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August 27, 2019
Project 1143.01

Ryan Lovejoy
23701 East Cliff Drive, Unit A
Santa Cruz, CA 95062
rlovejoy1987@yahoo.com
(831) 435-6920

Re: Updated Biological Assessment for 11111 Bitterwater Road APN 072-311-005

Dear Mr. Lovejoy:

This letter report provides the results of a reconnaissance level biological study conducted for a 42.2-acre property (Property) located at 11111 Bitterwater Road in the northern Carrizo Plain, an unincorporated area of San Luis Obispo County (Figure 1). The proposed project (Project) is a Cannabis Cultivation Minor Use Permit on approximately 5.96 acres of the Property. Approximate coordinates for the Study Area are 35.355791 N, -120.092811 W (NAD 83 UTM Zone 10N) in the La Panza NE and California Valley USGS 7.5' topographic quadrangle. The Property is composed of legal parcel APN 072-311-005. This survey was conducted to provide baseline biological information and an assessment of potential special status plant and animal species that could be affected by the Project.

The Project would consist of three adjacent 1-acre outdoor grow areas access road improvements, including a culverted swale crossing, a new parking area, approximately 1,340 linear feet of PVC irrigation line, approximately 1,400 linear feet of new underground electrical line, installation of a 25,000 water tank, a compost area, and the construction of a six 30-foot by 144-foot greenhouses to be used for cultivation and nursery space. An approximately 162-foot by 50-foot PCC slab would also be installed and nine seatrain containers places on top to be used for drying operations. An additional seatrain would be placed adjacent to the concrete slab to be used for storage. The three-acre grow area, access road, green houses, compost, and drying and storage areas will all be fenced with 8-foot tall steel deer fencing. The fencing will be covered with green shade cloth and will be designed to allow for passage of San Joaquin kit fox and other small to medium wildlife by having gaps for wildlife passage. Approximately 24 juniper trees will also be planted along the outside of the fence on the west side of the outdoor grow area to provide additional screening of the site from the public roadway to the west (Bitterwater Road).

The total area of disturbance for the project is approximately 5.96 acres. Except for an approximately 100-foot-long segment of the access road and the adjacent water and underground electric, no project components are within 50-feet of the top-of bank of the unnamed ephemeral drainage swale on the Property. A copy of the Site Plan is provided under Attachment C.

The cannabis operation will be managed by 3 full-time staff with part-time seasonal harvest labor onsite once a year to harvest the outdoor canopy. The outdoor cannabis will be planted directly in the ground, in pots, and/or in planter beds. Due to the high summer temperatures, the hours of operation for the outdoor cultivation will be between 3:00 a.m. and 11:59 p.m. depending on the season (3:30 a.m. – 11 a.m. in summer, 7 p.m. – 11:59 a.m. once heat dies down). The indoor nursery operation will occur 24/7 all year round, due to the interior grow lights. Harvest staff will be transported in a single passenger vehicle such as a bus. The phase 2 greenhouse operations will increase the onsite full-time staff to 4 full-time employees, with those staff also responsible for harvesting the greenhouse product. Greenhouse harvests are anticipated approximately four times a year with product to be transported offsite via a van or U-Haul. An existing 3-bedroom manufactured home on the Property will be used by the property owner and sub-leased to staff as residence space.

Methods

A reconnaissance level survey for biological resources was conducted on the Property on July 9, 2018 by Althouse and Meade, Inc. Biologist Justin Purnell. The July 9 survey consisted of a walking survey of the entire 42.2-acre Property with emphasis placed on the Project footprint and surrounding areas. All habitats on the Property were mapped and described. Potential sensitive habitats were identified, and animal burrows were assessed for potential use by special status species. Lists of plants and animals (Attachment D) observed on the Property were compiled, and photographs (Attachment B) throughout the Property were recorded. The botanical survey was conducted late in the season and does not qualify as a full season survey. However, it was appropriately timed for late season special status species (refer to Attachment E, Table 1). Botanical nomenclature used in this document follows the Jepson Manual, Second Edition (Baldwin et al. 2012).

We conducted a search of the California Natural Diversity Database (CNDDDB; June 2018 data) and the California Native Plant Society (CNPS) On-line Inventory of Rare and Endangered Plants of California for special status species known to occur in the nine USGS 7.5-minute quadrangles that include and surround the Study Area: California Valley, Holland Canyon, La Panza, La Panza NE, La Panza Ranch, Las Yeguas Ranch, Packwood Creek, Shale Point, Simmler. Additional information regarding special status species was gathered from Althouse and Meade, Inc. experience in the area, and regional Environmental Impact Reports.

Existing Conditions

The 42.2-acre Property is an agriculturally zoned parcel situated northeast of the intersection of Bitterwater Road and Highway 58. An existing single-family residence with appurtenant structures and cultivated trees is centrally located on the Property with a dirt driveway connecting to Bitterwater Road. The remainder of the property has been recently plowed. Two low-slope swale features transverse the Property from west to east, with seasonal water flows entering the property through culverts under Bitterwater road, flowing east through the site. The drainages were dry at the time of the survey and had no discernable bed or bank. The Project Area will consist of approximately 5.96 acres within the middle portion of the Property (Figure 2).

Results

Special Status Species

The CNDDDB and CNPS On-line Inventory of Rare and Endangered Plants of California listed 45 special status plants and 29 special status animals known to occur in the vicinity of the Property. Four special status plants and fourteen special status animals could potentially occur on the Property based on an analysis of known ecological requirements of the species and the habitat conditions that were observed on site in July 2018 (Attachment E, Tables 2 and 3). The Project site, as a previously disturbed subset of the Property, is not expected to support special status plants and none were observed in July 2018. Special status animals also were not detected and are not expected to be occupying the Project site. However, transient species such as kit fox and badger are known from the vicinity and could pass through the site on occasion. Below we discuss special status plants and high potential special status animals, and describe habitat, range restrictions, known occurrences, and survey results for the Property.

- A. Special Status Plants.** The Project vicinity is known to support many special status plant species in a variety of microhabitats (CNDDDB 2018; Althouse and Meade, Inc. 2010). Some special status plants can occur in fallow cropland fields, but most do not. The rare oval-leaved snapdragon and diamond-petaled California poppy were documented in dry-farmed barley fields approximately 2.25 miles southeast of the Property (Althouse and Meade, Inc. 2010). These species were only found in a specific gypseous clay soil type (Capay Clay) that does not occur on the Property. These species are not expected to occur on the Property. Indian Valley spineflower occurs along Highway 58 2.6 miles west of the Property in sandy soils. It is not likely to occur in disturbed cropland habitat but could potentially occur in untilled sandy soils on the Property. It is a late season blooming species that would have been identifiable during our July 2018 survey. Indian Valley spineflower does not occur on the Property. Salinas milkvetch is a small perennial subshrub that occurs in grassland habitat in the vicinity of the Property. Its perennial root system is not tolerant of tilling and therefore would only have potential to occur in pockets of undisturbed grassland habitat. This subshrub would have been observed during our July 2018 survey. Salinas milkvetch does not occur on the Property.
- B. San Joaquin Kit Fox (*Vulpes macrotis mutica*)** is listed as endangered under the Federal Endangered Species Act and threatened under the California Endangered Species Act. The Carrizo Plain National Monument population is a core population located in San Luis Obispo County. Prior to our survey, kit foxes were documented as occurring regularly in the vicinity of the Property (CNDDDB #1196, #973). Kit foxes prefer loose-textured soils but will occupy soils with high clay content where they modify burrows dug by other animals. Sites that may not provide suitable denning habitat may be suitable for feeding or providing cover. San Joaquin kit fox or their sign (dens, scat, tracks) were not detected on the Property during our July 2018 site survey. The disturbed agricultural fields maintain a low prey base on site and are not preferred by denning kit fox, however they can occur in cropland fields on occasion especially when large undisturbed grassland areas are adjacent. Kit foxes would be expected to occur on the Property on occasion as transients moving through or foraging. The California Department of Fish and Wildlife (CDFW) has designated the Project Site as within the three to one mitigation area for San Joaquin kit fox (refer to Attachment F).

