

opportunities for raptors in those areas. The new portions of the routes will provide increased raptor perching opportunities.

New perching opportunities along the proposed route are not expected to affect special status species populations through predation due to their low potential for presence. Indirect impacts from new perch sites on pole or tower support structures for nest parasitism are also unlikely because many perch sites already occur in the existing utility towers and poles within the existing ROW and in trees within the small habitat patches currently supporting riparian-dependent wildlife within the vicinity of the existing ROW.

Wildlife Electrocution

Concerns regarding potential electrocution impacts to wildlife are primarily focused on avian species. An electric circuit (and resultant electrocution) is created when a bird simultaneously touches an energized conductor and the neutral wire or grounded hardware. Most bird electrocutions occur on distribution systems at the relatively lower voltages, due to the closer spacing of the electrical conductors. The new portions of the project will be constructed with energized components (conductors) and grounding structures in excess of 8 feet apart, effectively preventing most local or migratory bird species from extending their maximum wingspan to simultaneously contact a conductor and a ground wire to complete the electrical circuit. The reconductoring and upgrading of the Big Creek-Rector lines will require the construction of new tubular steel structures with sufficient spans and similar safeguards to prevent injuries or fatalities. Therefore, there is very low risk of electrocution from the upgrading of these existing lines.

Applicant Proposed Measures (APM's) (Preferred Alternative – Route 1)

SCE proposes the following APMs to avoid, minimize, correct, reduce, or eliminate impacts to special status species, or to compensate for impacts to wildlife and plant habitat. These measures will be applied throughout the project area.

APM -01 Preconstruction surveys. Preconstruction biological clearance surveys will be performed to minimize impacts to special-status plants and wildlife.

APM-02. Minimize vegetation impacts. Every effort will be made to minimize vegetation removal and permanent loss at construction sites. Specific protocol methods that will be employed include, pre-construction and focused species surveys, report documentation, resource monitoring, avoidance, minimization of impacts to sensitive plant species to the extent feasible, construction crew training and Best Management Practices for erosion control.

APM-03. Avoid impacts to state and federal jurisdiction wetlands. Construction crews will avoid impacting the streambeds and banks of streams along the route to the extent possible by spanning them. If necessary, a Streambed Alteration Agreement (SAA) will be secured from the CDFG and Clean Water Act Section 404 and 401 permits from the U.S. Army Corps of Engineers and Regional Water Quality Control Board, respectively. Impacts will be minimized or mitigated based on consultation with the

resource agencies and the terms of the permits. Jurisdictional streams with flowing water capable of supporting special status species are expected to be impacted by the proposed project (Alternative 1).

APM-04. BMPs. Crews will be directed to use Best Management Practices (BMPs) where applicable. These measures will be identified prior to construction and incorporated into the construction operations.

APM-05. Biological monitors. Biological monitors will be assigned to the project in areas containing sensitive biological resources. The monitors will be responsible for ensuring that impacts to special status species, native vegetation, wildlife habitat, or unique resources will be avoided to the fullest extent possible. Where appropriate, monitors will flag the boundaries of areas where activities need to be restricted in order to protect native plants and wildlife or special status species. Those restricted areas will be monitored to ensure their protection during construction.

APM-6. Worker Environmental Awareness Program. A Worker Environmental Awareness Program (WEAP) will be prepared. All construction crews and contractors will be required to participate in WEAP training prior to starting work on the project. The WEAP training will include a review of the special status species and other sensitive resources that could exist in the project area, the locations of sensitive biological resources and their legal status and protections, and measures to be implemented for avoidance of these sensitive resources. A record of all trained personnel will be maintained.

APM-7. Avoid impacts to active nests. SCE will conduct project-wide raptor surveys and remove trees, if necessary, outside of the nesting season (nesting season is usually February 1 to August 31). If a tree or pole containing a raptor nest must be removed during nesting season, or if work is scheduled to take place in close proximity to an active nest on an existing transmission tower or pole, SCE will coordinate with the CDFG and USFWS and obtain approval prior to moving the nest.

APM-9. Avian protection. All transmission and subtransmission towers and poles will be designed to be raptor-safe in accordance with the Suggested Practices for Raptor Protection on Power Lines: the State of the Art in 2006 (Avian Power Line Interaction Committee, 2006).

7.0 Proposed Biological Mitigation Measures

After an analysis of the data gathered from the research and preliminary on-site field surveys, it is concluded that the project, as presently proposed, could potentially impact some sensitive biological resources (species and habitats) that are known to occur in the region if no mitigation measures are employed. After further consultations with the project managers and the public regulatory agencies more specific measures will be developed, however the measures described should be employed as they apply to the proposed project. In addition, it is understood that more specific comprehensive field

surveys will be performed in the project area immediately prior to any construction activities to obtain the most relevant data available. This additional information will allow for the refinement of a more detailed mitigation workscope.

If these ultimate recommendations and mitigation measures are followed, no significant or long term impacts to the described biological resources are expected from this project as it is presently proposed.

7.1 Biological Mitigation Measure – 01: SJKF Mitigation Measures

The recommended mitigation measures herein are the Construction and Operational Requirements of the Standardized Recommendations for Protection of San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 1999). These measures apply only to the current alternative during the construction- operation of the project. Incorporating these guidelines into the proposed project is not the only action required under the Endangered Species Act of 1973, as amended. The USFWS will determine the full range of requirements that apply to the project during the early evaluation process. A take authorization/permit issued by the USFWS during the early evaluation process may incorporate some or all of the protection measures following. The take/authorization permit may include measures specific to the needs of the project, and those requirements supersede any requirements found in this proposal.

- a. Habitat subject to permanent and temporary construction disturbances and other types of project-related disturbance should be minimized. Project designs should limit or cluster permanent project features to the smallest area possible while still permitting project goals to be achieved. To minimize temporary disturbances, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas should also be included in pre-construction surveys and, to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts.
 - 1) Project-related vehicles should observe a 20-mph speed limit in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. To the extent possible, night-time construction should be minimized. Off-road traffic outside of designated project areas should be prohibited.
 - 2) To prevent inadvertent entrapment of kit foxes or other animals during the construction-phase of a project, all excavated, steep-walled holes or trenches more than 2 feet deep should 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. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under number 13 of this section must be followed.
 - 3) Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures

with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.

- 4) All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in closed containers and removed at least once a week from a construction or project site.
- 5) No firearms shall be allowed on the project site.
- 6) To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, not pets should be permitted on project sites. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the US Environmental Protection Agency, CA Dept. of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of proven lower risk to kit fox.
- 7) A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual. The representative will be identified during the employee education program. The representative's name and telephone number shall be provided to the USFWS.
- 8) An employee education program should be conducted for any project that has expected impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and agency personnel involved in the project. The program should include the following: a description of the San Joaquin kit fox and its habitat need; and report of the occurrence of kit fox in the project area; and explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the above-mentioned people and anyone else who may enter the project site.
- 9) Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be re-contoured if necessary, and revegetated to promote restoration of the area to

pre-project conditions. An area subject to “temporary” disturbance means any area that has potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the USFWS, CA Dept. of Fish and Game, and revegetation experts.

- 10) In case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for advice. Any contractor, employee, or military or agency personnel who inadvertently kill or injures and SJKF shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.
- 11) The Sacramento Fish and Wildlife Office and CDFG will be notified in writing within three working days of the accidental death or injury to a SJKF during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at 2800 Cottage Way, Suite W2605, Sacramento, CA 95825-1846. The CDFG contact is Mr. Ron Schorloff at 1416 9th Street, Sacramento, CA 95814, (916) 654-4262.

