Appendix E: Biological Assessment

BIOLOGICAL ASSESSMENT

FOR UNITED STATES FISH AND WILDLIFE SERVICE

Tule River Indian Tribe of the Tule River Reservation
Fee-to Trust Application
Shan King / Highway 190 / Hartsell Property, Near Porterville, California

Lead Agency: Bureau of Indian Affairs

November 2025

acorn environmental

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Section 1 | Introduction

1.1 PURPOSE OF ASSESSMENT

The purpose of this biological assessment is to provide technical information about biological resources and to review the Proposed Action in sufficient detail to determine to what extent the Proposed Action may affect threatened, endangered, or proposed species, as well as designated and proposed critical habitat. The biological assessment is prepared in accordance with legal requirements found in Section 7 (a)(2) of the Endangered Species Act (16 U.S. C 1536(c)). This assessment identifies the biological resources within the Action Area, the regulatory environment affecting such resources, any potential project-related impacts upon these resources, and identifies avoidance and minimization measures to reduce these impacts.

1.2 DESCRIPTION OF PROPOSED ACTION AND ACTION AREA

The Action Area consists of 109.57 acres on what is informally called the "Shan King Property," the "Highway 190 Property," and the "Hartsell Property." **Table 1** has additional property information. The Action Area is located east of Porterville on State Route 190 within the County of Tulare, California, in Section 19, Township 21 South, Range 29 East, Mount Diablo Base and Meridian. **Figure 1** and **Figure 2** show the location of the Action Area, and **Figure 3** presents an aerial photograph of the Action Area and the immediate vicinity.

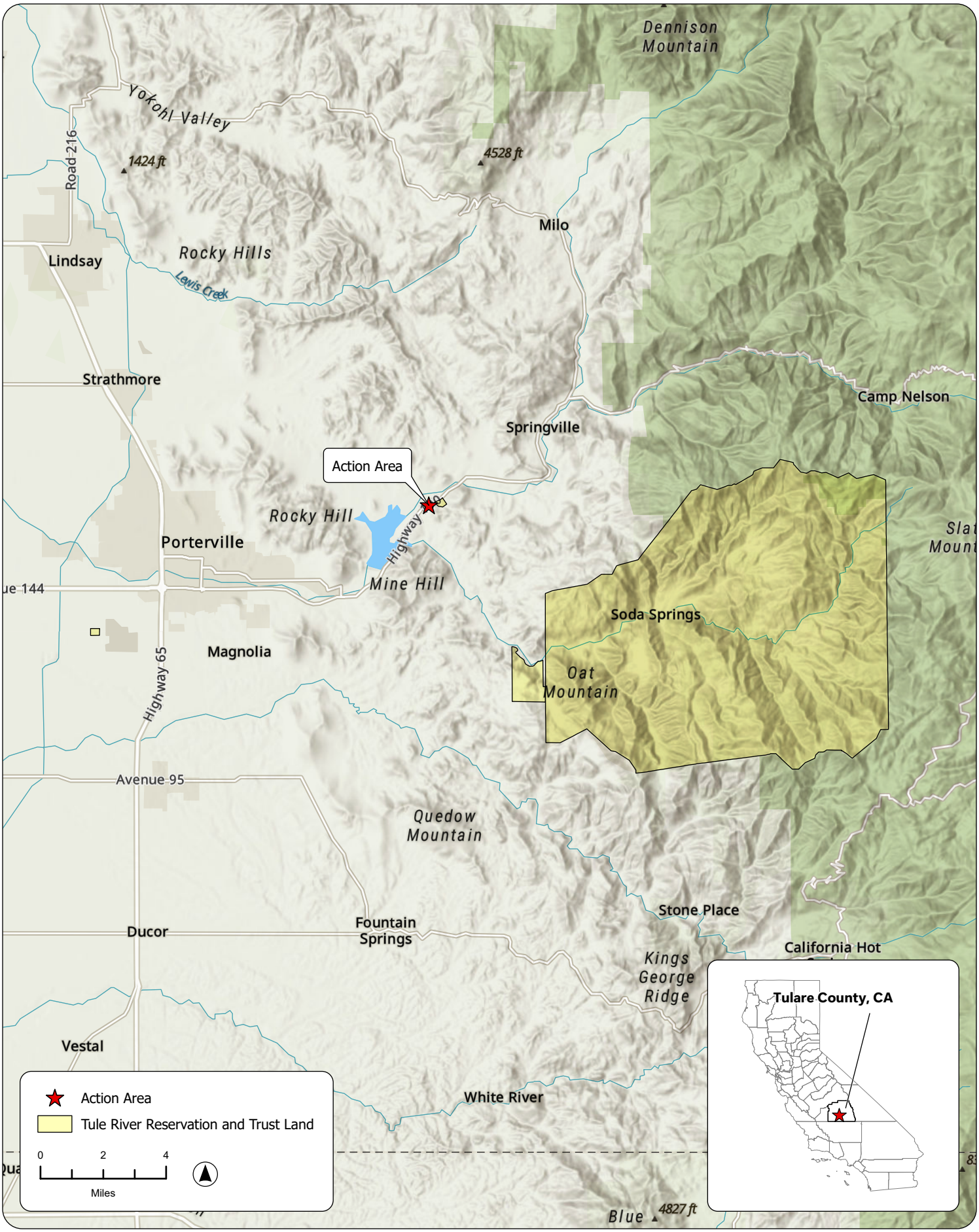
TABLE 1: ACTION AREA ASSESSOR PARCEL NUMBERS

Property Name	Assessor's Parcel Number	Acres
Shan King	284-760-001	61.90
Shan King	284-760-006	
Shan King	284-770-005	
Shan King	284-770-006	
Highway 190	284-770-007	34.90
Hartsell	284-760-003	12.77
	Total	**109.57**

The Tule River Indian Tribe of the Tule River Reservation ("Tribe") is proposing to transfer this fee-title property into federal trust to expand the Tule River Reservation and develop the land for mixed-use purposes. A site plan is provided in **Figure 4**. The proposed developments are:

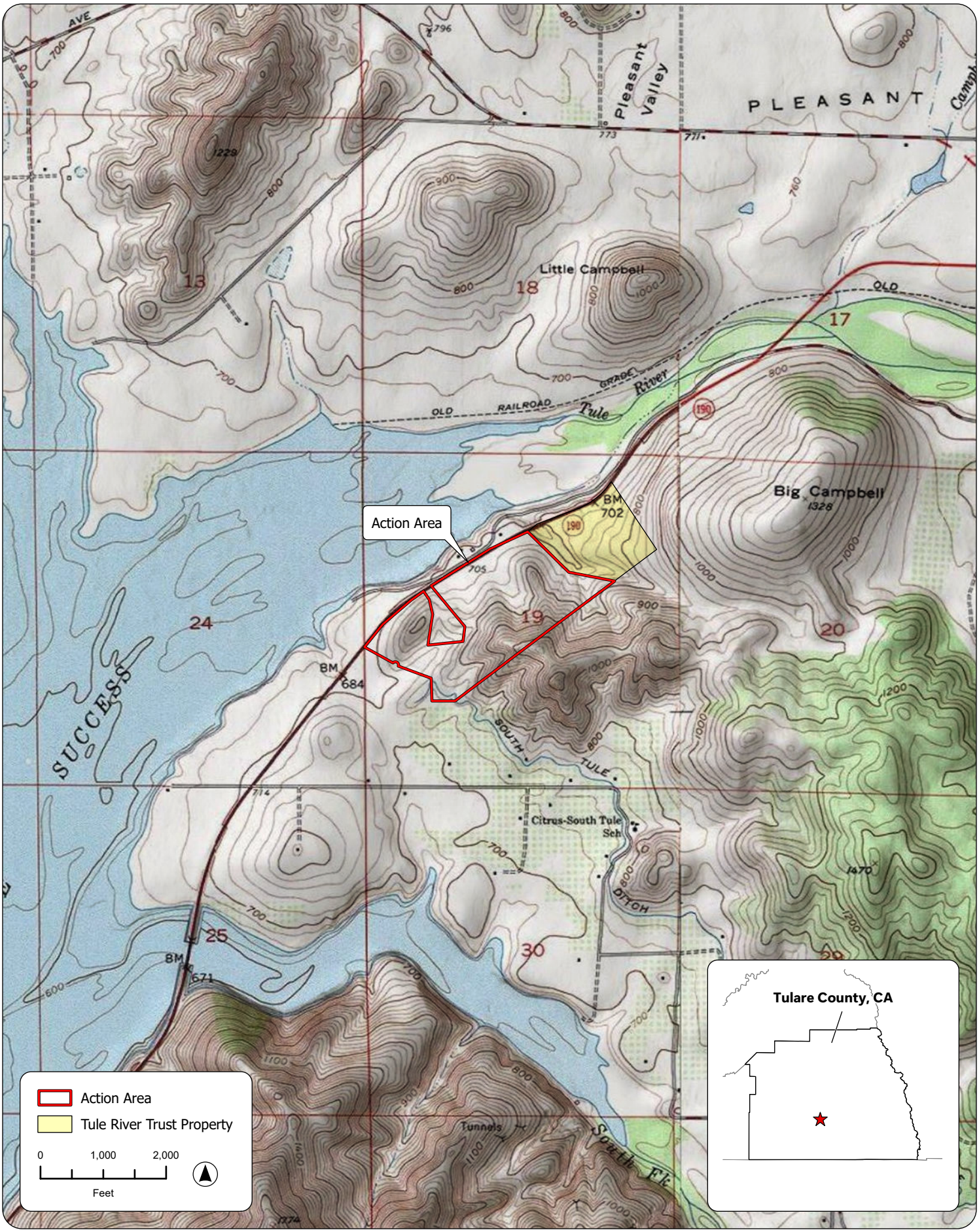
- Shan King Property: new economic development with continued agricultural use (20-acre citrus grove).
- Highway 190 property: Continued grazing leases and open space. Potential future sustainable energy systems.
- Hartsell property: Continued residential and grazing.

