CHAPTER 9.0
Biological Resources

Introduction

As a result of comments (see Table 1-2 of Chapter 1.0 "Introduction and Reader's Guide to the EIR") received during the NOP public scoping phase of the Proposed Project, specific effects on biological resources have been considered as part of the impact analysis. For example, the California Department of Fish and Game requested that the EIR provide information regarding impacts to Rare, Threatened, or Endangered Species; impacts to riparian habitat, impacts to raptor nesting sites, and impacts to unlisted species that meet the criteria for Rare, Threatened, or Endangered Species under CEQA (as defined in Section 15380 of the CEQA Guidelines). Comments submitted by the Governor's Office of Emergency Services Disaster Assistance Programs Branch requested that the EIR contain a conservation element.

Environmental Setting

The study area for biological resources consists of the area within the Tulare city limits. Within the developed City, natural habitat is largely replaced by urban and landscape settings that support few of the native vegetation and wildlife. The dominant vegetation and wildlife within the City can be characterized as urban, landscape, or agricultural. However, to the extent the City is surrounded by and encompasses some areas that are nearly "wild" or undisturbed, this section also discusses some of the typical and important species that occur outside the City boundaries, but may also occur sporadically within the City. Additionally, the General Plan Update evaluates not just the current City Limits but the Planning Area boundary, as well, which includes substantial amounts of agricultural land.

The City of Tulare is located in the western portion of Tulare County, in the southern part of the San Joaquin Valley. The City of Tulare is entirely within the Great Valley ecoregion. The natural vegetation of the Great Valley comprises the purple needlegrass series, valley oak series, vernal pools and wetland communities, and blue oak series. Fauna associated with this ecoregion include mule deer, black-tailed deer, coyotes, jackrabbits, kangaroo rats, kit fox, and muskrats. Birds include waterfowl, hawks, golden eagles, owls, white-tailed kites, herons, western meadowlark, and quail.

Nearly all the native grasslands have been replaced with urban development, landscape species and agricultural crops. Native oak woodlands tend to be replaced with Modesto ash, palms, several landscape species of pine, California pepper, flowering plums and crepe myrtle. Urban

and landscape habitats support abundant Brewer's blackbirds, American crow, English sparrow, European starling, California ground squirrel, jackrabbits and coyote.

Waterfowl Flyway

The Central San Joaquin Valley is a major migration corridor for winter waterfowl, and a large number of birds fly through or over Tulare, stopping to roost and feed in open areas, farm ponds and agricultural fields. Canadian, Ross and tule geese, whistling swans, wood, canvasback and redhead ducks are abundant visitors during winter migration.

Listed and Special-Status Species

The CDFG identified several special status species that occur in and around the City of Tulare. These include blunt-nosed leopard lizard, black-shouldered kite, San Joaquin antelope squirrel, San Joaquin pocket mouse, and the San Joaquin kit fox.

San Joaquin kit fox, in particular, were observed in several areas along Continental and Bardsley Avenues as late as 1989, although none have been observed recently. Burrowing owls are present in the agricultural areas around the City and may occasionally appear in city projects, and should be protected. Swainson's hawks commonly forage in the vicinity of the city, but there is little habitat, and no known nests within the city.

A complete list of special status species that would potentially occur in and adjacent to the City is provided in Appendix F, Appendix Table F-1. As noted above, many or most of the species would be unusual in the City boundaries, but the potential for them to occur in any undeveloped areas should be evaluated for new developments.

Wetlands

The City of Tulare does not contain any significant surface water features with the exception of irrigation ditches and the Elk Bayou. Elk Bayou traverses the southern portion of the city just south of the airport. It is a natural watercourse that flows to the Kaweah River. Water in the Elk Bayou is used for irrigation and controlled by the Consolidated People's Ditch Company, Elk Bayou Ditch Company and the Kaweah Delta Conservation Distict. The channel also used to carry floodwater to Tulare Lake west of the planning area. Water quality of Elk Bayou is protected for its wetland values and as a "water of the State." The land around Elk Bayou has been developed as a regional park.