7.2 Biological Mitigation Measure – 02: Burrowing Owls

A preconstruction survey will be required for those Project components within suitable burrowing owl habitat. Any open space areas that are not under intensive agriculture or development should be considered burrowing owl habitat, as the species is known to occur throughout the region. The preconstruction surveys should be conducted no more than 30 days prior to ground-disturbing activities. Potential burrows that are identified and determined to be unoccupied outside of the nesting season will be collapsed to avoid project construction impacts to the species during nesting season.

If burrowing owls are observed within the Project area, an avoidance area will need to be staked where burrowing owls and their burrows are located. No disturbance should occur within approximately 160 feet of occupied burrows during the non-breeding season of September 1 through January 31, or within approximately 250 feet during the breeding season of February 1 through August 31.

Where the avoidance areas cannot be fully implemented, SCE will consult with CDFG to address potential impacts to burrowing owls. An appropriate relocation strategy would be developed in conjunction with CDFG and may include the following measures:

1. Occupied burrows will not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from occupied burrows are foraging independently and are capable of independent survival. When destruction of occupied burrows is unavoidable, existing unsuitable burrows will be enhanced (enlarged or cleared of debris) or

- new burrows created (by installing artificial burrows) at a ratio of 2:1 on conserved lands nearby. If owls must be moved away from the disturbance area, passive relocation techniques will be used, rather than trapping. At least one week will be necessary to accomplish this and allow the owls to acclimate to alternate burrows.
2. Passive relocation with one-way doors: Owls are excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. One-way doors (e.g. modified dryer vents) will be left in place 48 hours to insure owls have left the burrows before excavation. Two natural or artificial burrows will be provided for each burrow in the project area that will be rendered unsuitable for use. The project area will be monitored daily for one week to confirm that owls are using the new burrows, before excavating burrows in the impact zone. Whenever possible, each burrow will be excavated using hand tools and refilled to prevent reoccupation. Section of flexible plastic pipe will be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.
 3. Passive relocation without one-way doors: Two natural or artificial burrows will be provided for each burrow in the project area that will be rendered unsuitable for use. The project area will be monitored daily until the owls have relocated to the new burrows. The formerly occupied burrows may then be excavated. Whenever possible, each burrow will be excavated using hand tools and refilled to prevent reoccupation. Section of flexible plastic pipe will be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.

7.3 Biological Mitigation Measure – 03: Valley Oaks

Complete avoidance and temporary fencing should be utilized a minimum of 50 feet outside the “drip line” of any valley oaks (*Quercus lobata*) present in the project area. The guidelines of the Visalia Oak Ordinance (M.C Section 12.24.010, see Appendix) should be followed rigorously for the portions of the project that fall within the City limits. In addition, the State of California has passed legislation adding Section 21083.4 the Public resources Code. This section is a result of Senate Bill 1334 that was passed in 2004, and is commonly called the “Oak Woodlands Conservation Act”. The valley oaks that are not within the city limits probably are covered under this Act as per CEQA requirements and similar mitigation measures should be employed on them.

7.4 Biological Mitigation Measure - 04: Elderberries

Elderberries (*Sambucus mexicana*) occur at scattered locations throughout the general project area. The elderberry avoidance guidelines of the United States Fish and Wildlife Service (USFWS, 1999) should be followed. At a minimum, all ground disturbing activities should be avoided within 15 feet of any mature elderberries with basal stem diameters of one inch or greater. If elderberry plants with stems having a diameter of 1 inch or greater cannot be avoided, the USFWS will be consulted to develop mitigation measures appropriate to the type of impact.

8.0 Project Alternatives

All of the mitigation measures described above for the proposed route also will apply to the alternative routes, if they are selected in the future. In addition, the following mitigation measures, described below, will have to be employed based upon the current available information specific to those routes. These additional measures are necessary because the existing data conclusively documents the presence of additional listed and sensitive plant and wildlife species and critical habitats in or near to the two alternative routes.

Further field studies would likely augment the existing information in these and possibly other sites along these two alternate routes due to the presence of the suitable habitats capable of supporting these species. Also, it is likely that additional regulatory and permitting requirements will have to be explored and implemented on these alternate routes due to the presence of wetlands and jurisdictional drainages “Waters of the U.S.” that cannot be completely avoided. These resources will require consultations and regulatory permitting actions by the U.S. Army Corps of Engineers and Regional Water Quality Control Board. The documented presence of state and federal listed threatened endangered species in these described habitats will also require similar actions by the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS).

8.1 Alternative 2

Alternative 2 has a greater likelihood of impacting sensitive biological resources compared to the proposed project because more area along the route is undeveloped. However, Alternative 2 is likely to have fewer impacts to sensitive biological resources than Alternative 3 based on the available information and limited habitat assessment conducted for this study. This Alternative 2 will require approximately 12 miles of new right of way and associated access roads. The last eight miles of this route includes less-developed grazing lands over hilly terrain with the last three miles comprising the foothills of the Sierra Nevada Mountains. The lesser developed condition of the land along this route increases the potential for sensitive biological resources to be present and in turn be impacted by the project. This alternative crosses through federally designated critical habitat for the San Joaquin orcutt grass and the Hoover’s spurge. Vernal pool habitats in the Spring Gap and other eastern segments of the route could potentially support several listed species of vernal pool shrimp, the California tiger salamander, Hoover’s spurge and San Joaquin orcutt grass.

In addition to the mitigation measures for the proposed project Alternative 2 will require specific protocol surveys for the listed wildlife species and focused surveys for the listed plants species associated with vernal pool habitats. If found, consultation with the CDFG and USFWS will necessary to determine any additional mitigation measures required as a result of project impacts. Although uncertain at this time, impacts to vernal pool habitats or jurisdictional drainages resulting from the construction of Alternative 2 will likely

require a CDFG 1602 Streambed Alteration Agreement, Regional Water Quality Control Board Clean Water Act (CWA) Section 401 Certification and a U.S. Army Corps of Engineers CWA Section 404 Permit.

8.2 Alternative 3

Of the three alternatives, the Alternative 3 Route is anticipated to have the greatest potential of having significant impacts to biological resources, based on preliminary habitat assessment surveys, conducted to date. This alternative crosses through the California Department of Fish and Game Stone Corral Ecological Preserve as well as two areas of critical habitat for vernal pool crustacean and plant species. Alternative 3 will require approximately 10 miles of new right of way and access roads through the Sierra Nevada Foothills. The sloping topography and less developed condition of land along this route increases the potential to impact sensitive plant communities, wildlife and riparian areas along this route, compared with the other two alternatives. Particular plant communities that would likely be affected along this route include the blue oak woodlands, valley mixed and sycamore riparian woodlands.

In addition to the mitigation measures for the proposed project Alternative 3 will likely require specific protocol surveys for vernal pool shrimp species, the California tiger salamander, and the Hoover' spurge over a minimum two-year period and subsequent consultation with CDFG and USFWS for potential impacts to these species. Alternative 3 is also likely to impact at least one jurisdictional drainage from the construction the access road requiring the CDFG 1602 Streambed Alteration Agreement, Regional Water Quality Control Board Clean Water Act (CWA) Section 401 Certification and a U.S. Army Corps of Engineers CWA Section 404 Permit.

