

1602 Spring Street, Paso Robles, CA 93446
(805) 237-9626 • Fax (805) 237-9181 • www.althouseandmeade.com

April 2, 2019 Project 1186.01

Danny Crowe
D. Crowe Consulting
16030 Valley Wood Road
Sherman Oaks, CA 91403

Re: Biological Resource Assessment for 1116 Dawn Road, San Luis Obispo County

Dear Mr. Crowe:

This report provides the results of a biological survey conducted on a 4.4-acre property (Property) located at 1116 Dawn Road in Nipomo, San Luis Obispo County, California (Figures 1 and 2). Approximate coordinates for the center of the Property are 35.04112°N, -120.52998°W, (WGS 84) in the Oceano USGS 7.5' topographic quadrangles. The Property is assessor parcel number (APN) 091-232-053. This survey was conducted to provide baseline biological information and an assessment of potential special status plant and animal species that could occur on the Property or be affected by the proposed project (Project), a Cannabis Cultivation Minor Use Permit on approximately 0.68 acres of the 4.4-acre Property.

The proposed cannabis cultivation project would consist of seven greenhouses and a parking area within a 0.68 acre fenced area. The fence would be six-foot-high chain link with a 20-foot-wide gate for access. Six of the greenhouses would each be 24 feet by 60 feet (1,140 square feet), and one would be 24 feet by 56 feet (1,344 square feet), for a combined total of 8,184 square feet of greenhouse space. Minor improvements may be required to the existing driveway for parking near the nursery. The proposed residence on the north side of the greenhouses would be used as a caretaker's home and occupation office. Water would be from a shared well on the neighboring parcel.

Methods

Surveys for biological resources were conducted on March 13, 2019 by Althouse and Meade, Inc. Principal Biologist Jason Dart and Biologist Kristen Andersen. Biological surveys were conducted on foot in order to compile species lists, to search for special status plants and animals, to map habitats, and to photograph the Property. The general vegetation survey method included meandering transects with an emphasis on identifying each plant species observed. Transects were also utilized to describe general conditions and dominant species, compile species lists, and evaluate potential habitat for special status species. The entire Property was surveyed at a reconnaissance level, while focused survey efforts were completed throughout the Project footprint

and surrounding area. All habitats on the Property were mapped (Figure 3). Identification of botanical resources included field observations and laboratory analysis of collected material. Reference sites were visited to determine the presence/absence and plant phenology of special status plant species with potential to occur. Botanical nomenclature used in this document follows the Jepson Manual, Second Edition (Baldwin et al. 2012).

Wildlife documentation included observations of animal presence and other wildlife sign. Observations of wildlife were recorded during the field survey in all areas of the Property (Table 2; Attachment F). Birds were identified by sight or by vocalizations. Results of the botanical and wildlife surveys are summarized below.

The California Natural Diversity Database (CNDDB; March 2019 data) and the California Native Plant Society (CNPS) On-line Inventory of Rare and Endangered Plants of California were reviewed for special status species known to occur in the eight USGS 7.5-minute quadrangles surrounding the site, including: Arroyo Grande NE, Guadalupe, Nipomo, Oceano, Pismo Beach, Point Sal, Santa Maria, and Tar Spring Ridge.

Existing Conditions

The Property consists of one rural residential parcel situated in the community of Nipomo, approximately five miles east of Pismo Dunes Recreation Area in southern San Luis Obispo County at an elevation of approximately 370 feet. A dirt driveway accesses the Property from Dawn Road, leading to the residential homes to the north. The Property is immediately surrounded by residential communities and development, with active agricultural fields approximately two miles to the south. The Property is approximately 4.4 acres and is dominated by eucalyptus woodland habitat (*Eucalyptus* spp. Woodland Semi-Natural Alliance; CNPS 2019) with an understory of poison oak (*Toxicodendron diversilobum*) and low-growing forbs (Photos 1 and 2). Layers of carpet and plastic tarp are strewn about the ground intermittently within the Project area (Photo 3). Structures on the Property include several greenhouses and residential homes extending north of the Project area (Photo 4). A semi-open area exists centrally within the Project area, with benches and an informal stage (Photo 5). A dirt walkway with a ground cover of eucalyptus bark, intermittent forbs, and grasses dissects the Project area with wire fencing on either side (Photos 6). Drainages do not occur on the Property.