Vernal pools historically occurred in the area in and around the City of Tulare. Vernal pools are seasonally flooded depressions in the landscape that are underlain by subsurface soils that limit drainage. These pools are dry in the summer and inundated during parts of the winter. Depending on their depth and quantities of rainfall, inundation can occur for a period of time ranging from a week to several months. Vernal pools exist singly or in complexes of pools supported by small areas of adjacent uplands. During high water events a complex of pools may be hydrologically connected. This wetland supports a specialized biota that includes a large number of threatened

and endangered species. As a result, it is considered one of the most threatened ecosystems in California. Because this ecosystem often occurs on relatively flat terrain, it is highly vulnerable to destruction from agriculture, heavy grazing, urbanization, brush clearing, and off-road vehicle use. The USFWS has designated critical habitat for several listed vernal pool species that typically protect large tracts of vernal pool areas. Urbanization, landscaping and agriculture have replaced all vernal pools within the City limits and it would be unlikely to find any remaining vernal pool resources within the City.

Regulatory Setting

Federal Regulations

Clean Water Act - Section 404

Wetlands and other waters of the U.S. (as defined above) are subject to jurisdiction by the Corps and EPA under Section 404 of the Clean Water Act. Wet areas that are not regulated by this act would include stock watering ponds, agricultural ditches created in upland areas, and features that do not significantly contribute to the ecological function of navigable waters. The discharge of fill into a jurisdictional feature requires a permit from the Corps.

The Corps has the option to issue a permit on a case-by-case basis (individual permit) or at a program level (general permit). Nationwide permits (NWPs) are an example of general permits; they cover specific activities that generally have minimal environmental effects. Activities covered under a particular NWP must fulfill several general and specific conditions, as defined by the NWP. If a proposed project cannot meet these conditions, an individual permit may be required.

Federal Endangered Species Act

The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) administer the federal Endangered Species Act (16 USC Section 153 et seq.) and thereby have jurisdiction over federally listed threatened, endangered and candidate species. NMFS assumes jurisdiction over all listed and candidate marine species. Species that are "proposed" for listing but not yet listed are generally considered as well, as there is potential for those species to become listed in the near future.

Projects that may result in "take" of a listed species must consult with the USFWS or NMFS. Under the federal Endangered Species Act, "Take" is defined as "to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect" (50 CFR Section 10.12). Federal agencies that propose a project that may affect a listed species are required to consult with the USFWS or NMFS under Section 7 of the federal Endangered Species Act. If it is determined that a federally listed species may be adversely affected by the federal action, the USFWS/NMFS will issue a Biological Opinion to the federal agency that describes minimization and avoidance measures that must be implemented as part of the federal action. Projects that do not have a federal nexus must apply for a take permit under

Section 10 of the Act. Section 10 of the Act requires that the project applicant prepare a habitat conservation plan as part of the permit application.

Under the federal Endangered Species Act the USFWS/NMFS designates critical habitat, which are areas that are essential for the conservation of a threatened or endangered species and which may require special management considerations. A designation only applies to projects with a federal nexus; it has no specific regulatory impact on landowners who take actions on their land that do not involve Federal funding. However, Federal agencies must consult with the USFWS before taking actions that could harm or kill protected species or destroy their habitat.

Recovery Plan for Upland Species of the San Joaquin Valley

The Recovery Plan for Upland Species of the San Joaquin Valley, California (USFWS 1998) covers 34 species of plants and animals that occur in the San Joaquin Valley of California. The majority of these species occur in arid grasslands and scrublands of the San Joaquin Valley and the adjacent foothills and valleys. The plan includes information on recovery criteria, habitat protection, umbrella and keystone species, monitoring and research program, adaptive management, and economic and social considerations. The species addressed in the recovery plan that are potentially occurring in the Planning Area are the following: Palmate-bracted bird's-beak, lesser saltscale, Lost Hills crownscale, Munz's tidy-tips, Merced phacelia, giant kangaroo rat, Fresno kangaroo rat, blunt-nosed leopard lizard, San Joaquin kit fox, San Joaquin antelope squirrel, short-nosed kangaroo rat, and riparian (San Joaquin Valley) woodrat.

Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act

The Migratory Bird Treaty Act (MBTA, 16 USC Section 703-711) and the Bald and Golden Eagle Protection Act (16 USC Section 668) protect certain species of birds from direct "take." The MBTA protects migrant bird species from take by setting hunting limits and seasons and protecting occupied nests and eggs. The Bald and Golden Eagle Protection Act (16 USC Sections 668-668d) prohibits the take or commerce of any part of Bald and Golden Eagles. The USFWS administers both acts and reviews federal agency actions that may affect species protected by the acts.