For the purposes of this assessment, the entire 109.57-acre property was designated as the Project Area.



SOURCE: ESRI, 2025; Acorn Environmental, 11/20/2025

Figure 1
Regional Location



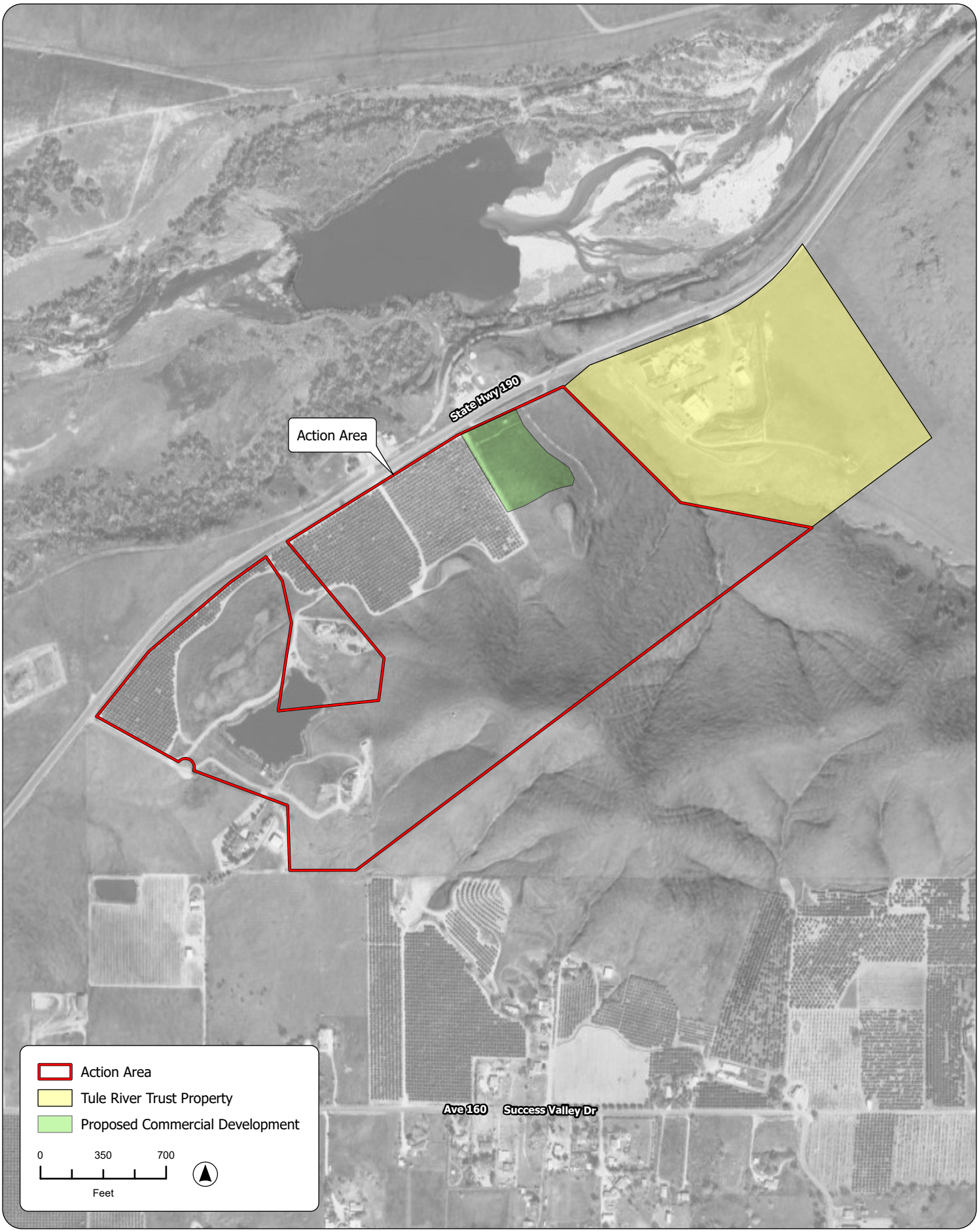
SOURCE: "Success Dam, CA" USGS 7.5 Minute Topographic Quadrangle, T21S R29E, Section 19, Mt. Diablo Baseline & Meridian; Tulare County GIS, 2025; ESRI, 2025; Acorn Environmental, 11/20/2025

Figure 2

Site and Vicinity

SOURCE: ESRI, 2025; Google Earth Aerial Photograph, 2/25/2025; Tulare County GIS, 2025; Acorn Environmental, 11/20/2025

Figure 3
Aerial Overview



SOURCE: ESRI, 2025; Google Earth Aerial Photograph, 2/25/2025; Tulare County GIS, 2025; Acorn Environmental, 11/20/2025

Figure 4
Site Plan

1.3 LISTED SPECIES AND CRITICAL HABITAT

Critical Habitat

There is no designated critical habitat within or adjacent to the Action Area. The nearest critical habitats are: California condor (*Gymnogyps californianus*), 0.3 miles to the north of the Action Area; and Keck's checker-mallow (*Sidalcea keckii*), 5 miles to the southwest of the Action Area (see **Figure 5**).

USFWS Species List

An official USFWS species list was generated online using the USFWS' IPaC Trust Resource Report System (see **Attachment A**). The following protected resources were identified:

Mammals

- Fisher (*Pekania pennanti*) - Endangered
- San Joaquin kit fox (*Vulpes macrotis mutica*) - Endangered

Birds

- California condor (*Gymnogyps californianus*) - Endangered

Reptiles

- Northwestern Pond Turtle (*Actinemys marmorata*)- Proposed Threatened

Amphibians

- Foothill yellow-legged frog (*Rana boylii*) - Endangered
- Western Spadefoot (*Spea hammondii*) – Proposed Threatened