- C. American Badger** (*Taxidea taxus*) is a California Species of Special Concern known from open grassland habitats throughout San Luis Obispo County and elsewhere in California. The Property is within the known range of the American badger, and numerous occurrences are reported (CNDDB 2018). Badgers are residents of grassland areas, but also forage in croplands on occasion in areas where California ground squirrels have become established. They are highly mobile and could be present anywhere in the region where suitable prey base is found. Badgers or their sign (dens, scat, tracks) were not detected on the Property during our July 2018 site survey. Badgers could occur on the Property periodically at any time of year.
- D. Burrowing Owl** (*Athene cunicularia*) is a California Species of Special Concern that prefers open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Burrowing owls usually nest in abandoned burrows of ground squirrels, badgers, or other small mammals, although they may dig their own burrow in soft soil. Primarily nocturnal, the burrowing owl hunts insects, small mammals, and birds from a perch or in low flights. During daylight hours they are often seen perched conspicuously at the entrance to their burrow. Rosenberg (2007) conducted a study in grassland habitats of the Carrizo Plain National Monument and found burrowing owl nests were present at an average density of one nest per 1.4 square kilometers (346 acres) of suitable nesting habitat. Nesting territories are generically defined as a 100-meter radius around an occupied nest in which the owls regularly utilize satellite burrows (Rosenberg 2007). Routine cultivation of the Property eliminates most ground squirrel burrows and therefore reduced potential for burrowing owl occurrence. Burrowing owls or their sign (pellets, whitewash) were not observed on the Property during our site survey in July 2018.
- E. Small Mammals.** Two special status small mammal species, giant kangaroo rat (*Dipodomys ingens*) and Tulare grasshopper mouse (*Onychomys torridus tularensis*) are known from the region and have a low potential to occur on the Property. The giant kangaroo rat is a federal and state listed endangered species that occurs in grassland habitat in the Carrizo Plain National Monument, with a range that extends northward through California Valley to just north of Highway 58 in the vicinity of Soda Lake Road. It is not known to occur in the immediate vicinity of the Property, however formal surveys have not been done in much of this area. Giant kangaroo rats create distinctive precincts of burrows with trimmed vegetation that were not observed on the Property. Giant kangaroo rat is not expected to occur in the Project footprint. Tulare grasshopper mouse is a Species of Special Concern that occurs infrequently in grasslands in the vicinity. It is not expected to occur in the Project footprint.
- F. Reptiles and Amphibians.** Six special status reptiles, San Joaquin coachwhip (*Coluber flagellum ruddocki*), California glossy snake (*Arizona elegans occidentalis*), coast horned lizard (*Phrynosoma blainvillii*), northern California legless lizard (*Anniella pulchra*), and western pond turtle (*Emys marmorata*), and one special status amphibian, western spadefoot toad (*Spea hammondi*) are known from the vicinity and could occur on the Property. None of these species were observed on the Property during our July 2018 site survey, however they are generally cryptic and occurring in low abundance making detection difficult. These reptiles and amphibians could occur in the Project footprint on occasion as transients moving through the site during seasonally appropriate conditions.

G. Birds. Two special status birds, loggerhead shrike (*Lanius ludovicianus*) and long-eared owl (*Asio otus*) have a moderate potential to occur on the Property, and one special status bird, tricolored blackbird (*Agelaius tricolor*), has low potential to occur. Loggerhead shrikes are common in the Carrizo Plain area and are known to nest in shrubs in the vicinity (CNDDDB 2018). Long-eared owls nest in trees, often near water, and are known to nest regularly at the Carrizo Elementary School in pine trees. Nesting habitat is not present in the Project footprint for either of these species, but potential nesting areas are located on the Property for both. Tricolored blackbirds are a Species of Special Concern and are currently a Candidate for Endangered under the California Endangered Species Act. Tricolored blackbirds are known to occur in the region and have historically nested in wetland areas. Though nesting habitat is not present on the Property, foraging habitat is present in the vicinity, which may include cultivated fields and/or livestock feedlots. Tricolored blackbirds were not observed on the Property.

Botanical Survey Results

A late season botanical survey conducted in July 2018 identified 15 species and subspecies of vascular plants on the Property (Attachment D, Table 1). The botanical survey effort did not include early or mid-season coverage and therefore is not considered a protocol level survey. The plant list includes 2 species native to California, and 13 introduced (naturalized or planted) species. Special status species were not detected on the Property and none are expected to occur in the Project footprint.

Wildlife Survey Results

Wildlife species detected in the Study Area include 4 birds, and 1 mammal species (Attachment D, Table 1). The open space on the Property is primarily composed of land that has been disked or is fallow cropland. Non-tilled areas occur in the Study Area along fence lines, tree lines, and around existing buildings on the property. Within the fallow cropland and impact area portions of the Property no small mammal burrows were detected, however, occasional ground squirrel burrows were observed in the grassland areas of the Study Area.

Impacts and Mitigations

The proposed Project will occupy approximately 5.96 acres of land that was observed to be previously plowed at the time of our July 2018 site survey (Figure 5). The Project is not likely to directly affect special status species. The following sections provide mitigation information and recommendations designed to reduce potential effects of the Project to a less than significant level.

San Joaquin kit fox

San Joaquin kit fox was not present on the Property or within the Project footprint during our July 2018 survey. The Property is within the known range of San Joaquin kit fox and is considered suitable habitat by CDFW.

The agricultural lands comprising most of the Property are habitat for San Joaquin kit fox. The CDFW has designated the Project Site as within the 3:1 mitigation area for San Joaquin kit fox. The San Luis Obispo County San Joaquin kit fox Standard Mitigation Ratio Areas map is included as Attachment F. As the Project Site is 5.96 acres, the standard 3:1 mitigation ratio (see

County Guide to SJKF Mitigation Procedures Under CEQA, Attachment G) may apply. Impacts to San Joaquin kit fox by loss of habitat would be offset by implementation of BR-1, and mitigation of construction activities would be accomplished by applying BR-2 through BR- 12.

BR-1. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Community Development, Planning Division that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 17.88 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to “The Nature Conservancy”, would total \$44,700. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 17.88 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality

Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$44,700. This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BR-2. Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. preconstruction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. **The qualified biologist shall conduct weekly site visits during site-disturbance activities** (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-18 through BR-28. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-19iii). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the USFWS. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:
 - i. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential

kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e. potential, known, active, or natal den), to be determined by the kit fox biologist.

- ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- iii. If kit foxes or known or potential kit fox dens are found on site, daily monitoring by a qualified biologist shall be required during ground disturbing activities.

BR-3. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: *“Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”*. Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

BR-4. During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox’s life history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- BR-7.** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8.** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9.** Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10.** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.
- BR-11.** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
 - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards
 - c. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines
- BR-12.** The posted speed limit during project construction and operations shall not exceed 20 miles per hour during daylight hours (sunrise to sunset) and shall not exceed 15 miles per hour during nighttime hours (sunset to sunrise). During construction, the speed limit shall be posted at the site entrance, as well as the mid-way point of the access road. At least one permanent speed limit sign, indicating day and nighttime speed limits, shall be posted along the facility access road during operations.

American Badger

American badger was not present on the Property or within the project footprint during our July 2018 site survey. American badgers are known to occur in the Carrizo Plain and near the Project and could occupy the site or move through the site at any time. To reduce the potential for construction impacts to badgers to a less than significant level the following measure is recommended.

BR-13. A pre-construction survey shall be conducted within thirty days of beginning work on the site to identify if badgers are using the site. The results of the survey shall be sent to the project manager and the County of San Luis Obispo. If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. Between July 1st and February 1st all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices

Nesting Birds

Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take (as defined therein) of all native birds and their active nests, including raptors and other migratory non-game birds (as listed under the Federal MBTA).

BR-14. Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 15 and August 15 nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 15. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. This survey shall include a 250-foot buffer around the Study Area for burrowing owls. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within a distance specified by a qualified biologist, until chicks are fledged or nest fails. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. Construction

activities shall observe the delineated buffer, determined by a qualified biologist, where buffer radius will be specified according to special status rank, intensity of construction activity or impact (i.e. high decibel levels or heavy ground disturbance) and where local, state, and federal regulations apply. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

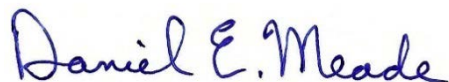
Special Status Reptiles and Amphibians

Special status reptiles and amphibians were not present on the Property or within the project footprint during our July 2018 site survey but could potentially be present in the Project footprint at the time of construction. To reduce potential construction impacts to special status reptiles and amphibians to a less than significant level, the following measure is recommended.

BR-15. A qualified biologist shall conduct a pre-construction survey immediately before any initial ground disturbances (i.e. the morning of the commencement of disturbance). If any special status reptiles and/or amphibians are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

Thank you for allowing us to be of assistance. If you have any questions or concerns, please call me at (805) 237-9626.