Results

Special Status Species

The CNDDB and CNPS On-line Inventory of Rare and Endangered Plants of California list 79 special status plants and 38 special status animals known to occur in the vicinity of the Property. A local reference site near Callender Road and Highway 1 was visited on March 13, 2019 to determine blooming status of two special status plant species known to occur in the area: San Luis Obispo monardella (*Monardella undulata* subsp. *undulata*) and Nipomo mesa lupine (*Lupinus nipomensis*). Based on the results of the site survey, the Property does not have potential to support special status plant species and none were observed during the survey. There are no sensitive natural communities on the Property. The Property has potential to support three special status animal species (Attachment D, Table 1). Below we discuss special status plants and animals, and describe habitat, range restrictions, known occurrences, and survey results for the Property.

- **A.** Special Status Birds. One special status bird, Cooper's hawk (*Accipiter cooperii*), was observed near the Property during the March 2019 survey. Cooper's hawk is a CDFW Watch List species (for nesting occurrences only) that occurs regularly in California during the winter months and during spring and fall migration (CNDDB 2019). The CNDDB does not list any records of Cooper's hawk nesting within the vicinity of the Property. Eucalyptus trees on the Property have low to moderate potential to harbor nesting Cooper's hawk. One nesting record for sharp-shinned hawk (*Accipiter striatus*) is in the CNDDB (Occurrence #9), approximately 1.4 miles southwest of the Property. Sharp-shinned hawks are also a CDFW Watch List species for nesting occurrences. Sharp-shinned hawk was not observed on or near the Property, and the site has low potential to harbor nesting sharp-shinned hawks.
- **B. Special Status Reptiles.** One special status reptile, northern California legless lizard (*Anniella pulchra*), is known to occur in the vicinity and could occur on the Property. The closest reported occurrence is 0.43 miles northeast of the Property (CNDDB #183). Northern California legless lizard was not observed on the Property during our March 2019 site survey; however, their fossorial habitat often makes detection difficult. Legless lizards prefer friable soils with a moderate moisture content. The sandy soils onsite, combined with leaf litter and shed eucalyptus bark in the understory of the eucalyptus grove could provide suitable habitat for northern California legless lizard.
- C. Special Status Invertebrates. One special status invertebrate, monarch butterfly (Danaus plexippus), has potential to occur on the Property. The monarch butterfly is listed as a Special Animal by CDFW. It is under review by the U.S. Fish and Wildlife Service (USFWS) for listing under the federal Endangered Species Act (FESA). The western population of the monarch butterfly has seen a population crash in the last year, with an 86 percent decline in overwintering butterflies in 2018 compared with 2017 (Xerces Society 2019). There are numerous older reports of monarch butterflies in autumnal or potentially wintering aggregations in eucalyptus groves on the Nipomo Mesa. Althouse and Meade, Inc. prepared a Habitat Assessment in 2018 for a parcel approximately 3.5 miles west of the Property that reportedly held a few thousand butterflies in 2017 (Althouse and Meade, Inc. 2018). The eucalyptus grove on the Property would be considered low potential for harboring an overwintering aggregation of monarch butterflies. The mature eucalyptus trees in the Project footprint are rather densely spaced and have a tall understory of poison oak, eucalyptus saplings, and other weedy plants. It is in a low area that is protected from prevailing winds and storms. The understory has plastic tarps and carpets and trash. The surrounding area has landscaping, a makeshift amphitheater, and outbuildings. Our survey conducted March 13, 2019 did not detect any monarchs on the site but was conducted too late in the season to detect an overwintering aggregation.

Botanical Survey Results

A seasonally appropriate botanical survey conducted in March 2019 identified 27 species and subspecies of vascular plants on the Property (Table 2; Attachment E). The list includes 10 species native to California, and 17 introduced (naturalized or planted) species. Special status species were not detected on the Property. Several ornamental plant species were observed along installed irrigation lines. Native plants species account for approximately 37 percent of the taxa on the Property, and non-native species account for approximately 63 percent. Reference sites visited for

the federally listed endangered Nipomo Mesa lupine and the San Luis Obispo Monardella observed these species in identifiable condition on the same day as the site survey.

