
4.3 - Biological Resources

4.3.1 - Introduction

This section provides an evaluation of potential impacts from the construction and operation of the proposed Walmart on the onsite and surrounding biological resources. The mitigation measures that are identified in this section to reduce impacts on biological resources from the development of a Walmart are conceptually the same mitigation measures as those that are required with the development of the approved Wasco Center that includes the 158,000 square foot “Large Box Retail” use building on the project site. More detailed descriptions of the mitigation measures are provided in this section compared to the biological mitigation measures for the approved Wasco Center. The following is a list and location of information reviewed in preparation of this section:

- Biological Reconnaissance Survey for the Wasco Center Development Project. December 2007. Chambers Group. This information is located in ~~Draft~~ [Final](#) SEIR Appendix E.
- Burrowing Owl Survey Protocol and Mitigation Guidelines. April 1993. The California Burrowing Owl Consortium. This information is located in ~~Draft~~ [Final](#) SEIR Appendix E.
- City of Wasco General Plan. June 2010. City of Wasco. This document is not contained in the Draft SEIR appendices but is instead available for review at the City of Wasco Community Development Department at 764 E Street, Wasco, California, 93280. Pursuant to CEQA Guidelines § 15150, the City of Wasco General Plan is hereby incorporated by reference.
- U.S. Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox. June 1999. U.S. Fish and Wildlife Service. This information is located in ~~Draft~~ [Final](#) SEIR Appendix E.
- Wasco Center Mitigated Negative Declaration. August 2008. Chambers Group. This document is not contained in the Draft SEIR appendices but is instead available for review at the City of Wasco Community Development Department at 764 E Street, Wasco, California, 93280. Pursuant to CEQA Guidelines § 15150, the Wasco Center Mitigated Negative Declaration is hereby incorporated by reference.

This section summarizes the existing biological conditions for the 17-acre project site from the biological evaluation that was conducted for the 112-acre Wasco Center by the Chambers Group in 2007. A literature review to ascertain the presence or absence of sensitive species on and near the 112-acre Wasco Center site was conducted in 2007 by the Chambers Group and an updated literature review for the 17-acre project site was conducted by Michael Brandman Associates in 2010. The literature reviews are based on a sensitive species database search of the California Natural Diversity Data Base (CNDDDB) for the U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle, Wasco NW, Wasco SW, Wasco, and Pond. In addition to the literature review, a field survey of the 112-acre Wasco Center site was conducted in 2007. The field survey was conducted on December 5,

2007 between 0800 and 1100 hours. The weather conditions during the survey consisted of 100 percent cloud cover, winds ranging from 0 to 1 mile per hour and temperatures ranged from 51 to 64 degrees Fahrenheit. The field survey was conducted on foot.

4.3.2 - Environmental Setting

The project site is located on the USGS 7.5-minute quadrangle topographic map, Wasco, just north of SR-46 and west of the planned extension of Central Avenue in the City of Wasco, Kern County. The project site comprises approximately 17 acres of the 112-acre Wasco Center and contains walnut orchards and no structures. The area surrounding the site contains fallow agriculture land to the north and walnut and almond orchards immediately to the west, south, and east. In addition, a commercial center is located southeast of the site at the intersection of Central Avenue and SR-46.

Topography

Topographically, the project site and vicinity are located on relatively flat terrain in the southern portion of the San Joaquin Valley in the northern part of the City of Wasco, California. The project site and vicinity sit between the Sierra Foothills and Mountains to the east and the Coastal Ranges to the west. The project site is essentially level at an elevation of approximately 317 feet above mean sea level, with uniform contour and geographic features.

Level of Disturbance

Historical information, including archive photographs and maps, helped establish that the project site was used for agricultural production from at least 1946 to present. The project site has been disturbed as a result of related farming activities, including planting, cultivating, gathering, and maintenance associated with nut orchards. Herbicides, pesticides, and other forms of pest and vegetation abatement have historically been applied onsite and have contributed to disturbance found there. Development in the vicinity of the site has occurred throughout the years, including houses, paved roads, buildings, and other maintained areas.

Vegetation

The majority of the project site is comprised of cultivated orchards. A dense layer of leaf litter is present in the understory of the orchards. Occasional weedy annuals were observed, including horseweed (*Conyza Canadensis*), broad-lobed filaree (*Erodium botrys*), Palmer's amaranth (*Amaranthus palmeri*), Mexican sprangletop (*Leptochloa uninervia*), and cheeseweed (*Malva parviflora*). Cultivated areas account for a majority of the project site. A complete list of plant species observed onsite can be found in the biological evaluation located in ~~Draft~~ [Final](#) SEIR Appendix E, Biological Resources.

