

**1255 PENMAN SPRINGS ROAD  
CANNABIS PROJECT  
(APN 020-161-009)  
SAN LUIS OBISPO COUNTY, CALIFORNIA  
BIOLOGICAL RESOURCES ASSESSMENT**



*Prepared for:*

**SLOCAL Roots Farms**  
7731 Suey Creek Road  
Santa Maria, California 93433

*Prepared by:*



**Kevin Merk Associates, LLC**  
P.O. Box 318  
San Luis Obispo, California 93406

*April 5, 2019*

**AUTHENTICITY AND SIGNATURE PAGE**

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*As a County-approved biologist, I hereby certify that this Biological Resources Assessment 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 throughout the site visits associated with this report.*



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Kevin Merk  
Principal Biologist

4/5/19  
Date

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## EXECUTIVE SUMMARY

Kevin Merk Associates, LLC (KMA) prepared this biological resources assessment for the proposed cannabis cultivation project at 1255 Penman Springs Road, Paso Robles, San Luis Obispo County, California (Assessor's Parcel Number 020-161-009). The project proposes cannabis cultivation in outdoor hoop houses, other outdoor areas, indoor cultivation greenhouses, nursery greenhouses, a shade structure, building for processing/office/drying, compost areas, parking area, water tank and agricultural pond. Existing agricultural buildings on the site would be used for drying, pesticide/nutrient storage, and water storage. Per County guidelines, the project impact area would be fenced. No grading is proposed, and potentially three valley oak trees may be removed.

The purpose of this report is to evaluate the potential for the project site to support special-status biological resources (plants, animals, sensitive natural communities, and designated critical habitat) for the California Environmental Quality Act (CEQA) review being conducted by the County of San Luis Obispo (County) for the project. This assessment evaluated the site's existing natural conditions to determine whether special-status biological resources may be present onsite and could be adversely affected by the proposed project. Additionally, we provide a San Joaquin Kit Fox Habitat Evaluation as a component of this report.

The site is located to the east of the city of Paso Robles in a rural area with residences, vineyards and winery development. Huerhuero Creek runs through the western portion of the property and an unnamed tributary runs along the northern portion. Both of these drainages are expected to be Waters of the U.S. and of the State of California and subject to Clean Water Act, Porter-Cologne Water Quality Act, and California Fish and Game Code regulations. Penman Springs Road is along the eastern edge of the property. The property contains rural residential development, equestrian facilities, mature eucalyptus (*Eucalyptus* spp.) and other ornamental/planted trees, and natural habitat areas. A high-voltage electrical transmission line passes through the center of the property, and there are two electrical towers on the site. All grassland areas on the property have been fenced for use as equine pasture or paddocks. At the time of the surveys, the property was unoccupied and no grazing was taking place. Areas that had formerly been heavily or moderately disturbed were reverting to Non-native Grassland, with a predominance of non-native forbs in the more heavily disturbed areas. Scattered valley oaks occurred in the Non-native Grassland habitat. Other habitat types on the site include Blue Oak Woodland, Riverine and Riparian Scrub.

Several special-status plant species with California Rare Plant Ranks of 1B.1, 1B.2 or 1B.3 were identified as having potential to occur within project impact areas, and an April survey was conducted that confirmed no special status plants are within the proposed project disturbance footprint. The primary project components are planned to avoid any tree removal, but two to three valley oak trees may be removed under the power line corridor in the area proposed for outdoor cultivation. All oak tree removal would be completed in compliance with the County Oak Woodland Ordinance because it does not meet criteria for a Heritage Oak. Riverine habitat is present in the two creeks onsite, and Riparian Scrub occurs in patches within Huerhuero Creek. Project impacts will avoid these areas — impact areas will be at least 300 feet from the Huerhuero Creek active channel and 250 feet from the top of bank. Cultivation activities will occur at least 50 feet from the unnamed tributary. No other wetland habitats, topographic depressions, swales, or pools of standing water were observed outside of the stream channels.

Although the property falls within designated critical habitat for the vernal pool fairy shrimp (*Branchinecta lynchi*), no habitat elements for this species is present on the property. In addition to

the special-status bird species listed below, avian species that could nest onsite also include raptors protected under California Fish and Game Code and common species that are protected under the Migratory Bird Treaty Act. Special-status animal species with potential to occur onsite during any phase of their life history or use of the area, even if on a transitory basis, include:

- northern California legless lizard (*Anniella pulchra*)
- western spadefoot (*Spea hammondi*)
- white-tailed kite (*Elanus leucurus*)
- prairie falcon (*Falco mexicanus*)
- purple martin (*Progne subis*)
- pallid bat (*Antrozous pallidus*)
- San Joaquin pocket mouse (*Perognathus inornatus*); and
- American badger (*Taxidea taxus*).

The project site occurs within the habitat area for the San Joaquin kit fox (*Vulpes macrotis mutica*; SJKF), and contiguous kit fox habitat surrounds the project site. Given the decline of the Camp Roberts satellite population of SJKF, there is a low probability that this species could occur onsite since the property is situated within the southern limits of the historic SJKF movement corridor linking the Carrizo Plain core population and the Camp Roberts satellite population. Based on the completion of the SJKF Habitat Evaluation form, the proposed project scored 76 points out of 100. This equates to a 3:1 mitigation ratio consistent with the mitigation ratio shown on the current San Joaquin Kit Fox Standard Mitigation Ratio Areas map.

Species-specific mitigation prescribed include scheduling the initiation of construction outside of the bird nesting season, or having a qualified biologist conduct a nesting bird survey and designate non-disturbance buffers around active nests; wildlife pre-construction survey; biological monitoring during initial vegetation removal and site grading; Worker Environmental Awareness Program; construction standard operating and Best Management Practices; and, erosion controls and revegetation of disturbed areas outside the cultivation footprint. With the incorporation of the mitigation measures described herein, project impacts on special-status biological resources will be reduced to a level below significance under CEQA.

The majority of the property will be retained as wildlife habitat that would be unaffected by the project, and which is contiguous with natural habitats on adjacent properties. The biological resources onsite with the highest habitat value are the Blue Oak Woodland and Huerhuero Creek corridor, which are outside of the project impact area and will provide linkage across the site in east-west and north-south directions. In addition, the valley oaks and eucalyptus within the project site will continue to provide habitat for wildlife after the project is implemented. Because there would be no effects of the project in the context of the site's importance in the overall area, the project would not contribute to cumulative effects of other non-federal projects planned in the area.

## **1.0 INTRODUCTION**

Kevin Merk Associates, LLC (KMA) prepared this biological resources assessment for the proposed cannabis cultivation project at 1255 Penman Springs Road, Paso Robles, San Luis Obispo County, California (Figure 1). The proposed project is located on an approximately 53-acre property identified as Assessor's Parcel Number 020-161-009. The site is located to the east of the city of Paso Robles (El Paso de Robles), and is on the United States Geological Survey (USGS) Creston 7.5-minute topographic quadrangle (R13E, T26S). The project site occurs in a rural area on a hilltop above Huerhuero Creek, which runs through the western portion of the property (Figure 2). The property contains rural residential development, equestrian facilities, and natural habitat areas.

This report was prepared to support an application for a Conditional Use Permit from the County of San Luis Obispo (County) under Ordinance 22.40.040 (DRC2018-00228). This report evaluates the potential for the project site to support special-status biological resources (plants, animals, sensitive natural communities, and designated critical habitat) for the California Environmental Quality Act (CEQA) review being conducted by the County for the cannabis cultivation project. This assessment included seasonally-timed botanical surveys and evaluated the site's existing natural conditions to determine whether special-status biological resources may be present onsite and could be adversely affected by the proposed project. This investigation followed the County's (2016) *Draft Guidelines for Biological Resources Assessments*, and also includes a *San Joaquin Kit Fox Habitat Evaluation* to determine the appropriate mitigation ratio for this site.

### **1.1 Project Description**

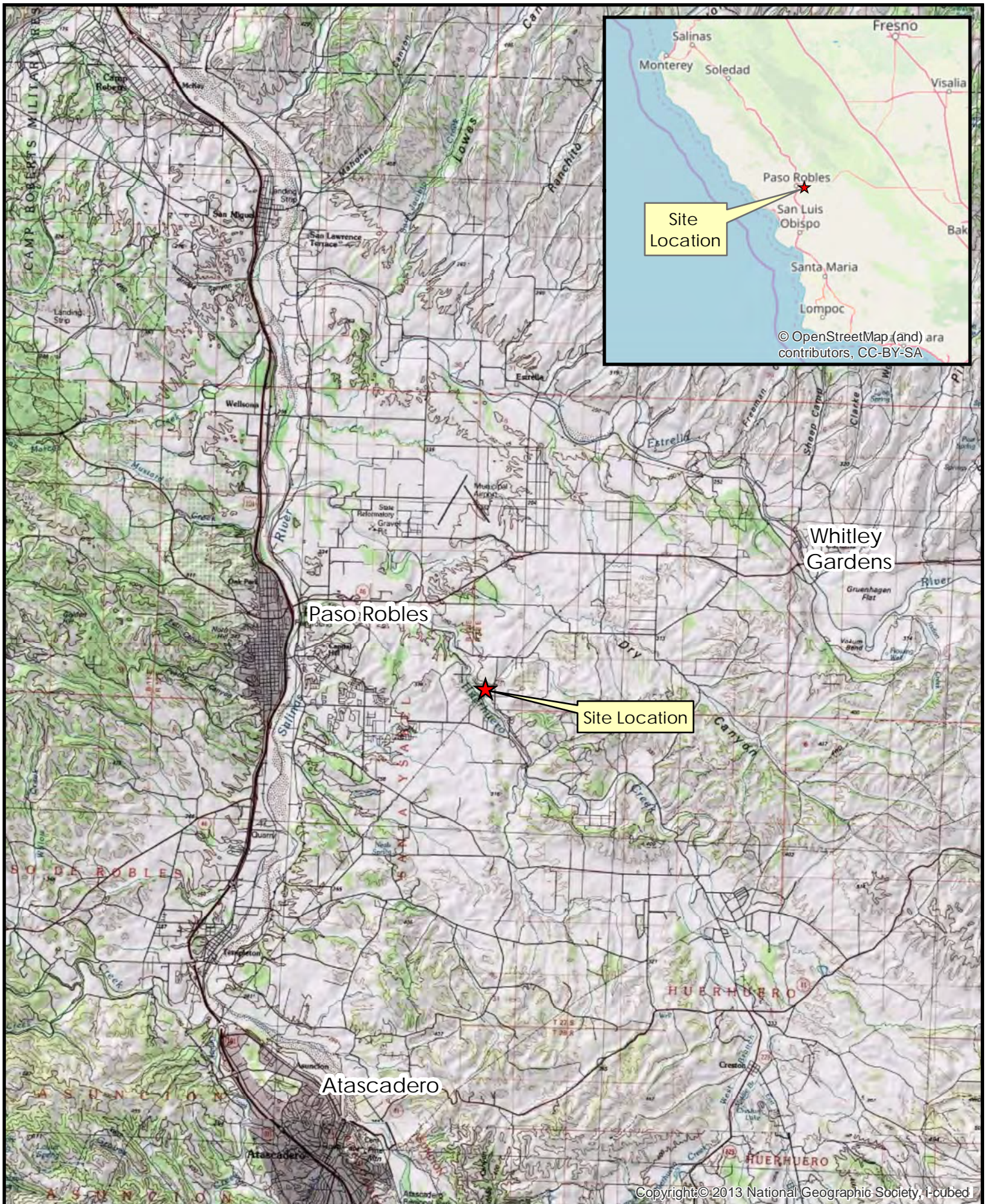
As shown on the project plans provided in Appendix A, the project proposes cannabis cultivation in outdoor hoop houses, other outdoor areas, indoor cultivation greenhouses, nursery greenhouses and a shade structure. Other aspects of the project that would be constructed in support of cannabis cultivation include a metal building for processing/office/drying, compost areas, parking area, water tank and agricultural pond. Existing agricultural buildings on the site would be used for drying, pesticide/nutrient storage, and water storage. Two existing residences on the property would not be used for cannabis. Per County guidelines, the outdoor grow area would be fenced. No grading is proposed, and two to three valley oak trees may be removed. The property has an existing well and septic system.

### **1.2 Regulatory Overview**

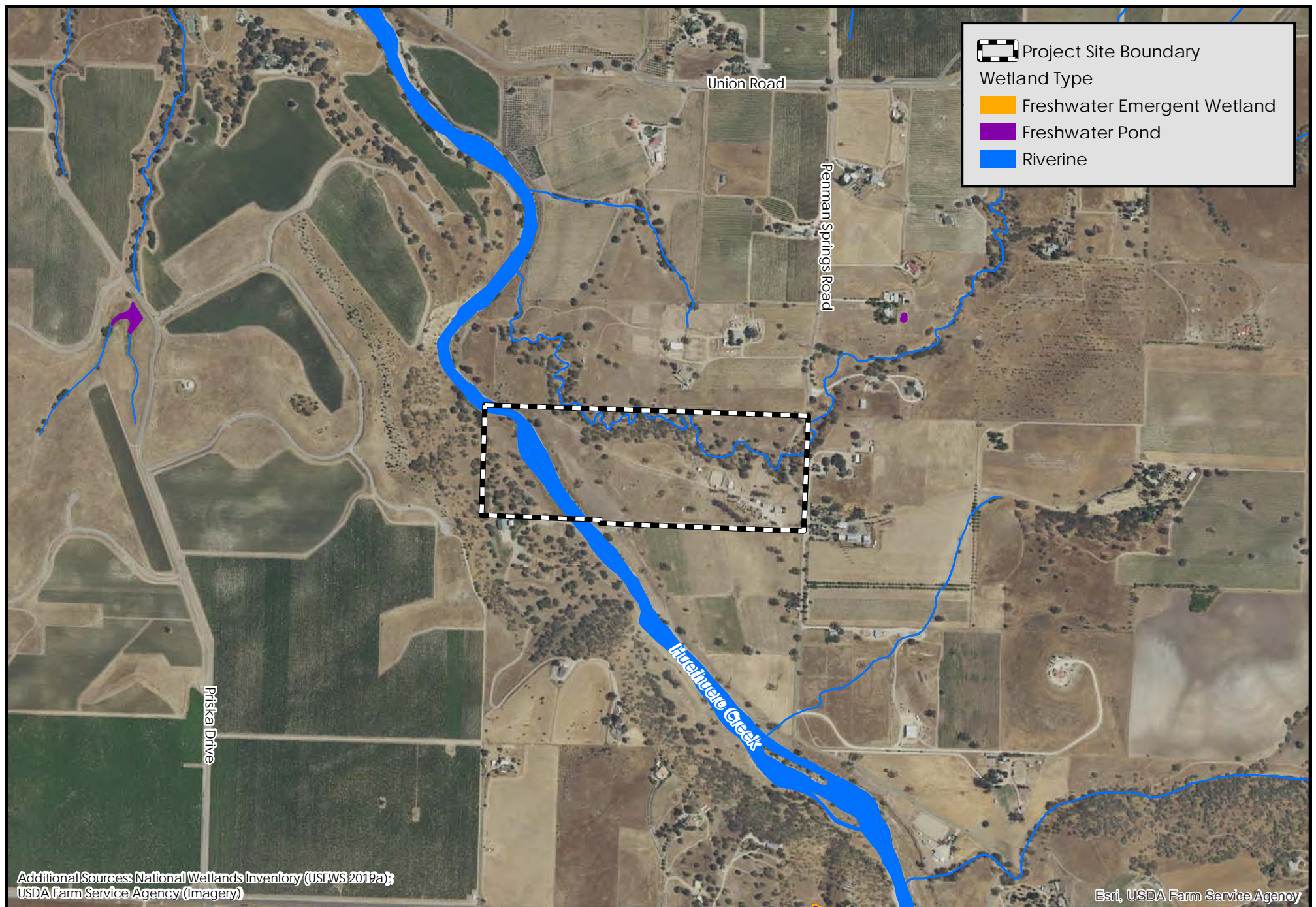
For the purpose of this report, special-status species are those plants and animals listed, or Candidates for listing, as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) under the federal Endangered Species Act (FESA); those listed as Threatened or Endangered under the California Endangered Species Act (CESA); and, animals designated as "Species of Special Concern," "Fully Protected," or "Watch List" by the California Department of Fish and Wildlife (CDFW; 2018a).

FESA provisions protect federally listed species and their habitats from unlawful take, which is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct." Under these regulations, "harm" may include significant habitat modification or degradation that kills or injures wildlife. Candidate species are not afforded legal protection under FESA; however, Candidate species typically receive special attention during the CEQA environmental review process. CESA provides for the











protection and preservation of native species of plants and animals that are experiencing a significant decline which if not halted would lead to a threatened or endangered designation. Habitat degradation or modification is not expressly included in the definition of take under CESA.

CDFW maintains a list of Species of Special Concern for those species in which declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. The goal of designating species as special concern is to halt or reverse their decline early enough to secure their long-term viability. Species of Special Concern may receive special attention during environmental review, but do not have statutory protection. FESA and CESA emphasize early consultation to avoid impacts on Threatened and Endangered species. As part of the consultation process, project proponents are directed to develop appropriate mitigation plans to offset project effects on listed species and their habitats.

Critical habitat is designated for species listed under FESA, and are areas that contain the physical or biological features which are essential to the conservation of those species and may need special management or protection. Critical habitat designations affect only federal agency actions or federally funded or permitted activities. Activities by private landowners are not affected if there is no federal nexus.

Rare plants are those defined as occurring on California Rare Plant Rank (CRPR) 1, 2, 3 and 4 developed by the CDFW working in concert with the California Native Plant Society (CDFW 2019b). Rank 4 species are a watch list, and typically do not meet CEQA's rarity definition (Section 15380), but are included here because they may be of local concern. The CRPR definitions are as follows:

- *Rank 1A = Presumed extirpated in California and either rare or extinct elsewhere;*
- *Rank 1B.1 = Rare or endangered in California and elsewhere; seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat);*
- *Rank 1B.2 = Rare or endangered in California and elsewhere; moderately threatened in California (20-80% occurrences threatened);*
- *Rank 1B.3 = Rare or endangered in California and elsewhere, not very threatened in California (<20% of occurrences threatened or no current threats known);*
- *Rank 2A = Presumed extirpated in California, but more common elsewhere;*
- *Rank 2B = Rare 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 threatened in California (20-80% occurrences threatened).*
- *Rank 4.3 = Plants of limited distribution (watch list), not very threatened in California.*

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state regulations. Birds of prey are protected in California under the California Fish and Game Code Section 3503.5. Disturbance that causes nest abandonment or loss of reproductive effort is considered take by CDFW. Eagles are protected under the Bald and Golden Eagle Protection Act. The federal Migratory Bird Treaty Act (MBTA) applies to many bird species, including common species, and prohibits killing, possessing, or trading in migratory birds, including whole birds, parts of birds, bird nests, and eggs. The act restricts construction disturbance during the nesting

season that could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment.

Sensitive natural communities are those native plant communities listed in the California Natural Diversity Database (CNDDB; CDFW 2019a) as rare or of limited distribution. They are evaluated using NatureServe's Heritage Methodology to assign global and state ranks based on rarity and threat, and these ranks are reviewed and adopted by CDFW's (2019b) Vegetation Classification and Mapping Program (VegCAMP). Evaluation with the state (S) level results in ranks ranging from 1 (very rare or threatened) to 5 (demonstrably secure). Those with ranks of S1 to S3 are to be addressed in the environmental review process under CEQA (CDFW 2019b).