Sincerely,



Daniel E. Meade, Ph.D.
Principal Scientist

Attachments

- Attachment A. References
- Attachment B. Photographs
- Attachment C. Figures 1-5
- Attachment D. Vascular Plant and Wildlife Lists
- Attachment E. CNDDDB/CNPS Special Status Species Lists
- Attachment F. San Joaquin Kit Fox Standard Mitigation Ratio Areas Map
- Attachment G. County Guide to SJKF Mitigation Procedures Under CEQA

Attachment A. References

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Attachment B. Photographs



Photo 1. Proposed Project location and fallow cropland in northern portion of Property. View south. July 9, 2018.



Photo 2. Existing buildings located in the central portion of the Property. View west. July 9, 2018.



Photo 3. View of meandering swale across the central portion of the Property. View east July 9, 2018.

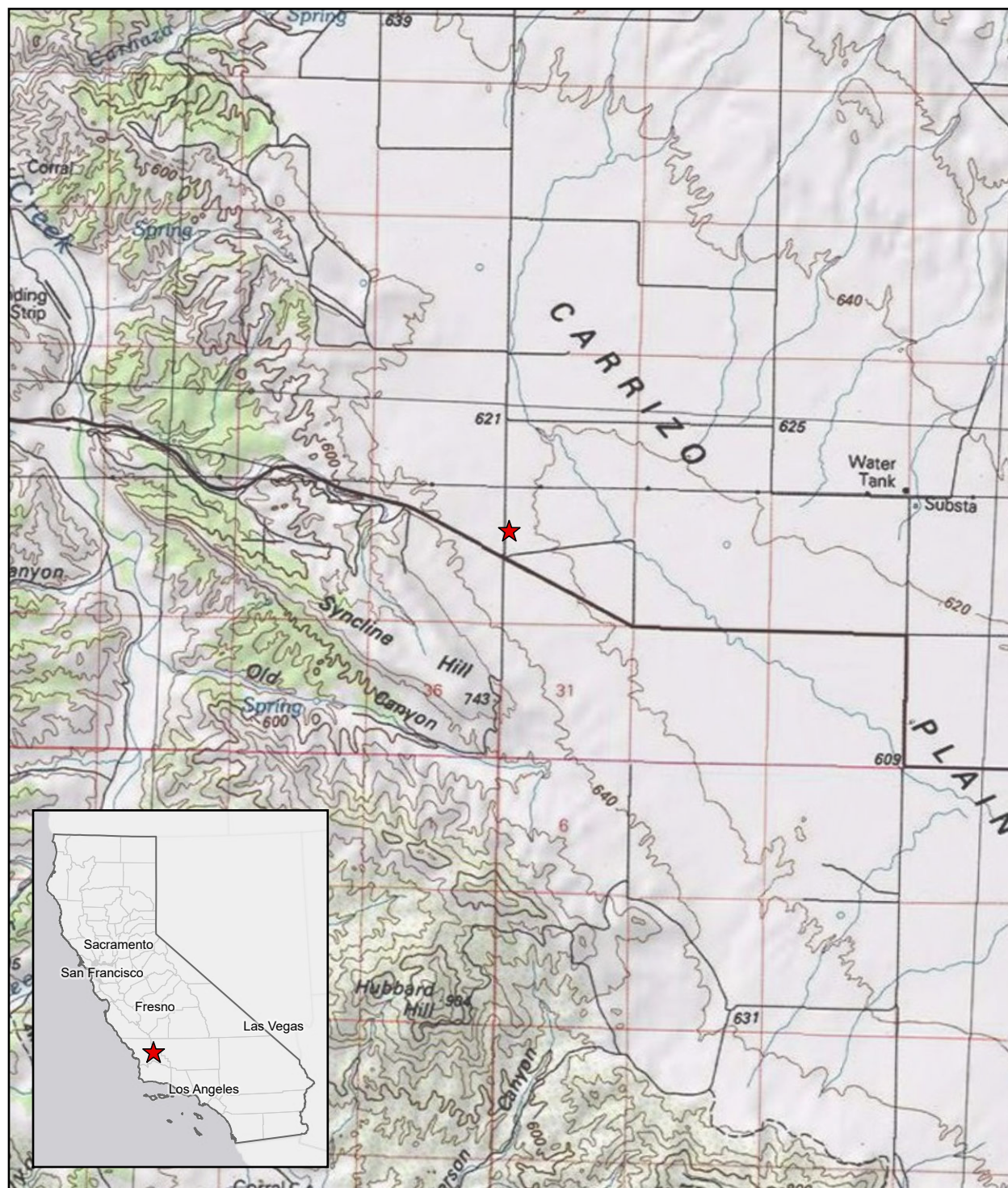


Photo 4. View of culvert under Bitterwater Road. View west. July 9, 2018.

Attachment C. Figures

- Figure 1. USGS Topographic Map
- Figure 2. Aerial Photograph
- Figure 3. CNDDB and USFWS Critical Habitat Map - Animals
- Figure 4. CNDDB and USFWS Critical Habitat Map – Plants
- Figure 5. Biological Resources
- Site Plan (Roberts Engineering 8/22/19)

Figure 1. United States Geological Survey Topographic Map



Legend

★ Project Location



0 0.5 1 2 Miles

Lovejoy - 11111 Bitterwater Road
Map Center: 120.09219°W 35.369°N
San Luis Obispo County

USGS Quadrangle: La Panza NE





ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES

Map Updated:
August 03, 2018 12:02 PM by JBB

Figure 2. Aerial Photograph



Legend

 Study Area (42.2 acres)  Project Area (5.9 acres)



0 100 200 300 400 500 Feet

Lovejoy - 11111 Bitterwater Road
Map Center: 120.09283°W 35.37595°N
San Luis Obispo County