4.4.6 References

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**APPENDIX 1: Plant And Wildlife Species Observed During Project Surveys To
Date On All 3 Routes**

Common Name	Scientific Name
<i>Plants</i>	
Horsetail	<i>Equisetum arvense</i>
Coffee fern	<i>Pellaea andromedifolia</i>
Bird Foot Fern	<i>Pellaea mucronata</i>
Pallid Back Fern	<i>Pentogramma pallida</i>
Gold Back Fern	<i>Pentogramma triangularis</i>
Spike Moss	<i>Selaginella hansenii</i>
Sour berry	<i>Rhus trilobata</i>
Poison oak	<i>Toxicodendron diversilobum</i>
Poison hemlock	<i>Conium maculatum</i>
Wild carrot	<i>Daucus pusillis</i>
Spiny sepaed button celery	<i>Eryngium spinosepalum</i>
lomatium	<i>Lomatium dissectum</i>
lomatium	<i>Lomatium marginatum</i>
sanicle	<i>Sanicula bipinnatifida</i>
Large sanicle	<i>Sanicula crassicaulis</i>
periwinkle	<i>Vinca major</i>
Dutchman pipevine	<i>Aristolochia hartwegii</i>
Heart milkweed	<i>Asclepias cordifolia</i>
CA milkweed	<i>Asclepias californica</i>
Smooth mikweed	<i>Asclepias eriocara</i>
Mexican milkweed	<i>Asclepias fascicularis</i>
yarrow	<i>Achillea millefolium</i>
Blow wives	<i>Achyrachaena mollis</i>
dandelion	<i>Agoseris heterophylla</i>
Mtn. dandelion	<i>Agoseris retrorsa</i>
everlasting	<i>Anaphalis margaritacea</i>
Brickellia	<i>Brickellia californica</i>
tarweed	<i>Calycadenia mollis</i>
Italian thistle	<i>Carduus pycnocephalus</i>
Smooth dandelion	<i>Chaenactis glaberiscula</i>
Pineapple weed	<i>Chamomilla suaveolens</i>
CA thistle	<i>Cirsium occidentale</i>
horseweed	<i>Conyza canadensis</i>
Foothill aster	<i>Corethrogyne filaginifolia</i>
Golden yarrow	<i>Eriophyllum confertifolium</i>
filago	<i>Filago californica</i>
CA cudweed	<i>Gnaphalium californicum</i>
	<i>Grindelia camporum</i>

Annual sunflower	<i>Helianthus annuus</i>
Spikeweed	<i>Hemizonia pungens</i>
Teleraph weed	<i>Heterotheca grandiflora</i>
Showy hulsea	<i>Hulsea heterochroma</i>
Cats ear	<i>Hypochaeris glabra</i>
Prickly lettuce	<i>Lactuca serriola</i>
Goldfields	<i>Lasthenia californica</i>
Tidy tips	<i>Layia fremontii</i>
Lessingia	<i>Lessingia nemoclada</i>
Elegant madia	<i>Madia elegans</i>
CA micropus	<i>Micropus californicus</i>
Microseris	<i>Microseris linearifolia</i>
Bush butterweed	<i>Senecio douglassii</i>
Groundsel	<i>Senecio vulgaris</i>
Sow thistle	<i>Sonchus oleraceus</i>
Skeleton weed	<i>Stephanomeria exigua</i>
Dandelion	<i>Taraxacum officinale</i>
White alder	<i>Alnus rhombifolia</i>
Large fiddleneck	<i>Amsinckia eastwoodiae</i>
Intermediate fiddleneck	<i>Amsinckia menziesii intermedia</i>
Samall fiddleneck	<i>Amsinckia menziesii menziesii</i>
Cryptantha	<i>Cryptantha muricata</i>
Hounds tongue	<i>Cynoglossum grande</i>
Arizona popcorn flower	<i>Plagiobothrys arizonicus</i>
CA popcorn flower	<i>Plagiobothrys nothofulvus</i>
Small popcorn flower	<i>Plagiobothrys tenellus</i>
Tower mustard	<i>Arabis glabra</i>
Sparse arabis	<i>Arabis sparsiflora</i>
Athysanus	<i>Athysanus pusillus</i>
Water mustard	<i>Barbarea orthoceras</i>
Black mustard	<i>Brassica nigra</i>
Wild mustard	<i>Brassica rapa</i>
Shepherd purse	<i>Capsella bursa-pastoris</i>
Cardamine	<i>Cardamine californica</i>
Spring draba	<i>Draba verna</i>
wallflower	<i>Erysimum capitatum</i>
Mustard	<i>Herschfeldia incana</i>
Pepperweed	<i>Lepidium nitidum</i>
Wild radish	<i>Raphanus sativus</i>
Wild tansy	<i>Sisymbrium altissimum</i>
Tumbling mustard	<i>Sisymbrium officinale</i>
Diverse jewelflower	<i>Streptanthus diversifolius</i>
CA jewelflower	<i>Streptanthus tortuosus</i>
Fringe pod	<i>Thysanocarpus curvipes</i>
Twining honeysuckle	<i>Lonicera interrupta</i>

Elderberry	<i>Sambucus mexicana</i>
Mouse ear	<i>Cerastium glomeratum</i>
Minuartia	<i>Minuartia californica</i>
Minuartia	<i>Minuartia douglasi</i>
Sagina	<i>Sagina apetala</i>
Windmills	<i>Silene gallica</i>
Pink spurrey	<i>Sperularia rubra</i>
Chickweed	<i>Stellaria media</i>
Stellaria	<i>Stellaria nitens</i>
Woolly morning glory	<i>Calystegia malacophylla</i>
CA morning glory	<i>Calystegia occidentalis</i>
Bindweed	<i>Convolvulus arvensis</i>
Pygmy plant	<i>Crassula connata</i>
Live forever	<i>Dudleya cymosa</i>
Parvisedum	<i>Parvisedum congdonii</i>
Wild cucumber	<i>Marah horridus</i>
Manzanita	<i>Arctostaphylos viscida</i>
Doveweed	<i>Eremocarpus setigerus</i>
Locoweed	<i>Astragalus congdonii</i>
Small astragalus	<i>Astragalus gambelianus</i>
Red Bud	<i>Cercis occidentalis</i>
Small lotus	<i>Lotus micranthus</i>
Range trefoil	<i>Lotus pushianus</i>
Deerweed	<i>Lotus scoparius</i>
Lotus	<i>Lotus strigosus</i>
Lotus	<i>Lotus wrangelianus</i>
Beaked lupine	<i>Lupinus albicaulis</i>
Bush lupine	<i>Lupinus albifrons</i>
Spider lupine	<i>Lupinus benthamii</i>
Bicolor lupine	<i>Lupinus bicolor</i>
Small lupine	<i>Lupinus microcarpus</i>
Rosy clover	<i>Trifolium hirtum</i>
Wild clover	<i>Trifolium variegatum</i>
Tomcat clover	<i>Trifolium willdenovii</i>
Vetch	<i>Vicia americana</i>
Vetch	<i>Vicia villosa</i>
Blue oak	<i>Quercus douglasii</i>
Valley oak	<i>Quercus lobata</i>
Interior live oak	<i>Quercus wislizenii</i>
Centuary	<i>Centaureum venustum</i>
Filaree	<i>Erodium botrys</i>
Filaree	<i>Erodium cicutarium</i>
Filaree	<i>Erodium brachycarpum</i>
Yerba Santa	<i>Eriodictyon californicum</i>
Baby blue eyes	<i>Nemophila menziesii</i>