Wildlife Survey Results

Wildlife species detected on the Property include six birds and one reptile (Attachment F). As previously described, one special status bird species, Cooper's hawk, was observed in the vicinity of the Property. A pair of red-shouldered hawks were observed in the eucalyptus grove immediately south of the Property boundary where a nest is presumed to be present. A variety of birds are expected to nest on the Property, including Allen's hummingbird, Anna's hummingbird, California towhee, and others. No raptor or other bird nests were observed in the Project footprint.

Impacts and Mitigations

The proposed Project would occupy approximately 0.68 acre of the Property. All Project features such as greenhouses and parking would be situated within a perimeter fence of six-foot-high chain link. A Site Plan is provided in Attachment C, for reference. The Project footprint is overlaid on a map of biological resources in Attachment C, Figure 3.

The following sections provide mitigation information and recommendations designed to reduce potential effects of the Project to a less than significant level.

Habitats

The Project footprint would permanently impact 0.27 acres of eucalyptus woodland habitat. Numerous mature blue-gum eucalyptus trees would be removed. Eucalyptus woodland habitat is comprised of non-native trees and removal of such habitat does not require mitigation except where it could affect other sensitive biological resources such as nesting birds or overwintering monarch butterfly aggregations (see below).

Nesting Birds

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

Two special status birds, Cooper's hawk and sharp-shinned hawk have potential to occur in the Project area. Other bird species could potentially nest in eucalyptus trees or understory in the Project area. To reduce potential impacts to nesting birds to a less than significant level, the following measure is recommended.

BR-1. Within one week of vegetation clearing or ground disturbance, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may commence. If nesting birds are located, no construction activities shall occur within a distance specified by a qualified biologist, until chicks are fledged, or the nest fails. Buffer radius shall be specified according to special status rank of the nesting bird, intensity of construction activity or impact (i.e. high decibel levels or heavy ground disturbance) and where local, state, and federal regulations apply. A preconstruction survey report shall be submitted to the lead agency

immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

Special Status Reptiles

Northern California legless lizard was not detected on the Property during our March 2019 survey, but it is known to occur in the area and has a low potential to occur in the Project footprint. Development of the Project would include ground clearing and disturbance, along with eucalyptus tree removal, which could affect legless lizards. To reduce potential impacts to northern California legless lizard to a less than significant level, the following measure is recommended.

BR-2. A qualified biologist shall be present during tree removal and ground disturbance activities to monitor for northern California legless lizard. If any special status reptiles or amphibians are found in the area during work, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. If federal or state listed animals are observed, all work shall cease, and California Fish and Wildlife and/or U.S. Fish and Wildlife Service shall be consulted as appropriate. Federal or state listed animals shall not be captured, harmed, or relocated without prior approval from the appropriate agency.

Monarch Butterfly

Eucalyptus groves on the Nipomo Mesa are known to support small autumnal and overwintering aggregations of monarch butterflies. The eucalyptus woodland habitat in the Project footprint is disturbed from rural residential activities at the site and has an overgrown understory, but the trees were observed to be in decent health. Monarchs were not observed, however the March 2019 survey was too late in the season to identify autumnal or overwintering aggregations. Because the eucalyptus woodland in the Project footprint is in close proximity to the main residence it experiences regular disturbance from activities associated with landscaping, vehicles, trash, and a makeshift amphitheater. Although monarch aggregations were not confirmed to be absent, the potential for a significant aggregation site to be present in the Project footprint is very low. An estimated 2.83 acres of eucalyptus woodland habitat would remain on the Property after development of the proposed project.

Jurisdictional Drainages

The California Department of Fish and Wildlife regulates activities that divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or ban of any river, stream, or lake. CDFW has initiated a Cannabis cultivation permitting program that requires all applicants obtaining an Annual License from the California Department of Food and Agriculture to have a Lake and Streambed Alteration Agreement or written verification that one is not needed. If all Project components are set outside the 1600 jurisdiction a Self-Certification can be submitted online. More information about the CDFW Cannabis Program and permitting can be found at https://www.wildlife.ca.gov/Conservation/Cannabis/Permitting.

The State Water Board has also initiated a Cannabis Cultivation Program to establish principles and guidelines (requirements) for cannabis cultivation activities to protect water quality and instream flows. To implement the program, the Cannabis Cultivation General Order was adopted

and provides for a permitting pathway for cultivators. The General Order provides criteria to evaluate the threat to water quality based on site conditions and waterway classification. More information about the State Water Board Cannabis Cultivation can be found at http://www.waterboards.ca.gov/water-issues/programs/cannabis.