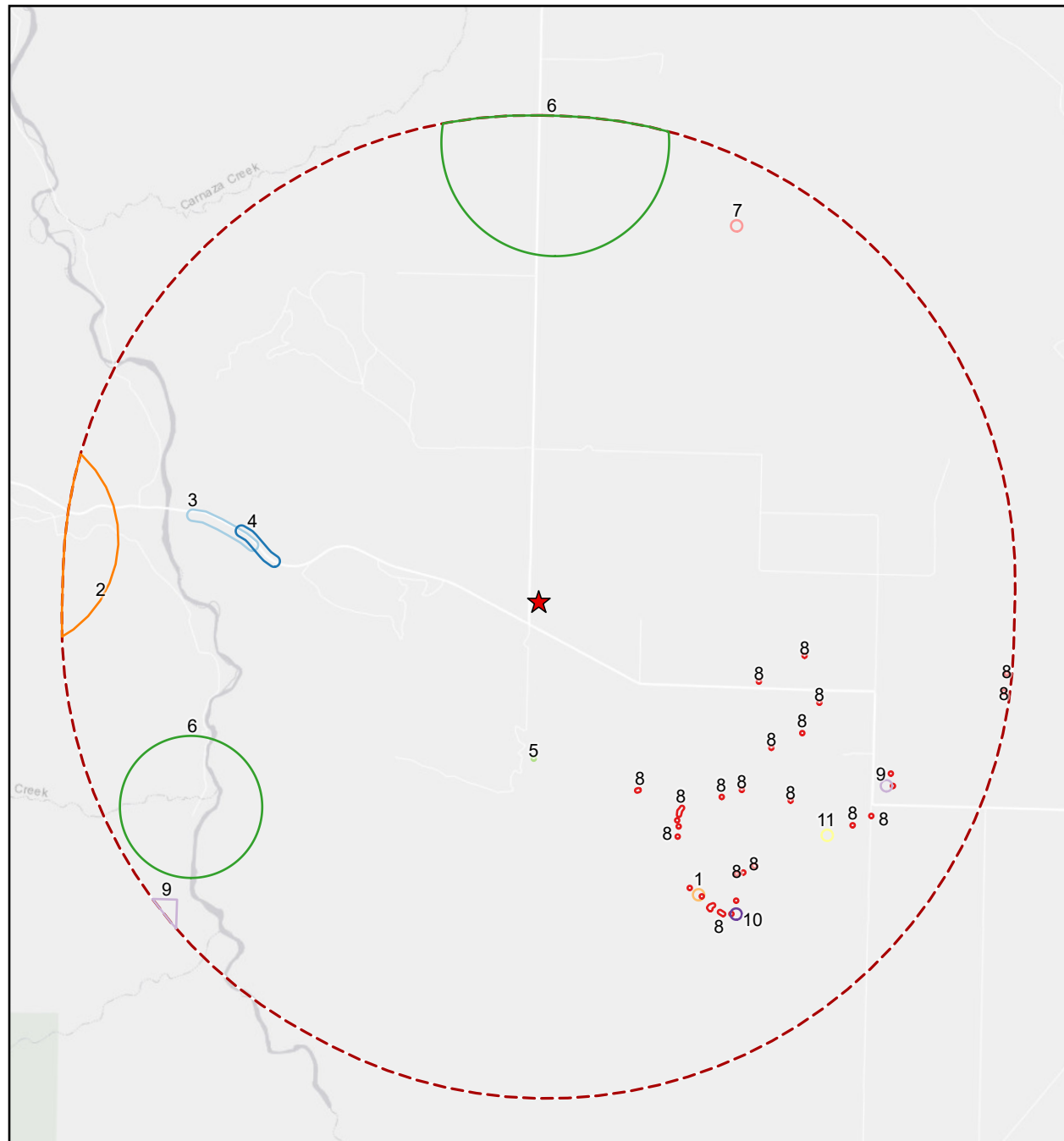
Imagery Date: 07/14/2016



ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES

Map Updated:
August 27, 2019 02:07 PM by JBB

Figure 3. California Natural Diversity Database Plant Records



Label Common Name

Legend

- 1 Diamond-petaled California poppy
- 2 Dwarf calycadenia
- 3 Indian Valley spineflower
- 4 Kern mallow
- 5 La Panza mariposa-lily
- 6 Lemmon's jewelflower
- 7 Lost Hills crownscale
- 8 Munz's tidy-tips
- 9 Pale-yellow layia
- 10 Shining navarretia
- 11 Spiny-sepaled button-celery

- ★ Project Location
- ⬡ 5-Mile Radius



0 0.5 1 2 Miles

Lovejoy - 11111 Bitterwater Road
 Map Center: 120.09315°W 35.37994°N
 San Luis Obispo County

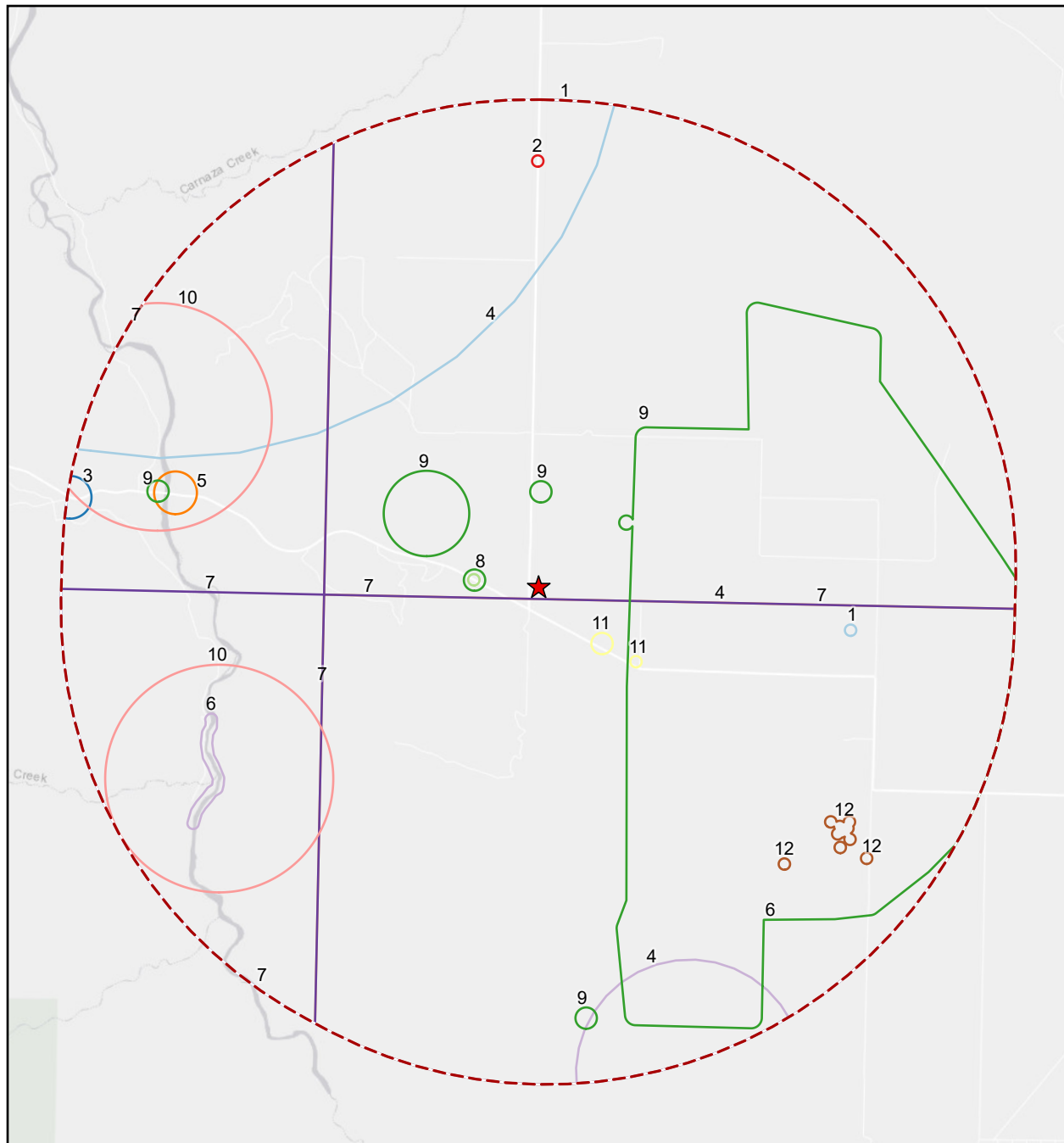
CNDDDB GIS Data Last Updated: July 2018



ALTHOUSE AND MEADE, INC.
 BIOLOGICAL AND ENVIRONMENTAL SERVICES

Map Updated:
 August 03, 2018 12:27 PM by JBB

Figure 4. California Natural Diversity Database Animal Records



Label	Common Name
1	American badger
2	Burrowing owl
3	California glossy snake
4	Longhorn fairy shrimp
5	Northern California legless lizard
6	Pallid bat
7	Prairie falcon
8	San Joaquin coachwhip
9	San Joaquin kit fox
10	Townsend's big-eared bat
11	Tricolored blackbird
12	Vernal pool fairy shrimp

Legend

★ Project Location

--- 5-Mile Radius



0 0.5 1 2 Miles

Lovejoy - 11111 Bitterwater Road
 Map Center: 120.09321°W 35.37792°N
 San Luis Obispo County

CNDDDB GIS Data Last Updated: July 2018

Figure 5. Biological Resources




Legend

 Study Area (42.2 acres)

 Project Area (5.9 acres)

Habitat

 Anthropogenic (2.7 acres)

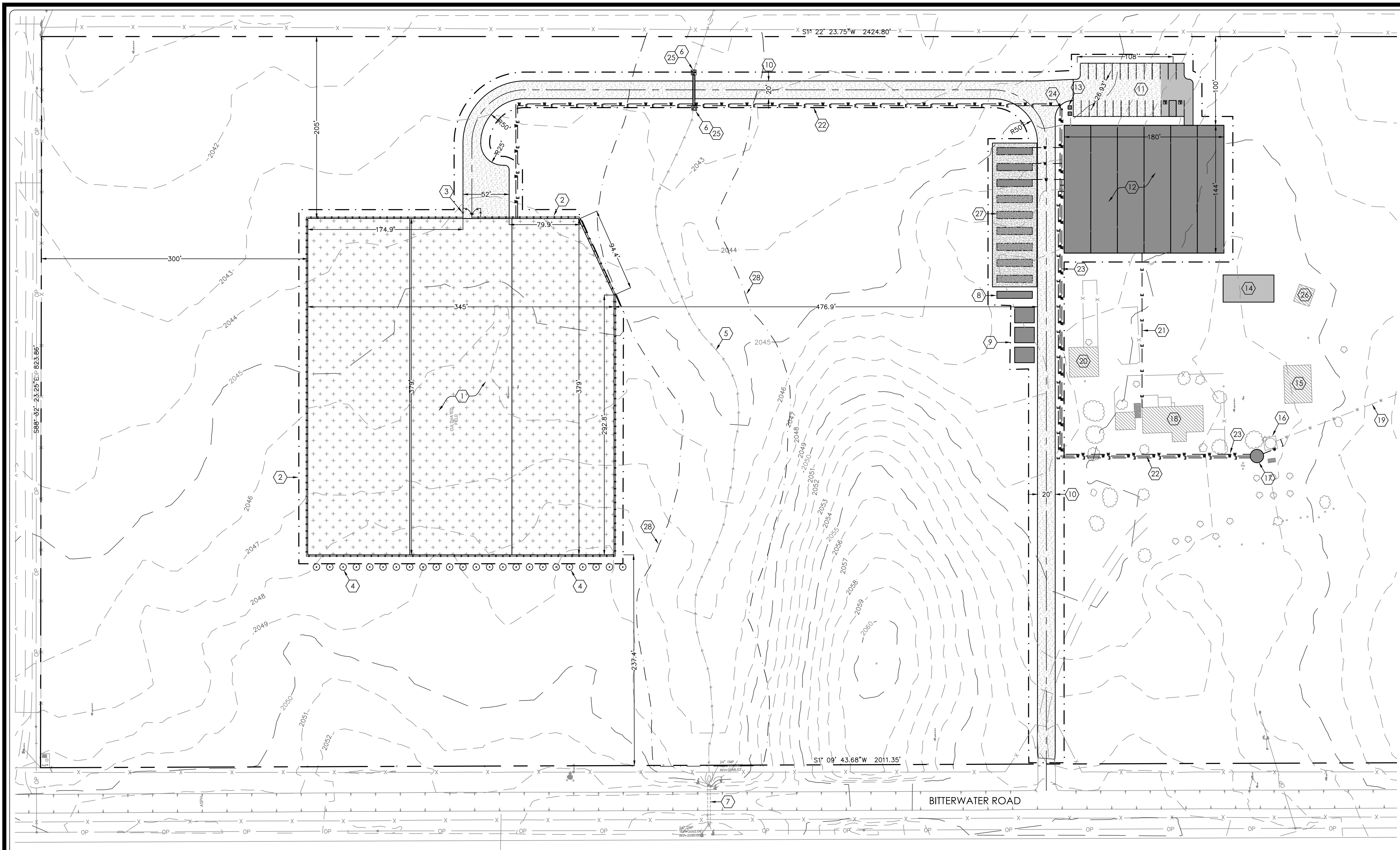
 Recently Disked (39.5 acres)