CEQA defines a *significant effect on the environment* as "a substantial, or potentially substantial, adverse change in the environment." Projects that may have significant effects are required to be analyzed in an Environmental Impact Report (EIR). Under CEQA, a project's effects on biotic resources are deemed significant where the project would do any of the following:

- Potentially substantially degrade the quality of the environment
- Substantially reduce the habitat of a fish or wildlife species
- Cause a fish or wildlife population to drop below self-sustaining levels
- Threaten to eliminate a plant or animal community
- Substantially reduce the number or restrict the range of an endangered, threatened, or rare species
- Have possible environmental effects that are individually limited but cumulatively considerable

In addition to the criteria above that trigger mandatory findings of significance, Appendix G of the CEQA Guidelines includes six additional impacts to consider when analyzing the significance of project effects, which may or may not be significant, depending on the level of impact. A project's effects on biological resources could be deemed significant if the project would do the following:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFW or USFWS.
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

If the project proponent agrees to mitigation measures or project modifications that would avoid all significant effects or would mitigate the significant effect(s) to a point below the level of significance, an EIR would not be required. The project proponent would be bound to implement the mitigation measures to reduce the project effects to below a level of significance. Mitigation is not required for effects that are less than significant.

The project site falls within the geographic distribution of the federally Endangered and state Threatened San Joaquin kit fox (*Vulpes macrotis mutica*; SJKF), and is subject to mitigation under CEQA. The County has implemented a permit process for discretionary projects proposed within the SJKF habitat area, which involves pre-determined standard mitigation ratios and/or a SJKF Habitat Evaluation to be completed by a qualified biologist. This evaluation is provided as a component of this Biological Resources Assessment. The County will consult with CDFW based upon the results of the SJKF Habitat Evaluation to determine the amount of mitigation needed for the loss of habitat as a result of the project's total area of permanent disturbance.

## 2.0 METHODS

The methodology used in this investigation followed the County's (2016) guidelines. Google Earth aerial imagery was employed in coordination with the field surveys to define the current extent of onsite plant communities and assist in identifying potential habitat for special-status species. The "project site" was defined as the boundaries of the legal lot, as shown on the project plans (Appendix A). The "study area" included the proposed project impact area plus a buffer of approximately 500 feet. On February 7, 2019, Kevin Merk attended a site visit with representatives of the County and SLOCAL Roots Farms, and also conducted field survey to assess onsite conditions. A subsequent site survey was conducted on April 4, 2019 to search for special status plants known to occur in the area.

The site was accessed via Penman Springs Road and existing private roads on the site, and the study area was surveyed on foot. A list of dominant plant species in each plant community was made, and all plant and animal species observed were noted (Appendix B). Plant taxonomy followed the Jepson Flora Project (2019), and nomenclature for animals is reported as it appears in the CNDDDB (CDFW 2019a) or as updates are available (California Herps 2019). Plant communities and other site features were mapped on ESRI USDA Farm Service Agency aerial imagery. Classification of the onsite plant communities was based on the CDFW's (2019b) *Vegetation Classification and Mapping Program* which generally follows Sawyer et al.'s (2009) *Manual of California Vegetation*. Holland's (1986) *Preliminary Descriptions of the Terrestrial Natural Communities of California* was also referenced as the sensitive natural communities listed in the CNDDDB follows the Holland community names. *A Guide to Wildlife Habitats in California*, which is updated through the California Wildlife Habitat Relations System (CDFW 2019c), was also cross-referenced. Representative photos of each of the habitat types onsite and the proposed project area were taken, and a photo plate is included as Appendix C.

The Web Soil Survey was used to identify the soil mapping units present within the project site (Natural Resources Conservation Service 2019). The National Wetlands Inventory (NWI) was also reviewed to evaluate the extent of identified wetlands on the site and in the vicinity (USFWS 2019a). USGS topographic maps were also reviewed for information on hydrologic features. Designated critical habitat for species listed under FESA was mapped according to information provided in USFWS (2019b).

The CNDDDB (CDFW 2019a) was queried for special-status plant and animal species occurrences and sensitive natural communities within the following USGS 7.5-minute quadrangles: Creston, Paso Robles, Estrella, Shandon, Shedd Canyon, Wilson Corner, Santa Margarita, Atascadero, and Templeton. CNDDDB records of special-status plant and animal occurrences and sensitive natural communities within a five-mile buffer of the project site were mapped. From the list of all special-status species within the nine-quadrangle search, local distribution and ecological information was obtained from a variety of online and published sources (Hoover 1970, Jennings and Hayes 1994,



Bolster 1998, Lanoo 2005, Calflora 2019, California Native Plant Society 2019, California Herps 2019, The Cornell Lab of Ornithology 2019a, 2019b; CDFW 2019c). Those species that occur in the Salinas River valley from Santa Margarita to north of San Miguel and east to Shandon were considered to be within the project vicinity (Appendix D). Species that are restricted to other biogeographical settings, such as occurring only from mountainous areas of the Santa Lucia or La Panza ranges, were excluded. Based upon our knowledge of the local area, we included additional special-status biological resources that have been documented in the project vicinity.

From the list of all special-status species known from the project vicinity, an evaluation of those with potential to occur onsite was conducted based upon the suitability of habitat conditions on the property, and the local distribution (geographical and elevational ranges) and specific requirements (plant communities and soils) of the species considered. The April survey was sufficient to determine if special status plants were present on the site, but definitive surveys for the presence or absence of special-status animal species were not conducted. For the special status wildlife analysis, we relied on existing information and known occurrence records in the region coupled with our site-specific observations to make determinations for the probability of occurrence in the study area. Those species listed as "Potential" in Appendix D met the following requirements: records in the site vicinity, appropriate plant community and soil associations onsite, and within the known range of the species. If any one of these elements was not met or considered to be marginal for the site, but the other elements were present, that species was considered "Unlikely". If environmental conditions were clearly inappropriate onsite, or the species is of very limited distribution that does not overlap the site, those species were considered "Not Expected". If any species had been observed during the survey, they would have been listed as "Present"; however, no special-status species were seen during the surveys. If any life stage or particular life history use (i.e., foraging) fit the requirements of the onsite conditions, even while other aspects were inappropriate for certain functions (i.e., breeding), these species were still considered to have "Potential" to occur onsite and a description of this assessment is provided in the special-status species table (Appendix D) as well as a more in-depth analysis in the text.

We determined whether special-status plant and animal species, sensitive natural communities, wetlands or other waters under state or federal jurisdiction, and designated critical habitat could occur on the site or nearby. Pursuant to County (2016) guidelines, we then evaluated the potential impacts of the proposed project on each of these biological resource issues, including the six additional impacts in CEQA Appendix G. An evaluation of significance as defined under CEQA is provided for each potential impact, and mitigation is proposed to reduce impacts to a level below the significance threshold.

Additionally, we provide a SJKF Habitat Evaluation as a component of this Biological Resources Assessment, following the County's (2002) guidelines. The purpose of the habitat evaluation process is to characterize the extent of onsite habitat for SJKF affected by the implementation of the proposed project, and confirm the accuracy of the standard mitigation ratio developed by the County for the area in which the project site occurs.

### 3.0 RESULTS

The project plans prepared by Cody McLaughlin, Architect (April 1, 2019) are provided in Appendix A. A list of plants and animals observed during the survey is included as Appendix B. Appendix C is a photo plate of photographs taken during the site visit to characterize the onsite conditions. Appendix D includes a list of all special-status species and plant communities identified in the CNDDDB within the site vicinity, and an evaluation as to their potential presence onsite. Figure 2 shows the wetland habitats recorded in the NWI, and Figure 3 shows the soil

types on and in the vicinity of the site. A map illustrating the habitat types onsite is included as Figure 4. Figure 5 is the CNDDDB map showing the locations of special-status biological resources (i.e., plant and animal species, sensitive plant communities, and designated critical habitat) recorded within five miles of the project site.

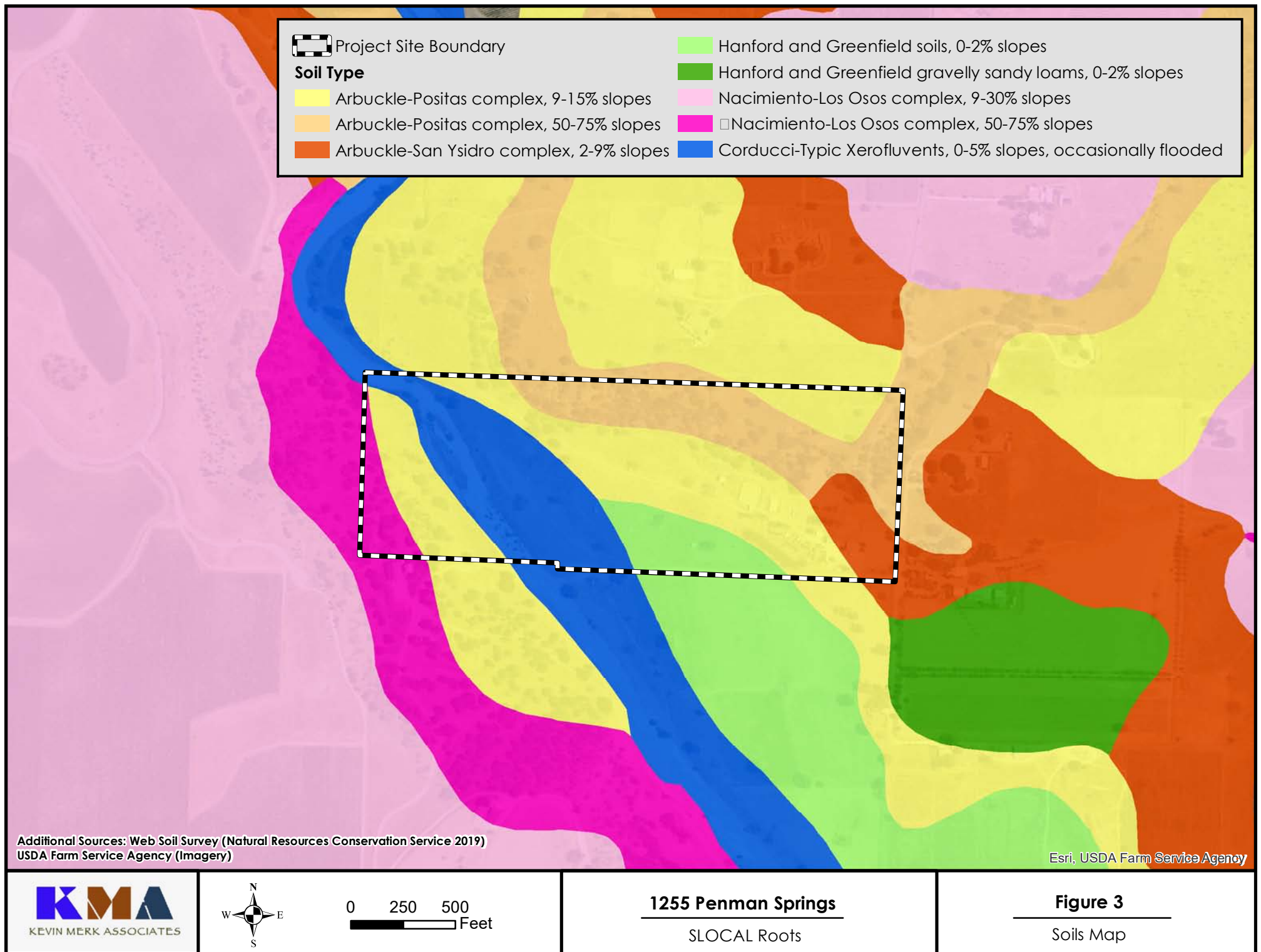
### 3.1 Existing Conditions

The project site is located on a hilltop above Huerhuero Creek east of Paso Robles at the transition between the Salinas River floodplain and low rolling hills below the La Panza and Temblor ranges. The project site is surrounded by rural residential development and agriculture. Penman Springs Road passes through the eastern edge of the property, and Huerhuero Creek passes through the western portion. An unnamed tributary meanders through the northern portion of the site, and an easement road runs along the southern boundary of the property. The property has been developed for rural residential and equestrian uses, with the grasslands onsite having been grazed for many years. Structures consist of a house, trailer, barn, arenas, sheds, and horse shelters. Mature eucalyptus (*Eucalyptus* spp.) occur around the developed areas, and other planted trees include pine (*Pinus* sp.), fruit trees (*Prunus* spp.) and ornamental species such as rosemary (*Rosmarinus officinales*). A high-voltage electrical transmission line passes through the center of the property, and there are two electrical towers on the site. All grassland areas on the property have been fenced for use as equine pasture or paddocks. At the time of the survey, the property was unoccupied and no grazing was taking place. Areas that had formerly been grazed and seasonally disked or mowed were reverting to Non-native Grassland, with a predominance of non-native forbs in the more heavily disturbed areas. Elevations on the property range from 775 to 860 feet (236 to 262 meters) above sea level. The site generally slopes to the west toward Huerhuero Creek, to the north toward the unnamed tributary, and to the south where there is an area of floodplain along Huerhuero Creek.

### 3.2 Soils

The Natural Resources Conservation Service (2019) identified six soil types on the property, as shown on Figure 3 and described below:

- Nacimiento-Los Osos complex, 50-75% slopes — silty clay loam, residuum weathered from calcareous shale and/or sandstone associated with mountains. Found on a steep hill above Huerhuero Creek to the west, and outside of the study area.
- Arbuckle-Positas complex, 9-15% slopes — fine sandy loam alluvium from mixed rock sources. Found along the banks of Huerhuero Creek.
- Arbuckle-Positas complex, 50-75% slopes — fine sandy loam alluvium from mixed rock sources. Found along the unnamed tributary.
- Arbuckle-San Ysidro complex, 2-9% slopes — fine sandy loam alluvium from mixed rock sources. Found along the southeastern corner of the property that has residential development.
- Carducci-Typic Xerofluvents, 0-5% slopes, occasionally flooded — fine sand alluvium occurring in floodplains and alluvial fans. Found onsite along Huerhuero Creek.
- Hanford and Greenfield soils, 0-2% slopes — fine sandy loam alluvium from mixed rock sources. Found along the southern edge of the property in the floodplain of Huerhuero Creek.





### 3.3 Habitat Types

Five plant community or land use types were observed in the study area and included:

1) Non-native Grassland; 2) Blue Oak Woodland; 3) Riverine, 4) Riparian Scrub, and 5) Developed/Ruderal (Figure 4). These habitat types are described below.

#### 3.3.1 Non-native Grassland

Non-native Grassland (Holland 1986) or annual grassland (CDFW 2019c) occurs throughout the majority of the site. Depending on the intensity of past use for equestrian pasture or paddock, these areas varied from being dominated by non-native grass species, to areas with a mixture of grasses and non-native forbs. At the highest level of disturbance in corrals/pens, etc. would be considered to be ruderal (described below). The species representative of this plant community include ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), redstem filaree (*Erodium cicutarium*), summer mustard (*Hirschfeldia incana*), black mustard (*Brassica nigra*), slender wild oats (*Avena barbata*), English plantain (*Plantago lanceolata*), white horehound (*Marrubium vulgare*), and dwarf mallow (*Malva neglecta*). The species composition is consistent with "wild oats and annual brome grasslands" (CDFW 2019b) or "annual brome grasslands" (Sawyer et al. 2009), which are semi-natural alliances. Several native species were also present and included common fiddleneck (*Amsinckia intermedia*), purple owl's clover (*Castilleja exserta* ssp. *exserta*) and blue dicks (*Dichelostemma capitatum*). The southern portion of the project site also has several valley oaks (*Quercus lobata*) scattered within this habitat type, and oaks under the transmission corridor had been pruned repeatedly and appeared to be in poor to moderate health. Other areas also had infrequent coyote brush (*Baccharis pilularis*) shrubs. The valley oaks and coyote brush did not occur at great enough density to warrant a separate habitat type for these areas.

#### 3.3.2 Blue Oak Woodland

A stand of blue oak (*Quercus douglasii*) trees and saplings occurs along the unnamed drainage in the northern part of the property. The understory is primarily Non-native Grassland, and there were occasional occurrences of native species such as yarrow (*Achillea millefolium*) and shrubs of common snowberry (*Symphoricarpos albus*) and yellow yarrow (*Eriophyllum confertiflorum*). This plant community falls under the Blue Oak Woodland alliance described by Sawyer et al. (2009), CDFW (2019b) and Holland (1986).

#### 3.3.3 Riverine

Riverine areas are the stream channels of Huerhuero Creek and the unnamed tributary onsite. Because these features are mostly lacking vegetation and are not dominated by trees, shrubs or wetland vegetation, the extent of the riverine habitat is bounded by the lower channel banks. The riverine habitats onsite are intermittent, in that flow is not present year-long, and have unconsolidated bottom (Cowardin et al. 1992). Huerhuero Creek had substrate of fine loose sand that is redistributed when the creek flows and can wash out instream vegetation. It also had a braided channel with islands vegetated by Non-native Grassland and patches of Riparian Scrub. The top of banks associated with these two features were mapped in the field and are shown on Figure 4, the Habitat Map.

#### 3.3.4 Riparian Scrub

Riparian Scrub within the Huerhuero Creek channel consisted of scattered occurrences of riparian scrub plant species that did not have a continuous canopy. The scarcity of riparian vegetation was

likely due to both scouring flows that remove plants as well as wide intra-annual and inter-annual variation in the amount of available water, preventing dense growth of wetland species. Fremont cottonwood (*Populus fremontii*) existed as stunted or dwarf forms. There were also scattered mulefat (*Baccharis salicifolia*), coyote brush, and narrowleaf willow (*Salix exigua*). This habitat type is similar to mulefat thicket or Fremont cottonwood forest (Sawyer et al. 2009; CDFW 2019b), but the vegetation onsite was of much lower density than described for these alliances. It falls under Central Coast riparian scrub, which can vary from open to dense, and dominated by any of several willow species (Holland 1986). This community can also be described most precisely as mulefat scrub, which occurs in intermittent stream channels is maintained at an early seral stage by frequent flooding and could succeed to cottonwood- or sycamore-dominated riparian forests or woodlands in the absence of flooding that removes vegetation (Holland 1986).

### 3.3.5 Developed/Ruderal

Developed areas on the property consisted of houses, trailers, arenas, paddocks, a gravel driveway, outbuildings, barn, and other structures for equestrian use. Along the southern edge of the property is an easement driveway providing access to a residence to the west, and has an offsite improved crossing over Huerhuero Creek consisting of a raised concrete roadway and bridge over the low flow channel. Surrounding the developed portions were ruderal areas consisting of areas with high impacts from horses or grounds maintenance. Additionally, areas surrounding the electrical transmission towers were also considered ruderal. Ruderal areas were vegetated by non-native weedy species such as horehound, black mustard and summer mustard. Some of the ruderal areas were converting back to non-native grassland but were still characterized primarily by disturbance. Ruderal habitats also included planted species such as blue gum eucalyptus, pines, fruit trees, and ornamental shrubs.

