1375 KLAU MINE ROAD
PASO ROBLES, CALIFORNIA 92466
APN 014-331-064
SAN LUIS OBISPO COUNTY, CALIFORNIA

BIOLOGICAL RESOURCES ASSESSMENT
FOR CANNABIS CULTIVATION ON PROPOSED PARCELS A & B

Prepared for:

Riparian Biosupport, Inc.
1375 Klau Mine Road
Paso Robles, California 92466

Prepared by:

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San Luis Obispo, California 93406

Revised July 2020

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AUTHENTICITY AND SIGNATURE PAGE

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

_____ 7/14/2020

Kevin Merk — Date

Principal Biologist

EXECUTIVE SUMMARY

Kevin Merk Associates, LLC (KMA) conducted a biological resources assessment on the property located at 1375 Klau Mine Road, Paso Robles, and identified as Assessor's Parcel Number 014-331-064. This assessment was prepared to support the owner's request for a Minor Use Permit from the County of San Luis Obispo under Ordinance 22.40.050, and evaluated the site's existing natural conditions to determine whether special-status biological resources may be present onsite and could be adversely affected by the proposed project as defined under the California Environmental Quality Act. The project proposes three (3) acres of outdoor cultivation within a 3.75-acre site on each of two parcels. Also included for each parcel are an ancillary nursery, greenhouses for indoor cultivation, loading/transport area, structures for pesticide storage, parking areas and improvements to an existing access road to Klau Mine Road. All cannabis cultivation areas are clustered toward the center of the property and are located in an area that has be consistently in agriculture for at least 40 years. The project proposes to maintain a minimum 50-foot setback from streams and drainages, and is designed to have cultivation areas outside of oak woodland. The remaining agricultural areas of the site will be used for cattle grazing, and other irrigated and dry-farmed crops. The remaining approximately 190 acres of the property would be undeveloped and retain natural habitats as a buffer around cannabis operations.

A reconnaissance survey for this investigation was conducted on November 12, 2018, and a background review of biological information from the area surrounding the project site was reviewed in order to adequately assess the special-status species and sensitive natural communities that could potentially occur onsite. A focused rare plant survey was conducted during the blooming period of rare plant species with potential to occur onsite on May 8, 2019.

Four primary habitat or land use types were observed on the property and included: 1) Agriculture; 2) Developed/Ruderal; 3) Foothill Woodland; and, 4) Non-native Grassland. Within the proposed project area, Agriculture and Developed/Ruderal were the land use types, and no impacts are proposed in Foothill Woodland habitat and no oak trees will be removed. A series of natural drainage features were identified within the property. Project impact areas are setback by at least 50 feet from each of the ephemeral drainages onsite and at least 100 feet from a small clump of willows at the head of one ephemeral drainage. Erosion and sediment control measures have been specified in the project grading plans. Central Coast Live Oak Riparian Forest is present along an intermittent tributary of Las Tablas Creek. The access road passes through this habitat and crosses the drainage over culverts that will not be modified for this project. However, road improvements for CalFire standards may involve work within the dripline of this habitat, and oak tree protection measures specified in the project plans is provided to avoid tree impacts. A tree inventory documenting the trees that may be impacted is prescribed, and compensatory mitigation for work within the dripline of oaks is recommended at a 2:1 ratio (i.e., 2 trees replaced for each tree impacted). No agricultural ponds, impoundments, or wetlands occur on the property.

