

# Biological Resources Survey Report

Green Gold Organic Collective, Mt. Lowe Cannabis Cultivation  
3033 Mt. Lowe Road  
APNs 070-241-037 and 070-241-038  
San Luis Obispo County, California  
DRC2018-00034



Prepared for:

Green Gold Organic Collective  
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Prepared by:



March 8, 2019

Report prepared by:

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As a County-approved biologist, I hereby certify that this Biological Resources Survey Report was prepared according to the Guidelines established by the County of San Luis Obispo Department of Planning and Building and that the statements furnished in the report and associated maps are true and correct to the best of my knowledge and belief; and I further certify that I was present during all site visits associated with this report. "Declarations of Biologist Qualifications" are included in Appendix I.

  
\_\_\_\_\_  
Signature

3/8/2019  
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Date

## EXECUTIVE SUMMARY

This Biological Resources Survey Report was prepared for the Green Gold Organic Collective on an approximately 0.6-acre portion (project area) of a 140-acre parcel located at 3033 Mt. Lowe Road, (APNs 070-241-035/036/037/038/039) in San Luis Obispo County, California. The proposed project would construct one 0.6-acre outdoor cannabis cultivation site in currently undeveloped areas accessed by existing dirt roadways.

This biological resources surveys found the 0.6-acre proposed project area within the parcel to contain annual grassland habitats surrounded by coast live oak woodland. Small areas of disturbed (ruderal) habitat associated with the edges of existing dirt roads are also present.

This evaluation is based on four site visits conducted in early May and early June, 2018, and early and mid-February 2019, and provides a determination of presence/absence of special-status species and sensitive habitats within the survey area. The biological investigation included blooming period surveys for potential plant species, direct observation and evaluation of onsite and adjacent habitat conditions, review of the California Natural Diversity Data Base (CNDDB) records documenting occurrence data from the area, a project referral response letter from the California Department of Fish and Wildlife (CDFW) regarding the project, and previous biological survey reports conducted in nearby areas.

One special-status plant species, Santa Lucia manzanita (*Arctostaphylos luciana*), was observed on the subject parcel during the floristic surveys, but the proposed project will not impact this species. Several bird species protected under the MBTA were observed, and the natural habitats present in the project area provide a variety of opportunities for bird nesting activity. Although a small area of annual grassland is present, the lack of California ground squirrels indicates that a suitable prey base for American badger is not present in the project area. The surveys identified several Monterey dusky-footed woodrat (*Neotoma fuscipes luciana*) stick nests within madrone/oak woodland areas, but no impacts to this area are proposed. No aquatic habitats, wetlands, creeks or drainage features are present within or adjacent to the project area and thus no species that rely on these habitats will be impacted. In addition, no oak trees are proposed for removal.

Potential impacts to nesting birds were identified in association with the proposed project. Avoidance and protection measures have been proposed within this report to protect, avoid and minimize impacts to nesting birds and habitats on the site.

## **INTRODUCTION**

The following Biological Resources Survey Report has been prepared by Ecological Assets Management LLC (EAM), at the request of Green Gold Organic Collective. The survey area consisted of a portion of a 140-acre property located at 3033 Mt. Lowe Road in San Luis Obispo County, California.

This report presents the methods and results of four biological resources surveys conducted on the proposed project area in 2018 and 2019, and provides current information on the special-status plant and animal species that may be potentially present onsite or in the vicinity. The surveys were timed to cover the blooming period for special-status annual plant species that have a potential to occur within the vicinity, and provide a complete floristic inventory of the project area and general vicinity.

The surveys also assessed the potential for special status wildlife species to be present based on observed conditions and habitat types, historical uses, CNDDDB records, a project referral response letter from the CDFW, and review of previous biological survey reports conducted in nearby areas.

The report assesses if additional protocol or focused survey efforts are necessary, and whether any biological impacts and effects may occur to federal and state listed species or sensitive or jurisdictional habitats from the proposed action. Avoidance, protection and mitigation measures have been proposed within this report to minimize any potential for impacts to special-status species and habitats.

## **SITE LOCATION**

The approximate 0.6-acre project area and additional areas of the subject parcel were surveyed for this report is part of the 140-acre property located at 3033 Mt. Lowe Road in San Luis Obispo County, California (refer to Figure 1 and Figure 2). The parcel is located on East Cuesta Ridge, approximately 1.3 miles east of Highway 101, and is surrounded by similar large rural properties. Mt. Lowe Road is a gated gravel road used for access to residences and telecommunications facilities located on East Cuesta Ridge.

## **PROPOSED ACTION**

The proposed project would construct a 0.6-acre outdoor cannabis cultivation site in a currently undeveloped area accessed by existing dirt roadways. Fencing, gates, lighting, and irrigation apparatus will be installed, but no new buildings will be constructed. The proposed project would not remove or impact oak trees in the area surrounding the project site and no grading of the project area is proposed.



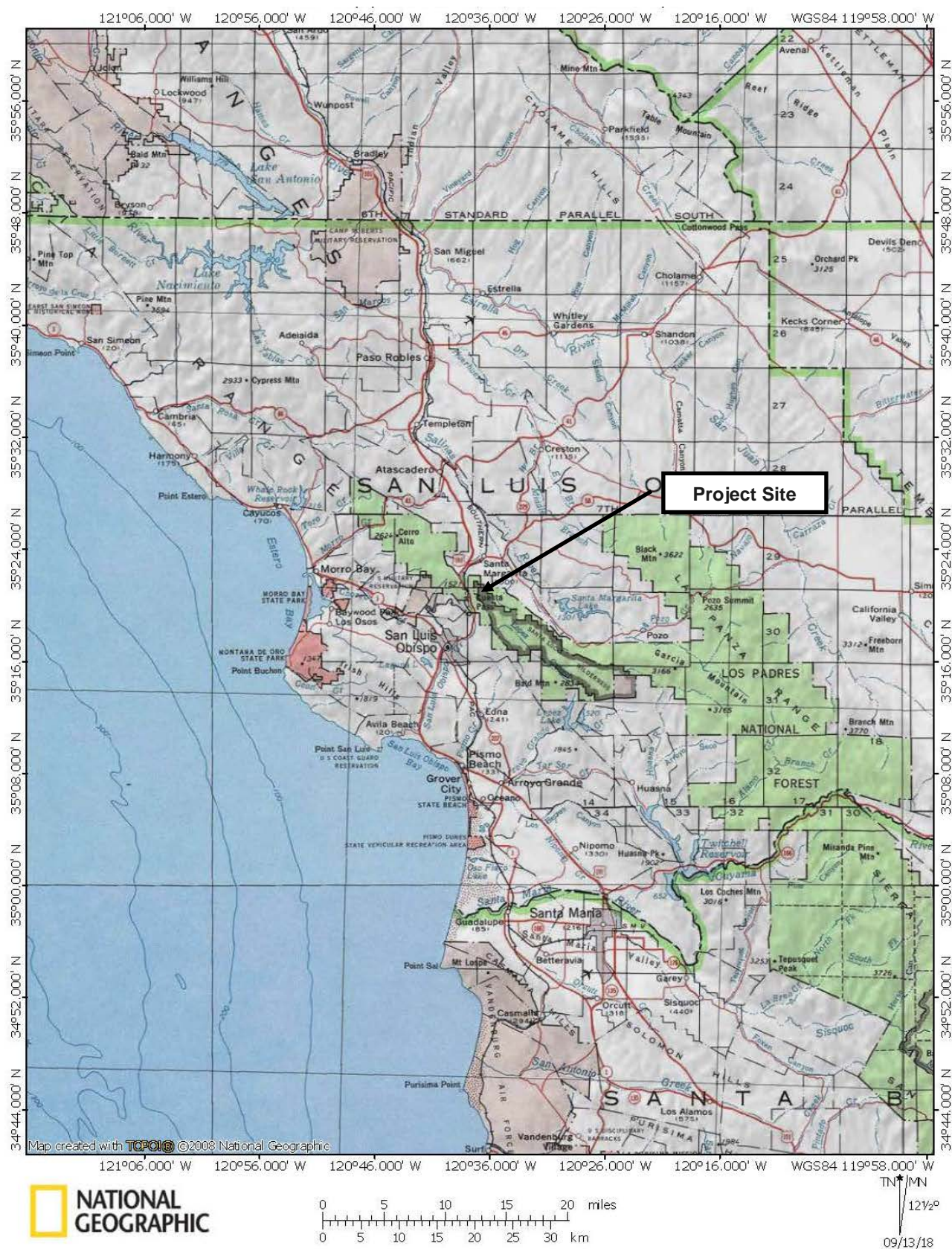


FIGURE 1. Vicinity map of project area.



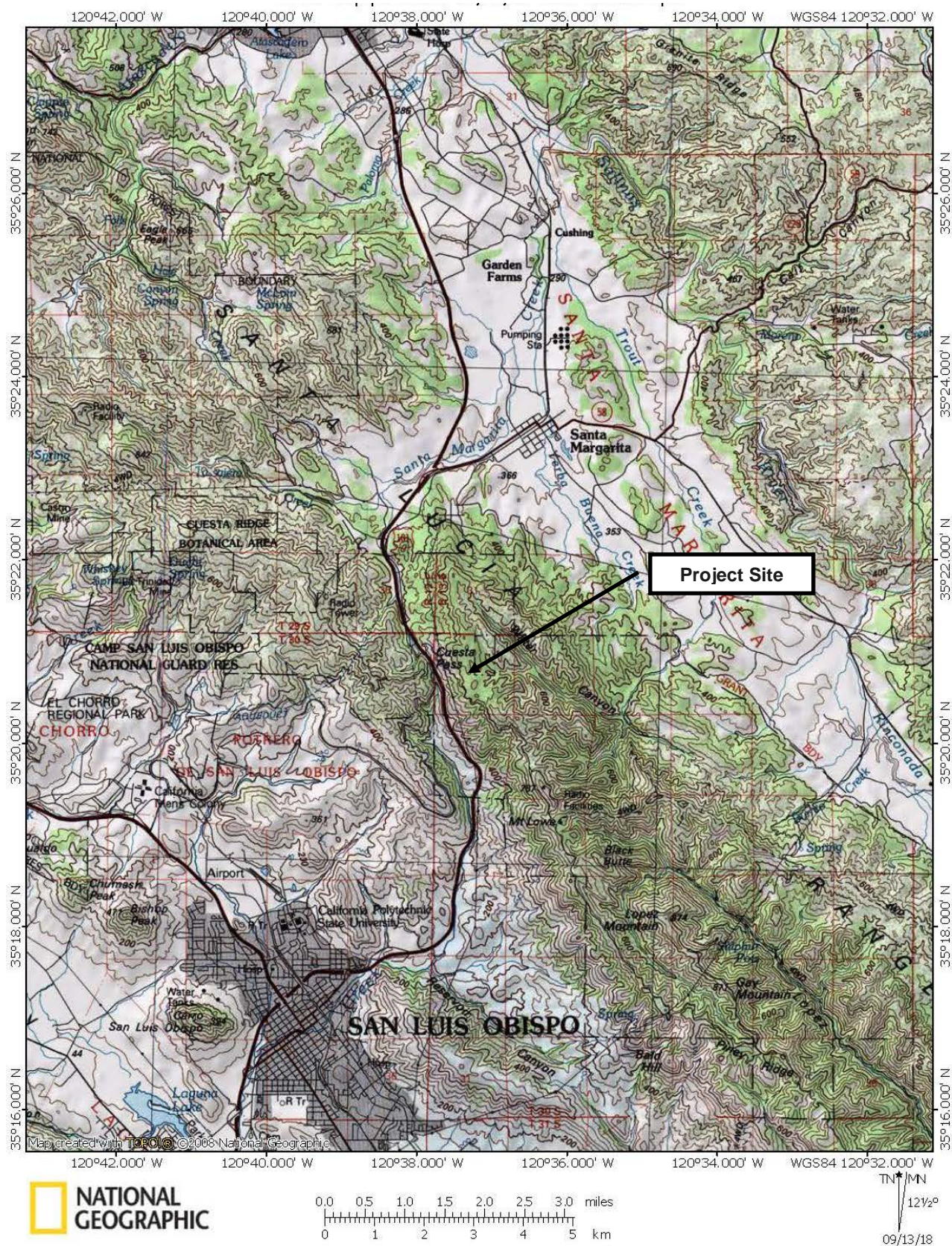


FIGURE 2. Location map of project site.



## **SURVEY METHODS**

### Literature Review

Prior to visiting the survey area, EAM biologists reviewed the California Natural Diversity Data Base (CNDDDB) results from a nine (9) quadrangle area of the site to evaluate the potential for occurrence of special-status plant and animal species, and special-status plant communities. This included the Atascadero, Santa Margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge U.S. Geological Survey (USGS) quadrangles. In addition to CNDDDB results, EAM reviewed a July 5, 2018, project referral response letter from the CDFW regarding the project (refer to Appendix J), and recent environmental documents and reports from nearby areas, including the August 2017 Summary of Biological Survey Results for the Black Butte Telecom Site, Mt. Lowe Road, San Luis Obispo County.

### Site Visits

EAM biologists Dwayne Oberhoff and Bob Sloan conducted four surveys over the project area, on May 10 and June 6, 2018, and February 6 and 19, 2019, and spent a total of 16-person hours walking the site and assessing existing conditions and biological resources. During the surveys, plant communities were characterized, plant species were identified, and the potential for occurrence of special-status plants, animals and habitats listed by the CNDDDB were evaluated.

The surveys were timed to cover the blooming period for special-status annual plant species that have a potential to occur within the vicinity, and provide a complete floristic inventory of the site. The surveys also assessed the potential for special status wildlife species to be present based on observed conditions and habitat types, historical uses, and CNDDDB records.

Vegetation classification generally followed Holland's *Preliminary Descriptions of the Terrestrial Natural Communities of California* (1986) and was cross-referenced with *A Manual of California Vegetation, Second Edition* (Sawyer et al., 2009) for consistency. Plant species observed during the surveys were recorded, and are included as an appendix to this report (refer to appendix C). Plant taxonomy followed the *Jepson Manual, Second Edition* (Baldwin et al., 2012). Photos of notable features were taken, and photos are included as an appendix to this report (refer to Appendix E).

## **RESULTS**

### Existing Conditions

The project area surveyed for this report is located to the north and east of existing dirt access roads, and consist of a small grassland meadow (refer to Appendix G). Site elevations of the project site range from 2012 to 2036 feet above mean sea level (613 to 620 meters).

The project site is dominated by annual grassland, and slopes gently toward the access road located along its western edge. The project site is surrounded by woodland habitat containing Coast live oak, tanbark oak, madrone, and foothill pine. The primary vegetation in the project site is a sparse to dense cover of non-native annual grasses.

### Soils

The University of California Davis, Soil Resource Laboratory website, SoilWeb (<http://casoilresource.lawr.ucdavis.edu/>), maps the underlying soils of the project area as the Lopez-Santa Lucia families association, 10 to 70 percent slopes. This gently to steeply sloping association of gravelly clay loams is found on foothills and mountains, and was formed from residual material weathered from acid shale. Surface runoff is rapid, and the hazard of water erosion is high.

Soil conditions observed onsite matched the mapped soil characteristics, however, wooded areas contain a deep layer of duff and leaf litter over the soil surface. No serpentine-influenced soils were observed in the project area.