Areas with ruderal vegetation are present on the project site, primarily occurring along the margins of the orchards. Ruderal areas consist of early successional habitats that are dominated by pioneering herbaceous species that readily colonize disturbed ground. The soils in ruderal areas are typically characterized as heavily compacted or frequently disturbed. The vegetation in these areas is adapted

to living in compacted areas where water does not readily penetrate the soil. Ruderal plant species found on the project site include Russian thistle (*Salsola tragus*), barnyard grass (*Echinochloa* sp.), red-stemmed filaree (*Erodium cicutarium*), horseweed, cheeseweed, Bermuda grass (*Cynodon dactylon*), and flax-leaved horseweed (*Conyza bonariensis*). This vegetation community comprises a small portion of the project site.

One sensitive vegetation community, valley saltbrush scrub, was identified in the 2010 literature review as occurring in the general area of the project site. Based on the 2007 field survey, this vegetation community is not located within the 112-acre Wasco Center site, including the 17-acre project site. In addition, this vegetation community was not identified during a review of a 2010 aerial photograph.

Seven recognized sensitive plant species were identified in the 2007 and 2010 literature reviews as occurring in the general area of the project site, including heartscale (*Atriplex cordulata*), Earlimart orache (*Atriplex erecticaulis*), subtle orache (*Atriplex subtilis*), California jewelflower (*Caulanthus californicus*), slough thistle (*Cirsium crassicaule*), recurved larkspur (*Delphinium recurvatum*), and Munz' tidy-tips (*Layia munzii*). Each of the sensitive species' status, habitat preference, potential to occur on the site, and if the species was present during the 2007 field survey are depicted in Table 4.3-1. All seven of the sensitive plant species identified in the literature reviews have habitat requirements characteristic of chenopod, pinyon-juniper woodland, meadows and seeps, riparian scrub, or valley and foothill grassland communities. Based on the 2007 field survey, these plant communities are not present on the 112-acre Wasco Center site. Due to the lack of suitable habitat and the disturbed state of the property, these seven sensitive plant species are considered not likely to occur on the Wasco Center site, including the 17-acre project site.

Table 4.3-1: Special Status Plant Species

Species		Status			Preferred Habitat	Life Form	Blooming Period	Potential to Occur / Known Occurrence / Suitable Habitat
Scientific Name	Common Name	USFWS	CDFG	CNPS				
<i>Artiplex cordulata</i>	Heartscale	—	—	1B	Found in shadscale scrub, valley and foothill grasslands, meadows and seeps, and riparian scrub.	Annual Herb	April-October	Not Likely to Occur - Not Present. This species was not found on the project site. No suitable habitat for this species occurs on the site due to historic agricultural activities, recent periodic disking of the site, and the predominance of sparse, low quality and non-native vegetation.
<i>Artiplex erecticaulis</i>	Earlimart orache	—	—	1B	Found in shadscale scrub, valley and foothill grasslands, meadows and seeps, and riparian scrub.	Annual Herb	August-September	Not Likely to Occur - Not Present. This species was not found on the project site. No suitable habitat for this species occurs on the site due to historic agricultural activities, recent periodic disking of the site, and the predominance of sparse, low quality and non-native vegetation.
<i>Artiplex subtilis</i>	subtle orache	—	—	1B	Found in shadscale scrub, valley and foothill grasslands, meadows and seeps, and riparian scrub.	Annual Herb	August-October	Not Likely to Occur - Not Present. This species was not found on the project site. No suitable habitat for this species occurs on the site due to historic agricultural activities, recent periodic disking of the site, and the predominance of sparse, low quality and non-native vegetation.

Table 4.3-1 (cont.): Special Status Plant Species

Species		Status			Preferred Habitat	Life Form	Blooming Period	Potential to Occur / Known Occurrence / Suitable Habitat
Scientific Name	Common Name	USFWS	CDFG	CNPS				
<i>Caulanthus californicus</i>	California jewelflower	FE	CE	1B	Found in shadscale scrub, valley and foothill grasslands, and pinyon-juniper woodland.	Annual Herb	February-May	Not Likely to Occur - Not Present. This species was not found on the project site. No suitable habitat for this species occurs on the site due to historic agricultural activities, recent periodic disking of the site, and the predominance of sparse, low quality and non-native vegetation.
<i>Cirsium crassicaule</i>	slough thistle	—	—	1B	Found in meadows and seeps.	Annual or Perennial Herb	May-August	Not Likely to Occur - Not Present. This species was not found on the project site. No suitable habitat for this species occurs on the site due to historic agricultural activities, recent periodic disking of the site, and the predominance of sparse, low quality and non-native vegetation.
<i>Delphinium recurvatum</i>	recurved larkspur	—	—	1B	Found in poorly drained, fine alkaline soils in valley and foothill grasslands.	Perennial Herb	March-May	Not Likely to Occur - Not Present. This species was not found on the project site. No suitable habitat for this species occurs on the site due to historic agricultural activities, recent periodic disking of the site, and the predominance of sparse, low quality and non-native vegetation.

