb	Jul-Sep(Oct)	1B.2	S1	G1
Helianthus winteri	Winter's sunflower	Asteraceae	perennial shrub	Jan-Dec	1B.2	S2?	G2?
Hordeum intercedens	vernal barley	Poaceae	annual herb	Mar-Jun	3.2	S3S4	G3G4
Imperata brevifolia	California satintail	Poaceae	perennial rhizomatous herb	Sep-May	2B.1	S3	G4
<u>Lasthenia glabrata ssp.</u> <u>coulteri</u>	Coulter's goldfields	Asteraceae	annual herb	Feb-Jun	1B.1	S2	G4T2
Orcuttia inaequalis	San Joaquin Valley Orcutt grass	Poaceae	annual herb	Apr-Sep	1B.1	S1	G1
Pseudobahia peirsonii	San Joaquin adobe sunburst	Asteraceae	annual herb	Feb-Apr	1B.1	S1	G1
Puccinellia simplex	California alkali	Poaceae	annual herb	Mar-May	1B.2	S2	G3

www.rareplants.cnps.org/result.html?adv=t&quad=3611944:3611943:3611942:3611934:3611933:3611932:3611924:3611923:3611922

CNPS Inventory Results

Alismataceae perennial rhizomatous May-Oct(Nov) 1B.2 S3 G3 herb (emergent)

Suggested Citation

Sagittaria sanfordii

California Native Plant Society, Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website http://www.rareplants.cnps.org [accessed 21 October 2019].

Information

grass Sanford's

arrowhead

<u>Simple Search</u> <u>Advanced Search</u> <u>Glossary</u>

Search the Inventory

About the Inventory About the Rare Plant Program CNPS Home Page About CNPS Join CNPS

Contributors

<u>The California Database</u> <u>The California Lichen Society</u> <u>California Natural Diversity Database</u> <u>The Jepson Flora Project</u> <u>The Consortium of California Herbaria</u> <u>CalPhotos</u>

Questions and Comments

rareplants@cnps.org

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Appendix C Cultural Resource Information

Cultural / Historic Resource Information

City of Visalia – Shirk Widening and Mill Creek Culvert Modification Project

Section 1: General Information About the Undertaking

- 1. Project Title: Shirk Road Widening and Mill Creek Culvert Modification Project
- Location: The Project is located in western Visalia in Tulare County, California. Project construction will occur along Shirk Road from approximately 750 feet north of its intersection with State Route 198 to just north of School Avenue. See Figures 1 and 2 in Appendix A for Project location.
- 3. Environmental Review Process: The City is preparing an Initial Study pursuant to the California Environmental Quality Act (CEQA) with the anticipation that a Mitigated Negative Declaration (MND) will be prepared for the Project. The required 30 day public review of the MND is anticipated to occur in late 2019 or early 2020. Following adoption of the Project CEQA document, the City will also pursue regulatory permits for the Project including a Streambed Alteration Agreement through CA Fish & Wildlife, a Section 404 Nationwide permit through the Army Corps of Engineers, and a 401 Water Quality Certification from the Regional Water Quality Control Board.

Section 2: Contact Information

1. Local/Lead Agency: City of Visalia 707 W. Acequia Ave. Visalia, CA 93291 Contact: Fred Lampe, P.E. <u>fred.lampe@visalia.city</u> (559) 713-4270

Section 3: Description of Undertaking and Area of Potential Effects (APE)

The City of Visalia is proposing to widen Shirk Road from two lanes to four lanes between a point approximately 750 feet north of the intersection of State Route 198 and the culvert at North Mill Creek, just north of School Avenue. The existing culvert at South Mill Creek will be extended approximately 330 feet north and east from its headwall at Hillsdale Avenue. Shirk Road will be widened, extending the existing road surface east to an existing sidewalk, curb, and gutter, and connecting that sidewalk to one on the north side of North Mill Creek. The new road surface will then be built on top of the newly extended culvert.

The City plans to complete the Project in two stages. In the first stage, Shirk Road will be widened in the existing right of way (ROW). The street will be wide enough to accommodate four lanes but will not include an island or raised median. The second stage will be completed after a full 110-foot ROW is acquired and will include an island or raised median, curbs, gutters, and sidewalks along both northbound and southbound lanes.

The work (including construction staging areas) will be done in City right-of-way and will not impede on private properties. The section of roadway subject to construction activity is approximately 0.33 miles long (north to south). The entire Area of Potential Effect (APE) is approximately 4.45 acres.