The USFWS has defined the term "disturb" as used in the Bald and Golden Eagle Protection Act. The definition reads as follows: "Disturb means to agitate or bother a bald or golden eagle to the degree that causes injury or death to an eagle (including chicks or eggs) due to interference with normal breeding, feeding, sheltering behavior, or nest abandonment. Injury would be defined as "a wound or other physical harm, including a loss of biological fitness significant enough to pose a discernible risk to an eagle's survival or productivity" (USFWS 2006). The definition must undergo a 30-day comment period, but if approved, will be used to protect the bald eagle if it is removed from the federal Endangered Species List.

State of California Regulations

California Fish and Game Code Sections 1600 – 1616

The CDFG regulates the modification of streams, rivers, and lakes under Sections 1600-1616 of the California Fish and Game Code. Modification includes diverting, obstructing, or changing the natural flow or bed, channel, or bank of a regulated feature. While most of the features regulated by the Fish and Game Code meet the definition of other waters of the U.S., the Code may regulate some ephemeral features that do not have all the criteria to qualify as other waters of the U.S. A project proponent, including both private parties and public agencies, who proposes an activity that may modify a feature regulated by the Fish and Game Code must notify the CDFG before project construction. The CDFG will then decide whether to enter into a Streambed Alteration Agreement with the project proponent.

California Endangered Species Act

The CDFG administers the California Endangered Species Act of 1984 (Fish and Game Code Section 2080), which regulates the listing and "take" of endangered and threatened species. "Take" may be permitted by CDFG through implementing a management agreement. Under the State laws, the CDFG is empowered to review projects for their potential impacts to listed species and their habitats.

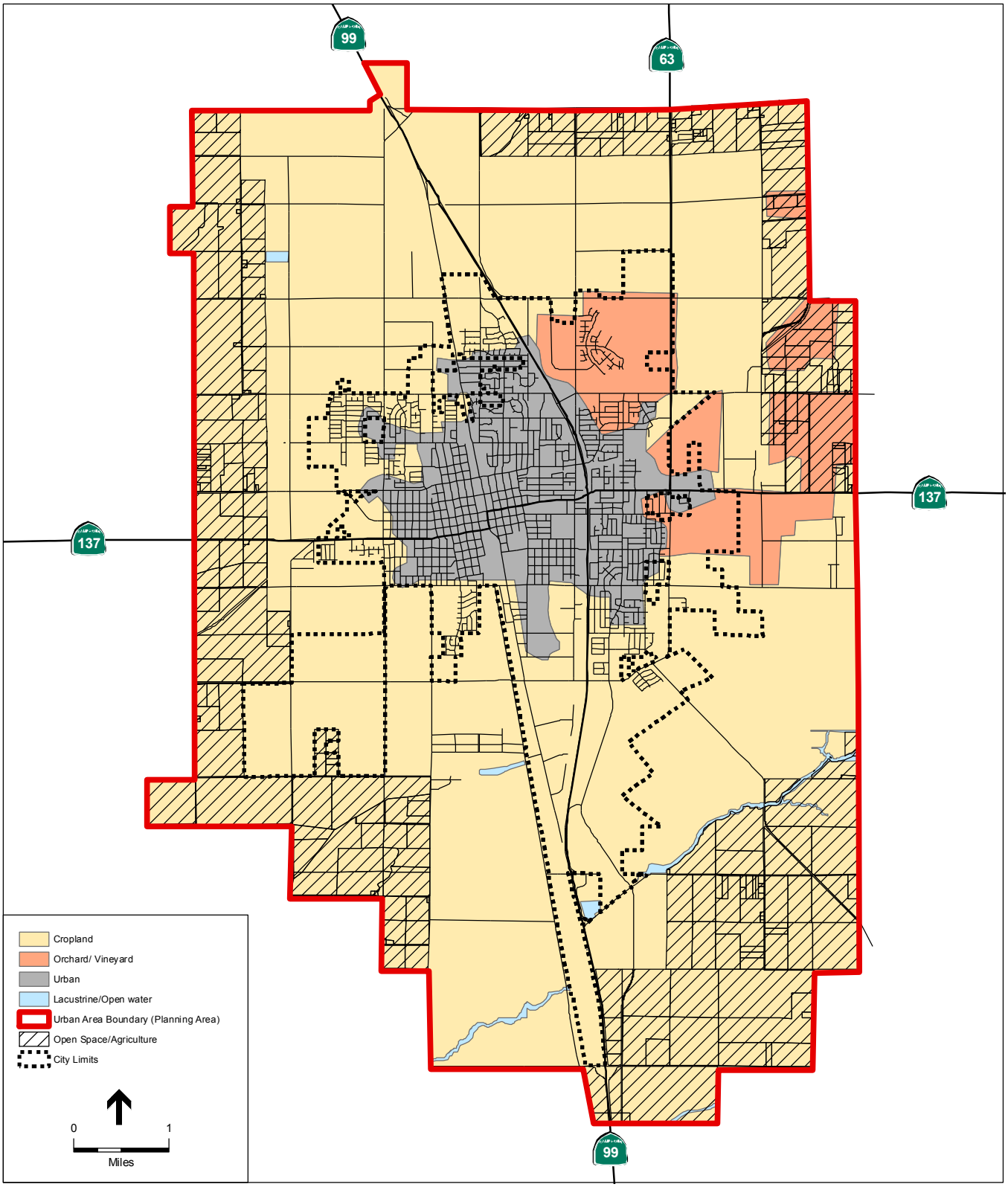
CDFG maintains lists for Candidate-Endangered Species (SCE) and Candidate-Threatened Species (SCT). California Candidate species are afforded the same level of protection as listed species. Species that are "proposed" for listing are also considered as they may become listed during the development of the project. California also designates Species of Special Concern (CSC), which are species of limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. These species do not have the same legal protection as listed species, but may be added to official lists in the future. The CSC list is intended by CDFG as a management tool for consideration in future land use decisions.

