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**BIOLOGICAL RESOURCES ASSESSMENT FOR THE  
CANNABIS CULTIVATION OPERATION  
AT 4440 GEORGE ROAD, LAKEPORT, CALIFORNIA**

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Applicant:

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# 1. INTRODUCTION

## 1.1. PROJECT LOCATION AND DESCRIPTION

Natural Investigations Company conducted a biological resources assessment for a cannabis cultivation operation on an 87-acre property at 4440 George Road, Lakeport, California (see exhibits). The property consists of the following parcels:

- 4440 George Road, 4.12 acres, APN 008-031-48
- 4460 George Road, 30.1 acres, APN 008-031-60
- 4520 George Road, 7.83 acres, APN 008-032-43
- 4550 George Road, 45.24 acres, APN 008-032-44

The proposed project is a 5-acre Cannabis cultivation compound. The plan is to start with 1 acre of greenhouse structures for the first year, with a future, final buildout of 2.5 acres of greenhouse structures. Ancillary facilities will consist of outbuildings (buildings, Conex boxes, and tents) for material storage and product processing. Unpaved access roads connect the cultivation operational areas. Establishment of the cultivation compound will not require grading other than localized excavations for structural slabs and footers and the only vegetation clearing will be the removal of vineyards (see exhibits).

For this assessment, the Project Area was defined as the cultivation areas plus the ancillary facilities, and this 5-acre area was the subject of the impact analysis. The entire 87-acre property was defined as the Study Area. The Study Area is defined to identify biological resources adjacent to the Project Area, and is the area subject to potential indirect effects from Project implementation.

## 1.2. PURPOSE AND SCOPE OF ASSESSMENT

This Biological Resources Assessment was prepared to assist in compliance with the California Environmental Quality Act and the state and federal Endangered Species Acts. This assessment also functions to fulfill requirements for obtaining enrollment (a Notice of Applicability) in the State Water Resources Control Board's Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order).

This assessment provides information about the biological resources within the Study Area, the regulatory environment affecting such resources, any potential Project-related impacts upon these resources, and finally, to identify mitigation measures and other recommendations to reduce the significance of these impacts. The specific scope of services performed for this assessment consisted of the following tasks:

- Compile all readily-available historical biological resource information about the Study Area;
- Spatially query state and federal databases for any occurrences of special-status species or habitats within the Study Area and vicinity;
- Perform a reconnaissance-level field survey of the Study Area, including photographic documentation;
- Inventory all flora and fauna observed during the field survey;
- Characterize and map the habitat types present within the Study Area, including any potentially-jurisdictional water resources;
- Evaluate the likelihood for the occurrence of any special-status species;
- Assess the potential for the Project to adversely impact any sensitive biological resources;
- Recommend mitigation measures designed to avoid or minimize Project-related impacts; and
- Prepare and submit a report summarizing all of the above tasks.

The scope of services does not include other services that are not described in this Section, such as formal aquatic resource delineations or protocol-level surveys for special-status species.

### 1.3. REGULATORY SETTING

The following section summarizes some applicable regulations of biological resources on real property in California.

#### 1.3.1. Special-status Species Regulations

The United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service implement the Federal Endangered Species Act of 1973 (FESA) (16 USC §1531 *et seq.*). Threatened and endangered species on the federal list (50 CFR §17.11, 17.12) are protected from “take” (direct or indirect harm), unless a FESA Section 10 Permit is granted or a FESA Section 7 Biological Opinion with incidental take provisions is rendered. Pursuant to the requirements of FESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed species may be present in the project area and determine whether the proposed project will have a potentially significant impact upon such species. Under FESA, habitat loss is considered to be an impact to the species. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC §1536[3], [4]). Therefore, project-related impacts to these species or their habitats would be considered significant and would require mitigation. Species that are candidates for listing are not protected under FESA; however, USFWS advises that a candidate species could be elevated to listed status at any time, and therefore, applicants should regard these species with special consideration.

The California Endangered Species Act of 1970 (CESA) (California Fish and Game Code §2050 *et seq.*, and CCR Title 14, §670.2, 670.51) prohibits “take” (defined as hunt, pursue, catch, capture, or kill) of species listed under CESA. A CESA permit must be obtained if a project will result in take of listed species, either during construction or over the life of the project. Section 2081 establishes an incidental take permit program for state-listed species. Under CESA, California Department of Fish and Wildlife (CDFW) has the responsibility for maintaining a list of threatened and endangered species designated under state law (CFG Code 2070). CDFW also maintains lists of species of special concern, which serve as “watch lists.” Pursuant to requirements of CESA, an agency reviewing proposed projects within its jurisdiction must determine whether any state-listed species may be present in the Study Area and determine whether the proposed project will have a potentially significant impact upon such species. Project-related impacts to species on the CESA list would be considered significant and would require mitigation.

California Fish and Game Code Sections 4700, 5050, and 5515 designates certain mammal, amphibian, and reptile species “fully protected”, making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The California Native Plant Protection Act of 1977 (CFG Code §1900 *et seq.*) requires CDFW to establish criteria for determining if a species or variety of native plant is endangered or rare. Section 19131 of the code requires that landowners notify CDFW at least 10 days prior to initiating activities that will destroy a listed plant to allow the salvage of plant material.

Many bird species, especially those that are breeding, migratory, or of limited distribution, are protected under federal and state regulations. Under the Migratory Bird Treaty Act of 1918 (16 USC §703-711), migratory bird species and their nests and eggs that are on the federal list (50 CFR §10.13) are protected from injury or death, and project-related disturbances must be reduced or eliminated during the nesting cycle. California Fish and Game Code (§3503, 3503.5, and 3800) prohibits the possession, incidental take, or needless destruction of any bird nests or eggs. Fish and Game Code §3511 designates certain bird species “fully protected”, making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The Bald and Golden Eagle Protection Act (16 USC §668) specifically protects bald and golden eagles from harm or trade in parts of these species.

California Environmental Quality Act (CEQA) (Public Resources Code §15380) defines “rare” in a broader sense than the definitions of threatened, endangered, or fully protected. Under the CEQA definition, CDFW can request additional consideration of species not otherwise protected. CEQA requires that the impacts of a project upon environmental resources must be analyzed and assessed using criteria determined by the lead agency. Sensitive species that would qualify for listing but are not currently listed may be afforded protection under CEQA. The CEQA Guidelines (§15065) require that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines (§15380) provide for assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Plant species on the California Native Plant Society (CNPS) Lists 1A, 1B, or 2 are typically considered rare under CEQA. California “Species of Special Concern” is a category conferred by CDFW on those species that are indicators of regional habitat changes or are considered potential future protected species. While they do not have statutory protection, Species of Special Concern are typically considered rare under CEQA and thereby warrant specific protection measures.

### 1.3.2. Water Resource Protection

Real property that contains water resources are subject to various federal and state regulations and activities occurring in these water resources may require permits, licenses, variances, or similar authorization from federal, state and local agencies, as described next.

The Federal Water Pollution Control Act Amendments of 1972 (as amended), commonly known as the Clean Water Act (CWA), established the basic structure for regulating discharges of pollutants into “waters of the United States”. Waters of the US includes essentially all surface waters, all interstate waters and their tributaries, all impoundments of these waters, and all wetlands adjacent to these waters. CWA Section 404 requires approval prior to dredging or discharging fill material into any waters of the US, especially wetlands. The permitting program is designed to minimize impacts to waters of the US, and when impacts cannot be avoided, requires compensatory mitigation. The US Army Corps of Engineers (USACE) is responsible for administering Section 404 regulations. Substantial impacts to jurisdictional wetlands may require an Individual Permit. Small-scale projects may require only a Nationwide Permit, which typically has an expedited process compared to the Individual Permit process. Mitigation of wetland impacts is required as a condition of the CWA Section 404 Permit and may include on-site preservation, restoration, or enhancement and/or off-site restoration or enhancement. The characteristics of the restored or enhanced wetlands must be equal to or better than those of the affected wetlands to achieve no net loss of wetlands.

Under CWA Section 401, every applicant for a federal permit or license for any activity which may result in a discharge to a water body must obtain State Water Quality Certification that the proposed activity will comply with State water quality standards. The California State Water Resources Control Board is responsible for administering CWA Section 401 regulations.

Section 10 of the Rivers and Harbors Act of 1899 requires approval from USACE prior to the commencement of any work in or over navigable Waters of the US, or which affects the course, location, condition or capacity of such waters. Navigable waters of the United States are defined as waters that have been used in the past, are now used, or are susceptible to use, as a means to transport interstate or foreign commerce up to the head of navigation. Rivers and Harbors Act Section 10 permits are required for construction activities in these waters.