No designated critical habitat or sensitive natural communities occur onsite. No federally or state-listed or candidate species have potential to occur on the property or would be indirectly affected by the proposed action. There are nine rare plant species determined to have potential to occur on the property during the background review, but none of these species are expected to occur in project impact areas because these species would not occur in Developed/Ruderal or Agricultural habitats that comprise the project footprint. No special-status plant species were found during the focused rare plant survey. There is potential for five special-status amphibian or reptile species, three bird species, and six mammal species species to occur onsite. Most of these species (i.e., all

foraging birds and bats) would not be affected by the project because their habitats would not be affected or their potential use the site will not be altered. Nesting of birds protected under the Migratory Bird Treaty Act or California Fish and Game Code could be affected, and avoidance of the bird nesting season or preconstruction surveys and avoidance of active nests is required. Individuals of the southwestern pond turtle, northern California legless lizard, Blainville's horned lizard, lesser slender salamander, and California newt, which are CDFW Species of Special Concern, could potentially use terrestrial habitats within impact areas on a periodic basis. No suitable breeding or foraging habitat is present in the project site as all areas are regularly disked under current agricultural operations, or are developed/disturbed. Therefore, the chance for negative effects on individuals is slight, but cannot be ruled out. Preconstruction surveys for these species are required to ensure that individuals are not affected. Open space containing suitable terrestrial habitats will continue to be maintained on the property as a buffer surrounding the cannabis operations, and could provide beneficial effects to these special-status wildlife species, should they be present. Other CDFW animal Species of Special Concern that could occur on the property but are not expected to be impacted by the project include the Monterey dusky-footed woodrat and American badger. With the incorporation of the mitigation measures prescribed herein, project effects would be less than significant.

1.0 INTRODUCTION

Kevin Merk Associates, LLC (KMA) conducted a biological resources assessment on the property located at 1375 and 1385 Klau Mine Road, Paso Robles, in the Adelaida area of the Santa Lucia Range. Identified as Assessor's Parcel Number (APN) 014-331-064, the property is approximately 200 acres and consists of two parcels ("A" and "B") zoned Agriculture. The property is located at Township 26S, Range 10E, Section 27 on the U.S. Geological Survey (USGS) Lime Mountain 7.5-minute quadrangle. The property is bounded to the west, east, and north by open space, and agriculture/rural residential to the south. Klau Mine Road is near the site's eastern boundary. It is located in an area with relatively low human population density and large (100+ acre) parcel sizes. Please refer to the Site Location Map (Figure 1) and the Aerial Overview Map (Figure 2) for further details.

This biological resources assessment was prepared to support the owner's request for a Minor Use Permit from the County of San Luis Obispo (County) under Ordinance 22.40.050 for outdoor cannabis cultivation. This assessment evaluates the site's existing natural conditions to determine whether special-status biological resources may be present onsite and could be adversely affected by the proposed project. The study area for this investigation included all areas within the proposed project that may be subject to disturbance plus a buffer of approximately 300 feet. The proposed site plans prepared by Angle Land Use Entitlement (July 6, 2020) and grading plan by Roberts Engineering (July 1, 2020) were reviewed to determine potential impacts to biological resources as defined under the California Environmental Quality Act (CEQA). Recommended mitigation measures are provided to reduce the impacts the proposed project could have on the biological resources. This document was prepared following the County's (2016) *Guidelines for Biological Resources Assessments*.

1.1 Project Description

As shown in Appendix D, Dr. Kirk Azevedo is proposing a cannabis cultivation operation on two parcels within the subject property. A lot line adjustment is being filed concurrently (COAL 18-0124), that will create Parcel "A" for 50.50 acres and Parcel "B" for 149.75 acres. The project footprint for both parcels is located within an area that has been farmed (irrigated and non-irrigated) for at least 40 years. In 2019, the site was farmed for hemp under a temporary permit, and areas proposed for the current cannabis project are within the footprint where hemp has been grown (see site plans for Parcel A "Existing Conditions - Hemp Cultivation" in Appendix D).