Nemophilla	<i>Nemophila heterophylla</i>
Blue nemophilla	<i>Nemophila pulchella</i>
Catterpillar plant	<i>Phacelia cicutaria</i>
Phacelia	<i>Phacelia egea</i>
Phacelia	<i>Phacelia imbricata</i>
Spotted phacelia	<i>Phacelia mutabilis</i>
Fiesta flower	<i>Pholistoma auritum</i>
Hypericum	<i>Hypericum formosum scouleri</i>
Horehound	<i>Marrubium vulgare</i>
Mint	<i>Mentha arvensis</i>
Mustang mint	<i>Monardella lanceolata</i>
Self heal	<i>Prunella vulgaris</i>
Chia	<i>Salvia columbariae</i>
Vinegar weed	<i>Trichostema lanceolatum</i>
Blazing star	<i>Mentzelia laevicaulis</i>
Blazing star	<i>Mentzelia lindleyi</i>
Lythrum	<i>Lythrum hyssopifolia</i>
Cheeseweed	<i>Malva parviflora</i>
Oregon ash	<i>Fraxinus latifolia</i>
Sun cups	<i>Camissonia contorta</i>
Camissonia	<i>Camissonia lacustris</i>
Clarkia	<i>Clarkia cylindrica</i>
Dudley's clarkia	<i>Clarkia dudleyana</i>
Modest clarkia	<i>Clarkia modesta</i>
Purple clarkia	<i>Clarkia purpurea</i>
Farewell to spring	<i>Clarkia unguiculata</i>
William's clarkia	<i>Clarkia williamsonii</i>
Evening primrose	<i>Oenothera hookeri</i>
Broomrape	<i>Orobanche fasciculata</i>
Oxalis	<i>Oxalis corniculata</i>
Oxalis	<i>Oxalis pes-caprae</i>
Mexican poppy	<i>Eschscholzia caespitosa</i>
CA poppy	<i>Eschscholzia californica</i>
Meconella	<i>Meconella californica</i>
Wind poppy	<i>Stylomecon heterophylla</i>
Plantain	<i>Plantago erecta</i>
Plantain	<i>Plantago lanceolata</i>
Sycamore	<i>Plantanus racemosa</i>
Allophyllum	<i>Allophyllum divaricatum</i>
Eriastrum	<i>Eriastrum pluriflorum</i>
Capitate Gilia	<i>Gilia capitata</i>
Slender gilia	<i>Gilia leptalea</i>
Bird's eye gilia	<i>Gilia tricolor</i>
Whisker brush	<i>Linanthus ciliatus</i>
Mountain snow	<i>Linanthus montanus</i>

Naverretia	<i>Naverretia pubescens</i>
Spineflower	<i>Chorizanthe membranacea</i>
CA buckwheat	<i>Eriogonum fasciculatum</i>
Little buckwheat	<i>Eriogonum inerme</i>
Nude buckwheat	<i>Eriogonum nudum</i>
Rosy buckwheat	<i>Eriogonum roseum</i>
Knotweed	<i>Polygonum aviculare</i>
Pterostegia	<i>Pterostegia dryamariodes</i>
Rumex sorrel	<i>Rumex acetosella</i>
Sour dock	<i>Rumex crispus</i>
Red maids	<i>Calandrinia ciliata</i>
Miners lettuce	<i>Claytonia perfoliata</i>
Purslane	<i>Portulaca oleracea</i>
Pimpernel	<i>Anagallis arvensis</i>
Shooting star	<i>Dodecatheon hendersonii</i>
Virgins bower	<i>Clematis lasiantha</i>
Larkspur	<i>Delphinium hansenii</i>
CA buttercup	<i>Ranunculus californicus</i>
Spiny buttercup	<i>Ranunculus muricatus</i>
Wild buttercup	<i>Ranunculus occidentalis</i>
Coffee berry	<i>Rhamnus californica</i>
Holly cherry	<i>Rhamnus crocea</i>
Wild apple	<i>Malus sylvestris</i>
Cinquefoil	<i>Potentilla glandulosa</i>
CA rose	<i>Rosa californica</i>
Wild rose	<i>Rubus discolor</i>
Button willow	<i>Cephalanthus occidentalis</i>
Bedstraw	<i>Galium aparine</i>
Galium	<i>Galium bolanderi</i>
Galium	<i>Galium nuttallii</i>
Cottonwood	<i>Populus fremontii</i>
Narrow sand bar willow	<i>Salix exigua</i>
Gooding's willow	<i>Salix goodingii</i>
Arroyo willow	<i>Salix lasiolepis</i>
Toad flax	<i>Comandra umbellata</i>
White owls clover	<i>Castilleja attenuata</i>
Dense owls clover	<i>Castilleja densiflorus</i>
Purple owls clover	<i>Castilleja exserta</i>
Chinese houses	<i>Collinsia heterophylla</i>
Collinsia	<i>Collinsia torreyi</i>
Foxglove	<i>Digitalis purpurea</i>
Bee plant	<i>Keckiella breviflora</i>
Bush monkey flower	<i>Mimulus auranticus</i>
Bolanders monkey flower	<i>Mimulus bolanderi</i>
Common monkey flower	<i>Mimulus guttatus</i>

Smooth monkey flower	<i>Mimulus moschatus</i>
Purple beard tongue	<i>Penstemon laetus</i>
CA figwort	<i>Scrophularia californica</i>
Jimson weed	<i>Datura wrightii</i>
Tree tobacco	<i>Nicotiana glauca</i>
Nightshade	<i>Solanum xantii</i>
Nettle	<i>Urtica dioica</i>
Stinging nettle	<i>Urtica urens</i>
Plectritis	<i>Plectritis ciliosa</i>
Smooth violet	<i>Viola glabella</i>
Purple violet	<i>Viola purpurea</i>
Mistletoe	<i>Phorodendron villosum</i>
Wild grape	<i>Vitis vinifera</i>
Baltic rush	<i>Juncus balticus</i>
Toad rush	<i>Juncus bufonius</i>
Juncus	<i>Juncus oxymeris</i>
Juncus	<i>Juncus triformis</i>
Wood rush	<i>Luzula parviflora</i>
Smooth onion	<i>Allium hyalinum</i>
Wild onion	<i>Allium peninsulare</i>
Harvest brodiaea	<i>Brodiaea elegans</i>
Snake lily	<i>Brodiaea volubilis</i>
Fairy lanterns	<i>Calochortus amoenus</i>
Mariposa lily	<i>Calochortus venustus</i>
Soap root	<i>Chlorogalum pomeridianum</i>
Blue dicks	<i>Dichelostemma capitatum</i>
Pretty face	<i>Triteleia ixioides</i>
Ithuriel's spears	<i>Triteleia laxa</i>
Bent grass	<i>Agrostis exarata</i>
Hair grass	<i>Aira caryophyllaea</i>
Slender wild oats	<i>Avena barbata</i>
Wild oats	<i>Avena fatua</i>
Little quaking grass	<i>Briza minor</i>
Wild brome	<i>Bromus arenarius</i>
CA brome	<i>Bromus carinatus</i>
Ripgut	<i>Bromus diandrus</i>
Soft chess	<i>Bromus hordeaceus</i>
Red brome	<i>Bromus madritensis rubens</i>
Orchard grass	<i>Dactylis glomerata</i>
Oat grass	<i>Danthonia californica</i>
Gastidium	<i>Gastidium ventricosum</i>
Wild barley	<i>Hordeum murinum leporinum</i>
Mediterranean barley	<i>Hordeum murinum gussoneanum</i>
Sprongletop	<i>Leptochloa univernia</i>
Perennial Rye grass	<i>Lolium perenne</i>