### Observed Habitats

The four site visits conducted by EAM biologists thoroughly covered the project area and identified two natural plant communities: Coast live oak forest and annual grassland. Areas of non-native ruderal habitat are also present along existing dirt roadways. The observed conditions within these plant communities are discussed below. Refer to Appendix F for an "Existing Conditions and Habitat Map" of the project area.

- California Annual Grassland

California annual grassland corresponding to the wild oats and annual brome grasslands described in the Manual of California Vegetation (2009, second edition) and the Non-native Grassland described by Holland (1986), is present in portions of the project area. The annual grassland habitat at Site 1 was dominated by non-native species including wild oat (*Avena* spp.), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), Italian rye grass (*Festuca perennis*), red-stemmed filaree (*Erodium cicutarium*), field bindweed (*Convolvulus arvensis*), summer mustard (*Hirschfeldia incana*), and spring vetch (*Vicia sativa*). Native forbs observed in grassland areas included catchfly (*Silene gallica*), sky lupine (*Lupinus nanus*), Johnny jump-up (*Viola pedunculata*), and winecups (*Clarkia purpurea*). No native bunchgrass was observed. Scattered occurrences of small native shrub species were also present in grassland areas, including deerweed (*Lotus scoparius*), poison oak (*Toxicodendron diversilobum*), and bracken fern (*Pteridium aquilinum*).



California grasslands can provide foraging, breeding habitat and movement opportunities for many wildlife species. Botta's pocket gopher (*Thomomys bottae*) and deer mice (*Peromyscus* spp.) are known to occur within this habitat type, and these species can serve as a prey base for predator animals, including snakes, raptors, American badger, and coyote (*Canis latrans*). Numerous invertebrate species which could provide a food source for larger animals such as lizards, birds and small mammals are typically found within grassland communities. A variety of birds rely on open expanses of grasslands for foraging habitat, and several species nest in grasslands.

- Coast Live Oak Forest

Coast live oak forest is very similar to coast live oak woodland habitat except that it is characterized by having a denser, closed canopy. This habitat type is known to occur adjacent to coast live oak woodland in more mesic areas near the coast below 3,000 feet above mean sea level (Holland 1986). Other characteristic species present in this habitat include madrone (*Arbutus menziesii*), Coulter pine (*Pinus coulteri*), California bay (*Umbellularia californica*), and poison oak.

Oak forest consisting of dense coast live oak trees with occasional madrone, tanbark oak (*Lithocarpus densiflorus*), and Coulter pine also present occurs along the access road and adjacent to the project area (refer to Appendix F). The oak forest areas of the site have potential to provide foraging, roosting, and nesting opportunities for a variety of bird species. The duff in the forest understory provides foraging areas for small mammals, reptiles, and amphibians. Acorns are also a food source for many animal species including scrub jay (*Aphelocoma corulescens*) and western gray squirrel (*Sciurus griseus*). Other species that could potentially occur in the oak forest onsite include western screech owl (*Otus kennicottii*), and the oak titmouse (*Baeolophus inornatus*).

- Ruderal/Disturbed

Ruderal/disturbed conditions are common along roadsides and other areas that are affected by construction, agriculture, ornamental landscaping, or other types of regular disturbance that affect plant growth. If vegetated, these areas are typically dominated by non-native annual grasses and herbaceous plants adapted to the regular cycle of disturbance from traffic, grading, and weed reduction practices such as mowing and herbicide application. Typical plants consist primarily of introduced species and escaped ornamentals that exhibit clinging seeds, adhesive stems, and rough leaves that assist their colonization of disturbed or unmaintained lands. This is not a native plant community, and is not described in the Manual of California Vegetation or in Holland's (1986) vegetation classification.

Ruderal or disturbed areas within the survey area were present along road edges and equipment storage areas. These areas exhibited disturbed and compacted soils, and

were either unvegetated or contained patchy occurrences of non-native weedy plants. Plant species observed within ruderal/disturbed areas included ripgut brome, bur-clover (*Medicago polymorpha*), and red-stemmed filaree.

### Hydrologic Features

No seeps, wetlands, ponds/reservoirs, creeks, or drainage features are present within or adjacent to the project area. General site topography appears to direct any potential runoff to the north, away from Mt. Lowe Road.

### SPECIAL-STATUS SPECIES

#### Special-Status Plant Species

The four site visits involved walking all portions of the project area and identifying all plant species observed. Plants were identified to species, or sub-species, with dichotomous keys used as necessary (Hoover, 1970; Hickman, ed. 1993). Special-status plant species known to occur in habitats, elevations, and/or soil types similar to those found on the parcel were the focus of the survey effort. During the surveys, 46 vascular plant species were identified. Of the species observed, 34 were native and 12 were non-native. A complete list of all plant species observed during the survey is provided in Appendix C.

For the purpose of this study, special-status plants are vascular plants listed, proposed for listing, or candidates for listing as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) under the federal Endangered Species Act (ESA); those listed or proposed for listing as Rare, Threatened, or Endangered by the California Department of Fish and Wildlife (CDFW) under the California Endangered Species Act (CESA); and plants occurring on California Rare Plant Rank 1, 2, 3 and 4, as developed by the CDFW and the California Native Plant Society (CNPS). Sensitive natural communities are those plant communities listed as rare in the CNDDB.

The specific Rare Plant Rank code definitions are as follows:

- Rank 1A = Plants presumed extinct in California;
- Rank 1B.1 = Rare or endangered in California and elsewhere; seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat);
- Rank 1B.2 = Rare or endangered in California and elsewhere; fairly endangered in California (20-80% occurrences threatened);
- Rank 1B.3 = Rare or endangered in California and elsewhere, not very endangered in California (<20% of occurrences threatened or no current threats known);
- Rank 2 = Rare, threatened or endangered in California, but more common elsewhere;

- Rank 3 = Plants needing more information (most are species that are taxonomically unresolved; some species on this list meet the definitions of rarity under CNPS and CESA); and
- Rank 4.2 = Plants of limited distribution (watch list), fairly endangered in California (20-80% occurrences threatened).
- Rank 4.3 = Plants of limited distribution (watch list), not very endangered in California.

The CNDDDB identified 93 special-status plant species known to occur within the nine (9) quadrangles surrounding the subject parcel. Please refer to Appendix A for complete discussions of these species.

Many of the 93 special-status plant species identified by the CNDDDB search and CDFW letter have highly specialized habitat requirements such as serpentine or shale rock outcrops and soils, coniferous forests, or freshwater seeps, that are not present within or immediately adjacent to the project site (refer to Appendix A). Of the numerous special-status plant species known from the general project area they either all occur on serpentine, sandy or shale-based soils, or are perennial species that would have been identifiable during the four site visits. Annual species from the general area such as Hoover's bentgrass (*Agrostis hooverii*), Cuesta Ridge thistle (*Cirsium occidentale* var. *lucianum*), and Eastwood's larkspur (*Delphinium parryi* ssp. *Eastwoodiae*) are not expected to occur due to the lack of suitable soil conditions (e.g. serpentine soils). Similarly, no grassland seep habitat suitable for species such as San Luis Obispo owl's clover (*Castilleja densiflora* var. *obispoensis*), or alkaline flats suitable for chaparral ragwort (*Senecio aphanactis*), were observed.

As discussed in Appendix A, only one of the 93 plant species identified by the CNDDDB and the CDFW letter, Santa Lucia manzanita (*Arctostaphylos Luciana*), was observed during the surveys conducted in 2019 and it will not be impacted from the proposed project that is located entirely within the annual grassland habitat of the project area. Based on the focused floristic survey efforts from 2018 and 2019, no special status plants were observed or are present within or immediately adjacent to the annual grasslands that comprise the proposed project area and no impacts to special-status plant species or habitats will occur.

#### Special-Status Wildlife Species

The CNDDDB identified fifty-five (55) special-status wildlife species known to occur within the nine (9) quadrangle search surrounding the subject parcel. The CDFW letter identified one (1) species, American badger, and nesting birds as potentially present in the project area. Please refer to Appendix B for complete discussions of the habitat suitability and potential for presence of these species.

Appendix B discusses the habitat requirements of the special-status wildlife known from the area and the presence or absence of suitable habitat conditions on the subject

parcel and within the project area. None of the special-status species listed in Appendix B were observed during the 2018 or 2019 surveys. Based on the absence of suitable habitat and hydrology within and adjacent to the project area, no impacts to aquatic or semi-aquatic species identified in Appendix B, such as California red-legged frog (*Rana draytonii*), Coast Range newt (*Taricha torosa torosa*), Foothill yellow-legged frog (*Rana boylei*), San Luis Obispo pyrg (*Pyrgulopsis taylori*), Steelhead trout (*Oncorhynchus mykiss irideus*), Western pond turtle (*Emys marmorata*), etc., will occur.

The American badger are potentially present within the general area based on known occurrences at lower elevations. However, no badger activity or potential den sites were observed during surveys of the project area and no ground squirrel colonies that could provide a suitable prey base for this highly mobile carnivore are present in or adjacent to the project area. In general, American badger are found at lower elevations in annual grasslands and sparse oak woodlands with abundant prey sources nearby. Based on these habitat requirements and observed conditions at the project site, impacts to American badger are not expected to occur.

The CNDDDB search of the nine (9) quadrangles identified a number of special-status bird species that are known from the area. Many of these species have specific habitat requirements or require specific features for nesting, such as coastal areas, sandy beaches, riparian woodland, wetlands, open water, streams/rivers, open grasslands, desert scrub, and/or cliffs. None of these habitats or specific features were observed and are not present on the subject parcel or within the project area.

Of the special-status raptors species identified by the CNDDDB, which include, ferruginous hawk (*Buteo regalis*), golden eagle (*Aquila chrysaetos*), white-tailed kite (*Elanus leucurus*), merlin (*Falco columbarius*), Prairie falcon (*Falco mexicanus*), American peregrine falcon (*Falco peregrinus anatum*), California condor (*Gymnogyps californianus*), and Bald eagle (*Haliaeetus leucocephalus*), none were observed during the four site visits. Nesting and foraging habitat for most of these species does not occur on the project site or are winter migrants to the area (refer to Appendix B). The nearest occurrences for many of these special-status raptor species identified by the CNDDDB are located in lower elevations within open habitats, which also likely have an abundant prey base. For example, the CNDDDB shows the nearest known golden eagle nest location is approximately 6.6 miles northwest of project site, is at a much lower elevation and within open grassland and sparse oak woodland habitat. The proposed project site is located along the upper most elevations of the Santa Lucia Range in an area that is surrounded by dense oak woodland and has a sparsely distributed prey base (e.g. no California ground squirrel colonies were observed during the site visits).

A number of other migratory bird and other raptor species subject to the MBTA are known from the general area and could potentially utilize the annual grassland habitat and adjacent oak woodlands as foraging and nesting habitat.



Identified bat species from the area such as the Townsend's western big-eared bat (*Corynorhinus townsendii townsendii*), Western mastiff bat (*Eumops perotis californicus*) pallid bat (*Antrozous pallidus*), and California leaf-nosed bat (*Macrotus californicus*) usually roost on high cliffs, rocky outcrops, tunnels and mine shafts and bridges. Impacts to these bat species will not occur as no roosting habitat is present within the project site. Western red bat (*Lasiurus blossevillii*) are known to roost in trees, but impacts to Western red bat is not expected to occur since tree removal is not proposed.

The four site visits to the subject parcel identified several Monterey dusky-footed woodrat (*Neotoma fuscipes luciana*) stick nests within the madrone/oak woodland in area north of the project site. The project, as proposed, will not remove madrone/oak woodland habitat and thus will not result in impacts to any woodrat nests or habitat where nests could occur.

The evaluation of special status wildlife species occurrence within the project area was based on a habitat suitability analysis coupled with direct field observations. It did not include definitive surveys to determine presence or absence following specific protocols. The conclusions and information contained herein and detailed in Appendix B was based on the review of biological studies from the region and the CNDDDB records coupled with our knowledge of the particular species' biology and ecological requirements. Completed CNDDDB forms for special-status species observed during the surveys are included in Appendix H.

The proposed project will not use any herbicides, rodenticides or insecticides as part of the ongoing operations of the cannabis cultivation. In addition, no grubbing or grading will occur and no trees will be removed for construction of the project.

Based on this analysis, only seasonal bird nesting activity is potentially present within the project area.

#### Critical Habitat Identification

Review of designated critical habitat boundaries in the area indicate that the subject parcel is located within federally designated critical habitat for the California red-legged frog. The Primary Constituent Elements (PCE) for California Red-Legged Frog consist of five components and they are as follows:

1. Aquatic Breeding Habitat -. Standing bodies of fresh water (with salinities less than 7.0 parts per thousand), including: natural and manmade (e.g., stock) ponds, slow-moving streams or pools within streams, and other ephemeral or permanent water bodies that typically become inundated during winter rains and hold water for a minimum of 20 weeks in all but the driest of years.

2. Non-Breeding Aquatic Habitat - Freshwater and wetted riparian habitats, as described above, that may not hold water long enough for the subspecies to hatch and complete its aquatic life cycle but that do provide for shelter, foraging, predator avoidance, and aquatic dispersal for juvenile and adult California red-legged frogs. Other wetland habitats that would be considered to meet these elements include, but are not limited to: plunge pools within intermittent creeks; seeps; quiet water refugia during high water flows; and springs of sufficient flow to withstand the summer dry period.
3. Upland Habitat - Upland areas adjacent to or surrounding breeding and non-breeding aquatic and riparian habitat up to a distance of 1 mile in most cases and comprised of various vegetational series such as grasslands, woodlands, wetland, or riparian plant species that provide the frog shelter, forage, and predator avoidance. Upland features are also essential in that they are needed to maintain the hydrologic, geographic, topographic, ecological, and edaphic features that support and surround the wetland or riparian habitat. These upland features contribute to the filling and drying of the wetland or riparian habitat and are responsible for maintaining suitable periods of pool inundation for larval frogs and their food sources, and provide breeding, non-breeding, feeding, and sheltering habitat for juvenile and adult frogs (e.g., shelter, shade, moisture, cooler temperatures, a prey base, foraging opportunities, and areas for predator avoidance). Upland habitat should include structural features such as boulders, rocks and organic debris (e.g., downed trees, logs), as well as small mammal burrows and moist leaf litter.
4. Dispersal Habitat - Accessible upland or riparian dispersal habitat within designated units and between occupied locations within a minimum of 1 mile of each other that allow for movement between such sites. Dispersal habitat includes various natural habitats and altered habitats such as agricultural fields, which do not contain barriers (e.g., heavily traveled road without bridges or culverts) to dispersal. Dispersal habitat does not include moderate- to high-density urban or industrial developments with large expanses of asphalt or concrete, nor does it include large reservoirs over 50 acres in size, or other areas that do not contain those features identified in PCE's 1, 2, or 3 as essential to the conservation of the subspecies.

The CNDDDB identifies the nearest occurrence of California red-legged frog approximately 1.8 miles to the east of the project site and is associated with Trout Creek. No aquatic or wetland habitat is present within or immediately adjacent to the project site. Thus, based on the distance to the known California red-legged frog occurrence and the absent of the Primary Constituent Elements, Critical Habitat for California red-legged frog will not be impacted.