California Fish and Game Code (§1601 - 1607) protects fishery resources by regulating “*any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.*” CDFW requires notification prior to commencement, and issuance of a Lake or Streambed Alteration Agreement, if a proposed project will result in the alteration or degradation of “waters of the State”. The limit of CDFW jurisdiction is subject to the judgment of the Department;

currently, this jurisdiction is interpreted to be the “stream zone”, defined as “*that portion of the stream channel that restricts lateral movement of water*” and delineated at “*the top of the bank or the outer edge of any riparian vegetation, whichever is more landward*”. CDFW reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by the CDFW and the applicant is the Streambed Alteration Agreement. Projects that require a Streambed Alteration Agreement may also require a CWA 404 Section Permit and/or CWA Section 401 Water Quality Certification.

For construction projects that disturb one or more acres of soil, the landowner or developer must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ).

The State Water Resources Control Board’s Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities protects receiving water bodies from water-quality impacts associated with cannabis cultivation using a combination of Best Management Practices, buffer zones, sediment and erosion controls, site management plans, inspections and reporting, and regulatory oversight.

### 1.3.3. Tree Protection

At the State level, in areas inside timberland, any tree removal is subject to the conditions and requirements set forth in the Z’berg-Nejedly Forest Practice Act and the California Forest Practice Rules. If development of a project will result in the removal of commercial tree species, one of the following permits is needed: Less than 3 Acre Conversion Exemption; Christmas Tree; Dead, Dying or Diseased, Fuelwood, or Split Products Exemption; a Public Agency, Public and Private Utility Right of Way Exemption; a Notice of Exemption from Timberland Conversion Permit for Subdivision; or an Application for Timberland Conversion Permit.

Lake County does not have a specific ordinance protecting native trees. However, under the Cannabis Ordinance 3084, Section 4, Subsection iii) Prohibited Activities (a) Tree Removal, Lake County restricts tree removal as follows:

*“The removal of any commercial tree species as defined by the California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (Quercus species) or Tan Oak (Notholithocarpus species) for the purpose of developing a cannabis cultivation site should be avoided and minimized. This shall not include the pruning of any such tree species for the health of the tree or the removal of such trees if necessary for safety or disease concerns.”*

During the permitting process, Lake County requires mitigation for the removal of protected trees; typical mitigation is tree replacement at a ratio of 2:1 or 3:1.



## 2. ENVIRONMENTAL SETTING

The Study Area is located within Inner North Coast Range geographic subregion, which is contained within the Northwestern California geographic subdivision of the larger California Floristic Province (Baldwin et al. 2012). This region has a Mediterranean-type climate, characterized by distinct seasons of hot, dry summers and wet, moderately-cold winters. The Study Area and vicinity is in between Climate Zone 7 - California's Gray Pine Belt, defined by hot summers and mild but pronounced winters without severe winter cold or high humidity, and Climate Zone 14 "Northern California's Inland Areas with Some Ocean Influence", with maritime air moderating temperatures that would otherwise be hotter in summer and colder in the winter (Sunset, 2020).

The topography of the Study Area is a flat agricultural field. The elevation averages 1,400 feet with only a few feet of elevation difference across the entire property. Prior to the establishment of this cultivation operation, land uses were entirely vineyard. The surrounding land uses are vineyards and row crop agriculture, an air strip, and ranch estates.

## 3. METHODOLOGY

### 3.1. PRELIMINARY DATA GATHERING AND RESEARCH

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

- Any readily-available previous biological resource studies pertaining to the Study Area or vicinity
- United States Geologic Service (USGS) 7.5 degree-minute topographic quadrangles of the Study Area and vicinity
- Aerial photography of the Study Area
- California Natural Diversity Database (CNDDDB), electronically updated monthly by subscription
- USFWS species list (IPaC Trust Resources Report).

### 3.2. FIELD SURVEY

Consulting biologist Tim Nosal, MS. conducted a reconnaissance-level field survey on February 26, 2020. A variable-intensity pedestrian survey was performed, and modified to account for differences in terrain, vegetation density, and visibility. All visible fauna and flora observed were recorded in a field notebook, and identified to the lowest possible taxon. Survey efforts emphasized the search for any special-status species that had documented occurrences in the CNDDDB within the vicinity of the Study Area and those species on the USFWS species list (Appendix 1).

When a specimen could not be identified in the field, a photograph or voucher specimen (depending upon permit requirements) was taken and identified in the laboratory using a dissecting scope where necessary. Tim Nosal holds CDFW Plant Voucher Specimen Permit 2081(a)-16-102-V. Taxonomic determinations were facilitated by referencing museum specimens or by various texts, including the following: Powell and Hogue (1979); Pavlik (1991); (1993); Brenzel (2012); Stuart and Sawyer (2001); Lanner (2002); Sibley (2003); Baldwin et al. (2012); Calflora (2020); CDFW (2020b,c); NatureServe 2020; and University of California at Berkeley (2020a,b).

The locations of any special-status species sighted were marked on aerial photographs and/or georeferenced with a geographic positioning system (GPS) receiver. Habitat types occurring in the Study Area were mapped on aerial photographs, and information on habitat conditions and the suitability of the habitats to support special-status species was also recorded. The Study Area was also informally assessed for the presence of potentially-jurisdictional water features, including riparian zones, isolated wetlands and vernal pools, and other biologically-sensitive aquatic habitats

### 3.3. MAPPING AND OTHER ANALYSES

Locations of species' occurrences and habitat boundaries within the Study Area were digitized to produce the final habitat maps. The boundaries of potentially jurisdictional water resources within the Study Area were identified and measured in the field, and similarly digitized to calculate acreage and to produce informal delineation maps. Geographic analyses were performed using geographical information system software (ArcGIS 10, ESRI, Inc.). Vegetation communities (assemblages of plant species growing in an area of similar biological and environmental factors), were classified by Vegetation Series (distinctive associations of plants, described by dominant species and particular environmental setting) using the CNPS Vegetation Classification system (Sawyer and Keeler-Wolf, 1995). Informal wetland delineation methods consisted of an abbreviated, visual assessment of the three requisite wetland parameters (hydrophytic vegetation, hydric soils, hydrologic regime) defined in the US Army Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory, 1987). Wildlife habitats were classified according to the CDFW's California Wildlife Habitat Relationships System (CDFW, 2020c). Species' habitat requirements and life histories were identified using the following sources: Baldwin et al. (2012); CNPS (2020), Calflora (2020); CDFW (2020a,b,c); and University of California at Berkeley (2020a,b).



## 4. RESULTS

### 4.1. INVENTORY OF FLORA AND FAUNA FROM FIELD SURVEY

All plants detected during the field survey of the Study Area are listed in Appendix 2. The following animals were detected within the Study Area during the field survey: American bullfrog (*Lithobates catesbeianus*); black-tailed jackrabbit (*Lepus californicus*); Botta's pocket gopher (*Thomomys bottae*); California ground squirrel (*Otospermophilus beecheyi*); coyote (*Canis latrans*); river otter (*Lutra canadensis*); acorn woodpecker (*Melanerpes formicivorus*); American coot (*Fulica americana*); American crow (*Corvus brachyrhynchos*); belted kingfisher (*Megaceryle alcyon*); Brewer's blackbird (*Euphagus cyanocephalus*); bufflehead (*Bucephala albeola*); California scrub jay (*Aphelocoma californica*); common raven (*Corvus corax*); dark-eyed junco (*Junco hyemalis*); Eurasian collared-dove (*Streptopelia decaocto*); great blue heron (*Ardea herodias*); mallard (*Anas platyrhynchos*); mourning dove (*Zenaidura macroura*); northern flicker (*Colaptes auratus*); prairie falcon (*Falco mexicanus*); red-shouldered hawk (*Buteo lineatus*); red-tailed hawk (*Buteo jamaicensis*); red-winged blackbird (*Agelaius phoeniceus*); sparrow (Emberizidae); western bluebird (*Sialia mexicana*); wild turkey (*Meleagris gallopavo*) and common songbirds.

### 4.2. VEGETATION COMMUNITIES AND WILDLIFE HABITAT TYPES

#### 4.2.1. Terrestrial Vegetation Communities

The Study Area contains the following terrestrial vegetation communities: ruderal/disturbed; agricultural/vineyard; and marsh. These vegetation communities are discussed here and are delineated in the Exhibits.