Table 4.3-1 (cont.): Special Status Plant Species

Species		Status			Preferred Habitat	Life Form	Blooming Period	Potential to Occur / Known Occurrence / Suitable Habitat
Scientific Name	Common Name	USFWS	CDFG	CNPS				
<i>Layia Munzii</i>	Munz' tidy-tips	—	—	1B	Found in shadscale scrub, valley and foothill grasslands, meadows and seeps, and riparian scrub.	Annual herb	March-April	Not Likely to Occur - Not Present. This species was not found on the project site. No suitable habitat for this species occurs on the site due to historic agricultural activities, recent periodic disking of the site, and the predominance of sparse, low quality and non-native vegetation.
U.S. Fish and Wildlife Service FE Federal Endangered		California Department of Fish and Game CE California Endangered			California Native Plant Society 1B Plants rare, threatened, or endangered in California and elsewhere.			
<p>Not Likely to Occur - Not Present - This species was not observed or otherwise detected on the project site, and it is improbable that this species would be found on the project site. There are no present or historical records of the species occurring on or in the immediate vicinity (within 3 miles) of the project site and the diagnostic habitats strongly associated with the species do not occur on or in the immediate vicinity of the site.</p> <p>Low Potential to Occur - There is a historical record of the species in the vicinity of the project site and potentially suitable habitat on site, but existing conditions (e.g. density of cover, prevalence of non-native species, evidence of disturbance, limited habitat area, isolation) substantially reduce the possibility that the species may occur. The site is above or below the recognized elevation limits for this species.</p> <p>Moderate Potential to Occur - The diagnostic habitats associated with the species occur on or in the immediate vicinity of the project site, but there is not a recorded occurrence of the species within the immediate vicinity (within three miles). Some species that contain extremely limited distributions may be considered moderate, even if there is a recorded occurrence in the immediate vicinity.</p> <p>High Potential to Occur - There is both suitable habitat associated with the species and a historical record of the species on or in the immediate vicinity of the project site (within 3 miles).</p> <p>Species Present - The species was observed on the project site at the time of the survey or during a previous biological survey.</p> <p>Source: Michael Brandman Associates, 2010.</p>								

Wildlife

Wildlife species observed or detected during the field survey were characteristic of the existing conditions. A complete list of wildlife species observed onsite can be found in the biological evaluation located in ~~Draft~~ [Final](#) SEIR Appendix E, Biological Resources. There were seven recognized sensitive wildlife species identified in the 2007 and 2010 literature reviews as potentially occurring in the general area of the Wasco Center site. One additional recognized sensitive wildlife species (San Joaquin pocket mouse) was identified in the 2010 literature review as potentially occurring in the general area of the project site. Each of the sensitive species' status, habitat preference, potential to occur on the site, and if the species was present during the 2007 field survey are depicted in Table 4.3-2. Following is a discussion of each of the eight wildlife species.

Table 4.3-2: Special Status Wildlife Species

Species		Status			Required Habitat	Potential to Occur / Known Occurrence / Suitable Habitat
Scientific Name	Common Name	Federal	State	Other		
Reptiles and Amphibians						
<i>Gambelia Sila</i>	Blunt-nosed leopard lizard	FE	SE	—	Open saltbush scrub and grassland habitats, roads, and open washes.	Low Potential to Occur. No individuals were observed on the project site during the 2007 field survey. According to the 2007 and 2010 CNDDDB searches, historical records for this species occur within 3.5 miles of the project site. Based on the 2007 field survey, the only marginal habitat located on the Wasco Center site occurred east of the future planned alignment of Central Avenue adjacent to a residential use and near debris piles. The 17-acre project site has been used for agriculture and lacks habitat for the species. Based on a review of a 2010 aerial photograph, the residence and debris piles have been removed and the area surrounding the previous location of the residence, that included the marginal habitat, has been graded and the habitat removed. Based on the removal of the marginal habitat east of the 17-acre project site, this species has a low potential to occur on the project site.
<i>Phrynosoma coronatum</i>	Coast (California) horned lizard	—	—	CDFG: CSC	Open saltbush scrub and grassland habitats, roads and open washes.	Low Potential to Occur. According to the 2007 and 2010 CNDDDB searches, this species potentially occurs in the general area of the project site; however, no occurrence of this species is listed in the vicinity of the project site. Based on the 2007 field survey, only marginal, low quality habitat exists along the borders of the project site. Therefore, this species is considered to have a low potential to occur on the project site.