### Habitat Connectivity

The project area is habitat for a variety of common mammal species that likely use the subject parcel and the proposed project site for feeding and general movements from adjacent areas. The proposed project will consist of an area that is approximately 155 meters in length that will be fenced and will stop wildlife movement within this specific area. However, the subject parcel is large, and is surrounded by large undeveloped natural areas, and wildlife will be able to continue move around the project site and continue to move freely in the vicinity (refer to Appendix G). In addition, much of the area to the south of the project area is very steep and the areas to the north are part of the Los Padres National Forest, and neither will likely be developed in the future. Due to these conditions, long-term cumulative impacts to this corridor are not considered significant.

### **REGULATORY OVERVIEW**

#### Section 404 of the Clean Water Act Of 1977

Regulatory protection for water resources throughout the United States is under the jurisdiction of the U.S. Army Corps of Engineers (Corps). Section 404 of the Clean Water Act prohibits the discharge of dredged or fill material into Waters of the U. S. without formal consent from the Corps. Waters of the U.S. includes Special Aquatic Sites (e.g., marine waters, tidal areas, stream channels) and wetlands. Under Section 404, actions in Waters of the U.S. may be subject to either an individual permit or a general permit, or may be exempt from regulatory requirements.

No potential Waters of the U.S., as defined by the Corps, are present within or adjacent to the project area.

#### Section 401 of the Clean Water Act Of 1977

Section 401 of the Clean Water Act and its provisions ensure that federally permitted activities comply with the federal Clean Water Act and state water quality laws. Section 401 is implemented through a review process that is conducted by the Regional Water Quality Control Board (RWQCB), and is triggered by the Corps permitting process. Specifically, the RWQCB certifies via the 401 process that the proposed project complies with applicable effluent limitations, water quality standards, and other conditions of California law.

No hydrologic features subject to Section 401 of the Clean Water Act are present within or adjacent to the project area.

#### Federal Endangered Species Act Of 1973

The Federal Endangered Species Act (FESA) provides legislation to protect federally listed plant and animal species. Impacts to listed species resulting from the

implementation of a project would require the responsible agency or individual to formally consult with the USFWS or National Marine Fisheries Service (NMFS) to determine the extent of impact to a particular species.

This assessment did not identify any federal endangered or threatened plant or animal species likely to occur within the project area or be impacted by project activities.

#### California Endangered Species Act

The State of California Endangered Species Act (CESA) ensures legal protection for plants listed as rare or endangered and species of wildlife formally listed as endangered or threatened. The state also lists "Species of Special Concern" based on limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the California Department of Fish and Game is empowered to review projects for their potential to impact state-listed species and California Special Concern species, and their habitats.

This assessment did not identify any state endangered or threatened plant or animal species likely to occur within the project area or be impacted by project activities. One California Species of Concern, the Monterey dusky-footed woodrat, is present within wooded areas of the subject parcel, but the proposed project will not impact this species.

#### Section 1602 of the Fish and Game Code

The CDFW is responsible for conserving, protecting, and managing California's fish, wildlife, and native plant resources. To meet this responsibility, the law requires any person, state or local government agency, or public utility proposing a project that may impact a river, stream, or lake to notify the CDFG before beginning the project. If the CDFG determines that the project may adversely affect existing fish and wildlife resources, a Lake or Streambed Alteration Agreement is required.

No hydrologic features subject to Section 1602 of the Fish and Game Code are present within or adjacent to the two project site. A 1602 Streambed Alteration Agreement will not be required for project implementation.

#### Other Sections of the Fish and Game Code

Fully Protected and Protected species may not be taken or possessed without a permit from the Fish and Game Commission and/or the CDFW. Information on these species can be found within section 3511 (birds), section 4700 (mammals), section 5050 (reptiles and amphibians), and section 5515 (fish) of the Fish and Game Code.

No species designated as "Fully Protected" under the Fish and Game Code are likely to occur within the project area.



### Migratory Bird Treaty Act Of 1918

The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers popular in the latter part of the 1800's.

Implementation of the proposed project has the potential to impact a variety of bird species covered under the MTBA, but pre-activity surveys for active nests of tree and ground-nesting birds should be conducted prior to construction occurring between February 1 and September 15. As discussed earlier, forest and grassland areas on and adjacent to the project area provide nesting opportunities for a variety of avian species subject to the MBTA.

### **DISCUSSION**

This 2019 biological assessment documents existing conditions and potential impacts to special-species based on current biological and regulatory information. The assessment found that the project, as proposed, has low potential to impact special-status species due to small project size, and limited impacts to native plant communities.

The proposed project would disturb annual grassland habitat that could support ground nesting bird species. In addition, construction activities could also disturb bird species nesting in nearby oak woodland areas. Woodrats identified in areas of the subject parcel will not be impacted as no areas of chaparral or dense woodlands will be removed or impacted. No evidence of American badger presence was observed, and the species is considered unlikely to be affected by project construction. No grading of the project areas is proposed and removal or impacts to oak trees are not proposed.

### **IMPACT ANALYSIS AND RECOMMENDED MITIGATION MEASURES**

The following impact analysis and recommended mitigation measures are intended to support the California Environmental Quality Act (CEQA) review process conducted by the County of San Luis Obispo acting as the lead agency for the project.

Project-related disturbances within the project area have the potential to affect nesting birds, through both direct and indirect impacts. Prior to any ground disturbing activities associated with the proposed project, pre-construction and/or focused surveys will be required to protect and avoid impacts to both tree and ground nesting birds. Construction activities conducted during the bird nesting season could disturb breeding activities.

Based on the survey results, impacts to special status plants, sensitive plant communities, and aquatic habitats will not occur. Impacts to American badger are considered

unlikely, and no additional surveys are considered necessary.

The following avoidance and minimization measures are intended to help reduce project related impacts to biological resources on the project site.

#### Disturbance of Non-native Habitats

**Impact Bio-1. Development of the project would impact ruderal/disturbed areas and non-native annual grassland habitat. This is anticipated to be a less-than-significant impact pursuant to CEQA, and no mitigation is required.**

Development of the proposed project would result in disturbance to existing roadways and ruderal/disturbed areas, and approximately 0.6-acre of annual grassland habitat. These habitats are dominated by non-native species, are common in the region, and are not considered sensitive plant communities by the CDFW. Any loss of ruderal/disturbed or annual grassland habitats that do not support special-status species would be considered a less than significant impact pursuant to CEQA, and no mitigation would be required.

#### Nesting Birds

**Impact BIO 2: Construction activities could impact nesting birds if construction occurs during the nesting season (February 1st through September 15th). This is anticipated to be significant, but mitigable impact pursuant to CEQA.**

Potential impacts to nesting birds could occur if tree or ground nesting birds are present within the project area or near construction related activities that create noise and cause ground disturbance. Direct impacts to nesting raptors and other bird species from tree removal will not occur as no tree removal is proposed. However, direct impacts to ground nesting birds could occur from construction activities that occur during the nesting season. Indirect impacts have the potential to occur if active nests are present within the general project area. Impacts to nesting birds are considered temporary, and would be reduced with the incorporation of the following recommended avoidance and minimization measures.

1. To minimize impacts to nesting bird species, including special-status species and species protected by the MBTA, if work is proposed between February 1 through September 15, a qualified biologist should conduct a pre-construction survey for active bird nests within the limits of the project within one week prior to any disturbance activities. If no nesting activity is observed, project activities can proceed. If nesting activity is identified during the preconstruction survey, the following measures should be implemented.

2. If active nest sites of bird species protected under the MBTA and/or California Fish and Game Code Section 3503 are observed within the project area, then the project should be modified and/or delayed as necessary to avoid direct and indirect impacts of the identified nests, eggs, and/or young. Potential project modifications may include establishing a 50-foot "no activity" buffer around the nest site as determined by the project biologist. Construction activities should not occur in the buffer until the project biologist has determined that the nesting activity has ceased.
3. If active raptor nest sites are observed within the vicinity of project related disturbances, a 250-foot "no activity" buffer shall be established around the nests. A qualified biologist should monitor all nests to determine if construction activities are causing behavioral changes or affecting nesting activities. If monitoring results determine that construction activities are disturbing or affecting nesting activities, the qualified biologist shall increase the "no activity" buffer to a distance that reduces disturbances. Construction activities in the buffer zone should be prohibited until the young have fledged the nest and achieved independence.
4. If active nest sites of special-status bird species are identified, no work shall begin until an appropriate "no activity" buffer is determined in consultation with CDFW and/or the USFWS.

## **CONCLUSION**

As documented by this assessment, the proposed project has the potential to impact nesting birds, if present, during construction activities. If construction occurs within the nesting season, presence/absence surveys for nesting birds must be conducted prior to commencing with construction, and active nests must be monitored and documented per the applicable measures. One special-status plant species, Santa Lucia manzanita, and one special-status animal species, Monterey dusky-footed woodrat, were observed on the subject parcel during the surveys, but not within the project area and no impacts to either species is expected to occur from the proposed project. No measures are being proposed for oak tree protection and avoidance since there will be no grading within the project area and no oak tree removal is proposed. Based on these conditions, no direct or indirect impacts to oak trees will occur.

Incorporation of the avoidance and minimization measures included in this report, and County requirements under the Minor Use Permit process, are expected to provide sufficient protection under CEQA for biological resources during project construction.

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## **Appendix A: Habitat Requirements and Potential for Occurrence of Special-Status Plants Occurring in the Vicinity of the Project Site**

**Appendix A. CNDDB List of Special-Status Plant Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa Margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge.**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Blooming Period	Project Site Suitability/Observations
Hoover's bentgrass <i>Agrostis hooverii</i>	--/--/ 1B.2	Stoloniferous perennial herb on sandy soils in chaparral, cismontane woodland, and valley and foothill grassland. Elevation 60 to 600 meters.	April - July	<b>Species present from the general area</b> , but not observed during flower season surveys. Species considered unlikely to occur.
Howell's onion <i>Allium howellii</i> <i>var. howellii</i>	--/--/4.3	Perennial bulb on grassy slopes, including serpentine, at elevations from 200 to 900 meters.	March - April	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Douglas' fiddleneck <i>Amsinckia douglasiana</i>	--/--/4.2	Annual herb found on unstable shaly sedimentary slopes in elevations from 150 to 1600 meters.	March - June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Santa Lucia manzanita <i>Arctostaphylos luciana</i>	--/--/1B.2	Perennial shrub; occurs on shale outcrops in chaparral and cismontane woodland habitats; ranges from 350 to 850 meters in elevation.	February - March	<b>Species present on subject parcel</b> , but not within proposed project area. Species will not be impacted.
Bishop manzanita <i>Arctostaphylos obispoensis</i>	--/--/4.3	Rocky, generally serpentine soils, chaparral, open closed-cone forest near coast. Elevation 60 to 950 meters in elevation.	February - March	<b>Species not observed</b> during flower season surveys. Site lacks serpentine soils. Species considered unlikely to occur.
Santa Margarita manzanita <i>Arctostaphylos pilosula</i>	--/--/1B.2	Shrub. Occurs in closed coniferous forest, chaparral, and cismontane woodland; usually on shale soils. Elevation 170 - 1100 meters.	December - March	<b>Species present from the general area</b> , but not observed during flower season surveys. This perennial species is not present within the project site.
Pecho manzanita <i>Arctostaphylos pechoensis</i>	--/--/ 1B.2	Shrub. Occurs on shale outcrops in chaparral, and coniferous forest; usually on sandy soils. Elevation less than 500 meters.	November - March	<b>Species present from the general area</b> , but not observed during flower season surveys. This perennial species is not present within the project site.
Sand mesa manzanita <i>Arctostaphylos rudis</i>	--/--/ 1B.2	Sandy soils, chaparral. Elevation < 380 meters.	November - February	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Marsh sandwort <i>Arenaria paludicola</i>	--/--/1B.1	Wet meadows, marshes. Elevation < 300 meters.	May - August	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Carlotta Hall's lace fern <i>Aspidotis carlotta-halliae</i>	--/--/4.2	Generally serpentine slopes, crevices, and outcrops. Elevation 100 - 1,400 meters.	-	<b>Species not observed</b> during flower season surveys. Site lacks serpentine soils. Species considered unlikely to occur.
Miles' milk-vetch <i>Astragalus didymocarpus</i> <i>var. milesianus</i>	--/--/1B.2	Grassy areas near the coast, clay soils in coastal scrub. Elevation < 400 meters.	March - May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.

**Appendix A. CNDDB List of Special-Status Plant Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge.**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Blooming Period	Project Site Suitability/Observations
Brewer's calandrinia <i>Calandrinia breweri</i>	--/--/4.2	Sandy to loamy soil in disturbed areas and recently burned sites. Elevation < 1,200 meters.	February - May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Club-haired mariposa-lily <i>Calochortus clavatus</i> var. <i>clavatus</i>	--/--/4.3	Generally rocky serpentine and clay. Elevation < 1,300 meters.	April - June	<b>Species not observed</b> during flower season surveys. Site lacks serpentine soils. Species considered unlikely to occur
San Luis mariposa lily <i>Calochortus obispoensis</i>	--/--/1B.2	Bulbiferous, perennial herb; ranges from 75 to 730 meters on sandstone, serpentine and/or sandy soils in chaparral, coastal scrub and valley and foothill grassland; endemic to San Luis Obispo County.	May - July	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
La Panza mariposa lily <i>Calochortus simulans</i>	--/--/1B.3	Annual herb. Chaparral, cismontane woodland, coniferous forest, valley and foothill grassland, on sandy, granitic or serpentine soils. Elevation 395 – 1100 meters.	April - May	<b>Species not observed</b> during flower season surveys. No suitable soils are present in the study area. Not expected to occur within study area or be affected by the project.
Cambria (San Luis Obispo County) morning-glory <i>Calystegia subacaulis</i> ssp. <i>episcopalis</i>	--/--/4.2	Rhizomatous, perennial herb; occurs in chaparral, cismontane woodland, and grasslands on clay-rich soils; ranges from 60-500 meters; restricted to outer South Coast ranges in SLO and Santa Barbara Counties.	April - May	<b>Species not observed</b> during flower season surveys. No suitable soils are present in the study area. Species unlikely to occur.
Hardham's evening primrose <i>Camissoniopsis hardhamiae</i>	--/--/1B.2	Sandy soil, limestone; disturbed or burned areas in oak woodland. Elevation 60 - 600 meters.	March - May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
San Luis Obispo sedge <i>Carex obispoensis</i>	--/--/1B.2	Springs and stream sides in chaparral, generally on serpentine. Elevation < 800 meters.	March – June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
San Luis Obispo Owl's clover <i>Castilleja densiflora</i> var. <i>obispoensis</i>	--/--/1B.2	Annual herb; ranges from 10 to 400 meters in elevation and occurs in meadows, seeps, and valley and foothill grassland.	March - May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Lemmon's jewelflower <i>Caulanthus lemmonii</i>	--/--/1B.2	Annual herb found in grassland, chaparral and scrub at elevations from 80 – 110 meters.	March - May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.