**Ruderal/Disturbed.** These areas consist of disturbed or converted natural habitat that is now either in ruderal state, graded, or urbanized with gravel roads. Vegetation within this habitat type consists primarily of nonnative weedy or invasive species or ornamental plants lacking a consistent community structure. This habitat is classified as "Urban" and "Barren" wildlife habitat types by CDFW's Wildlife Habitat Relationship System (WHR). This habitat type provides limited resources for wildlife and is utilized primarily by species tolerant of human activities. The disturbed and altered condition of these lands greatly reduces their habitat value and ability to sustain rare plants or diverse wildlife assemblages.

**Agricultural/Vineyard.** These areas consist of converted natural habitat is in agricultural production as vineyard. Vegetation within this habitat type consists primarily of agricultural crops lacking a consistent community structure. This habitat is classified as Holland vegetation type – "Urban – 11100". This habitat type provides limited resources for wildlife and is utilized primarily by species tolerant of human activities. The disturbed and altered condition of these lands greatly reduces their habitat value and ability to sustain rare plants or diverse wildlife assemblages.

**Freshwater Marsh:** Freshwater marsh habitat can be found along the margin of the pond. Composition of the marsh varies with slope and depth along the shoreline. Vegetation within this habitat include broadleaf cattail (*Typha latifolia*), hardstem tule (*Schoenoplectus acutus*), willows (*Salix* sp.), spikerush (*Eleocharis* sp.), rush (*Juncus* sp.) curly dock (*Rumex crispus*), rush (*Juncus* sp.) and a variety of annual herbs. This vegetation can be classified as the Holland Type "Coastal and Valley Freshwater Marsh" or as "*Schoenoplectus* (Hardstem bulrush marsh) Alliance and *Typha* (Cattail marshes) Alliance" (Sawyer et al. 2009).

#### 4.2.2. Wildlife Habitat Types

Wildlife habitat types were classified using CDFW's Wildlife Habitat Relationship System. The Study Area contains the following wildlife habitat types: Annual Grassland; Fresh Emergent; Lacustrine; Cropland; Orchard – Vineyard;; Urban; and Barren.

#### 4.2.3. Critical Habitat and Special-status Habitat

No critical habitat for any federally-listed species occurs within the Study Area. The CNDDDB reported no special-status habitats within the Study Area. The CNDDDB reported the following special-status habitats in a 5-mile radius outside of the Study Area: Clear Lake Drainage Cyprinid/Catostomid Stream; Clear Lake Drainage Resident Trout Stream; Clear Lake Drainage Seasonal Lakefish Spawning Stream; Coastal and Valley Freshwater Marsh; Northern Volcanic Ash Vernal Pool.

No special-status habitats were detected within the Study Area during the field survey, other than wetlands associated with the pond.

#### 4.2.4. Habitat Plans and Wildlife Corridors

Wildlife movement corridors link remaining areas of functional wildlife habitat that are separated primarily by human disturbance, but natural barriers such as rugged terrain and abrupt changes in vegetation cover are also possible. Wilderness and open lands have been fragmented by urbanization, which can disrupt migratory species and separate interbreeding populations. Corridors allow migratory movements and act as links between these separated populations.

Although there are no designated wildlife corridors, the open space within the Study Area provides unrestricted animal movement.

The Study Area is not located within any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

### 4.3. LISTED SPECIES AND OTHER SPECIAL-STATUS SPECIES

For the purposes of this assessment, "special status" is defined to be species that are of management concern to state or federal natural resource agencies, and include those species that are:

- Listed as endangered, threatened, proposed, or candidate for listing under the Federal Endangered Species Act;
- Listed as endangered, threatened, rare, or proposed for listing, under the California Endangered Species Act of 1970;
- Designated as endangered or rare, pursuant to California Fish and Game Code (§1901);
- Designated as fully protected, pursuant to California Fish and Game Code (§3511, §4700, or §5050);
- Designated as a species of special concern by CDFW;
- Plants considered to be rare, threatened or endangered in California by the California Native Plant Society (CNPS); this consists of species on Lists 1A, 1B, and 2 of the CNPS Ranking System; or
- Plants listed as rare under the California Native Plant Protection Act.

#### 4.3.1. Reported Occurrences of Listed Species and Other Special-status Species

A list of special-status plant and animal species that have occurred within the Study Area and vicinity was compiled based upon the following:

- Any previous and readily-available biological resource studies pertaining to the Study Area;
- Informal consultation with USFWS by generating an electronic Species List (Information for Planning and Conservation website at <https://ecos.fws.gov/ipac/>); and
- A spatial query of the CNDDDB.

The CNDDDB was queried and any reported occurrences of special-status species were plotted in relation to the Study Area boundary using GIS software (see exhibits).

The CNDDDB reported no special-status species occurrences within the Project Area or the surrounding Study Area. Within a 5-mile buffer of the Study Area boundary, the CNDDDB reported several special-status species occurrences, summarized in the following table.

A USFWS species list was generated online using the USFWS' IPaC Trust Resource Report System (see Appendix 1). This list is generated using a regional and/or watershed approach and does not necessarily indicate that the Study Area provides suitable habitat. Migratory birds should also be considered in the impact assessment.

Table 1. Special-status Species Reported by CNDDDB in the Vicinity of the Study Area

Scientific Name	Common Name	Status*	General Habitat**	Microhabitat**
<i>Agelaius tricolor</i>	tricolored blackbird	CT	HIGHLY COLONIAL SPECIES, MOST NUMEROUS IN CENTRAL VALLEY & VICINITY. LARGELY ENDEMIC TO CALIFORNIA.	REQUIRES OPEN WATER, PROTECTED NESTING SUBSTRATE, & FORAGING AREA WITH INSECT PREY WITHIN A FEW KM OF THE COLONY.
<i>Ammodramus savannarum</i>	grasshopper sparrow	SSC	DENSE GRASSLANDS ON ROLLING HILLS, LOWLAND PLAINS, IN VALLEYS & ON HILLSIDES ON LOWER MOUNTAIN SLOPES.	FAVORS NATIVE GRASSLANDS WITH A MIX OF GRASSES, FORBS & SCATTERED SHRUBS. LOOSELY COLONIAL WHEN NESTING.
<i>Amsinckia lunaris</i>	bent-flowered fiddleneck	1B.2	CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND.	50-500M.
<i>Andrena blennospermatis</i>	Blennosperma vernal pool andrenid bee		THIS BEE IS OLIGOLECTIC ON VERNAL POOL BLENNOSPERMA.	BEES NEST IN THE UPLANDS AROUND VERNAL POOLS.
<i>Antirrhinum subcordatum</i>	dimorphic snapdragon	4.3	CHAPARRAL, LOWER MONTANE CONIFEROUS FOREST.	GENERALLY ON SERPENTINE OR SHALE IN FOOTHILL WOODLAND OR CHAPARRAL ON S- AND W-FACING SLOPES. 185-800 M.
<i>Antrozous pallidus</i>	pallid bat	SSC	DESERTS, GRASSLANDS, SHRUBLANDS, WOODLANDS & FORESTS. MOST COMMON IN OPEN, DRY HABITATS WITH ROCKY AREAS FOR ROOSTING.	ROOSTS MUST PROTECT BATS FROM HIGH TEMPERATURES. VERY SENSITIVE TO DISTURBANCE OF ROOSTING SITES.
<i>Archoplites interruptus</i>	Sacramento perch	SSC	HISTORICALLY FOUND IN THE SLOUGHS, SLOW-MOVING RIVERS, AND LAKES OF THE CENTRAL VALLEY.	PREFERS WARM WATER. AQUATIC VEGETATION IS ESSENTIAL FOR YOUNG. TOLERATES WIDE RANGE OF PHYSIO-CHEMICAL WATER CONDITIONS.
<i>Arctostaphylos manzanita ssp. elegans</i>	Konocti manzanita	1B.3	CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.	VOLCANIC SOILS. 395-1615 M.
<i>Arctostaphylos stanfordiana ssp. raichei</i>	Raiche's manzanita	1B.1	CHAPARRAL, LOWER MONTANE CONIFEROUS FOREST.	ROCKY, SERPENTINE SITES. SLOPES AND RIDGES. 450-1000 M.
<i>Ardea herodias</i>	great blue heron	SSC	COLONIAL NESTER IN TALL TREES, CLIFFSIDES, AND SEQUESTERED SPOTS ON MARSHES.	ROOKERY SITES IN CLOSE PROXIMITY TO FORAGING AREAS: MARSHES, LAKE MARGINS, TIDE-FLATS, RIVERS AND STREAMS, WET MEADOWS.
<i>Artemisiospiza belli belli</i>	Bell's sage sparrow	WL	NESTS IN CHAPARRAL DOMINATED BY FAIRLY DENSE STANDS OF CHAMISE. FOUND IN COASTAL SAGE SCRUB IN SOUTH OF RANGE.	NEST LOCATED ON THE GROUND BENEATH A SHRUB OR IN A SHRUB 6-18 INCHES ABOVE GROUND. TERRITORIES ABOUT 50 YDS APART.
<i>Bombus caliginosus</i>	obscure bumble bee	SSC		
<i>Brasenia schreberi</i>	watershield	2B.3	FRESHWATER MARSHES AND SWAMPS.	AQUATIC FROM WATER BODIES BOTH NATURAL AND ARTIFICIAL IN CALIFORNIA.
<i>Calasellus californicus</i>	An isopod	SSC	KNOWN FROM LAKE, NAPA, MARIN, SANTA CRUZ AND SANTA CLARA COUNTIES.	