Table 4.3-2 (cont): Special Status Wildlife Species

Species		Status			Required Habitat	Potential to Occur / Known Occurrence / Suitable Habitat
Scientific Name	Common Name	Federal	State	Other		
Birds						
<i>Athene cunicularia</i>	Burrowing owl	—	—	CDFG: CSC	(Burrow sites) Open, dry annual or perennial native grasslands, sparse deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably the California ground squirrel.	Moderate Potential to Occur. No individuals were observed on the project site during the 2007 field survey. However, according to the 2007 and 2010 CNDDDB searches, historical records for this species occur within 5 miles of the project site. Based on the 2007 field survey, potential foraging and nesting habitat for burrowing owl exists along the outer edges of the project site.
<i>Toxostoma lecontei</i>	Le Conte's thrasher	—	—	CSC	(Nesting) Breeds in sparse riparian stands, juniper-sage flats, and oak savannahs. Primarily associated with riparian habitat adjacent to suitable grassland, alfalfa, or grain fields for foraging.	Not Likely to Occur - Not Present. Although this species potentially occurs in the general area of the project site, the project site occurs well outside the known range of the species and no quality habitat occurs onsite. Therefore, this species is considered absent from the site.
Mammals						
<i>Ammospermophilus nelsoni</i>	San Joaquin antelope squirrel	—	ST	—	Saltbush scrub and sink scrub communities in the Tulare Lake Basin of the southern San Joaquin Valley. Requires friable soils for burrowing substrate. Burrows at the base of shrubs in areas that escape seasonal flooding.	Low Potential to Occur. According to the 2007 and 2010 CNDDDB searches, this species potentially occurs in the general area of the project site; however, no occurrence of this species is listed in the vicinity of the project site. Because only marginal, low quality habitat exists along the borders of the project site, this species is considered to have a low potential to occur on the project site.

Table 4.3-2 (cont): Special Status Wildlife Species

Species		Status			Required Habitat	Potential to Occur / Known Occurrence / Suitable Habitat
Scientific Name	Common Name	Federal	State	Other		
<i>Dipodomys nitratoides nitratoides</i>	Tipton kangaroo rat	FE	SE	—	Saltbush scrub and sink scrub communities in the Tulare Lake Basin of the southern San Joaquin Valley. Requires friable soils for burrowing substrate. Burrows at the base of shrubs in areas that escape seasonal flooding.	Low Potential to Occur. According to the 2007 and 2010 CNDDDB searches, no occurrence of this species is listed in the vicinity of the project site. Because only marginal, low quality habitat exists along the borders of the project site, this species is considered to have a low potential to occur on the project site.
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	FE	ST	—	Annual grasslands or grassy open stages with scattered sparse shrubby vegetation. Requires loose-textured sandy soils for burrowing and suitable prey base.	High Potential to Occur. No individuals were observed on the project site during the 2007 field survey. However, according to the 2007 and 2010 CNDDDB searches, historical records for this species occur within 3.5 miles of the project site. Potential sign was found within the 112-acre Wasco Center site during the 2007 field survey. A specific location of the sign was not identified and could have been located on the 17-acre project site. Therefore, this species is considered to have a high potential to occur on the 17-acre project site.
<i>Perognathus inornatus inornatus</i>	San Joaquin pocket mouse	—	—	BLM-Sensitive	Coastal scrub and valley and foothill grasslands.	Not Likely to Occur - Not Present. Although this species potentially occurs in the general area of the project site, there is a lack of habitat on the project site, and therefore, this species is not likely to occur on the project site.
Federal FE Federal Endangered				State SE State Endangered ST State Threatened		Other CDFG:SC California Species of Special Concern BLM-Sensitive Bureau of Land Management Sensitive Species

Table 4.3-2 (cont): Special Status Wildlife Species

Species		Status			Required Habitat	Potential to Occur / Known Occurrence / Suitable Habitat
Scientific Name	Common Name	Federal	State	Other		
<p>Not Likely to Occur - Not Present - This species was not observed or otherwise detected on the project site, and it is improbable that this species would be found on the project site. There are no present or historical records of the species occurring on or in the immediate vicinity (within 3 miles) of the project site and the diagnostic habitats strongly associated with the species do not occur on or in the immediate vicinity of the site.</p> <p>Low Potential to Occur - There is a historical record of the species in the vicinity of the project site and potentially suitable habitat on site, but existing conditions (e.g. density of cover, prevalence of non-native species, evidence of disturbance, limited habitat area, isolation) substantially reduce the possibility that the species may occur. The site is above or below the recognized elevation limits for this species.</p> <p>Moderate Potential to Occur - The diagnostic habitats associated with the species occur on or in the immediate vicinity of the project site, but there is not a recorded occurrence of the species within the immediate vicinity (within three miles). Some species that contain extremely limited distributions may be considered moderate, even if there is a recorded occurrence in the immediate vicinity.</p> <p>High Potential to Occur - There is both suitable habitat associated with the species and a historical record of the species on or in the immediate vicinity of the project site (within 3 miles).</p> <p>Species Present - The species was observed on the project site at the time of the survey or during a previous biological survey.</p> <p>Source: Michael Brandman Associates, 2010.</p>						

Blunt-nosed leopard lizard (*Gambelia sila*). This species is listed as a federal endangered and state endangered species. The blunt-nose leopard lizard inhabits sparsely vegetated plains, alkali flats, low foothills, grasslands, canyon floors, large river washes, and arroyos. Instead of excavating their own burrows, this species seeks cover in mammal burrows and under shrubs or structures. Based on the 2007 and 2010 CNDDDB searches, historical records for this species exist within 3.5 miles of the project site. Based on the 2007 field survey, the only marginal habitat located on the Wasco Center site occurred east of the future planned alignment of Central Avenue adjacent to a residential use and near debris piles. The 17-acre project site has been used for agriculture and lacks habitat for the species. Based on a review of a 2010 aerial photograph, the residence and debris piles have been removed and the area surrounding the previous location of the residence, that included the marginal habitat, has been graded and the habitat removed. Based on the removal of the marginal habitat east of the 17-acre project site, this species has a low potential to occur on the project site.