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Species	Status* Fed/CA/CDFW	Habitat Requirements	Blooming Period	Project Site Suitability/Observations
Lompoc ceanothus <i>Ceanothus cuneatus var. fascicularis</i>	--/--/4.2	Sandy substrates in coastal chaparral. Elevation < 275 meters.	February - May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Congdon's tarplant <i>Centromadia parryi ssp. congdonii</i>	--/--/1B.1	Terraces, swales, floodplains, grassland, and disturbed sites. Elevation < 300 meters.	June - October	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Island mountain- mahogany <i>Cercocarpus betuloides var. blancheae</i>	--/--/4.3	Shrub to small tree found in chaparral at elevations. Elevation < 600 meters.	March - April	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Dwarf soaproot <i>Chlorogalum pomeridianum var. minus</i>	--/--/1B.2	Serpentine outcrops in chaparral. Elevation < 750 meters.	May - June	<b>Species not observed</b> during flower season surveys. Site lacks serpentine soils. Species considered unlikely to occur.
Brewer's Spineflower <i>Chorizanthe breweri</i>	--/--/1B.3	Annual herb, occurs in closed-cone coniferous forest, chaparral, cismontane woodland, and coastal scrub habitats on serpentine derived soils and rock outcrops, ranges in elevation from 45 to 800 meters.	May - August	<b>Species not observed</b> during flower season surveys. No suitable soils are present in the study area. Species unlikely to occur.
Douglas's spineflower <i>Chorizanthe douglasii</i>	--/--/4.3	Sand or gravel. Elevation 300 - 1,600 meters.	April – July	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Palmer's spineflower <i>Chorizanthe palmeri</i>	--/--/4.2	Serpentine soil. Elevation 60 - 700 meters.	May – August	<b>Species not observed</b> during flower season surveys. Site lacks serpentine soils. Species considered unlikely to occur.
Straight-awned spineflower <i>Chorizanthe rectispina</i>	--/--/1B.3	Sand or gravel. Elevation 200 - 600 meters.	May – July	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Potbellied spineflower <i>Chorizanthe ventricosa</i>	--/--/4.3	Serpentine. Elevation 500 - 1,000 meters.	May – September	<b>Species not observed</b> during flower season surveys. Site lacks serpentine soils. Species considered unlikely to occur.



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Species	Status* Fed/CA/CDFW	Habitat Requirements	Blooming Period	Project Site Suitability/Observations
San Luis Obispo fountain thistle <i>Cirsium fontinale</i> <i>var. Obispoense</i>	FE/SE/1B.2	Serpentine seeps and streams. Elevation < 350 meters.	April - October	<b>Species not observed</b> during flower season surveys. Site lacks serpentine soils. Species considered unlikely to occur.
Cuesta Ridge thistle <i>Cirsium occidentale</i> <i>var. lucianum</i>	--/--/1B.2	Perennial herb known to occur along the Cuesta Ridge in openings on steep rocky serpentinite slopes ranging from 500 to 750 meters elevation.	April - June	<b>Species present in the general area</b> , but not observed during flower season surveys. No serpentine soils are present in the study area. Species unlikely to occur.
Surf thistle <i>Cirsium rhotophilum</i>	--/ST/1B.2	Biennial or short-lived perennial herb found in dunes and bluffs at elevations <20 meters.	April - August	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Slender clarkia <i>Clarkia exilis</i>	--/--/4.3	Woodland habitats at elevations <1,000 meters.	April - May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Pismo clarkia <i>Clarkia speciosa</i> <i>ssp. immaculata</i>	FE/CR/1B.1	Annual herb. Sandy soils, openings in chaparral, cismontane woodland, valley and foothill grassland. On ancient sand dunes not far from the coast. 25-185 meters.	May - June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Monkey-flower savory <i>Clinopodium mimuloides</i>	--/--/4.2	Moist places, stream banks, chaparral, woodland. Elevation 400 - 1,800 meters.	June - October	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Paniculate tarplant <i>Deinandra paniculata</i>	--/--/4.2	Annual herb that occurs in coastal scrub and valley and foothill grassland. Elevation 35 – 430 meters.	May - October	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Dune larkspur <i>Delphinium parryi</i> <i>ssp. blochmaniae</i>	--/--/1B.2	Perennial herb found growing in coastal chaparral and sandy soils at elevations <200 meters.	April - May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Eastwood's larkspur <i>Delphinium parryi</i> <i>ssp. eastwoodiae</i>	--/--/1B.2	Perennial herb known to occur on serpentine based soils (clays) and outcrops in the general San Luis Obispo area, at elevations ranging from 75 to 500 meters.	March - May	<b>Species present in the general area</b> , but not observed during flower season surveys. This species is not present within the project site. during flower season surveys. The project area is outside the elevation range for the species, and no serpentine soils are present. Species unlikely to occur.
Umbrella larkspur <i>Delphinium umbraculorum</i>	--/--/ 1B.3	Perennial herb. Occurs in cismontane woodland. Elevation 400 – 1600 meters.	April – June	<b>Species not observed</b> during flower season surveys. Site is outside species elevation range.

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Species	Status* Fed/CA/CDFW	Habitat Requirements	Blooming Period	Project Site Suitability/Observations
Beach spectaclepod <i>Dithyrea maritima</i>	--/ST/1B.1	Perennial herb found growing on seashores and coastal dunes at elevations <50 meters.	March – Aug	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Betty's dudleya <i>Dudleya abramsii</i> <i>ssp. bettinae</i>	--/--/1B.2	Perennial herb found growing in rocky outcrops in serpentine grasslands at elevations from 50 – 180 meters.	May - June	<b>Species not observed</b> during flower season surveys. The project area is outside the elevation range for the species, and no serpentine soils are present. Species unlikely to occur.
Mouse-gray dudleya <i>Dudleya abramsii</i> <i>ssp. murina</i>	--/--/1B.3	Perennial succulent herb; occurs in chaparral and cismontane woodland, usually on serpentine rock outcrops, at elevations ranging from 90 to 300 meters.	May - June	<b>Species not observed</b> during flower season surveys. The project area is outside the elevation range for the species, and no serpentine soils are present. Species unlikely to occur.
Blochman's dudleya <i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i>	--/--/1B.1	Perennial herb found growing open rocky slopes dominated by serpentine or clay soils at elevations <450 meters.	April - June	<b>Species not observed</b> during flower season surveys. Site lacks serpentine soils. Species considered unlikely to occur.
Small spikerush <i>Eleocharis</i> <i>parvula</i>	--/--/4.3	Perennial herb found growing in brackish wet soils near the coast at elevations <50 feet.	Late winter to fall	<b>Species not observed</b> during flower season surveys. Site is outside species elevation range.
<i>Eriastrum luteum</i> Yellow-flowered eriastrum	--/--/1B.2	Found on dry slopes, sandy or gravelly soil, typically in association with chaparral or woodland. Elevation < 1,000 m	May - June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Blochman's leafy daisy <i>Erigeron</i> <i>blochmaniae</i>	--/--/1B.2	Perennial herb found growing in sand dunes and hills at elevations <70 meters.	July - October	<b>Species not observed</b> during flower season surveys. Site is outside species elevation range.
Saints' daisy <i>Erigeron</i> <i>sanctarum</i>	--/--/4.2	Perennial herb that grows in sandy sites within coast scrub and woodlands at elevations <500 meters.	March - June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Indian Knob mountainbalm <i>Eriodictyon</i> <i>altissimum</i>	FE/SE/1B.1	Shrub that grows on sandstone ridges and within chaparral at elevations <270 meters.	March - June	<b>Species not observed</b> during flower season surveys. Site is outside species elevation range.
elegant wild buckwheat <i>Eriogonum</i> <i>elegans</i>	--/--/4.3	Annual herb the can be found on sand or gravel at elevations between 200 to 1200 meters.	May - November	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.

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Species	Status* Fed/CA/CDFW	Habitat Requirements	Blooming Period	Project Site Suitability/Observations
Hoover's button-celery <i>Eryngium aristulatum</i> var. <i>hooveri</i>	--/--/1B.1	Perennial herb found growing in vernal pools, seasonal wetlands at elevations <50 meters.	July	<b>Species not observed</b> during flower season surveys. Site is outside species elevation range.
suffrutescent wallflower <i>Erysimum suffrutescens</i>	--/--/4.2	Subshrub, sometimes perennial herb, found growing in stabilized coastal sand dunes and coastal scrub at elevations <150 meters.	December - August	<b>Species not observed</b> during flower season surveys. Site is outside species elevation range.
San Benito poppy <i>Eschscholzia hypocoides</i>	--/--/4.3	Annual herb that grows in grassy areas of woodlands and chaparral at elevations from 200 to 1600 meters.	March - June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
<i>Fritillaria agrestis</i> Stinkbells	--/--/4.2	Clay (generally serpentine) banks, depressions. Elevation < 500 meters.	March - June	<b>Species not observed</b> during flower season surveys. Site lacks serpentine soils. Species considered unlikely to occur.
Ojai fritillary <i>Fritillaria ojaiensis</i>	--/--/1B.2	Bulbiferous, perennial herb found in chaparral, cismontane woodland, and broadleaf or coniferous forest on rocky slopes and river basins, at elevations ranging from 300 to 1000 meters.	February - May	<b>Species not observed</b> during flower season surveys. No rocky slopes are present in the study area. Species unlikely to occur.
San Benito fritillary <i>Fritillaria viridea</i>	--/--/1B.2	Bulbiferous perennial herb; occurs in chaparral on serpentine soils, ranges from 200 to 1525 meters in elevation.	March - May	<b>Species not observed</b> during flower season surveys. The project area is outside the elevation range for the species, and no serpentine soils are present. Species unlikely to occur.
Santa Barbara bedstraw <i>Galium cliftonsmithii</i>	--/--/4.3	Perennial herb found in light shade within coastal canyons, dry banks and chaparral at elevations from 200 to 1220 meters	April – June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
trumpet-throated gilia <i>Gilia tenuiflora</i> ssp. <i>amplifaucalis</i>	--/--/4.3	Annual herb found growing in sandy soils of dry creeks, floodplains and slopes at elevations from 39 – 900 meters.	March - April	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
San Francisco gumplant <i>Grindelia hirsutula</i> var. <i>maritima</i>	--/--/3.2	Perennial herb found in sandy, clay or serpentine slopes or roadsides at elevations <1700 meters	April - June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Vernal barley <i>Hordeum intercedens</i>	--/--/3.2	Annual grass found in vernal pools, saline streambeds and alkaline flats at elevations <500 meters.	March - June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.

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Species	Status* Fed/CA/CDFW	Habitat Requirements	Blooming Period	Project Site Suitability/Observations
Mesa horkelia <i>Horkelia</i> <i>cuneata</i> ssp. <i>puberula</i>	--/--/1B.1	Perennial herb. Chaparral, cismontane woodland, coastal scrub on sandy/gravelly soils. Elevation 70 – 810 meters.	February – July	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Kellogg's horkelia <i>Horkelia cuneata</i> ssp. <i>sericea</i>	--/--/1B.1	Perennial herb. Occurs in closed-cone coniferous forest, chaparral (maritime), and coastal scrub in sandy or gravelly openings. Elevation 10 – 200 meters.	April – September	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Santa Lucia horkelia <i>Horkelia yadonii</i>	--/--/4.2	Perennial herb found in sandy meadows edges, seasonal streambeds in chaparral and foothill-pine woodland at elevations between 350 to 1900 meters.	June - September	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Southwestern spiny rush <i>Juncus acutus</i> ssp. <i>leopoldii</i>	--/--/4.2	Perennial herb that grows in salt marshes and alkaline seeps at elevations <300 meters.	June – August	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Salinas Valley goldfields <i>Lasthenia</i> <i>leptalea</i>	--/--/4.3	Annual herb found in openings within woodlands at elevations <500 meters.	February - May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Pale-yellow layia <i>Layia heterotricha</i>	--/--/1B.1	Annual found in open clayey or sandy soils at elevations from 200 to 1800 meters.	April – June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Jones' layia <i>Layia jonesii</i>	--/--/1B.2	Annual herb; occurs on clay soils near serpentine outcrops in chaparral and valley and foothill grassland; ranges in elevation from 5 to 400 meters.	March - May	<b>Species not observed</b> during flower season surveys. The project area is outside the elevation range for the species, and no serpentine soils are present. Species unlikely to occur.
Large-flowered leptosiphon <i>Leptosiphon</i> <i>grandiflorus</i>	--/--/4.2	Annual that grows in open grassy flats in sandy soil at elevations <1200 meters.	April – July	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Spring lessingia <i>Lessingia tenuis</i>	--/--/4.3	Annual that grows in openings of chaparral and woodlands at elevations from 50 to 2200 meters.	May – July	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Fuzzy prickly-phlox <i>Linanthus</i> <i>californicus</i> ssp. <i>tomentosus</i>	--/--/4.2	Perennial subshrub that grows in scrub, forest and coastal strand areas at elevations <1500 meters.	January - July	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Small-leaved lomatium <i>Lomatium</i> <i>parvifolium</i>	--/--/4.2	Perennial herb found growing in pine woodland and serpentine outcrops at elevations from 70 to 150 meters.	February - May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.

**Appendix A. CNDDB List of Special-Status Plant Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge.**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Blooming Period	Project Site Suitability/Observations
San Luis Obispo County lupine <i>Lupinus ludovicianus</i>	--/--/1B.2	Perennial herb. Occurs in chaparral and cismontane woodland on sandstone or sandy soils. Elevation 50 – 525 meters.	April – July	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Slender bush- mallow <i>Malacothamnus gracilis</i>	--/--/1B.1	Perennial shrub. Occurs in chaparral on rocky soils. Elevation 195 – 575 meters	May - October	<b>Species not observed</b> during surveys. This perennial species is not present in the project area.
Jones' bush- mallow <i>Malacothamnus jonesii</i>	--/--/4.3	Shrub that grows in open chaparral within foothill woodlands at elevations from 250 – 830 meters.	May - July	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Santa Lucia bush-mallow <i>Malacothamnus palmeri</i> <i>var. palmeri</i>	--/--/1B.2	Interior valleys, foothills on rocky substrate. At elevations from 30 – 800 meters.	May -July	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Dunedelion <i>Malacothrix incana</i>	--/--/4.3	Perennial herb that grows in dune habitats at elevations <300 meters.	All year	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Palmer's monardella <i>Monardella palmeri</i>	--/--/1B.2	Subshrub that grows in chaparral, forest on serpentine soils at elevations from 200 to 800 meters.	June - August	<b>Species not observed</b> during flower season surveys. Site lacks serpentine soils. Species considered unlikely to occur
Southern curly- leaved monardella <i>Monardella sinuata ssp. sinuata</i>	--/--/1B.2	Annual herb that grows in sandy soils within coastal sage scrub, coastal strand/dunes, coastal chaparral and oak woodland at elevations <300 meters.	April – September	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
California spineflower <i>Mucronea californica</i>	--/--/4.2	Annual that grows in sandy soils at elevations <1000 meters.	March - August	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Shining navarretia <i>Navarretia nigelliformis subsp. radians</i>	--/--/1B.2	Vernal pools, clay depressions. Elevation 150 - 1,000 meters.	May - July	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.