0 100 200 300 400 500 600 Feet

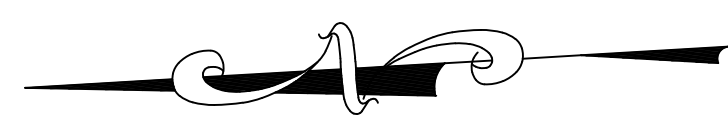
Lovejoy - 11111 Bitterwater Road
Map Center: 120.09283°W 35.37595°N
San Luis Obispo County

Imagery Date: 07/14/2016



SITE PLAN NOTES

- 1 NEW 3 - 1 ACRE OUT DOOR AREAS.
- 2 NEW 8' HIGH STEEL DEER FENCING WITH GREEN SHADE CLOTH.
- 3 NEW 20' SWING GATE, 2 - 10' PANELS.
- 4 NEW JUNIPER TREES FOR VEGETATIVE SCREENING, TYPICAL.
- 5 EXISTING DRAINAGE PATH.
- 6 NEW 30" CMP CULVERT.
- 7 EXISTING 24" CMP CULVERT.
- 8 1 NEW 8'X40' SEATRIN CONTAINERS FOR EQUIPMENT, FERTILIZE, PESTICIDE, AND SOILS STORAGE.
- 9 COMPOST AREA
- 10 NEW 20' WIDE 8" CL II AB ACCESS ROAD.
- 11 NEW AC PARKING LOT, 24 - 9'X18' SPACES, AND 2 - 9'X18' VAN ACCESSIBLE ADA SPACES.
- 12 6 NEW - 30'X144' GREENHOUSES, 22,000 SF FOR INDOOR CULTIVATION, 3,920 FOR NURSERY SPACE.
- 13 2 NEW PORTABLE RESTROOMS.
- 14 EXISTING SEPTIC SYSTEM.
- 15 EXISTING AG EXEMPT STRUCTURE TO BE PERMITTED.
- 16 EXISTING 5,000 GALLON WATER TANK.
- 17 NEW GALVANIZED 25,000 GALLON WATER TANK ON 8" CL 2 BASE, COMPACTED TO 95%.
- 18 EXISTING RESIDENCE, PMT2003-02851.
- 19 EXISTING WATER SUPPLY LINE FROM EXISTING WELL.
- 20 EXISTING STORAGE SHED.
- 21 CONSTRUCT NEW ELECTRICAL SERVICE PER PG&E SERVICE TRENCH STANDARDS.
- 22 NEW SCH 40 PVC IRRIGATION WATER LINE, SIZE BY OTHERS.
- 23 NEW 4" SCH 40 PVC FIRE WATER LINE.
- 24 NEW WHARF HEAD FIRE HYDRANT PER CAL FIRE STANDARDS.
- 25 CONSTRUCT STORM WATER ENERGY DISSIPATER WITH 1 CY OF CLASS I RIP RAP OVER EROSION CONTROL FABRIC.
- 26 EXISTING CHICKEN COUP.
- 27 9 NEW 8'X40' SEATRIN CONTAINERS FOR DRYING OPERATIONS PLACED ON A 6" THICK PCC SLAB, TO BE PERMITTED. THREE OF THE CONTAINERS WILL BE HAVE FIRE SPRINKLERS, LINE SIZE TO BE DETERMINED BY FIRE SPRINKLER DESIGNER.
- 28 TOP OF CREEK 50 YARD SETBACK.



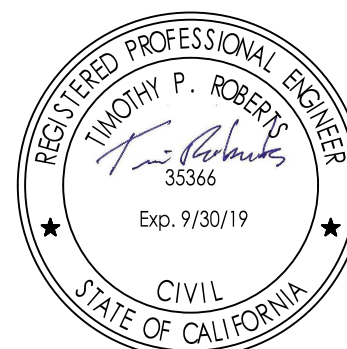
SCALE: 1" = 60'

Roberts Engineering, Inc.

Lovejoy - 11111 Bitterwater Rd. - Santa Margarita

Site Plan

Design/Drawn TR / SEB	County Plan Checker .	Approved for County Requirements Development Services Engineer Date
Job # 19-26	County W.O. No. .	Timothy P. Roberts, RCE 35366 exp 09/30/19 8/22/2019 Date
California Coordinates (CCS83, Zone 5) 2400750 N 5929768 E	County Road # .	3 of 9



Roberts Engineering
Timothy P. Roberts
Civil Engineer - RCE 35366
2015 Vista de la Vina
Templeton, CA 93465
Phone (805) 239-0664
Fax (805) 238-6148
Email tim@robertengineering.com
Website robertsenginc.com

Record Drawings

Timothy P. Roberts, RCE 35366 exp 09/30/19	Date
Revisions This Sheet:	
1	
2	
3	
4	
5	
6	

Attachment D. Vascular Plant and Wildlife List

TABLE 1. VASCULAR PLANT AND WILDLIFE LIST.

Common Name	Scientific Name	Special Status	Origin
Trees - 4 Species			
California ash	<i>Fraxinus dipetala</i>	None	Planted
Pine	<i>Pinus sp.</i>	None	Planted
Fremont cottonwood	<i>Populus fremontii</i>	None	Planted
Elm	<i>Ulmus sp.</i>	None	Planted
Forbs - 20 Species			
Russian knapweed	<i>Acroptilon repens</i>	None	Introduced
Narrow-leaved milkweed	<i>Asclepias fascicularis</i>	None	Native
Tumbleweed	<i>Amaranthus albus</i>	None	Introduced
Annual bur-sage	<i>Ambrosia acanthicarpa</i>	None	Native
Morning glory	<i>Calystegia sp.</i>	None	Native
Yellow star thistle	<i>Centaurea solstitialis</i>	None	Introduced
Tarweed	<i>Centromadia sp.</i>	None	Native
Pitseed goosefoot	<i>Chenopodium berlandieri</i>	None	Native
Turkey-mullein	<i>Croton setiger</i>	None	Native
Datura	<i>Datura wrightii</i>	None	Native
Broad leaf filaree	<i>Erodium botrys</i>	None	Introduced
Greenstem filaree	<i>Erodium moschatum</i>	None	Introduced
Gumweed	<i>Grindelia sp.</i>	None	Native
Alkali heliotrope	<i>Heliotropium curassavicum</i>	None	Native
Wild mustard	<i>Hirschfeldia incana</i>	None	Introduced
Prickly lettuce	<i>Lactuca serriola</i>	None	Introduced
Cheeseweed	<i>Malva parviflora</i>	None	Introduced
Alkali-mallow	<i>Malvella leprosa</i>	None	Native
Small wirelettuce	<i>Stephanomeria exigua</i>	None	Native
Vinegarweed	<i>Trichostema lanceolatum</i>	None	Native
Grasses – 1 Species			
Bromes	<i>Bromus spp.</i>	None	Introduced

Common Name	Scientific Name	Special Status	Habitat Type
Birds – 5 Species			
Common Raven	<i>Corvus corax</i>	None	Riparian, chaparral and woodlands
Say's Phoebe	<i>Sayornis saya</i>	None	Grasslands, sagebrush flats, dry barren foothills
Western Meadowlark	<i>Sturnella neglecta</i>	None	Open grasslands, prairies, meadows, agricultural fields
European Starling	<i>Sturnus vulgaris</i>	None	Urban areas, open grassy areas for foraging
Western Kingbird	<i>Tyrannus verticalis</i>	None	Grasslands, savannah

Attachment E. CNDDDB/CNPS Special Status Species Lists

Table 2 lists 4 special status plant species reported from the region with potential to occur on the Property. Federal status, California State status, and CNPS ranking for each species are given. Typical blooming period, habitat preference, potential to occur on site, and whether or not the species was observed in the Study Area are also provided.