Coast (California) horned lizard (*Phrynosoma coronatum*). This species is listed as a California species of special concern. This species requires the presence of scattered shrubs and low to moderate ground cover of grasses and forbs. Based on the 2007 field survey, only marginal, low quality habitats exist along the borders of the project site. Therefore, this species is considered to have a low probability of occurring on the project site.

Burrowing owl (*Athene cunicularia*). This species is listed as a California species of special concern. Burrowing owls are yearlong residents of shortgrass prairies, grasslands, lowland scrub, agricultural lands (particularly rangelands), prairies, coastal dunes, desert floors, and some artificial and open areas. This species requires large open expanses of sparsely vegetated areas on gently rolling or level terrain with an abundance of active small mammal burrows. They primarily use modified rodent or other small mammal burrows for roosting and nesting cover. When burrows are scarce, they may use manmade structures such as openings beneath cement or asphalt pavement, pipes, culverts, and nest boxes.

Based on the 2007 field survey, potential foraging and nesting habitat for burrowing owls exist along the perimeter of the orchards found on and near the project site and within the cleared area north of the project site. No sign of burrowing owl was detected during the 2007 field survey. However, ground squirrel activity was detected onsite during the 2007 field survey and historical records reviewed during the 2007 and 2010 CNDDDB searches for burrowing owl species depicted that these species exist within five miles of the site.

Le Conte's thrasher (*Toxostoma lecontei*). This species is listed as a California Species of Special Concern. Based on the 2007 and 2010 CNDDDB searches, this species potentially occurs in the general area of the project site; however, this species is restricted to the southwestern corner of the San Joaquin Valley in the Taft-Maricopa area. Because the project site occurs well outside the known range of the Le Conte's thrasher and no habitat exists onsite, this species is considered absent from the project site.

San Joaquin antelope squirrel (*Ammospermophilus nelsoni*). This species is listed as a state threatened species. This species requires the presence of scattered shrubs and low to moderate ground cover of grasses and forbs. Because only marginal, low quality habitats exist along the borders of the project site, this species is considered to have a low probability of occurring on the project site.

Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*). This species is listed as a federal endangered and state endangered species. This species requires the presence of scattered shrubs and low to moderate ground cover of grasses and forbs. Because only marginal, low quality habitats exist along the borders of the project site, this species is considered to have a low probability of occurring on the project site.

San Joaquin kit fox (*Vulpes macrotis mutica*). This species is listed as a federal endangered and state threatened species. It occurs in native valley and foothill grasslands and chenopod scrub communities of the valley floor and surrounding foothills from southern Kern County north to Los Baños, Merced County. According to the 2007 and 2010 CNDDDB searches, historical records for this species occur within 3.5 miles of the project site. Potential sign was found on the 112-acre Wasco Center site during the 2007 field survey. A specific location of the sign was not identified and could have been located on the 17-acre project site. The potential sign that was found included the presence of burrows, scat, and partial carcass.

San Joaquin pocket mouse (*Perognathus inomatus inomatus*). Based on the 2010 CNDDDB search, this species is listed as a Bureau of Land Management (BLM) sensitive species. Therefore, when this species is located on federal land that is managed by the BLM, this species is considered sensitive. Since the 112-acre Wasco Center including the 17-acre project site is not managed by the BLM, this species would not be considered sensitive on the project site. In addition, this species occurs in coastal scrub and the valley and foothill grassland communities. Because these plant communities are not present on the Wasco Center site, there is a low potential for the San Joaquin pocket mouse to occur on the Wasco Center site, including the project site.

4.3.3 - Regulatory Setting

Federal Regulations

The USFWS administers the FESA, which provides a process for listing species as either threatened or endangered, as well as methods of protecting listed species. Section 9 of the FESA prohibits “take” of threatened or endangered species. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, as well as any attempt to engage in such conduct. Take can include disturbance to habitats used by a threatened or endangered species during any portion of its life history. The presence of any federally threatened or endangered species in a project area generally imposes constraints on development, particularly if development would result in take of the species or its habitat. Under the regulations of the FESA, the USFWS may authorize take when it is incidental to, but not the purpose of, an otherwise lawful act. Under § 10(a) of the FESA, Habitat

Conservation Plans (HCPs) may be adopted which in turn provide incidental take authorization for species covered by the applicable HCP.

The Migratory Bird Treaty Act (MBTA) protects all common wild birds found in the United States except the house sparrow, starling, feral pigeon, and resident game birds such as pheasant, grouse, quail, and wild turkey. Resident game birds are managed separately by each state. The MBTA makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird including feathers, parts, nests, or eggs.