**Appendix A. CNDDDB List of Special-Status Plant Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge.**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Blooming Period	Project Site Suitability/Observations
Robbins' nemacladus <i>Nemacladus secundiflorus</i> var. <i>robbinsii</i>	--/--/1B.2	Annual herb that occurs in chaparral and valley and foothill woodland on dry, gravelly slopes, possibly on clay loam soils. Elevation 290 – 1490 meters.	April – June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Adobe yampah <i>Perideridia pringlei</i>	--/--/4.3	Perennial herb that grows on grassy slopes and serpentine outcrops at elevations from 300 – 1800 meters.	April - June	<b>Species not observed</b> during flower season surveys. Site lacks serpentine soils. Species considered unlikely to occur.
Michael's rein orchid <i>Piperia michaelii</i>	--/--/4.2	Generally dry sites, coastal scrub, woodland, and mixed- evergreen or closed-cone-pine forest. Elevation < 700 meters.	April - August	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Hooked popcornflower <i>Plagiobothrys uncinatus</i>	--/--/1B.2	Chaparral, canyon sides, and rocky outcrops; ± fire follower. Elevation 300 - 600 meters.	April - May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Hoffmann's sanicle <i>Sanicula hoffmannii</i>	--/--/4.3	Perennial herb that grows in shrubby coastal hills and pine woodlands at elevations <500 meters.	March – May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Black-flowered figwort <i>Scrophularia atrata</i>	--/--/1B.2	Perennial herb that grows in calcium and diatom rich soils at elevations <400 meters.	April - June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Adobe sanicle <i>Sanicula maritima</i>	--/--/1B.1	Coastal grassy, open wet meadows and ravines. Elevation around 150 meters.	April – May	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Chaparral ragwort <i>Senecio aphanactis</i>	--/--/2B.2	Annual herb; chaparral, cismontane woodland, coastal scrub in drying alkaline flats; 15-800 meters in elevation.	January - April	<b>Species not observed</b> during flower season surveys. No alkaline flats are present in the study area. Species unlikely to occur.
San Gabriel ragwort <i>Senecio astephanus</i>	--/--/4.3	Perennial herb that grows on steep rock slopes in chaparral, coastal scrub and oak woodlands at elevations from 400 – 1500 meters.	April - June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Sidalcea hickmanii subsp. anomala Cuesta Pass checkerbloom	--/--/1B.2	Closed-cone coniferous forest, generally serpentine. Elevation 600 - 800 meters.	May - June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.



**Appendix A. CNDDDB List of Special-Status Plant Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge.**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Blooming Period	Project Site Suitability/Observations
Guirado's goldenrod <i>Solidago guiradonis</i>	--/--/4.3	Perennial stream banks and seeps, serpentine. Elevation 600 - 900 meters.	September – October	<b>Species not observed</b> during flower season surveys. Site lacks serpentine soils. Species considered unlikely to occur
Most beautiful jewel-flower <i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	--/--/1B.2	Annual herb; occurs on serpentine soils in chaparral, valley and foothill grassland, and cismontane woodland, ranging from 120 to 1000 meters in elevation.	April - June	<b>Species not observed</b> during flower season surveys. No serpentine soils are present in the study area. Species unlikely to occur.
Saline clover <i>Trifolium hydrophilum</i>	--/--/1B.2	Salt marshes and open areas in alkaline soils. Elevation < 300 meters.	April – June	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
Caper-fruited tropidocarpum <i>Tropidocarpum capparideum</i>	--/--/1B.1	Alkaline soils, low hills, valleys. Elevation < 400 meters.	March – April	<b>Species not observed</b> during flower season surveys. Species considered unlikely to occur.
PLANT/NATURAL COMMUNITIES				
Central Foredunes			Not present in project area	
Central Maritime Chaparral			Not present in project area	
Coastal and Valley Freshwater Marsh			Not present in project area	
Northern Interior Cypress Forest			Not present in project area	
Serpentine Bunchgrass			Not present in project area	

\*FE = Federally Endangered; FT = Federally Threatened; SE = State Endangered; ST = State Threatened; SR = State Rare; CE = Candidate for Endangered Status; '—' = no status; List 1B – Rare, threatened, or endangered in California and elsewhere; List 2 – Rare, threatened or endangered in California, but more common elsewhere; List 4 – Limited distribution (Watch List). Source: California Natural Diversity Database (California Department of Fish and Wildlife 2018); California Native Plant Society Online Inventory of Rare Plants, accessed May 2018 (online at [www.cnps.org](http://www.cnps.org)); Special Vascular Plants, Bryophytes, and Lichens List (California Department of Fish and Wildlife 2018).

## **Appendix B: Habitat Requirements and Potential for Occurrence of Special-Status Animals Occurring in the Vicinity of the Project Site**

**Appendix A. CNDDDB List of Special-Status Animal Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Project Site Suitability/Observations
<b>FISH</b>			
Steelhead – South/Central California ESU  <i>Oncorhynchus mykiss</i> <i>irideus</i>	FT/-- /SSC	Fresh water, fast flowing, highly oxygenated, clear, cool stream where riffles tend to predominate pools.	<b>No Potential for Occurrence:</b> No habitat for aquatic or semi-aquatic species are present. No aquatic or wetland habitat is present within or adjacent to the survey area.
Unarmored threespine stickleback  <i>Gasterosteus aculeatus</i> <i>williamsoni</i>	FE/SE/FP	Freshwater systems in southern California, populations are now limited to relatively few stream networks within Santa Barbara, Los Angeles, San Bernardino, and San Diego counties.	<b>No Potential for Occurrence:</b> No habitat for aquatic or semi-aquatic species are present. No aquatic or wetland habitat is present within or adjacent to the survey area.
Arroyo chub  <i>Gila orcuttii</i>	--/--/SSC	Inhabits sandy and muddy bottoms of flowing pools and headwaters of small to medium freshwater streams; often found in intermittent streams.	<b>No Potential for Occurrence:</b> No habitat for aquatic or semi-aquatic species are present. No aquatic or wetland habitat is present within or adjacent to the survey area.
Monterey Roach  <i>Lavinia symmetricus</i> <i>subditus</i>	--/--/SSC	Found in small streams and are particularly well adapted to life in intermittent watercourses, where dense populations are frequently observed in isolated pools	<b>No Potential for Occurrence:</b> No habitat for aquatic or semi-aquatic species are present. No aquatic or wetland habitat is present within or adjacent to the survey area.
<b>AMPHIBIANS/REPTILES</b>			
California tiger salamander  <i>Ambystoma</i> <i>californiense</i>	FT/ST/WL	Found in grasslands, oak savannah, and edges of mixed woodland and lower elevation coniferous forest.	<b>Species not present.</b> Suitable habitat not present within or adjacent to the survey area.
Arroyo toad  <i>Anaxyrus californicus</i>	SE/--/SSC	Habitats used include valley-foothill and desert riparian as well as a variety of more arid habitats including desert wash, palm oasis, and Joshua tree, mixed chaparral and sagebrush.	<b>Species not present.</b> Suitable habitat not present within or adjacent to the survey area.

**Appendix A. CNDDDB List of Special-Status Animal Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa Margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Project Site Suitability/Observations
Northern California legless lizard <i>Anniella pulchra</i>	--/--/SSC	Occurs in moist warm loose soil with plant cover. Moisture is essential. Occurs in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. Leaf litter under trees and bushes in sunny areas and dunes stabilized with bush lupine and mock heather. Often can be found under surface objects such as rocks, boards, driftwood, and logs.	<b>Species not present.</b> Moist loose soils, plant cover and leaf litter not present within project area. Species not expected to be impacted by the project.
California glossy snake <i>Arizona elegans occidentalis</i>	--/--/SSC	Inhabits arid scrub, rocky washes, grasslands, chaparral. Appears to prefer microhabitats of open areas and areas with soil loose enough for easy burrowing.	<b>Species not present.</b> Suitable habitat not present within or adjacent to the survey area.
Lesser slender salamander <i>Batrachoseps minor</i>	--/--/SSC	Known only from the Black Mtn. area of San Luis Obispo County, along the Paso Robles, Santa Rita and Old Creeks. Type specimens are known from a variety of wooded habitats.	<b>Species not present.</b> Species not known from project area.
Southern Pacific (western) pond turtle <i>Emys marmorata</i>	--/--/SSC	Basking sites such as partially submerged logs, vegetation mats, or open mud banks.	<b>No Potential for Occurrence:</b> No habitat for aquatic or semi-aquatic species are present. No aquatic or wetland habitat is present within or adjacent to the survey area.
Coast horned lizard <i>Phrynosoma blainvillii</i>	--/--/SSC	Inhabits open areas of sandy soil and low vegetation in valleys, foothills and semiarid mountains. Found in grasslands, coniferous forests, woodlands, and chaparral, with open areas and patches of loose soil. Often found in lowlands along sandy washes with scattered shrubs and along dirt roads, and frequently found near ant hills.	<b>Species not present.</b> Sandy or loose soils not present within project site. Project site is along high elevation ridge and no valleys, lowlands, or sandy washes present. Species not observed during site visits.
Foothill yellow-legged frog <i>Rana boylei</i>	--/CT/SSC	Occurs in partly shaded, shallow streams in the upper mountainous reaches of drainages in the outer coast ranges. Requires cobble-sized substrate and 15 weeks of aquatic habitat to breed.	<b>No Potential for Occurrence:</b> No habitat for aquatic or semi-aquatic species are present. No aquatic or wetland habitat is present within or adjacent to the survey area.

**Appendix A. CNDDDB List of Special-Status Animal Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Project Site Suitability/Observations
California red-legged frog <i>Rana draytonii</i>	FT/-- /SSC	Lowland and foothills with permanent or semi-permanent water (> 0.5 meter) with emergent wetland vegetation. Uses adjacent upland habitats for refugia and dispersal.	<b>No Potential for Occurrence:</b> No habitat for aquatic or semi-aquatic species are present. No aquatic or wetland habitat is present within or adjacent to the survey area.
Coast patchnosed snake <i>Salvadora hexalepis virgultea</i>	--/--/SSC	A southern California species that inhabits semi-arid brushy areas and chaparral in canyons, rocky hillsides, and plains.	<b>Species not present.</b> Prefers brushy areas and chaparral at lower elevations. Project site is along high elevation ridge and within annual grasslands. Species not observed during site visits.
Western spadefoot <i>Spea hammondi</i>	--/--/SSC	Inhabits vernal pools primarily in grassland, but also in valley and foothill hardwood woodlands. Requires seasonal pools for breeding and egg-laying.	<b>No Potential for Occurrence:</b> No habitat for aquatic or semi-aquatic species are present. No aquatic or wetland habitat is present within or adjacent to the survey area.
Coast Range newt <i>Taricha torosa torosa</i>	--/--/SSC	Coastal drainages from Mendocino to San Diego Counties in riparian woodlands, migrates up to 1 km to breed in slow moving streams, ponds, and reservoirs.	<b>Present from the general project area.</b> However, no creeks or drainage features are present within or adjacent to the survey area. Impacts are not expected to this species.
Two-striped garter snake <i>Thamnophis hammondi</i>	--/--/SSC	Generally found around pools, creeks, cattle tanks, and other water sources, often in rocky areas, in oak woodland, chaparral, brushland, and coniferous forest.	<b>No Potential for Occurrence:</b> No habitat for aquatic or semi-aquatic species is present. No aquatic or wetland habitat is present within or adjacent to the survey area.
<b>BIRDS</b>			
Tricolored blackbird <i>Agelaius tricolor</i>	--/CE/SSC	(Nesting colony); requires open water, protected nesting substrate, and foraging area with insect prey.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
grasshopper sparrow <i>Ammodramus savannarum</i>	--/--/SSC	Nests in relatively extensive patches of short to medium stature grassland with scattered open areas and shrubs. Absence of trees is critical in habitat preference.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
Golden eagle <i>Aquila chrysaetos</i>	--/--/FP	Nests on cliffs and escarpments or in tall trees overlooking open country. Forages in annual grasslands, chaparral, and oak woodlands with plentiful medium and large-sized mammals.	<b>Suitable nesting habitat potentially present in general vicinity of project area.</b> No potential nests observed during survey and species is not expected to nest or forage within the project area or be affected by the project. Prey base is absent from project area.

**Appendix A. CNDDDB List of Special-Status Animal Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge**

<b>Species</b>	<b>Status* Fed/CA/CDFW</b>	<b>Habitat Requirements</b>	<b>Project Site Suitability/Observations</b>
Burrowing owl <i>Athene cunicularia</i>	--/--/SSC	Open, dry grasslands, often short grasses without trees. Relies on ground burrowing animals for terrestrial habitat.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
Ferruginous hawk <i>Buteo regalis</i>	--/--/WL	Prefers open terrain in plains and foothills where ground squirrels, lagomorphs and other prey are available.	<b>No suitable nesting habitat present.</b> Not expected to nest or forage within the project area or be affected by the project. Prey base is absent from project area.
Vaux's swift <i>Chaetura vauxi</i>	--/--/SSC	Open sky over forest, lakes, and rivers. Often feeds low over water, especially in morning and evening or during unsettled weather. Nests in coniferous and mixed forest, mainly old-growth forest, including redwood, Douglas-fir, grand fir.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
Western snowy plover <i>Charadrius alexandrinus nivosus</i>	FT/--/SSC	Sandy beaches, salt pond levees, shorelines of large alkali lakes. Needs friable soil for nesting.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
Mountain plover <i>Charadrius montanus</i>	--/--/SSC	Winters in southern and central California in sparse and/or short grasslands and plowed fields.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
Western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	FT/SE/--	Inhabits extensive deciduous riparian thickets or forests with dense, low-level or understory foliage, and which abut on slow-moving watercourses, backwaters, or seeps. Willow almost always a dominant component of the vegetation	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
White-tailed kite <i>Elanus leucurus</i>	--/--/FP	Forages in undisturbed, open grasslands, meadows, farmlands and emergent wetlands. Nest placed near top of dense oak, willow, or other tree stand.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
California horned lark <i>Eremophila alpestris actia</i>	--/--/WL	Found in open habitats such as sparse coastal sage scrub, grasslands, coastal plains and fallow grain fields.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.



**Appendix A. CNDDDB List of Special-Status Animal Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Project Site Suitability/Observations
Merlin <i>Falco columbarius</i>	--/--/WL	Uncommon winter migrant from September to May. Seldom found in heavily wooded areas, or open deserts. Frequents coastlines, open grasslands, savannahs, woodlands, lakes, wetlands, edges, and early successional stages. Ranges from annual grasslands to ponderosa pine and montane hardwood-conifer habitats.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
Prairie falcon <i>Falco mexicanus</i>	MBTA/--/--	Occurs in dry, open terrain that is level or hilly and breeds on cliffs.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project. Prefers more open habitat and not dense oak forest.
American peregrine falcon <i>Falco peregrinus anatum</i>	--/--/FP	Nesting sites are typically on ledges of large cliff faces. Many pairs are nesting on city buildings and bridges, and some pairs nest in tree cavities of coastal redwoods. Nesting and wintering habitats are varied, including wetlands, woodlands, other forested habitats, cities, agricultural areas and coastal habitats.	<b>No suitable nesting habitat present.</b> Species could forage in the vicinity. Not expected to nest within the project area or be affected by the project.
Common loon <i>Gavia immer</i>	--/--/SSC	Wooded lakes, tundra ponds, coastal waters. In summer mainly on lakes in coniferous forest zone, also beyond treeline onto open tundra. Chooses large lakes with ample room for takeoff and with good supply of small fish.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
California condor <i>Gymnogyps californianus</i>	FE/SE/FP	Rocky scrubland, montane coniferous forest, valley and foothill grasslands, oak savannah, chaparral, woodland/ forest habitats. Nesting on cliffs and trees.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
Bald eagle <i>Haliaeetus leucocephalus</i>	--/SE/FP	Nests in large, old-growth, or dominant live tree with open branchwork, especially ponderosa pine. Requires large bodies of water, or free flowing rivers with abundant fish, and adjacent snags or other perches.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.