The Property at 1116 Dawn Road does not have any waterways that would trigger permitting requirements from CDFW or the State Water Board.

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

Sincerely,

Jason Dart

Principal Biologist

Copy: Mandi Pickens, Angle Land Use Entitlement

Attachments

- Attachment A. References
- Attachment B. Photographs
- Attachment C. Figures
- Attachment D. CNDDB/CNPS Special Status Species Lists
- Attachment E. Plant List
- Attachment F. Wildlife List

Attachment A. References

- Althouse and Meade, Inc. 2018. Western Monarch Overwintering Habitat Assessment for 654 Winterhaven Way, Arroyo Grande, CA.
- Baldwin BG, Goldman DH, Keil DJ, Patterson R, Rosatti TJ, Dieter H. Wilken DH, editors. 2012. The Jepson manual: vascular plants of California. 2nd ed. Berkeley (CA): UC Press.
- [CDFW] California Department of Fish and Wildlife. 2018. Guidelines for assessing the effects of proposed projects on rare, threatened, and endangered plants and natural communities. [cited 2019 March 15]. 2nd ed.
- [CNDDB] California Department of Fish and Wildlife, California Natural Diversity Database. 2018 Special animals list [Internet]. Sacramento (CA): California Department of Fish and Wildlife; [cited 2019 March 11]. Available from http://www.dfg.ca.gov/wildlife/nongame/list.html.
- [CNDDB] California Department of Fish and Wildlife, California Natural Diversity Database. 2018. Special vascular plants, bryophytes, and lichens list [Internet]. Sacramento (CA): California Department of Fish and Wildlife; [cited 2019 March 11]. Available from http://www.dfg.ca.gov/wildlife/nongame/list.html.
- [CNPS] California Native Plant Society, Rare Plant Program. 2017. Inventory of rare and endangered plants of California. Sacramento (CA): California Native Plant Society; [cited 2019 March 11]. Available from http://rareplants.cnps.org.
- [CNPS] California Native Plant Society. 2001. CNPS botanical survey guidelines [Internet]. Sacramento (CA): California Native Plant Society; [cited 2019 March 15] Available from https://www.cnps.org/plant-science/field-protocols-guidelines.
- Curtis OE, Rosenfield RN, Bielefeldt J. 2006. Cooper's hawk (*Accipiter cooperii*). In: Birds of North America. (Poole A, editor).
- [NAIP] National Agriculture Imagery Program. 2018. Aerial photomosaic of San Luis Obispo County [Internet]. Washington (DC): United States Department of Agriculture (USDA); Available from https://www.fsa.usda.gov/programs-and-services/aerial-photography/index
- Sawyer J, Keeler-Wolf T, Evens J. 2009. A manual of California vegetation. 2nd ed. Sacramento (CA): California Native Plant Society Press 1300p.
- Soil Survey Staff, Natural Resources Conservation Service. 2018. Web soil survey [Internet]. Washington (DC): United States Department of Agriculture (US); [cited 2019 March 14]. Available from http://websoilsurvey.nrcs.usda.gov/.
- [USFWS] U.S. Fish and Wildlife Service (US). 2000. Guidelines for conducting and reporting botanical inventories for federally, proposed, and candidate species. Washington (DC): U.S. Fish and Wildlife.
- Xerces Society [Internet]. 2019. Portland (OR): Xerces Society for Invertebrate Conservation; [Updated 2019 Jan 17; cited 2019 Mar 29]. Available from: https://xerces.org/2019/01/17/record-low-overwintering-monarchs-in-california/

Attachment B. Photographs



Photo 1. Photo of eucalyptus woodland habitat and existing pathway. View south. March 13, 2019.



Photo 2. Photo of eucalyptus woodland and understory of poison oak and other forbs. View southeast. March 13, 2019.



Photo 3. Plastic tarp and carpet laid out across understory throughout eucalyptus woodland habitat. March 13, 2019.