State Regulations

CEQA requires that projects that could result in adverse affects to biological resources be evaluated in terms of the significance of their impacts. Under CEQA, an analysis determining the significance of impacts to plants, wildlife and their habitats, as well as impacts to sensitive natural communities such as riparian habitat and oak woodland, is required.

The CDFG administers CESA, which includes Fish & Game Code §§ 2050 - 2068, and provides policy for the protection of plant and wildlife species and their habitat in California. CESA and the Fish & Game Code establish separate categories of protection that generally define the degree to which a sensitive resource is endangered, threatened by endangerment, or otherwise at risk.

Fish & Game Code § 3503 makes it illegal to destroy any bird's nest or any bird's eggs that are protected under the MBTA. Fish & Game Code § 3503.5 further protects all birds in the orders Falconiformes and Strigiformes (e.g. birds of prey, hawks, owls) and their eggs and nests from any form of take. Section 3511 of the Code lists fully protected bird species, where the CDFG is unable to authorize the issuance of permits or licenses to take.

City of Wasco General Plan

Based on a review of the City of Wasco General Plan, there are objectives and policies within the following elements that address biological resources related issues. Objectives and policies relevant to biological resources are presented below.

Conservation and Open Space Element (Natural Resources)

Objective A Protect natural resources, including groundwater, soils, and air quality, to meet the needs of present and future generations

Policy 6 Promote biological diversity and the use of plant species compatible with the bio-region.

4.3.4 - Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether biological resources impacts are significant environmental effects, the following questions are analyzed and evaluated. Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have 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 California Department of Fish and Game or U.S. Fish and Wildlife Service? (Refer to Section 7, Effects Found Not To Be Significant.)
- 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? (Refer to Section 7, Effects Found Not To Be Significant.)
- 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 wildlife nursery sites? (Refer to Section 7, Effects Found Not To Be Significant.)
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 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? (Refer to Section 7, Effects Found Not To Be Significant.)

4.3.5 - Impact Analysis and Mitigation Measures

Effect on Species

Impact BIO-1:	The proposed Walmart could potentially 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.
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Project Specific Impact Analysis

Plant Communities

One sensitive plant community, Valley saltbrush scrub, was identified in the literature search as having the potential to occur in the general project area. Based on the 2007 field survey, Valley saltbrush scrub is not located on the 112-acre Wasco Center site, including the 17-acre project site. In addition, this vegetation community was not identified during a review of a 2010 aerial photograph. Therefore, the implementation of the proposed Walmart would result in no impact to Valley saltbrush scrub.

Plants

Seven sensitive plant species were identified in the literature review as having the potential to occur on the project site. Based on a review of the habitats that are required for the seven sensitive plant species (heartscale, Earlimart orache, subtle orache, California jewelflower, slough thistle, recurved larkspur, and Munz' tidy-tips) as well as a field survey, the required habitat characteristics for these sensitive species include chenopod scrub, pinyon-juniper woodland, meadows and seeps, riparian scrub, or valley and foothill grassland communities, and these habitats are not present onsite. As the habitat for these species does not occur on site, none of these species are likely to occur on the 112-acre Wasco Center site, including the 17-acre project site. Therefore, the implementation of the proposed Walmart would result in no impact to these sensitive plant species.

Wildlife Species

Although not found during the field survey, the federally endangered and California State threatened San Joaquin kit fox and the California State Species of Special Concern burrowing owl have a high potential and moderate potential, respectively, to occur on the 112-acre Wasco Center site, including the 17-acre project site. This is due to the presence of suitable foraging and nesting habitat for the burrowing owl and to the presence of burrows, scat, and partial carcass of the San Joaquin kit fox. Development of the proposed Walmart could result in a potentially significant impact on the San Joaquin kit fox and the burrowing owl.

Due to the presence of low to marginal required habitat for the remaining six sensitive wildlife species (San Joaquin antelope squirrel, Tipton kangaroo rat, blunt-nosed leopard lizard, Coast [California] horned lizard, Le Conte's thrasher, and the San Joaquin pocket mouse) that potentially occur in the general area of the project site, these species are either not likely to occur or have a low potential to occur on the 112-acre Wasco Center site, including the 17-acre project site. The development of the project site would result in a less than significant impact on these sensitive species.

Cumulative Impact Analysis

Plant Communities

The one sensitive plant community, Valley saltbrush scrub, potentially occurring in the general area of the project site, was determined to be not present on the project site. Therefore, implementation of the proposed Walmart would not contribute to potential cumulative impacts on Valley saltbrush scrub. Thus, the proposed Walmart would result in no cumulative impacts on sensitive plant communities.

Plants

The seven sensitive plant species potentially occur in the general area of the project site were determined not likely to occur on or near the project site. No suitable habitat was found on the project site to support any known sensitive plant species. Therefore, the proposed Walmart would not

contribute to potential cumulative impacts on these seven sensitive plant species. Thus, the proposed Walmart would result in no cumulative impacts on sensitive plant species.