Insects

- Monarch butterfly (*Danaus plexippus*) – Proposed Threatened

Plants

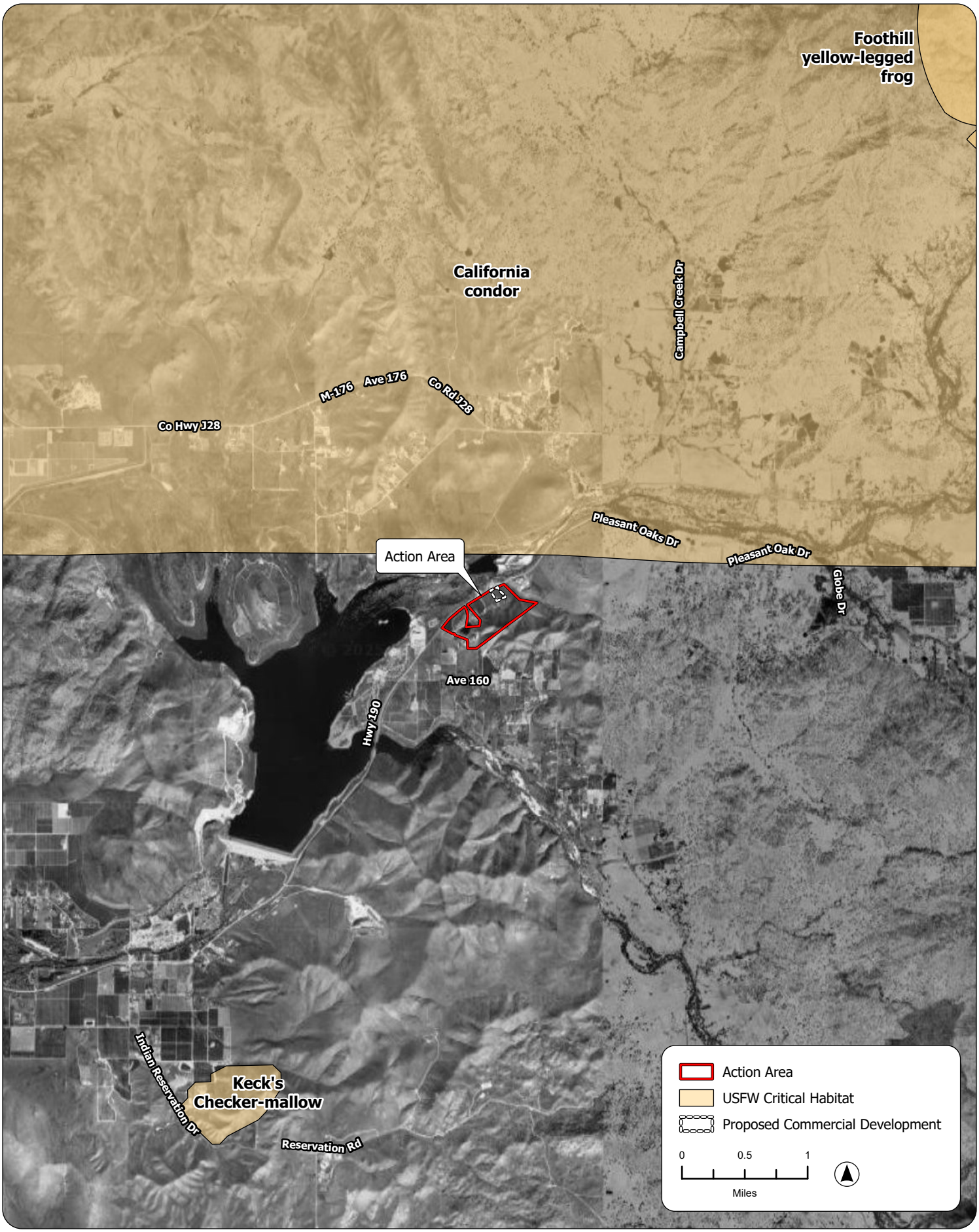
- San Joaquin Adobe Sunburst (*Pseudobahia peirsonii*) - Threatened
- Keck's Checker-mallow (*Sidalcea keckii*) - Endangered

Migratory birds are also considered. Under the Migratory Bird Treaty Act of 1918 (16 USC §703-711), migratory bird species and their nests and eggs that are on the federal list (50 CFR §10.13) are protected from injury or death, and project-related disturbances must be reduced or eliminated during the nesting cycle.

Historical Occurrences of Listed Species

The CNDDB/BIOS databases were queried and any reported occurrences of special-status species were plotted in relation to the Action Area boundary using GIS software (CNDDB, 2025). The CNDDB reported 1 federally-listed species occurrence within the Action Area:

- Keck's Checkerbloom. The accuracy of the record is only a 1-mile radius, and that radius intersects a small section in the northeastern portion of the Action Area. The record pertains to a specimen collection in 1954 by Howell and Barneby. The location is described only as, "*Tule River Valley, 4.5 miles below Springville*."



SOURCE: USFWS Critical Habitat, 2025; ESRI, 2025; Google Earth Aerial Photograph, 2/25/2025; Tulare County GIS, 2025; Acorn Environmental, 11/20/2025

Figure 5
Critical Habitat

1.4 HABITAT CONSERVATION PLANS

The Action Area is not located within the covered area of any Habitat Conservation Plan or Natural Community Conservation Plan.

1.5 CONSULTATION TO DATE

This biological assessment will be submitted by the Tribe to the U.S. Bureau of Indian Affairs, who may use it to consult with the USFWS.

Section 2 | Methods

2.1 PRELIMINARY DATA GATHERING AND RESEARCH

Prior to conducting the field survey, the following information sources were reviewed:

- Previous biological resource studies pertaining to the Action Area or vicinity if available;
- United States Geologic Service (USGS) 7.5 degree-minute topographic quadrangles of the Action Area and vicinity;
- Aerial photography of the Action Area;
- California Natural Diversity Database (CNDDB), electronically updated monthly by subscription;
- A query of the California Native Plant Society's database *Inventory of Rare and Endangered Plants of California* (online edition);
- USFWS National Wetlands Inventory (NWI) mapper (USWFS, 2023); and
- USFWS species list (IPaC Trust Resources Report) (USFWS, 2025)

2.2 FIELD SURVEYS

Consulting biologist Dr. Geo Graening conducted a biological field assessment on April 25, 2023, and collected data on wildlife and plant species present, as well as habitat types and jurisdictional waters. A variable-intensity pedestrian survey was performed. Fauna and flora observed were recorded in a field notebook and identified to the lowest possible taxon. Survey efforts emphasized the search for federally-listed species that had documented occurrences in the CNDDB within the vicinity of the Action Area. Site photographs are found in **Attachment B**. Habitat types occurring in the Action Area were mapped on aerial photographs and information on habitat conditions and the suitability of habitats to support listed species was also recorded. The Action Area was also assessed for the presence of potentially-jurisdictional water features, including riparian zones, isolated wetlands and vernal pools, and other biologically-sensitive aquatic habitats.

2.3 MAPPING AND OTHER ANALYSES

Locations of species' occurrences and habitat boundaries within the Action Area were recorded on color aerial photographs and then digitized to produce the habitat maps. The boundaries of potentially jurisdictional water resources within the Action Area were identified and measured in the field and similarly digitized to calculate acreage and to produce informal delineation maps. Geographic analyses were performed using geographical information system software (ArcGIS 10, ESRI, Inc.). Vegetation communities (assemblages of plant species growing in an area of similar biological and environmental factors), were classified by Vegetation Series (distinctive associations of plants, described by dominant species and particular environmental setting) using the CNPS Vegetation Classification system (Sawyer and Keeler-Wolf, 1995). Wetlands and other aquatic habitats were classified using USFWS National Wetlands Inventory Classification System for Wetland and Deepwater Habitats, or "Cowardin class" (Cowardin et al., 1979).

Informal wetland delineation methods consisted of an abbreviated, visual assessment of the three requisite wetland parameters (hydrophytic vegetation, hydric soils, hydrologic regime) defined in the U.S.

Army Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory, 1987).

Wildlife habitats were classified according to the CDFW's California Wildlife Habitat Relationships System (CDFW, 2023a). Species' habitat requirements and life histories were identified using the following sources: Baldwin et al. (2012); CNPS (2025), and University of California at Berkeley (2025).

Section 3 | Results of Surveys

3.1 ENVIRONMENTAL SETTING

The physiographic setting of the Action Area is the transitional slope between the California Trough Section and the Sierra Nevada Section in the Pacific Border Province. The surficial geology is: pre-Cenozoic metasedimentary and metavolcanic rocks undivided (Early Proterozoic to Cretaceous). The Action Area is in Climate Zone 9: "*Thermal belts around Southern California's interior valleys*." This region has thermal belts and lacks cold-air basins, allowing the cultivation of many deciduous fruits and vegetables. Summers are hot, and winters are mild with some very brief cold periods or tule fogs.