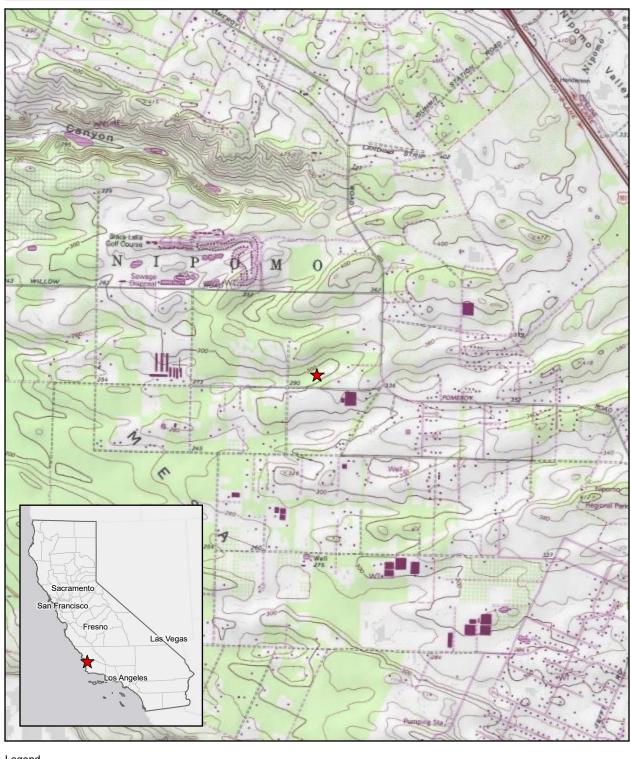


Photo 4. Existing infrastructure at west end of Project area. View north. March 13, 2019.

Attachment C. Figures

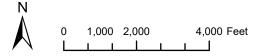
- Figure 1. USGS Topographic Map
- Figure 2. Aerial Image
- Figure 3. Biological Resources
- Figure 4. California Natural Diversity Database Plant Records
- Figure 5. California Natural Diversity Database Animal Records
- Figure 6. USFWS Critical Habitat

Figure 1. United States Geological Survey Topographic Map



Legend

Property Location



1116 Dawn Road - APN: 091-232-053 Map Center: 120.52998°W 35.04112°N Nipomo, San Luis Obispo County

USGS Quadrangle: Oceano



Figure 2. Aerial Photograph





Property (4.4 acres)

N 0 50 100 150 200 Feet 1116 Dawn Road - APN: 091-232-053 Map Center: 120.53°W 35.04113°N Nipomo, San Luis Obispo County