Wildlife

As identified above, implementation of the proposed Walmart could potentially impact the San Joaquin kit fox and the burrowing owl, both sensitive wildlife species. The implementation of the proposed Walmart, in conjunction with cumulative development, could contribute to a potentially significant cumulative impact on these two sensitive species. The proposed Walmart's impact to the San Joaquin kit fox and the burrowing owl are considered cumulatively considerable and therefore significant.

Due to the presence of low to marginal required habitat on the project site for the remaining six sensitive wildlife species (San Joaquin antelope squirrel, Tipton kangaroo rat, blunt-nosed leopard lizard, Coast [California] horned lizard, Le Conte's thrasher, and the San Joaquin pocket mouse) and the proposed Walmart's less than significant impact on these sensitive species, the proposed Walmart's impacts to these species are considered less than cumulatively significant.

Mitigation Measures

Implementation of the following mitigation measures are required to reduce the potential impact from the development of the proposed Walmart to less than significant. The following mitigation measures are conceptually the same measures that were included in the approved Wasco Center MND; however, substantial detail has been included in the measures below.

Project Specific

MM BIO-1a Pre-construction surveys shall include a survey for burrowing owl burrows. A pre-construction survey shall be conducted by a qualified biologist and shall be conducted no later than thirty (30) days prior to any grading or ground disturbing activities. Additional clearance surveys conducted by a qualified biologist shall be again undertaken within fourteen (14) days of initial ground disturbance or grading to ensure that no owls have re-entered the site. Construction or operational activities associated with the features of the proposed Walmart that occur within portions of the project site containing occupied and/or suitable habitat for the burrowing owl burrows shall be restricted to periods outside the breeding season for this species. The breeding season for burrowing owls runs from February 1 through August 31.

If construction or operational activities occur during the breeding season for burrowing owls, surveys are required prior to such construction to determine the presence/absence of this species within the impact area. Focused surveys shall be conducted under CDFG and Burrowing Owl Consortium protocol by a qualified biologist from February 1 to August 31. If this species is determined to occupy any portion of the project site, consultation with the CDFG and USFWS is required and

no construction activity shall take place within 500 feet of an active burrow until it has been determined that the burrow is no longer active, and all juveniles have fledged the burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG.

If active burrowing owl burrows are detected outside the breeding season (September through January), passive and/or active relocation may be approved following consultation with the CDFG and USFWS. The installation of one-way doors may be installed as part of a passive relocation program. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and backfilled to ensure that animals do not reenter the holes/dens.

MM BIO-1b The Standardized Recommendations for Protection of the San Joaquin Kit Fox (1999) requires specified take avoidance measures for the San Joaquin kit fox. The following pre-construction and construction mitigation measures shall be required as conditions of approval:

Pre-Construction Mitigation Measures - Relocation

BIO-1b (a): No later than sixty days (60) days prior to any ground disturbing activities or grading, a pre-construction survey shall be completed by a qualified biologist to determine the continued presence or absence of kit foxes on site. A second survey shall be conducted no more than thirty (30) days prior to the onset of construction or ground disturbing activities. If kit foxes are deemed to be present on site, USFWS shall be immediately contacted telephonically and in writing and circular exclusion zones shall be established around the kit fox dens following consultation with USFWS and consistent with the requirements contained within the USFWS' the Standardized Recommendations for Protection of the San Joaquin Kit Fox (1999).

BIO-1b (b): No later than forty five (45) days prior to any ground disturbing activities or grading, the developer shall contact a qualified biologist holding proper permits and provide approval to that biologist to relocate known kit foxes located on site to relocation areas approved by USFWS.

BIO-1b (c): No later than forty five (45) days prior to any ground disturbing activities or grading, the developer shall contact the ESRP at Stanislaus State University, and shall authorize a qualified biologist working for the ESRP to radio-telemetry collar any known kit foxes located on site, to the extent feasible, to gather data for use in connection with ESRP ecological research programs.

BIO-1b (d): No later than fourteen (14) days prior to any ground disturbing activities or grading, all known dens shall be monitored for at least three (3) consecutive days to ensure that dens are unoccupied prior to den excavation.

BIO-1b (e): No later than five (5) business days prior to the initiation of any ground disturbing activities or grading (Grading Start Date), developer shall notify the Regional Offices of CDFG and USFWS in writing of its intent to destroy unoccupied dens and initiate grading. At this time, Developer shall again authorize qualified representatives of CDFG and USFWS to attempt to relocate known kit foxes, to the extent feasible. If CDFG and USFWS are unable to relocate known kit foxes by the Grading Start Date, Developer shall be required to eliminate known kit fox dens in the manner set forth below:

Pre-Construction Mitigation Measures - Den Destruction

BIO-1b (f): Consistent with the USFWS' the Standardized Recommendations for Protection of the San Joaquin Kit Fox (1999), known kit fox dens located on the project site shall be excavated and destroyed under the direct supervision of a qualified biologist. Prior to the destruction of dens, the dens shall be monitored for at least three (3) consecutive days to determine whether the den is active or dormant. Activity at the den can be monitored by placing tracking medium at den entrances and by spot lighting. If no den activity is observed during this period, the den should be destroyed immediately pursuant to the den destruction procedures set forth below.

