

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Packwood Creek Bridge Crossing at Cameron Parkway, Visalia, Tulare County, California

Lead Agency: City of Visalia

Contact Person: Paul Scheibel, AICP

Mailing Address: 315 E. Acequia

Phone: (559) 713-4369

City: Visalia

Zip: 93291

County: Tulare

Project Location: County: Tulare City/Nearest Community: Visalia/Woodlake/Goshen

Cross Streets: Hwy 63 (Mooney Blvd.) Zip Code: 93291

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: 1.0

Assessor's Parcel No.: 126-062-072

Section: _____ Twp.: _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: 99,198,268

Waterways: Kaweah River, Mill Creek, Packwood Creek

Airports: Visalia Airport

Railways: UPRR

Schools: none

Document Type:

CEQA: ☐ NOP ☐ Draft EIR ☐ NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☐ Neg Dec (Prior SCH No.) _____ ☐ Draft EIS ☐ Other: _____
☒ Mit Neg Dec Other: _____ ☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☒ Other: road/bridge

Development Type:

☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____ ☒ Transportation: Type bridge
☒ Commercial: Sq.ft. _____ Acres 1.0 Employees _____ ☐ Mining: Mineral _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____ ☐ Power: Type _____ MW
☐ Educational: _____ ☐ Waste Treatment: Type _____ MGD
☐ Recreational: _____ ☐ Hazardous Waste: Type _____
☐ Water Facilities: Type _____ MGD ☐ Other: _____

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☒ Vegetation
☐ Agricultural Land ☒ Flood Plain/Flooding ☐ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☐ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☐ Sewer Capacity ☒ Wetland/Riparian
☒ Biological Resources ☐ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☐ Solid Waste ☒ Land Use
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects
☐ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☐ Other: _____

Present Land Use/Zoning/General Plan Designation:

The site within the City is designated and zoned R-C (Regional Commercial). Packwood Creek channel and setback are designated.

Project Description: (please use a separate page if necessary)

Construction of a box culvert bridge across Packwood Creek. The bridge will connect Cameron Parkway with an existing shopping center that currently houses several commercial anchors, and numerous larger and smaller tenants. The bridge is proposed to be 50-feet wide and 170 feet in length. It will have two drive lanes and a left turn pocket. There will be sidewalk on one side of the bridge. The project goal is to provide a southern ingress and egress point for vehicle and pedestrian traffic. Presently, all traffic must use Mooney Blvd. to the west or Caldwell Ave. to the north to access the shopping center. The addition of the bridge would provide a more direct access point to the site for the benefit of residential destination traffic originating from the south, and a direct connection to the site for pass-by traffic originating from the Packwood Cr Shp Cntr.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input checked="" type="checkbox"/> Parks & Recreation, Department of
<input checked="" type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District #6	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB #5
<input checked="" type="checkbox"/> Caltrans Planning	<input checked="" type="checkbox"/> Resources Agency
<input checked="" type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input checked="" type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input checked="" type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input checked="" type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region #4	<input type="checkbox"/> Tahoe Regional Planning Agency
<input checked="" type="checkbox"/> Food & Agriculture, Department of	<input checked="" type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input checked="" type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input checked="" type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date July 23, 2019 Ending Date August 26, 2019

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>City of Visalia</u>
Address: _____	Address: <u>315 E. Acequia</u>
City/State/Zip: _____	City/State/Zip: <u>Visalia, CA 93291</u>
Contact: _____	Phone: <u>(559) 713-4369</u>
Phone: _____	

Signature of Lead Agency Representative: Paul Scheibel, AICP Date: 7/17/19

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

CITY OF VISALIA
315 E. ACEQUIA STREET
VISALIA, CA 93291

**NOTICE OF A PROPOSED
MITIGATED NEGATIVE DECLARATION**

Project Title:

Packwood Creek Bridge Crossing at Cameron Parkway, Visalia, Tulare County, California

Project Description:

Construction of a box culvert bridge across Packwood Creek. The bridge will connect Cameron Parkway with an existing shopping center that currently houses several commercial anchors, including a Walmart, Burlington Coat Factory, Ashley Furniture, and numerous larger and smaller tenants. The bridge is proposed to be 50-feet wide and 170 feet in length. It will have two drive lanes and a left turn pocket. There will be sidewalk on one side of the bridge. The project goal is to provide a southern ingress and egress point for vehicle and pedestrian traffic. Presently, all traffic must use Mooney Blvd. to the west or Caldwell Ave. to the north to access the shopping center. The addition of the bridge would provide a more direct access point to the site for the benefit of residential destination traffic originating from the south, and would provide a direct connection to the site for pass-by traffic originating from the Packwood Creek Shopping Center (Costco, Lowes, Best Buy).

Site Location:

The site is located at Packwood Creek, north of the Cameron Avenue alignment, approximately 700 feet east of Mooney Boulevard, in the City of Visalia, Tulare County, California
(APN: 126-062-072).

Contact Person:

Paul Scheibel, AICP, Project Planner **Phone:** (559) 713-4369

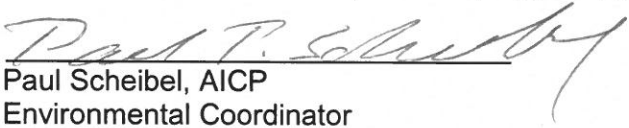
Pursuant to City Ordinance No. 2388, the Environmental Coordinator of the City of Visalia has reviewed the proposed project described herein and has found that, with Mitigation Measures applied, will not result in a significant effect on the environment because of the reasons listed below:

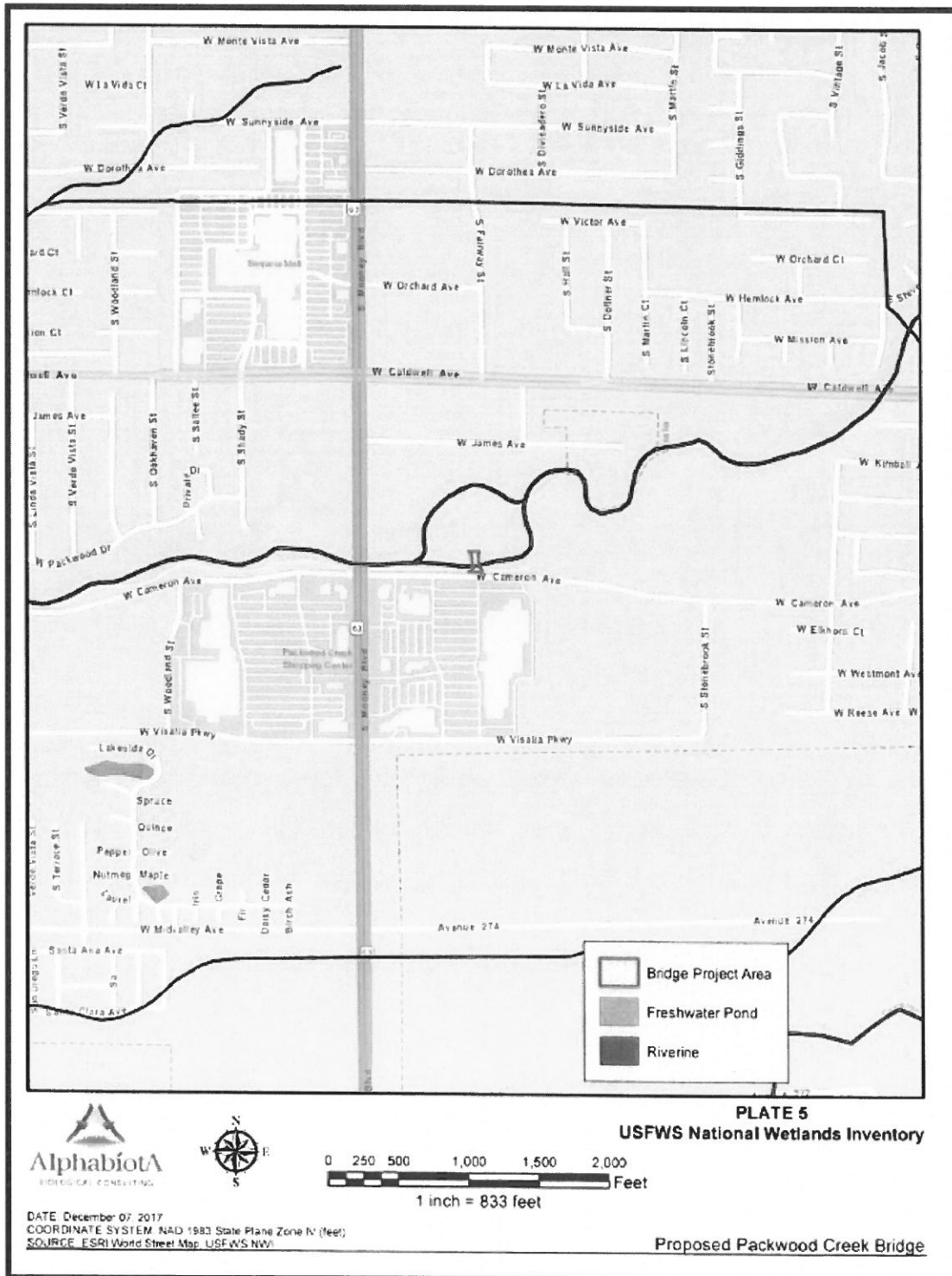
Initial Study No. 2019-49 has identified significant, adverse environmental impacts that may occur because of the project. However, with mitigation, the impacts will be reduced to a level that is less than significant. Copies of the initial study and other documents relating to the subject project may be examined by