Wild Rye grass	<i>Lolium temulentum</i>
Melica	<i>Melica californica</i>
Melica	<i>Melica imperfecta</i>
Deer grass	<i>Muhlenbergia rigens</i>
Nedde grass	<i>Nassella cernua</i>
Panic grass	<i>Panicum occidentale</i>
Canary grass	<i>Phalaris minor</i>
Timothy	<i>Phleum pratense</i>
Annual bluegrass	<i>Poa annua</i>
Bulbous bluegrass	<i>Poa bulbosa</i>
Bluegrass	<i>Poa secunda</i>
Rabbit foot grass	<i>Polypogon monospeliensis</i>
Schismus	<i>Schismus barbatus</i>
Nit grass	<i>Scribneria bolanderi</i>
Vulpia	<i>Vulpia microstachys</i>
Vulpia	<i>Vulpia myuros</i>
<i>Amphibians</i>	
Western toad	<i>Bufo boreas</i>
Pacific tree frog	<i>Hyla regilla</i>
Bullfrog	<i>Rana catesbeiana</i>
California slender salamander	<i>Batrachoseps attenuatus</i>
California newt	<i>Taricha torosa</i>
<i>Reptiles</i>	
Northern alligator lizard	<i>Gerrhonotus coeruleus</i>
California king snake	<i>Lampropeltis getulus</i>
Gopher snake	<i>Pituophis melanoleucus</i>
Western aquatic garter snake	<i>Thamnophis couchi</i>
Common garter snake	<i>Thamnophis sirtalis</i>
Western fence swift	<i>Sceloporus occidentalis</i>
Side-blotched lizard	<i>Uta stansburiana</i>
Gilbert's skink	<i>Eumeces gilberti</i>
<i>Birds</i>	
Cooper's Hawk	<i>Accipiter cooperii</i>
Sharp-shinned Hawk	<i>Accipiter striatus</i>
Golden Eagle	<i>Aquila chrysaetos</i>
Black-shouldered Kite	<i>Elanus caeruleus</i>
Red-tailed Hawk	<i>Buteo jamaicensis</i>
Red-shouldered Hawk	<i>Buteo lineatus</i>
Bushtit	<i>Psaltiriparus minimus</i>
Horned lark	<i>Eremophila alpestris</i>
Belted Kingfisher	<i>Ceryle alcyon</i>
Mallard	<i>Anas platyrhynchos</i>
Ruddy Duck	<i>Oxyura jamaicensis</i>

White-throated Swift	<i>Aeronautes saxatalis</i>
Black-chinned Hummingbird	<i>Archilochus alexanderi</i>
Anna's Hummingbird	<i>Calypte anna</i>
Great Blue Heron	<i>Ardea herodias</i>
American Bittern	<i>Botaurus lentiginous</i>
Green-backed Heron	<i>Butorides striatus</i>
Great Egret	<i>Casmeroduis albus</i>
Cedar Waxwing	<i>Bombycilla cedrorum</i>
Common Nighthawk	<i>Chordeiles minor</i>
Turkey Vulture	<i>Cathartes aura</i>
Killdeer	<i>Charadrius vociferus</i>
Band-tailed Pigeon	<i>Columba fasciata</i>
Rock Dove	<i>Columba livia</i>
Mourning Dove	<i>Zenaida macroura</i>
Scrub Jay	<i>Aphelocoma coerulescens</i>
American Crow	<i>Corvus brachyrhynchos</i>
Common Raven	<i>Corvus corax</i>
Steller's Jay	<i>Cyanocitta stelleri</i>
Red-winged Blackbird	<i>Agelaius phoeniceus</i>
Grasshopper Sparrow	<i>Ammodramus savannarum</i>
House Finch	<i>Carpodacus mexicanus</i>
Lark Sparrow	<i>Chondestes grammacus</i>
Yellow-rumped Warbler	<i>Dendroica coronata</i>
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>
Common Yellowthroat	<i>Geothlypis trichas</i>
Blue Grosbeak	<i>Guiraca caerulea</i>
Yellow-breasted Chat	<i>Icteria virens</i>
Northern Oriole	<i>Icterus galbula</i>
Dark-eyed Junco	<i>Junco hyemalis</i>
Song sparrow	<i>Melospiza melodia</i>
Brown-headed Cowbird	<i>Molothrus ater</i>
Savannah Sparrow	<i>Passerculus sandwichensis</i>
Fox Sparrow	<i>Passerella iliaca</i>
Lazuli Bunting	<i>Passerina amoena</i>
Black-headed Grosbeak	<i>Pheucticus melanocephalus</i>
Rufus-sided Towhee	<i>Pipilo erythrophthalmus</i>
Brown Towhee	<i>Pipilo fuscus</i>
Western Tanager	<i>Piranga ludoviciana</i>
Western Meadowlark	<i>Sturnella neglecta</i>
Orange-crowned Warbler	<i>Vermivora celata</i>
Nashville Warbler	<i>Vermivora ruficapilla</i>
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>
Lawrence's Goldfinch	<i>Carduelis lawrencei</i>
American Goldfinch	<i>Carduelis tristis</i>
Lesser Goldfinch	<i>Carduelis psaltria</i>

House Sparrow	<i>Passer domesticus</i>
Cliff Swallow	<i>Hirundo pyrrhonota</i>
Barn Swallow	<i>Hirundo rustica</i>
Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i>
Tree Swallow	<i>Tachycineta bicolor</i>
Violet-green Swallow	<i>Tachycineta thalassina</i>
Loggerhead Shrike	<i>Lanius ludovicianus</i>
Herring Gull	<i>Larus argentatus</i>
California Gull	<i>Larus californicus</i>
Caspian Tern	<i>Sterna caspi</i>
Northern Mockingbird	<i>Mimus polyglottis</i>
California Thrasher	<i>Toxostoma redivivum</i>
Ruby-crowned Kinglet	<i>Regulus calendula</i>
Western Bluebird	<i>Sialia mexicana</i>
American Robin	<i>Turdus migratorius</i>
Water Pipit	<i>Anthus spinoletta</i>
American White Pelican	<i>Pelecanus erythrorhynchos</i>
Double-crested Cormorant	<i>Phalacrocorax auritus</i>
California Quail	<i>Callipepla californica</i>
Ring-necked Pheasant	<i>Phasianus colchicus</i>
Northern Flicker	<i>Colaptes auratus</i>
Acorn Woodpecker	<i>Melanerpes formicivorus</i>
Lewis' Woodpecker	<i>Melanerpes lewis</i>
Red-breasted Sapsucker	<i>Sphyrapicus ruber</i>
Pied-billed Grebe	<i>Podilymbus podiceps</i>
Phainopepla	<i>Phainopepla nitens</i>
American Coot	<i>Fulica americana</i>
Black-necked Stilt	<i>Himantopus mexicanus</i>
American Avocet	<i>Recurvirostra americana</i>
Common Snipe	<i>Gallinago gallinago</i>
Whimbrel	<i>Numenius phaeopus</i>
European Starling	<i>Sturnus vulgaris</i>
Western Flycatcher	<i>Epidonax difficilis</i>
Ash-throated Flycatcher	<i>Myiarchus cinerascens</i>
Bewick's wren	<i>Thryomanes bewickii</i>
House wren	<i>Troglodytes aedon</i>
Black Phoebe	<i>Sayornis nigricans</i>
Say's Phoebe	<i>Sayornis saya</i>
Western Kingbird	<i>Tyrannus verticalis</i>
Warbling Vireo	<i>Vireo gilvus</i>
Mammals	
Coyote	<i>Canis latrans</i>
Gray fox	<i>Urocyon cinereoargenteus</i>
California meadow mouse	<i>Microtus californicus</i>