<i>Calycadenia micrantha</i>	small-flowered calycadenia	1B.2	CHAPARRAL, VALLEY AND FOOTHILL GRASSLAND, MEADOWS AND SEEPS.	ROCKY TALUS OR SCREE; SPARSELY VEGETATED AREAS. OCCASIONALLY ON ROADSIDES; SOMETIMES ON SERPENTINE. 5-1500 M.
<i>Carex comosa</i>	bristly sedge	2B.1	MARSHES AND SWAMPS.	LAKE MARGINS, WET PLACES; SITE BELOW SEA LEVEL IS ON A DELTA ISLAND. -5-1005M.
<i>Ceanothus confusus</i>	Rincon Ridge ceanothus	1B.1	CLOSED-CONE CONIFEROUS FOREST, CHAPARRAL, CISMONTANE WOODLAND.	KNOWN FROM VOLCANIC OR SERPENTINE SOILS, DRY SHRUBBY SLOPES. 75-1065 M.
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC	THROUGHOUT CALIFORNIA IN A WIDE VARIETY OF HABITATS. MOST COMMON IN MESIC SITES.	ROOSTS IN THE OPEN, HANGING FROM WALLS & CEILINGS. ROOSTING SITES LIMITING. EXTREMELY SENSITIVE TO HUMAN DISTURBANCE.
<i>Cryptantha dissita</i>	serpentine cryptantha	1B.2	CHAPARRAL.	SERPENTINE OUTCROPS. 330-730M.
<i>Dubiraphia brunnescens</i>	brownish dubiraphian riffle beetle	SSC	AQUATIC; KNOWN ONLY FROM THE NE SHORE OF CLEAR LAKE, LAKE COUNTY.	INHABITS EXPOSED, WAVE-WASHED WILLOW ROOTS.
<i>Emys marmorata</i>	western pond turtle	SSC	A THOROUGHLY AQUATIC TURTLE OF PONDS, MARSHES, RIVERS, STREAMS & IRRIGATION DITCHES, USUALLY WITH AQUATIC VEGETATION, BE	NEED BASKING SITES AND SUITABLE (SANDY BANKS OR GRASSY OPEN FIELDS) UPLAND HABITAT UP TO 0.5 KM FROM WATER FOR EGG-LAYIN
<i>Entosthodon kochii</i>	Koch's cord moss	1B.3	CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLANDS.	MOSS GROWING ON SOIL ON RIVER BANKS. KNOWN FROM SERPENTINE ON THE PLUMAS NF. 500-1000 M.
<i>Erethizon dorsatum</i>	North American porcupine	SSC		
<i>Eriastrum brandegeae</i>	Brandegee's eriastrum	1B.1	CHAPARRAL, CISMONTANE WOODLAND.	ON BARREN VOLCANIC SOILS; OFTEN IN OPEN AREAS. 425-840 M.
<i>Gratiola heterosepala</i>	Boggs Lake hedge-hyssop	CE	MARSHES AND SWAMPS (FRESHWATER), VERNAL POOLS.	CLAY SOILS; USUALLY IN VERNAL POOLS, SOMETIMES ON LAKE MARGINS. 10-2375 M.
<i>Harmonia hallii</i>	Hall's harmonia	1B.2	CHAPARRAL.	SERPENTINE HILLS AND RIDGES. OPEN, ROCKY AREAS WITHIN CHAPARRAL. 500-900 M.
<i>Hesperolinon adenophyllum</i>	glandular western flax	1B.2	CHAPARRAL, CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND.	SERPENTINE SOILS; GENERALLY FOUND IN SEPENTINE CHAPARRAL. 150-1315 M.
<i>Hesperolinon bicarpellatum</i>	two-carpellate western flax	1B.2	SERPENTINE CHAPARRAL.	SERPENTINE BARRENS AT EDGE OF CHAPARRAL. 60-1005 M.
<i>Horkelia bolanderi</i>	Bolander's horkelia	1B.2		
<i>Hydrochara rickseckeri</i>	Ricksecker's water scavenger beetle	SSC	AQUATIC.	
<i>Kopsiopsis hookeri</i>	small groundcone	2B.3	NORTH COAST CONIFEROUS FOREST.	OPEN WOODS, SHRUBBY PLACES, GENERALLY ON GAULTHERIA SHALLON. 90-885 M.
<i>Lasionycteris noctivagans</i>	silver-haired bat	SSC	PRIMARILY A COASTAL & MONTANE FOREST DWELLER FEEDING OVER STREAMS, PONDS & OPEN BRUSHY AREAS.	ROOSTS IN HOLLOW TREES, BENEATH EXFOLIATING BARK, ABANDONED WOODPECKER HOLES & RARELY UNDER ROCKS. NEEDS DRINKING WATER.

<i>Lasthenia burkei</i>	Burke's goldfields	FE, CE	VERNAL POOLS, MEADOWS AND SEEPS.	MOST OFTEN IN VERNAL POOLS AND SWALES. 15-600 M.
<i>Lavinia exilicauda chi</i>	Clear Lake hitch	CE	FOUND ONLY IN CLEAR LAKE, LAKE CO, AND ASSOCIATED PONDS. SPAWNS IN STREAMS FLOWING INTO CLEAR LAKE.	ADULTS FOUND IN THE LIMNETIC ZONE. JUVENILES FOUND IN THE NEARSHORE SHALLOW-WATER HABITAT HIDING IN THE VEGETATION.
<i>Layia septentrionalis</i>	Colusa layia	1B.2	CHAPARRAL, CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND.	SCATTERED COLONIES IN FIELDS AND GRASSY SLOPES IN SANDY OR SERPENTINE SOIL. 145-1095M.
<i>Legenere limosa</i>	legenere	1B.1	VERNAL POOLS.	IN BEDS OF VERNAL POOLS. 1-880 M.
<i>Limnanthes floccosa ssp. floccosa</i>	woolly meadowfoam	4.2	CHAPARRAL, CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND, VERNAL POOLS.	VERNALLY WET AREAS, DITCHES, AND PONDS. 60-1335 M.
<i>Navarretia leucocephala ssp. pauciflora</i>	few-flowered navarretia	FE, CT	VERNAL POOLS.	VOLCANIC ASH FLOW, AND VOLCANIC SUBSTRATE VERNAL POOLS. 400-855 M.
<i>Navarretia leucocephala ssp. plieantha</i>	many-flowered navarretia	FE, CE	VERNAL POOLS.	VOLCANIC ASH FLOW VERNAL POOLS. 30-950 M.
<i>Orcuttia tenuis</i>	slender Orcutt grass	FT, CE	VERNAL POOLS.	OFTEN IN GRAVELLY POOLS. 35-1760 M.
<i>Pandion haliaetus</i>	osprey	WL	OCEAN SHORE, BAYS, FRESH-WATER LAKES, AND LARGER STREAMS.	LARGE NESTS BUILT IN TREE-TOPS WITHIN 15 MILES OF A GOOD FISH-PRODUCING BODY OF WATER.
<i>Pekania pennanti</i>	fisher - West Coast DPS	CT	INTERMEDIATE TO LARGE-TREE STAGES OF CONIFEROUS FORESTS & DECIDUOUS-RIPARIAN AREAS WITH HIGH PERCENT CANOPY CLOSURE.	USES CAVITIES, SNAGS, LOGS & ROCKY AREAS FOR COVER & DENNING. NEEDS LARGE AREAS OF MATURE, DENSE FOREST.
<i>Phalacrocorax auritus</i>	double-crested cormorant	WL	COLONIAL NESTER ON COASTAL CLIFFS, OFFSHORE ISLANDS, & ALONG LAKE MARGINS IN THE INTERIOR OF THE STATE.	NESTS ALONG COAST ON SEQUESTERED ISLETS, USUALLY ON GROUND WITH SLOPING SURFACE, OR IN TALL TREES ALONG LAKE MARGINS.
<i>Plagiobothrys lithocaryus</i>	Mayacamas popcornflower	1A	MEADOWS? VALLEY AND FOOTHILL GRASSLAND, CISMONTANE WOODLAND, CHAPARRAL?	MOIST SITES. 285-450M.
<i>Potamogeton zosteriformis</i>	eel-grass pondweed	2B.2	MARSHES AND SWAMPS.	PONDS, LAKES, STREAMS. 0-1860 M.
<i>Progne subis</i>	purple martin	SSC	INHABITS WOODLANDS, LOW ELEVATION CONIFEROUS FOREST OF DOUGLAS-FIR, PONDEROSA PINE, & MONTEREY PINE.	NESTS IN OLD WOODPECKER CAVITIES MOSTLY, ALSO IN HUMAN-MADE STRUCTURES. NEST OFTEN LOCATED IN TALL, ISOLATED TREE/SNAG.
<i>Rana boylei</i>	foothill yellow-legged frog	SSC	PARTLY-SHADED, SHALLOW STREAMS & RIFFLES WITH A ROCKY SUBSTRATE IN A VARIETY OF HABITATS.	NEED AT LEAST SOME COBBLE-SIZED SUBSTRATE FOR EGG-LAYING. NEED AT LEAST 15 WEEKS TO ATTAIN METAMORPHOSIS.
<i>Sidalcea oregana ssp. hydrophila</i>	marsh checkerbloom	1B.2	MEADOWS AND SEEPS, RIPARIAN FOREST.	WET SOIL OF STREAMBANKS, MEADOWS. 1100-2300 M.
<i>Taricha rivularis</i>	red-bellied newt	SSC		
<i>Taxidea taxus</i>	American badger	SSC	MOST ABUNDANT IN DRIER OPEN STAGES OF MOST SHRUB, FOREST, AND HERBACEOUS HABITATS, WITH FRIABLE SOILS.	NEEDS SUFFICIENT FOOD, FRIABLE SOILS & OPEN, UNCULTIVATED GROUND. PREYS ON BURROWING RODENTS. DIGS BURROWS.