On Parcel A, outdoor cannabis cultivation is proposed for a total of 3.00 acres (130,680 square feet) of canopy, greenhouses for indoor cultivation totaling 0.63 acres (27,500 square feet), an ancillary nursery greenhouse consisting of 0.13 acre (5,500 square feet). The cultivation areas would be located on 3.75 acres (207,117 square feet) of land within the central western portion of the parcel. Outdoor cultivation would be in hoop houses, installed on existing grade. The previously farmed cultivation areas will be ripped and disked just after the rainy season has ended, and cannabis plants would be planted in the ground. Grading would be 4,428 cubic yards and fill 3,650 cubic yards, with a maximum cut of 9 feet and maximum fill of 7 feet, to create the building pads for the greenhouses and nursery. Other components include a 0.14-acre (6,300 square-foot) compost area, 0.08-acre (3,600 square foot) loading/transportation area, water tanks, two cargo containers for pesticide storage, and a waste/recycle area. The project includes a minimum 50-foot setback from the top of bank of drainages and has been designed to be located in areas currently used for agriculture. While several project components may occur under the dripline of oak trees, none would be removed. The project grading plan outlines tree protection measures, including the use of protective fencing along the dripline for any trees within 20 feet of grading or trenching activities.

The outdoor and indoor cultivation areas would be encircled by an 8-foot high chain link fence with privacy slats. Water would be from an existing onsite well and new irrigation lines would be run within the project footprint. Electrical service would come from existing PG&E connection currently at the site. Erosion and sediment control measures have been incorporated into the site grading plan. All soils over 5% grade that are disturbed will be hydroseeded with a native seed mix.

For Parcel B, 3 acres (130,680 square feet) of outdoor cannabis cultivation within a total footprint of 3.75 acres (207,117 square feet) are proposed to be clustered along the eastern boundary of the parcel. Also proposed is a 0.63-acre (27,500 square foot) greenhouse for indoor cultivation of 22,000 square feet of canopy. A 0.06-acre (2,500 square foot) nursery would be constructed at the location of an existing pole barn, and the pole barn would be relocated to the opposite side of the access road and used for pesticide and fertilizer storage. There would be a 2,000 square foot unpaved loading zone and a 3,150 square foot compost area. Grading would be cut 7,035 cubic yards and fill 5,635 cubic yards, with a maximum cut of 16 feet and maximum fill of 8 feet, to create the building pads for the greenhouses and nursery. Water would be from an existing well, and water lines would be run within the project footprint. Electrical service would come from existing PG&E connection currently at the site. There would be a portable restroom. Fencing has not been depicted in site plans for Parcel B.

Access to the site will be from an existing 16-foot wide all-weather, decomposed granite-surfaced road, which connects to Klau Mine Road. The existing access road on the site would be improved to Cal Fire standards, involving a width of 20 feet plus a 2-foot-wide shoulder on either side. Access to the outdoor cultivation areas at Parcel A would require the improvement of an existing driveway to a 16-foot width, and have a CalFire turnaround and parking area. The access road would continue to Parcel B, where there would be another CalFire turnaround and parking area.

The cannabis crop will be farmed using organic methods and will employ the use of only natural pesticides. Any pesticide and fertilizer use will be in accordance with County, Regional Water Quality Control Board, and California Department of Fish and Wildlife standards, and the operator's existing pesticide license for regulations regarding storage, application and disposal. Pesticides will be stored in a designated and marked shed on each parcel Dust suppression measures will be applied to the access road during operations. Project plans call for the construction of concrete washout structures. Erosion and sediment control measures have been incorporated into the site grading plans. All soils over 5% grade that are disturbed will be hydroseeded with a native seed mix.

Two existing residences are to be used for residential purposes. No cannabis cultivation, processing, manufacturing, or distribution activities shall occur in the subject property's residences. The remainder of the property will continue to be used for cattle grazing and other irrigated and dry-farmed crops.