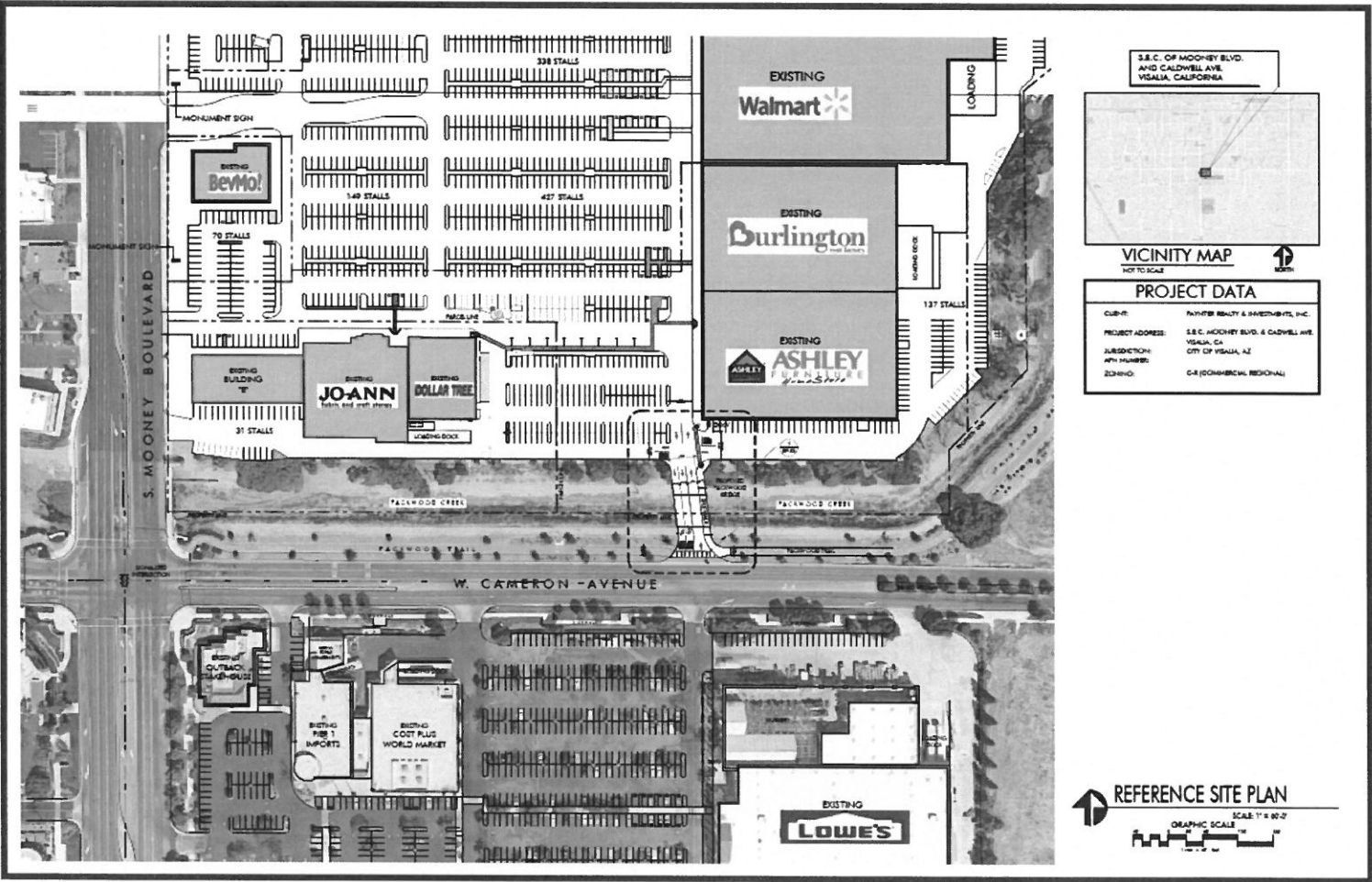
interested parties at the Planning Division in City Hall East, at 315 East Acequia Avenue, Visalia, CA.

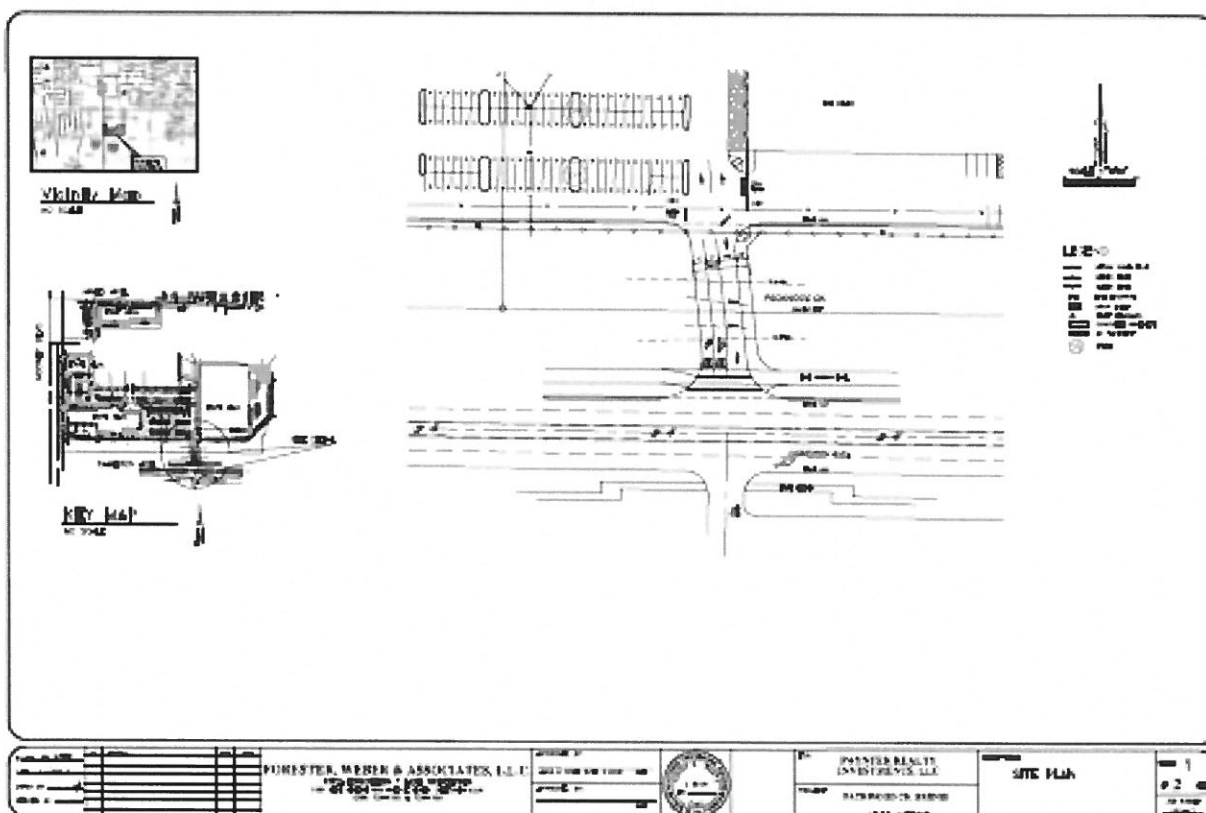
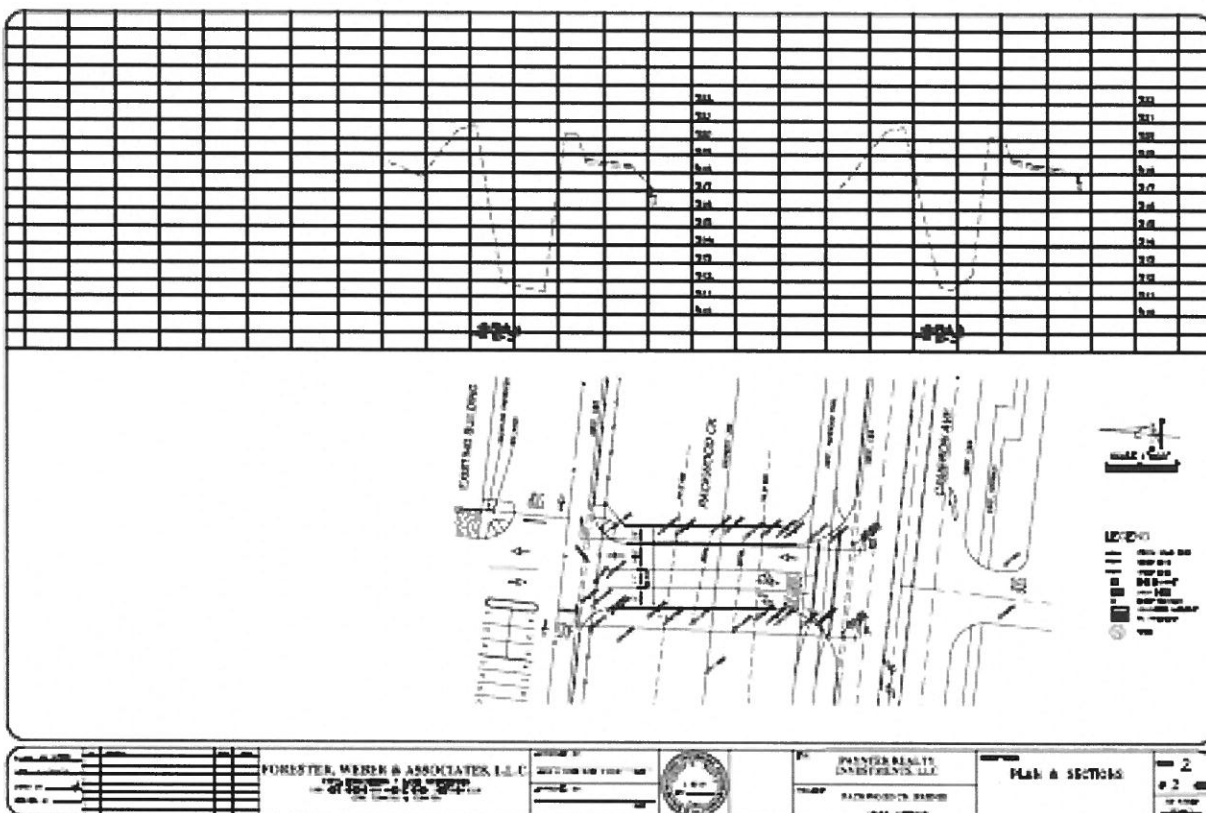
Comments on this proposed Mitigated Negative Declaration will be accepted until August 26, 2019.

Date: July 23, 2019

Signed: 
Paul Scheibel, AICP
Environmental Coordinator
City of Visalia







MITIGATED NEGATIVE DECLARATION

Project Title: Packwood Creek Bridge Crossing at Cameron Parkway, Visalia, Tulare County, California

Project Description: Construction of a box culvert bridge across Packwood Creek. The bridge will connect Cameron Parkway with an existing shopping center that currently houses several commercial anchors, including a Walmart, Burlington Coat Factory, Ashley Furniture, and numerous larger and smaller tenants. The bridge is proposed to be 50-feet wide and 170 feet in length. It will have two drive lanes and a left turn pocket. There will be sidewalk on one side of the bridge.

The project goal is to provide a southern ingress and egress point for vehicle and pedestrian traffic. Presently, all traffic must use Mooney Blvd. to the west or Caldwell Ave. to the north to access the shopping center. The addition of the bridge would provide a more direct access point to the site for the benefit of residential destination traffic originating from the south, and would provide a direct connection to the site for pass-by traffic originating from the Packwood Creek Shopping Center (Costco, Lowes, Best Buy).

The proposed driveway will be aligned with an existing Lowe's driveway on the south side of Cameron Avenue, approximately 800 feet east of Mooney Boulevard. The City of Visalia has indicated that the proposed Project, if approved, would be required to construct a median along Cameron Avenue west of the proposed driveway. The new median would match the existing median that extends to Mooney Boulevard and would prevent left turns at the existing driveway on the south side of Cameron Boulevard approximately 400 feet east of Mooney Boulevard.

Location: The site is located at Packwood Creek, north of the Cameron Avenue alignment, approximately 700 feet east of Mooney Boulevard, in the City of Visalia, Tulare County, California (APN: 126-062-072).

Project Facts: Refer to Initial Study for project facts, plans and policies, discussion of environmental effects and mitigation measures, and determination of significant effect.

Attachments:

Initial Study	(X)
Environmental Checklist	(X)
Maps	(X)
Mitigation Measures	(X)
Technical Studies	(X)

DECLARATION OF NO SIGNIFICANT EFFECT:

This project, after mitigation measures are applied, will not have a significant effect on the environment for the following reasons:

- (a) The project does not 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) The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- (c) The project does not have environmental effects which are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual 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.
- (d) The environmental effects of the project will not cause substantial adverse effects on human beings, either directly or indirectly.

This Mitigated Negative Declaration has been prepared by the City of Visalia Planning Division in accordance with the California Environmental Quality Act of 1970, as amended. A copy may be obtained from the City of Visalia Planning Division during normal business hours.