<i>Tracyina rostrata</i>	beaked tracyina	1B.2	CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND.	OPEN GRASSY MEADOWS WITHIN OAK WOODLAND AND GRASSLAND HABITATS. 90-790 M.
<i>Trichostema ruygatii</i>	Napa bluecurls	1B.2	CISMONTANE WOODLAND, CHAPARRAL, VALLEY AND FOOTHILL GRASSLAND, VERNAL POOLS, LOWER MONTANE CONIFEROUS FOREST.	OFTEN IN OPEN, SUNNY AREAS. ALSO HAS BEEN FOUND IN VERNAL POOLS. 30-590M.
<i>Viburnum ellipticum</i>	oval-leaved viburnum	2B.3	CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.	215-1400 M.

\*Definitions of Status Codes: FE = Federally listed as endangered; FT = Federally listed as threatened; FPE = Federally proposed for listing as endangered; FPT = Federally proposed for listing as threatened; FC = Candidate for Federal listing; MB = Migratory Bird Act; CE = California State listed as endangered; CT = California State listed as threatened; CSSC = California species of special concern; CR = California rare species; CFP = California fully protected species; CNPS (California Native Plant Society) List 1A = Plants presumed extinct in California by CNPS; CNPS List 1B = CNPS designated rare or endangered plants in California and elsewhere; and CNPS List 2 = CNPS designated rare or endangered plants in California, but more common elsewhere. Global Ranking: G1 = Critically Imperiled; G2 = Imperiled; G3 = Vulnerable. State Ranking: S1 = Critically Imperiled; S2 = Imperiled; S3 = Vulnerable.

\*\*Copied verbatim from CNDDDB, unless otherwise noted.



#### **4.3.2. Listed Species or Special-status Species Observed During Field Survey**

During the field survey, no special-status species were detected within the Project Area or the surrounding Study Area.

#### **4.3.3. Potential for Listed Species or Special-status Species to Occur in the Study Area**

The vineyards and non-native grasslands within the Study Area have a low potential for harboring special-status plant species due to the dominance of aggressive non-native grasses and forbs and horticultural disturbances. The pond and surrounding marsh have a moderate potential to harbor special-status species.

### **4.4. POTENTIALLY-JURISDICTIONAL WATER RESOURCES**

The USFWS National Wetland Inventory reported 2 water features within the Study Area (see Exhibits): a channel and a pond.

An informal assessment for the presence of potentially-jurisdictional water resources within the Study Area was also conducted during the field survey. For purposes of this biological site assessment, non-wetland waters were classified using the California Forest Practice Rules. The California Forest Practice Rules define a Class I watercourse as 1) a watercourse providing habitat for fish always or seasonally, and/or 2) providing a domestic water source; a Class II watercourse is 1) a watercourse capable of supporting non-fish aquatic species, or 2) a watercourse within 1000 feet of a watercourse that seasonally or always has fish present; a Class III watercourse is a watercourse with no aquatic life present and that shows evidence of being capable of transporting sediment to Class I and Class II waters during high water flow conditions.

The field survey determined that the Project Area does not contain any channels or wetlands. The following water features were detected within the larger Study Area during the field survey (see Exhibits):

- an unnamed ephemeral channel (Class III watercourse)
- a pond with a fringe of wetland vegetation.

There are no vernal pools or other isolated wetlands in the Study Area.

## **5. IMPACT ANALYSES AND MITIGATION MEASURES**

This section establishes the impact criteria, then analyzes potential Project-related impacts upon the known biological resources within the Study Area, and then suggests mitigation measures to reduce these impacts to a less-than-significant level.

### **5.1. IMPACT SIGNIFICANCE CRITERIA**

The significance of impacts to biological resources depends upon the proximity and quality of vegetation communities and wildlife habitats, the presence or absence of special-status species, and the effectiveness of measures implemented to protect these resources from Project-related impacts. As defined by CEQA, the Project would be considered to have a significant adverse impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a special-status species in local or regional plans, policies, or regulations, or by USFWS or CDFW
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by USFWS or CDFW

- 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
- 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
- Conflict with any county or municipal policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved governmental habitat conservation plan.

## 5.2. IMPACT ANALYSIS

The following discussion evaluates the potential for Project-related activities to adversely affect biological resources. The Project boundaries were digitized and then overlaid on the habitat map using GIS to quantify potential impacts. Historical aerial photos were also analyzed for changes in land use.

### 5.2.1. Potential Direct / Indirect Adverse Effects Upon Special-status Species

- *Will the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

No special-status species were detected within the Study Area. The channel and the pond and surrounding marsh have a moderate potential to sustain special-status species. However, the cannabis cultivation / operation areas are at least 700 feet away from any of these water resources. No impacts to special-status species were identified from project implementation. Therefore, no mitigation is required.

The Study Area contains suitable nesting habitat for various bird species because of the presence of trees and poles. However, no nests or nesting activity was observed in the project area during the field survey. Trees must be inspected for the presence of active bird nests before tree felling or ground clearing. If active nests are present in the project area during construction of the project, CDFW should be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

### Recommended Mitigation Measures

No mitigation is necessary.

### 5.2.2. Potential Direct / Indirect Adverse Effects Upon Special-status Habitats or Natural Communities or Corridors

- *Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

The Study Area is not within any designated listed species’ critical habitat. The Project Area does not contain any special-status habitats. The Study Area contains special-status habitats: the channel and the marsh surrounding the pond. However, the cannabis cultivation / operation areas are at least 700

feet away from any of these water resources. No impacts to special-status habitats were identified from project implementation.

### **Recommended Mitigation Measures**

No mitigation is necessary.

### **5.2.3. Potential Direct / Indirect Adverse Effects On Jurisdictional Water Resources**

- *Will the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

The Project Area does not contain any water resources. The Study Area contains water resources: the channel and pond. However, the cannabis cultivation / operation areas are at least 700 feet away from any of these water resources. No direct impacts to water resources will occur.

If the total area of ground disturbance from installation of the cultivation operation is 1 acre or more, the Cultivator must enroll for coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ). Implementation of a stormwater pollution prevention plan, and erosion control plan, along with regular inspections, will ensure that construction activities do not pollute receiving waterbodies.

Potential adverse impacts to water resources could occur during operation of cultivation activities resources by discharge of sediment or other pollutants (fertilizers, pesticides, human waste, etc.) into receiving waterbodies. However, the project proponent must file a Notice of Intent and enroll in Cannabis Cultivation Order WQ 2019-0001-DWQ. Compliance with this Order will ensure that cultivation operations will not significantly impact water resources by using a combination of Best Management Practices (BMPs), buffer zones, sediment and erosion controls, site management plans, inspections and reporting, and regulatory oversight.