KEVIN MERK ASSOCIATES

N W E S

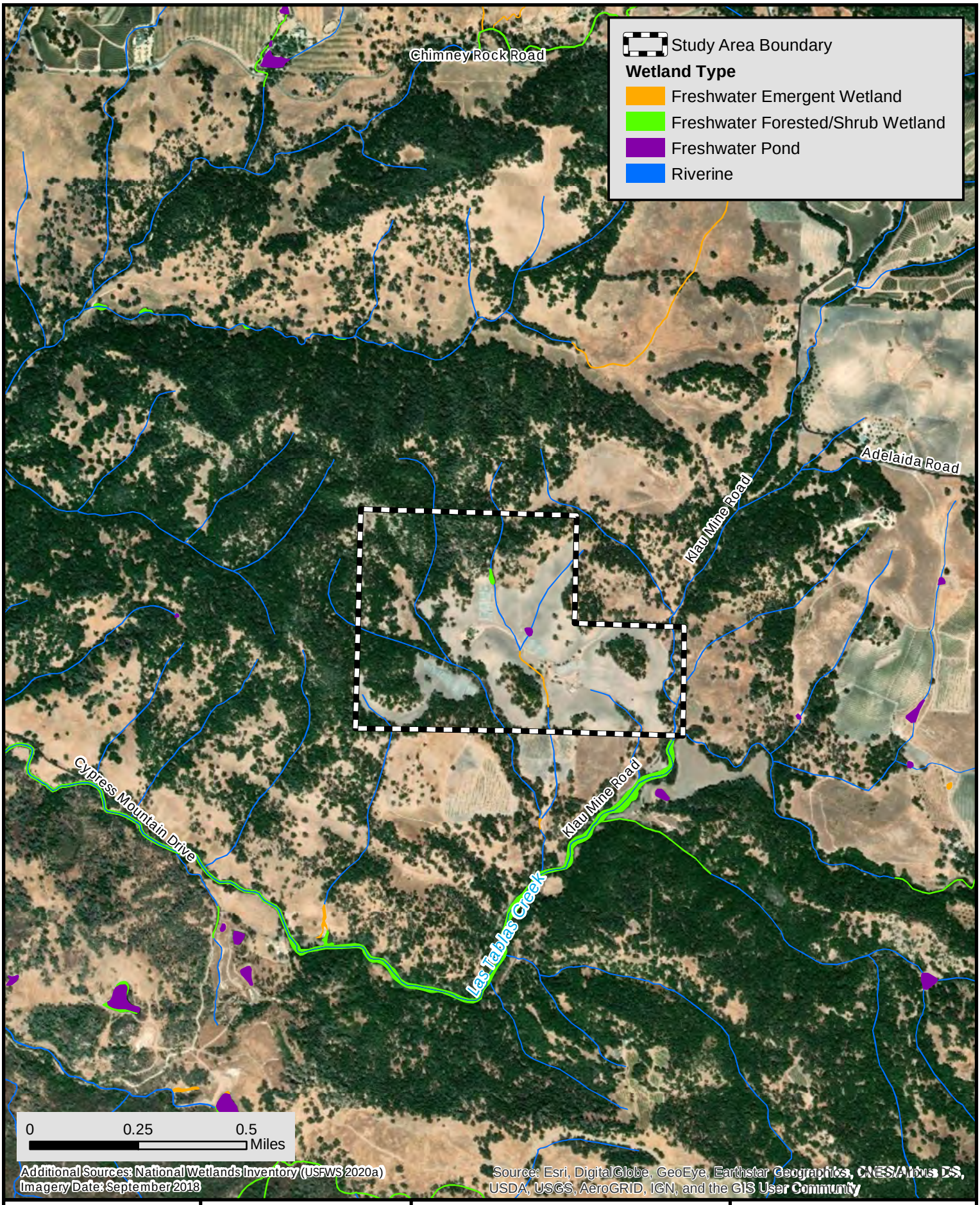
1 in = 3 miles

1375 Klau Mine Road

Riparian Biosupport, Inc.

Figure 1

Site Location



KEVIN MERK ASSOCIATES

N W E S 1 in = 1,500 feet

1375 Klau Mine Road

Riparian Biosupport, Inc.