Local Regulations

No significant local regulations were noted.

Methodology

The assessment of impacts to biological resources is a qualitative review of the existing biological resource conditions within the Planning Area and a determination of whether the Proposed Project includes adequate provisions to ensure continued protection of these resources. For development anticipated within the Planning Area, the extent to which current State and Federal regulations and the proposed General Plan policies would protect identified biological resources is evaluated. Evaluation of impacts has been based on the habitat types (see Figure 9-1 for habitats within the Planning Area) that have the potential to support the species identified in Table Appendix F-1 "Regionally Occurring Special-Status Species."



SOURCE: CSUS, 2004; FRAP, 2002; City of Tulare, 2007; and ESA, 2007

Figure 9-1
Habitats Within the Planning Area

Standards of Significance

The proposed City of Tulare General Plan Update will establish development guidelines against which future projects will be judged for consistency. The significance criteria for this analysis were developed from criteria presented in Section 15065 and Appendix G "Environmental Checklist Form" of the CEQA Guidelines and based on the professional judgment of the City of Tulare and its consultants. The project (or the project alternatives) would result in a significant impact if it would:

- 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;
- Substantially reduce the number or restrict the range of an endangered, rare or threatened species;
- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

Impacts and Mitigation Measures

Impact BIO-1: The Proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on any fish or wildlife species including those officially designated species identified as an endangered, threatened, candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Impact Summary

Level of Significance Before Mitigation: *Potentially significant*
Required Mitigation Measures: *No additional mitigation is currently available*
Level of Significance After Mitigation: *Significant and unavoidable*

Impact Analysis

A number of sensitive wildlife species are known to occur or have the potential to occur in the Planning Area. Future growth resulting from implementation of the Proposed Project will result in both direct and indirect significant adverse impacts to wildlife occurring in the Planning Area.

Although focused within the established Urban Area Boundary, population growth associated with the Proposed Project (and the resultant urbanization of future growth areas) will allow for the introduction of development (predominately residential land uses) into new portions of the Planning Area. Such construction has the potential to result in a significant impact on sensitive habitats, individual plants, and wildlife species. The primary impact will be the removal of sensitive habitats for the construction of buildings, infrastructure, and roadways. Additional impacts will result from an increased incidence of fire due to human activity, increased erosion and discharge of stormwater from roadways and other impervious surfaces, and the introduction of non-native, invasive plant species. The introduction of developed land uses will also result in increased interactions between humans and wildlife. An increase in human presence may be beneficial for some species and is detrimental to many others. The introduction of new sources of light and glare could affect nesting habitat and migratory corridors, while traffic and construction noise may also disturb many species of wildlife, especially during mating and breeding. New roadways may also fragment habitat and increase the incidence for traffic-related mortalities to wildlife. These effects may be particularly pronounced for wildlife species with low tolerance for habitat modification or disturbance.