APPROVED

By: 

Paul Scheibel, AICP

Environmental Coordinator

Date Approved: July 23, 2019

Review Period: 30 days

MITIGATION MEASURES

The following mitigation measures will reduce potential environmental impacts related to biological resources, hydrology, and water quality to a less than significant level:

Biological Resources

In compliance with Section 1602 of the California Department of Fish and Wildlife (CDFW) regulations for notification requirements for commencing an activity that may substantially modify a river, stream or lake, the Applicant shall address the project with the Department of Fish and Wildlife (CDFW) to determine whether a Lake or Streambed Alteration Agreement (SAA) is needed for the activity. If it is determined by DFG that an SAA is required, construction shall commence when said permit is issued.

In compliance with the Oak Tree Preservation Ordinance (Chapter 12.24 of the Municipal Code, City of Visalia), an Oak Tree Removal Permit shall be obtained by the Applicant to remove a 6.5" Valley Oak tree located on the north bank of the creek, and payment of mitigation fees shall be made. The Applicant shall provide protective fencing for a 6" existing Valley Oak tree located north of the proposed bridge on the north side of the creek in compliance with Ordinance requirements.

If ground disturbing activities or removal of any trees is to commence during the Migratory Bird Treaty Act (MBTA) nesting bird season (February 1 thru August 31), a general nesting bird survey shall be conducted. If nesting birds are determined to be present within the propose construction areas or immediate vicinity. Buffers may be implemented to protect nesting birds until such time as it is deemed suitable to continue with non-disturbing construction activities.

A general nesting raptor survey or Swainson's Hawk survey and report shall be prepared if directed by jurisdictional agency regulators.

During construction activities, if it is observed that Cliff Swallow birds have nested on or under the bridge, all construction shall be temporarily halted, and the Applicant shall hire a qualified biologist to inspect the site and determine the disturbance level of the activity. If the level of construction activity is found to be disturbing the birds, as determined by the on-site biologist, then the biologist shall have stop work authority to stop the activity. If work is halted the biologist will determine if a specific task or specific equipment is causing the disturbance and will require that disturbance or equipment not to be used until such time as it's determined that the birds are no longer affected or have fledged their nesting young. The biologist will also notify the Construction crew(s), and the Project Proponent, as soon as possible of the disturbance and or stop work order. Agency consultation will be initiated by or with the Project Proponent if disturbance is determined to be a severe disturbance to the nesting Swallow Colony. Otherwise construction activity not associated with the disturbance activity as identified by the on-site biologist could continue.

Hydrology and Water Quality

In compliance with Section 401 of the Clean Water Act pertaining to water quality certification, the Applicant shall address the project with the Central Valley Regional Water Quality Control Board (RWQCB) to determine whether a water quality certification is required for the activity. If it is determined by RWQCB that a water

quality certification is required, construction shall commence when said certification permit is issued.

In compliance with Section 404 of the Clean Water Act, the Applicant shall address the project with the United States Army Corps of Engineers (USACE) to determine whether a Nationwide Permit or other applicable permit is required for the activity. If it is determined by USACE that Nationwide or other permit is required, construction shall commence when said permit is issued.

To ensure that potential sedimentation, fallout of construction debris, or siltation within the channel bed of Packwood Creek does not occur, the Applicant shall install silt fencing prior to construction.

Construction activities shall occur during dry season, as approved by the Tulare Irrigation District.

The project site shall be developed and shall operate in substantial compliance with Mitigation Measures outlined in the Mitigation Monitoring Plan schedule, included as Attachment A to the Mitigated Negative Declaration, attached hereto.

SUPPORTING DOCUMENTATION

The following documents are hereby incorporated into this Mitigated Negative Declaration by reference:

- Attachment A – Mitigation Monitoring Plan for Packwood Creek Bridge
- Attachment B- Preliminary Bridge Design
- Attachment C – Habitat Assessment for Packwood Creek Bridge Development, March 2018
- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.
- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- California Environmental Quality Act Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.
- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan) passed and adopted October 14, 2014.
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sanitary Sewer Master Plan. City of Visalia, 1994.
- City of Visalia Zoning Ordinance Update. City of Visalia, March 2017.
- www.epa.gov /Clean Water Act
- www.dfg.ca.gov/section 1602 SAA
- Visalia Municipal Code Chapter 12.24 (Oak Tree Preservation Ordinance)

ATTACHMENT A
MITIGATION MONITORING PLAN

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
Pre-Construction Impact Mitigation Measure 1: Biological- In compliance with Section 1602 of the Department of Fish and Wildlife (CDFW) regulations for notification requirements for commencing an activity that may substantially modify a river, stream or lake, the Applicant shall address the project with the California Department of Fish and Wildlife (CDFW) to determine whether a Lake or Streambed Alteration Agreement (SAA) is needed for the activity. If it is determined by DFG that an SAA is required, construction shall commence when said permit is issued.	Project Applicant	Pre-construction Impact Mitigation shall be enforced during the project's pre-construction, and until construction is complete. Otherwise, CDFW comments must be received by the City prior to commencement of construction.
Pre-Construction Impact Mitigation Measure 2: Biological- In compliance with the Oak Tree Preservation Ordinance (Chapter 12.24 of the Municipal Code, City of Visalia), an Oak Tree Removal Permit shall be obtained by the Applicant to remove a 6.5" Valley Oak tree located on the north bank of the creek, and payment of mitigation fees shall be made. The Applicant shall provide protective fencing for a 6" existing Valley Oak tree located north of the proposed bridge on the north side of the creek in compliance with Ordinance requirements.	Project Applicant	Pre-construction Impact Mitigation shall be enforced during the project's pre-construction, and until construction is complete.
Pre-construction Impact Mitigation Measure 3: Biological- If ground disturbing activities or removal of any trees is to commence during the Migratory Bird Treaty Act (MBTA) nesting bird season (February 1 thru August 31), a general nesting bird survey shall be conducted.	Project Applicant	Pre-construction Impact Mitigation shall be enforced during the project's pre-construction, and until construction is complete.

<p>Pre-construction Impact Mitigation Measure 4: Biological- A general nesting raptor survey or Swainson's Hawk survey shall be prepared if directed by jurisdictional agency regulators.</p>	<p>Project Applicant</p>	<p>Pre-construction Impact Mitigation shall be enforced during the project's pre-construction, and until construction is complete.</p>
<p>Construction Impact Mitigation Measure 5: Biological- During construction activities, if it is observed that Cliff Swallows have nested on or under the bridge, all construction shall be temporarily halted, and the Applicant shall hire a qualified biologist to inspect the site and determine the disturbance level of the activity. If the level of construction activity is found to be disturbing the birds, as determined by the on-site biologist, then the biologist shall have stop work authority to stop the activity. If work is halted the biologist will determine if a specific task or specific equipment is causing the disturbance and will require that disturbance or equipment not to be used until such time as it's determined that the birds are no longer affected or have fledged their nesting young. The biologist will also notify the Construction crew(s), and the Project Proponent, as soon as possible of the disturbance and or stop work order. Agency consultation will be initiated by or with the Project Proponent if disturbance is determined to be a severe disturbance to the nesting Swallow Colony. Otherwise construction activity not associated with the disturbance activity as identified by the on-site biologist could continue.</p>	<p>Project Applicant</p>	<p>Construction Impact Mitigation shall be enforced during the project's construction, and until construction is complete.</p>
<p>Pre-Construction Impact Mitigation Measure 6: Hydrology and water quality- In compliance with Section 401 of the Clean Water Act pertaining to water quality certification, the Applicant shall address the project with the Central Valley Regional Water Quality Control Board (RWQCB) to determine whether a water quality certification is required for the activity. If it is determined by RWQCB that a water quality certification is required, construction shall commence when said certification permit is issued.</p>	<p>Project Applicant</p>	<p>Pre-construction Impact Mitigation shall be enforced during the project's pre-construction, and until construction is complete.</p>
<p>Pre-Construction Impact Mitigation Measure 7: Hydrology and water quality- In compliance with Section 404 of the Clean Water Act, the Applicant shall address the project with the United States Army Corps of Engineers (USACE) to determine whether a Nationwide Permit or other applicable</p>	<p>Project Applicant</p>	<p>Pre-construction Impact Mitigation shall be enforced during the project's pre-construction, and until construction is complete.</p>

permit is required for the activity. If it is determined by USACE that Nationwide or other permit is required, construction shall commence when said permit is issued.		
Construction Impact Mitigation Measure 8: Hydrology and water quality- To ensure that potential sedimentation, fallout of construction debris, or siltation within the channel bed of Packwood Creek does not occur, the Applicant shall install silt fencing prior to construction.	Project Applicant	Construction Impact Mitigation shall be enforced during the project's construction, and until construction is complete.
Construction Impact Mitigation Measure 9: Hydrology and water quality-Construction activities shall occur during dry season, as approved by the Tulare Irrigation District.	Project Applicant	Construction Impact Mitigation shall be enforced during the project's construction, and until construction is complete.

INITIAL STUDY

I. GENERAL

A. Description of the Project: Packwood Creek Bridge, Visalia, Tulare County, California

Proposal: Construction of a box culvert bridge across Packwood Creek. The bridge will connect Cameron Parkway with an existing shopping center that currently houses several commercial anchors, including a Walmart, Burlington Coat Factory, Ashley Furniture, and numerous larger and smaller tenants. The bridge is proposed to be 50-feet wide and 170 feet in length. It will have two drive lanes and a left turn pocket. There will be sidewalk on one side of the bridge.

The project goal is to provide a southern ingress and egress point for vehicle and pedestrian traffic. Presently, all traffic must use Mooney Blvd. to the west or Caldwell Ave. to the north to access the shopping center. The addition of the bridge would provide a more direct access point to the site for the benefit of residential destination traffic originating from the south, and would provide a direct connection to the site for pass-by traffic originating from the Packwood Creek Shopping Center (Costco, Lowes, Best Buy).

The proposed driveway will be aligned with an existing Lowe's driveway on the south side of Cameron Avenue, approximately 800 feet east of Mooney Boulevard. The City of Visalia has indicated that the proposed Project, if approved, would be required to construct a median along Cameron Avenue west of the proposed driveway. The new median would match the existing median that extends to Mooney Boulevard and would prevent left turns at the existing driveway on the south side of Cameron Boulevard approximately 400 feet east of Mooney Boulevard.

Location: The site is located at Packwood Creek, north of the Cameron Avenue alignment, approximately 700 feet east of Mooney Boulevard, in the City of Visalia, Tulare County, California (APNs: 126-062-072 and 126-730-014).

B. Identification of the Environmental Setting: The project site generally consists of an existing trapezoidal channel with steep banks, known as Packwood Creek, in an east-to-west direction along this section of the creek. The channel is utilized as an irrigation canal and is regulated by the Tulare Irrigation District. Channel water is diverted upstream from the Kaweah River and delivered to irrigated farmlands downstream.

The project site is located at Packwood Creek, approximately 700 feet east of South Mooney Boulevard, north of the Cameron Avenue alignment. On the project site is limited to 1.86-acres and is at the south end of a commercially developed parcel. The banks of Packwood Creek on this site contain non-vegetation and scattered oak and non-native exotic trees. Several trees will be removed to construct the bridge, of which three are protected Valley Oaks trees. Other trees on the site are not protected species, but have been identified as potential nesting sites for a variety of bird species..