Figure 2

Aerial Overview

1.2 Regulatory Overview

For the purpose of this report, special-status species are those plants and animals listed, or Candidates for listing, as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) under the federal Endangered Species Act (FESA); those listed as Threatened or Endangered under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern," "Fully Protected," or "Watch List" by the California Department of Fish and Wildlife (CDFW; 2019); plants considered Endangered or Rare under the California Native Plant Protection Act; and, animals considered sensitive that do not have a specific listing status but which are recorded in the California Natural Diversity Database (CNDDB; CDFW 2020a).

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

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

Sensitive natural communities are those native plant communities listed in the CNDDB (CDFW 2020a) as rare or of limited distribution. They are evaluated using NatureServe's Heritage Methodology to assign global and state ranks based on rarity and threat, and these ranks are reviewed and adopted by CDFW's (2020b) *Vegetation Classification and Mapping Program* (VegCAMP). Evaluation with the state (S) level results in ranks ranging from 1 (very rare or threatened) to 5 (demonstrably secure). Those with ranks of S1 to S3 are to be addressed in the environmental review process under CEQA (CDFW 2020b).

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

Rare plants are those defined as occurring on California Rare Plant Rank (CRPR) 1A, 1B, 2A, 2B, 3 and 4 developed by the CDFW working in concert with the California Native Plant Society (CNPS; CDFW 2020c). Rank 4 species are a watch list, and typically do not meet CEQA's rarity definition (Section 15380), but are included here because they may be of local concern. The CRPR definitions are as follows:

- *Rank 1A: Presumed extirpated in California and either rare or extinct elsewhere.* These species are presumed extirpated because they have not been recorded in the wild in California for many years.
- *Rank 1B: Rare, threatened or endangered in California and elsewhere.* Plants that are rare throughout their range and the majority in this rank are endemic to California.
- *Rank 2A: Presumed extirpated in California, but more common elsewhere.* These species are presumed extirpated because they have not been recorded in the wild in California for many years, but they are common outside of the state.
- *Rank 2B: Rare, threatened or endangered in California, but more common elsewhere.* Plants that have ranges that extend into California, where they are rare, but are common in areas outside of the state.
- *Rank 3: Plants needing more information - A review list.* Information necessary to assign the species to one of the lists or reject them is lacking. Most species in this rank are taxonomically unresolved.
- *Rank 4: Plants of limited distribution - A watch list.* Species of limited distribution or infrequent occurrence throughout their range in California but which their vulnerability to extirpation appears low at this time and should be monitored.

Additionally, the CRPR system further assigns threat codes as a decimal extension to the rank, ranging from 1 to 3. CRPR 3 species do not have a threat code due to insufficiency of information needed to assign it, and CRPR 1A and 2A also do not have threat codes because they not know to currently occur in California. The threat code extensions are as follows:

- *.1: Seriously threatened in California.* More than 80% of occurrences are threatened and there is high degree and immediacy of threat.
- *.2: Moderately threatened in California.* Approximately 20 to 80% of occurrences are threatened and there is a moderate degree of immediacy of threat.
- *.3: Not very threatened in California.* Less than 20% of occurrences are threatened and the is a low degree and immediacy of threat, or no current threats are known.

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

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

- Potentially substantially degrade the quality of the environment
- Substantially reduce the habitat of a fish or wildlife species
- Cause a fish or wildlife population to drop below self-sustaining levels

- Threaten to eliminate a plant or animal community
- Substantially reduce the number or restrict the range of an endangered, threatened, or rare species
- Have possible environmental effects that are individually limited but cumulatively considerable

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

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

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

2.0 METHODS

In preparation of this document, a background review of biological information from the area surrounding the project site was reviewed in order to adequately assess the special-status species and sensitive natural communities that could potentially occur onsite. The CNDDB (CDFW 2020a) was queried for special-status biological resources documented within the nine USGS 7.5-minute topographic quadrangle maps within the site vicinity. CNDDB records for the Lime Mountain quadrangle, where the project site is located, and the following eight surrounding quadrangles were queried: Adelaida, Cypress Mountain, York Mountain, Cambria, Bradley, San Miguel, Pico Creek, and Tierra Redonda Mountain. The *Web Soil Survey* (Natural Resources Conservation Service [NRCS] 2020) was used to identify the soil mapping units present within the study area. The *National Wetlands Inventory* (NWI) was examined to evaluate the extent of any identified wetlands on the site and in the vicinity (USFWS 2020a). USGS topographic maps were also reviewed for information on hydrologic and topographic features. Designated critical habitat for species listed under FESA was identified and mapped based upon information provided in *Environmental Conservation Online System* (USFWS 2020b).