Imagery Date: 09/28/2016



Figure 3. Biological Resources





Figure 4. California Natural Diversity Database Plant Records

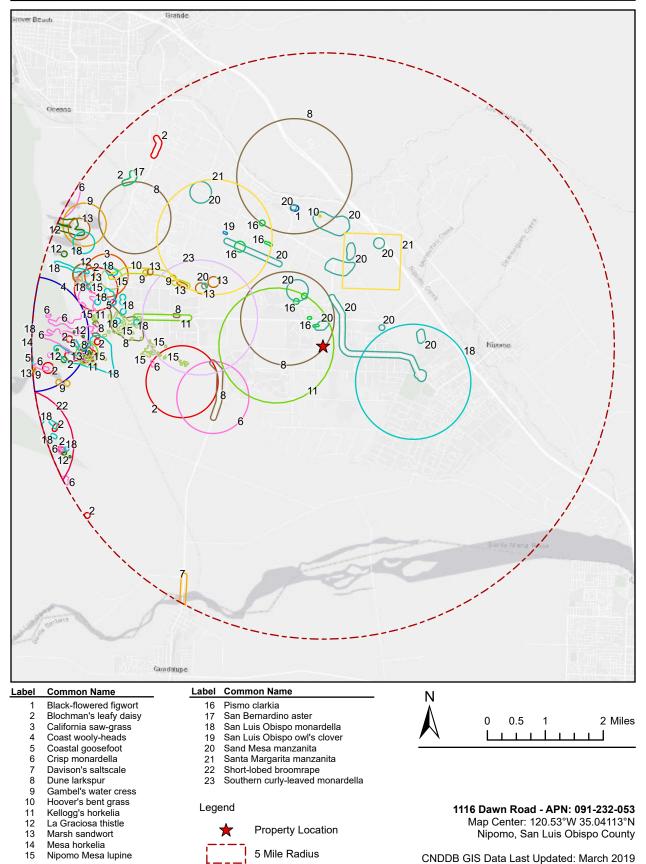




Figure 5. California Natural Diversity Database Animal Records

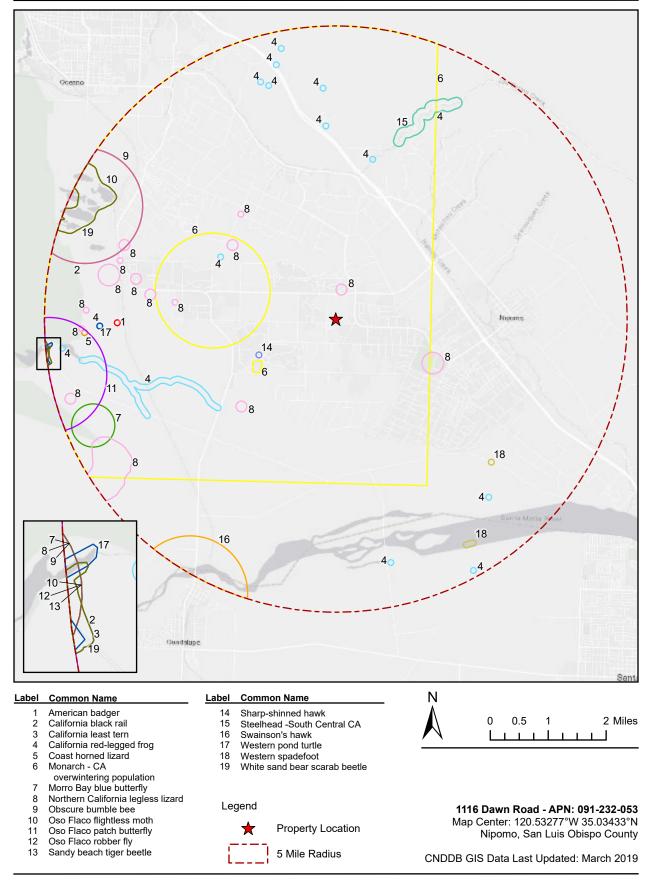
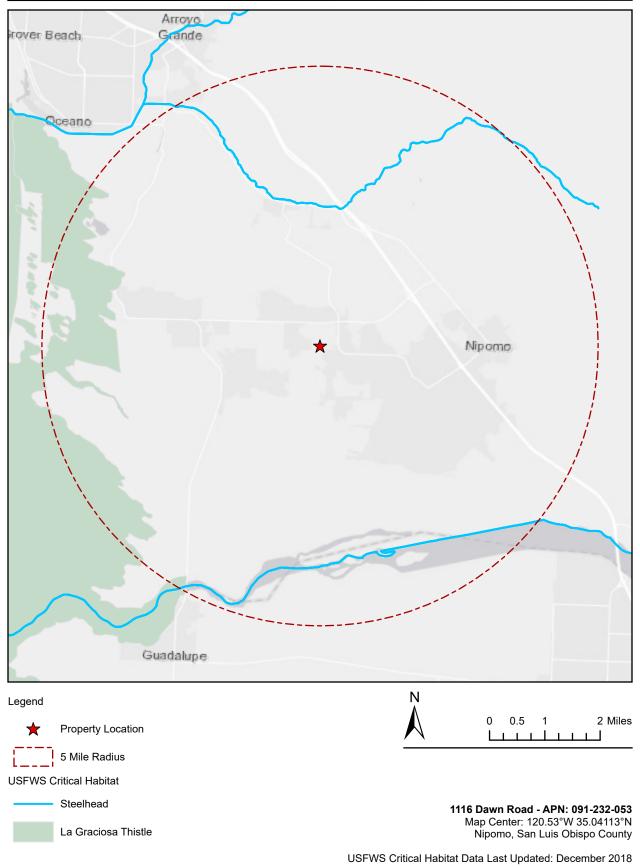




Figure 6. United States Fish and Wildlife Service Critical Habitat





Attachment D. CNDDB/CNPS Special Status Species Lists

Attachment D includes Table 1, which lists the potential special status animals reported from the region with potential to occur. No special status plants have potential to occur on the Property.

Potential Special Status Animals List

Table 2 lists three special status animal species reported from the region with potential to occur in the Study Area. Federal status, California State status, and CDFW listing status for each species are given. Typical nesting or breeding period, habitat preference, to occur, and whether or not the species was observed in the Study Area are also provided.