Two reconnaissance field visits by Alphabiota Environmental Consulting, LLC were conducted in December 2017, and March 2018, to evaluate the biological resources on and around the project site. Many of the existing plant species were identified. Packwood Creek is identified as a wetland, pursuant to the US Army Corps of Engineers (USACOE) protocol for identification of wetlands areas. Approximately 2500-3000 square feet of identified wetlands would be affected by the project, according to the *Habitat Assessment for Packwood Creek Bridge Development* completed by Alphabiota. The banks of Packwood Creek in this area unlikely supports a natural riparian ecosystem. This is because the historic Packwood Creek channel is 600 feet to the north and was diverted when the shopping center was constructed in the 1970's. In addition, the site is surrounded by urban development and roads, and the channel is regularly cleared by maintenance activities. Finally, the site is heavily disturbed by human trespass by transients. In addition, water flows of Packwood Creek are based upon farmland irrigation needs and yearly allocations of irrigation water. After irrigation has been discontinued, water pools in low areas at the bottom of the canal, where various non-native and native grasses and weedy species exist. No other native habitats or wetlands were identified on or near the project site.

The boundaries of the project site are defined by a commercial shopping center on the north side of the creek and by Cameron Avenue, a collector street, on the south side of the creek. The north bank of the channel contains an existing levee road and a swale area for drainage. The south bank of the channel has multi-use trail parallel to the top of the creek. The areas lying east and west of the project site where the creek channel continues contain an arterial roadway and bridge crossing located approximately 700 feet downstream and a commercial lot located east of the project site. The surrounding zoning and land uses are as follows:

- North: C-R (Regional Retail Commercial) – regional shopping center
- South: C-R – regional shopping center
- East: C-R – future regional retail
- West: C-R – Mooney Boulevard, future regional retail

C. Plans and Policies: The City's General Plan Land Use Element (LUE) designates the site as Regional Retail Commercial. The City's Zoning Map identifies the site is within the C-R (Regional Retail Commercial) zone. The project site is located at the south end of a major commercial retail shopping center. The project will develop a bridge with a 10-foot wide sidewalk for pedestrian and bicycle use over Packwood Creek, from Cameron Street to the shopping center, while providing connectivity to the multi-purpose trail along the south side of the creek. The bridge is designed to minimize impacts to wetland features outside of the small the riparian habitat area. With mitigation, the project is consistent with the LUE for preserving natural land located within urban developed areas reserved for irrigation water conveyance, while facilitating existing urban land uses with circulation needs.

The Conservation, Open Space, Recreation and Parks Element designates Packwood Creek as a natural riparian corridor with a 50-foot riparian habitat development setback. The project is an exception to the riparian habitat development setback required along Packwood Creek, since it is limited to a road crossing designed to minimize intrusion into the creek. The bridge will have a 10-foot wide sidewalk to allow pedestrians and bicycle users to safely cross the creek from the trail to the shopping center, and the bridge will connect to the planned trail on both east and west sides of the bridge, utilizing ADA-standard ramps to allow pedestrian passage across the drive approach. Thus, the project meets the intent of the Conservation, Open Space, Recreation and Parks Element and the Circulation Element by improving circulation of area arterial and collector streets and by creating safe and convenient public passage for vehicles, pedestrians, and bicycle users along a significant community waterway, while preserving the riparian habitat of the creek channel.

The project is consistent with the City's Bikeway Plan (2011) as it will be designed consistent with City engineering improvement standards. The project is consistent with all other elements of the General Plan.

II. ENVIRONMENTAL IMPACTS

No significant adverse environmental impacts after mitigation have been identified for this project. The City of Visalia Land Use Element and Zoning Ordinance contain land use mitigation measures that are designed to reduce or eliminate impacts to a level of non-significance. Additionally, the project design and conditions include mitigation measures that will reduce potentially significant impacts to a level that is less than significant.

III. MITIGATION MEASURES

The project's activities will be submitted to and reviewed by the California Department of Fish and Wildlife, in compliance with the Lake and Streambed Alteration Program.

The project's quantities of discharge waters and activities will be submitted to and reviewed by the Regional Water Quality Control Board, in compliance with Section 401 of the Clean Water Act for Water Quality Certification.

The project's potential to create discharge of dredged or fill material into navigable waters will be submitted to and reviewed by the United States Army Corps of Engineers for a nationwide or other applicable permit, in compliance with Section 404 of the Clean Water Act. In addition, protective measures during construction will be implemented to reduce potential impacts to jurisdictional waters to a level of less than significant.

The project's potential to impact protected oak species will be reduced by adherence to the policies under the City's Oak Tree Preservation Ordinance.

The project's potential to impact protected bird species will be reduced with the requirement to halt construction and utilize a qualified biologist to inspect and relocate safely any nests that may be found.

The project's potential to impact the natural habitat of the creek channel will be reduced with the requirement to conduct construction activities during dry season.

Dry season construction activities will also reduce the potential to impact water species.

The project construction will be subject to City engineering standards and building codes that also reduce potentially significant impacts to a level that is less than significant.

The City of Visalia Zoning Ordinance contains guidelines, criteria, and requirements include policy for mitigation of potential impacts related to light and glare, visibility screening, noise, and traffic and parking to eliminate and/or reduce potential impacts to a level of non-significance.

IV. MITIGATION MONITORING PLAN

The Mitigated Negative Declaration identifies various regulations and/or policies and mitigation measures to reduce potential environmental impacts to levels of less than significant in relation to biological resources, hydrology, and water quality. Adoption of the Mitigation Monitoring Plan contained in Attachment A of the Mitigated Negative Declaration will ensure facilitation of CEQA requirements for mitigation monitoring or reporting.

V. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

The project is compatible with the General Plan and Zoning Ordinance as the project relates to surrounding properties.

VI. SUPPORTING DOCUMENTATION


The following documents are hereby incorporated into this Mitigated Negative Declaration by reference:

- Attachment A – Mitigation Monitoring Plan for Packwood Creek Bridge
- Attachment B – Preliminary Bridge Design, Packwood Creek Bridge, November 30, 2017
- Attachment C – Habitat Assessment for Packwood Creek Bridge Development, March 2018
- www.epa.gov /Clean Water Act
- www.dfg.ca.gov/section 1602 SAA
- Visalia Municipal Code Chapter 12.24 (Oak Tree Preservation Ordinance)

VII. NAME OF PERSON WHO PREPARED INITIAL STUDY



Paul Scheibel, AICP
Project Planner



Paul Scheibel, AICP
Environmental Coordinator

INITIAL STUDY
ENVIRONMENTAL CHECKLIST

Name of Proposal	Packwood Creek Bridge		
NAME OF PROPONENT:	Payntor Realty & Investments, Inc.	NAME OF AGENT:	James S. Sanders, Vice President
Address of Proponent:	195 South C Street, Ste. 200 Tustin, CA 92780	Address of Agent:	195 South C Street, Ste. 200 Tustin, CA 92780
Telephone Number:	(714) 731-8892	Telephone Number:	(714) 731-8892
Date of Review	July 23, 2019	Lead Agency:	City of Visalia

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1 = No Impact 2 = Less Than Significant Impact
3 = Less Than Significant Impact with Mitigation Incorporated 4 = Potentially Significant Impact

I. AESTHETICS

Would the project:

- 1 a) Have a substantial adverse effect on a scenic vista?
- 1 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 1 c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- 1 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

II. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- 2 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?
- 2 b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 1 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))?
- 1 d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 1 e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

ning for agricultural use, or a Williamson Act contract?

- 1 c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

III. AIR QUALITY

Would the project:

- 1 a) Conflict with or obstruct implementation of the applicable air quality plan?
- 1 b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- 1 c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- 2 d) Expose sensitive receptors to substantial pollutant concentrations?
- 1 e) Create objectionable odors affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES

Would the project:

- 3 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- 3 b) 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- 3 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?
- 2 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?

- 3 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES

Would the project:

- 1 a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 15064.5?
- 1 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?
- 1 c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?
- 1 d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1 i) 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?
 - 1 ii) Strong seismic ground shaking?
 - 1 iii) Seismic-related ground failure, including liquefaction?
 - 1 iv) Landslides?
- 2 b) Result in substantial soil erosion or loss of topsoil?
- 2 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?
- 1 d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 1 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?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 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?
- 1 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 for people residing or working in the

project area?

- 1 f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- 1 g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

VIII. HYDROLOGY AND WATER QUALITY

Would the project:

- 3 a) Violate any water quality standards of waste discharge requirements?
- 1 b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- 2 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- 2 d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- 2 e) 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?
- 2 f) Otherwise substantially degrade water quality?
- 1 g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- 1 h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- 1 i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- 1 j) Inundation by seiche, tsunami, or mudflow?

IX. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 2 b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- 1 c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

X. MINERAL RESOURCES

Would the project:

- 1 a) 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?

- 1 b) 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?

XI. NOISE

Would the project:

- 2 a) Cause exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 2 b) Cause exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- 2 c) Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- 2 d) Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 1 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?
- 1 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?

XII. POPULATION AND HOUSING

Would the project:

- 1 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)?
- 1 b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- 1 c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

XIII. PUBLIC SERVICES

Would the project:

- 1 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:
- 1 i) Fire protection?
- 1 ii) Police protection?
- 1 iii) Schools?
- 1 iv) Parks?
- 1 v) Other public facilities?

XIV. RECREATION

Would the project:

- 1 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?
- 1 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?

XV. TRANSPORTATION / TRAFFIC

Would the project:

- 2 a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- 1 b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- 1 c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- 2 d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 e) Result in inadequate emergency access?
- 1 f) Result in inadequate parking capacity?

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 1 a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- 1 b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 1 c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 1 d) Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?
- 1 e) 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?
- 1 f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- 1 g) Comply with federal, state, and local statutes and regulations related to solid waste?

XVIII TRIBAL CULTURAL RESOURCES

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:

- 2 a) 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
- 2 b) 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.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 3 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?
- 2 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)?
- 2 c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

DISCUSSION OF ENVIRONMENTAL EVALUATION

I. AESTHETICS

- a. The Sierra Nevada mountain range is a scenic vista that can be seen from Visalia on clear days. This project will not adversely affect the view of this vista.
- b. There are no scenic resources on the site.
- c. The City has development standards related to the construction of bridge crossover facilities that will ensure that the visual character of the area is not degraded. The proposed bridge will connect with a pedestrian and bicycle trail along the south Packwood creek embankment in order to provide continued alignment of the path with the creek channel, thereby preserving the aesthetic quality of the intended trail.
- d. The project will facilitate the development of a vehicular and pedestrian-bicycle bridge crossover. Outdoor lighting on the bridge and on each side of the bridge crossover is planned for illumination of the trail, and for the sidewalk that is included in the bridge design. The City's development standards require that any new sources of light be directed and/or shielded so it does not fall upon adjacent properties. This shall be demonstrated on building permits submitted in association with the project construction.