### **Recommended Mitigation Measures**

No impacts were identified, and therefore no mitigation measures are proposed.

### **5.2.4. Potential Impacts to Wildlife Movement, Corridors, etc.**

- *Will the project 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?*

Although no mapped wildlife corridors (such as the California Essential Habitat Connectivity Area layer in CNDDDB) exist within or near the Study Area, the open space in the Study Area facilitate animal movement and migrations. While the Study Area may be used by wildlife for movement or migration, the Project would not have a significant impact on this movement because it would not block movement and the majority of the open space in the Study Area would still be available.

Implementation of the proposed project would necessitate erection of security fences around the cultivation compounds. These fences do not allow animal movement and may act as a local barrier to wildlife movement. However, the fenced cultivation areas are surrounded by open space, allowing wildlife

to move around these fenced areas. Thus, implementation of the proposed project is a less than significant impact upon wildlife movement. Implementation of the project will not 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.

### **Recommended Mitigation Measures**

No mitigation is necessary.

#### **5.2.5. Potential Conflicts With Ordinances, Habitat Conservation Plans, etc.**

- *Will the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*
- *Will the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or another approved governmental habitat conservation plan. The Study Area is not within the coverage area of any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

### **Recommended Mitigation Measures**

No mitigation is necessary.

## 6. REFERENCES

Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, and T.J. Rosatti, editors. 2012. The Jepson Manual: Vascular Plants of California, second edition, thoroughly revised and expanded. University of California Press, Berkeley, California. 1,600 pp.

Calflora. 2020. Calflora, the on-line gateway to information about native and introduced wild plants in California. Internet database available at <http://calflora.org/>.

California Department of Fish and Wildlife. 2019. List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database. Available on the Internet at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>.

California Department of Fish and Wildlife. 2020a. RareFind, California Natural Diversity Data Base. Biogeographic Data Branch, Sacramento, California. (updated monthly by subscription service)

California Department of Fish and Wildlife, 2020b. California's Plants and Animals. Habitat Conservation Planning Branch, California Department of Fish and Wildlife, Sacramento, California. [http://www.dfg.ca.gov/hcpb/species/search\\_species.shtml](http://www.dfg.ca.gov/hcpb/species/search_species.shtml).

California Department of Fish and Wildlife. 2020c. California's Wildlife. California Wildlife Habitat Relationships System, Biogeographic Data Branch, California Department of Fish and Wildlife. Internet database available at <http://www.dfg.ca.gov/whdab/html/cawildlife.html>.

California Native Plant Society. 2020. Inventory of Rare and Endangered Plants. Rare Plant Scientific Advisory Committee, David P. Tibor, convening editor. California Native Plant Society. Sacramento, California. Internet database available at <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>.

Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. U.S. Army Engineer Waterways Experiment Station. Vicksburg, Mississippi. 92 pp.

Holland, R. F. 1986. Preliminary descriptions of the terrestrial natural communities of California. State of California, The Resources Agency, Nongame Heritage Program, Department of Fish and Wildlife, Sacramento, California. 156 pp.

Lanner, R. M. 2002. Conifers of California. Cachuma Press, Los Olivos, California. 274 pp.

Natural Resources Conservation Service. 2020. Web Soil Survey. National Cooperative Soil Survey, U.S. Department of Agriculture. NRCS Soils Website (Internet database and digital maps) available at: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.

NatureServe. 2020. NatureServe Explorer: An online encyclopedia of life. NatureServe, Arlington, Virginia. Internet database available at <http://www.natureserve.org/explorer>.

Pavlik, B. M., P. C. Muick, S. G. Johnson, and M. Popper. 1991. Oaks of California. Cachuma Press and the California Oak Foundation. Los Olivos, California. 184 pp.

Powell, J. A., and C. L. Hogue, 1979. California Insects. University of California Press, Berkeley, California. 388 pp.

Sawyer, J. O., and T. Keeler-Wolf. 1995. A manual of California vegetation. California Native Plant Society, Sacramento, California. Available electronically at <http://davisherb.ucdavis.edu/cnpsActiveServer/index.html>.

Sibley, D. A. 2003. The Sibley Field Guide to Birds of Western North America. Alfred A. Knopf, Inc., New York, New York.

Stuart, J. D., and J. O. Sawyer. 2001. Trees and Shrubs of California. California Natural History Guides. University of California Press, Berkeley, California. 467 pp.

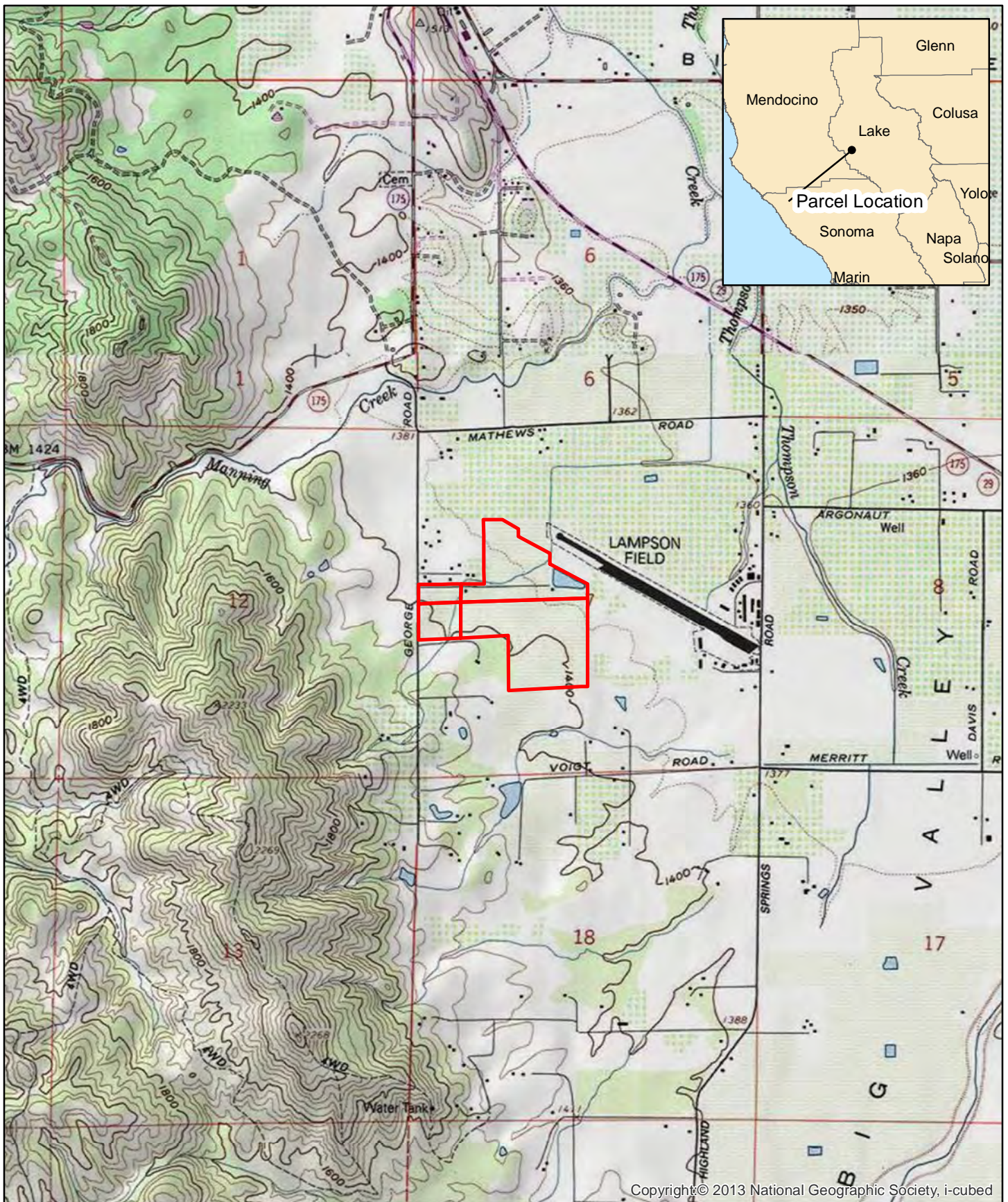
Sunset Western Garden Collection. 2020. Sunset Climate Zones. Sunset Publishing Corporation. Available on the Internet at: <https://www.sunsetwesterngardencollection.com/climate-zones>.

University of California at Berkeley. 2020a. Jepson Online Interchange for California Floristics. Jepson Flora Project, University Herbarium and Jepson Herbarium, University of California at Berkeley. Internet database available at <http://ucjeps.berkeley.edu/interchange.html>.