The topography is variable and consists of moderate to steep foothills incised by drainages and gently-sloped alluvial fans adjacent to the Tule River floodplain. Certain areas have been heavily graded for agricultural purposes (orchard and pasture), residential pads, and to impound water for livestock and recreation. The elevation ranges from approximately 690 feet to 1,040 feet above mean sea level. The USDA soil survey data indicates that there are three soil units within the Action Area:

- 118: Coarsegold loam, 15 to 30 percent slope, well drained, not hydric, residuum weathered from mica schist;
- 119: Coarsegold loam, 30 to 50 percent slopes, well drained, not hydric, residuum weathered from mica schist;
- 130: Friant-Rock outcrop complex, 15 to 75 percent slopes, well drained, not hydric, residuum weathered from mica schist;
- 144: Las Posas-Rock outcrop complex, 9 to 50 percent slopes, well drained, not hydric, residuum weathered from gabbro; and
- 155: San Joaquin loam, 2 to 9 percent slopes, moderately well drained, alluvium derived from acid igneous rock, not hydric

The Action Area is partially developed, and used for agricultural use (citrus orchard), grazing and open space leases. An approximately 3,500 square-foot rural residential housing unit and a secondary prefabricated residential structure is currently located on the Hartsell portion of the Action Area and is zoned by the Tulare County as "Planned Development." Also present is a large pond and a network of private, unpaved roads.

3.2 INVENTORY OF FLORA AND FAUNA

Animals sighted during the wildlife field surveys of the Action Area are as follows:

ants (Formicidae); northwestern fence lizard (*Sceloporus occidentalis occidentalis*); house finch (*Haemorhous mexicanus*); pigeon (*Columba livia*); mourning dove (*Zenaida macroura*); great-tailed grackle (*Quiscalus mexicanus*); white-tailed kite (*Elanus leucurus*); purple finch (*Haemorhous purpureus*); coot (*Fulica*); red winged blackbird (*Agelaius phoeniceus*); black phoebe (*Sayornis nigricans*); hermit thrush (*Catharus guttatus*); California ground squirrel (*Otospermophilus beecheyi*); cattle (*Bos taurus*); desert cottontail (*Sylvilagus audubonii*); raccoon (*Procyon lotor*); dog (*Canis familiaris*); and small burrows (probably Botta's pocket gopher [*Thomomys bottae*]).

Plants detected during the survey of the Action Area are listed in **Table 2**.

3.3 LISTED SPECIES OBSERVED DURING SURVEYS

No federally-listed plant or animal species were observed during the survey conducted within the Action Area.

TABLE 2: LIST OF PLANT SPECIES DETECTED DURING FIELD SURVEYS

Common Name	Scientific Name
Blow wives	*Achyrachaena mollis*
Lotus	*Acmispon* sp.
Common fiddleneck	*Amsinckia intermedia*
Wild oat	*Avena fatua*
Black mustard	*Brassica nigra*
brome	*Bromus spp.*
Red maids	*Calandrinia ciliata*
Superb mariposa lily	*Calochortus superbus*
Shepherd's purse	*Capsella bursa-pastoris*
Citrus	*Citrus* sp.
Bindweed	*Convolvulus* sp.
Dove weed	*Croton setiger*
Wild hyacinth	*Dichelostemma sp.*
Blue dicks	*Dipterostemon capitatus*
Filaree	*Erodium sp.*
Ash	*Fraxinus* sp.
barley	*Hordeum spp.*
Baltic rush	*Juncus balticus*
Hawkbit	*Leontodon saxatilis*
Lupine	*Lupinus sp.*
Cheese weed	*Malva parviflora*
Olive	*Olea europaea*
Fremont's cottonwood	*Populus fremontii*
Peach	*Prunus sp.*
woolly marbles	*Psilocarphus* sp.
Blue oak	*Quercus douglasii*
Dock	*Rumex*
willow	*Salix* sp.
Russian thistle	*Salsola* sp.
Cattail	*Typha*
Mexican fan palm	*Washingtonia*

3.4 TERRESTRIAL VEGETATION COMMUNITIES

The Action Area is at the border between the southern Sierra Nevada Foothills subregion (Sierra Nevada geographic subdivision) and the San Joaquin Valley (Great Central Valley geographic subdivision), which is part of the larger California Floristic Province (Baldwin et al., 2012). The following terrestrial natural communities occur in the Action Area (**Figure 6**).

Orchard (20 acres)

These areas have been graded and planted in citrus orchard (primarily orange). The ground is kept clear by mechanical and chemical treatments. Irrigation is by sprinkler. There is no natural vegetation community structure and these areas provide very little wildlife habitat. This habitat occurs on hillslopes and areas not historically cleared by ranchers or wildfire. The community consists of widely scattered oaks dominated by blue oak (*Quercus douglasii*). A shrub layer is absent and the herbaceous groundlayer is comprised largely of the same species observed in the annual grassland.

Non-native Annual Grassland and Pasture (83 acres)

This habitat has either been grazed by livestock or is harvested for hay or both. Dominant non-native grasses observed include wild oat (*Avena*), various species of brome (*Bromus*), barley (*Hordeum*) and fescue (*Festuca*). Native grasses were largely absent or undetectable during surveys. Non-native broad-leaved herbs include mustards (*Brassica spp.*), filaree (*Erodium spp.*), Russian thistle (*Salsola* sp.), and clovers (*Trifolium*). Native herbs observed include fiddleneck (*Amsinckia*), lupine (*Lupinus*), and turkey mullein (*Croton setiger*).

Ruderal (0.5 acres) and Developed (6.8 acres)

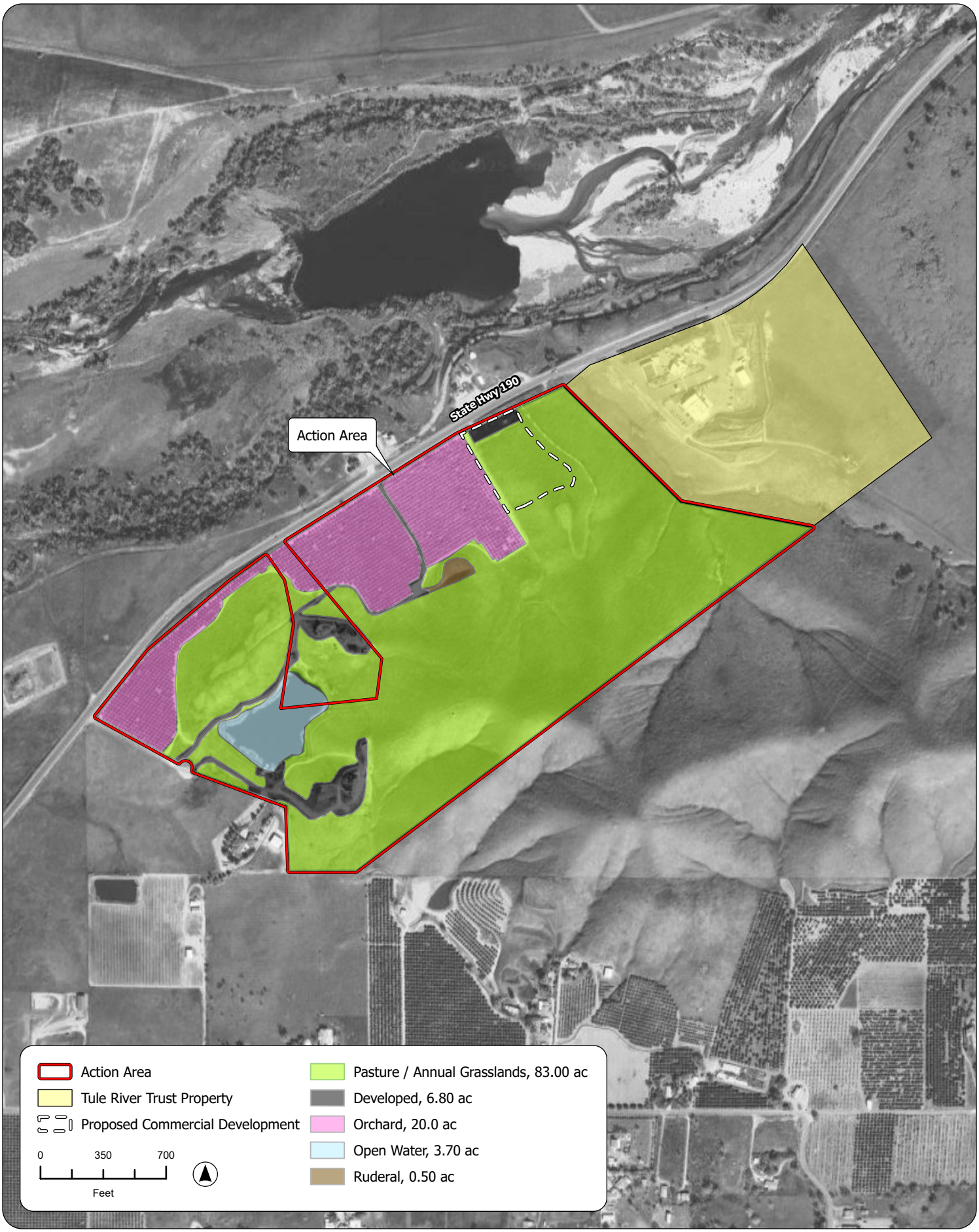
The ruderal and developed areas are associated with residential estates, cattle ranching, and citrus production. Habitats in this portion are highly maintained by various mechanical and chemical means (e.g., trimming, mowing, spraying). While some native trees are present, existing vegetation largely consists of various landscape species such as olive (*Olea europaea*), Mexican fan palm, plum, ash (*Fraxinus* sp.) and oleander (*Nerium oleander*).