The majority of impacts to sensitive vegetation communities and wildlife species will occur as a result of project-specific activities developed subsequent to the Proposed Project. At the time individual development applications are submitted, the City will assess development proposals for potential impacts to significant biological resources pursuant to CEQA and associated State and federal regulations.

The preservation of open space areas and biological resources is a key goal of the Proposed Project, with the inclusion of several policies in the Conservation and Open Space Element. Policies COS-2.1 through 2.6 require the City to protect key sensitive habitats (i.e., riparian, wetlands, oaks, etc.) by encouraging future City growth outside these sensitive habitat areas. The Conservation and Open Space Element also includes a number of implementation measures designed to protect sensitive habitats and their associated species (i.e., historic trees, etc.). Several other implementation measures have also been developed to identify procedures for the identification of impacts and mitigation measures to affected habitats and species (both plant and wildlife) resulting from implementation of the Proposed Project. However, even with implementation of the above mentioned policies, this impact is still considered ***potentially significant.***

BIOLOGICAL RESOURCE POLICIES AND IMPLEMENTATION MEASURES	
Policies designed to protect biological resources from the impacts of future development in the City of Tulare include the following:	
TC-2.29 – Environmental Impacts of Roadway Design COS-2.1 – Protection of Rare and Endangered Species COS-2.2 – Development in Environmentally Sensitive Areas COS-2.3 Site Planning	COS-2.4 – Open Space Buffers COS-2.5 – Planting of Native Vegetation COS-2.6 – Valley Oaks COS-2.7 – Wetlands Dedication COS-2.8 – Wetlands Management
Implementation Measures designed to identify and mitigate the impact of development on key biological resources include the following:	
Implementation Measure COS-7 Implementation Measure COS-8	Implementation Measure COS-9 Implementation Measure COS-10

Required Mitigation Measures

As stated above, the City will adopt and implement a variety of policies designed to address impacts to biological resources (including officially designated endangered, threatened, candidate, sensitive, or special status species). Although these policies seek to protect a variety of open space resources within the Planning Area, implementation of the Proposed Project would still result in a reduction in open space and suitable habitat for special status species within the plan area. Therefore, implementation of the Proposed Project, including the adoption of the policies and implementation measures listed above, would result in a ***significant*** impact. No additional feasible mitigation is currently available.

Significance after Implementation of Mitigation for Impact BIO-1

As stated above, no additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level. Consequently, this impact is considered ***significant and unavoidable***.

Impact BIO-2: The Proposed Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Impact Summary

Level of Significance Before Mitigation: *Potentially significant*
Required Mitigation Measures: *No additional mitigation is currently available*
Level of Significance After Mitigation: *Significant and unavoidable*

Impact Analysis

Areas along local waterways contain riparian habitat. Riparian habitats support a variety of plant and wildlife species along watercourses or water bodies adaptable to seasonal flooding. As more fully described above under Impact BIO-1, development resulting from implementation of the Proposed Project may result in both direct and indirect significant adverse impacts to riparian and other sensitive natural communities occurring in the Planning Area.

The preservation of riparian habitats (and other sensitive habitats) is a key goal of the Proposed Project, with the inclusion of several policies in the Conservation and Open Space Element (see Policies COS-2.4 and COS-2.8). Additionally, policies COS-2.1 through 2.6 require the City to protect other key sensitive habitats (i.e., riparian, wetlands, and oak woodlands, etc.) by encouraging future City growth outside these sensitive habitat areas. However, even with implementation of the above mentioned policies, this impact is still considered ***potentially significant.***

BIOLOGICAL RESOURCE POLICIES AND IMPLEMENTATION MEASURES	
Policies designed to protect biological resources from the impacts of future development in the City of Tulare include the following:	
TC-2.29 – Environmental Impacts of Roadway Design COS-2.1 – Protection of Rare and Endangered Species COS-2.2 – Development in Environmentally Sensitive Areas COS-2.3 Site Planning	COS-2.4 – Open Space Buffers COS-2.5 – Planting of Native Vegetation COS-2.6 – Valley Oaks COS-2.7 – Wetlands Dedication COS-2.8 – Wetlands Management
Implementation Measures designed to identify and mitigate the impact of development on key biological resources include the following:	
Implementation Measure COS-7 Implementation Measure COS-8	Implementation Measure COS-9 Implementation Measure COS-10

Required Mitigation Measures

As stated above, the City will adopt and implement a variety of policies designed to address impacts to biological resources (including officially designated endangered, threatened, candidate, sensitive, or special status species). Although these policies seek to protect a variety of open space resources within the Planning Area, implementation of the Proposed Project would still

result in a reduction in open space and suitable habitat for special status species within the Planning Area. Therefore, implementation of the Proposed Project, including the adoption of the policies and implementation measures listed above, would result in a ***significant*** impact. No additional feasible mitigation is currently available.