TABLE 2. SPECIAL STATUS PLANT LIST.

	Common Name <i>Scientific Name</i>	Fed/State Status Global/State Rank CRPR	Blooming Period	Habitat Preference	Potential to Occur	Detected within Study Area?	Effect of Proposed Activity
1.	Oval-Leaved Snapdragon <i>Antirrhinum ovatum</i>	None/None G3/S3 4.2	May - November	Heavy, adobe-clay soils on gentle, open slopes, also disturbed areas; 200-1000 m. s SnJV, s SCoRI	Low. Appropriate habitat is present, but soils may not be suitable.	No	No Effect
2.	Salinas Milk-Vetch <i>Astragalus macrodon</i>	None/None G4/S4 4.3	April - July	Eroded pale shales or sandstone, or serpentine alluvium; 300-950 m. SCoR	Moderate. Appropriate habitat may be present in untilled portions of the Property.	No	No Effect
3.	Diamond-petaled California Poppy <i>Eschscholzia rhombipetala</i>	None/None G1/S1 1B.1	March - April	Alkaline clay flats and slopes in grasslands, fallow fields; <300m. w SnJV (Carrizo Plain, SLO Co.), e SnFrB (Corral Hollow, Alameda Co.)	Low. Appropriate habitat is present, but soils may not be suitable.	No	No Effect

	Common Name <i>Scientific Name</i>	Fed/State Status Global/State Rank CRPR	Blooming Period	Habitat Preference	Potential to Occur	Detected within Study Area?	Effect of Proposed Activity
4.	Indian Valley spineflower <i>Aristocapsa insignis</i>	None/None G1/S1 1B.2	May - September	Sandy soils, foothill woodland; 300-600m. SCoRI	Low. Appropriate habitat may be present in untilled portions of the Property but soils may not be suitable.	No	No Effect

Habitat Preference Abbreviations:

SCoR: South Coast Ranges
SCoRI: Inner South Coast Ranges

SnFrB: San Francisco Bay
SnJV: San Joaquin Valley

SLO: San Luis Obispo

State/Rank Abbreviations:

FE: Federally Endangered
FT: Federally Threatened
PE: Proposed Federally Endangered

PT: Proposed Federally Threatened
CE: California Endangered
CR: California Rare

CT: California Threatened
Cand. CE: Candidate for California Endangered
Cand. CT: Candidate for California Threatened

California Rare Plant Ranks:

CRPR 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere
CRPR 2A: Plants presumed extirpated in California, but common elsewhere
CRPR 2B: Plants rare, threatened, or endangered in California, but more common elsewhere
CRPR 4: Plants of limited distribution - a watch list

CRPR Threat Ranks:

0.1 - Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
0.2 - Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
0.3 - Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

Table 3 lists 14 special status animal species reported from the region with potential to occur on the Property. Federal status, California State status, and CDFW listing status for each species are given. Typical nesting or breeding period, habitat preference, to occur, and whether or not the species was observed in the Study Area are also provided.

TABLE 3. SPECIAL STATUS ANIMAL LIST.

	Common and Scientific Name	Fed/State Status Global/State Rank CDFW Rank	Nesting- Breeding Period	Habitat Preference	Potential to Occur	Detected within Study Area?	Effect of Proposed Activity
1.	Tricolored Blackbird <i>Agelaius tricolor</i>	None/Candidate Endangered G2G3/S1S2 SSC (Nesting)	March 15 through August 15	Requires open water, protected nesting substrate, & foraging area with insect prey near nesting colony.	Low. Potential nesting habitat does not exist on the Property.	No	No Effect
2.	Northern California Legless Lizard <i>Anniella pulchra</i>	None/None G3/S3 SSC	May - September	Sandy or loose loamy soils under coastal scrub or oak trees. Soil moisture essential.	Low. Potential habitat may exist in the loose leaf litter in the planted tree areas in the northern portion of the Property.	No	No Effect
3.	California Glossy Snake <i>Arizona elegans occidentalis</i>	None/None G5/S3? SSC	June - September	Arid scrub, rocky washes, grasslands, chaparral. Prefers microhabitats of open areas and areas with soil loose enough for easy burrowing.	Low. Appropriate habitat does not occur on site.	No	No Effect

	Common and Scientific Name	Fed/State Status Global/State Rank CDFW Rank	Nesting- Breeding Period	Habitat Preference	Potential to Occur	Detected within Study Area?	Effect of Proposed Activity
4.	Long-eared Owl <i>Asio otus</i>	None/ None G5/S3? SSC	February- July	Riparian with tall willows and cottonwoods; CLOs paralleling streams; requires adjacent open land for hunting and presence of old crow, magpie, or raptor nests	Low. Potential habitat could occur in the trees on site.	No	No Effect
5.	Burrowing Owl <i>Athene cunicularia</i>	None/None G4/S3 SSC (Burrow sites and some wintering sites)	March 15 through August 15	Burrows in squirrel holes in open habitats with low vegetation.	Moderate. Routine cultivation of Property eliminated most ground squirrel burrows.	No	Potential adverse effects can be mitigated.
6.	Giant Kangaroo Rat <i>Dipodomys ingens</i>	Endangered/ Endangered G1G2/S1S2 Special Animal	n/a	Sandy loamy soil on level and gently sloping ground with annual grasses, forbs, and scattered shrubs. Sw. San Joaquin Valley.	Low. Appropriate habitat may exist in very small areas on site. No precincts were observed during surveys.	No	No Effect
7.	Western Pond Turtle <i>Emys marmorata</i>	None/None G3G4/S3 SSC	April - August	Permanent or semi-permanent streams, ponds, lakes.	Low. Habitat does not exist on the Property.	No	No Effect

	Common and Scientific Name	Fed/State Status Global/State Rank CDFW Rank	Nesting- Breeding Period	Habitat Preference	Potential to Occur	Detected within Study Area?	Effect of Proposed Activity
8.	Loggerhead Shrike <i>Lanius ludovicianus</i>	None/None G4/S4 SSC (Nesting)	March 15 through August 15	Open areas with appropriate perches, near shrubby vegetation for nesting.	Moderate. Appropriate nesting habitat occurs on the Property.	No	Potential adverse effects can be mitigated
9.	San Joaquin Coachwhip <i>Coluber flagellum ruddocki</i>	None/None G5T2T3/S2? SSC	May - July	Open, dry, treeless areas with little or no cover, including valley grassland and saltbush scrub.	Moderate. Potential habitat occurs on the Property.	No	Potential adverse effects can be mitigated
10.	Tulare Grasshopper Mouse <i>Onychomys torridus tularensis</i>	None/None G5T1T2/S1S2 SSC	n/a	Hot arid valleys and scrub deserts; S. San Joaquin Valley. Eats arthropods.	Low. Suitable habitat could occur in untilled portions of the project	No	No Effect
11.	Coast Horned Lizard <i>Phrynosoma blainvillii</i>	None/None G3G4/S3S4 SSC	May - September	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes.	Low. Suitable habitat is not present.	No	No Effect
12.	Western Spadefoot Toad <i>Spea hammondi</i>	None/None G3/S3 SSC	January – August	Vernal pools in grassland and woodland habitats	Low. Suitable habitat does not exist on the Property.	No	No Effect

	Common and Scientific Name	Fed/State Status Global/State Rank CDFW Rank	Nesting- Breeding Period	Habitat Preference	Potential to Occur	Detected within Study Area?	Effect of Proposed Activity
13.	American Badger <i>Taxidea taxus</i>	None/None G5/S3 SSC	February – May	Needs friable soils in open ground with abundant food source such as California ground squirrels.	Moderate. Suitable habitat may exist on site but availability of prey base appears low due to tilled cropland.	No	Potential adverse effects can be mitigated.
14.	San Joaquin Kit Fox <i>Vulpes macrotis mutica</i>	Endangered/Threatened G4T2/S2 Special Animal	December – July	Annual grasslands or grassy open stages with scattered shrubby vegetation. Needs loose textured sandy soil and prey base.	Moderate. Suitable habitat may exist on site but availability of prey base appears low due to tilled cropland.	No	Potential adverse effects can be mitigated.