**Appendix A. CNDDDB List of Special-Status Animal Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Project Site Suitability/Observations
Loggerhead shrike <i>Lanius ludovicianus</i>	--/--/SSC	Semi-open country with lookout posts; wires, trees, scrub. Breeds in any kind of semi-open terrain, from large clearings in wooded regions to open grassland or desert with a few scattered trees or large shrubs.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
California gull <i>Larus californicus</i>	--/--/WL	Seacoasts, lakes, farms, urban centers. Breeds in the interior at lakes and marshes, often foraging for insects around farms, plowed fields. Some winter inland around major lakes and rivers, but most are coastal at that season, frequenting beaches, docks, garbage dumps, fields.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
Belding's savannah sparrow <i>Passerculus sandwichensis beldingi</i>	--/SE/--	Frequents pickleweed in a few scattered saline emergent wetlands from Santa Barbara Co. south.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
California brown pelican <i>Pelecanus occidentalis californicus</i>	--/--/FP	Found in estuarine, marine subtidal, and marine pelagic waters along the California coast.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
Double-crested cormorant <i>Phalacrocorax auritus</i>	--/--/WL	Coasts, bays, lakes, rivers. Very adaptable, may be found in almost any aquatic habitat.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
Purple martin <i>Progne subis</i>	--/--/SSC	Found nesting in conifer forests. In Monterey, San Luis Obispo, and Santa Barbara counties appear to be the last places where martins still nest in Western Sycamore woodland	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
Yellow warbler <i>Setophaga petechia</i>	--/--/SSC	Bushes, swamp edges, streams, gardens. Breeds in a variety of habitats in east, including woods and thickets along edges of streams, lakes, swamps, and marshes, favoring willows, alders, and other moisture-loving plants.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.

**Appendix A. CNDDDB List of Special-Status Animal Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Project Site Suitability/Observations
Elegant tern <i>Thalasseus elegans</i>	--/--/WL	Coast, bays, beaches. Generally on ocean, close to shore over shallow waters, concentrating around bays and estuaries. Sometimes far out to sea. Extremely rare on fresh waters inland. Nests on sandy or rocky islands.	<b>No suitable nesting habitat present.</b> Not expected to nest within the project area or be affected by the project.
<b>Other migratory bird species (nesting)</b>	<b>MBTA/--/--</b>	<b>Woodlands, riparian areas, grasslands, shrublands, and other native habitats provide nesting opportunities for a variety of migratory bird species protected under the MBTA.</b>	<b>Potential migratory bird nesting habitat occurs within and adjacent to the project area. Refer to mitigation measures.</b>
<b>INVERTEBRATES</b>			
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	FT/--/--	Occur primarily in vernal pools, seasonal wetlands that fill with water during fall and winter rains and dry up in spring and summer.	<b>No Potential for Occurrence:</b> No habitat for aquatic or semi-aquatic species is present. No aquatic or wetland habitat is present within or adjacent to the survey area.
Danaus plexippus pop. 1 monarch - California overwintering population	--/--/SA	Rely on milkweed and need protected stands of trees for roosting. Found in fields, meadows, weedy areas, marshes, and along roadsides	<b>No Potential for Occurrence:</b> No suitable overwintering habitat on or adjacent to project site. No nearby groves of eucalyptus.
San Luis Obispo pyrg <i>Pyrgulopsis taylori</i>	--/SA/--	Freshwater habitats in San Luis Obispo County.	<b>No Potential for Occurrence:</b> No habitat for aquatic or semi-aquatic species is present. No aquatic or wetland habitat is present within or adjacent to the survey area.
<b>MAMMALS</b>			
Townsend's western big-eared bat <i>Corynorhinus townsendii townsendii</i>	--/--/SSC	Requires caves, tunnels, mines, or similar man-made structures for roosting. This bat feeds primarily on moths, but will eat a variety of soft-bodied insects.	<b>No Potential for Occurrence:</b> No suitable roosting habitat present. Not expected to occur within or be affected by the project.
Southern sea otter <i>Enhydra lutris nereis</i>	FT/--/FP	Marine mammal found along the coast.	<b>No Potential for Occurrence:</b> A coastal marine species.

**Appendix A. CNDDDB List of Special-Status Animal Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Project Site Suitability/Observations
Western mastiff bat <i>Eumops perotis californicus</i>	--/--/SSC	Crevices in cliff faces, high buildings, trees, and tunnels are required for roosting. Occurs in many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, annual and perennial grasslands, palm oases, chaparral, desert scrub, and urban	<b>No Potential for Occurrence:</b> No suitable roosting habitat present. Not expected to occur within or be affected by the project.
Western red bat <i>Lasiurus blossevillei</i>	--/--/SSC	Roosts primarily in trees, less often in shrubs. Roost sites often are in edge habitats adjacent to streams, fields, or urban areas. Roosting habitat includes forests and woodlands from sea level up through mixed conifer forests. Feeds over a wide variety of habitats including grasslands, shrublands, open woodlands and forests, and croplands.	<b>Species potentially present from the general project area.</b> No trees are proposed for removal and no impacts to roosting habitat are expected.
California leaf-nosed bat <i>Macrotus californicus</i>	--/--/SSC	Habitats occupied include desert riparian, desert wash, desert scrub, desert succulent shrub, alkali desert scrub, and palm oasis. Day roosts usually are in deep mine tunnels or caves, occasionally in buildings or bridges	<b>No Potential for Occurrence:</b> No suitable roosting habitat present. Not expected to occur within or be affected by the project.
Monterey dusky-footed woodrat <i>Neotoma fuscipes luciana</i>	--/--/SSC	<b>Occurs in coastal central California in habitats that exhibit a moderate vegetative canopy, with a brushy understory. Builds nests of sticks and leaves near or within a tree or shrub, or at the base of a hill.</b>	<b>Species is present on site. Several woodrat nests were observed in madrone/oak woodland areas on the subject parcel. Project will not remove or impact any areas with woodrat nests.</b>
San Diego desert woodrat <i>Neotoma lepida intermedia</i>	--/--/SSC	Common to abundant in Joshua tree, pinyon-juniper, mixed and chamise-redshank chaparral, sagebrush, and most desert habitats. Also found in a variety of other habitats. Most abundant in rocky areas with Joshua trees.	<b>No Potential for Occurrence:</b> No suitable habitat present. Not expected to occur within or be affected by the project.
American badger <i>Taxidea taxus</i>	--/--/SSC	Friable soils and open, uncultivated ground for denning. Needs abundant prey and preys on burrowing rodents such as ground squirrels.	<b>Species potentially present from the general project area.</b> No potential dens or ground squirrel colonies were observed during surveys. Species could occur as a transient through project site, but impacts to this species is unlikely.



**Appendix A. CNDDDB List of Special-Status Animal Species and Natural Communities from Nine 7.5-minute Quadrangle Search - Atascadero, Santa margarita, Wilson Corner, San Luis Obispo, Lopez Mtn., Santa Margarita Lake, Pismo Beach, Arroyo Grande, and Tar Springs Ridge**

Species	Status* Fed/CA/CDFW	Habitat Requirements	Project Site Suitability/Observations
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	FE/SE/--	Found in grassland, open shrubby areas, and some agricultural settings. Needs loose textured sandy-soils for burrowing, and suitable prey base consisting of ground squirrels, other small mammals, birds and insects.	<b>No Potential for Occurrence:</b> No suitable habitat present. Not expected to occur within or be affected by the project.
<b>CRITICAL HABITATS</b>			
California red-legged frog			Study area is located within designated CRLF Critical Habitat Area.

\*FE = Federally Endangered; FT = Federally Threatened; SR = State Rare; CE = Candidate for Endangered Status; CT = Candidate for Threatened Status; SSC = California Species of Special Concern; FP = Fully Protected; WL = Watch List; SA – Special Animal; ‘—’ = no status. Source: California Natural Diversity Database (California Department of Fish and Wildlife 2018); Special Animals List (California Department of Fish and Wildlife 2018).

## **Appendix C: List of Plant Species Observed on the Project Site**

## Appendix C – List of Plant Species Observed within the Project Area

Scientific Name	Common Name
<i>Achyrachaena mollis</i>	Blow wives
<i>Acmispon americanus</i>	Spanish lotus
<i>Acmispon glaber</i>	Deerweed
<i>Adenostoma fasciculatum</i>	Chamise
<i>Arbutus menziesii</i>	Pacific madrone
<i>Arctostaphylos glauca</i>	Bigberry manzanita
<i>Arctostaphylos luciana</i>	Santa Lucia manzanita
<i>Artemisia californica</i>	California sage
<i>Aquilinum pteridium</i>	Bracken fern
<i>Avena sp.*</i>	Wild oats
<i>Bromus diandrus*</i>	Ripgut brome
<i>Bromus hordeaceus*</i>	Soft chess
<i>Carduus pycnocephalus*</i>	Italian thistle
<i>Chlorogalum pomeridianum</i>	Soap plant
<i>Clarkia purpurea</i>	Wine cups
<i>Convolvulus arvensis*</i>	Field bindweed
<i>Dendromecon rigida</i>	Bush poppy
<i>Diplacus aurantiacus</i>	Bush monkeyflower
<i>Elymus glaucus</i>	Blue wildrye
<i>Eriodictyon tomentosum</i>	Wooly yerba santa
<i>Erodium cicutarium*</i>	Red-stemmed filaree
<i>Festuca perennis*</i>	Italian rye grass
<i>Frangula californica</i>	Coffeeberry
<i>Galium aparine</i>	Common bedstraw
<i>Hemizonia congesta ssp. luzulifolia</i>	Hayfield tarweed
<i>Lactuca serriola*</i>	Wild lettuce
<i>Lithocarpus densiflorus</i>	Tanbark oak
<i>Lonicera subspicata</i>	Southern honeysuckle
<i>Lupinus nanus</i>	Sky lupine
<i>Microseris douglasii</i>	Douglas' microseris
<i>Pholistima auritum</i>	Fiesta flower
<i>Pinus sabiana</i>	Foothill pine
<i>Plantago lanceolata*</i>	Common plantain
<i>Pickeringia montana</i>	Chaparral pea
<i>Pseudognaphalium californicum</i>	Ladies tobacco
<i>Quercus agrifolia</i>	Coast live oak
<i>Quercus berberidifolia</i>	Scrub oak
<i>Ribes speciosa</i>	Fuchsia-flowered gooseberry
<i>Salvia spathacea</i>	Hummingbird sage
<i>Silene gallica</i>	Catchfly
<i>Silybum marianum*</i>	Milk thistle

<i>Sonchus asper</i> *	Sow thistle
<i>Trifolium willdenovii</i>	Tomcat clover
<i>Toxicodendron diversilobum</i>	Poison oak
<i>Vicia sativa</i> *	Spring vetch
<i>Viola pedunculata</i>	Johnny jump-up

\* indicates non-native species

## **Appendix D: List of Animal Species Observed During Site Visits**



**Appendix D – List of Animal Species Observed within the Project Area**

Scientific Name	Common Name
<b>Birds</b>	
<i>Aphelocoma californica</i>	Western scrub jay
<i>Baeolophus inornatus</i>	Oak titmouse
<i>Buteo jamaicensis</i>	Red-tailed hawk
<i>Calypte anna</i>	Anna's hummingbird
<i>Cathartes aura</i>	Turkey vulture
<i>Corvus brachyrhynchos</i>	American crow
<i>Cyanocitta stelleri</i>	Steller's jay
<i>Haemorhous purpureus</i>	Purple finch
<i>Meleagris gallopavo</i>	Wild turkey (tracks)
<i>Melospiza crissalis</i>	California towhee
<i>Mimus polyglottos</i>	Northern mockingbird
<i>Myiarchus cinerascens</i>	Ash-throated flycatcher
<i>Spinus tristis</i>	American goldfinch
<i>Vireo huttoni</i>	Hutton's vireo
<i>Zenaidura macroura</i>	Mourning dove
<b>Reptiles</b>	
<i>Sceloporus occidentalis bocourti</i>	Coast range fence lizard
<b>Mammals</b>	
<i>Canis latrans</i>	Coyote (tracks)
<i>Neotoma fuscipes luciana</i>	Monterey dusky-footed woodrat
<i>Odocoileus hemionus columbianus</i>	Black-tailed deer (tracks)
<i>Sciurus griseus</i>	Western gray squirrel
<i>Sylvilagus bachmani</i>	Brush rabbit
<i>Thomomys bottae</i>	Botta's pocket gopher
<b>Insects</b>	
<i>Danaus plexippus</i>	Monarch butterfly

## **Appendix E: Photo Documentation**

- 5 Photos



Photo 1: Photo viewing south through project area.  
June 6, 2018





Photo 2: Photo viewing north through project area.  
June 6, 2018





Photo 3. Photo viewing south along existing dirt road that will be used to access site.  
June 6, 2018





Photo 4. Photo viewing north along access road.  
May 10, 2018





Photo 5. Photo viewing south through proposed project site.  
May 10, 2018

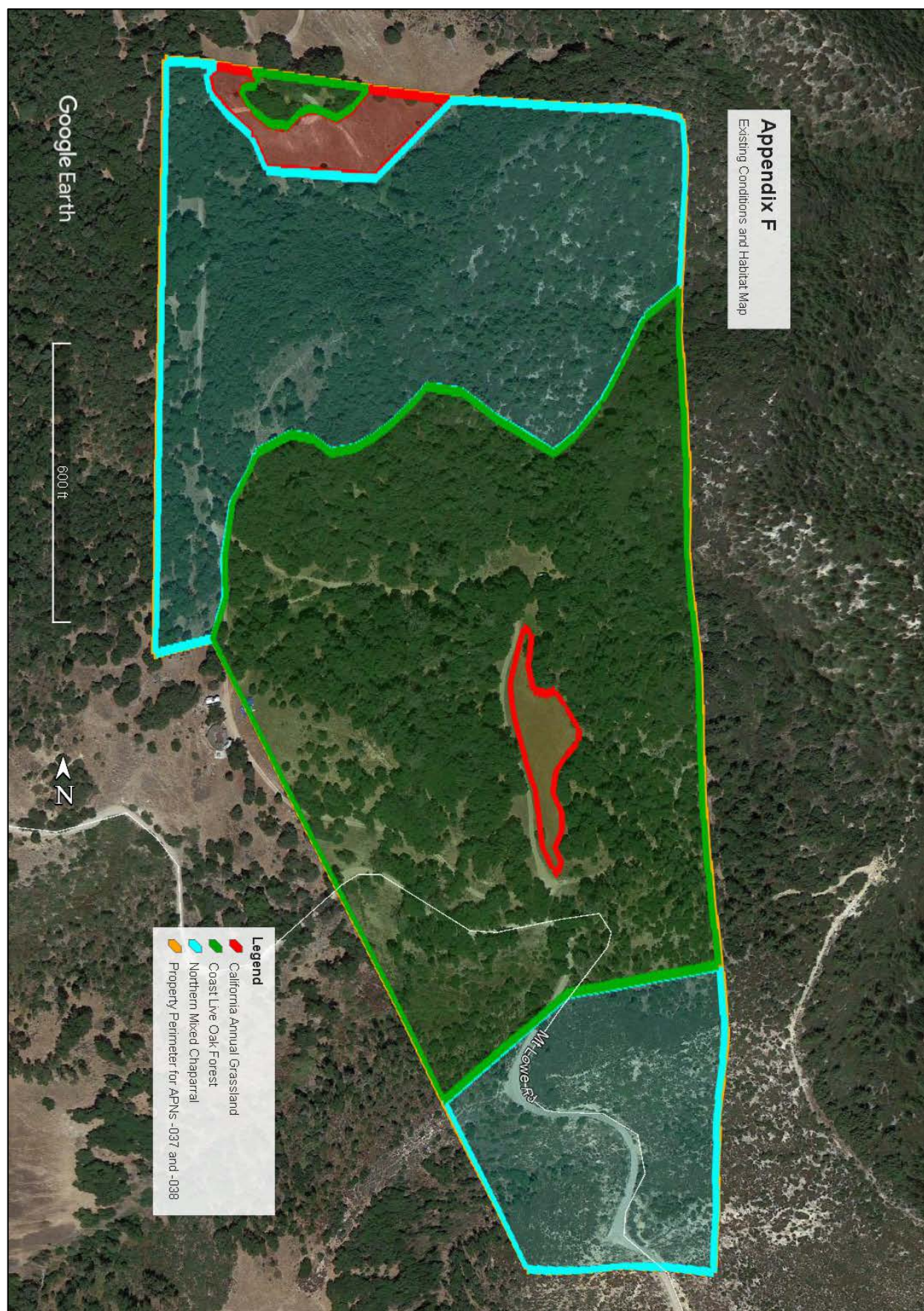
## **Appendix F: Existing Conditions and Habitat Map**