Dusky-footed wood rat	<i>Neotoma fuscipes</i>
Muskrat	<i>Ondatra zibethica</i>
California mouse	<i>Peromyscus californicus</i>
Deer mouse	<i>Peromyscus maniculatus</i>
Virginia opossum	<i>Didelphis marsupialis</i>
Bobcat	<i>Lynx rufus</i>
Botta pocket gopher	<i>Thomomys bottae</i>
Black-tailed jack rabbit	<i>Lepus californicus</i>
Audubon cottontail	<i>Sylvilagus audubonii</i>
House mouse	<i>Mus musculus</i>
Norway rat	<i>Rattus norvegicus</i>
Black rat	<i>Rattus rattus</i>
Long-tailed weasel	<i>Mustela frenata</i>
Spotted skunk	<i>Spilogale putorius</i>
Raccoon	<i>Procyon lotor</i>
California ground squirrel	<i>Spermophilis beecheyi</i>
Broad-handed mole	<i>Scapanus latimanus</i>
California myotis	<i>Myotis californicus</i>
Small-footed myotis	<i>Myotis subulatus</i>

APPENDIX 3. Visalia Oak Tree Preservation Ordinance.

City of Visalia
Municipal Code - Chapter 12.24
OAK TREE PRESERVATION
(Revised August 4, 2003)

Section 12.24.010 Purpose.

A. In order to promote the public health, safety and general welfare, to enhance the beauty of Visalia and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the city council finds it necessary to establish basic standards, measures and compliance requirements for the preservation and protection of native Valley oak trees and landmark trees.

B. The provisions of this chapter are enacted to:

1. Enhance natural scenic beauty;
2. Assist in the overall goal of preservation, maintenance and regeneration of a healthy urban forest and tree cover;
3. Promote the conservation of energy resources and regulation of temperature through the provision of shade, evaporative cooling and wind break provided by trees;
4. Improve the quality of air, water, and soil resources;
5. Sustain and enhance property values;
6. Promote the well-being of the community;
7. Provide for recreational settings, wildlife habitat, and ecological balance;
8. Provide for safety through responsible and safe standards for the trimming and/or removal of oak trees;
9. Promote Visalia's unique identity. (Ord. 9907 § 2 (part), 1999)

Section 12.24.020 Definitions.

As used in this chapter, the following terms are defined in this section:

"Crown-Drip-Line" means the outer perimeter of an Oak Tree's canopy.

"Director" means the public works director of the City his or her designated representative.

"Oak Tree" means Valley Oak Tree (*Quercus lobata*), with a trunk diameter of two (2") inches or greater at a point 4.5 feet above the root crown (Also referred to as "2 inches Diameter Breast Height (D.B.H.)"). "Oak tree" may also mean a "Landmark Tree." "Landmark tree" means any native or non-native tree recognized by City Council resolution for its age, size, location, outstanding habitat value, superior beauty, historical, and/or cultural significance.

"Person" means individuals, associations, corporations, public agencies, joint ventures, partnerships, independent contractors, and other agents and employees.

"Pruning standards" means those pruning standards established by the Western Chapter of the International Society of Arboriculture dated 1995, as revised by the Society from time to time, and as amended by this chapter. (Ord. 9907 § 2 (part), 1999)

Section 12.24.030 Permit applications.

A. Any person desiring to destroy or remove an oak tree on private or public property

must first obtain a removal permit by applying in writing to the city clerk for such a permit, who shall forward such application to the public works director of the city. The application shall contain the number, size and location of the oak trees and a brief statement of the reason of the requested action. The director shall charge a fee for said permit, to be established by the city council's annual designation of city fees. The initial removal permit fee shall not exceed twenty-five dollars (\$25.00).

B. Within seven days of receipt of such application, the director shall inspect the premises whereon such oak trees are located, and shall issue an intended decision in writing as to whether or not the application will be approved, with or without conditions; provided, however, that failure to render an intended decision within such period shall not be deemed approval.

C. The intended decision of the director shall be based upon reasonable standards, including, but not limited to, the following:

1. The condition of the oak tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its status as host for plant, pest, or disease endangering other species of trees or plants with infection or infestations.
2. The necessity of the requested action to allow construction of improvements or otherwise allow economic or other reasonable enjoyment of property.
3. The topography of the land and the effect of the requested action on soil retention, water retention, and diversion or increased flow of surface waters.
4. The number, species, size, and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty, and the general welfare of the city as a whole.
5. Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support.

D. In the intended decision on an application for a permit, the director may attach reasonable conditions to insure compliance with the stated purposes of this chapter. Issuance of such permits may be conditioned upon mitigation consisting of the planting of replacement trees at the sole expense of the applicant as determined by the director to mitigate the removal of any oak trees and/or the payment by the applicant into the oak maintenance fund. The number and type of replacement trees or the amount of the funds in mitigation shall be provided corresponding to the loss or diminution of economic, aesthetic environmental, and property values, and in relation to the age, size, and location of existing oak trees to be removed, but in no case shall said replacement trees be less than three trees, of a minimum fifteen (15) gallon size, for each six inches at D.B.H. of each tree removed. Any such intended decision shall include a statement for the reasons for the decision. (Ord. 9907 § 2 (part), 1999)

Section 12.24.040 Notice of Action and Appeals.

A. Notice of the director's intended decision shall be given by personal delivery or first class mail to the applicant and to any person filing a written request with the director for notice of all permit approvals under this ordinance.

B. Any person aggrieved or affected by the director's intended decision, or any member of the city council, may appeal the intended decision to the city council by filing a written notice of appeal with the city clerk within five days, excluding weekends and holidays, after the delivery or mailing of the notice. Any such notice of appeal shall

be accompanied by an appeal fee in the amount specified by the city council.

C. If no appeal is filed within such time, the director shall promptly implement the intended decision by denying or issuing the permit, with or without conditions. An appeal automatically stay execution of the implementation of the intended decision until the appeal has been considered and decided by the city council. (A member of the city council shall be exempt from the requirement of an appeal fee).

D. The city clerk shall place all such appeals on the agenda of the next regular council meeting and shall give notice to the applicant and/or appellant. The city council shall consider and decide all issues raised in the appeal, and the decision of the council shall be final. (Ord. 9907 § 2 (part), 1999)

Section 12.24.050 Emergencies.

A. In the case of emergency caused by the dangerous condition of an oak tree requiring immediate action for the protection of life or property, a tree may be cut down in whole or in part on the order of the director or any on-duty member of the public works/traffic safety department.

B. Public utilities subject to the jurisdiction of the Public Utilities Commission of the state of California may also take such action as may be necessary to maintain a safe operation for their facilities. (Ord. 9907 § 2 (part), 1999)

Section 12.24.060 Notice of Intent to Prune.

A. Except in cases of emergencies as described in Section 12.24.050, no person shall prune or cause to be pruned any oak tree limb of a diameter of two inches or greater within the city without first submitting a completed oak tree intent to prune notice with the director, as provided herein.

B. The notice shall be delivered to the director prior to the start of the work to be performed.

C. The notice shall be in a form as provided by the director and shall include the following information:

1. The name, address and telephone number of the property owner.
2. The name, address and telephone number of the person(s) intending to prune the tree.
3. The date(s) of the pruning.
4. A description of the tree(s) to be pruned including the approximate size and location of the tree with sufficient specificity to enable the director to precisely locate and identify the subject tree(s).
5. If the work is to be performed in any public right-of-way, proof of insurance coverage for general liability, property damage, and workers' compensation in case of injury or damage to person or property.
6. Proof of the possession of a valid city business license.