Habitat characteristics are from the Jepson Manual and the CDNNB.

Abbreviations:

FE: Federally Endangered

FT: Federally Threatened

PE: Proposed Federally Endangered

PT: Proposed Federally Threatened

CE: California Endangered

CT: California Threatened

Cand. CE: Candidate for California Endangered

Cand. CT: Candidate for California Threatened

SA: CDFW Special Animal

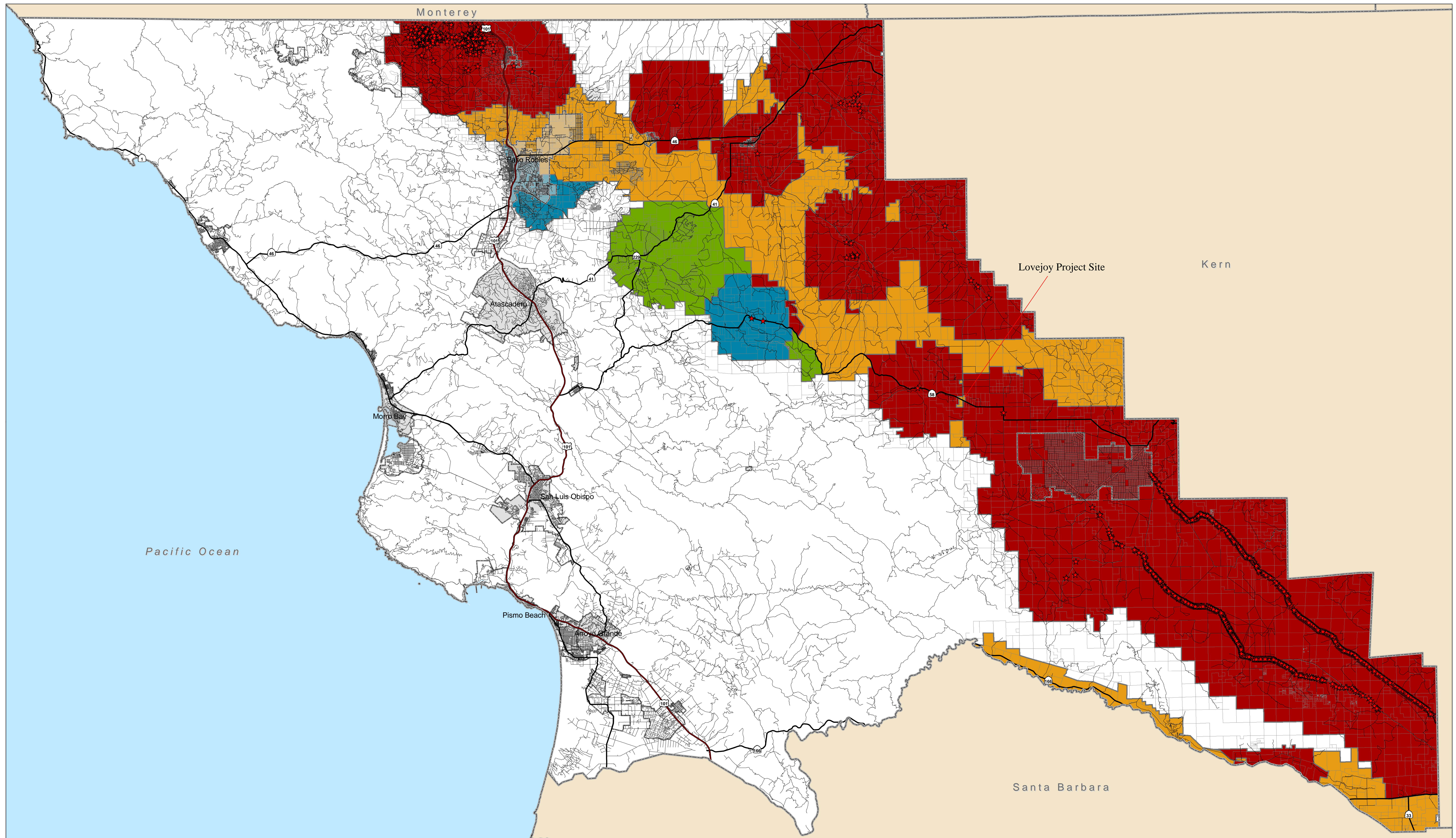
SSC: CDFW Species of Special Concern

FP: CDFW Fully-Protected

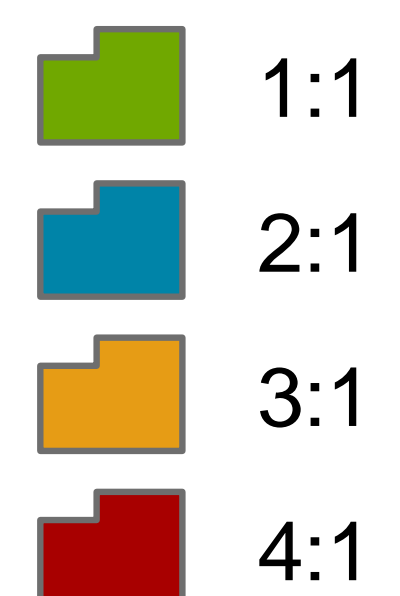
WL: CDFW Watch List

**Attachment F. San Luis Obispo County San Joaquin kit fox Standard Mitigation Ratio
Areas Map** [Annotated with Lovejoy Site Location]

San Joaquin Kit Fox Standard Mitigation Ratio Areas



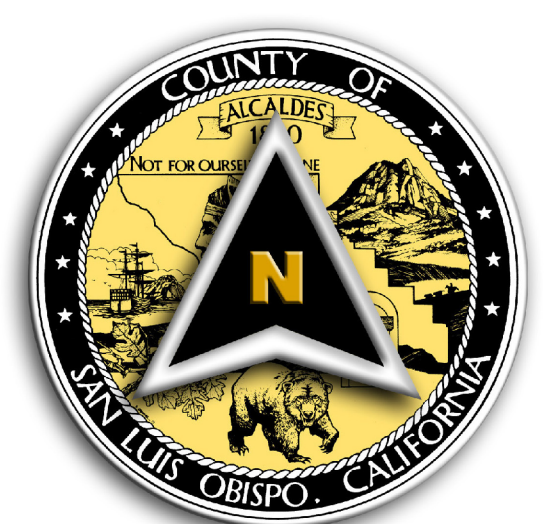
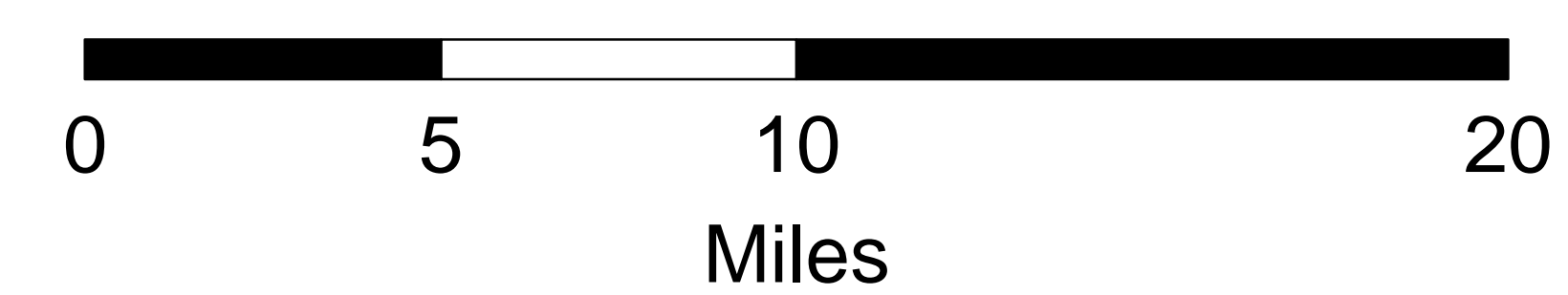
Standard Mitigation Ratio



Legend

- ★ SJKF Sightings (Last 10 yrs.)
- ~ Highway 101
- ~ State Highways

- City Limits
- Urban Areas
- Parcels



Geographic Technology & Design
DEPARTMENT OF PLANNING & BUILDING

Attachment G. County Guide to SJKF Mitigation Procedures Under California Environmental Quality Act (CEQA)



COUNTY GUIDE TO SAN JOAQUIN KIT FOX MITIGATION PROCEDURES UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

PLANNING & BUILDING DEPARTMENT • COUNTY OF SAN LUIS OBISPO
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

This pamphlet was prepared by the San Luis Obispo County Department of Planning and Building to help project applicants understand the County permitting process and the California Environmental Quality Act (CEQA) mitigation requirements for discretionary projects that occur within the San Joaquin kit fox habitat area. Discretionary permits are permits that the County has discretion over whether or not to issue, and include land divisions such as Parcel Maps and Tract Maps, Minor Use Permits, Conditional Use Permits, Lot Line Adjustments, and General Plan Amendments.