\*Locations are approximate



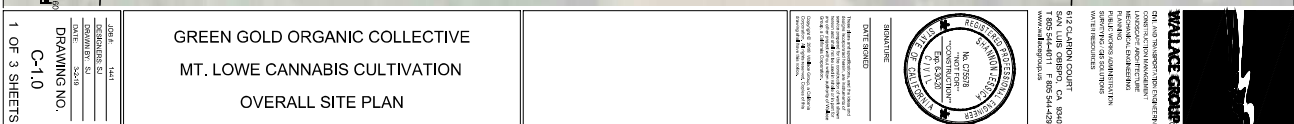






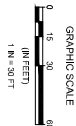


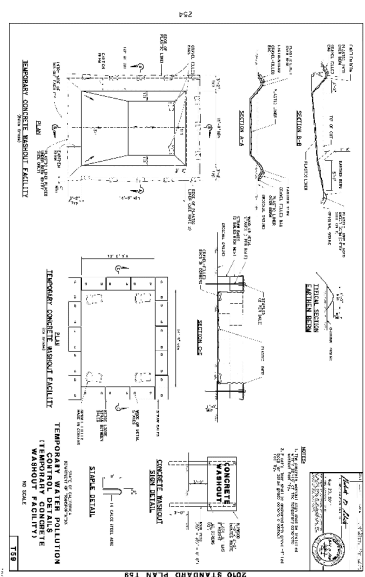
## **Appendix G: Proposed Site**





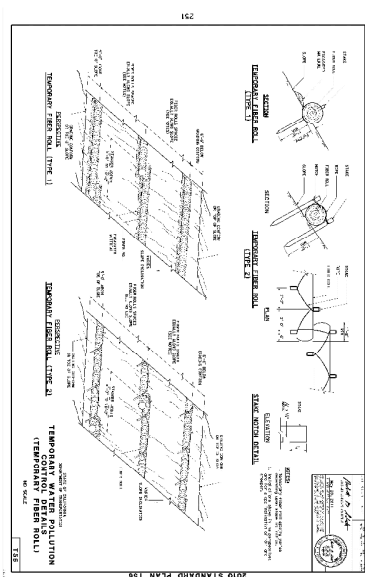
STALL.





## 1 CONCRETE WASHOUT FACILITY DETAILS

15



## 2 FIBER ROLL INSTALLATION DETAIL

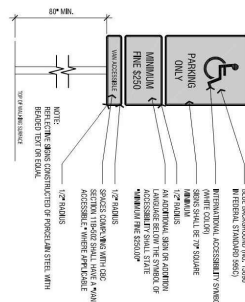
NTS

## EROSION AND SEDIMENT CONTROL AND PREVENTION NOTES

1. THE DISTURBED AREA FOR THIS DEVELOPMENT SHALL BE IN A ONE- AND ONE-HALF-ACRE EXISTING LOT, WITH THE DISTURBED AREA BEING LOCATED IN THE SOUTHWEST CORNER OF THE LOT, AS SHOWN ON THE ATTACHED SITE PLAN. THE DISTURBED AREA SHALL BE A MINIMUM OF 10 FEET WIDE AND 10 FEET DEEP, AND SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY.
2. THE DISTURBED AREA SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY, AND SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY.
3. THE DISTURBED AREA SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY, AND SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY.
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10. THE DISTURBED AREA SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY, AND SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY.
11. THE DISTURBED AREA SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY, AND SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY.
12. THE DISTURBED AREA SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY, AND SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY.
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14. THE DISTURBED AREA SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY, AND SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY.
15. THE DISTURBED AREA SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY, AND SHALL BE A MINIMUM OF 10 FEET FROM THE ADJACENT LOT BOUNDARY.

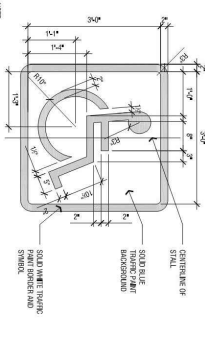
## DUST CONTROL NOTES

1. THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE AND FEDERAL REQUIREMENTS, MEASURES REQUIRED BY ANY LOCAL, STATE OR FEDERAL AGENCY, AND ALL APPLICABLE REGULATIONS.
2. IMPALEMENT PERMANENT DUST CONTROL MEASURES AS SOON AS POSSIBLE FOLLOWING COMPLETION OF ANY SOIL DISTURBING ACTIVITIES.
3. STABILIZED AND DISTURBED/EXPOSED SOIL AREAS PER THE EROSION CONTROL NOTES.
4. DURING CONSTRUCTION, WHEN TRUCKS OR SPRINKLER SYSTEMS SHALL BE USED IN SUFFICIENT QUANTITIES TO PREVENT AVOIDABLE DUST/TRAFFIC DUST, INCREASED FREQUENCY, WIND-DRIVEN DUST, AND TRUCK SPEEDS EXCEED 15 MPH, REDUCED NOISE/TO WHEEL SHALL BE USED WHENEVER POSSIBLE.
5. ALL DIRT STOCKPILE AREAS SHALL BE SPANNED DAILY AS NEEDED.
6. ALL TRUCKS Hauling SOIL MATERIALS TO AND FROM THE SITE SHALL BE COVERED WITH A TARP TO PREVENT DUST FROM ESCAPING OUT OF THE NOSE.
7. ALL CONSTRUCTION VEHICLES SHALL NOT EXCEED 15 MPH ON ANY UNPAVED SURFACE AT THE CONSTRUCTION SITE.
8. THE CONTRACTOR SHALL DISSEMINATE A PERSONS TO MONITOR THE DUST CONTROL OF THE PROJECT, AND THE PERSONS SHALL BE TRAINED TO MONITOR THE DUST CONTROL OF THE PROJECT OR DISTRICT SITE. THE DESIGNATED PERSONS DUTY SHALL INCLUDE HOLIDAY AND WEEKEND PERSONS WHEN WORK MAY NOT BE IN PROGRESS.
9. CONSTRUCTION EQUIPMENT SHALL CONFORM TO THE LATEST CURRENT AND QUALITY REGULATIONS FOR THE OPERATION OF MOTOR VEHICLES.



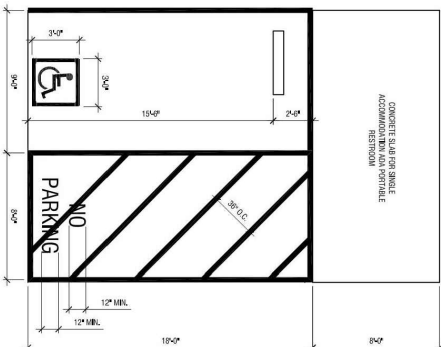
### 3 ACCESSIBLE PARKING SIGNAGE

Scale: 3/4" = 1'



#### 4 INTERNATIONAL SYMBOL OF ACCESSIBILITY

SCALE 30° = 100'



## 5 ADA STALL

 $\frac{1}{2} = .50$

## **Appendix H: CNDDB Forms for Special-Status Species Observations**



For Office Use Only

Source Code: \_\_\_\_\_ Quad Code: \_\_\_\_\_  
Elm Code: \_\_\_\_\_ Occ No.: \_\_\_\_\_  
EO Index: \_\_\_\_\_ Map Index: \_\_\_\_\_

Date of Field Work (mm/dd/yyyy): 02/06/2019

Clear Form

California Native Species Field Survey Form

Print Form

Scientific Name: Santa Lucia manzanita

Common Name: Arctostaphylos luciana

Species Found? ☒ Yes ☐ No If not found, why?

Total No. Individuals: Numrous Subsequent Visit? ☐ Yes ☒ No

Is this an existing NDDDB occurrence? ☒ No ☐ Unk. Yes, Occ. # \_\_\_\_\_

Collection? If yes: \_\_\_\_\_ Number \_\_\_\_\_ Museum / Herbarium \_\_\_\_\_

Reporter: Dwayne Oberhoff

Address: PO Box 6840

Los Osos, CA 93412

E-mail Address: dwayne@ecologicalmgmt.com

Phone: 805-440-6137

Plant Information

Phenology:

100 85 0  
% vegetative % flowering % fruiting

Animal Information

# adults # juveniles # larvae # egg masses # unknown  
☐ wintering ☐ breeding ☐ nesting ☐ rookery ☐ burrow site ☐ lek ☐ other

Location Description (please attach map AND/OR fill out your choice of coordinates, below)

0.42-mile east of Highway 101 on Cuesta Grade. Specifically east of Mt Lowe Road (east Cuesta Grade) on private property.

County: San Luis Obispo Landowner / Mgr: Private property

Quad Name: Lopez Mtn Elevation: 2012 feet

T \_\_\_\_\_ R \_\_\_\_\_ Sec \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Meridian: H ☐ M ☐ S ☐ Source of Coordinates (GPS, topo. map & type): GoogleEarth

T \_\_\_\_\_ R \_\_\_\_\_ Sec \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Meridian: H ☐ M ☐ S ☐ GPS Make & Model: \_\_\_\_\_

DATUM: NAD27 ☐ NAD83 ☐ WGS84 ☒ Horizontal Accuracy: \_\_\_\_\_ meters/feet

Coordinate System: UTM Zone 10 ☒ UTM Zone 11 ☐ OR Geographic (Latitude & Longitude) ☐

Coordinates: 716184.50 m E 3913833.19 m N

Habitat Description (plants & animals) plant communities, dominants, associates, substrates/soils, aspects/slope:

Animal Behavior (Describe observed behavior, such as territoriality, foraging, singing, calling, copulating, perching, roosting, etc., especially for avifauna):

Observed growing adjacent to coast live oak and tan bark oak within an area that burned within the last 4 years. Specimens did not burn in recent fire.

Please fill out separate form for other rare taxa seen at this site.

Site Information Overall site/occurrence quality/viability (site + population): ☐ Excellent ☒ Good ☐ Fair ☐ Poor

Immediate AND surrounding land use: Large private parcels surrounded by Los Padres National Forest.

Visible disturbances: Some specimens adjacent to unimproved dirt access road.

Threats: Potential development

Comments:

Determination: (check one or more, and fill in blanks)

- ☒ Keyed (cite reference): Jepson Manual  
☐ Compared with specimen housed at: \_\_\_\_\_  
☒ Compared with photo / drawing in: Calflora website images  
☒ By another person (name): Bob Sloan  
☐ Other: \_\_\_\_\_

Photographs: (check one or more)

	Slide	Print	Digital
Plant / animal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Diagnostic feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

May we obtain duplicates at our expense? ☒ yes ☐ no

For Office Use Only

Source Code: \_\_\_\_\_ Quad Code: \_\_\_\_\_  
Elm Code: \_\_\_\_\_ Occ No.: \_\_\_\_\_  
EO Index: \_\_\_\_\_ Map Index: \_\_\_\_\_

Date of Field Work (mm/dd/yyyy): 05/10/2018

Clear Form

California Native Species Field Survey Form

Print Form

Scientific Name: *Monterey dusky-footed woodrat*

Common Name: *Neotoma fuscipes luciana*

Species Found? ☒ Yes ☐ No Numerous stick nests  
If not found, why?

Total No. Individuals: Unknown Subsequent Visit? ☐ Yes ☒ No

Is this an existing NDDDB occurrence? ☒ No ☐ Unk.  
Yes, Occ. # \_\_\_\_\_

Collection? If yes: \_\_\_\_\_  
Number \_\_\_\_\_ Museum / Herbarium \_\_\_\_\_

Reporter: Dwayne Oberhoff

Address: PO Box 6840

Los Osos, CA 93412

E-mail Address: dwayne@ecologicalmgmt.com

Phone: 805-440-6137

Plant Information

Phenology:

% vegetative \_\_\_\_\_ % flowering \_\_\_\_\_ % fruiting \_\_\_\_\_

Animal Information

# adults \_\_\_\_\_ # juveniles \_\_\_\_\_ # larvae \_\_\_\_\_ # egg masses \_\_\_\_\_ # unknown \_\_\_\_\_  
☐ wintering ☐ breeding ☒ nesting ☐ rookery ☐ burrow site ☐ lek ☒ other

Location Description (please attach map AND/OR fill out your choice of coordinates, below)

0.42-mile east of Highway 101 on Cuesta Grade. Specifically east of Mt Lowe Road (east Cuesta Grade) on private property.

County: San Luis Obispo Landowner / Mgr: Private property

Quad Name: Lopez Mtn Elevation: 2070 feet

T \_\_\_\_\_ R \_\_\_\_\_ Sec \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Meridian: H ☐ M ☐ S ☐ Source of Coordinates (GPS, topo. map & type): GoogleEarth

T \_\_\_\_\_ R \_\_\_\_\_ Sec \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Meridian: H ☐ M ☐ S ☐ GPS Make & Model: \_\_\_\_\_

DATUM: NAD27 ☐ NAD83 ☐ WGS84 ☒ Horizontal Accuracy: \_\_\_\_\_ meters/feet

Coordinate System: UTM Zone 10 ☒ UTM Zone 11 ☐ OR Geographic (Latitude & Longitude) ☐

Coordinates: 716288.00 m E 3913747.00 m N

Habitat Description (plants & animals) plant communities, dominants, associates, substrates/soils, aspects/slope:

Animal Behavior (Describe observed behavior, such as territoriality, foraging, singing, calling, copulating, perching, roosting, etc., especially for avifauna):

Numerous stick nests observed within coast live oak trees with occasional madrone, tanbark oak. Animal not observed during site visits.

Please fill out separate form for other rare taxa seen at this site.