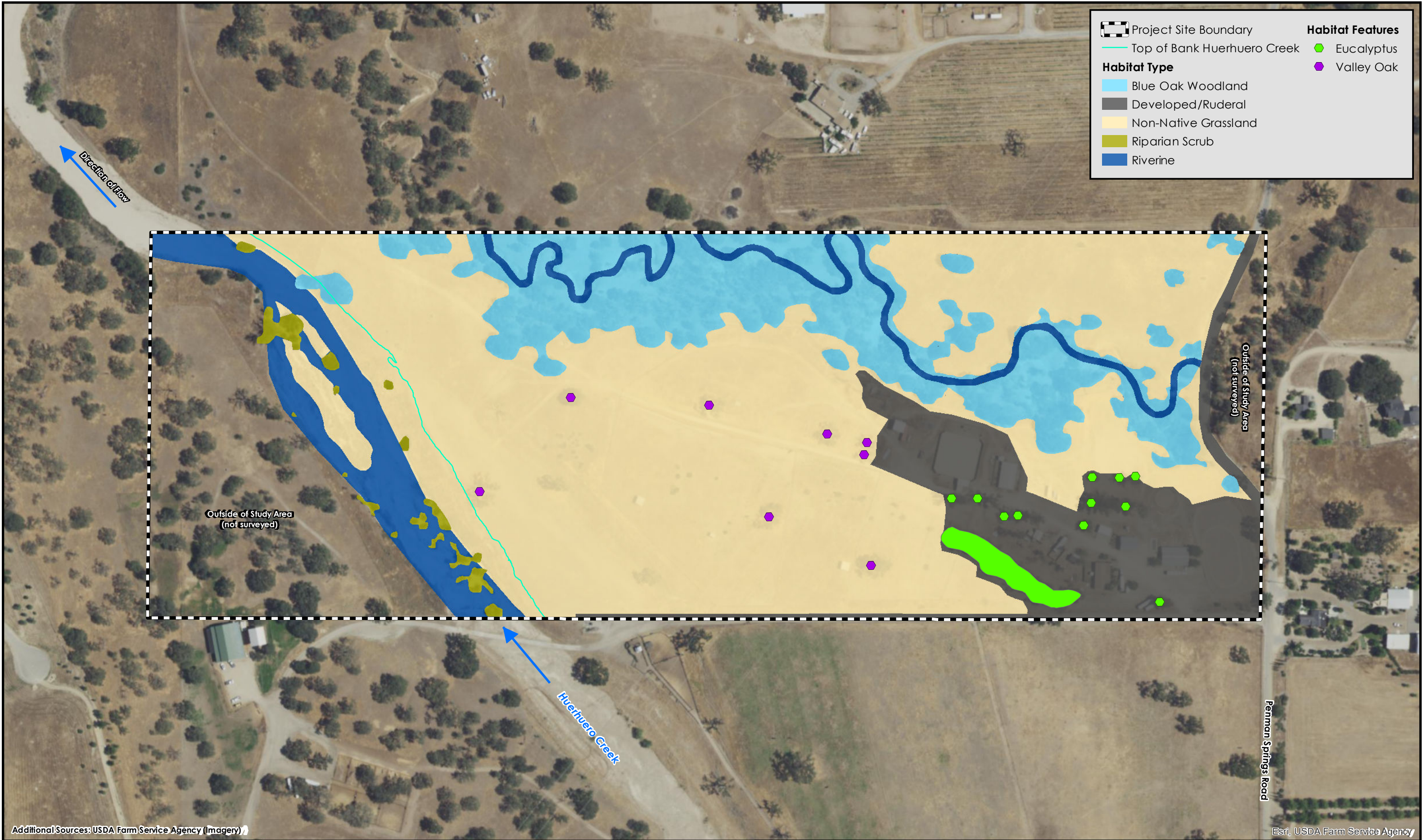
## 3.4 Hydrologic Features

Huerhuero Creek and the unnamed tributary in the northern portion of the site are shown as Riverine wetland habitat by the NWI (Figure 2). Both of these features are shown as intermittent streams on the USGS topographic quadrangle. Huerhuero Creek originates in the western slope of the La Panza Range, and flows in a northwesterly direction, joining Salinas River north of Paso Robles. All except the uppermost branches of Huerhuero Creek can be characterized as a sandy wash with limited patches of riparian scrub. Flows generally do not last long following rain, and little to no pooling occurs. The unnamed tributary originates a short distance upstream from the project site in the relatively flat plain surrounding Union Road, flows under Penman Springs Road in a culvert, and joins Huerhuero Creek just upstream from the project site. Salinas River flows north and discharges in the Pacific Ocean south of Castroville. Both of these features are likely to meet the definitions as Waters of the U.S. and of the State of California. As such, they would be subject to the regulatory permitting requirements of the Clean Water Act (Sections 401 and 404) and California Fish and Game Code (Section 1600 et seq.) if any impacts to these features was proposed.

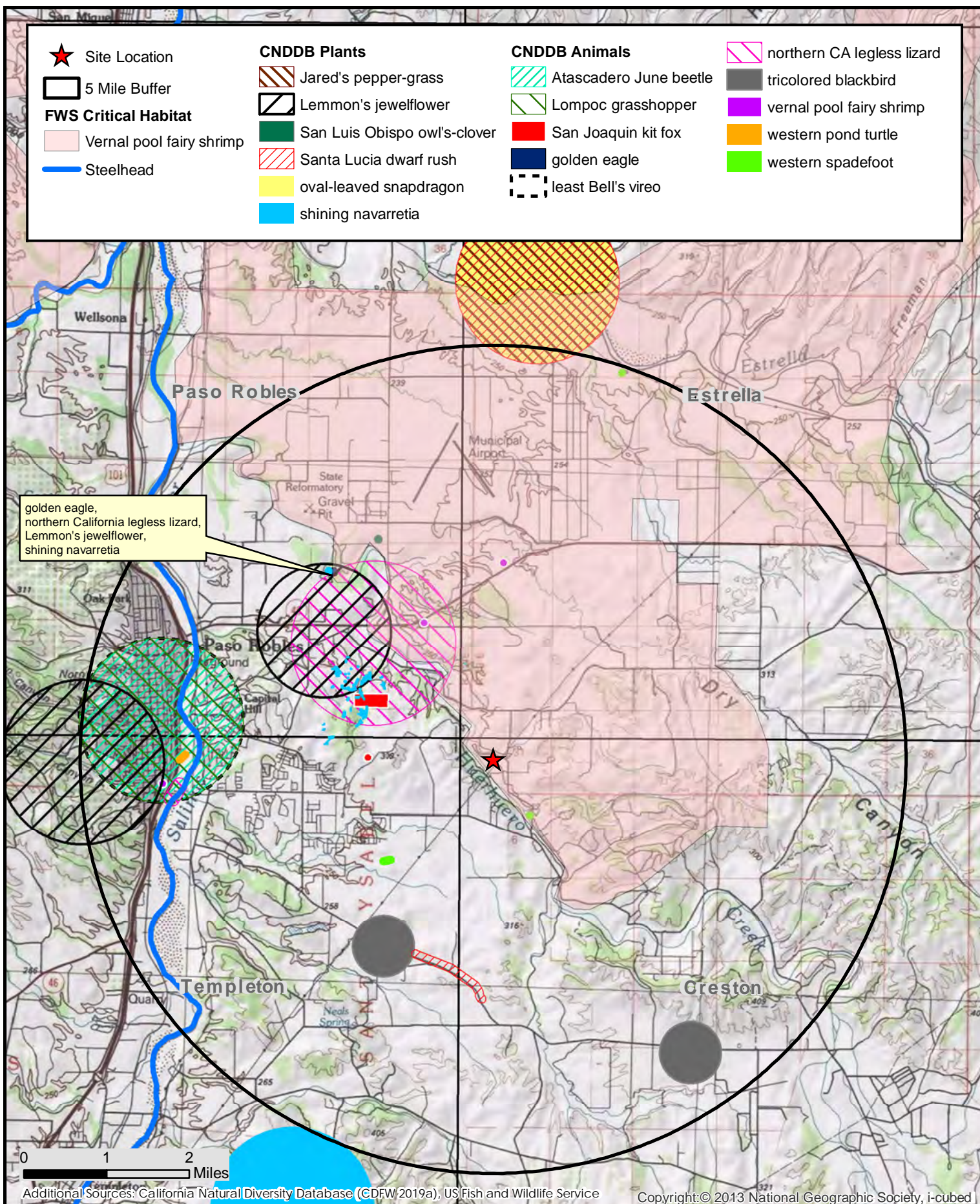
## 3.5 Special-status Biological Resources

Figure 5 illustrates the CNDDDB-documented occurrences of special-status plants and animals, sensitive natural communities, and designated critical habitat within a five-mile search radius of the project site. Appendix D provides a list of special-status biological resources recorded from the site vicinity, their listing status, habitat associations, and our assessment as to whether these resources have potential to occur onsite. Those resources with potential to occur on the project site are described in further detail below.









### 3.5.1 Plants

Based on the presence of Non-native Grassland and Blue Oak Woodland habitat types, several special status plants were identified as having potential to occur onsite. These species were put on the target list of species to search for during the April survey, and include:

- Dwarf calycadenia (*Calycadenia villosa*) — CRPR 1B.1
- San Luis Obispo owl's clover (*Castilleja densiflora* var. *obispoensis*) — CRPR 1B.2
- Lemmon's jewelflower (*Caulanthus lemmonii*) — CRPR 1B.2
- Yellow-flowered eriastrum (*Eriastrum luteum*) — CRPR 1B.2
- Shining navarretia (*Navarretia nigelliformis* ssp. *radians*) — CRPR 1B.2

None of these species are federally or state listed as Threatened or Endangered or are Candidates for listing, but instead are California Rare Plants with CRPR 1B status. Surveys in February and April 2019 did not locate any special-status plant species. Furthermore, rare perennial species including several species of manzanita and horkelia, would have been in observable condition during the surveys. No perennial special status plants were observed, and therefore, they are not expected to occur.

Given the majority of the site has been disturbed for many years from rural residential development and the equestrian facilities, the areas proposed for Cannabis cultivation are not expected to support any special status plants. The grassland areas were dominated by non-native weedy species and contained dense thatch that was determined to be not suitable for special status plants. The April survey covered the bloom period of these species, with the exception of dwarf calycadenia, which typically blooms from May through October. As stated above, the Cannabis cultivation project is proposed in grassland habitat that is dominated by non-native species and is not expected to impact rare plants. It is possible that dwarf calycadenia could occur in the blue oak woodland area, albeit a low potential due to the predominance of non-native grasses creating dense thatch.

### 3.5.2 Sensitive Natural Communities

Non-native Grassland habitat onsite corresponds to "wild oats and annual brome grasslands" (CDFW 2019b) or "annual brome grasslands" (Sawyer et al. 2009), and as listed in CDFW (2019b) these are semi-natural alliances with no state rarity rank. Semi-natural stands or alliances are strongly dominated by non-native plants that have become naturalized in the state. Blue Oak Woodland has a state rarity rank of S4, and therefore is not considered sensitive under CEQA. The Riverine habitat onsite as described in this report is devoid of vegetation, but within the riverine habitat of Huerhuero Creek are patchy occurrences of Riparian Scrub. The Riparian Scrub onsite is similar to mulefat thicket (S4) or Fremont cottonwood forest (S3) (Sawyer et al. 2009; CDFW 2019b), but was of much lower density than described for these alliances. Due to its patchy nature, which is maintained by flooding that removes vegetation and prevents Fremont cottonwood forest from developing, this community is best described as mulefat scrub which is not considered sensitive (CDFG 2003).

The CNDDB search did not produce any sensitive natural communities occurring within the project site vicinity, but based upon our knowledge of the area, there are six sensitive natural communities known to occur locally (Appendix D). The NWI map shows Riverine habitat as occurring along Huerhuero Creek and the unnamed tributary onsite (Figure 2). As described above in Section 3.3.3, the riverine habitats onsite are intermittent, in that flow is not present year-long, and have unconsolidated bottom (Cowardin et al. 1992). No wetland habitats are mapped in the NWI as



occurring in Huerhuero Creek, but the patches of riparian scrub present may be considered Freshwater Forested/Shrub Wetland. Because these patches are small and appear to change in location due to flooding that removes vegetation, the NWI considered the wetland type to be composed only of Riverine. No Freshwater Emergent Wetland vegetation was present in either drainage onsite, and there was no ponded water, seeps or swales with wetland vegetation.

### 3.5.4 Animals

There is potential for two special-status amphibian or reptile species and three special-status mammal species to occur onsite (Appendix D). The SJKF has not been recorded in the project vicinity for many years and it is unlikely that this species could occur onsite at the present time. While the nesting potential for special-status bird species was determined to be low, a number of birds both rare and common could forage or fly over the site. The large trees onsite were inspected and no nest sites were observed, but still could provide nesting opportunities for a variety of birds. No special-status invertebrates have potential to occur onsite. Although the federally Threatened vernal pool fairy shrimp (*Branchinecta lynchi*) has been recorded within five miles of the project site, and the site falls within designated critical habitat for the species, the site did not have any topographic depressions capable of holding water. In addition, the site visit was conducted during a particularly wet period when soils in the Paso Robles region were at peak saturation, and no ponded water was seen outside of stream channels. The listing status, habitat associations and evaluation of occurrence for special status species known to occur in the region are summarized in Appendix D, and additional information for species analyzed as having potential to occur onsite is provided below.

The **northern California legless lizard** (*Anniella pulchra*) is a CDFW Species of Special Concern that occurs in a wide variety of habitat types, but is associated with moist loose soils that it buries into and lives underground. They can be found under surface objects or in leaf litter near the surface when these areas are damp. Suitable habitat for the species is present in the Riparian Scrub and adjacent Riverine habitat onsite outside inundation areas, where they may be present in leaf litter or vegetative debris that has collected around shrubs, and bury into the soft sand. They may also occur in the Blue Oak Woodland onsite, where they can be found under logs and large fallen branches, and during the dry summer they would bury further underground. Northern California legless lizards also occur under artificial objects such as lumber, metal or cardboard sheeting, and other materials that provide a moist environment near the soil surface and although less likely, could occur in the landscaped areas within the Developed/Ruderal areas onsite.

The **western spadefoot** (*Spea hammondi*) is a CDFW Species of Special Concern that was petitioned for listing under the FESA, and in 2015 the USFWS issued a finding that listing may be warranted and currently this species is under review (USFWS 2019b). This amphibian is primarily a terrestrial species that spends most of its life in burrows underground within grassland and open woodland or oak savanna habitats most typically in vernal pool regions. During years with sufficient rainfall to fill the temporary pools where they breed, they emerge in large numbers and complete their reproductive period within a few months. The types of aquatic habitats used for breeding include vernal pools, ephemeral ponds (natural or man-made), stock ponds lacking fish, and streams that dry to isolated pools but may have flow earlier in the winter. The CNDDDB contains a record of two adult spadefoots observed in 2002 along Huerhuero Creek in close proximity to the project site. They are also known to inhabit many farm ponds along the upper reaches of Huerhuero Creek (Christopher 2018), and are probably more widely distributed in the lowlands east of Paso Robles than have been documented owing to the scarcity of years in which conditions are appropriate for breeding and they are detectable. It is not known whether the pools in Huerhuero Creek would have sufficient hydroperiod for their larval period, which is at



minimum 30 days but is generally 8 to 16 weeks (Morey 1998, Christopher 2018). Review of aerial imagery is insufficient to determine whether breeding ponds may be located near the site because most photos of this area were taken during the dry time of year. Therefore, there is a possibility that the western spadefoot may breed in Huerhuero Creek on or adjacent to the project site, and/or may breed in temporary ponds adjacent to the site, and if suitable breeding habitat is located nearby they may also use upland habitats on site for burrowing during periods of inactivity. The sandy soils along Huerhuero Creek and the sandy loam in the Blue Oak Woodland habitat are potentially suitable for spadefoot burrows.

The **tricolored blackbird** (*Agelaius tricolor*) is a Candidate for state Endangered status and is a CDFW Species of Special Concern. This species nests and roosts colonially in freshwater marshes with dense tules, cattails, or blackberry thickets and forages in pastures and other agricultural areas. Nesting colonies have been documented in agricultural ponds surrounding Paso Robles (CDFW 2019a), and there are sightings from the vicinity during the non-breeding period (The Cornell Lab of Ornithology 2019a). Potentially suitable foraging habitat is present onsite in grassland areas onsite, but no nesting or roosting habitat is present on or immediately adjacent to the site.

The **golden eagle** (*Aquila chrysaetos*) is a CDFW Fully Protected species and is also on the CDFW Watch List, which is listed for nesting and wintering habitat, and potentially could fly over and forage onsite. This species forages in open terrain and nests on cliffs, large trees, or structures such as electrical towers. Suitable foraging habitat is present in Non-native Grassland habitat onsite, and while no nest sites were observed, they could potentially nest in the large valley oaks or blue gum eucalyptus as well as on the electrical transmission towers. There are numerous sightings in the surrounding Paso Robles, Creston and Shandon area of golden eagles observed during the winter and breeding season (The Cornell Lab of Ornithology 2019a).

The **great blue heron** (*Ardea herodias*) is listed in the CNDDDB for nesting colonies, but does not have a specific listing status (CDFW 2018a). This species is associated with wetland habitats, but it is occasionally seen foraging in grasslands or agricultural fields away from water. Nesting colonies are near aquatic habitats, where they nest mainly in large trees. Individuals could occur onsite periodically while foraging, but nesting colonies would not utilize the site due to the distance from any lakes, ponds or wetlands.

The **ferruginous hawk** (*Buteo regalis*) occurs in this area only during winter, and has been recorded in the Paso Robles area (The Cornell Lab of Ornithology 2019a). It is on the CDFW Watch List for wintering habitat. This species forages in open areas such as the Non-native Grassland habitat onsite, and the site could be part of its overwintering and foraging habitat.

The **Swainson's hawk** (*Buteo swainsoni*) is state listed as Threatened for nesting, and only occurs in this area during the spring and summer breeding season. There are records from west of Shandon and Templeton, but otherwise it is rare in the Paso Robles area (The Cornell Lab of Ornithology 2019a). It forages in grassland habitats and nests in grasslands with scattered trees. No large stick nests representative of raptors such as the Swainson's hawk were observed onsite. Therefore, it does not appear that nesting habitat is present onsite for this species, but potential foraging habitat is present in Non-native Grassland onsite.

The **northern harrier** (*Circus cyaneus*) is listed by CDFW as a Species of Special Concern for nesting. While this species is somewhat associated with wetland or coastal areas, there are numerous observations from inland areas, including several in close proximity to the project site (The Cornell Lab of Ornithology 2019a). Potential foraging and nesting habitat is present in Non-

native Grassland habitat onsite, especially considering the expanses of open country surrounding the site. They nest on the ground in dense clumps of vegetation, and given the long history of human occupation onsite and equestrian uses, it appears unlikely that this species would nest onsite.

The **white-tailed kite** (*Elanus leucurus*) is considered a Fully Protected species by CDFW for nesting. It has been observed at numerous locations in the site vicinity (The Cornell Lab of Ornithology 2019a). Suitable foraging habitat is present in the Non-native Grassland and Blue Oak Woodland habitats onsite. During the non-breeding season, they roost communally in trees or tall shrubs at the edges of grasslands (The Cornell Lab of Ornithology 2018b); since they occur in this area year-round, roosting could occur in the large trees onsite. Nesting could also occur in the blue oak woodland.

The **prairie falcon** (*Falco mexicanus*) is on the CDFW Watch List for nesting. It has been recorded at numerous locations in the site vicinity (The Cornell Lab of Ornithology 2019a). Suitable foraging habitat is present in Non-native Grassland habitat onsite. Nesting could occur in the large valley oaks or blue gum eucalyptus, as well as the electrical transmission towers.

The **purple martin** (*Progne subis*) is a CDFW Species of Special Concern for nesting. This species is rare in the county, but a nesting colony has been documented in Atascadero Creek for at least the past 20 years (CDFW 2019a). Individuals of this species could potentially forage in the Non-native Grassland, Blue Oak Woodland, and Riverine habitats onsite. Potential nesting habitat is present in the large valley oaks and blue gum eucalyptus, electrical transmission towers or agricultural structures; however, nesting onsite is unlikely due to the rarity of nesting in the vicinity.