II. AGRICULTURAL RESOURCES

- a. The project is not located on property that is identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.
- b. The project is not located on property that is party to a Williamson Act contract. Existing City zoning for the area is R-C (Regional Commercial). As such zoning for agricultural use will not be affected.
- c. There is no forest or timber land currently located on the site.
- d. There is no forest or timber land currently located on the site.
- e. The project area is primarily bounded by urban uses, including commercial development and roadways. The project will not result in conversion of Farmland to nonagricultural use.
- f. The site is not zoned for agricultural use. The site generally consists of Packwood Creek, an existing trapezoidal channel with steep banks, in an east-to-west direction along this section of the creek. The boundaries of the site are defined by an existing shopping center on the north side of the creek and by Cameron Avenue, a collector street, on the south side of the creek. The south side of the channel is

planned for a future pedestrian and bicycle trail parallel to the toe of the creek.

The project will not involve the conversion of farmland. The project will not have an effect on any agricultural resources since the project site is located in a commercially-developed area, and the project will introduce a new bridge structure for vehicular and pedestrian ingress and egress of an existing shopping center over an already-disturbed creek channel.

- g. The site is not under Williamson Act contract or not within an Agricultural Preserve.
- h. The project will not involve other changes in the existing environment which due to their location or nature, could result in conversion of Farmland to nonagricultural use.

III. AIR QUALITY

- a. The project in itself does not disrupt implementation of the San Joaquin Valley Air Pollution Control District's (SJVAPCD) air quality plan.

Development of the proposed bridge qualifies as a road-construction project exempt from the SJVAPCD Indirect Source Review (Rule 9510) procedures that became effective on March 1, 2006.

- b. The project will not violate an air quality standard or contribute substantially to an existing or projected air quality violation.
- c. The San Joaquin Valley is a region that is already at non-attainment for air quality. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for conversion into urban development. The City adopted urban development boundaries as mitigation measures for air quality.

The project is a small road construction consisting of a crossover bridge to provide ingress/egress across a creek channel for vehicles and pedestrians from a collector street to a major shopping center, including connectivity to a future pedestrian/bicycle trail along the creek, and therefore, is exempt from the permit requirements of Rule 9510, or payment of mitigation fees to the SJVAPCD.

- d. Although the site is not surrounded by residential neighborhoods, existing businesses within the shopping center and traffic utilizing the adjacent road (Cameron Avenue) will experience a temporary increase in traffic due to the construction activities of the site, thereby exposing sensitive receptors to

potentially substantial pollutant concentrations. However, such exposure is considered to be less than significant with the temporary condition and small amount of traffic anticipated.

- e. The project does not propose any land uses nor will the project directly accommodate for any known land uses that generate objectionable odors. Use of the proposed bridge would be limited to vehicular traffic germane to the existing major shopping center, thus the project itself would not create an increase in traffic volume above existing levels, nor create an additional source of impacts to air quality in the area.

IV. BIOLOGICAL RESOURCES

- a. City-wide biological resources were evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use. The site contains a sensitive species identified in local or regional plans and policies as the Valley Oak tree. The City has a municipal ordinance in place to protect oak trees. Mitigation measures will be implemented for the removal of Valley Oaks located in the construction site with permitting under the jurisdiction of this ordinance and payment of mitigation fees. A separate Valley Oak will be protected during construction, reducing potential adverse effects to a level of less than significant. An additional Valley Oak, found to be smaller and outside jurisdiction, will also be removed.

The project site is located near an existing bridge crossover and may be potentially impacted with swallows or other birds nesting during construction activities. A mitigation measure will be implemented in case of migratory or protected bird species' nesting activities on the project site to halt construction activities and obtain a qualified biologist to assess and safely relocate any nests away from the project site.

Potential riparian habitat for has been identified by qualified biologists during reconnaissance field visits conducted in December 2017 and March 2018. However, there is low potential for occurrence of protected species in the creek because water flows are regulated based on irrigation needs, and the creek is dry for a significant part of the year. However, in the event nesting birds or other protected species are identified during construction activities, the project will be halted, and a qualified biologist will assess and if allowable may safely relocate any species within the construction site, away from the project site.

No other potential sensitive habitat was identified on the site. However, a mitigation measure will require

that the California Department of Fish and Wildlife be deferred to by the project applicant to satisfy any Lake or Streambed Alteration Agreement requirements applicable to the project.

Implementation of the Mitigation Monitoring Plan will reduce the potential impacts to sensitive species and/or habitats to a level that is less than significant.

- b. The project is located adjacent to an identified sensitive riparian habitat known as Packwood Creek, a creek tributary to the Kaweah River that is utilized to convey irrigational waters. The creek's vegetation both above and below high-water mark consists of non-native upland grasses. The Conservation, Open Space, Recreation, and Parks Element identifies a setback distance along Packwood Creek for riparian habitat development. However, the project is limited to construction of a clear span bridge designed to cross over the creek without impacting ordinary high-water mark and wetland features of the creek. Bridges are not exempt from the riparian setback policy under the General Plan. In the case of adverse impacts to Packwood Creek that could potentially result from the placement of the bridge structure, a mitigation measure to protect the creek bed from debris fall-out is included to reduce impacts.

The proposed bridge will connect with a trail along the south side of the creek, built in accordance with the City's 2003 Waterway and Trails Master Plan as a Class I, multi-purpose path. Potential impacts to Packwood Creek for conservation (preserving natural land reserved for irrigation water conveyance) were addressed by the Initial Study and Mitigated Negative Declaration for the Waterway and Trails Master Plan (Negative Declaration No. 2004-147). The connectivity of the bridge to the trail would meet the intent and goals of preserving a significant community waterway while encouraging the development of the creek as a natural greenway and recreational trailway.

Potential alteration of the streambed of Packwood Creek is subject to federal law by the California Department of Fish and Wildlife (CDFW) for compliance with requirements under the Lake and Streambed Alteration Agreement Program. Therefore, the project will be reviewed by the DFG to determine potential impacts, if any, and to establish appropriate permit prior to construction of the project. This permit activity will either be monitored, or timely reports required with the adopted Mitigation Monitoring Plan established with the project's Mitigated Negative Declaration. Thus,

potential impacts to sensitive riparian habitat or natural community would be reduced to a less than significant level.

- c. Packwood Creek is subject to the Clean Water Act as a United States jurisdictional wetland. Compliance with any permit requirements for federally protected wetlands as defined by the Clean Water Act will be enforced with the project. The Corps of Engineers (USACE) regulates the discharge of dredged or fill material under Section 404 of the Clean Water Act. The discharge of dredged material includes discharges incidental to any activity including mechanized land clearing, ditching, channelization, or other excavation. The subject permittee will utilize the Corps of Engineers Nationwide Permit, if deemed so by the USACE, or other applicable permit. Potential discharge by the project would be minimized with the use of shielding (silt fencing) to prevent fall-out or debris from entering the creek during construction activities, resulting in less than significant impact
- d. This site was evaluated in the General Plan EIR for the City of Visalia Land Use Element Update for conversion to urban use. The proposed bridge would not act as a barrier to animal movement.
- e. City-wide biological resources were evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use. The site contains no sensitive species identified in local or regional plans and policies except for Valley Oak trees. The City has a municipal ordinance in place to protect oak trees.
The California Department of Fish and Wildlife will be deferred to by the project applicant to satisfy any Lake or Streambed Alteration Agreement requirements applicable to the project.
- f. There are no local or regional habitat conservation plans for the area.

v. CULTURAL RESOURCES

- a. There are no known historical resources located within the project area. A records search for archaeological sites within the City's Urban Development Boundary (UDB) was conducted for the City's General Plan draft Environmental Impact Report (EIR). The record search, conducted through the Southern San Joaquin Archaeological Center, concluded that no recorded historic archaeological sites exist within the subject project area. Standard mitigation measures are in place to stop construction activities if a potentially historical or cultural resource is unearthed during development, requiring that all work should cease until a qualified professional archaeologist can

evaluate the finding and make necessary mitigation recommendations. The project site is not located within a Historic Preservation District.

- b. There are no known archaeological resources located within the project area. If some archaeological resource is unearthed during development all work should cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.
- c. There are no known unique paleontological resources or geologic features located within the project area.
- d. There are no known human remains buried in the project vicinity. If human remains are unearthed during development all work should cease until the proper authorities are notified and a qualified professional archaeologist can evaluate the finding and make any necessary mitigation recommendations.

vi. GEOLOGY AND SOILS

- a. The State Geologist has not issued an Alquist-Priolo Earthquake Fault Map for Tulare County. The project area is not located on or near any known earthquake fault lines. Therefore, the project will not expose people or structures to potential substantial adverse impacts involving earthquakes.
- b. The development of this site will require movement of topsoil. However, the topsoil is limited to a small section of the embankment along Packwood Creek, which is less than the maximum volume permitted under the Nationwide Permit process, without individual discretionary approval by the Corps of Engineers. The applicant will be required to obtain appropriate permits from the Corps of Engineers for the excavation activities involving construction of abutments for the span bridge, which will require temporary drilling and displacement of earth, and backfilling. Silt fencing is required as a mitigation measure to prevent sediment from entering the creek, thereby reducing potential impacts to a level of less than significant.
- c. The project area is a portion of a trapezoidal channel which is not developed at this time. However, soils in the Visalia area have few limitations with regard to development. Due to low clay content and limited topographic relief, soils in the Visalia area generally have low expansion characteristics.
- d. Due to low clay content, soils in the Visalia area have an expansion index of 0-20, which is defined as very low potential expansion.

VII. HAZARDS AND HAZARDOUS MATERIALS

- a. No hazardous materials are anticipated with the project.
- b. There is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed school sites or areas within one-quarter mile of school sites.
- c. The project area does not include any sites listed as hazardous materials sites pursuant to Government Code Section 65692.5.
- d. The project area is not located within any airport land use plan or within 2 miles of a public airport.
- e. The project area is not within the vicinity of any private airstrip.
- f. The project will not interfere with the implementation of any adopted emergency response plan or evacuation plan.
- g. There are no wildlands within or near the project area.

VIII. HYDROLOGY AND WATER QUALITY

- a. The project is to construct a clear span bridge crossing over Packwood Creek to allow vehicular and pedestrian ingress/egress from a collector street to an existing commercial shopping center, including the connectivity of the bridge to a future multi-use trail along the south side of the creek. The project itself will not violate any water quality standards of waste discharge requirements. Potential impacts to water quality standards would be mitigated to a less than significant level with compliance by the project applicant to certify water quality through the State water resources board (Regional Water Quality Control Board). The Mitigation Monitoring Plan will ensure compliance for water quality certification, if applicable, prior to construction of the project.
- b. The project will not substantially deplete groundwater supplies in the project vicinity. The project will construct a clear span bridge over a tributary creek for the purpose of vehicular and pedestrian use.
- c. The project will not result in substantial erosion on- or off-site. Potential erosion by the project would occur in a limited area of the construction site above the ordinary high water mark and inner lining of the creek, with the expected volume of discharge material and amount of excavated area to be less than the maximum volume permitted under the Nationwide Permit process, without individual discretionary approval by the Corps of Engineers. The applicant will be required by mitigation measure

to submit for applicable permits with the Corps of Engineers for excavation activities, which will reduce potential impacts to a level of less than significant.

Potential discharge by the project would be minimized with the use of shielding (silt fencing) to prevent fall-out or debris from entering the creek during construction activities, which will be required as a mitigation measure in the Mitigation Monitoring Plan, resulting in less than significant impact.