Site Information Overall site/occurrence quality/viability (site + population): ☐ Excellent ☒ Good ☐ Fair ☐ Poor

Immediate AND surrounding land use: Large private parcels surrounded by Los Padres National Forest

Visible disturbances: None

Threats: Potential development

Comments:

Determination: (check one or more, and fill in blanks)

- ☐ Keyed (cite reference): \_\_\_\_\_  
☐ Compared with specimen housed at: \_\_\_\_\_  
☐ Compared with photo / drawing in: \_\_\_\_\_  
☐ By another person (name): \_\_\_\_\_  
☐ Other: \_\_\_\_\_

Photographs: (check one or more)

	Slide	Print	Digital
Plant / animal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Diagnostic feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

May we obtain duplicates at our expense? ☒ yes ☐ no

## **Appendix I: Declarations of Biologist Qualifications**

## 1 - DECLARATIONS OF BIOLOGIST QUALIFICATIONS

### General Biological Report Declaration

PROJECT NAME/NUMBER: Mt. Lowe Cannabis Cultivation

NAME OF BIOLOGIST: Dwayne Oberhoff FIRM: Ecological Assets Management, LLC

I am the primary/lead field biologist for the above referenced project. I have the following minimum qualifications to comply with the County of San Luis Obispo's biological reporting requirements for this type of biological report (General):

- I have a bachelor's degree in (circle one or more): biology, zoology, wildlife biology, natural resources, ecology, conservation biology, environmental biology, or related field (specify) Cal Poly SLO, 1998  
M.S. Biology, Cal Poly SLO, 2006
- I have previously conducted independent field work and reporting, and demonstrated the following:
  - Knowledge and experience in identification of habitats and vegetation associations found in San Luis Obispo County;
  - General knowledge of local plant and wildlife species;
  - General knowledge of sensitive habitats and plant and wildlife species;
  - Ability and experience in identifying potential impacts to plants, animals, and habitats;
  - Ability and experience in recommending mitigation measures to minimize impacts to plants, animals, and habitats;
  - Experience in monitoring for compliance with biological mitigation measures; and
  - Ability and experience in writing complete, well-written technical reports as per the County Guidelines for Preparation of Technical Reports.

**Check one:**

- ☐ Attached is a representative copy (electronic) of a recent report I authored.
- ☒ I previously submitted a representative copy of a report I authored.

**With my signature I confirm that I meet all of the above qualifications and that I was a primary author of this report and provided field oversight and/or conducted a substantial portion of the field survey work.**

Dwayne Oberhoff  
Signature of Biologist

3/7/19  
Date

## - DECLARATIONS OF BIOLOGIST QUALIFICATIONS

### **Wildlife Biological Report Declaration**

PROJECT NAME: Mt. Lowe Cannabis Cultivation

NAME OF BIOLOGIST: Dwayne Oberhoff FIRM: Ecological Assets Management, LLC

I am the primary/lead field biologist for the above referenced project. I have the following minimum qualifications to comply with the County of San Luis Obispo's biological reporting requirements for this type of biological report (Wildlife Biologist):

- I have a bachelor's degree in (circle one or more): biology, zoology, wildlife biology, natural resources, ecology, conservation biology, environmental biology, or related field (specify) \_\_\_\_\_; from (specify school & year completed) Cal Poly SLO, 1998  
M.S. Biology, Cal Poly SLO, 2006
- I have previously conducted independent field work and reporting, and demonstrated the following:
  - Knowledge and experience in identification of habitats and vegetation associations found in San Luis Obispo County;
  - General knowledge of local plant and wildlife species;
  - Ability and experience in identifying potential impacts to wildlife species and their habitats;
  - Ability and experience in recommending mitigation measures to minimize impacts to wildlife species, and their habitats;
  - Experience in monitoring for compliance with wildlife-related mitigation measures;
  - Ability and experience in writing complete, well-written technical reports as per the County Guidelines for Preparation of Technical Reports.

**Check one:**

- ☐ Attached is a representative copy (electronic) of a recent report I authored.
- ☒ I previously submitted to the County a representative copy of a report I authored.

**With my signature I confirm that I meet all of the above qualifications and that I was a primary author of this report and provided field oversight and/or conducted a substantial portion of the field survey work.**

Dwayne Oberhoff  
Signature of Biologist

3/7/2019  
Date



## - DECLARATIONS OF BIOLOGIST QUALIFICATIONS

### **Botanical Report Declaration**

PROJECT NAME: Mt. Lowe Cannabis Cultivation

NAME OF BOTANIST: Dwayne Oberhoff FIRM: Ecological Assets Management, LLC

I am the primary/lead field biologist for the above referenced project. I have the following minimum qualifications to comply with the County of San Luis Obispo's biological reporting requirements for this type of biological report (Botany):

- I have a bachelor's degree in (circle one or more): biology, botany, natural resources, ecology, conservation biology, environmental biology, or related field (specify) \_\_\_\_\_; from (specify school & year completed) Cal Poly SLO, 1998  
M.S. Biology, Cal Poly, 2006
- I have previously conducted independent field work and reporting, and demonstrated the following:
  - Knowledge and experience in identification of San Luis Obispo County habitats and vegetation associations;
  - Knowledge of local plant species;
  - Knowledge of local sensitive plant species and habitats;
  - Ability and experience in identifying potential impacts to plants and habitats;
  - Ability and experience in recommending mitigation measures to minimize impacts to plants and habitats;
  - Ability and experience in monitoring for compliance with botanical mitigation measures;
  - Ability and experience in writing complete, well-written technical reports as per the County Guidelines for Preparation of Technical Reports.

**Check one:**

- ☐ Attached is a representative copy (electronic) of a recent report I authored.
- ☒ I previously submitted to the County a representative copy of a report I authored.

**With my signature I confirm that I meet all of the above qualifications and that I was a primary author of this report and provided field oversight and/or conducted a substantial portion of the field survey work.**

Dwayne Oberhoff  
Signature of Botanist

3/7/2019  
Date



## **Appendix J: CDFW Referral Response Letter**



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



RECEIVED

9 JUL 2018

PLANNING & BUILDING

July 5, 2018

Brandi Cummings  
County of San Luis Obispo  
Department of Planning & Building  
976 Osos Street, Room 300  
San Luis Obispo, California 93408

**Subject: Minor Use Permit (DRC2018-00034, Green Gold Organic Collective)  
PROJECT REFERRAL  
Outdoor Cannabis Cultivation (Project)**

Dear Brandi Cummings:

The California Department of Fish and Wildlife (CDFW) received a Project Referral from San Luis Obispo County for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide recommendations regarding the activities proposed at the Project site that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects on the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

#### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State (Fish and Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), related authorized as provided by the Fish and Game Code will be required.

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

**Bird Protection:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include §§ 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

**Unlisted Species:** Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15380), CDFW recommends it be fully considered in the environmental analysis for this Project.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Green Gold Organic Collective

**Objective:** The Project proponent is seeking a Minor Use Permit for three (3), one (1) acre outdoor cannabis cultivation sites.

**Location:** The Project will take place at 3334 Mt. Lowe Road in San Luis Obispo, California; Assessor's Parcel Number 070-241-035.

**Timeframe:** Unspecified.

## RECOMMENDATIONS

CDFW offers the following recommendations to assist San Luis Obispo in adequately identifying and/or mitigated the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### I. Environmental Setting and Related Impact

**Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service?**

Review of the California Natural Diversity Database (CNDDB) reveals records for several special-status species within the vicinity of the Project area including, but not limited to, State Species of Special Concern American badger (*Taxidea taxus*), Coast Range newt (*Taricha torosa*), San Luis Obispo pyrg (*Pyrgulopsis taylori*), the California rare-plant ranked Santa Lucia manzanita (*Arctostaphylos luciana*), Santa Margarita manzanita (*Arctostaphylos pilosula*), Eastwood's larkspur (*Delphinium parryi* ssp. *eastwoodiae*), Cambria morning-glory (*Calystegia subacaulis* ssp. *episcopalis*), Hoover's bent grass (*Agrostis hooveri*), Cuesta Ridge thistle (*Cirsium occidentale* var. *lucianum*), Ojai fritillary (*Fritillaria ojaiensis*), San Benito fritillary (*Fritillaria viridea*), San Luis mariposa-lily (*Calochortus obispoensis*), Palmer's mondarella (*Monardella palmeri*), and Brewer's spineflower (*Chorizanthe breweri*) (CDFW 2018a). Review of the provided documents and aerial imagery indicates that the site has existing structures and a mix of oak woodland and chaparral. The Project has the potential to impact biological resources. An analysis of potential impacts and recommended mitigation measures summarized by species follows below.

CDFW recommends that focused biological surveys be conducted by a qualified wildlife biologist during the appropriate survey period(s) and prior to any Project-related activities to determine if the above special-status species are present and if they could be impacted. Survey results can then be incorporated into the Initial Study (IS) and used to identify any mitigation, minimization, and avoidance measures to reduce potential impacts to special status biological resources to less than significant and are advised to be enforceable by inclusion in the CEQA document prepared for this Project.

### Special-status plants

**Issue:** Special-status plant species have the potential to occur on the Project site, including the California rare-plant ranked Santa Lucia manzanita (*Arctostaphylos luciana*), Santa Margarita manzanita (*Arctostaphylos pilosula*), Eastwood's larkspur (*Delphinium parryi* ssp. *eastwoodiae*), Cambria morning-glory (*Calystegia subacaulis*



*ssp. episcopalis*), Hoover's bent grass (*Agrostis hooveri*), Cuesta Ridge thistle (*Cirsium occidentale* var. *lucianum*), Ojai fritillary (*Fritillaria ojaiensis*), San Benito fritillary (*Fritillaria viridea*), San Luis mariposa-lily (*Calochortus obispoensis*), Palmer's monardella (*Monardella palmeri*), and Brewer's spineflower (*Chorizanthe breweri*) (CDFW 2018a). As a result, the Project has the potential to impact these plant species.

**Specific impact:** Potentially significant impacts to special-status plant species associated with proposed Project activities include inability to survive and reproduce and direct mortality.

**Evidence impact is potentially significant:** All plant species listed above occur in chaparral, cismontane woodland, or valley and foothill grassland (CNPS 2018a-k). As a result, these species have the potential to occur at the Project area. Habitat loss and degradation resulting from vehicles, feral pigs, non-native plants, road maintenance, recreational activities, and development are among the primary threats for all the species listed (CNPS 2018a-k).

#### **Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential Project-related impacts to special-status plant species, CDFW recommends conducting the following evaluation of the Project site and including the following measures in a CEQA document.

#### **Special-Status Plant Surveys**

CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the "*Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*" (CDFG, 2018b) prior to any ground disturbance. This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

#### **Special-Status Plant Avoidance**

CDFW recommends special-status plant species be avoided whenever possible by delineation and observation of a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

### **Special-Status Plant Consultation**

If a State-listed plant species is identified during botanical surveys, consultation with CDFW is advised to determine permitting needs.

### **American Badger**

**Issue:** American badger can occupy a diversity of habitats and requires sufficient food, friable soils, and open, uncultivated ground (Williams 1986). The Project area contains suitable habitat features to support American badger.

**Specific impact:** Without appropriate avoidance and minimization measures for American badger, potential significant impacts include den abandonment, which may result in reduced health or vigor of young, in addition to direct mortality.

**Evidence impact is potentially significant:** The American badger population has been declining in the Central Valley due to agriculture and urban development over the last century (Williams 1986). The Project area is within the range of American badger and suitable habitat may be present on or in the vicinity of the Project area. As a result, Project activities have the potential to significantly impact local populations of American badger.

### **Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential Project-related impacts to American badger, CDFW recommends conducting the following evaluation of the Project site and including the following measures in a CEQA document.

#### **American Badger Surveys**

CDFW recommends that a qualified biologist conduct focused surveys for American badger and their requisite habitat features, in advance of Project implementation.

#### **American Badger Avoidance**

Avoidance whenever possible is encouraged via delineation and observing a 50-foot no-disturbance buffer around dens.

### **Lake and Streambed Alteration**

**Issue:** The Project has the potential to temporarily and/or permanently impact two unnamed ephemeral streams that flow into San Luis Obispo Creek. Activities within or adjacent to the streams may be subject to CDFW's lake and streambed alteration regulatory authority, pursuant Fish and Game Code § 1600 et seq.

**Specific impact:** Work within or adjacent to ephemeral streams has the potential to result in substantial diversion or obstruction of natural flows; substantial change or use of material from the bed, bank, or channel (including removal of riparian vegetation); deposition of debris, waste, sediment, toxic runoff or other materials into water causing water pollution and degradation of water quality.

**Evidence impact is potentially significant:** Two unnamed ephemeral streams are located on the south and east side of the Project area. Activities within or adjacent to the ephemeral streams as a result of the Project have the potential to impact downstream waters. Ephemeral streams function in the collection of water from rainfall, storage of various amounts of water and sediment, discharge of water as runoff and the transport of sediment, they provide diverse sites and pathways in which chemical reactions take place and provide habitat for fish and wildlife species. Disruption of stream systems such as these can have significant physical, biological, and chemical impacts that can extend into the adjacent uplands adversely effecting not only the fish and wildlife species dependent on the stream itself, but also the flora and fauna dependent on the adjacent upland habitat for feeding, reproduction, and shelter.

#### **Recommended Potentially Feasible Mitigation Measure(s)**

##### **Notification of Lake and Streambed Alteration**

CDFW has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code §§ 1600 et seq. Section 1602(a) of the Fish and Game Code requires an entity to notify CDFW before engaging in activities that would substantially change or use any material from the bed, channel, or bank of any stream or substantially divert or obstruct the natural flow of a stream. Project activities are proposed that may involve activities within streams that are jurisdictional under Fish and Game Code § 1602. CDFW recommends coordination with CDFW staff prior to ground breaking activities on-site or submit a Lake or Streambed Alteration Notification to determine if the activities proposed within the streams are subject to CDFW's jurisdiction. Please note that CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement.

Additionally, Business and Professions Code 26060.1 (b)(3) includes a requirement that California Department of Food and Agriculture cannabis cultivation licensees demonstrate compliance with Fish and Game Code § 1602 through written verification from CDFW. CDFW recommends submission of a Lake and Streambed Alteration Notification to CDFW for the proposed Project prior to initiation of any cultivation activities.

## **II. Editorial Comments and/or Suggestions**

**Subsequent CEQA Documents:** If the results of the IS indicate that significant environmental impacts will occur as an outcome of Project implementation and cannot be mitigated to less than significant levels, a Mitigated Negative Declaration (MND) would not be appropriate. Further, when an MND is prepared, mitigation measures must be specific and clearly defined and cannot be deferred to a future time. The specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation, when an Environmental Impact Report (EIR) is prepared. Regardless of whether an MND or EIR is prepared, CDFW recommends that mitigation measures be fully addressed and made enforceable conditions of Project approval in the CEQA document prepared for the Project.

**Nesting birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include §§ 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Habitat within the Project area likely provides nesting habitat for birds. For this reason, CDFW encourages Project implementation occur during the non-nesting bird season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e. nest destruction), noise, vibration, odors, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends the work causing that change cease and CDFW consulted for additional avoidance and minimization measures.



If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

## ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

If you have any questions, please contact Benessa Galvan, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 244, or by electronic mail at [Benessa.Galvan@wildlife.ca.gov](mailto:Benessa.Galvan@wildlife.ca.gov).

Sincerely,



Julie A. Vance  
Regional Manager

### Literature Cited

California Department of Fish and Wildlife (CDFW), 2018a. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed April 16, 2018.

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CNPS 2018k. Brewer's spineflower. <http://www.rareplants.cnps.org/detail/468.html>. Accessed May 3, 2018.

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