D. A copy of the notice must be in the possession of the person pruning the oak tree at all times during the course of the work being performed. (Ord. 9907 § 2 (part), 1999)

Section 12.24.070 I.S.A. Pruning Standards.

That certain document known and designated as Pruning Standards, dated 1995, as prepared by the Western Chapter of the International Society of Arboriculture Certification Committee, and all subsequent updates as and when adopted by the Society, is adopted by the council of the city as the standards for pruning trees located within the city to all intents and purposes and to the same effect as if each and every section,

paragraph, sub-paragraph, word, phase, clause or illustration contained therein were fully set forth herein except for the deletion of any provisions as provided for in the chapter. (Ord. 9907 § 2 (part), 1999)

Section 12.24.080 Copies of Standards on File.

Reference is made to three copies of said standards filed in the office of the city clerk of the city which are now so filed for full particulars of said pruning standards. (Ord. 9907 § 2 (part), 1999)

Section 12.24.090 Enforcement.

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the director in his or her capacity as enforcement officer. In the enforcement of this chapter such enforcement officer and his or her deputies may enter upon private or public property to examine any oak tree, and may issue citations for any violations of this chapter. (Ord. 9907 § 2 (part), 1999)

Section 12.24.100 Public assistance for property owners.

A. If the director determines that a property owner, who has submitted a notice of intent to prune an oak tree, cannot properly prune his or her oak tree without the assistance of a professional tree trimmer, and that said property owner cannot afford to hire a professional tree trimmer because he or she does not have the financial resources to pay for such services, the director may provide financial assistance to said property owner for the purpose of pruning the tree or trees, if all the following conditions are met and funds are available:

1. The property owner uses the property where the tree(s) is located as his or her principal place of residence;
2. The aggregate gross income of all persons eighteen (18) years of age or older residing on the property does not exceed the minimum amount as may be set from time to time, by resolution of the city council, pursuant to this subdivision; and
3. The director determines that it is necessary to prune the tree to remove hazardous conditions, remove disease, rot, pests, other harmful conditions, or promote healthy growth of the tree(s).

B. Such financial assistance may include, but not be limited to, low interest loans, work done by the city with the cost borne in part or in whole by the property owner, work done by the city with the cost borne by the city to be repaid by the property owner upon such terms as the city and property owner shall agree, or any combination thereof. (Ord. 9907 § 2 (part), 1999)

Section 12.24.110 Oak Maintenance Fund.

For purposes of providing such financial assistance as described in Section 12.24.100 it is established the "oak maintenance fund" which shall be funded either in part or in whole by those portions of fines which may be assessed by the courts, known as "penalty assessments" for violations of this chapter. (Ord. 9907 § 2 (part), 1999)

Section 12.24.120 Preservation and Maintenance of Existing Oak Trees.

A. When proposed developments encroach into the Crown-Drip-Line area of any oak tree, special construction to allow the roots to breathe and obtain water, as determined by the director, shall be required with respect to any application for building or development permit.

B. The existing ground surface within Crown-Drip-Line (measured horizontally) of the trunk of any tree shall not be cut, filled, compacted or paved without the consent of

the Director. Tree wells may be used when advisable. Excavation adjacent to any oak tree shall not be permitted where material damage to the root system will result.

C. The city council shall, by resolution adopt guidelines for commercial, industrial, and residential development and construction on property within the city, and city initiated projects, where any oak tree is located. Such guidelines adopted pursuant to this subsection shall be made a part of this subsection and shall be enforced as hereinafter set forth. (Ord. 9907 § 2 (part), 1999)

Section 12.24.130 Building permits.

A. When any building permit, grading permit, or development permit is applied for pursuant to the city code and a proposed structure would require the destruction, removal, or pruning of an oak tree, said permit shall not issue until all requirements of this chapter are met. In no event shall any disturbance of the premises be allowed until all requirements of the chapter are met and the permit is issued.

B. In the event a permit to destroy or remove an oak tree is issued in order to enable the applicant to carry out some project of development or improvement of the property, such permit shall be valid and effective only in connection with the actual accomplishment of such project. (Ord. 9907 § 2 (part), 1999)

Section 12.24.140 Willful destruction of oak trees.

It is unlawful for any person to willfully destroy, mutilate, poison, or attempt to kill an oak tree in the city. Exceptions to this section are to be found in Section 12.24.050 which provides for emergency destruction, removal, or pruning of an oak tree. (Ord. 9907 § 2 (part), 1999)

Section 12.24.150 City projects.

City-initiated projects should comply with the guidelines for road construction and improvement. (Ord. 9907 § 2 (part), 1999)

Section 12.24.160 Nuisances.

A. It is declared a public nuisance for any person owning, leasing, occupying or having charge of any premises in the city which has one or more oak trees located thereon to intentionally, negligently accidentally, or otherwise maintain said premises in such a manner so as to cause harm to and of said oak trees, by reason of any of the following conditions:

1. Water saturation or deprivation;
2. Nailing, screwing, stapling, bolting, or otherwise attaching boards, fences, signs, placards, posters, or other material which might cause injury to the oak tree;
3. Neglect in the pruning or trimming of overgrown, diseased, decaying, dead, or rotting limbs, branches and foliage.

B. Whenever any premises or oak tree or oak trees exist, or are permitted to exist, within the city contrary to these provisions the city council, by resolution, may declare the same to be a public nuisance; said resolution shall declare the intention of the city council to commence abatement proceedings, as herein provided, and shall refer to the street and number under which it is officially or commonly known and describe the property upon which such nuisance exists by giving the legal description of the land. (Ord. 9907 § 2 (part), 1999)

Section 12.24.170 Abatement.

All premises or oak trees declared to be such public nuisances and ordered to be abated may be abated by watering, conditioning the soil, constructing berms, pruning or

trimming, or removing offending materials affixed to the tree which might cause injury to said tree, pursuant to the procedures set forth in this code. (Ord. 9907 § 2 (part), 1999)

Section 12.24.180 Notice of hearing to abate.

A. Within thirty (30) days of the passage of said resolution, the city clerk shall cause to be conspicuously posted on the premises, where the oak tree(s) are located, a certified copy of the resolution of the city council, which said notices shall be titled: "NOTICE OF HEARING" in letters of not less than one inch in height and shall be substantially in the following form:

**NOTICE OF HEARING
TO ABATE NUISANCE**

Notice is hereby given that on the day of , , the City Council of the City of Visalia passed a resolution declaring that certain Oak Tree(s) located or standing upon that certain lot, piece or parcel of land, situated in the City of Visalia, State of California, known and designated as, in said City, and more particularly described as Lot No., Tract No., or name of subdivision in said City, constitutes a public nuisance and must be abated by the rehabilitation of such premises by the watering, pruning, trimming, or other methods; otherwise said nuisance will be abated by the municipal authorities of the City, in which case the cost of such rehabilitation, watering, pruning or trimming will be assessed upon the land on which said Oak Tree(s) is or are located and such cost will constitute a lien upon such land until paid. (Reference is hereby made to said resolution for further particulars.)

B. The city clerk shall cause to be served upon the owner of each of the oak tree(s) declared to be a public nuisance and sought to be rehabilitated by watering, pruning or trimming one copy of said notice and a certified copy of the resolution of the city council, in accordance with these provisions.