- d. The project may alter existing drainage patterns of Packwood Creek where the crossover is proposed. The site includes a swale north of the creek bank, and the proposed bridge design will include City-approved drainage improvements to reduce potential impacts to a level of less than significant. Further, potential erosion of the streambed would occur in a limited area of the construction site since the project is removing a small section of topsoil, which protective measures, such as silt fencing, will be utilized to decrease potential siltation occurrence to a level of less than significant and to ensure sedimentation does not enter the creek and substantially alter any drainage patterns, as required by a mitigation measure in the Mitigation Monitoring Plan.
- e. The project will create a clear span bridge crossing over Packwood Creek. The bridge construction will include City-approved drainage improvements to reduce the potential for polluted runoff to a less than significant level.
- f. The project is not a source which would otherwise create substantial degradation of water quality.
- g. The project area is located within Zone X, according to the updated (2009) FEMA Flood Insurance Rate Maps. Sites designated as being within Zone X are areas outside of 100 and 500-year floods.
- h. The project area is located within Zone X. Sites designated as being within Zone X are areas outside of 100 and 500-year floods. The proposed project would not impede or redirect flood flows.
- i. The project would not expose people or structures to risks from failure of levee or dam.
- j. Seiche and tsunami impacts do not occur in the Visalia area. The site is relatively flat, so there will be no impacts related to mudflow.

IX. LAND USE AND PLANNING

- a. The project will not physically divide an established community.
- b. City-wide biological resources were evaluated in the EIR for the City of Visalia Land Use Element Update

for conversion to urban use. The site contains no sensitive species identified in local or regional plans and policies except Valley Oak trees. The City has a municipal ordinance in place to protect oak trees through mitigation measures, and the development of the project will be subject to the Mitigation Monitoring Plan to be adopted with this Mitigated Negative Declaration, which will ensure protection of one of the Valley Oaks during construction and require mitigation fees be paid for one other tree to be removed with by permit, thus reducing potential impacts to a level of less than significant.

- c. The site is within the current Urban Development Boundary of the City of Visalia. The City's General Plan designates Packwood Creek for conservation (preserving natural land reserved for irrigation water conveyance). The project will not affect any natural habitat conservation plan.

X. MINERAL RESOURCES

- a. No mineral areas of regional or statewide importance exist within the Visalia area.
- b. There are no mineral resource recovery sites delineated in the Visalia area.

XI. NOISE

- a. The bridge project will improve an existing major shopping center's connectivity with surrounding arterial/collector roadways. The proposed bridge will be consistent with the City's engineering improvement standards.

The Visalia Noise Element and Ordinance contain criterion for acceptable noise levels inside and outside residential living spaces. However, there are no residential neighborhoods in the vicinity of the project, and construction of the bridge will be temporary. Thus, the project will have no impacts to sensitive receptors. Potential impacts to nearby businesses and their customers are less than significant with the temporary nature of the project's construction.

- b. The project may result in temporary ground-borne vibration or ground-borne noise levels during the course of construction of the clear span bridge. There are no existing uses near the project area that create ground-borne vibration or ground-borne noise levels. The City's Noise Ordinance already contains standards and guidelines for the use of construction equipment. Since the project's construction will be limited in hours of operation, and to the site at the creek channel, such increase in existing noise levels is considered to be less than significant in impacting the surrounding businesses.

- c. Permanent noise levels will not increase beyond current levels as a result of the project since the project will build a bridge which would be limited to vehicular traffic germane to the existing commercial retail shopping center, thus the project itself would not create an increase in traffic volume above existing levels, nor create an additional source of impacts to existing noise levels in the area.
- d. The project will result in temporary increase in ambient noise levels in the area. The City's Noise Ordinance already contains standards and guidelines for the use of construction equipment. Since the project's construction will be limited in hours of operation, and to the site at the creek channel, such increase in existing noise levels is considered to be less than significant in impacting the surrounding neighbors.
- e. The project area is not within an airport land use plan, nor is it within 2 miles of a public airport.
- f. There is no private airstrip near the project area.

XII. POPULATION AND HOUSING

- a. The project will connect an existing major shopping center with a collector street to improve connectivity by providing vehicular and pedestrian ingress/egress via a bridge over a creek, without causing or inducing a growth in population or housing. The project will improve the circulation of traffic to the commercial center, including the pedestrian and bicycle use of the future trail along Packwood Creek.
- b. Development of the site will not displace any housing on the site.
- c. Development of the site will not displace any people on the site.

XIII. PUBLIC SERVICES

- a.
 - i. The project will construct a bridge crossing Packwood Creek, which will improve circulation for an existing commercial retail shopping center by providing an additional drive approach for vehicular and pedestrian ingress/egress from a collector street, thereby allowing current fire protection facilities to better serve the commercial site.
 - ii. The project will construct a bridge crossing Packwood Creek, which will improve circulation for an existing commercial retail shopping center by providing an additional drive approach for vehicular and pedestrian ingress/egress from a collector street, thereby allowing current police

facilities to better serve the commercial site.

- iii. The project site is not suitable for school facility use.
- iv. The project is limited to the construction of a bridge crossing Packwood Creek, which will improve circulation for an existing commercial retail shopping center by providing additional vehicular and pedestrian ingress/egress from a collector street. Both the proposed pedestrian sidewalk and connectivity to the multi-use trail along the south side of the creek will improve recreational opportunities for the area.
- v. Other public facilities can adequately serve the site without a need for alteration.

xiv. **RECREATION**

- a. The project will not 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. The project will increase the recreational opportunities for the area by including connectivity of the bridge to the multi-use trail along Packwood Creek by the City's Waterway and Trails Master Plan.
- b. The proposed bridge will facilitate the use of the multi-use trail along the south side of Packwood Creek, an identified riparian corridor in the City's Conservation, Open Space, Recreation and Parks Element and Circulation Element. The bridge will connect to the trail to create safe and convenient public passage for both pedestrians and bicycle users along the community waterway, while preserving the riparian habitat of the creek channel with its clear span design. The project is consistent with the Waterway and Trails Master Plan by preserving the alignment with Packwood Creek that is intended in the recommended trail system under the Plan. Therefore, potential impacts by the project in recreational terms are considered to be less than significant.

xv. **TRANSPORTATION AND TRAFFIC**

- a. Both the Land Use Element Program EIR and the Circulation Element EIR identify roadways in the area as adequate to meet circulation needs. The project will not cause a change in the current annual daily traffic levels in the vicinity, but would facilitate the connectivity of an existing commercial retail shopping center to a collector street, thereby relieving congestion and providing ingress/egress to the commercial center for both vehicular and pedestrian traffic germane to the shopping center.

- b. Average annual daily traffic levels will not change in the vicinity as a result of the project since the clear span bridge is anticipated to serve, rather than generate, current traffic levels in the commercial retail core area that the project site is located in.
- c. The project will not result in nor require a need to change air traffic patterns.
- d. The project will not increase hazards in the area.
- e. The project will improve emergency access to an existing commercial retail shopping center by providing a clear span bridge over Packwood Creek to connect to a collector street south of the shopping center.
- f. The project has no parking provisions.

xvi. **UTILITIES AND SERVICE SYSTEMS**

- a. The project will consist of the construction of a bridge crossing over Packwood Creek to allow vehicular and pedestrian traffic from a collector street to an existing commercial retail shopping center. The project will not effect current waste water treatment requirements.
- b. The project will not include new water or wastewater treatment facilities.
- c. The project will construct a bridge crossing with a pedestrian sidewalk over Packwood Creek to allow vehicular and pedestrian traffic from a collector street to an existing commercial retail shopping center. The creek is designed to accommodate rainfall, existing runoff, and discharge from storm water drain systems throughout the City. Potential environmental impacts identified in this initial study have been determined to be less than significant for the reasons stated herein, and those impacts determined to be potentially significant have been mitigated to a level of less than significant with the requirement for compliance with a Mitigated Monitoring Plan to be adopted with this Mitigated Negative Declaration.
- d. The project will create a bridge over Packwood Creek, a tributary creek utilized for irrigational waters, for the purpose of improving circulation for a commercial retail shopping center. The project site includes portions of an existing swale located north of the creek's bank, designed to carry runoff. The clear span bridge design will be approved for compliance with drainage improvement standards by the City engineering department. The project will not require monitoring of any storm water drainage.
- e. The project will not require any domestic waste water treatment.

- f. The project will not create any solid waste disposal needs.
- g. The project will not apply to regulations for solid waste. Removal of debris from construction will be subject to the City's waste disposal requirements.

General Plan update included a thorough review of sacred lands files through the California Native American Heritage Commission. The sacred lands file did not contain any known cultural resources information for the Visalia Planning Area.

XVII. TRIBAL CULTURAL RESOURCES

The proposed project would not 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.

- a. The site is not 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).
- b. The site has been determined to not 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, because it is an isolated infill site surrounded by existing urban development.

Further, the EIR (SCH 2010041078) for the 2014

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- a. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.
- b. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.
- c. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- ☐ I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required
- ☐ I find that as a result of the proposed project no new effects could occur, or new mitigation measures would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 90020160). The Environmental Impact Report prepared for the City of Visalia Land Use Element (Amendment No. 90-04) was certified by Resolution No. 91-105 adopted on September 3, 1991. **THE PROGRAM ENVIRONMENTAL IMPACT REPORT WILL BE UTILIZED.**



City of Visalia

Juyly ²²~~xx~~, 2019

Date

Initial Study for the
Packwood Creek Bridge Development Project
Visalia, CA 93277



Alphabiota
BIOLOGICAL CONSULTING

Alphabiota Environmental
Consulting, LLC

Habitat Assessment for Packwood Creek Bridge Development

City of Visalia

County of Tulare, California 93277

December 10, 2017
Updated: March 23, 2018

Prepared For:

Mr. Jim Sanders
Vice President of Development
Paynter Realty & Investments, Inc.

Sequoia Plaza Associates, LP.
c/o Paynter Realty & Investments, Inc.
17671 Irvine Blvd, Ste. 204
Tustin, CA 92780
PH: (714) 731-8892
FX: (714) 731-8993

Prepared By:

Yancey Bissonnette
Botanist / Biologist / Principal Owner

Alphabiota Environmental Consulting, LLC
38361 Roundtree Lane
Squaw Valley, California 93675
(559) 338-0929 Office; (559) 240-7727 Mobile
December 10, 2017

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List of Abbreviations

AEC	Alphabiota Environmental Consulting, LLC.
CDFW	California Department of Fish and Wildlife
CDNPA	California Desert Native Plants Act
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
cm	centimeters
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Ranks
CWA	Clean Water Act
CWHR	California Wildlife Habitat Relationships
Dbh	Diameter at Breast Height
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FE	Federally endangered
FT	Federally threatened
FP	Fully protected
FR	Federal Register
ft.	feet
GIS	Geographic Information System
GPS	Global Positioning System
in	inches
LSA	Lake and Streambed Alteration Agreement
m	meters
MBTA	Migratory Bird Treaty Act
mi	miles
MSL	mean sea level
NMFS	National Marine Fisheries Service NPPA Native Plant Protection Act
NWI	National Wetlands Inventory
NWP	Nationwide Permit OHWM Ordinary High-Water Mark
RWQCB	Regional Water Quality Control Board
SSC	Species of Special Concern
SE	State Endangered
ST	State threatened
SWANCC	Solid Waste Agency of Northern Cook County
TNW	Traditional navigable water
USACE	U.S. Army Corps of Engineers USC U.S. Code
USFWS	U.S. Fish and Wildlife Service
WDR	Waste Discharge Requirements

1 Introduction

Alphabiota Environmental Consulting, LLC (Alphabiota, AEC) was retained by Sequoia Plaza Associates, LP, c/o Paynter Realty & Investments, Inc. to provide biological resources services in support of the Packwood Creek bridge development crossing (project, site) located in the City of Visalia, Tulare County, California. AEC was tasked with providing a study of the biological resources at the project site, based upon desktop analysis and field surveys. AEC assessed biological conditions throughout the project survey area and reviewed relevant technical documents and agency-maintained databases on biological resources to characterize the biological resources that could potentially be present or affected by the construction and use of the project. AEC also reviewed relevant federal, state, and county regulations; characterized the existing conditions; and assessed potential impacts to habitat and biological resources for project development. AEC's study provides a baseline assessment of potential impacts to biological resources that may result from implementation of the project.