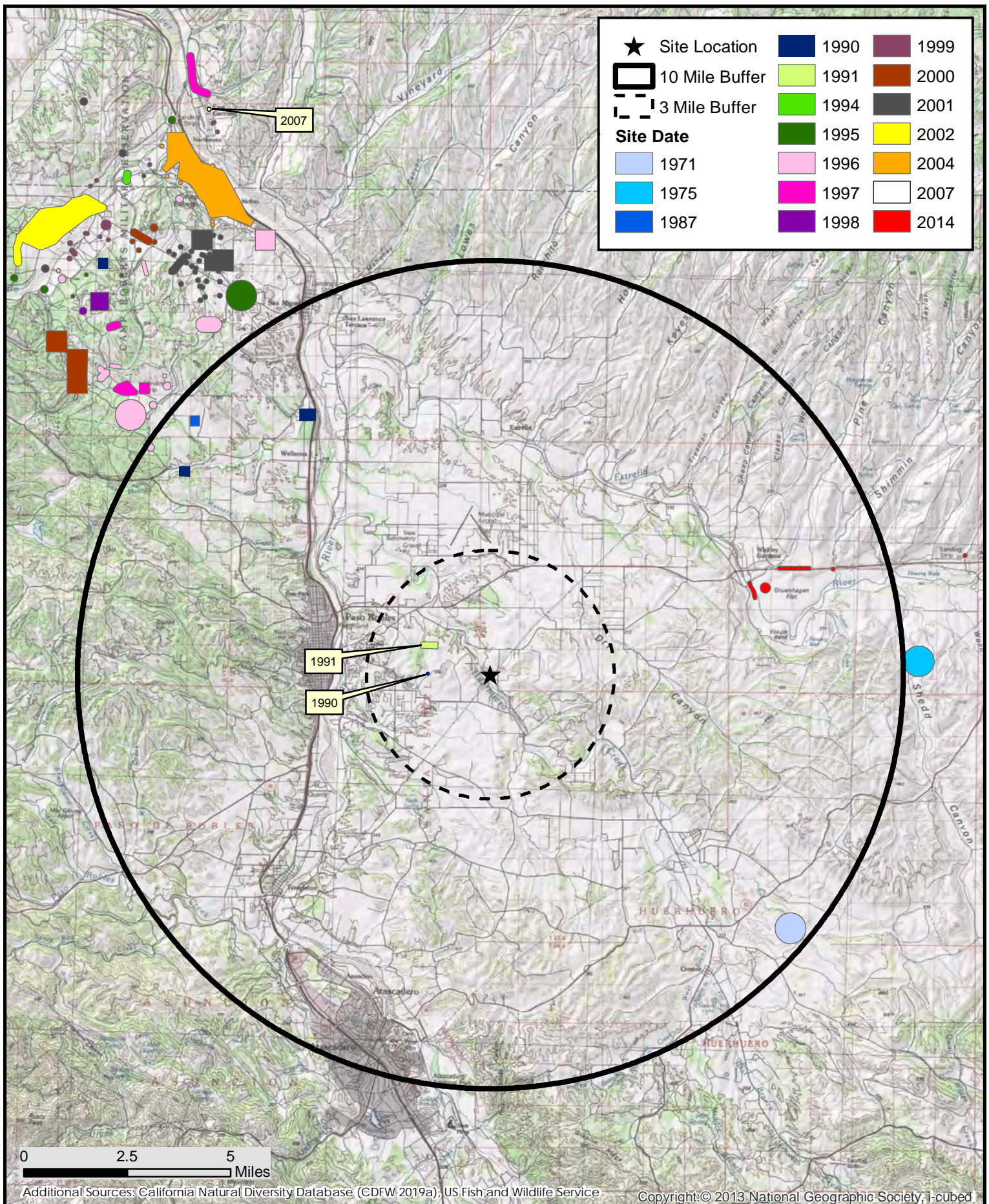
The **pallid bat** (*Antrozous pallidus*) is a CDFW Species of Special Concern. They could forage in any of the habitats onsite. Potential roosting habitat could be present in cavities of large valley oaks or blue gum eucalyptus. Night roosting could occur in the agricultural buildings onsite.

The **San Joaquin pocket mouse** (*Perognathus inornatus*) is listed in the CNDDB but does not have specific listing status (CDFW 2018a). This species occurs in dry open grasslands with sandy soils, such as are present onsite. This species was documented nearby in 1999, at the Estrella River wash (CDFW 2019a). It could occur in the Non-native Grassland, Blue Oak Woodland and Riverine habitats onsite.

The **American badger** (*Taxidea taxus*) is a CDFW Species of Special Concern that occupies open grassland, fields, and the edges of scrub or woodland habitats. They are associated with friable soils in which they dig burrows. Suitable habitat is present in all of the habitats onsite, including the ruderal areas because they tolerate some degree of human disturbance (CDFW 2019c). The sandy loam soils onsite are suitable for burrows, and the Huerhuero Creek portion of the site may provide a suitable habitat corridor for movements through the area.

The **San Joaquin kit fox** (*Vulpes macrotis mutica*; SJKF) is federally Endangered and state Threatened. This species was documented at two locations between the site and Paso Robles (Figure 6) in the early 1990s. In 2014, there were several detections in the Whitley Gardens area, suggesting continued use of the corridor between the Carrizo Plain Core Area and the Salinas and Pajaro river watersheds (Camp Roberts/Fort Hunter Liggett) satellite area (USFWS 1998, 2010). This corridor could include the vicinity of the project site. More information about the potential for the SJKF to occur onsite is discussed in Section 4.0 SJKF Habitat Evaluation below.







### 3.5.6 Designated Critical Habitat

The project site falls within designated critical habitat for the vernal pool fairy shrimp, the Paso Robles Unit 29C (Figure 5). However, no topographic low features representing potential vernal pool basins are present on the site, and the survey was conducted during peak soil saturation and no standing water was present on the property outside of the stream channels. Designated critical habitat for the south-central California coast steelhead (*Oncorhynchus mykiss irideus*) is present along the Salinas River but is not in close proximity to the project site (Figure 5). The onsite streams are not within steelhead critical habitat. No critical habitat has been designated for the SJKF (USFWS 2019b).

### 3.5.6 Migratory Birds and Raptors

There are numerous species of birds with potential to occur onsite that build nests in trees or on the ground and could occur within or adjacent to project impact areas. In addition to the special-status bird species described above, avian species that could nest onsite also include raptors protected under California Fish and Game Code and common species that are protected under the MBTA. These species could occur in any of the habitats onsite, including the Ruderal/Developed areas. For example, house finches (*Haemorrhous mexicanus*) commonly nest in anthropogenic structures, and could nest in the onsite agricultural buildings, and their nests and young are protected under the MBTA. House finches were observed during the April survey around the existing house.

## 4.0 SAN JOAQUIN KIT FOX HABITAT EVALUATION

The purpose of this SJKF habitat evaluation is to characterize the extent of potential SJKF habitat that would be affected by the implementation of the proposed project. The habitat evaluation process is also used to confirm whether the standard mitigation ratio developed by the County is appropriate for this project, and as a basis for coordination with CDFW to determine the final mitigation ratio for the in-lieu fees. The project plans developed by Cody McLaughlin (April 1, 2019; Appendix A) were the basis for this analysis. The project description is detailed in Section 1.1 above.

### 4.1 Methods

This evaluation followed the County's (2002) Guidelines. We also incorporated our knowledge of other SJKF Early Evaluation and Northern Range Protocol Surveys in the area (including Entrada de Paso Robles, Continental Vineyards/Whitley Gardens, and San Miguel Ranch). The CNDDDB was queried for SJKF occurrences within three and ten miles of the site (CDFW 2019a). Kevin Merk conducted field work for this investigation on February 7 and April 4, 2019. The methods for the survey and classification of onsite habitat types are as described above in Section 2.0.

### 4.2 Results and Discussion

The project site lies within an agricultural area of northern San Luis Obispo County with a variety of fields planted in vineyards, dry-farmed grains, irrigated annual crops, and old walnut orchards. Wine grapes are the primary agricultural crop in the surrounding area, and there is associated winery development including tasting rooms, processing buildings, and distribution centers. Rural residential development is dispersed throughout the area. Other dominant habitat types within a ten-mile radius of the project site included Non-native Grassland with patches of Coyote Brush



Scrub; Blue Oak Woodland primarily occurring on north and east facing slopes of steeper rolling hills; patchy willow-cottonwood Riparian Scrub along Huerhuero Creek; and Ruderal (disturbed) areas dominated by weedy vegetation along road edges, adjacent to agricultural fields, within pastures, and surrounding residential and vineyard development. Therefore, contiguous kit fox habitat surrounds the project site.

The immediate area proposed for the cannabis cultivation project is composed of Non-native Grassland with scattered mature valley oaks, and Developed/Ruderal areas consisting of rural residential development, equestrian facilities, electrical transmission corridor, mature blue gum eucalyptus rows and other ornamental trees, unpaved roads, and other site infrastructure. Other habitats on the property consist of Blue Oak Woodland and Riverine habitat with scattered patches of Riparian Scrub along Huerhuero Creek (see Section 3.3 above and Figure 4). During the site survey, evidence of California ground-squirrels (*Otospermophilus beecheyi*), which is a prey species of SJKF, was noted. The fencing currently present along the property boundary is not a barrier to SJKF.

The property is situated approximately two miles east of Paso Robles (measured from existing residential development along Golden Hills Road), within the southern limits of the historic SJKF movement corridor linking a core population on the Carrizo Plain and a satellite population in the Salinas and Pajaro river watersheds (Camp Roberts/Fort Hunter Liggett) (USFWS 1998, 2010). While the Carrizo Plain population remains at sustaining levels, the Camp Roberts population severely declined likely as a result of rabies (White et al. 2000). Considerable habitat has been lost in the corridor area as a result of vineyard development and associated fencing that can be a barrier to SJKF movement. The current status of SJKF in the corridor area is not well understood. There are two records of SJKF from the early 1990s on Chandler Ranch, approximately 1.5 miles west of the project site (CDFW 2019a; Figure 6). Prior to 2014, the only other records within 10 miles of the site were from previous to the early-1990s (Figure 6). In 2014, SJKF scat was confirmed present at four locations in the Whitley Gardens area in which bait stations were erected at former known SJKF locations, and scat was collected and identified to species using DNA analysis. In these situations, SJKF dens and other sign had been documented in the early 1990s, but there were no other detections since then. The bait station/DNA study suggests that SJKF may be present at other locations in the area in which they have not recently been detected by conventional methods. In addition, it also suggests that the eastern Paso Robles corridor may still be in use as a linkage between the Carrizo Plain Core Area and the Camp Roberts satellite area, and the project site falls within this general area. The most recent observation from Camp Roberts is from 2007 (Figure 6). This population declined drastically from 1988 to 1991 and was been thought to possibly be extirpated (White et al. 2000). However, considerable habitat remains in the Salinas and Pajaro river satellite area and infrequent sightings have been reported following that decline; therefore, it is likely that the population remains extant.

The project fencing may restrict SJKF movement through the site, resulting in a reduction of potential migration, foraging and/or denning habitat on portions of the property. The remainder of the property would be free of SJKF barriers and provide potential movement and foraging opportunities for kit fox should they be present in the area. No long-term effects on mortality of SJKF are expected as a result of this project. Implementation of measures to avoid impacts to SJKF such as those detailed in USFWS (2011) *Standardized Recommendations For Protection of the Endangered San Joaquin Kit Fox Prior To Or During Ground Disturbance* and County (2019) *County Guide to San Joaquin Kit Fox Mitigation Procedures under California Environmental Quality Act (CEQA)* would be sufficient to ensure that no take of SJKF occurs pursuant to the FESA or CEQA, and are included as mitigation proposed under this Biological Resources Assessment (Mitigation Measures Bio-1c through 1f).

Based on the completion of the SJKF Habitat Evaluation form, the proposed project as shown on the site plans scored 76 points out of 100. This equates to a 3:1 mitigation ratio since the score is from 70-79 points, and is consistent with the 3:1 mitigation ratio shown on the current San Joaquin Kit Fox Standard Mitigation Ratio Areas map produced by the County (2007). The County will review the information contained herein, and may consult with the CDFW to determine the appropriate amount for the in-lieu fee project. Following the County's review, if an in-lieu fee is required, payment arrangements (\$2,500/acre for the 3:1 mitigation ratio for a total of \$7,500 per acre of impact to grasslands) can be made through the County with either an approved in-lieu fee program or by purchasing credits from an approved conservation bank.

Please refer to the SJKF Habitat Evaluation form included as Appendix E and the site location maps and SJKF occurrence map include as Figure 6 for further information.

## **5.0 IMPACT ANALYSIS AND RECOMMENDED MITIGATION**

The following impact analysis and recommended mitigation measures are intended to help guide project planning efforts and support the CEQA review process. The impact discussion addresses the range of impacts that could result from implementation of the proposed project. Direct effects (or impacts), as defined under CEQA, are caused by a project and occur at the same time and place. Indirect effects are caused by a project, but occur at a different time or place. Cumulative effects are those that result from when the effects of the subject project combine with effects from other unrelated projects to compound environmental harm. The proposed site plan prepared by Cody McLaughlin (Appendix A), along with the observations of onsite conditions from the site visits and evaluation of special-status biological resources provided the basis for this analysis.

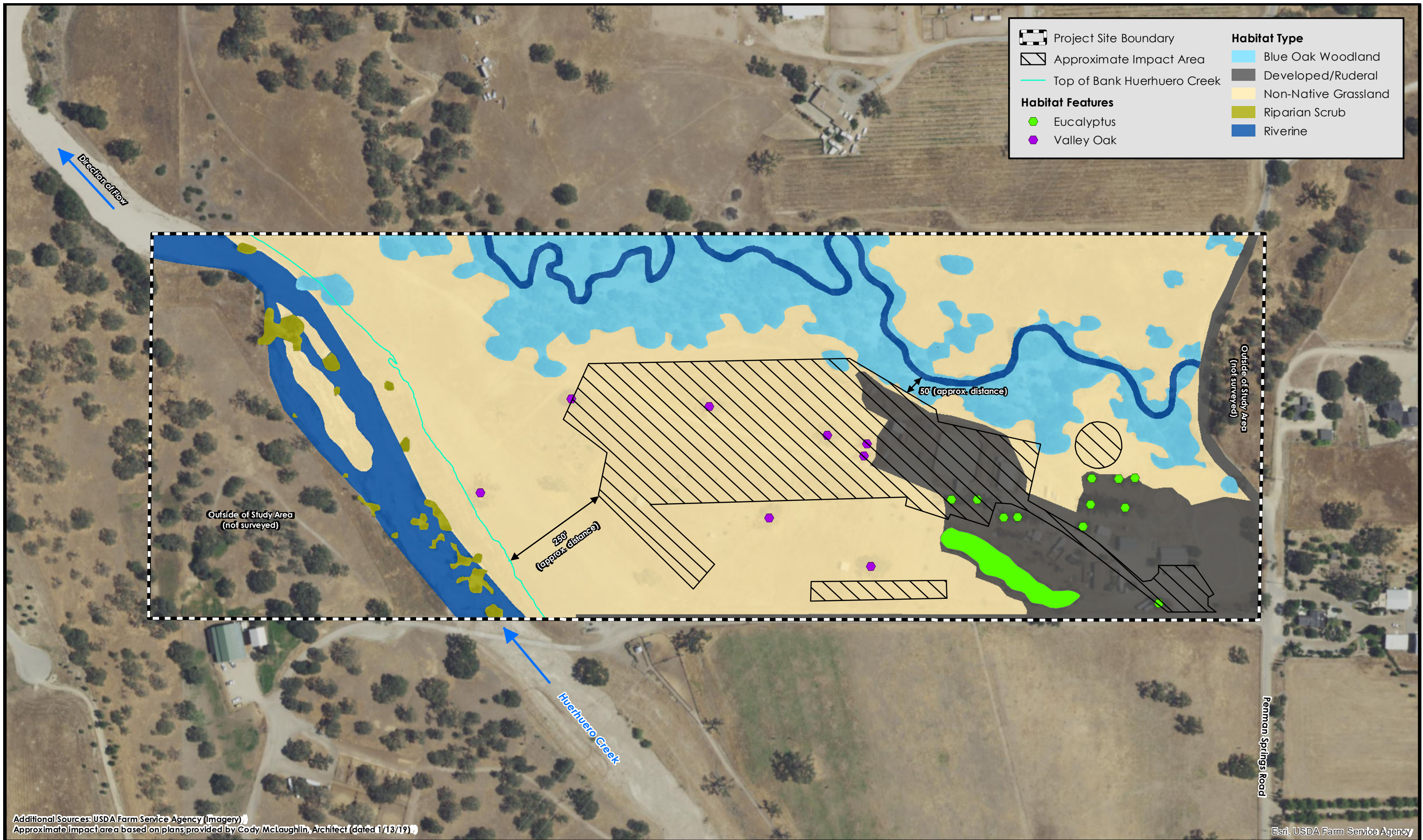
The proposed project would affect approximately 8.2 acres, primarily composed of Non-native Grassland and Developed/Ruderal habitats (Figure 7). A small part of the project may encroach within the dripline of Blue Oak Woodland habitat, and two to three valley oak trees could be removed. Impacts during construction or long-term use of the site may occur within the root zones of other valley oak or blue oak trees. Existing roads, well, electric service and septic would be used and there are no proposed modifications of infrastructure. Impacts would not occur within or adjacent to the onsite streams, and there are no wetland habitats onsite. Construction of the proposed agricultural pond has potential to benefit a variety of wildlife species by providing a water source, increased prey that are associated with aquatic habitats, and potentially wetland habitat if it becomes established in the pond.

### **5.1 Direct and Indirect Effects**

#### **A) Adverse Effects on Candidate, Sensitive or Special-status Species**

Several rare plant and special-status animal species have been observed in the site vicinity and were identified as having potential to occur onsite. Surveys for rare plants confirmed there are no special status plants within the proposed project footprint, and the only potential habitat for a rare plant (i.e., dwarf calycadenia) is within blue oak woodland outside the disturbance area. Designated critical habitat for one animal species, VPFS, is present within the project site, but no habitat elements for VPFS were observed onsite. Nesting birds and raptors could potentially occur in project impact area or in adjacent areas. Impacts of the proposed project could occur on a portion of these wildlife species, as described below, and mitigation measures are proposed to bring these impacts to a level below significance. In addition, standard mitigation measures







(BIO-1f-h) are recommended to reduce a broad range of impacts on plant and animal species and their habitats.

**Impact Bio-1. Construction activities for the Cannabis cultivation project could potentially result in direct impacts to special-status wildlife species. This a significant but mitigable impact.**

The northern California legless lizard and western spadefoot primarily occur underground, and could be within any of the impact area habitats in which ground disturbing activities could cause injury or mortality. Nesting birds and raptors protected under the MBTA and/or California Fish and Game Code could nest in the valley oaks, eucalyptus, agricultural structures and electrical transmission towers. If construction activities took place during the nesting season (February 1 to August 31), nesting behavior could be disrupted or construction disturbance could cause adults to abandon an active nest. The pallid bat could roost in buildings or cavities in trees that are within, or adjacent to, areas where construction activities would occur and their roosting activities could be disrupted or the structures they use for roosting could be disturbed. The San Joaquin pocket mouse, American badger and San Joaquin kit fox could occur in burrows within ground disturbance areas, and individuals could be injured or killed during construction. The following species-specific mitigation measures, as well as the standard mitigation measures (BIO-1f-h) are required to bring project impacts to a less than significant level.

***Mitigation Measure BIO-1a:** Conduct the initiation of construction activities outside of the nesting season.* All initial site disturbance should be limited to the time period between September 1 and January 31, if feasible. If initial site disturbance such as vegetation removal (including tree removal or trimming) and soil disturbance cannot be conducted during this time period, implementation of Mitigation Measure BIO-1b is required.

***Mitigation Measure BIO-1b:** Conduct a pre-construction nesting bird survey.* If it is not possible to schedule the initiation of construction between September 1 and January 31, a qualified biologist shall conduct a pre-construction survey for nesting birds within 250 feet of project impact areas. The pre-construction survey shall be conducted a minimum of seven days before the initiation of construction activities in any given area of the project site, and repeated prior to start of construction in a new area of the site. During this survey, the qualified biologist shall inspect all potential nest substrates in the impact and buffer areas, and any nests identified will be monitored to determine if they are active. If no active nests are found, construction may proceed. If an active nest is found within 50 feet (250 feet for raptors) of the construction area, the biologist, in consultation with CDFW if needed, shall determine the extent of a buffer to be established around the nest. The buffer will be delineated with flagging, and no work shall take place within the buffer area until the young have left the nest, as determined by the qualified biologist.