Standard Kit Fox CEQA Mitigation Measures

The following mitigation measures are standard measures required by the County that when implemented, will avoid take and reduce impacts to kit fox habitat to an insignificant level. However, the requirements for individual permits may vary depending on the type of project, extent of disturbance, and other project specifics. The typical measures for cumulative and construction-related impacts are as follows:

- a. Mitigate for the loss of kit fox habitat either by:
 - 1) Establishing a conservation easement on-site or off-site in a suitable San Luis Obispo County location and provide a non-wasting endowment for management and monitoring of the property in perpetuity;
 - 2) Depositing funds into an approved in-lieu fee program;
 - 3) Purchasing credits in an approved conservation bank in San Luis Obispo County.
- b. Retain qualified biologist to conduct pre-construction survey of the project site and conduct a pre-construction kit fox briefing for construction workers to minimize kit fox impacts.
- c. Include kit fox protection measures on project plans.
- d. Require a maximum 25 mph speed limit at the project site during construction.
- e. Stop all construction activities at dusk.
- f. Cover excavations deeper than 2 feet at the end of each working day or provide escape ramps for kit fox.
- g. Inspect pipes, culverts or similar structures for kit fox before burying, capping, or moving.
- h. Remove food-related trash from project site.
- i. If pesticides or herbicides are used, they must be used according to local, state, and federal regulations to prevent secondary poisoning of kit foxes.
- j. If a kit fox is discovered at any time in the project area, all construction must stop and the CDFW and USFWS contacted immediately. The appropriate federal and state permits must be obtained before the project can proceed.
- k. Permanent fencing installed as part of the project must allow passage of dispersing kit foxes.

Permit Processing Steps for Projects Occurring Within the Kit Fox Habitat Area

The following steps are intended to describe the process by which the County processes permits for projects proposed within the kit fox habitat area and to assist the Applicant in estimating the timeline and potential costs involved for their project.

1. **Applicant** submits application for County discretionary permit (e.g. Land use permits, subdivisions, or grading permits on slopes equal to or greater than 10 percent).
2. If the project site occurs within the kit fox habitat area, and project site is less than 40 acres in size, County informs Applicant of the pre-determined standard mitigation ratio for the project area. The standard mitigation ratio is based on the results of previous kit fox habitat evaluations and determines the amount of mitigation acreage based on the total area of disturbance from project activities. For example, if a project results in 2 acres of permanent disturbance and the standard mitigation ratio is 3:1, Applicant must mitigate for a total of 6 acres (2 acres X 3:1 ratio = 6 acres). **Applicant** has the option of accepting the standard mitigation ratio or hiring a biologist to conduct a kit fox habitat evaluation. If the project occurs on a site at least 40 acres in size, a habitat evaluation must be done.
3. County staff reviews application and makes site visit.
4. County either sends Applicant an acceptance letter stating that the permit will be processed, or letter requesting additional information. If a kit fox habitat evaluation is to be conducted, the Applicant is provided a Partial List of Qualified Kit Fox Biologists, which is a list of biologists that have verified experience and training in conducting kit fox habitat evaluations. If Applicant chooses to hire a biologist not on the County list, the biologist must contact the County before conducting the evaluation.
5. **Applicant** hires a qualified biologist to conduct the habitat evaluation and provides the results of the evaluation and other required information to County.
6. County consults with CDFW biologist, who reviews the habitat evaluation. CDFW determines the mitigation ratio and the mitigation ratio determines the total amount of acreage needed to mitigate for loss of habitat based on the total area of permanent disturbance.
7. County prepares and sends Applicant a Developer's Statement to sign, which includes standard kit fox mitigation measures and other environmental protection measures that will reduce environmental impacts to an insignificant level.
8. If the **Applicant** agrees, they sign the Developer's Statement and return it to County. If the Applicant has questions or concerns, the County project manager should be contacted.
9. County completes environmental determination and, if appropriate, issues a Negative Declaration. The issued Negative Declaration includes impacts the project may have on the environment and a signed Developer's Statement that lists mitigation measures developed to reduce kit fox impacts to a less than significant level.
10. County publishes notice in newspaper and schedules public hearing with the appropriate hearing body (e.g. Planning Commission, Subdivision Review Board, etc.). Grading permits do not require public hearings. A 30-day public review period is required for projects requiring kit fox mitigation.

For Grading Permits, go to Section A. For Subdivisions and Land Use Permits, go to Section B.

A. Process for Grading Permits

11. Concurrently with public review period, **Applicant** has kit fox conditions printed on project grading plans and submits with other plan corrections that may be required by Public Works and/or Building Division.
12. **Applicant** chooses a mitigation option and informs County project manager. If the conservation easement option is chosen, **Applicant** must coordinate with CDFW to establish the easement conditions, find a public agency or non-profit organization to manage the easement, and establish a non-wasting endowment for the management of the property for perpetuity. **Applicant** provides verification to County that the easement was established. If the in-lieu fee option is selected, go to step 13. If the conservation bank option is selected, go to step 14.
13. **In-Lieu Fee Option:** Concurrently with the public review period, County sends project information to CDFW. CDFW sends letter to Applicant regarding the kit fox mitigation options (as described previously in item a). **Applicant** can pay the fee after receipt of the letter from CDFW. The fee is currently paid to

the San Francisco office of The Nature Conservancy. The Nature Conservancy sends Applicant and County a letter indicating that the fee was received. Go to step 15.

14. **Conservation Bank Option:** Applicant purchases the appropriate number of credits from the Palo Prieto Conservation Bank and provides receipt to County. Go to step 15.
15. Within 30 days prior to start of any ground-disturbing activities, **Applicant** arranges for kit fox biologist to conduct pre-construction survey for kit fox dens and also provides on-site pre-construction briefing for contractor.
16. After **Applicant** has met all pre-construction requirements from the Planning and Building Department, County issues permit.
17. Prior to and during grading and/or construction, **Applicant** must ensure that all kit fox protection measures are implemented to avoid take of kit fox.

B. Process for Subdivisions and Land Use Permits (i.e. Minor Use Permits, Conditional Use Permits, Lot line Adjustments, Parcel Maps, and Tract Maps). Follow steps 1 through 10 in previous section and continue with step 18 below.

18. After 30-day public review period, a public hearing is held and the project is either approved or denied by the County.
19. If the project is approved, **Applicant** chooses a mitigation option and informs project manager. Follow steps 12-14 in the grading permit section, as appropriate.
20. For lot line adjustments, **Applicant** signs mitigation agreement prepared by County Counsel that identifies mitigation measures that must be implemented for the project. The mitigation agreement runs with the land and is applicable to future owners. For parcel and tract maps, the mitigation measures are entered onto a second map sheet. The mitigation measures run with the land and are applicable to future landowners. For Minor Use Permits and Conditional Use Permits, the kit fox mitigation measures are included as conditions of approval, and for General Plan Amendments they are included as standards.
21. If a subsequent grading/construction permit is required, **Applicant** completes items 15 through 17 of the grading permit section.

Note: It is the Applicant's responsibility to comply with all local, state, and federal regulations.

Contact Information

For questions about the County permitting process, in-lieu fee process, or purchase of conservation bank credits, please contact the following County staff: Rob Fitzroy (805) 781-5179; Holly Phipps (805) 781-1162.

For questions concerning state requirements, contact California Department of Fish and Wildlife (Brandon Anderson) at (805) 594-6141.

For questions concerning federal requirements, contact the United States Fish and Wildlife Service at (805) 644-1766.

To pay in-lieu fees, contact:

Leslie Jordan
The Nature Conservancy
201 Mission Street, 4th Floor
San Francisco, CA 94105
Phone: (415) 281-0483

To purchase conservation bank credits, contact:

Palo Prieto Conservation Bank
c/o Dan Meade at Althouse & Meade, Inc.
1602 Spring Street
Paso Robles, CA 93446
Phone: (805) 237-9626
Email: dan@alt-me.com