University of California at Berkeley. 2020b. CalPhotos. Biodiversity Sciences Technology Group, University of California at Berkeley. Internet database available at <http://calphotos.berkeley.edu/>

# EXHIBITS





Parcel Location

0

0.5

1

Kilometers

0

0.5

1

Miles



1:24,000

George Road Properties  
Parcel Location Map



NATURAL  
INVESTIGATIONS  
COMPANY



- Parcel boundaries
- Cannabis Production Area
- Vegetation Community Types**
  - Vineyard or other agriculture
  - Open water
  - Ruderal/developed



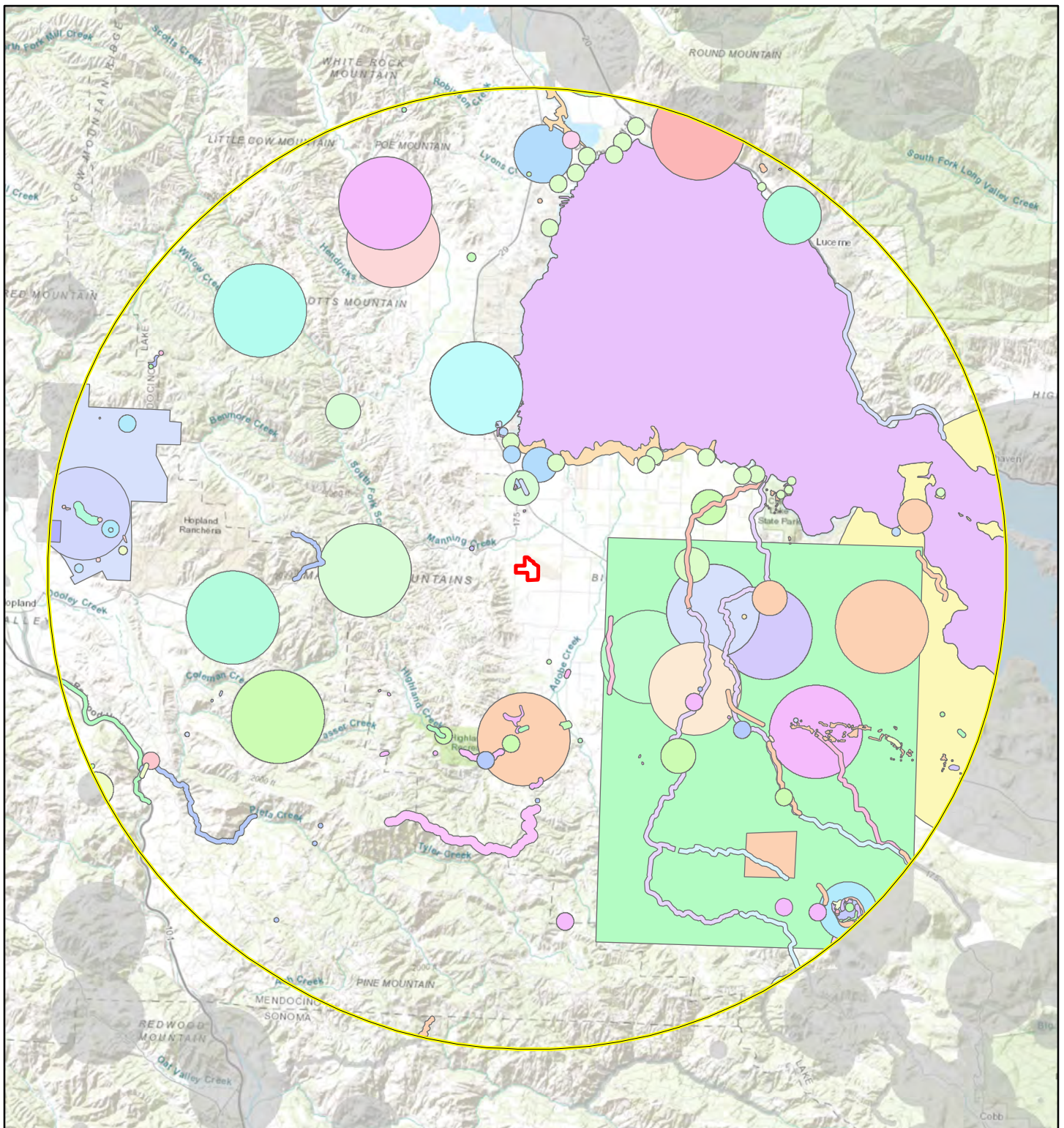
## Habitat Types

4440 George Road, Lakeport



NATURAL INVESTIGATIONS  
COMPANY





Project Location  10 Mile Buffer

1:190,000      1 inch = 3 miles  
 0                      3                      6  
 Miles



**Notes:**

1. The locations of all features shown are approximate.
  2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. Natural Investigations Company can not guarantee the accuracy and content of electronic files. The master file is stored by Natural Investigations Company and will serve as the official record of this communication.
  3. It is unlawful to copy or reproduce all or any part thereof, whether for personal use or resale, without permission.
- Data Sources: California Department of Fish and Wildlife. 2020. RareFind 5.x, California Natural Diversity Data Base. Biogeographic Data Branch, Sacramento, California.  
 (updated monthly by subscription service)

## Special-Status Species Occurrences Map

### George Road Properties

Highland Springs 1993 Quadrangle:  
Township 13N, Range 9W, Section 7



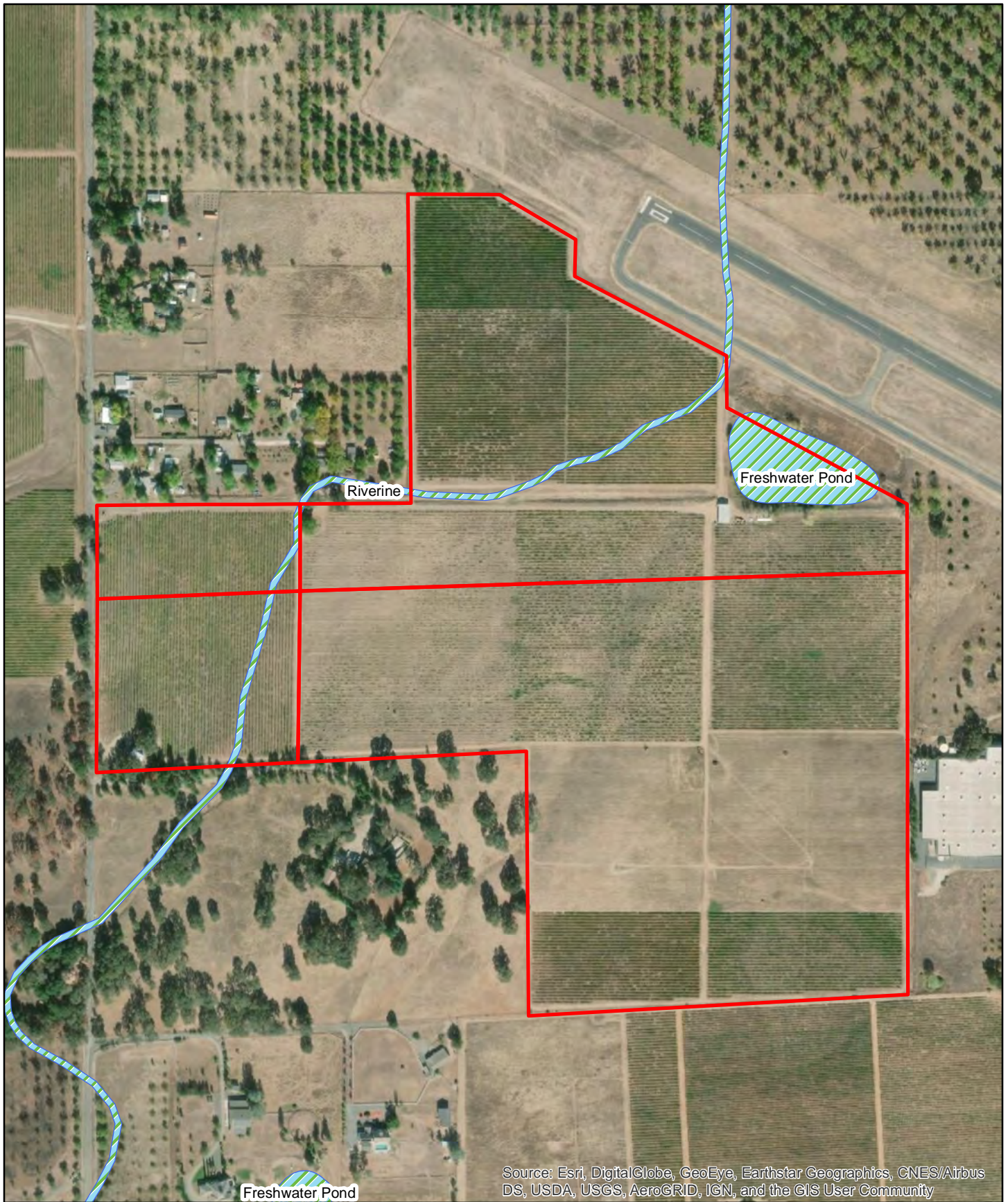
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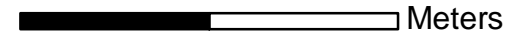