The project will be subject to discretionary approvals by the City of Visalia (City). Acting in its capacity as a lead agency under the California Environmental Quality Act (CEQA), the City of Visalia would need to determine the potential for the project to result in significant impacts, consider mitigation measures and alternatives capable of avoiding significant impacts, and the environmental effects of the proposed action into consideration as part of their decision-making process. This report provides habitat based biological assessments of information upon which the required evaluation of feasibility, environmental analysis, and findings of datum in relation to biological resources can be made.

1.1 Executive Summary

AEC has conducted more than five site visits and one formal habitat assessment survey of the site. No special status species were observed at the site during any of the site visits or habitat survey. No natural habitat exists at the site. No special status habitat or habitat for listed special status species was observed at the site. The site is comprised of an altered and relocated section of Packwood Creek adjacent to Cameron Avenue. The creek is currently a managed and maintained water course with no natural contours. Its current configuration consists of a trapezoid shaped bed and bank with a sandy bottom and banks and upland terraces comprised of loam. A landscape pallet of native trees borders the creek on both sides at the terrace level of the creek. Trees along the south border consist mostly of juvenile Valley Oak trees generally less than 6 inches Dbh. The north side of the bank generally consists of a pallet of planted Cottonwood, Sycamore, and Valley Oak. The largest of these trees is a cottonwood with a 25.5-inch Dbh. The California Department of Wildlife (CDFW), the Army Corps of Engineers (ACOE, Corps, USACE) and the Regional Water Quality Control Board (RWQCB) will all require permits for impacts to a jurisdictional water feature of the State and Federal Government. CDFW and the Corps along with the United States Fish and Wildlife will also have responsible agency review authority and will respond to the City directly.

1.2 Project Location

The proposed project (site) is located approximately 720 feet east of Mooney Boulevard with a proposed crossing of Packwood Creek from Cameron Avenue north into a commercial retail shopping center. The project will occur within the bounds of Packwood Creek (APNs: 126-062-072 and 126-730-014).

1.3 Project Description

Sequoia Plaza Associates, LP, c/o Paynter Realty & Investments, Inc. (Client) is proposing the permitting and development of a box culvert bridge across Packwood Creek within the City of Visalia, California. The bridge is projected to connect Cameron Avenue with the current shopping center currently housing commercial anchor stores Walmart, Burlington Coat Factory and Ashely Furniture. It is understood that the proposed project will provide much needed traffic flow into the center and will be considered an addendum to the center development as identified by the City Planning Department. The City has indicated it will act as the de-facto lead agency and will have discretionary authority without public review.

1.4 Site Characteristic

The site currently exhibits an altered / modified jurisdictional linear water feature known as Packwood Creek that flows east to west adjacent between the shopping center and Cameron Avenue. The general topography of the area is relatively flat throughout with no discernable topographic or landscape features. The channel is constructed of local naturally occurring soils with a trapezoid shape. The depth to the bottom of the channel is approximately 7 to 8 feet below top of bank. Width of the channel at the top of banks averages about 50 feet. The channel bottom average about 15 - 20 feet between bank bottoms. A city easement is located on the south side of the creek where the flat upland terrace of the top of bank extends south to Cameron Avenue. This area supports a bike path and landscaped vegetation that is maintained and owned by the city. The north side of the creek at top of bank is an approximately 50-foot wide terraced landscape pallet with planted oak trees, sycamore trees, and Fremont cottonwood trees between the creek top of bank upland terrace and the existing parking lot. It is understood that the trees were planted as part of mitigation requirements for the original shopping center development and are within the private land holdings of the shopping center. There is no significant understory vegetation associated with the landscape pallet; however, a few weedy species of grasses and forbs persist in small isolated patches throughout the landscaped terrace area. This north side of the project area is maintained by the shopping center ownership. A hog wire fence separates the parking lot from the northern boundary of the buffer area along the parking lots length. Planted trees appear to be semi-mature or juveniles exhibiting an age class ranging in the 20 to 30-year range. The cottonwood trees are dominant and exhibit the largest dbh and height of the three-tree species located within the site.

The creek bed and banks are maintained by the City of Visalia through an agreement with the Tulare Irrigation District who manages the flow of water through the creek in response to seasonal flood control needs and summer irrigation releases for agriculture.

2 Regulatory Setting

On-site natural resources or those with a high occurrence probability in the project area may require mitigation for impacts that would, or could, result from project development. Mitigation requirements are based on numerous federal, state, and local laws, regulations, and policies relating to listed and endangered plants and wildlife, migratory and nesting birds, environmental quality, and lake- or streambed alteration. The following discussion reviews these policies and how they pertain to any tasks implemented under the project.

2.1 Federal Regulations

2.1.1 Federal Endangered Species Act

The U.S. Congress passed the Endangered Species Act (ESA) in 1973 to protect endangered species and species threatened with extinction (federally listed species). The ESA operates in conjunction with the National Environmental Policy Act to help protect the ecosystems upon which endangered and threatened species depend.

Section 9 of the ESA prohibits the "take" of endangered or threatened wildlife species. The legal definition of "take" for the ESA is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 United States Code [USC] 1532 [19]). Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns (50 Code of Federal Regulations [CFR] 17.3). Harassment is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns (50 CFR 17.3). Actions that result in take can result in civil or criminal penalties.

The ESA authorizes the U.S. Fish and Wildlife Service (USFWS) to issue permits under Sections 7 and 10 of that act. Section 7 mandates that all federal agencies consult with the USFWS for terrestrial species and/or National Marine Fisheries Service (NMFS) for marine species to ensure that federal agency actions do not jeopardize the continued existence of a listed species or adversely modify critical habitat for listed species. Any anticipated adverse effects require preparation of a biological assessment to determine potential effects of the project on listed species and critical habitat. If the project adversely affects a listed species or its habitat, the USFWS or NMFS prepares a Biological Opinion (BO). The BO may recommend "reasonable and prudent alternatives" to the project to avoid jeopardizing or adversely modifying habitat including "take" limits.

Sections 7 and 10 of the ESA include provisions to authorize take that is incidental to, but not the purpose of activities that are otherwise lawful. Federal agencies may seek permitting under Section 7 of the ESA. Under Section 10(a)(1)(B), USFWS may issue permits

(incidental take permits) for take of ESA-listed species to non-federal agencies if the take is incidental and does not jeopardize the survival and recovery of the species. To obtain an incidental take permit, an applicant must submit a habitat conservation plan outlining steps to minimize and mitigate permitted take impacts to listed species.

The ESA defines critical habitat as habitat deemed essential to the survival of a federally listed species. The ESA requires the federal government to designate "critical habitat" for any species it lists under the ESA. Under Section 7, all federal agencies must ensure that any actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species, or destroy or adversely modify its designated critical habitat. These complementary requirements apply only to federal agency actions, and the latter only to specifically designated habitat. A critical habitat designation does not set up a preserve or refuge, and applies only when federal funding, permits, or projects are involved. Critical habitat requirements do not apply to activities on private land that does not involve a federal agency.

2.1.2 Clean Water Act

The federal CWA provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters.

The USACE and the US Environmental Protection Agency (EPA) regulate discharge of dredged or fill material into traditional navigable waters (TNW) of the United States under Section 404 of the CWA. The general definition of navigable waters of the U.S. includes those waters of the U.S. that are subject to the ebb and flow of the tide shoreward to the mean high-water mark and/or are presently used or have been used in the past, or may be susceptible to use, to transport interstate or foreign commerce. "Discharges of fill material" are defined as the addition of fill material into waters of the U.S., including, but not limited to the following: placement of fill that is necessary for the construction of any structure or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; and fill for intake and outfall pipes and subaqueous utility lines (33 CFR 328.2(f)). Additionally, Section 401 of the CWA (33 USC 1341) requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the U.S. to obtain a certification that the discharge will comply with applicable effluent limitations and water quality standards. Jurisdictional waters of the U.S. include jurisdictional wetlands as well as all other waters of the U.S. such as creeks, ponds, and intermittent drainages. Wetlands are defined as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (USACE 1987). The majority of jurisdictional wetlands in the United States meet three wetland assessment criteria: hydrophytic vegetation, hydric soils, and wetland hydrology. Jurisdictional waters of the U.S. can also be defined by exhibiting a defined bed and bank and ordinary high-water mark (OHWM). As discussed in Regulatory Framework, jurisdictional waters of the U.S. are subject to Section 404 of CWA and are regulated by the USACE. Methods for delineating wetlands and non-tidal waters are described below.

- Wetlands are defined as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” [33 C.F.R.

§328.3(b), 1991]. Presently, to be a wetland, a site must exhibit three wetland criteria: hydrophytic vegetation, hydric soils, and wetland hydrology existing under the “normal circumstances” for the site.

- The lateral extent of non-tidal waters is determined by delineating the ordinary high-water mark (OHWM) [33 C.F.R. §328.4(c)(1)]. The OHWM is defined by the USACE as “that line on shore established by the fluctuations of water and indicated by physical character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas” [33 C.F.R. §328.3(e)].

The USACE authorizes certain fill activities under the Section 404 Nationwide Permit (NWP) Program. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

NWPs do not authorize activities that are likely to jeopardize the existence of a threatened or endangered species or that may affect properties listed or eligible for listing in the National Register of Historic Places (56 Federal Register [FR] 59134, November 22, 1991). In addition to conditions outlined under each NWP, project-specific conditions may be required by the USACE as part of the Section 404 permitting process.

Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the EPA (33 CFR § 328.3 (a)(8) added by 58 FR 45,035, August 25, 1993).

On January 9, 2001, the U.S. Supreme Court issued a decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001) (SWANCC) that held that the language of the CWA cannot be interpreted as conferring authority for the federal government to regulate "isolated, intrastate, and non-navigable waters" merely because migratory birds may frequent them. The Court emphasized the states' responsibility for regulating such waters.

In response to the Court's decisions in *Rapanos v. United States* and *Carabell v. United States*, the USACE and the EPA issued joint guidance regarding USACE jurisdiction over waters of the U.S. under the CWA in 2008. Updated guidance in light of these cases and SWANCC was issued in 2011. The guidance summarizes the Supreme Court's findings and provides how and when the USACE should apply the "significant nexus" test in its jurisdictional determinations. This test determines whether a waterway is substantially connected to a TNW tributary and thus falls within USACE jurisdiction. The guidance provides the factors and summarizes the significant nexus test as an assessment of "the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of downstream traditional navigable waters." Flow characteristics include the volume, duration, and frequency of the flow. Additionally, ecological factors should be included, such as the shared hydrological and biological characteristics between a tributary and an adjacent wetland.