BIO-1b (g): Destruction of dens shall be accomplished by careful excavation with hand tools until it is certain that no kit foxes are inside. The den shall be fully excavated and back filled with dirt and compacted to ensure that kit foxes cannot reenter or use the den during the construction period.

BIO-1b (h): If a kit fox is found inadvertently inside a den during excavation, the animal shall be allowed to escape unhindered, or, to the extent feasible, representatives from the ESRP and/or CDFG or USFWS shall be contacted to attempt to relocate and/or collar the kit fox pursuant to the ESRP protocol.

Construction Mitigation Measures

BIO-1b (i): To prevent inadvertent entrapment of kit foxes during the construction phase of the proposed Walmart, all excavated, steep walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Each excavation shall contain at least one ramp, with long trenches at least one ramp shall be placed every .25 mile. Slope of ramps shall be no steeper than 1:1. Before such holes or trenches are filled, they shall be fully inspected for trapped kit foxes. If at any time a trapped or injured kit fox is discovered, representatives from ESRP and/or CDFG or USFWS shall be contacted immediately to attempt to relocate and/or collar the kit fox pursuant to the ESRP

protocol. Escape ramps shall also be installed immediately to allow trapped animals to escape.

BIO-1b (j): All pipes, culverts, or similar structures with a diameter of 4” or greater shall be kept capped or otherwise covered to prevent injury of kit foxes. If such pipes, culverts or similar structures are not capped or otherwise covered, they shall be inspected daily prior to burial or closure to prevent entrapment of kit fox or other sensitive species.

BIO-1b (k): All food, garbage in plastic shall be disposed of in closed containers and regularly removed from the site to minimize attracting kit foxes and other sensitive species to the site.

BIO-1b (l): No dogs, cats, or other animals shall be permitted on the project site.

BIO-1b (m): If rodent control is deemed necessary during construction, a zinc phosphide based rodenticide shall be used.

BIO-1b (n): Developer shall provide a sensitive species identification and avoidance education program for all construction employees that consists of a consultation in which persons knowledgeable in kit fox biology and legislative protection to explain endangered species protocols, habitat needs and the measures and conditions of approval being taken to reduce impacts to the species during construction and implementation of the proposed Walmart. A fact sheet conveying this information shall be prepared for distribution to all contractors, their employees, and any and all other personnel who are working on the construction site.

BIO-1b (o): Night time construction shall be prohibited, excluding interior construction activities within an enclosed building shell. In addition, all construction vehicles shall observe a 20 mph speed limit on the project site and developer shall create established staging, parking and storage areas to ensure the prevention of accidental direct impacts and takes of kit foxes.

Cumulative

No additional mitigation measures are required.

Level of Significance After Mitigation

Project Specific

Less than significant.

Cumulative

Less than significant.

Policies or Ordinances Related to Biological Resources

Impact BIO-2 The proposed Walmart would not conflict with local policies or ordinances regarding biological resources.

Project Specific Impact Analysis

Table 4.3-3 provides a discussion of the Walmart’s consistency with the objectives and policies contained in the City of Wasco General Plan pertaining to biological resources. As discussed in Table 4.3-3, the proposed Walmart would be consistent with all of the relevant biological resources objectives and policies set forth in the General Plan. Therefore, no impacts associated with biological resources objectives and policies would occur with Walmart implementation.

Table 4.3-3: Consistency of the Proposed Walmart with the City of Wasco General Plan

Objectives and Policies	Project Consistency
<i>Conservation and Open Space Element (Natural Resources)</i>	
Objective A. Protect natural resources, including groundwater, soils, and air quality, to meet the needs of present and future generations	With the implementation of the prescribed mitigation measures the proposed Walmart will protect all natural and biological resources, including any sensitive plant or wildlife species found on and around the project site. Therefore, the proposed Walmart is consistent with this objective.
Policy 6. Promote biological diversity and the use of plant species compatible with the bio-region.	An analysis of plant species located onsite has determined that the probability of finding any sensitive species is remote. Upon completion, landscaping of the Walmart will incorporate regional species into landscaping schemes. Therefore, the proposed Walmart is consistent with this policy.
Source: City of Wasco. June 2010. City of Wasco General Plan.	

Cumulative Impact Analysis

Based on the above consistency analysis, the proposed Walmart would not contribute to the potential cumulative impact on the local objectives and policies related to biological resources.

Mitigation Measures

Project-Specific

No mitigation measures are required.

Cumulative

No mitigation measures are required.

Level of Significance After Mitigation

Project-Specific

No impact.

Cumulative

No impact.