C. Said notices and resolutions must be posted and served as aforesaid, at least thirty (30) days before the time fixed for the hearing before the city council and proof of posting and service of such notices and resolutions shall be made by affidavit which shall be filed with the city council. (Ord. 9907 § 2 (part), 1999)

Section 12.24.190 Form of proper service of notice.

Proper service of said notice and resolution shall be by personal service upon the person owning the property as such person's name and address appears on the last equalized assessment roll, if he is found within the city limits, or if he is not to be found within the city limits, by depositing a copy of said notice and resolution in the U.S. post office properly enclosed in a sealed envelope and with the posting thereon fully prepaid. Said mail shall be registered or certified and addressed to said owner at the last known address of said owner. The service is complete at the time of deposit. (Ord. 9907 § 2 (part), 1999)

Section 12.24.200 Hearing by city council.

A. At the time stated in the notices, the city council shall hear and consider all objections or protests, shall receive testimony and other evidence from owners, witnesses and parties interested relative to such alleged public nuisance and as to rehabilitation of such premises by the watering, pruning or trimming, or by other abatement thereof, and may continue the hearing from time to time.

B. Upon the conclusion of said hearing, the city council shall allow or overrule any or all of said protests. If the city council finds that good and sufficient cause does exist why said premises should be rehabilitated, or oak tree(s) should be watered pruned,

trimmed, or treated, the city council shall prepare and file a report of such findings with the city clerk.

C. Following said public hearing, the city council may by resolution order the director to abate said nuisance, after a period of thirty (30) days, by having the oak tree(s) watered, pruned, trimmed, treated, or the nuisance otherwise abated, and the director and his or her authorized representatives are hereby expressly authorized to enter upon private property for that purpose. (Ord. 9907 § 2 (part), 1999)

Section 12.24.210 Service on owner of resolution to abate.

A copy of said resolution ordering the director to abate said nuisance shall be served upon the owner of said property in accordance with the provisions of this chapter and shall contain a detailed list of needed corrections. Any property owner shall have the right to have any such oak tree(s) watered, pruned, trimmed, treated, or the nuisance otherwise abated at his or her own expense, provided the same is completed prior to the expiration of the time set forth in said resolution. (Ord. 9907 § 2 (part), 1999)

Section 12.24.220 Record of cost for abatement.

The director shall keep an account of the cost (including incidental expenses) of abating such nuisance on each separate lot, or parcel of land where the work has been done and shall render an itemized report in writing to the city council showing the cost of watering, pruning, trimming, or treating said oak tree(s), and incidental expenses, on each separate lot or parcel of land; provided, that before said report is submitted to the city council, a copy of the same shall be posted for at least five days upon the premises or property upon which such oak tree(s) are situated, or the nuisance committed, together with a notice of the time when said report shall be submitted to the city council for confirmation; and a copy of said report and notice shall be served upon the owner of said property, in accordance with the provisions of this chapter at least five days prior to submitting the same to the council; proof of said posting and service shall be made by affidavit and filed with city clerk. The term "incidental expenses" shall include, but not be limited to the expenses and costs of the city in the preparation of notices, specifications and contacts, and in inspecting the work, and the costs of printing and mailing required hereunder. (Ord. 9907 § 2 (part), 1999)

Section 12.24.230 Hearing and proceedings.

At the date and time fixed for receiving and considering said report the city council shall hear and pass upon the report of the director, together with any objection or protests which may be raised by any of the owners of property liable to be assessed for the work of abating such nuisance any other interest persons. Thereupon, the city council may make such revision, correction or modification in the report as it may deem just, after which by resolution the report, as submitted, or as revised, corrected or modified, shall be confirmed; provided that said hearing or consideration may be continued from time to time. The decision of the city council on all protests and objections which may be made, shall be final and conclusive. (Ord. 9907 § 2 (part), 1999)

Section 12.24.240 Assignment of costs against property--Lien.

The amount of the costs of abating such nuisance upon any lot or parcel of land, as confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land, and as thus keep a lien on said property for the amount of such assessment. After the confirmation of said report, a copy shall be turned over to the assessor and the tax collector of the county of Tulare, acting on behalf of the city,

whereupon it shall be the duty of said assessor and tax collector to add the amounts of the respective assessments to the next regular bills of taxes levied against the said respective lots and parcels for land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as other municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for other municipal taxes. (Ord. 9907 § 2 (part), 1999)

Section 12.24.250 Authority.

Any and all nuisances declared and abated hereunder shall be processed pursuant to the authority set forth in Sections 38771 et seq., of the Government Code of the state of California, in the manner described herein above. (Ord. 9907 § 2 (part), 1999)

Section 12.24.260 Penalties.

A. Any person violating any abatement order provided in this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the city jail or county jail for a period of not more than six months, or by both such fine and imprisonment.

B. It is unlawful and a misdemeanor for any person to remove an oak tree without a permit or to fail to have a removal permit in ones's immediate possession during the course of removing an oak tree, or for any person to violate any of the construction guidelines as provided by resolution as described in Section 12.24.120(C).

Notwithstanding the classification of a violation of this chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction pursuant to Section 19c of the California Penal Code.

C. Any violation of any provision of Sections 12.24.060 and 12.24.070 shall be deemed an infraction and be punishable upon conviction as hereinafter set forth.

D. Any person convicted of a misdemeanor under this chapter shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) and/or six months in the county jail. Each day that a violation continues shall be regarded as a separate offense.

E. Any person convicted of an infraction of this chapter shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each day the violation continues shall be regarded as a new and separate offense.

F. Upon a person being convicted of any violation under this chapter, the court, shall in addition to, or in lieu of, any other penalty provided and imposed under the chapter, order the defendant to pay a civil penalty assessment to the oak maintenance fund as described in Section 12.24.110 herein, which is designed as restitution to compensate the city and the community for the loss or diminution of economic, aesthetic, environmental, and property values resulting from the loss of any oak tree or portion thereof, and for the city's costs and attorney's fees in prosecuting the matter. Such civil penalty shall reflect true value of the oak tree based upon such factors as size, location, and age.

G. Such assessments will be used to provide financial assistance to those property owners qualifying for such assistance under Section 12.24.100 herein.

H. Any violation of any provision of this chapter may result in the immediate suspension

of any permit previously issued for the construction and/or development of property upon which said violation occurred, until compliance with all mitigation measures required by this ordinance is demonstrated to the satisfaction of the director. (Ord. 9907 § 2 (part), 1999)

Section 12.24.270 Severability.

A. If any section, subsection, paragraph, sentence, clause, or phrase of this chapter is held to be unconstitutional or invalid or ineffective by any court or tribunal of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter, or any part thereof.

B. If the application of any provision of this chapter or any person, property, or circumstance is found to be unconstitutional or invalid or ineffective in whole or in part by any court or tribunal of competent jurisdiction, the effect of such decision shall be limited to the person, property, or circumstance immediately involved in the controversy, and the application of any such provision to other persons, properties or circumstances shall not be affected. (Ord. 9907 § 2 (part), 1999, Revised Ord. 2003-07, August 4, 2003)

APPENDIX 4 . Aerial photographs showing vegetation habitats along the preferred and alternate routes.

Route 1 (Proposed Project) Vegetation Communities

**APPENDIX 4 . Aerial photographs showing vegetation habitats along the preferred
and alternate routes. (Continued)**

Route 2 Vegetation Communities

**APPENDIX 4 . Aerial photographs showing vegetation habitats along the preferred
and alternate routes. (Continued)**

Route 3 Vegetation Communities