3.5 AQUATIC HABITATS

To assess aquatic habitats, the USFWS National Wetland Inventory database was queried (**Figure 7**), and water resource mapping was conducted during surveys. Surveys determined that the Action Area contains the following water resources (**Figure 8**).

Pond and Lacustrine Wetlands

The pond is a 3.7-acre reservoir that is used for agricultural and ornamental purposes. The margin of the pond sustains lacustrine wetland habitats, which are primarily cattail (*Typha*) marshes with occasional cottonwood or willow trees.



SOURCE: ESRI, 2025; Google Earth Aerial Photograph, 2/25/2025; Tulare County GIS, 2025; Acorn Environmental, 11/20/2025

Figure 6
Vegetation Communities

Other Wetlands

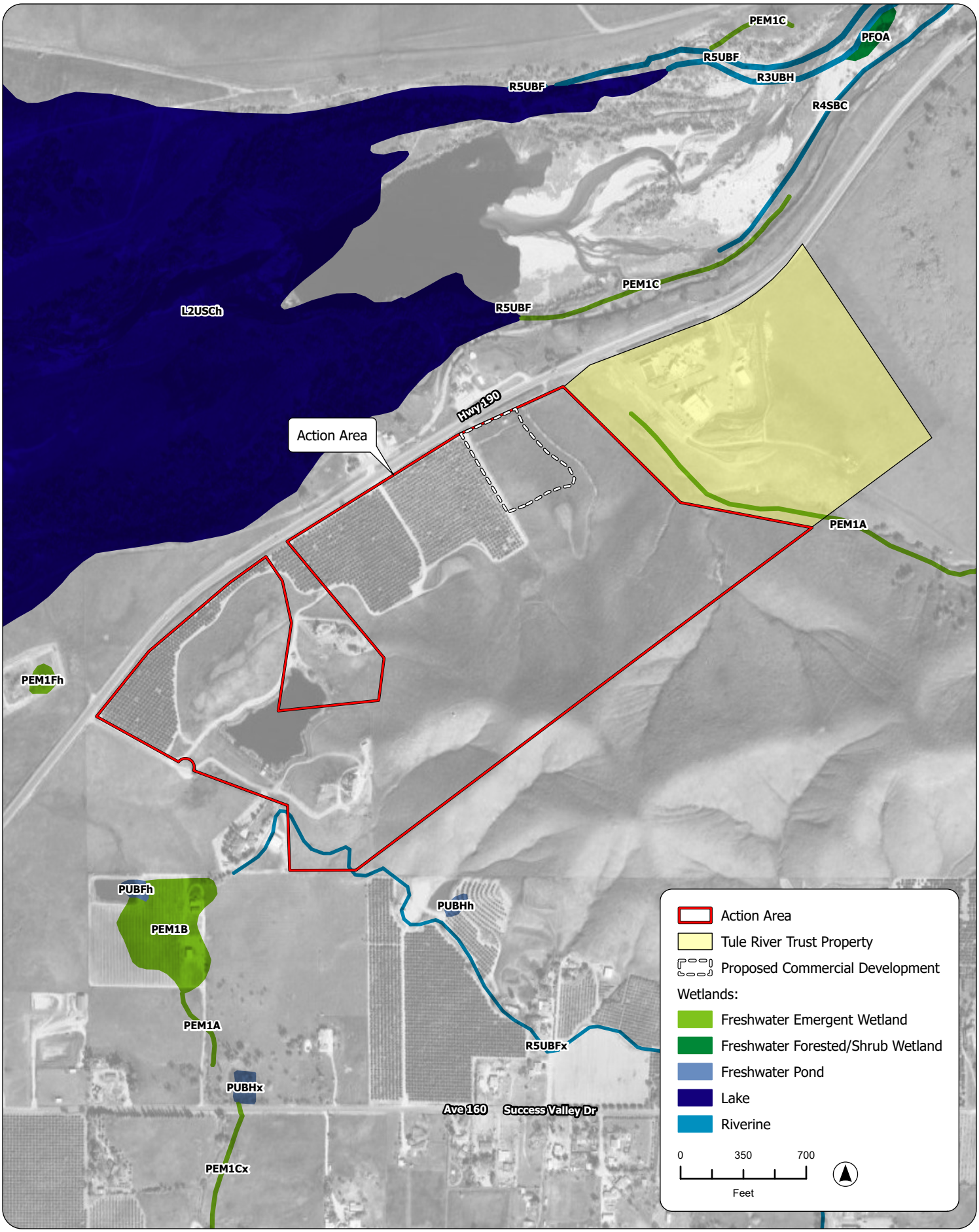
Where channels transition from high-gradient streams to flat valley floor, wet meadows or emergent wetlands occur. These are primarily seasonal marshes that are dominant in rushes (*Juncus balticus*).

Channels

There are various channels in the Action Area that collect water from the hillslopes. These are ephemeral features that drain quickly and can be erosive, incising the hills with rocky channels.