TABLE 1. SPECIAL STATUS ANIMAL LIST

	Common Name Scientific Name	Fed/State Status Global/State Rank CDFW Rank	Nesting- Breeding Period	Habitat Preference	Potential to Occur	Detected Within Property?	Effect of Proposed Activity
1.	Cooper's Hawk* Accipiter cooperii	None/None G5/S4 WL (nesting)	March 15 through August 15	Oak woodland, riparian, open fields. Nests in dense trees, esp. coast live oak.	High (foraging) to moderate (nesting). Species observed near Property. No nests observed, however suitable nesting habitat is present in eucalyptus grove.	No	Potential Adverse Effect Can be Mitigated
2.	Northern California Legless Lizard Anniella pulchra	None/None G3/S3 SSC	May - September	Sandy or loose loamy soils under coastal scrub or oak trees. Soil moisture essential.	Moderate. Leaf litter and sandy soils are present in the Study Area. Occurrences have been documented within less than one mile from the Study Area.	No	Potential Adverse Effect Can be Mitigated
3.	Monarch Butterfly Danaus plexippus	None/None G4T2T3/S2S3 Special Animal	September - March (aggregations)	Roosts located in wind-protected tree groves with nectar and water nearby.	None. The Study Area is not a known roosting site for monarch aggregations.	No	Unlikely to Affect

^{*}not listed in the CNDDB or CNPS for the search area, but possibly for the location.

Abbreviations:

SSC: CDFW Species of Special Concern

WL: CDFW Watch List

Attachment E. Plant List

The 27 species of vascular plants identified in the Study Area consist of 10 native species and 17 planted or introduced species. The vascular plant list is separated into general life form categories, within which the taxa are listed alphabetically by scientific name.

TABLE 2. PLANT LIST

Scientific Name	Special Status	Origin	Common Name	
Trees - 3 Species				
Calocedrus decurrens	None	Planted	Incense cedar	
Eucalyptus globulus	None	Planted	Blue gum	
Sequoia sempervirens	None	Planted	Coast redwood	
Shrubs - 3 Species				
Carpobrotus edulis	None	Introduced	Freeway iceplant	
Heteromeles arbutifolia	None	Native	Toyon	
Toxicodendron diversilobum	None	Native	Poison oak	
Forbs – 17 Species				
Asclepias eriocarpa	None	Native	Indian milkweed	
Capsella bursa-pastoris	None	Introduced	Shepherd's purse	
Cirsium vulgare	None	Introduced	Bull thistle	
Claytonia perfoliata	None	Native	Miner's lettuce	
Cotula australis	None	Introduced	Australian cotula	
Dichelostemma capitatum	None	Native	Blue dicks	
Erodium moschatum	None	Introduced	Greenstem filaree	
Galium aparine	None	Native	Common bedstraw	
Malva parviflora	None	Introduced	Cheeseweed	
Medicago polymorpha	None	Introduced	California burclover	
Oxalis pes-caprae	None	Introduced	Bermuda buttercup	
Pseudognaphalium californicum	None	Native	Ladies' tobacco	
Rumex crispus	None	Introduced	Curly dock	
Sonchus oleraceus	None	Introduced	Common sow thistle	
Stellaria media	None	Introduced	Common chickweed	
Urtica dioica	None	Native	Stinging nettle	
Zantedeschia aethiopica	None	Introduced	Calla-lily	
Grasses - 4 Species				
Bromus diandrus	None	Introduced	Ripgut grass	
Ehrharta calycina	None	Introduced	Perennial veldt grass	
Hordeum murinum	None	Introduced	Wall barley	
Poa annua	None	Introduced	Annual blue grass	

Attachment F. Wildlife List

Listed are the seven wildlife species of identified in the Study Area. The wildlife list is separated into general life form categories, within which the taxa are listed alphabetically by scientific name.

TABLE 3. WILDLIFE LIST

Common Name	Scientific Name	Special Status	Habitat Type	
Reptiles – 1 Species				
Western Fence Lizard	Sceloporus occidentalis	None	Grassland, scrub, woodland, farmland	
Birds – 6 Species				
Cooper's Hawk	Accipiter cooperii	WL/Nesting	Forests, woodlands	
California Scrub-Jay	Aphelocoma californica	None	Scrub	
Red-shouldered Hawk	Buteo lineatus	None	Forests, woodlands	
Anna's Hummingbird	Calypte anna	None	Open woodlands	
California Towhee	Melozone crissalis	None	Scrub	
Allen's Hummingbird	Selasphorus sasin	WL	Open woodlands	

Abbreviations:

WL: CDFW Watch List