Significance after Implementation of Mitigation for Impact BIO-2

As stated above, no additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level. Consequently, this impact is considered ***significant and unavoidable***.

Impact BIO-3: The Proposed Project could 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, etc.) through direct removal, filling, hydrological interruption, or other means.

Impact Summary

Level of Significance Before Mitigation: *Potentially significant*
Required Mitigation Measures: *No additional mitigation is currently available*
Level of Significance After Mitigation: *Significant and unavoidable*

Impact Analysis

As more fully described above under Impact BIO-1, development resulting from implementation of the Proposed Project may result in both direct and indirect significant adverse impacts to wetlands and other sensitive natural communities occurring in the Planning Area.

The preservation of wetland habitats is a key goal of the Proposed Project, with the inclusion of several policies in the Conservation and Open Space Element (see Policies COS-2.2 and COS-2.8). Policy COS-2.7 requires that all preserved wetlands be protected through perpetual agreements. Additionally, policies COS-2.1 though and 2.6 require the City to protect other key sensitive habitats (i.e., riparian, wetlands, and oak woodlands, etc.) by encouraging future City growth outside these sensitive habitat areas. However, even with implementation of the above mentioned policies, this impact is still considered ***potentially significant***

BIOLOGICAL RESOURCE POLICIES AND IMPLEMENTATION MEASURES	
Policies designed to protect biological resources from the impacts of future development in the City of Tulare include the following:	
TC-2.29 – Environmental Impacts of Roadway Design COS-2.1 – Protection of Rare and Endangered Species COS-2.2 – Development in Environmentally Sensitive Areas COS-2.3 Site Planning	COS-2.4 – Open Space Buffers COS-2.5 – Planting of Native Vegetation COS-2.6 – Valley Oaks COS-2.7 – Wetlands Dedication COS-2.8 – Wetlands Management

Implementation Measures designed to identify and mitigate the impact of development on key biological resources include the following:	
Implementation Measure COS-7 Implementation Measure COS-8	Implementation Measure COS-9 Implementation Measure COS-10

Required Mitigation Measures

As stated above, the City will adopt and implement a variety of policies designed to address impacts to biological resources (including federally protected wetlands as defined by Section 404 of the Clean Water Act). Although these policies seek to protect a variety of open space resources within the Planning Area, implementation of the Proposed Project would still result in a reduction in open space, associated wetlands, and suitable habitat for special status species within the Planning Area. Therefore, implementation of the Proposed Project, including the adoption of the policies and implementation measures listed above, would result in a ***significant*** impact. No additional feasible mitigation is currently available.

Significance after Implementation of Mitigation for Impact BOP-3

As stated above, no additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level. Consequently, this impact is considered ***significant and unavoidable***.

Impact BIO-4: The Proposed Project could 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.

Impact Summary

Level of Significance Before Mitigation: *Potentially significant*
Required Mitigation Measures: *No additional mitigation is currently available*
Level of Significance After Mitigation: *Significant and unavoidable*

Impact Analysis

Several areas within the Planning Area (predominately waterways and the riparian areas that border them) are utilized as migratory corridors for the movement of wildlife (including a variety of bird, mammal, and fish species). As more fully described above under Impact BIO-1, development resulting from implementation of the Proposed Project may remove riparian and other habitat currently providing cover and could increase the distance that animals would need to traverse. Additionally, development within the Planning Area would also cause an increase in both vehicular traffic levels and nighttime light levels, which would also serve to deter wildlife movement in the area.