Other Features

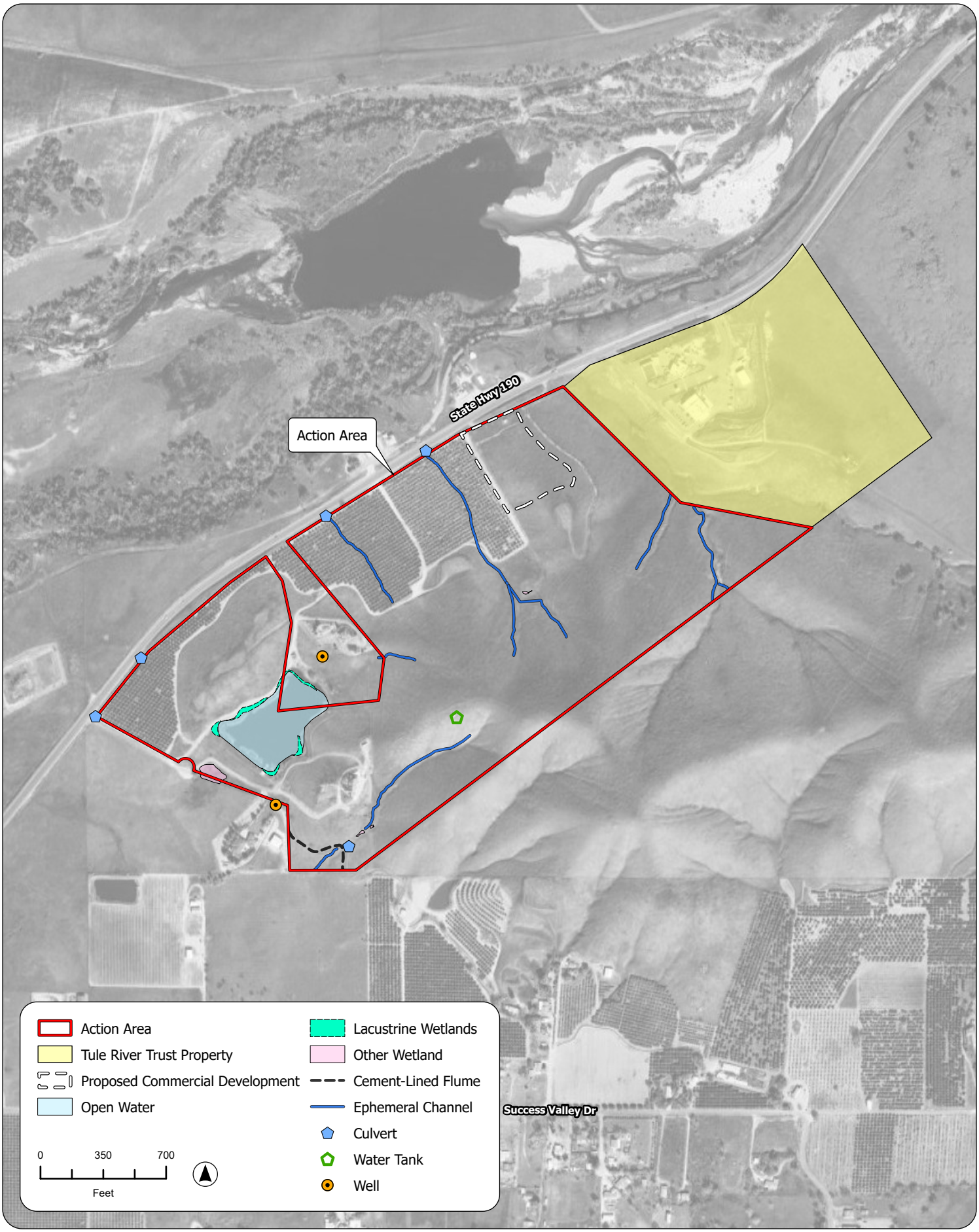
Various upland swales occur on moderately steep to very steep hillslopes that intercept runoff from surrounding uplands. These features do not have channel characteristics and many of them terminate in pasture. These swales are not federally-jurisdictional channels. There is also a cement-lined flume named South Tule Ditch that flows through the southwestern corner of the Action Area.



SOURCE: USFS, 5/7/2025; ESRI, 2025; Google Earth Aerial Photograph, 6/6/2024; Acorn Environmental, 11/20/2025

Figure 7

National Wetlands Inventory



SOURCE: ESRI, 2025; Google Earth Aerial Photograph, 2/25/2025; Tulare County GIS, 2025; Acorn Environmental, 11/20/2025

Figure 8
Water Resources

Section 4 | Species Accounts

4.1 MAMMALS

Fisher (*Pekania pennanti*)

Endangered

The range of the fisher is the low- to mid-elevation forests in the Sierra Nevada mountains (USFWS 2025). The species has been sighted in Mariposa, Madera, Fresno, Tulare, and Kern counties in California. The species is most often found in forested areas with a large tree canopy cover that contains a mix of conifer and California black oak trees. They are mostly found on federal lands managed by the U.S. Forest Service and National Park Service. Throughout their range, fishers use tree cavities for denning, and they select denning and resting sites in forests that have high canopy cover, a lot of snags and downed wood (USFWS 2025). The nearest CNDDB reported occurrences of fishers are at least 15 miles away from the Action Area at higher altitudes and denser forests. The Action Area lacks the forest habitats that the fisher requires.

San Joaquin Kit Fox (*Vulpes macrotis mutica*)

Endangered

By the time the San Joaquin kit fox was listed as federally endangered in 1967 and California threatened in 1971, it had been extirpated from much of its historic range. The San Joaquin kit fox is small, tan fox with a bushy, black-tipped tail (USFWS 2025). This fox only weighs about 5 pounds when fully grown. It has a narrow nose and a small, slim body. The fox is specially adapted for its desert habitat. Its large, close-set ears help dissipate heat, keeping it cool in the hot desert. The San Joaquin kit fox roams throughout much of the valley floor and foothills of the San Joaquin Valley in California, from San Joaquin County in the north to Kern County in the south. The San Joaquin kit fox's range also includes valleys inside the Coast Range (USFWS 2025).

The San Joaquin kit fox inhabits grasslands and requires loose-textured, sandy soils for burrowing and a suitable prey base (USFWS 2025). Kit foxes are often found near ground squirrel colonies, because these colonies provide an abundance of prey and burrows; kit foxes enlarge and modify these burrows to make their dens. The CNDDB reports various occurrences of San Joaquin kit fox in the San Joaquin Valley downgradient of the Action Area; the closest is 7 miles to the southwest, but this record is a roadkill reported in 1973. In fact, all of the occurrence records in the region date back to 1992 or earlier. Previous surveys using specially trained dogs that identify San Joaquin kit fox by their scat scent found no evidence of San Joaquin kit fox in Tulare County (Smith et al. 2006). Although the Action Area contains some areas of suitable habitat (in the areas containing non-native grassland), existing populations of San Joaquin kit fox would need to disburse more than 10 miles from occupied habitats and cross significant barriers, such as major roadways and urban areas, to colonize the Action Area.

4.2 BIRDS

California Condor (*Gymnogyps californianus*)

Endangered

The California condor was listed as endangered on March 11, 1967, with critical habitats designated in 1976 within Tulare, Kern, Los Angeles, Ventura, Santa Barbara, and San Luis Obispo Counties (USFWS 2025). California condors were absent from Central California wild until the 1990s when condors were reintroduced. California condors were released in 1991 and 1992 in California at Big Sur, Pinnacles National Park and Bitter Creek National Wildlife Refuge and in 1996 at the Vermilion Cliffs release site in Arizona near the Grand Canyon. The designated critical habitats closest to the Action Area are the Tulare Country Rangelands (Critical Habitat #9) and the Kern County Rangelands (Critical Habitat #8). These are both important foraging zones but neither of these designated critical habitats overlap with any portion of the Action Area. The nearest is the Tulare County Rangelands critical habitat, which is a vast tract of land that begins 0.3 mile to the north of the Action Area.

California condors soar over large areas of remote country for foraging (USFWS 2025). Nests are located in shallow caves and rock crevices on cliffs. Foraging habitat consists of grasslands and oak savanna foothills that support populations of large mammals such as deer and cattle (USFWS 2025). The nearest known population is at the "Blue Ridge Condor Area," which is part of the Blue Ridge National Wildlife Refuge. The refuge is one of four units of the Hopper Mountain National Wildlife Refuge Complex for California condors. The Blue Ridge area is 12 miles to the north of the Action Area.

The Action Area lies within the historic range of the condor. The Action Area does not contain caves, crevices, or cliffs, so there is no breeding habitat. The Action Area does contain some suitable foraging habitat.

4.3 REPTILES

Northwestern Pond Turtle (*Actinemys marmorata*)

Proposed Threatened

The species is known to occur in a wide variety of aquatic habitats including rivers and streams, lakes, ponds, reservoirs, permanent and ephemeral shallow wetlands, stock ponds, and sewage treatment lagoons (Holland, 1994). Optimal habitat seems to be characterized by the presence of adequate emergent basking sites, emergent vegetation, and the presence of suitable refugia in the form of undercut banks, submerged vegetation, mud, rocks, and logs. The CNDDB reports the nearest records to be 5 miles to the south and 9 miles to the east, both populations of which are in the South Fork Tule River, which is a different watershed than the Action Area. In-stream dispersal distances have been recorded of over 0.12 miles. Long distance overland dispersal between waterbodies has been recorded at up to approximately 1.0 mile in California and 3.1 miles in Oregon (NatureServe Explorer, 2025a). It is assumed that suitable upland habitat within 500 meters of suitable aquatic habitat may be used for nesting or aestivation.

The ponds and other permanent water sources within the Action Area represent suitable breeding habitat, and areas within 500 feet present suitable nesting/aestivation habitat. The Action Area contains suitable dispersal habitat for northwestern pond turtle as well. However, turtles from existing populations would need to disburse many miles and cross significant barriers, such as reservoir impoundments, stream culvertization, and major roadways, to colonize the Action Area.