2.1.3 Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA), first enacted in 1918, prohibits any person, unless permitted by regulations, to

...pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatsoever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention ... for the protection of migratory birds ... or any part, nest, or egg of any such bird. (16 USC 703)

The list of migratory birds includes nearly all bird species native to the United States, and the statute was extended in 1974 to include parts of birds, as well as eggs and nests. The Migratory Bird Treaty Reform Act of 2004 further defined species protected under the act and excluded all non-native species. Thus, it is illegal under MBTA to directly kill, or destroy a nest of, nearly any native bird species, not just endangered species. Activities that result in removal or destruction of an active nest (a nest with eggs or young) would violate the

MBTA. Removal of unoccupied nests and bird mortality resulting indirectly from disturbance activities are not considered violations of the MBTA.

2.1.4 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 USC 668–668c), enacted in 1940, and amended several times since, prohibits “taking” bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*), including their parts, nests, or eggs without a permit issued by the Secretary of the Interior.

The act provides criminal penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.” The act defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.”

In 2009, new USFWS rules were implemented requiring all activities that may disturb or incidentally take an eagle or its nest as a result of an otherwise legal activity to obtain permits from the USFWS.

Under USFWS rules (16 U.C.C. § 22.3; 72 Federal Register 31,132, June 5, 2007), “disturb” means “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle’s return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death, or nest abandonment.

2.2 State Regulations

2.2.1 California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) administers the California Endangered Species Act (CESA), which prohibits the “taking” of listed species except as otherwise provided in state law.

Section 86 of Fish and Game Code defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Under certain circumstances, the CESA applies these take prohibitions to species petitioned for listing (state candidates). Pursuant to the requirements of the CESA, state lead agencies (as defined under CEQA Public Resources Code Section 21067) are required to consult with the CDFW to ensure that any action or project is not likely to jeopardize the continued existence of any endangered or threatened species or result in destruction or adverse modification of essential habitat. Additionally, the CDFW encourages informal consultation on any

proposed project that may impact a candidate species. The CESA requires the CDFW to maintain a list of threatened and endangered species. The CDFW also maintains a list of candidates for listing under the CESA and of species of special concern (or watch list species).

2.2.2 Fully Protected Species

The California Fish and Game Code provides protection from take for a variety of species, referred to as fully protected species. Section 5050 lists protected amphibians and reptiles, and Section 3515 prohibits take of fully protected fish species. Eggs and nests of fully protected birds are under Section 3511. Migratory nongame birds are protected under Section 3800, and mammals are protected under Section 4700. Except for take related to scientific research, all take of fully protected species is prohibited.

2.2.3 Nesting Birds and Raptors

Section 3503 of the Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Section 3503.5 provides protection for all birds of prey, including their eggs and nests.

2.2.4 Migratory Bird Protection

Take or possession any migratory non-game bird as designated in the MBTA is prohibited by Section 3513 of the Fish and Game Code.

2.2.5 Native Plant Protection Act

The Native Plant Protection Act (NPPA) of 1977 (Fish and Game Code Section 1900-1913) directed the then-California Department of Fish and Game (now CDFW) to carry out the Legislature's intent to "preserve, protect and enhance rare and endangered plants in this State." The NPPA gave the California Fish and Game Commission the power to designate native plants as "endangered" or "rare" and protected endangered and rare plants from take. The NPPA thus includes measures to preserve, protect, and enhance rare and endangered native plants.

CESA has largely superseded NPPA for all plants designated as endangered by the NPPA. The NPPA nevertheless provides limitations on take of rare and endangered species as follows: "...no person will import into this state, or take, possess, or sell within this State" any rare or endangered native plant, except in compliance with provisions of the CESA. Individual land owners are required to notify the CDFW at least 10 days in advance of changing land uses to allow the CDFW to salvage any rare or endangered native plant material.

2.2.6 Lakes and Streambeds

Sections 1601 through 1616 of the Fish and Game Code prohibit alteration of any lake or streambed under CDFW jurisdiction, including intermittent and seasonal channels and many artificial channels, without execution of a Lake and Streambed Alteration

Agreement (LSA) through the CDFW. This applies to any channel modifications that would be required to meet drainage, transportation, or flood control objectives of the project.

The following information is provided by CDFW and contains definitions as they apply to the purposes of this report and are effective as of October 1, 2016. (Note: Authority cited: Sections 713, 1609, and 12029, Fish and Game Code; and Section 21089, Public Resources Code. Reference: Sections 713, 1605, 1609, and 12029, Fish and Game Code; and Sections 4629.6(c) and 21089, Public Resources Code).

"California Department of Fish and Wildlife Lake and Streambed Alterations Agreement"

Definitions

"Activity" means any activity that by itself would be subject to the notification requirement in subdivision (a) of Section 1602 of the Fish and Game Code.

"Agreement" means a lake or streambed alteration agreement issued by the department. **"Agreement for routine maintenance"** means an agreement that:

- (A) covers only multiple routine maintenance projects that the entity will complete at different time periods during the term of the agreement; and
- (B) describes a procedure the entity shall follow to complete any maintenance projects the agreement covers.

"Agreement for timber harvesting" means an agreement of five years or less that covers one or more projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection.

"Department" means the California Department of Fish and Wildlife.

"Extension" means either a renewal of an agreement executed prior to January 1, 2004, or an extension of an agreement executed on or after January 1, 2004.

"Major amendment" means an amendment that would significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources, or require additional environmental review pursuant to Section 21000 et seq. of the Public Resources Code or Section 15000 et seq., Title 14, California Code of Regulations, as determined by the department.

"Master agreement" means an agreement with a term of greater than five years that:

- (A) covers multiple projects that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine

maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement and for which specific detailed design plans have not been prepared at the time of the original notification; and

- (B) describes a procedure the entity shall follow for construction, maintenance, or other projects the agreement covers.
- (C) An example of a project for which the department would issue a master agreement is a large-scale development proposal comprised of multiple projects for which specific, detailed design plans have not been prepared at the time of the original notification. The master agreement will specify a process the department and entity will follow before each project begins and may identify various measures the entity will be required to incorporate as part of each project in order to protect fish and wildlife resources. The process specified in the master agreement may require the entity to notify the department before beginning any project the agreement covers and to submit the applicable fee. After the department receives the notification, it will confirm that the master agreement covers the project and propose measures to protect fish and wildlife resources in addition to any included in the master agreement, if such measures are necessary for the specific project. By contrast, if the large-scale development proposal is comprised of, for example, multiple residences, golf courses, and associated infrastructure projects for which specific, detailed design plans have been prepared by the time the entity notifies the department and the entity is ready to begin those projects, the entity may obtain a standard agreement only.

"Master agreement for timber operations" means an agreement with a term of greater than five years that:

- (A) covers timber operations on timberland that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement; and
- (B) describes a procedure the entity shall follow for construction, maintenance, or other projects the agreement covers. For the purposes of this definition, "timberland" and "timber operations" have the same meaning as those terms are defined in sections 4526 and 4527 of the Public Resources Code, respectively.

"Minor amendment" means an amendment that would not significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources, as determined by the department, or an amendment to transfer the agreement to another entity by changing the name of the entity to the name of the transferee.

"Project" means either of the following as determined by the department:

- (A) One activity. An example of such a project is one that is limited to the removal of riparian vegetation at one location along the bank of a river, stream, or lake that will substantially change the bank.

(B) Two or more activities that are interrelated and could or will affect similar fish and wildlife resources. An example of such a project is the construction of one bridge across a stream that requires the removal of riparian vegetation, the installation of abutments in or near the stream, and the temporary de-watering of the stream using a diversion structure. Each of those three activities together would constitute one project for the purpose of calculating the fee under this section because they are all related to the single purpose of constructing one bridge at one location. By contrast, the construction of three bridges and two culverts across a stream at five different locations would not constitute one project, but instead would constitute five projects, even if each structure were to provide access to a common development site or were physically connected to each other by a road.

"Project" does not mean project as defined in Section 21065 of the Public Resources Code or Section 15378 of Title 14 of the California Code of Regulations.

"Standard agreement" means any agreement other than an agreement for gravel, rock, or sand extraction, an agreement for timber harvesting, an agreement for routine maintenance, a master agreement, or a master agreement for timber operations.

2.2.7 California Porter-Cologne Water Quality Act

The Regional Water Quality Control Board (RWQCB) regulates discharge of waste in any region that could affect the Waters of the State under the California Porter-Cologne Water Quality. Under the Porter- Cologne Act, a Report of Waste Discharge must be submitted prior to discharging waste, or proposing to discharge waste, within any region that could affect the quality of the Waters of the State (California Water Code Section 13260). Waste Discharge Requirements (WDRs) or a waiver of WDRs will then be issued by the RWQCB. Waters of the State are defined as any surface water or groundwater, including saline waters that are within the boundaries of the state (California Codes: Public Resource Code Section 71200). This differs from the CWA definition of waters of the U.S. by its inclusion of groundwater and waters outside the ordinary high-water mark in its jurisdiction.

2.3 California Environmental Quality Act

The California Environmental Quality Act (CEQA) was adopted in 1970 and applies to actions directly undertaken, financed or permitted by State or local government lead agencies. CEQA requires that a project's effects on environmental resources be analyzed and assessed using criteria determined by the lead agency. CEQA defines a rare species in a broader sense than the definitions of threatened, endangered, or California species of concern. Under this definition, CDFW can request additional consideration of species not otherwise protected.

2.3.1 CEQA Significance Criteria

Section 15064.7 of the CEQA guidelines encourages local agencies to develop and publish the thresholds that the agency will use in determining the significance of environmental effects caused by projects or actions under its review. Appendix G of the

CEQA guidelines provides thresholds to evaluate impacts that would normally be considered significant. Based upon these guidelines, impacts to biological resources would normally be considered significant if the project:

- Has 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;
- Has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the CDFW or USFWS;
- Has a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites; or
- Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or conflicts with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

An evaluation of whether an impact to biological resources would be significant must consider both the resource itself and how that resource fits into a regional or local context. Significant impacts would be those that would diminish, or result in the loss of, an important biological resource, or those that would obviously conflict with local, state, or federal resource conservation plans, goals, or regulations. The evaluation of impacts considers direct impacts, indirect impacts, cumulative impacts, as well as temporary and permanent impacts.

3 Methodology

This section describes the methods used to describe and evaluate the biological resources at the project. AEC used a combination of desktop and field studies to determine which resources could potentially be present on-site. The desktop review of literature and database resources was used to identify biological resources and habitats that may occur at the project, based on records at or near the project, AEC biologists' professional experience and judgment, and input from state and federal agencies was also taken into consideration. AEC biologists conducted field visits in July and November of 2016, October, November, and December of 2017, and March of 2018 to observe and characterize existing conditions at the property, including reconnaissance surveys for species of concern. The survey methods and site visits were guided by species considered conceivably present in the area, review of the local, state, and federal regulations regarding sensitive biological resources, potential impacts to jurisdictional water features, and verbally conveyed concerns from the California Department of Fish and Wildlife (CDFW).