***Mitigation Measure BIO-1c:** Conduct a wildlife pre-construction survey.* A pre-construction survey for all special-status amphibian, reptile, and mammal species shall be conducted within seven days prior to the commencement of initial vegetation removal, site grading and/or excavation. If work commences in different areas at different times, a separate pre-construction survey shall be conducted before the start of work in each area. A qualified biologist shall inspect underneath any objects such as lumber, boards, logs, rocks, stored construction materials, and brush piles for wildlife species that may be present in impact areas. All trees and structures that may provide roosting habitat for bats shall be inspected for guano or other signs of roosting. If roosting bats are found and the roosting habitat is to be disturbed by the project, the biologist shall monitor the site at night until all bats have left the roost, then cover the structure with netting or plug cavities to



prevent the bats from returning. The qualified biologist shall also search for burrows or dens, and if found, additional measures shall be implemented to determine whether these structures are active such as the use of wildlife cameras, scopes, track plates, or similar methods. Den surveys shall follow the *Standardized Recommendations for Protection of the SJKF Prior To or During Ground Disturbance* (USFWS 2011). This protocol states that the entire project site be surveyed plus a 200-foot buffer. All dens, and their status, shall be mapped and a report submitted to the County within five days after completion of the survey and prior to the start of ground-disturbing activities. If any active or potential dens are found, or any SJKF are observed, work can proceed only after the appropriate authorizations have been received by the USFWS and CDFW. Additional mitigation measures for the SJKF are detailed in Mitigation Measures BIO-1d and 1e below. If any CDFW Species of Special Concern are found, they shall be monitored until they leave the project impact area, after which work may proceed.

***Mitigation Measure BIO-1d: Conduct biological monitoring during initial vegetation removal and site grading.*** To minimize effects on special-status species that can occur underground, a qualified biologist shall be present onsite to monitor all initial vegetation removal, excavation or any other ground disturbance. The biologist shall stand at a safe distance and use binoculars to monitor earth-moving activities for animals that may be uncovered during the work. The biologist shall have the authority to stop the work should any special-status wildlife species be found, and work can commence only after these individuals have left the work area. If any SJKF are found, the USFWS and CDFW must be notified immediately and work cannot proceed until appropriate permits are received from these agencies.

***Mitigation Measure BIO-1e: Implement County SJKF mitigation procedures.*** The current standard SJKF mitigation measures by the County (2019), or any updates to these measures, are required as summarized below:

- A qualified biologist shall conduct a pre-construction survey (as described under Mitigation Measure BIO-1d);
- A qualified biologist shall conduct a Worker Environmental Awareness Training program, including measures to minimize impacts to SJKF (as described in BIO-1f below);
- SJKF protection measures shall be included on project plans;
- Require maximum 25 mph at project site during construction;
- All construction activities must cease at dusk;
- All excavations deeper than two feet must be covered at the end of each day, or an escape ramp must be installed;
- Pipe, culverts or similar structures must be inspected before burying, capping or moving;
- Food-related trash must be removed from the project site;
- If pesticides or herbicides are used, they must be used according to local, state, and federal regulations to prevent secondary poisoning of SJKF; and
- If a SJKF is discovered at any time in the project area, all construction must stop and the CDFW and USFWS be contacted immediately, and all appropriate permits must be obtained before the project can proceed.

### **Standard Biological Mitigation Measures**

In addition to the special-status species mitigation measures described above, implementation of the following general mitigation measures will reduce impacts on all protected biological resources during construction.

*Mitigation Measure BIO-1f: Prepare and present a Worker Environmental Awareness Program.* A qualified biologist shall prepare a Worker Environmental Awareness Program that will be presented to all construction personnel and employees before any ground-disturbing activities commence at the project site. This program shall detail the measures undertaken during project implementation to avoid and minimize impacts on biological resources. It shall include a description of special-status species potentially occurring on the project site and their natural history; the status of the species and their protection under the FESA, CESA, Bald and Golden Eagle Protection Act, MBTA, and California Fish and Game Code; and the penalties for take. All attendees of the Worker Environmental Awareness Program shall sign an attendance form.

*Mitigation Measure BIO-1g: Observe construction standard operating and Best Management Practices (BMPs).* The following standard practices are recommended to reduce various project impacts on biological resources.

- a. Prior to the start of construction, the limits of disturbance shall be clearly delineated by stakes, construction fencing, flags, or another clearly identifiable system.
- b. All pipes, metal tubing, or similar materials stored or stacked on the project site for one or more overnight periods shall be either securely capped before storage or thoroughly inspected for wildlife before the materials are moved, buried, capped, or otherwise used. In addition, materials such as lumber, plywood, and rolls of silt fence stored on site shall be thoroughly inspected before use. Materials that could provide shelter/nesting habitat for birds shall be covered with netting or other exclusion methods during the nesting season, where feasible and appropriate, to prevent birds from building nests. If encountered, wildlife shall be allowed to escape unimpeded, or relocated by a qualified biologist to a designated appropriate habitat area away from construction activities. Any wildlife relocations shall be authorized as necessary by CDFW and/or USFWS.
- c. To prevent entrapment of wildlife, all excavations (e.g., steep-walled holes or trenches) more than 6 inches deep shall be covered with plywood or similar materials when not in use or contain escape ramps constructed of dirt fill, wooden planks, or other material that wildlife could ascend. The amount of time trenches or other excavations are left open shall be minimized. All excavations more than 6 inches deep shall be inspected daily prior to the start of construction and immediately before being covered or filled. Any wildlife discovered shall be allowed to escape unimpeded before construction activities resume or shall be relocated by an authorized biologist in accordance with CDFW and/or USFWS regulations.
- d. Dust suppression shall occur during construction activities when necessary to meet air quality standards and protect biological resources. Dust control is an important component to minimize impacts on native vegetation growing on or adjacent to the site. BMPs for dust abatement shall be a component of the project's construction documents.
- e. To minimize disturbance, all construction vehicle traffic shall be restricted to established roads, construction areas, and other designated areas.
- f. No vehicles or equipment shall be refueled within 100 feet of streams (including offsite areas) unless a bermed and lined refueling area is constructed. No vehicles or construction equipment shall be stored overnight within 100 feet of these areas unless drip pans or ground covers are used. Spill kits shall be maintained on the site, and a spill response plan shall be in place.
- g. No concrete washout shall be conducted on the site outside of an appropriate containment system.
- h. The use of chemicals, fuels, lubricants, or biocides shall follow all local, state, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation.

- i. All food-related trash items (e.g., wrappers, cans, bottles, food scraps), small construction debris (e.g., nails, bits of metal and plastic), and other human-generated debris (e.g., cigarette butts) shall be stored in animal-proof containers and/or removed from the site on a weekly basis. No deliberate feeding of wildlife shall be allowed.

***Mitigation Measure BIO-1h:*** Install appropriate erosion controls and revegetate graded areas. All areas where temporary construction-related impacts have taken place shall have appropriate erosion controls and other stormwater protection BMPs installed to prevent erosion potential. As part of the local approval process, a Sediment and Erosion Control Plan may be required that specifically seeks to protect the drainages and wetland and riparian habitat adjacent to the construction area. Silt fencing, straw bales, sand bags, fiber rolls and/or other types of materials shall be prescribed in the plan, as appropriate, to prevent erosion and sedimentation. Biotechnical approaches using native vegetation shall be used as feasible. Areas with disturbed soils shall be restored using native species. Methods may include recontouring areas to blend in with existing natural contours, covering the areas with salvaged topsoil containing native seedbank from the site, and/or applying the native seed mix described in Table 1 to the graded areas through either direct hand seeding or hydroseeding methods.

**Table 1. Native Grassland Erosion Control Seed Mix**

Species	Application Rate (lbs/acre)
<i>Bromus carinatus</i> (California brome)	5
<i>Hordeum brachyantherum</i> (meadow barley)	5
<i>Vulpia microstachys</i> (six weeks fescue)	3
<i>Stipa pulchra</i> (purple needle grass)	10
<i>Trifolium wildenovii</i> (tomcat clover)	5
<b>Total</b>	<b>28</b>

**Impact Bio-2. Construction of the Cannabis cultivation project will result in the loss of potential habitat of the SJKF. This a significant but mitigable impact.**

In addition to the measures described above in BIO-1c through 1f to avoid or minimize take of SJKF, the County has a process for CEQA mitigation requirements for discretionary projects that occur in the SJKF habitat area, in which the project site is located. These requirements include mitigation for the loss of SJKF habitat either by: 1) establishing a conservation easement onsite or off-site in a suitable location and providing a non-wasting endowment for management and monitoring of the property in perpetuity; 2) depositing funds into an approved in-lieu fee program; or 3) purchasing credits in an approved conservation bank in the county. Because the project site is less than 40 acres in size, and within the 3:1 mitigation ratio zone, payment of the in-lieu mitigation fee may be the most feasible mitigation option for loss of SJKF habitat.

***Mitigation Measure BIO-2:*** Apply the County of San Luis Obispo's SJKF Habitat Evaluation process to determine appropriate mitigation for loss of habitat. The SJKF Habitat Evaluation for this project is presented in Section 4.0 above. As described above, fencing for the outdoor cultivation area would be a barrier to SJKF, and result in the loss of approximately 6.2 acres of non-native annual grassland that could provide potential dispersal, foraging and/or denning habitat. The County SJKF Habitat Evaluation process resulted in a score for the project of 76, which translates to a 3:1 mitigation ratio. The County standard mitigation ratio for the area in which the project site lies is 3:1 (County 2007). Consultation with the County and CDFW will be required to finalize the area required for SJKF mitigation. Based on this analysis, the ruderal or developed parts of the



property do not provide habitat for SJKF, and therefore, it would be appropriate to mitigate impacts to approximately 6.2 acres of non-native annual grassland at the 3:1 mitigation ratio.

**Impact Bio-3. Construction of the Cannabis cultivation project will take place in potential foraging and/or roosting habitat of special-status bird and mammal species. This is considered a less than significant impact.**

A number of birds could potentially occur on a transitory basis and forage in the Non-native Grassland habitat in which the hoop houses, greenhouses and shade structure would be constructed. Similarly, the pallid bat and American badger could also occur in the grassland habitat while moving through the area and foraging. The fencing required to be installed around the outdoor cannabis cultivation areas is expected to be a barrier to medium-sized mammals, such as the American badger. The amount of Non-native Grassland habitat that is expected to be lost or altered by the project is approximately 6.2 acres. Some of these species also have the potential to forage or roost in Developed/Ruderal habitat. However, Developed/Ruderal areas will not change via project implementation in a way that would affect these wildlife uses of the property - the rural residential nature of the property with non-native planted trees and outbuildings will essentially remain the same, and the minor additions or changes planned for this area would have no effect on the special-status wildlife species that potentially use this area. The loss of approximately 6.2 acres of Non-native Grassland habitat that supports a low prey base would not be considered a significant impact, especially considering the amount of habitat that will remain within the property and in surrounding areas. Potentially two to three valley oak trees that could provide nesting or roosting habitat may be removed, and considering the number of valley oaks, eucalyptus, and blue oak trees that will remain on the property, the loss of habitat represented by several trees that have already been pruned excessively due to their proximity in the transmission powerline corridor is negligible. Because there would be no significant effects of habitat loss on special-status birds or mammals, no mitigation is needed beyond the pre-activity clearance surveys identified above. Removal of oak trees would require replanting at a 4:1 mitigation ratio in an area to be preserved in perpetuity.

**Bio Impact 4. Construction of the Cannabis cultivation project will affect Non-native Grassland and potentially encroach into the outer dripline of the Blue Oak Woodland habitat. This is considered a less than significant impact.**

The project impact areas include approximately 6.2 acres of Non-native Grassland and possibly minor encroachment of less than 0.1 acre into the outer dripline of Blue Oak Woodland habitat. Grassland plant communities are common throughout the region, and are not considered sensitive plant communities by the CDFW. Additionally, the grassland habitat onsite is disturbed by horse grazing and trampling, resulting in areas with bare soils and non-native weedy vegetation. No rare plants were located in these areas, and no ground squirrel colonies representing a prey base for larger mammals and raptors was present. In addition, temporarily impacted areas will be stabilized and revegetated as described above. Blue Oak Woodland habitat overlaps small areas of the fence line along the northern part of the impact area (Figure 7), but it is not expected that any blue oaks will be removed. The fence would be constructed under the edge of the canopy of these trees. Additionally, Blue Oak Woodland has a state rarity rank of S4 and therefore is not evaluated under CEQA. The loss of a relatively small amount of common Non-native Grassland habitat would be considered a less than significant impact pursuant to CEQA, and no mitigation would be required.

### B) Adverse Effects on Riparian Habitat or Sensitive Natural Communities

The Riparian Scrub habitat is present outside of the project impact area, and there is a roughly 300-foot buffer (Figure 7) from the proposed cultivation activities. Because the proposed project does not occur in this habitat there would be no direct effects, and due to the ample distance of the buffer, there would be no indirect effects on Riparian Scrub.

Project elements have generally been planned away from the valley oaks, but there are two to three trees planned for removal within the proposed footprint of the outdoor cultivation area (Appendix A). While other trees are within the fenced impact area, their functions for wildlife habitat will remain. They will continue to produce acorns as a source of food, and provide structure for roosting and nesting. Additionally, the outdoor cultivation areas, hoop houses and greenhouses are temporary structures that could easily be removed if the site was no longer to be used for cannabis cultivation. Therefore, there would be no impact on Riparian habitat or sensitive natural communities.

### C) Federally Protected Wetlands

No wetland habitat is present on the property, and there are no basins or swales that would collect water and could potentially support wetland vegetation during years with normal to above-average rainfall. Project impact areas are buffered from the Riverine habitat in Huerhuero Creek by roughly 300 feet with 250 feet measured from top of bank. The unnamed tributary will be buffered by at least 50 feet. With the incorporation of BMPs described in Mitigation Measure BIO-1g and revegetation of temporarily disturbed areas described in Mitigation Measure BIO-1h, there would be no impacts to stream habitats where wetlands could potentially occur in the future, including those potentially occurring in offsite areas. Because there will be no impact on wetlands or other jurisdictional habitats, no mitigation is required.

### D) Interference with Movement of Native Fish or Wildlife, Wildlife Corridors, and Wildlife Nursery Sites

The two streams onsite are too ephemeral to support fish, and no project elements would be conducted within or near these watercourses. With the incorporation of BMPs described in Mitigation Measure BIO-1g and revegetation of temporarily disturbed areas described in Mitigation Measure BIO-1h, there would be no impacts of sedimentation on streams that could affect fish movement, including those potentially occurring in offsite areas. Because there will be no impact on movement of native fish, no mitigation is required.

In compliance with the County cannabis ordinance, the project proposes to install fencing around the outdoor cultivation area, encompassing approximately 6.2 acres of non-native grassland habitat. It is expected that the type of fencing to be used would be a barrier or impede movement of medium- to large-sized mammals. Potential impacts to SJKF movements and loss of habitat within their dispersal corridor have been described, and mitigation to reduce those effects to a level below significance, in Section 4.0, Impact Bio-2, and Mitigation Measure BIO-2. Mitigation prescribed herein for SJKF is expected to benefit other wildlife species that occur in similar habitat, as well. Additionally, the northern portion of the site in which Blue Oak Woodland occurs along the unnamed tributary, and the areas including and surrounding Huerhuero Creek along the western portion of the site will remain unimpacted. This will maintain potential wildlife movement corridors through the site in both east-west and north-south directions.

No wildlife nursery sites are expected to occur within project impact areas, which are primarily Non-native Grassland and Developed/Ruderal. Potential project impacts on nesting birds or roosting bats have been described, and mitigation to reduce any effects to a level below significance, in Mitigation Measures BIO-1a, 1b, and 1c. The majority of the site will be undisturbed and retain current wildlife uses for movement or nursery sites. Because any potential impacts on movement of native wildlife, wildlife corridors or wildlife nursery sites have already been addressed by mitigation measures for special-status species and will bring any project effects to a level below significance, no further mitigation is required.

#### E) Conflicts with Local Policies or Ordinances, Such as Tree Preservation

The County of San Luis Obispo adopted an Oak Woodland Ordinance (Chapter 22.58) on April 11, 2017, effective May 11, 2017. This ordinance prohibits clear-cutting (removal of more than one acre of contiguous trees) within an oak woodland and on slopes  $\geq 30$  percent, without an exemption or permit. Exemptions include clearance required by CalFire or otherwise creating a fire break; trees that are diseased or dead; trees creating a hazardous condition; residential development; public utility work; and, tree removal for establishing fence lines. A minor Use Permit is required for clear-cutting 1-3 acres of oak woodland over a 10-year period, and a Conditional Use Permit is required for clear-cutting more than 3 acres over a 10-year period (County 2017). Property owners who want to remove less than one acre of oak woodland (defined as a grouping of trees where the dominant species is blue oak, coast live oak, interior live oak, valley oak, and California black oak) are required to file an Oak Woodland Tree Removal Form with the Department of Planning and Building or by obtaining the services of a qualified biologist to prepare an Oak Woodland Management Plan (County 2019b). Removal of individual Heritage Oaks, which are individuals of any of the oak species listed above 48-inches diameter at breast height (DBH) or greater and separated from oak woodland habitat by at least 500 feet, can be authorized under a Minor Use Permit (County 2017). This ordinance does not apply to the removal of individual oak trees (except for Heritage oaks), woodland thinning, or tree trimming, which can be conducted without a permit (County 2019b).

The project proposes to remove two to three valley oak trees that are not considered to be Heritage Oaks because they appear to be less than 48 inches DBH and located away from Blue Oak Woodland habitat. No Blue Oak Woodland is proposed to be removed. Therefore, there are no conflicts with the County Oak Woodland Ordinance and no additional mitigation beyond the replacement planting of valley oak trees at a 4:1 ratio would be required.

#### F) Conflicts with Local, Regional or State Conservation Plans

The project site is not in an area subject to a Habitat Conservation Plan, Natural Community Conservation Plan or other such habitat conservation plan; therefore, no conflict would occur. Because there would be no conflicts with local, regional or state conservation plans, no mitigation is required.

## **5.2 Cumulative Effects**

The proposed project would affect a relatively small amount (approximately 6 acres) of a common habitat type (grassland) that exists in a somewhat degraded state from its use as an equestrian area. While there is wildlife habitat value to the area, construction of the project is not expected affect the habitat value of the area overall. The biological resources onsite with the highest habitat value are the Blue Oak Woodland and Huerfuerro Creek corridor, which are outside of the project impact area and will provide linkage across the site to natural habitats in adjoining areas. In



addition, the valley oaks and eucalyptus within the project site will continue to provide habitat for wildlife after the project is implemented, with the exception of one valley oak tree that would be removed. No sensitive natural communities, designated critical habitat, wetlands, riparian areas, or streams would be affected by the project, either directly or indirectly. Mitigation has been prescribed for potential impacts on special-status species that would bring project effects below the level of significance. Although the area in the vicinity of the project site has lost habitat value by conversion to large tracks of vineyard and associated winery development, there are patches of wildlife habitat and corridors for movement interspersed in this area. The project site will retain a large expanse of wildlife habitat that would be unaffected by the project, and which is contiguous with natural habitats on adjacent properties. Because there would be no effects of the project in the context of the site's importance in the overall area, the project would not contribute to cumulative effects of other non-federal projects planned in the area.

## 6.0 CONCLUSIONS

The proposed project involves cannabis cultivation on a site in rural northern San Luis Obispo County that has been used as an equestrian facility and rural residential uses. The site plan proposes outdoor cultivation areas, greenhouses, and hoop houses (which are considered to be temporary structures) in a disturbed Non-native Grassland habitat area. Proposed buildings and infrastructure for the project are planned within an area already developed for rural residential and equestrian uses. The project site occurs within the historic movement corridor of the SJKF, but no kit foxes have been detected within three miles of the project site within the past 28 years. The project footprint occurs in some grassland habitat, and potential SJKF habitat that would be lost as a result of the project is approximately 6.2 acres. Mitigation described herein addresses both the potential for take of individual kit foxes and the loss of their habitat. Other species-specific mitigation measures have been prescribed herein to reduce impacts on special-status wildlife to a level below significance. Pre-activity clearance surveys and standard construction mitigation measures, including BMPs, are also prescribed to reduce any potential project effects in general. With the incorporation of these mitigation measures, no impacts of the project would potentially be significant.