Appendix A includes the following maps:

- Location map
- APE map. This map shows the physical boundaries where potential construction/ground disturbance could occur. The boundaries are based on reasonable assumptions for the type of work that is proposed to be conducted.
- Site photos

Section 3a: Ground-Disturbing Activity

The Project APE consists of a paved road, dirt road shoulders, and segments of a channelized stream. A residential development borders the Project site to the east and an orchard borders the site to the west. Surrounding land consists of orchard and row crop agriculture, a fallow field, and commercial and residential development. Four large valley oak (*Quercus lobata*) trees could be impacted by the Project. North and South Mill Creek, an earthen channelized waterway, crosses the site and could be impacted by Project activities. It should be noted that the entire Project APE consists of land that has been graded/formed to its current configuration. The heavily developed area has been disturbed through various activities including from housing developments, construction of the Shirk/HWY 198 Interchange, construction of the man-made Mill Creek channels, and heavy on-going agricultural activities. These developments required extensive ground disturbance and grading activities which has left the existing APE void of natural or undisturbed areas.

Ground disturbing activities will include:

- Site preparation (demolition, grading, removal of utilities);
- Extension of the existing culvert (piping / fill) to accommodate the road widening;
- Installation of infrastructure within the roadway (the trench within the street for the new sewer trunk line will be up to 8 feet deep); and
- Construction of the widened road (ground preparation work, installation of asphalt/concrete, installation of signage/striping)

Section 4: Identification of Historic Properties

As previously discussed, the heavily developed has been subject to extensive ground disturbance and grading activities which has left the existing APE void of natural or undisturbed areas.

CHRIS Records Search:

As part of the City's General Plan Update, a records search was conducted through the California Historical Resources Information System at the Southern San Joaquin Valley Information Center. According to the search, there have been 152 archaeological investigations that had been performed in the City. Seven archaeological resources were identified, however, none are located on or near the Project APE. Due to resource protection concerns, the locations of the seven archaeological resources are not disclosed.¹

The City maintains a Local Register of Historic Structures, which features approximately 340 buildings, including residential, commercial, civic, and religious structures. These are classified in three categories: exceptional, focus, and background structures. Exceptional structures or sites are those having preeminent historical, cultural, architectural, archaeological, or aesthetic significance, considered candidates for nomination to the National Register of Historic Places. Currently, four of these buildings have national and State historic designation: the Bank of Italy Building on East Main Street; the U.S. Post Office on West Acequia Avenue; Hyde House on South Court Street; and the Pioneer statue in Mooney Grove Park. None of these are located near the Project APE. The only structures that will require demolition are the existing culverts at Shirk Road and Mill Creek. Those structures were installed during construction activities associated with the housing development to the east and during construction associated with Shirk Road improvements and the HWY 198 interchange work. See Appendix A for photos of the existing culverts. These structures have not been determined to possess significant historical value, as they are not unique or historically relevant to the area.

NAHC Consultation:

The City of Visalia has determined that the Project does not meet its criteria to warrant additional Tribal consultation. In addition, the City recently completed and adopted a General Plan Update. As part of this process, the City initiated Native American consultations which covered all areas of the City's Planning Area, which includes the Project APE.

A letter was sent to the Native American Heritage Commission (NAHC) on February 16, 2010, requesting a review of the sacred lands file and a list of Native American contacts within the region. In response, NAHC provided a list of tribal representatives to consult. Each of these five representatives, of the Santa Rosa Rancheria, Tule River Indian Tribe, Esohm Valley Band of Indians/Wuksache Tribe, Kern Valley Indian Council, and Tubatulabals of Kern County, were subsequently contacted and no concerns were raised with regard to the Project APE.

Section 5: Finding of Effect

Based on the above information, it is hereby determined that the proposed project will not result in significant impacts to cultural, historical, Tribal, or archaeological resources.

¹ Visalia General Plan Update EIR (2014), page 3.12-3.

Appendix A – Maps

- 1. Location Map
- 2. APE Map
- 3. Site Photos

Figure 1 – Project Vicinity Map



Source: World Imagery Basemaps (Esri et al. 2019).



Figure 2 – Project Area of Potential Effect

Site Photos



Looking north on Shirk from southern project boundary



Existing culvert on west side of Shirk Road near the HWY 198 Interchange



Looking north on Shirk at Hillsdale



Existing culvert at Shirk/Hillsdale



Looking south on Shirk from northern Project boundary



Existing culvert at Shirk / School Ave



Existing man-made Mill Creek canal along the east side of Shirk