4.4 AMPHIBIANS

Foothill Yellow-legged Frog (*Rana boylii*)

Endangered

The foothill yellow-legged frog lives in foothill and mountain streams from the Pacific Coast to the western slopes of the Sierra Nevada and Cascades mountains, up to approximately 5,000 feet in elevation. The foothill yellow-legged frog occurs in a wide variety of vegetation types including valley-foothill hardwood, valley-foothill hardwood-conifer, valley-foothill riparian, ponderosa pine, mixed conifer, mixed chaparral and wet meadows. The frog is closely associated with streams and is rarely observed far from the water's edge. Breeding stream habitat is typically shallow, rocky and at least partially exposed to direct sunlight (USFWS 2025).

This frog faces several threats, including altered waterflows that are related to water infrastructure, competition with and predation by non-native species and disease. The species also faces threats from precipitation and temperature changes, as well as wildfires. Water-related recreation and habitat conversion and degradation also threaten this species (USFWS 2025)..

The CNDDB reports the nearest occurrence to be 7 miles to the northeast of the Action Area in the Middle Fork Tule River. The frog would need to disburse that long distance and cross significant barriers, such as reservoir impoundments and culvertization along major roadways, to colonize the Action Area. Predators, such as bullfrogs and wading birds, are also present. The Action Area does not contain suitable aquatic habitat because the channels present are ephemeral and do not retain water long enough for frogs to complete their life cycle.

Western Spadefoot (*Spea hammondii*)

Proposed Threatened

Western spadefoot breeds within temporary pools between January to June and requires pooled water for breeding activity and for the tadpole life stage (CDFW, 2000; ADW, 2025). Vegetation within pooled areas is necessary for egg attachment. Adults spend the majority of the dry season underground and therefore require friable soils for burrowing. Generally, where one western spadefoot toad burrow occurs, more are present. Suitable burrowing habitat could occur within grasslands, chaparral, scrub, and oak woodlands where tree canopy coverage is not too high (CDFW, 2000; ADW, 2025). Burrows are often located away from breeding areas, with juveniles dispersing in the late spring into summer. Adults are active at night when they engage in foraging for insects and other invertebrates.

The Action Area contains a pond and other permanent and seasonal water resources, so suitable breeding, burrowing, and dispersal habitat is present. However, the nearest known occurrences of western spadefoot recorded in CNDDB are over 15 miles from the Action Area and in different watersheds. The toad would need to disburse that long distance and cross significant barriers, such as reservoir impoundments, channel culvertization, and major roadways, to colonize the Action Area.

4.5 INSECTS

Monarch Butterfly (*Danaus plexippus*)

Proposed Threatened

During the breeding season, monarchs lay their eggs on their obligatory milkweed host plant (primarily *Asclepias* species), and larvae emerge after two to five days (USFWS 2025). Larvae develop through five molts over a period of 9 to 18 days, feeding on milkweed and sequestering toxic chemicals (cardenolides) as a defense against predators. The larva then pupates into a chrysalis before emerging 6 to 14 days later as an adult butterfly. There are multiple generations of monarchs produced during the breeding season, with most adult butterflies living approximately two to five weeks; overwintering adults enter into reproductive diapause (suspended reproduction) and live six to nine months (USFWS 2025).

Monarchs in temperate climates, such as western North America, undergo long-distance migration, and live for an extended period of time. In the fall, monarchs begin migrating to their overwintering sites. This migration can take monarchs distances of over 3,000 km and last for over two months.

In early spring (February-March), surviving monarchs break diapause and mate at the overwintering sites before dispersing. The same individuals that undertook the initial southward migration begin flying back through the breeding grounds and their offspring start the cycle of generational migration over again (USFWS 2025).

The CNDDB has no records of this species within 12 miles of Action Area. The milkweed host plant (primarily *Asclepias* species) is not known to be present within the Action Area.

4.6 PLANTS

San Joaquin Adobe Sunburst (*Pseudobahia peirsonii*)

Threatened

San Joaquin adobe sunburst is an annual herb in the Aster Family (Asteraceae) that blooms February through April at elevations ranging between 295 and 2,625 feet. It occurs in cismontane woodland and valley and foothill grasslands, usually in association with adobe clay soils (USFWS 2025). San Joaquin adobe sunburst is endemic to California's Central Valley. There are currently 36 occurrences, but most are very small (less than 250 individuals) and most of the plants are concentrated in 3 general areas around the Central Valley. San Joaquin adobe sunburst occurs in grasslands and occasionally grassland-blue oak woodland community ecotones. San Joaquin adobe sunburst occurs only on heavy adobe clay soils which retain moisture into the summer dry season (NatureServe Explorer 2025b). Residential development is the primary threat to the species. Other threats include road maintenance projects, recreational activities, and competition from non-native plants (NatureServe Explorer 2025b).

The CNDDB reports the nearest occurrence to be 1.2 miles to the northeast and 2.2 to the southwest of the Action Area. These occurrence records are associated with USDA soil series types Porterville Clay, Cibo Clay/Exeter Loam, and Centerville Clay. The USDA has not mapped the Action Area with any of these soil series; instead of clayey soils, the soils are rocky loams.

Keck's Checker-mallow (*Sidalcea keckii*)

Endangered

Keck's Checker-mallow is an annual herb of the mallow family (Malvaceae) that can remain dormant as seeds for long periods. Keck's Checker-mallow is endemic to California and grows in relatively open areas on grassy slopes of the Sierra foothills. Historically, Keck's Checker-mallow was known from three occurrences, two from Tulare County and one from Fresno County. After having been collected in the 1930s, it was not collected or seen by botanists again for over 50 years. Keck's Checker-mallow was presumed extinct until it was rediscovered in 1992 at a site near Mine Hill in Tulare County (Mine Hill population). Keck's Checker-mallow is threatened by urban development, competition from non-native grasses, agricultural land conversion, and random mortality events (USFWS 2025). The nearest critical habitats for Keck's checker-mallow is 5 miles to the southwest of the Action Area (see **Figure 5).**

At the time of listing in 2000, Keck's Checker-mallow was known from only several populations: one population at Mine Hill in Tulare County (Mine Hill population) and another population at Tivy Mountain near the community of Piedra, in southern Fresno County (Piedra population). Currently, only the Piedra population of Keck's Checker-mallow is known to be extant. Most of this population is on the Sierra Foothill Conservancy's Tivy Mountain Preserve, with small portions on U.S. Bureau of Reclamation land (USFWS 2025).

Keck's Checker-mallow is associated with serpentine soils and other soils that tend to restrict more common competing vegetation (USFWS 2007). Serpentine soils are unusually low in primary plant nutrients, nitrogen, phosphorus, and potassium; and high in heavy metals. These soil properties tend to restrict the growth of many competing plants and select for plants adapted to these stressful growing environments. As with many serpentine species, Keck's Checker-mallow appears to compete poorly with densely-growing non-native annual grasses. As discussed in **Section 1.3**, the CNDDB reports an occurrence near the Action Area. This non-specific mapped record may be associated with surrounding properties mapped by the USDA as having gabbro soils (the Cibo soil series). However, the Action Area lacks the requisite serpentine soils and has the competing vegetation type (non-native annual grasses).

Section 5 | Effects Determination

5.1 POTENTIAL ADVERSE EFFECTS ON CRITICAL HABITAT

There is no federally-designated critical habitat for any listed species within, or adjacent to, the Action Area. The nearest critical habitat is for the California condor, 0.3 miles to the north of the Action Area and the Keck's checker-mallow, 4 miles to the southwest of the Action Area (**Figure 5**). Implementation of the Proposed Action will have No Effect on designated critical habitat for any listed species.

5.2 POTENTIAL ADVERSE EFFECTS ON LISTED SPECIES

Fisher

The CNDDB does not report any fisher populations within 15 miles of the Action Area. The Action Area lacks the forest habitats and tree canopy cover that the fisher requires. Implementation of the Proposed Action will have No Effect on Fisher.

San Joaquin Kit Fox

The Action Area is located within the historic range of the San Joaquin Kit Fox, although occurrence records date from the 1990s and the San Joaquin kit fox is not currently known to inhabit Tulare County (Smith et al. 2006). Although the Action Area contains some areas of suitable habitat (in the non-native grassland areas), the San Joaquin kit fox would need to disburse more than 10 miles from occupied habitats and cross significant barriers, such as major roadways and urban areas, to colonize the Action Area. There is an extremely low potential for the species to occur within the Action Area. Implementation of the Proposed Action will have No Effect on the San Joaquin kit fox.