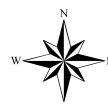
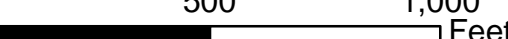
Parcel Location

Wetlands and Channels

0 125 250 Meters



0 500 1,000 Feet



1:5,000

George Road Properties  
National Wetlands Inventory  
Features Map



NATURAL  
INVESTIGATIONS  
COMPANY

## APPENDIX 1: USFWS SPECIES LIST



# United States Department of the Interior



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

In Reply Refer To:

February 19, 2020

Consultation Code: 08ESMF00-2020-SLI-1086

Event Code: 08ESMF00-2020-E-03458

Project Name: George Road Properties

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

## To Whom It May Concern:

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

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

[http://www.nwr.noaa.gov/protected\\_species/species\\_list/species\\_lists.html](http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html)

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

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

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Attachment(s):

- Official Species List

## Official Species List

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

This species list is provided by:

**Sacramento Fish And Wildlife Office**

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

(916) 414-6600

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## Project Summary

Consultation Code: 08ESMF00-2020-SLI-1086

Event Code: 08ESMF00-2020-E-03458

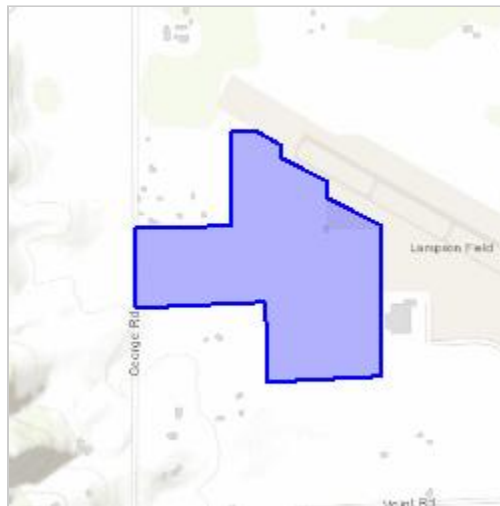
Project Name: George Road Properties

Project Type: \*\* OTHER \*\*

Project Description: Bio Assessment

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.98956986269799N122.9078360842943W>



Counties: Lake, CA

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## Endangered Species Act Species

There is a total of 6 threatened, endangered, or candidate species on this species list.

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

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

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

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

## Birds

NAME	STATUS
Northern Spotted Owl <i>Strix occidentalis caurina</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1123">https://ecos.fws.gov/ecp/species/1123</a>	Threatened

## Reptiles

NAME	STATUS
Green Sea Turtle <i>Chelonia mydas</i> Population: East Pacific DPS No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a>	Threatened

## Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2891">https://ecos.fws.gov/ecp/species/2891</a> Species survey guidelines: <a href="https://ecos.fws.gov/ipac/guideline/survey/population/205/office/11420.pdf">https://ecos.fws.gov/ipac/guideline/survey/population/205/office/11420.pdf</a>	Threatened

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## Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/321">https://ecos.fws.gov/ecp/species/321</a>	Threatened

## Crustaceans

NAME	STATUS
California Freshwater Shrimp <i>Syncaris pacifica</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7903">https://ecos.fws.gov/ecp/species/7903</a>	Endangered

## Flowering Plants

NAME	STATUS
Burke's Goldfields <i>Lasthenia burkei</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4338">https://ecos.fws.gov/ecp/species/4338</a>	Endangered

## Critical habitats

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

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## **APPENDIX 2: CHECKLIST OF PLANTS DETECTED IN THE STUDY AREA**

## Appendix 2:

Plants Observed at 4440 George Road, Lower Lake on February 26, 2020

Common Name	Scientific Name
Lotus	<i>Acmispon sp.</i>
Red-root pigweed	<i>Amaranthus retroflexus</i>
Slender wild oat	<i>Avena barbata</i>
Wild oat	<i>Avena fatua</i>
Coyote brush	<i>Baccharis pilularis</i>
Common blennosperma	<i>Blennosperma nanum var. nanum</i>
Black mustard	<i>Brassica nigra</i>
Brodiaea	<i>Brodiaea sp.</i>
Ripgut brome	<i>Bromus diandrus</i>
Soft chess	<i>Bromus hordeaceus</i>
Italian thistle	<i>Carduus pycnocephalus</i>
Yellow star thistle	<i>Centaurea solstitialis</i>
Chicory	<i>Cichorium intybus</i>
Miner's lettuce	<i>Claytonia perfoliata</i>
Dove weed	<i>Croton setiger</i>
Orchard grass	<i>Dactylis glomerata</i>
Spikerush	<i>Eleocharis sp.</i>
Medusa head grass	<i>Elymus caput-medusae</i>
Blue wildrye	<i>Elymus glaucus</i>
Tall willowherb	<i>Epilobium brachycarpum</i>
Denseflower willowherb	<i>Epilobium densiflorum</i>
Fillaree	<i>Erodium botrys</i>
Fillaree	<i>Erodium cicutarium</i>
California poppy	<i>Eschscholzia californica</i>
Gum tree	<i>Eucalyptus sp.</i>
Italian ryegrass	<i>Festuca perennis</i>
Cut leaf geranium	<i>Geranium dissectum</i>
Dove's foot geranium	<i>Geranium molle</i>
Toyon	<i>Heteromeles arbutifolia</i>
Shortpod mustard	<i>Hirschfeldia incana</i>
Hare wall barley	<i>Hordeum murinum</i>
Klamath weed	<i>Hypericum perforatum</i>
Rush	<i>Juncus sp.</i>
Prickly wild lettuce	<i>Lactuca serriola</i>
Shining pepperweed	<i>Lepidium nitidum</i>
Miniature lupine	<i>Lupinus bicolor</i>
Lupine	<i>Lupinus sp.</i>
Common madia	<i>Madia elegans</i>
Cheese weed	<i>Malva parviflora</i>
Horehound	<i>Marrubium vulgare</i>
Pennyroyal	<i>Mentha pulegium</i>
Cactus	<i>Opuntia sp.</i>
Smartweed	<i>Persicaria sp.</i>
Harding grass	<i>Phalaris aquatica</i>
American mistletoe	<i>Phoradendron leucarpum</i>
English plantain	<i>Plantago lanceolata</i>
London plane tree	<i>Platanus x acerifolia</i>
Prostrate knotweed	<i>Polygonum aviculare</i>
Fremont cottonwood	<i>Populus fremontii</i>



Plum	<i>Prunus sp.</i>
Pear	<i>Pyrus sp.</i>
Blue oak	<i>Quercus douglasii</i>
Western buttercup	<i>Ranunculus occidentalis</i>
Jointed charlock	<i>Raphanus sativus</i>
Lemonade berry	<i>Rhus trilobata</i>
Himalayan blackberry	<i>Rubus armeniacus</i>
Curly dock	<i>Rumex crispus</i>
Sandbar willow	<i>Salix exigua</i>
Arroyo willow	<i>Salix lasiolepis</i>
Blue elderberry	<i>Sambucus nigra ssp. caerulea</i>
Hardstem tule	<i>Schoenoplectus acutus</i>
Field burweed	<i>Soliva sessilis</i>
Johnson grass	<i>Sorghum halepense</i>
Tall sock destroyer	<i>Torilis arvensis</i>
Poison oak	<i>Toxicodendron diversilobum</i>
White clover	<i>Trifolium repens</i>
Clover	<i>Trifolium spp.</i>
Owl's-clover	<i>Triphysaria sp.</i>
Boradleaf cattail	<i>Typha latifolia</i>
Moth mullein	<i>Verbascum blattaria</i>
Winter vetch	<i>Vicia sativa</i>
Spring vetch	<i>Vicia villosa</i>
European grape	<i>Vitis vinifera</i>
Cocklebur	<i>Xanthium strumarium</i>
Centaury	<i>Zeltnera sp.</i>

## APPENDIX 3: SITE PHOTOS