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# **APPENDIX A**

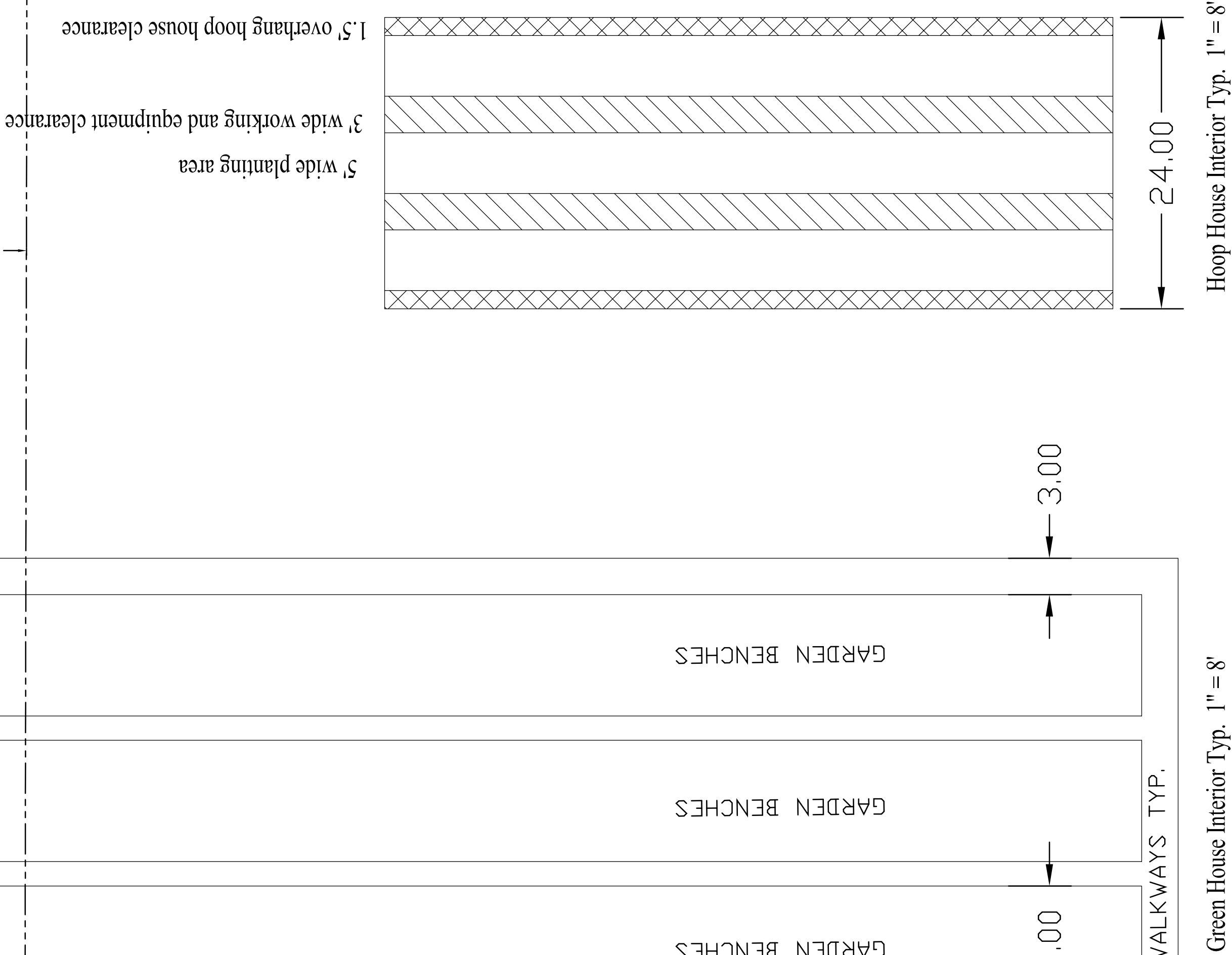
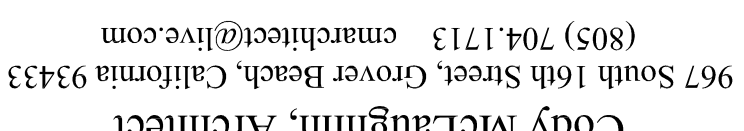
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## **Site Plans**







	Proposed Outdoor Cultivation Item	Square Footage Proposed	Cultivation Category	Acres
1	Outdoor Area with Hoop Houses (H1)	64,000	48,000	1.10
2	Outdoor Area with Hoop Houses (H2)	9,600	7,200	0.17
3	Outdoor Area with Hoop Houses (H3)	9,600	7,200	0.17
4	Outdoor Area with Hoop Houses (H4)	9,600	7,200	0.17
5	Outdoor Area with Hoop Houses (H5)	25,000	25,000	0.57
6	Outdoor Area with Hoop Houses (H6)	25,000	25,000	0.57
7	Outdoor Area (no hoop houses) (C)	10,000	10,000	0.23
	<b>Total</b>	<b>147,200</b>	<b>124,600</b>	<b>2.86</b>

Notes: **All Nursery areas are for self-supporting ancillary use.			
8	Greenhouses (H6)	28,800	22,000
	<b>Total</b>	<b>28,800</b>	<b>22,000</b>

	Proposed Indoor Cultivation Item	Square Footage Proposed	Cultivation Category	Acres
9	Nursery Area***	Square Footage Proposed		
10	Nursery Area Greenhouse	3,000		
11	Nursery Area Greenhouse	3,600		
12	Nursery Area Greenhouse 3 @ 4,000 Sq. Ft.	12,000		
13	Nursery Area Greenhouses 4 @ 3,000 sq. Ft.	12,000		
	<b>Total</b>	<b>34,600</b>		

	Other Items Used / Proposed for Cannabis	Square Footage Proposed
15	Existing Ag Building – for drying only	2,575
16	Proposed Processing/Offical/Drying (Metal Building)	3,200
17	Proposed Sea Inn Storage (Pesticides)	620
18	Existing Storage (equipment/fuel) & Drying	1,320
19	Existing Storage (Nutrients)	365
20	Proposed Trash/Recycle/compost Area	1,000
21	Proposed Compost Vessel Area	4,400
22	Existing Shade structure Proposed Water storage	400
23	Existing Shade structure Proposed Water storage(removed)	400
24	Existing Shade structure Proposed Water storage	400
25	Existing Shade structure Proposed Water storage	400
26	Well water tank	100
27	Existing Parking area (20 spaces @ 8 x 18')	2,880
28	Existing Carport / Handicap Parking	9,000
29	Proposed Ag Pond	200
	<b>Total</b>	<b>29,760</b>

	Other Items Existing Onsite - NOT Used for Cannabis	Square Footage
30	Existing Residence (#1)	1850
31	Existing Residence (#2)	350
	<b>Total</b>	<b>2,200</b>
	<b>Project Total</b>	<b>241,160</b>

	Other Items Existing Onsite TO BE REMOVED	Square Footage
	Existing Ag Building	3,777
	Existing Area	11,360
	<b>Total</b>	<b>15,137</b>

Property Owner/Applicant

Owner: SLOCAL Roots Farms  
7731 Suey Creek Road, Santa Maria, CA 93454  
(415) 837.3957

**Architect:** Cody McLaughlin  
967 South 16th Street, Grover Beach, California 93433  
(805) 704.1713

APN: 020-161-009

No grading proposed

### Utilities:

Water	Well	(Existing)
Sewer	Septic	(Existing)
Internet	Exede Satellite Internet	(Existing)

**(E) Eucalyptus**

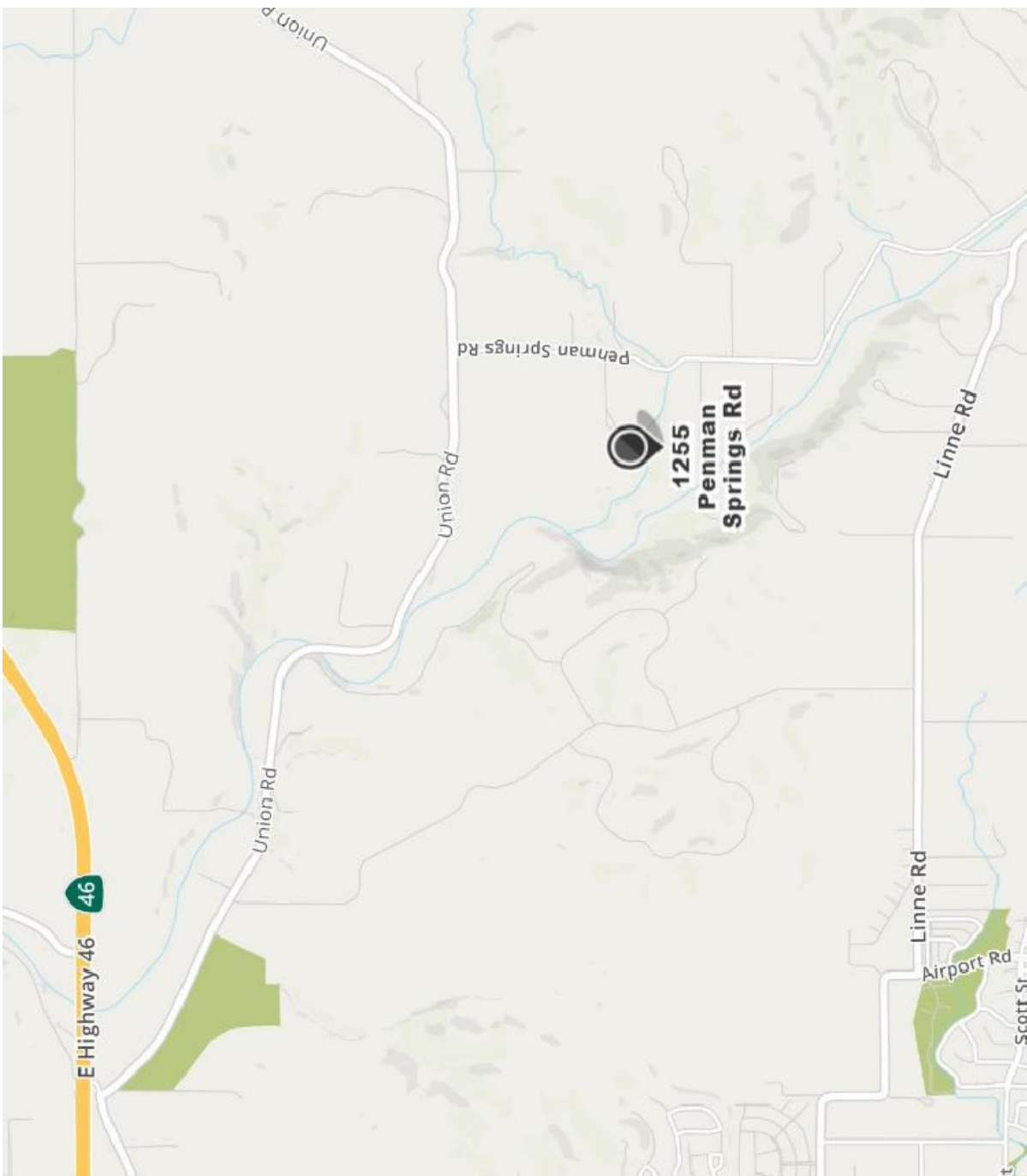
 (E) Oak Tree

Water Tank

⒫ 20 parking spaces (8'x18') decomposed granite surface

Ⓛ (N) Security Lighting

Generator



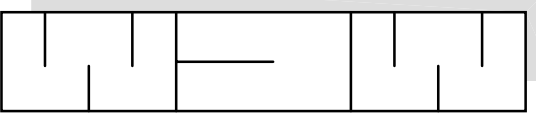
### Vicinity Map





Site Plan and Project Data

Cody McLaughlin, Architect  
967 South 16th Street, Grover Beach, California 93433  
(805) 704.1713 cmarthitec@live.com

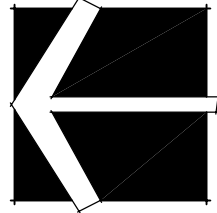


Property Owner/Applicant  
Owner: SLOCAI Roots Farms  
7731 Slay Creek Road, Santa Maria, CA 93454  
(415) 837.3557  
Architect: Cody McLaughlin  
967 South 16th Street, Grover Beach, California 93433  
(805) 704.1713

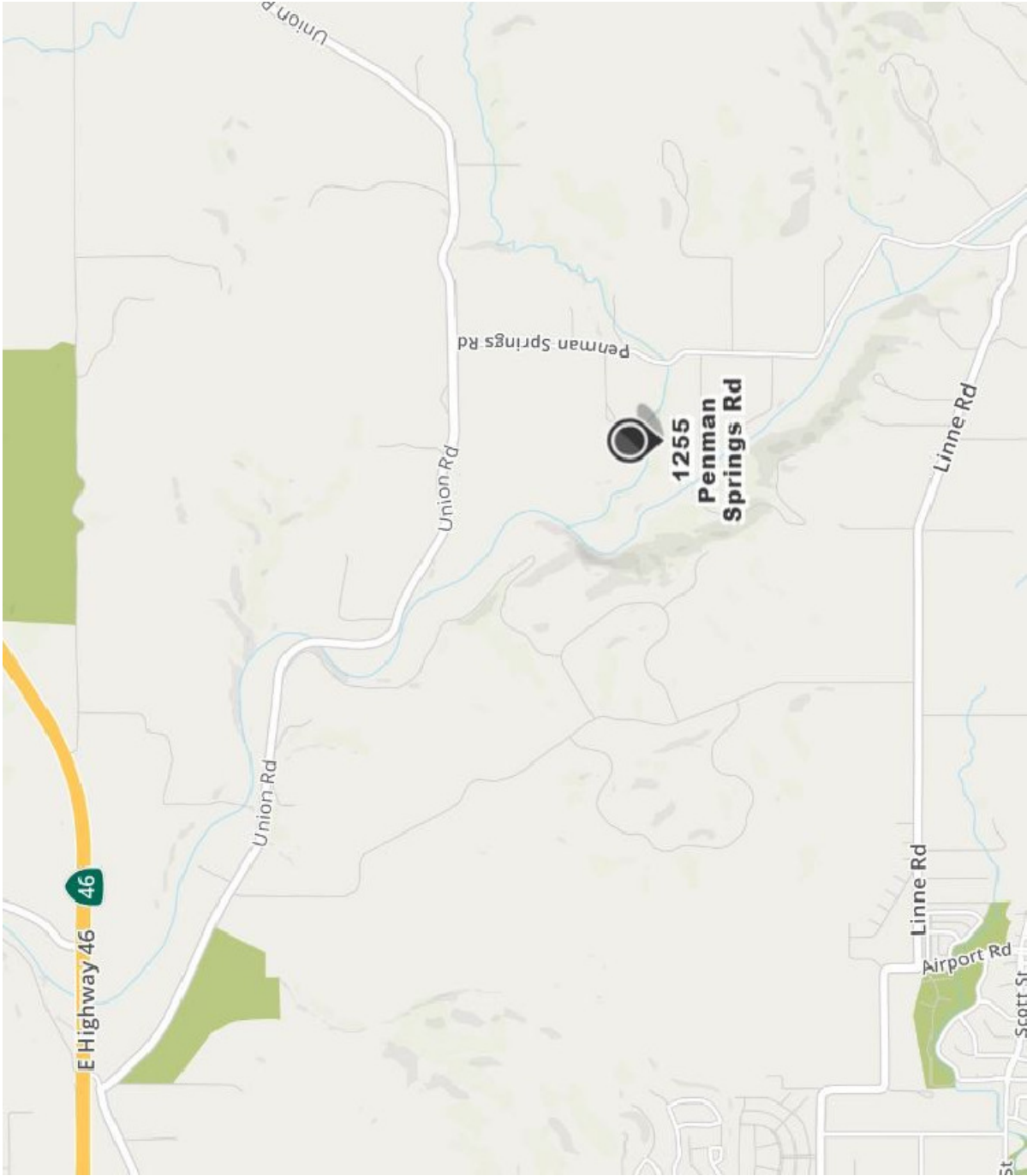
APN: 020-61-009  
No grading proposed

Utilities:  
Water (Existing)  
Well (Existing)  
Internet (Existing)  
Excelsat Satellite Internet (Existing)

- (E) Eucalyptus
- (E) Oak Tree
- Water Tank
- 20 parking spaces (8'x18') decomposed granite surface
- (N) Security Lighting
- Generator



A0.2  
1 April 2019



Vicinity Map

#	Proposed Outdoor Cultivation Item	60	Square Footage Proposed	Cultivation Canopy	Area
1	Outdoor Area with Hoop Houses (#1)		64,000	4,000	1,100
2	Outdoor Area with Hoop Houses (#2)		9,600	2,000	0.17
3	Outdoor Area with Hoop Houses (#3)		9,600	2,000	0.17
4	Outdoor Area with Hoop Houses (#4)		9,600	2,000	0.17
5	Outdoor Area (no hoop houses) (a)		25,000	25,000	0.57
6	Outdoor Area (no hoop houses) (b)		20,000	20,000	0.46
7	Outdoor Area (no hoop houses) (c)		10,000	10,000	0.23
Total			147,800	124,600	2.86

Notes: \*\*24' wide hoop houses have (2) 3' wide walkways for working and equipment clearance. Hoop House Canopy= 75%

#	Proposed Indoor Cultivation Item	Square Footage Proposed	Cultivation Canopy
8	Greenhouses (#1)	28,800	22,000
Total		28,800	22,000

Notes: \*\*Indoor cultivation will not exceed 22,000 sq ft \*see floor plan

#	Proposed Indoor Cultivation Item	Square Footage Proposed
9	Nursery Area Greenhouse	3,600
10	Nursery Area Greenhouse	3,600
11	Nursery Area Greenhouse 3 @ 4,000 Sq. Ft.	12,000
12	Nursery Area Greenhouses 4 @ 3,000 Sq. Ft.	12,000
13	Nursery Area Greenhouses 4 @ 3,000 Sq. Ft.	12,000
Total		34,800

Notes: \*\*All Nursery areas are for self-supporting ancillary uses.