California Condor

Although there is critical habitat for California condor near the Action Area, and the Action Area is within the historic range, the Action Area does not contain caves, crevices, or cliffs, so there is no breeding habitat. The Action Area does contain some suitable foraging habitat. Given the tracking of condors and the ability to track roosting and foraging area use, there is no potential for any California condor to be in the Action Area (Great Basin Institute 2025). Implementation of the Proposed Action will have No Effect on the California condor.

Northwestern Pond Turtle

The ponds and other permanent water sources within the Action Area represent suitable breeding habitat, and areas within 500 feet present suitable nesting/aestivation habitat. The Action Area contains suitable dispersal habitat for northwestern pond turtle as well. However, turtles from existing populations would need to disburse many miles and cross significant barriers, such as reservoir impoundments, stream culvertization, and major roadways, to colonize the Action Area.

Northwestern pond turtle is not known to occur in the watershed that the Action Area is in, and the nearest known populations are about six miles away, well beyond the documented dispersal distances of this species (1 to 3 miles). Furthermore, dispersal barriers exist, such as reservoir impoundments, stream

culvertization, and major roadways. Northwestern pond turtle is unlikely to occur in the Action Area. Implementation of the Proposed Action will have No Effect on northwestern pond turtle.

Foothill Yellow-legged Frog

The CNDDB reports the nearest occurrence to be 7 miles to the northeast of the Action Area in the Middle Fork Tule River. The frog would need to disburse that long distance and cross significant barriers, such as reservoir impoundments and culvertization along major roadways, to colonize the streams of the Action Area. Predators, such as bullfrogs and wading birds, are also present. The Action Area does not contain suitable aquatic habitat because all the streams present are ephemeral channels and do not retain water long enough for foothill Yellow-legged frogs to complete their life cycle. Implementation of the Proposed Action will have No Effect on Foothill Yellow-legged Frog.

Western Spadefoot

The Action Area contains a ponds and other permanent and seasonal water resources, so suitable breeding, burrowing, and dispersal habitat is present. However, the nearest known occurrences of western spadefoot recorded in CNDDB are over 15 miles from the Action Area and in different watersheds. The toad would need to disburse that long distance and cross significant barriers, such as reservoir impoundments, channel culvertization, and major roadways, to colonize the Action Area. Western spadefoot is unlikely to occur in the Action Area. Implementation of the Proposed Action will have No Effect on western spadefoot.

Monarch Butterfly

The monarch requires an obligate host plant—milkweed (*Asclepias*)—for feeding and groves of trees for overwintering. The requisite plants/habitats are not present within the Action Area, as milkweed was not detected during the botanical survey. There is an extremely low potential for the butterfly to occur within the Action Area. Implementation of the Proposed Action will have No Effect on monarch butterfly.

San Joaquin Adobe Sunburst

San Joaquin adobe sunburst occurs on clay soils such as USDA soil series type “Porterville Clay,” but the USDA does not map any of the Action Area as consisting of the Porterville Clay soil series; instead of clayey soils, the soils present in the Action Area are rocky loams. There is an extremely low potential for the plant to occur within the Action Area. Implementation of the Proposed Action will have No Effect on San Joaquin adobe sunburst.

Keck's Checker-mallow

Keck's Checker-mallow is associated with serpentine soils. As with many serpentine species, Keck's Checker-mallow appears to compete poorly with densely-growing non-native annual grasses. The Action Area lacks the requisite serpentine soils and has the competing vegetation type (non-native annual grasses). Implementation of the Proposed Action will have No Effect on Keck’s Checker-mallow.

5.3 INDIRECT EFFECTS AND CUMULATIVE EFFECTS

For the purposes of this assessment, indirect effects consist primarily of the off-site degradation of natural habitats, such as the increase in noise or lighting or by the discharge of sediment to receiving waterbodies during construction. The Project Areas are already subject to habitat disturbance and noise and lighting

impacts from the existing built environment: the residences, the cattle ranching activities and citrus cultivation, and vehicular traffic. The Proposed Action will contribute incrementally to the existing noise and light environment, but it is not expected to significantly change the natural environment, which is already somewhat urbanized.

During construction, surface water quality has the potential to be degraded from storm water transport of sediment from disturbed soils or by accidental release of hazardous materials or petroleum products from sources such as heavy equipment servicing or refueling. However, on tribal trust land, the Tribe must enroll in the USEPA's 2022 Construction General Permit if more than 1 acre of land is disturbed. In conjunction with enrollment under the USEPA permit program, a Storm Water Pollution Prevention Plan, Erosion Control Plan, and a Hazardous Materials Management/Spill Response Plan must be created and implemented during construction to avoid or minimize the potential for erosion, sedimentation, or accidental release of hazardous materials. Implementation of these measures mandated by law would reduce potential construction-related impacts to water quality greatly.

For the purposes of this assessment, cumulative effects consist primarily of the degradation or destruction of suitable habitat for listed species that might expand their range in the future. Especially important is the destruction or removal of aquatic habitat for development. However, the Project Areas are devoid of natural channels and wetlands and riparian habitat, by design (see **Figure 4**). No listed species are likely to colonize the Project Areas because of habitat disturbance and human presence, as well as ground disturbance associated with ranching and citrus cultivation.

Section 6 | References

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Section 7 | Qualifications of Preparers

G.O. Graening, Ph.D., M.S.E.

G. O. Graening holds a Doctorate in Biological Sciences and a Master of Science in Biological Engineering, and is a certified arborist (International Society of Arboriculture). Dr. Graening has 26 years of experience in environmental assessment and research, including the performance of numerous wetland delineations and aquatic restoration projects. Dr. Graening also served as an adjunct professor of biology at California State University Sacramento for 10 years and was an active researcher in the area of conservation biology and groundwater ecology.

Attachment A: USFWS Species List

United States Department of the Interior

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

In Reply Refer To: 08/15/2025 19:57:19 UTC
Project Code: 2025-0136748
Project Name: Tule River Indian Tribe Fee-to-Trust Project Shan King Highway 190 Hartsell

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

To Whom It May Concern:

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

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

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

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

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

This species list is provided by:

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

PROJECT SUMMARY

Project Code: 2025-0136748

Project Name: Tule River Indian Tribe Fee-to-Trust Project Shan King Highway 190 Hartsell

Project Type: Mixed-Use Construction

Project Description: Tule River Indian Tribe proposed to convert fee title land into federal trust, with some parcels to remain unchanged in land use and others to be developed for tribal housing or commercial and multi use purposes

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@36.086936300000005,-118.8835406009689,14z

Counties: Tulare County, California

ENDANGERED SPECIES ACT SPECIES

There is a total of 9 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

MAMMALS

NAME	STATUS
Fisher *Pekania pennanti* Population: SSN DPS There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3651	Endangered
San Joaquin Kit Fox *Vulpes macrotis mutica* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2873	Endangered

BIRDS

NAME	STATUS
California Condor *Gymnogyps californianus* Population: Wherever found, except where listed as an experimental population There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8193	Endangered

REPTILES

NAME	STATUS
Northwestern Pond Turtle *Actinemys marmorata* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1111	Proposed Threatened

AMPHIBIANS

NAME	STATUS
Foothill Yellow-legged Frog *Rana boylii* Population: South Sierra Distinct Population Segment (South Sierra DPS) There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5133	Endangered
Western Spadefoot *Spea hammondii* Population: Northern DPS No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5425	Proposed Threatened

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

FLOWERING PLANTS

NAME	STATUS
Keck's Checker-mallow *Sidalcea keckii* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5704	Endangered
San Joaquin Adobe Sunburst *Pseudobahia peirsonii* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2931	Threatened

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Tule River Indian Tribe of the Tule River Reservation, California
Name: Kimberly Fuchs
Address: 5170 Golden Foothill Parkway
City: El Dorado Hills
State: CA
Zip: 95762
Email kfuchs@acorn-env.com
Phone: 3022229102

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Tule River Indian Tribe of the Tule River Reservation, California

Attachment B: Site Photographs