The preservation of riparian habitats (and other sensitive habitats) is a key goal of the Proposed Project, with the inclusion of several policies in the Conservation and Open Space Element (see Policies COS-2.4 and COS-2.8). Additionally, policies COS-2.1 through 2.6 require the City to protect other key sensitive habitats (i.e., riparian, wetlands, and oak woodlands, etc.) by

encouraging future City growth outside these sensitive habitat areas. However, even with implementation of the above mentioned policies, this impact is still considered ***potentially significant.***

BIOLOGICAL RESOURCE POLICIES AND IMPLEMENTATION MEASURES	
Policies designed to protect biological resources from the impacts of future development in the City of Tulare include the following:	
TC-2.29 – Environmental Impacts of Roadway Design COS-2.1 – Protection of Rare and Endangered Species COS-2.2 – Development in Environmentally Sensitive Areas COS-2.3 Site Planning	COS-2.4 – Open Space Buffers COS-2.5 – Planting of Native Vegetation COS-2.6 – Valley Oaks COS-2.7 – Wetlands Dedication COS-2.8 – Wetlands Management
Implementation Measures designed to identify and mitigate the impact of development on key biological resources include the following:	
Implementation Measure COS-7 Implementation Measure COS-8	Implementation Measure COS-9 Implementation Measure COS-10

Required Mitigation Measures

As stated above, the City will adopt and implement a variety of policies and implementation measures designed to address impacts to biological resources (including any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or native wildlife nursery sites). Although these policies seek to protect a variety of open space resources within the Planning Area, implementation of the Proposed Project would still result in a reduction in open space and suitable habitat for special status species within the Planning Area. This would result in the reduction of habitat areas that would otherwise function as corridors facilitating the movement of wildlife species though developed areas. Therefore, implementation of the Proposed Project, including the adoption of the policies and implementation measures listed above, would result in a ***significant*** impact. No additional feasible mitigation is currently available.

Significance after Implementation of Mitigation for Impact BIO-4

As stated above, no additional feasible mitigation is currently available to reduce this impact to a less-than-significant level. Therefore, implementation of the Proposed Project including the adoption of the policies and implementation measures listed above would still result in a ***significant and unavoidable*** impact.

Impact BIO-5: The Proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Impact Summary

Level of Significance Before Mitigation: *Less-than-significant*
Required Mitigation Measures: *No mitigation is required*
Level of Significance After Mitigation: *Less-than-significant*

Impact Analysis

The Proposed Project has been developed to promote consistency throughout all the elements that comprise the City's updated General Plan and with all the various community plans that provide policy direction for portions of the City. Various implementation measures (see COS Implementation Measure #7 and #10) contained in the Conservation and Open Space Element require the City to adopt criteria for the protection of natural resources and the development of a tree preservation ordinance. Additionally, Policy COS-2.6 requires the City preserve mature valley oaks and their habitats within the Planning Area. Future projects in accordance with the Proposed Project would comply with all relevant policies and ordinances relating to the protection of other biological resources (including tree preservation). With implementation of the below mentioned policies, this impact is considered ***less-than-significant.***

BIOLOGICAL RESOURCE POLICIES AND IMPLEMENTATION MEASURES	
Policies designed to protect biological resources from the impacts of future development in the City of Tulare include the following:	
TC-2.29 – Environmental Impacts of Roadway Design COS-2.1 – Protection of Rare and Endangered Species COS-2.2 – Development in Environmentally Sensitive Areas COS-2.3 Site Planning	COS-2.4 – Open Space Buffers COS-2.5 – Planting of Native Vegetation COS-2.6 – Valley Oaks COS-2.7 – Wetlands Dedication COS-2.8 – Wetlands Management
Implementation Measures designed to identify and mitigate the impact of development on key biological resources include the following:	
Implementation Measure COS-7 Implementation Measure COS-8	Implementation Measure COS-9 Implementation Measure COS-10

Required Mitigation Measures

This impact is considered ***less-than-significant***. No additional mitigation measures are required.

Impact BIO-6: The Proposed Project could conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

Impact Summary

Level of Significance Before Mitigation: *No impact.*
Required Mitigation Measures: *No mitigation is required*
Level of Significance After Mitigation: *No impact.*

Impact Analysis

Under Section 10 of the Federal Endangered Species Act, the preparation of a habitat conservation plan may be required for a non-federal entity that has requested a take permit for a federally listed species or critical habitat. Similarly, a natural community conservation plan may be required to address State requirements specific to State listed species or critical habitats. The Kern Water Bank Habitat Conservation Plan is the only approved multi-species habitat conservation plan (HCP) that exists in the region. The Planning Area does not overlap with this HCP. Consequently, there is ***no impact***.

Required Mitigation Measures

There is ***no impact***; therefore no mitigation measures are required.