#	Other Items Used / Proposed for Cannabis	Square Footage Proposed
15	Existing Ag Building — for drying only	2,575
16	Proposed Processing/Office/Drying (Metal Building)	6,000
17	Proposed Storage (Equipment/Fuel) & Drying	320
18	Existing Storage (Equipment/Fuel) & Drying	1,320
19	Proposed Compost Area	1,000
20	Proposed Compost Waste Area	4,400
21	Existing Shade structure Proposed Water storage	400
22	Existing Shade structure Proposed Water storage (moved)	400
23	Existing Shade structure Proposed Water storage	400
24	Existing Shade structure Proposed Water storage	400
25	Well water tank	100
26	Existing parking area (20 spaces @ 8'x18')	3,600
27	Existing parking area (20 spaces @ 8'x18')	3,600
28	Existing parking area (20 spaces @ 8'x18')	3,600
29	Proposed Ag Pond	9,000
Total		29,740

#	Other Items Existing Onsite - NOT Used for Cannabis	Square Footage
30	Existing Residence (#1)	1850
31	Existing Residence (#2)	350
Total		2,200

Project Total		241,140
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#	Other Items Existing Onsite - TO BE REMOVED	Square Footage
32	Existing Ag Building	3,772
33	Existing Arena	11,360
Total		15,132





1255 Penman Springs Road  
Paso Robles, California

Paso Robles, California

Property Owner/Applicant

Owner: SLOCAL Roots Farms  
7731 Suev Creek Road, Santa Maria, CA 93454

Architect: Cody McLaughlin  
967 South 16th Street, Grover Beach, California 93433  
(805) 704.1713

APN: 020-161-009

No grading proposed

### Utilities:

Water	Well	(Existing)
Sewer	Septic	(Existing)
Internet	Exede Satellite Internet	(Existing)

(E) Eucalyptus

 (E) Oak Tree

Water Tank

Ⓟ 20 parking spaces (8'x18') decomposed granite surface

Ⓛ (N) Security Lighting

Generator

#	Prepared Outdoor Cultivation from	Square Footage	Saturation Score	Ares
1	Prepared Outdoor Cultivation from			1,10
2	Outdoor Area with Hoop houses (F1)	64,000	9,600	48,000
3	Outdoor Area with Hoop houses (F2)		9,600	7,200
4	Outdoor Area with Hoop houses (F3)		9,600	7,200
5	Outdoor Area with Hoop houses (F4)		9,600	7,200
6	Outdoor Area (no hoop houses) (a)	25,000	25,000	0.37
7	Outdoor Area (no hoop houses) (b)	10,000	10,000	0.23
8	Outdoor Area (no hoop houses) (c)	10,000	10,000	0.23
	Total	147,800	124,600	2.86

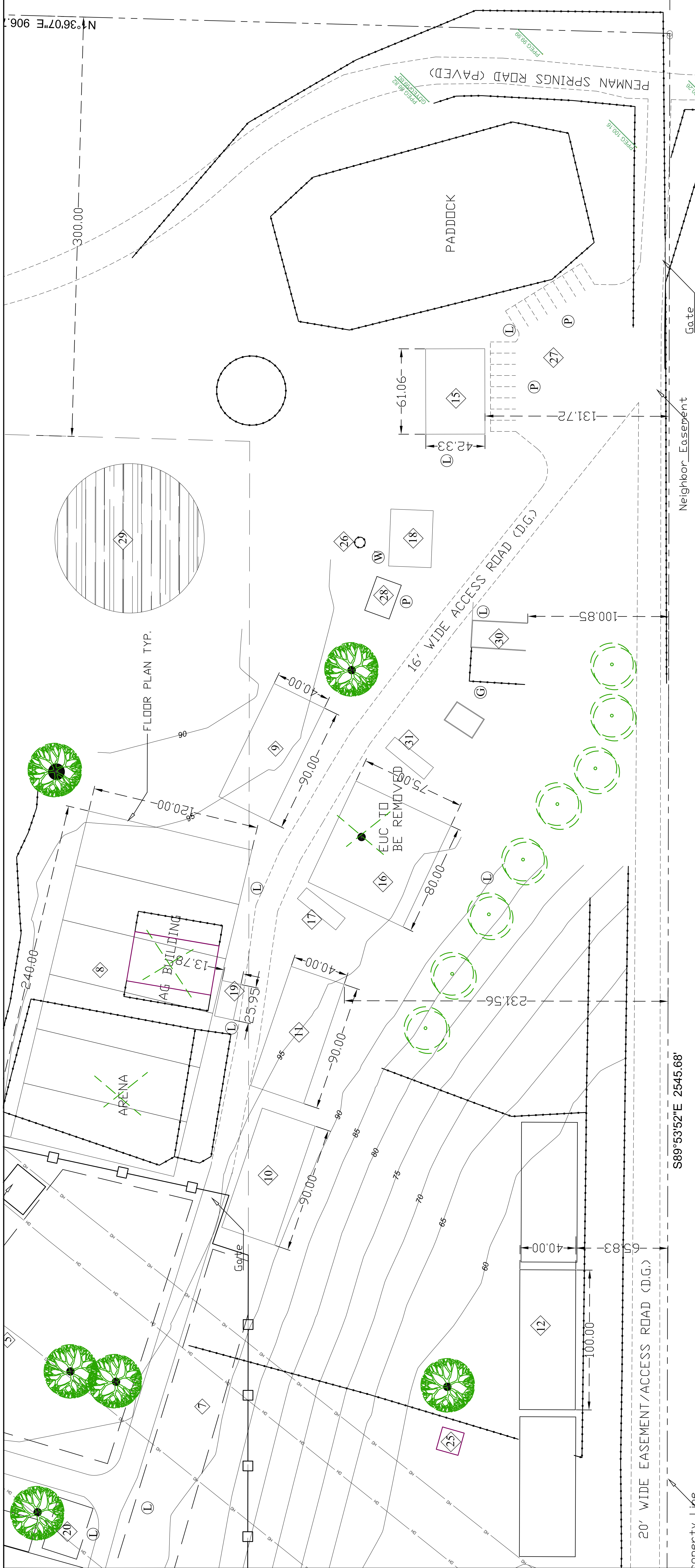
#	Proposed Indoor Cultivation Item	Square Footage Proposed	Cultivation Canopy
8	Greenhouses (#F)	28,800	22,000
	<b>Total</b>	<b>28,800</b>	<b>22,000</b>

#	Nursery Area <sup>***</sup>	Square Footage Proposed
9	Nursery Area Greenhouse	3,600
10	Nursery Area Greenhouse	3,600
11	Nursery Area Greenhouse	3,600
12	Nursery Area Greenhouse 3 @ 4,000 Sq. Ft.	12,000
13	Nursery Area Greenhouses 4 @ 3,000 sq. Ft.	12,000

#	Other Items Used / Proposed for Cannabis	Square Footage Proposed
15	Existing Air Conditioning unit	2,575
16	Proposed Air Conditioning unit (Metal Building)	6,000
17	Proposed Processing Office/office (Metal Building)	300
18	Proposed Sea train Storage (Pesticides)	1,200
19	Existing Storage (Equipment) & Drying	365
20	Existing Storage (Nutrients)	1,200
21	Proposed Trash/Recycle/compost Area	1,000
22	Proposed Compost Waste Area	4,400
23	Existing Shade structure/ Proposed Water storage	400
24	Existing Shade structure/ Proposed Water storage(moved)	400
25	Existing Shade structure/ Proposed Water storage	400
26	Existing Shade structure/ Proposed Water storage	400
27	Well water tank	100
28	Existing Parking area (20 spaces @ 8'x18')	2,880
29	Existing Corridor / Handicap Parking	200
30	Proposed A/P Pond	9,000
Total:		79,560

#	Other Items Existing Onsite -/NOT Used for Cannabis	Square Footage
30	Existing Residence (#1)	1850
31	Existing Residence (#2)	350

Project Total	241,160
<b>Other Items Existing Onsite TO BE REMOVED</b>	
Existing Ag Building	Square Footage
Existing Arena	3,772
	11,360
<b>Total</b>	<b>15,132</b>



## Site Plan and Project Data

Cody McLaughlin, Architect  
967 South 16th Street, Grover Beach, California  
(805) 704-1313, [cmclaughlin@att.net](mailto:cmclaughlin@att.net)

Cody McLaughlin, Architect  
967 South 16th Street, Grover Beach, California  
(805) 704-1313, [cmclaughlin@att.net](mailto:cmclaughlin@att.net)



## **APPENDIX B**

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### **List of Plants and Animals Observed During the Site Visits**



**Appendix B – List of Plants and Animals Observed Onsite During the Site Visit**

Scientific Name	Common Name
<b>Plants</b>	
<i>Achillea millefolium</i>	Yarrow
<i>Acmispon wrangelianus</i>	Chilean trefoil
<i>Amsinckia intermedia</i>	Common fiddleneck
<i>Avena barbata</i> *	Slender wild oats
<i>Baccharis pilularis</i>	Coyote brush
<i>Baccharis salicifolia</i>	Mulefat
<i>Brassica nigra</i> *	Black mustard
<i>Bromus diandrus</i> *	Ripgut brome
<i>Bromus hordeaceus</i> *	Soft chess
<i>Bromus madritensis ssp. rubens</i> *	Red brome
<i>Capsella bursa-pastoris</i> *	Shepherd's purse
<i>Carduus pycnocephalus</i> *	Italian thistle
<i>Castilleja attenuata</i>	Valley tassels
<i>Castilleja exserta ssp. exserta</i>	Purple owl's clover
<i>Centaurea solstitialis</i> *	Yellow star thistle
<i>Chlorogalum pomeridianum</i>	Curly leaved soaproot
<i>Claytonia perfoliata</i>	Miner's lettuce
<i>Corethrogyne filaginifolia</i>	Corethrogyne
<i>Crassula connata</i>	Sand pygmy
<i>Cupressus sempervirens</i> *#	Italian cypress
<i>Dichelostemma capitatum</i>	Blue dicks
<i>Eriophyllum confertiflorum</i>	Yellow yarrow
<i>Erodium botrys</i> *	Storksbill
<i>Erodium cicutarium</i> *	Redstem filaree
<i>Eucalyptus spp.</i> *#	Eucalyptus
<i>Festuca perennis</i> *	Italian rye grass
<i>Gilia clivorum</i>	Purple spot gilia
<i>Hirschfeldia incana</i> *	Summer mustard
<i>Hordeum murinum ssp. leporinum</i> *	foxtail
<i>Lamium amplexicaule</i> *	Henbit
<i>Lavendula sp.</i> *#	Lavender
<i>Lepidium nitidum</i>	Pepper grass
<i>Lomatium utriculatum</i>	Hog fennel
<i>Lupinus bicolor</i>	Bicolored lupine
<i>Malva neglecta</i> *	Dwarf mallow
<i>Marrubium vulgare</i> *	White horehound
<i>Matricaria discoidea</i> *	Pineapple weed
<i>Medicago polymorpha</i> *	Burclover
<i>Pinus sp.</i> *#	Pine – horticultural specimen in landscape
<i>Plagiobothrys nothofulvus</i>	Rusty haired popcorn flower
<i>Plantago erecta</i>	California plantain
<i>Plantago lanceolata</i> *	English plantain
<i>Populus fremontii</i>	Fremont cottonwood
<i>Prunus spp.</i> *#	Apple/plum (various fruit trees)
<i>Quercus douglasii</i>	Blue oak
<i>Quercus lobata</i>	Valley oak
<i>Rosmarinus officianalis</i> *#	rosemary





Scientific Name	Common Name
<i>Salix exigua</i>	Narrowleaf willow
<i>Symphoricarpos albus</i>	Common snowberry
<i>Vulpia myuros</i> *	Rat-tail fescue
<b>Animals</b>	
<i>Buteo jamaicensis</i>	Red-tailed hawk (flyover)
<i>Canis latrans</i>	Coyote
<i>Cathartes aura</i>	Turkey vulture (flyover)
<i>Haemorhous mexicanus</i>	House finch
<i>Otospermophilus beecheyi</i>	California ground-squirrel
<i>Tyrannus verticalis</i>	Western kingbird
<i>Zenaida macroura</i>	Mourning dove

\*Non-native species

#Planted in developed areas

## **APPENDIX C**

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### **Photo Plate**



**Appendix C. Photo Plate**

**Photo 1.** View from the center of the property looking southwest across Non-native Grassland habitat with scattered valley oaks (*Quercus lobata*). The easement road along the southern boundary of the property is seen in the background.



**Photo 2.** View from the western third of the site looking northwest, with Huerhuero Creek in the distance, and Non-native Grassland in the foreground with scattered coyote brush (*Baccharis pilularis*).





**Photo 3.** View from the hill above Huerhuero Creek looking easterly over grassland and blue oak woodland interface. Powerline corridor near cultivation area is in the distance.



**Photo 4.** View from near the center of the site at the edge of the Developed/Ruderal area looking west, showing scattered valley oaks in the Non-native Grassland habitat where cultivation is proposed.





**Photo 5.** Blue Oak Woodland habitat in the northern portion of the property, with Non-native Grassland understory.



**Photo 6.** Representative view of the unnamed tributary in the north part of the site. It's a narrow ephemeral feature traversing the Blue Oak Woodland.





**Photo 7.** Riverine habitat in Huerhuero Creek, looking downstream (northwest), with project impact areas to be located in upland areas to the south. Fremont cottonwood (*Populus fremontii*) mapped as Riparian Scrub can be seen in the distance.



**Photo 8.** Additional view of patchy Riparian Scrub in Huerhuero Creek, and a valley oak on the right. Old fence generally follows top of bank in this part of the site.





**Photo 9.** Developed/Ruderal habitat in the southeastern portion of the site, looking east. Rows of large Eucalyptus trees have been planted among the agricultural structures.



**Photo 10.** Overview of the rural residential developed areas in the southeastern portion of the property. Horse corrals, stables and several arenas are also present.





**Photo 11.** View from the center of the property looking north, showing Ruderal habitat associated with past equestrian use and the electrical transmission towers.



**Photo 12.** View from the eastern end of the property looking north across Ruderal habitat with large Eucalyptus trees and equestrian facilities. Site plans show a potential pond located in the lower part of the terrace.

## **APPENDIX D**

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### **Special-status Biological Resources Recorded From the Project Vicinity**





### Appendix D. Special-status Biological Resources Recorded in the Site Vicinity

Scientific Name	Common Name	Fed	CA	CA Rare Plant Rank	Habitat	Probability of Occurrence / Site Suitability / Observations
<b>PLANTS</b>						
<i>Antirrhinum ovatum</i>	oval-leaved snapdragon	—	—	4.2	Annual herb; chaparral, cismontane woodland, pinon & juniper woodlands, valley & foothill grassland; 200-1000 meters; blooms May to November.	<b>Unlikely.</b> Suitable grassland habitat is present onsite but species is generally found along the eastern edge of the county. Low potential to occur onsite and no plants were observed that resembled snapdragons in their vegetative state.
<i>Arctostaphylos pilosula</i>	Santa Margarita manzanita	—	—	1B.2	Evergreen perennial shrub; occurs in closed-cone coniferous forests, broadleafed upland forest, cismontane woodland, and chaparral on shale, decomposed granite or sandstone; ranges from 170 to 1100 meters in elevation; blooms December to May.	<b>Not expected.</b> No suitable habitat or soils are present and perennial shrub would have been seen during the surveys. Not expected to occur.
<i>Astragalus didymocarpus</i> var. <i>milesianus</i>	Miles' milk-vetch	—	—	1B.2	Annual herb; occurs in coastal scrub on clay soils; ranges from 20 to 90 meters in elevation; blooms March to June.	<b>Not expected.</b> The site is outside the elevational range and local distribution of the species and coastal scrub habitat does not occur onsite. No expected to occur.
<i>Calycadenia villosa</i>	dwarf calycadenia	—	—	1B.1	Annual herb; occurs in chaparral, cismontane woodland, valley and foothill grassland, meadows and seeps on rocky, sandy or gravelly soils; ranges from 240 to 1,130 meters in elevation; blooms May to October.	<b>Potential.</b> Suitable oak woodland habitat as well as sandy soils are present. Grassland that has been grazed and is proposed for Cannabis cultivation is dominated by weedy species and does not appear suitable. Could occur in oak woodland habitat outside of project disturbance footprint, but low probability due to predominance of weedy species.

Scientific Name	Common Name	Fed	CA	CA Rare Plant Rank	Habitat	Probability of Occurrence / Site Suitability / Observations
<i>Camissoniopsis hardhamiae</i>	Hardham's evening-primrose	—	—	1B.2	Annual herb; occurs in disturbed or burned areas, chaparral and cismontane woodland on sandy soils or decomposed carbonate; ranges from 140 to 945 meters in elevation; blooms March to May.	<b>Unlikely.</b> Although oak woodland habitat is present onsite, no burned areas in chaparral are present. This species has been observed along burned chaparral areas with gravelly soils in the Highway 58 corridor and it is unlikely that this species occurs onsite.
<i>Castilleja densiflora</i> var. <i>obispoensis</i>	San Luis Obispo owl's clover	—	—	1B.2	Annual herb; occurs in meadows, seeps, and valley and foothill grassland sometimes on serpentine; ranges from 10 to 400 meters in elevation; blooms March to May.	<b>Not expected.</b> Suitable grassland habitat is present and the site was searched for this species in April during its peak bloom period. Only common <i>Castilleja</i> species ( <i>C. exserta</i> and <i>C. attenuata</i> ) were observed.
<i>Caulanthus lemmonii</i>	Lemmon's jewelflower	—	—	1B.2	Annual herb; pinyon and juniper woodland, and valley and foothill grassland; ranges from 80 to 1,220 meters in elevation; blooms March to May.	<b>Not expected.</b> Suitable grassland habitat is present and the site was searched for this species in April during its peak bloom period, and no <i>Caulanthus</i> species were observed.
<i>Chorizanthe rectispina</i>	straight-awned spineflower	—	—	1B.3	Annual herb; occurs in chaparral, cismontane woodland, coastal scrub habitats, and frequently disturbed areas on granitic sand; ranges from 85 to 1035 meters in elevation; blooms April through July.	<b>Not expected.</b> While oak dominated habitat is present and the site is within the elevational range of the species, no granitic sandy soils are present onsite. Not expected to occur onsite.
<i>Eriastrum luteum</i>	yellow-flowered eriastrum	—	—	1B.2	Annual herb; occurs in broad-leaved upland forest, chaparral, cismontane woodland in sandy or gravelly soils; ranges from 240 to 1000 meters in elevation; blooms May to June.	<b>Potential.</b> Suitable habitat is present in oak woodland areas and sandy soils are present. Typically found at higher elevations but has been recorded at elevations similar to the site. Although surveys did not observe any plants resembling this species, it could occur onsite in oak woodland areas outside the proposed Cannabis cultivation project site.



Scientific Name	Common Name	Fed	CA	CA Rare Plant Rank	Habitat	Probability of Occurrence / Site Suitability / Observations
<i>Horkelia cuneata</i> var. <i>puberula</i>	mesa horkelia	—	—	1B.1	Perennial herb; chaparral, cismontane woodland, and coastal scrub on sandy or gravelly soils; ranges from 70 to 810 meters in elevation; blooms February to September.	<b>Not expected.</b> Suitable oak woodland habitat and sandy soils are present, but the site is slightly outside the variety's local distribution. No coastal scrub habitat present, and surveys searched for this species and it was not observed.
<i>Juncus luciensis</i>	Santa Lucia dwarf rush	—	—	1B.2	Annual herb; chaparral, Great Basin scrub, lower montane coniferous forest, meadows and seeps, and vernal pools; ranges from 300 to 2,040 meters in elevation; blooms April to July.	<b>Not expected.</b> Suitable habitat is not present, the site is outside the elevational range of the species, and the only nearby record is from 1958 and the locality is imprecise. Not expected to occur onsite.
<i>Lepidium jaredii</i> ssp. <i>jaredii</i>	Jared's pepper-grass	—	—	1B.2	Annual herb; valley & foothill grassland on sandy or adobe soils; 335 to 1005 meters in elevation; blooms April to May.	<b>Not expected.</b> The site is outside of the elevational and geographic range of the subspecies. The only record in the area is from the late 1800s and is imprecise. All known records are from the eastern edge of the county. Not expected to occur onsite.
<i>Navarretia nigelliformis</i> ssp. <i>radians</i>	shining navarretia	—	—	1B.2	Annual herb; occurs in cismontane woodland, valley and foothill grassland habitat, and vernal pools sometimes in clay; 65-1000 meters in elevation; blooms March to July.	<b>Not expected.</b> Suitable oak woodland and grassland habitats are present onsite and the site is within the species' elevational range and local distribution. The April survey searched for this species and it was not located, therefore it is not expected to occur onsite.

\*E = Endangered; T = Threatened; '—' = no status; Rank 1B – Rare or endangered in California and elsewhere; Rank 2A – Presumed extirpated in California, but more common elsewhere; Rank 2B – Rare or endangered in California, but more common elsewhere; Rank 4 – Limited distribution (Watch List). Sources: Hoover (1970); California Natural Diversity Database (California Department of Fish and Wildlife 2019a); Special Vascular Plants, Bryophytes, and Lichens List (California Department of Fish and Wildlife 2018a); Inventory of Rare and Endangered Plants of California (California Native Plant Society 2019); Information on Wild California Plants for Conservation, Education, and Appreciation (Calflora 2019).

SENSITIVE NATURAL COMMUNITIES	
Arroyo Willow Riparian Forests and Woodlands	<b>Not expected.</b> No arroyo willow trees or shrubs are present onsite, and although patchy riparian scrub is present, it is dominated by mulefat and Fremont cottonwood.
Fremont Cottonwood Riparian Forest and Woodlands	<b>Not expected.</b> Although Fremont cottonwood are present, flooding removes vegetation and prevents riparian woodland or forest vegetation from developing. Riparian woodland is dominated by trees and contains an understory of shrubs and forbs. Riparian scrub habitat consists of young trees and shrubs, mixed with grasses and herbs.
Coastal Valley and Freshwater Marsh	<b>Not expected.</b> No wetland vegetation is present onsite. Flooding, redistribution of substrate, and lack of pools in Huerhuero Creek prevent emergent vegetation from becoming established. The unnamed tributary onsite appears to have insufficient moisture to support wetland species.
Native Bunchgrass Grassland	<b>Not expected.</b> No native bunchgrass species were observed during the site survey, and past grazing disturbance reduces the chance that these perennial species could occur
Valley Oak Woodland	<b>Not expected.</b> Isolated valley oaks are present on the property and do not constitute valley oak woodland.
Vernal Pool	<b>Not expected.</b> The site does not contain clay soils, and the survey was conducted during the peak of soil saturation and no standing water was onsite.

Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
INVERTEBRATES						
<i>Bombus crotchii</i>	Crotch bumble bee	—	—	—	Inhabits grasslands and scrub, especially hot and dry areas. It nests underground. Food plants include milkweed, lupine, phacelia, sage, clarkia, poppy, and buckwheat.	<b>Unlikely.</b> Suitable habitat is present onsite in grassland habitat, but was dominated by non-native grasses and no potential food plants were seen. Little information available about local distribution - most recent record is from 1968. Low potential to occur onsite.

Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
<i>Branchinecta lynchi</i>	vernal pool fairy shrimp	T	—	—	Endemic to vernal pools in grasslands of central coast mountains and valleys; inhabits small clear-water depressions, pools and swales lacking flow. Needs standing water for at least 16 days to complete its lifecycle.	<b>Not expected.</b> No topographic depressions capable of holding water were seen. Site visit was conducted during peak of saturated soils in the vicinity, and no ponded water was seen onsite outside of stream channels. Does not occur in flowing water. Not expected to occur onsite.
<i>Linderiella occidentalis</i>	California linderiella	—	—	—	Seasonal pools or vernal pools in grasslands or in sandstone depressions. Can occur in very small pools and are heat tolerant.	<b>Not expected.</b> No topographic depressions capable of holding water were seen. Site visit was conducted during peak of saturated soils in the vicinity, and no ponded water was seen onsite outside of stream channels. Does not occur in flowing water. Not expected to occur onsite.
<i>Polyphylla nubila</i>	Atascadero June beetle	—	—	—	Sandy habitats in annual grassland habitat with blue elderberry.	<b>Unlikely.</b> Sandy soils are present along Huerhuero Creek, but blue elderberry does not occur. Low probability to occur onsite.
<i>Trimerotropis occulens</i>	Lompoc grasshopper	—	—	—	Associated with pale rocky or gravelly soils.	<b>Unlikely.</b> Although potentially suitable soils are present, the only record in the area is from 1909 and has an imprecise locality. Generally found outside of this area. Low potential to occur onsite.
<b>AMPHIBIANS/REPTILES</b>						
<i>Actinemys pallida</i> (=Emys marmorata)	southwestern pond turtle (=western pond turtle)	—	—	SSC	Ponds, lakes, rivers, streams, marshes, brackish lagoons, and irrigation ditches with a mosaic if vegetation and open areas for basking. Uses upland areas for nesting and in winter, including woodland, forest, grassland, chaparral, and grasslands.	<b>Not expected.</b> The onsite streams have insufficient hydroperiod and depth to support this species, and no suitable aquatic habitats were seen on aerial imagery nearby and thus unlikely to occur during upland habitat use or movements. Not expected to occur onsite.



Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
<i>Anniella pulchra</i>	northern California legless lizard	—	—	SSC	Beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, oak woodland, and stream terraces with riparian vegetation. Fossorial species requires moist, loose soils with plant cover or surface objects (rocks, boards, logs, etc.).	<b>Potential.</b> Suitable habitat is present in sandy loose soils along the Huerhuero Creek terraces in close proximity to riparian scrub, blue oak woodland. While rocky soils and areas disturbed by agriculture or other human uses are not suitable for legless lizards, they may be found in loose friable soils under objects along the outer perimeter of rural residential development. Could occur outside existing developed areas onsite.
<i>Rana draytonii</i>	California red-legged frog	T	—	SSC	Forages and breeds in streams with deep slow-moving pools, stock ponds, reservoirs, springs, lagoons, and marshes; usually with emergent or riparian vegetation but also found at sites lacking vegetation. Uses riparian and various upland habitats in winter and for dispersal.	<b>Not expected.</b> The onsite streams have insufficient hydroperiod and depth to support this species, and no suitable aquatic habitats were seen on aerial imagery nearby and thus unlikely to occur during upland habitat use or movements. Not expected to occur onsite.
<i>Spea hammondi</i>	western spadefoot	—	—	SSC	Occurs in grassland and open woodland/savanna habitats where it primarily occupies underground burrows; breeds in vernal pools, ephemeral ponds, stock ponds lacking fish, and streams that dry to isolated pools.	<b>Potential.</b> Could breed in Huerhuero Creek or the unnamed tributary onsite, and burrow in any of the upland habitats immediately adjacent to these drainage features. CNDDDB lists a record from Huerhuero Creek from 2002. Could occur onsite.
<b>BIRDS</b>						
<i>Agelaius tricolor</i>	tricolored blackbird	—	CE	SSC	Forages in a variety of habitats including pastures, agricultural fields, rice fields, and feedlots where they feed on invertebrates and seeds. Nests in freshwater marshes with tules or cattails, or in other dense vegetation such as thistle and blackberry thickets in close proximity to open water. Occurs year-round in this area.	<b>Unlikely.</b> Potential foraging habitat is present, but no suitable freshwater marsh habitat with tules or cattails is present for nesting or roosting. While species has been recorded at several locations within five miles of the project site, no suitable nesting habitat was observed in the vicinity. Individuals could occur onsite periodically while foraging or moving through the area, but nesting would not occur.

Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
<i>Ammodramus savannarum</i>	grasshopper sparrow	—	—	SSC	Forages in grasslands, prairies, hayfields, and open pastures with little scrub cover and some bare ground where they prey on grasshoppers and other invertebrates. Nests on the ground at the base of clumps of grass within a large patch of tall grass. Occurs in this area during breeding season.	<b>Unlikely.</b> Potential foraging and nesting habitat are present in grassland habitat onsite, but rarely found in the Salinas Valley and generally restricted to the coast or Central Valley. Low probability to occur onsite as a rare transient.
<i>Aquila chrysaetos</i>	golden eagle (nesting & wintering)	—	—	FP, WL	Uncommon resident of mountainous and valley-foothill areas. Foraging typically occurs in open terrain where they prey on small mammals. Nesting usually occurs on cliff ledges, and less commonly in large trees or on structures such as electrical towers. Occurs year-round in this area.	<b>Unlikely.</b> Potential foraging habitat is present in grassland habitat onsite, and species is not expected to nest onsite due to regular human presence and existing development. No large stick nests were observed in onsite trees or electrical transmission towers that could be used by golden eagle. Unlikely to nest onsite.
<i>Ardea herodias</i>	great blue heron (nesting colony)	—	—	—	Freshwater and saltwater marshes, also foraging in grasslands and agricultural fields. Nesting colonies are near lakes, ponds and wetlands bordered by forests. Nests are placed mainly in trees, but may also nest on the ground, in bushes or artificial structures. Occurs year-round in this area.	<b>Unlikely.</b> Individuals may occur periodically while foraging, but no marsh habitat is present so they are unlikely to remain long or nest in the large trees onsite. Would only be expected to occur onsite as a transient.
<i>Buteo regalis</i>	ferruginous hawk (wintering)	—	—	WL	Open country such as grasslands, sagebrush, saltbush shrubland, and edges of pinyon-juniper forest where they prey on small mammals. Nests on lone trees, cliffs, utility poles, and shrubs from ground-level to 65-foot high. Occurs in this area during winter.	<b>Unlikely.</b> Marginal foraging habitat is present in the grassland areas onsite, but does not nest in this area. Could occur onsite as an uncommon transient foraging during winter months.
<i>Buteo swainsoni</i>	Swainson's hawk (nesting)	—	T	—	Forages in grasslands or grain fields supporting rodent populations. Nests in grasslands with scattered trees, juniper-sage flats, riparian areas, savannas, & agricultural or ranch lands with groves or lines of trees. Occurs in this area in the breeding season and migrates to South America in winter.	<b>Unlikely.</b> Marginal foraging habitat is present in the grassland. No large stick nests observed onsite that could be used by this species. Known to occur in the Shandon area along Highway 46, and it is possible that this species could occur onsite during migration/foraging periods.

Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
<i>Circus cyaneus</i>	northern harrier (nesting)	—	—	SSC	Large areas of wetlands and grasslands with low vegetation where they prey on small mammals, amphibians, reptiles and birds. Nesting is in marshes, grazed meadows, and desert shrubland where they nest on the ground in a dense clump of vegetation such as willows, grasses, sedge, bulrushes or cattails. Occurs year-round in this area.	<b>Unlikely.</b> Marginal foraging habitat is present in grassland areas onsite due to low prey base. Regular human presence and past horse boarding makes it unlikely that species would nest in grasslands. Could occur onsite during foraging or movement activities.
<i>Elanus leucurus</i>	white-tailed kite (nesting)	—	—	FP	Savannas, open woodlands, marshes, desert grasslands, and fields where they prey on small mammals, birds, lizards, and insects. Nests and roosts in the edges of forests or in isolated trees. Occurs in this area year-round.	<b>Potential.</b> Marginal foraging habitat is present in the grassland and blue oak woodland habitat could provide nesting opportunities. No stick nests observed in trees or transmission towers indicative of raptor use. Could occur onsite.
<i>Falco mexicanus</i>	prairie falcon (nesting)	—	—	WL	Grasslands, desert shrubland, tundra, coastal scrub, feedlots, and agricultural fields where they feed on small mammals, insects and birds. Nests on high cliff ledges, steep bluffs, trees, or on buildings or utility poles. Occurs year-round in this area.	<b>Potential.</b> Marginal foraging habitat is present in grassland areas, and not expected to nest in the electrical transmission towers or large valley oaks or eucalyptus onsite due to regular human presence. Could occur onsite during foraging or movement activities, and potentially nest in larger trees or transmission towers.
<i>Progne subis</i>	purple martin (nesting)	—	—	SSC	Forages in developed areas, parks, fields, dunes, streams, meadows, and riparian and coniferous woodland where they prey on insects. Nests in woodlands often in tall and isolated trees or snags using woodpecker holes, or in artificial structures such as bird houses, traffic lights or oil pumps.	<b>Potential.</b> Suitable foraging habitat is present in grassland, oak woodland, and riverine habitats onsite. There is a chance they could nest in the blue oak woodland, or to a lesser degree in the isolated valley oaks, eucalyptus, agricultural structures onsite. However, only one breeding site is known from the county and is far away from the site along Atascadero Creek. Could occur onsite.



Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
<i>Vireo bellii pusillus</i>	least Bell's vireo	E	E	WL	Riparian forest near permanent water or in dry river bottoms, with dense, low, shrubby vegetation where they forage on insects and spiders. Rare in this region during the breeding season and winters in southern Baja California.	<b>Not expected.</b> No suitable dense riparian is present onsite, and breeding has been very rare in this region in the past several decades. One breeding pair observed along the Salinas River at Paso Robles in 2005. Low probability to occur onsite as a rare transient.

MAMMALS						
<i>Antrozous pallidus</i>	pallid bat	—	—	SSC	Open dry habitats including deserts, grasslands, shrublands, woodlands, and forests. Roosts in rocky outcrops, caves, crevasses, mines, hollow trees, and buildings that moderate temperature. Night roosts on porches and open buildings.	<b>Potential.</b> Suitable foraging habitat is present in all habitats onsite, and could roost in buildings, blue oak woodland, valley oaks or eucalyptus onsite. Could occur onsite.
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	—	—	SSC	Desert scrub, sagebrush, chaparral, oak woodlands, riparian and coniferous forests; prefers mesic habitats and closely tied to rock cliffs with crevasses. Roosts in caves, cliffs, mines, tunnels, buildings and bridges but is sensitive to human disturbance.	<b>Unlikely.</b> Potentially could forage over any habitats onsite, but rock cliff roosting habitat is not present nearby. Low probability for individuals to occur onsite periodically.
<i>Onychomys torridus tularensis</i>	Tulare grasshopper mouse	—	—	SSC	Arid shrubland, blue oak woodland, alkali sink, saltbush scrub and grassland where they prey on invertebrates, other mice, seeds, lizards and frogs.	<b>Not expected.</b> There is one record in the CNDDB from Shandon in 1950, but the species is now expected to be restricted to the Central Valley and extends west to the Carrizo Plain. Not expected to occur onsite.

Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
<i>Perognathus inornatus</i>	San Joaquin pocket mouse	—	—	—	Dry, open grasslands, savanna, blue oak woodland, or scrub habitats on fine-textured soils, where it consumes mainly seeds and digs burrows for cover.	<b>Potential.</b> Potentially suitable grassland, blue oak woodland and riverine habitats and fine soils are present onsite. Little is known about this species in this area, but has been recorded nearby. Could occur onsite.
<i>Perognathus inornatus psammophilus</i>	Salinas pocket mouse	—	—	SSC	Grassland, desert scrub habitats and oak savanna with friable soils where it digs burrows.	<b>Not expected.</b> The CNNB record in the site vicinity is from 1918, and the subspecies have since been reclassified and this species is now considered to be restricted from Soledad to Hog Canyon in Monterey County. Not expected to occur onsite.
<i>Taxidea taxus</i>	American badger	—	—	SSC	Open grasslands, fields and the edge of scrub and woodland habitats; requires dry loose soils for burrowing and shelter and feeds on a variety of small mammals such as California ground squirrel and pocket gopher.	<b>Potential.</b> Suitable habitat is present in grassland, blue oak woodland, riverine and ruderal areas onsite. Soils are sandy and individuals may move through the Huerhuero Creek corridor. No den sites observed and low prey base consisting of ground squirrels along creek. Could occur onsite.
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	E	T	—	Found in grassland, open shrubby areas, and in 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>Unlikely.</b> Suitable habitat is present in grassland, riverine, and rural residential areas onsite. Soils are sandy and if present in the region may move through the Huerhuero Creek corridor. Last detected in 1991 from the general area. Could occur onsite.

\*E = Endangered; T = Threatened; E = Candidate; SSC = CDFW Species of Special Concern; FP = Fully Protected; WL = Watch List; '—' = no status; Sources: Jennings and Hayes 1994; California Natural Diversity Database (California Department of Fish and Wildlife 2018a); Special Animals List (California Department of Fish and Wildlife 2018d); California Wildlife Habitat Relationships System (California Department of Fish and Wildlife 2019c); A Guide to the Amphibians and Reptiles of California (California Herps 2018); All About Birds (The Cornell Lab of Ornithology 2019b).

CRITICAL HABITAT	
Vernal pool fairy shrimp	<b>Present.</b> The project site occurs within the outer limits of designated critical habitat Unit 29C, but no topographic low features representing potential vernal pools are present and the site surveys were conducted during the rain season with peak soil saturation in the area and no standing water was present.
San Joaquin kit fox	<b>Not present.</b> No critical habitat for this species has been designated.
Steelhead - South-central California Coast Distinct Population Segment	<b>Not present.</b> Critical habitat for steelhead is present along the Salinas River, but Huerhuero Creek and the unnamed tributary onsite are too ephemeral and shallow to support this species and are outside of designated critical habitat.

Source: *Threatened and Endangered Species Active Critical Habitat Report (United States Fish and Wildlife Service 2019b).*



## **APPENDIX E**

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### **Kit Fox Habitat Evaluation Form**



## Appendix E. Kit Fox Habitat Evaluation Form

### Cover Sheet

**Project Name** 1255 Penman Springs Cannabis Project **Date** February 29, 2019

**Project Location\*** 1255 Penman Springs Road, Paso Robles, CA 93446 (East of Paso Robles and south of Highway 46 and Union Road), 020-161-009.

\*Please refer to the Site Vicinity Map on U.S.G.S. 7.5-minute topographic quadrangle.

**U.S.G.S. Quad Map Name** Creston (R13E, T26S)

**Lat/Long or UTM coordinates (if available)**

Latitude 35.621540° N Longitude -120.618722° W

**Project Description:** Cannabis cultivation with outdoor hoop houses, other outdoor areas, indoor cultivation greenhouses, and nursery greenhouses and shade structures. Other aspects of the project that would be constructed in support of cannabis cultivation include a metal building for processing/office/drying, compost areas, parking area, water tank and agricultural pond. Existing structures on the site that would be used for cannabis cultivation include agricultural buildings that would be used for drying, pesticide/nutrient storage, and water storage. Site facilities would be fenced.

**Project Size** 8.2 Acres **Amount of Kit Fox Habitat Affected** 6.2 Acres

**Quantity of WHR Habitat Types Impacted** (i.e. - 2 acres annual grassland, 3 acres blue oak woodland)

WHR type Blue Oak Woodland <0.1 Acres

WHR type Annual Grassland ~6.2 Acres

WHR type Urban/Barren/Eucalyptus ~2.0 Acres

**Comments:** Generally rolling to steep topography with Huerhuero Creek bisecting the western part of the property. Approximately 6.2 acres of Annual Grassland habitat with several scattered valley oaks would be used for Cannabis cultivation along with the existing developed areas

Form Completed By: Kevin Merk, Kevin Merk Associates LLC

## San Joaquin Kit Fox Habitat Evaluation form

**Is the project area within 10 miles of a recorded San Joaquin kit fox observation or within contiguous suitable habitat as defined in question 2 (A-E)**

**Yes - Continue with evaluation form**

**No - Evaluation form/surveys are not necessary**

1. Importance of the project area relative to Recovery Plan for Upland Species of the San Joaquin Valley, California (Williams et al., 1998)

A. Project would block or degrade an existing corridor linking core populations or isolate a subpopulation (20)

B. Project is within core population (15)

C. Project area is identified within satellite populations (12)

D. Project area is within a corridor linking satellite populations (10)

E. Project area is not within any of the previously described areas but is within known kit fox range (5)

2. Habitat characteristics of project area.

A. Annual grassland or saltbush scrub present >50% of site (15)

B. Grassland or saltbush scrub present but comprises <50% of project area (10)

C. Oak savannah present on >50% of site (8)

D. Fallow ag fields or grain/alfalfa crops (7)

E. Orchards/vineyards (5)

F. Intensively maintained row crops or suitable vegetation absent (0)

3. Isolation of project area.

A. Project area surrounded by contiguous kit fox habitat as described in Question 2a-e (15)

B. Project area adjacent to at least 40 acres of contiguous habitat or part of an existing corridor (10)

C. Project area adjacent to <40 acres of habitat but linked by existing corridor (i.e., river, canal, aqueduct) (7)

D. Project area surrounded by ag but less than 200 yards from habitat (5)

E. Project area completely isolated by row crops or development and is greater than 200 yards from potential habitat (0)

4. Potential for increased mortality as a result of project implementation. Mortality may come from direct (e.g., - construction related) or indirect (e.g., - vehicle strikes due to increases in post development traffic) sources.

A. Increased mortality likely (10)

B. Unknown mortality effects (5)

C. No long-term effect on mortality (0)



5. Amount of potential kit fox habitat affected.

- A. >320 acres (10)
- B. 160 - 319 acres (7)
- C. 80 - 159 acres (5)
- D. 40 - 79 acres (3)
- E. < 40 acres (1)

6. Results of project implementation.

- A. Project site will be permanently converted and will no longer support foxes (10)
- B. Project area will be temporarily impacted but will require periodic disturbance for ongoing maintenance (7)
- C. Project area will be temporarily impacted and no maintenance necessary (5)
- D. Project will result in changes to agricultural crops (2)
- E. No habitat impacts (0)

7. Project Shape

- A. Single Block (10)
- B. Linear with > 40 foot right-of-way (5)
- C. Linear with < 40 foot right-of-way (3)

8. Have San Joaquin kit foxes been observed within 3 miles of the project area within the last 10 years?

- A. Yes (10)
- B. No (0)

Scoring

Recovery importance	<u>20</u>
Habitat condition	<u>15</u>
Isolation	<u>15</u>
Mortality	<u>5</u>
Quantity of habitat impacted	<u>1</u>
Project results	<u>10</u>
Project shape	<u>10</u>
Recent observations	<u>0</u>

TOTAL 76