KMA biologists, Kevin Merk and Susan Christopher, conducted a reconnaissance survey for this investigation on November 12, 2018. The entire proposed disturbance area was surveyed on foot, as well as natural habitats and drainages outside of the project footprint for a buffer of approximately 300 feet. Habitat types were characterized, all plants species observed that could be identified during the dry season were recorded, and any wildlife species or their sign (e.g., scat, wood rat middens) were noted. Geographically referenced photos of notable features of the study area were taken to characterize the site. Plant communities and other features were mapped on Google Earth aerial imagery. Kevin Merk also conducted a focused rare plant survey on May 8, 2019 from 0830 to 1200 hours. The survey included all portions of the project impact area plus some relatively undisturbed areas of the property to determine whether any rare plant populations may be present in the project site or adjacent areas. The weather during the survey was foggy at the start and clearing, with light wind and air temperature 60 to 65°Fahrenheit (F).

The *Manual of California Vegetation, Second Edition* (Sawyer et al. 2009) was used to classify the habitat types in the study area based on the composition and structure of the dominant vegetation in a given area. CDFW's (2020b) *Vegetation Classification and Mapping Program* (VegCAMP) and Holland's (1986) *Preliminary Description of the Terrestrial Natural Communities of California* were also used to characterize plant community composition and distribution in the study area. Plant taxonomy followed the *Jepson Flora Project* (2020). *A Guide to Wildlife Habitats in California*, which is updated through the California Wildlife Habitat Relationships (CWHR) System (CDFW 2020d), was also cross-referenced. Species listing status was obtained from special-status species lists published by the CDFW (2019, 2020c). Representative photographs of each of the habitat types within the study area are provided in a photo plate (Appendix C).

From the list of all special-status biological resources (i.e., plants, natural communities, and animals) within the nine quadrangle search, local species distribution information was obtained from a variety of online and published sources (Hoover 1970, Jennings and Hayes 1994, Bolster 1998, Moyle et al. 2015, Thompson et al. 2016, Audubon 2020, Calflora 2020, California Native Plant Society 2020, California Herps 2020, The Cornell Lab of Ornithology 2020a, 2020b; CDFW 2020d). Those species that are restricted to the coastal region, Camp Roberts, or Paso Robles/Salinas River valley eastward were eliminated from the list of species considered to be within the project vicinity (Appendix B). Based upon our knowledge of the local area and other sources of species occurrence records (particularly observations recorded in Calflora 2020 and The Cornell Lab of Ornithology 2020a), we included additional special-status biological resources that have been documented in the project vicinity.

For the list of all special-status species recorded in the project vicinity, an evaluation of those with potential to occur onsite was conducted based upon the suitability of habitat conditions onsite, and the local distribution (geographical and elevational ranges) and specific requirements (plant communities and soils) of the species considered. We relied on existing information and known occurrence records in the region coupled with our site-specific observations to make determinations for the probability of occurrence of special-status species in the study area. Those species listed as "Potential" in Appendix B met the following requirements: records in the site vicinity, appropriate plant community and soil associations onsite, and within the elevational range of the species. If any one of these elements was not met or considered to be marginal for the site, but the other elements were present, that species was considered "Unlikely". If environmental conditions were clearly inappropriate onsite, or the species is of very limited distribution that does not overlap the site, those species were considered "Not Expected". If any lifestage or particular life history use (i.e., foraging) fit the requirements of the onsite conditions, even while other aspects were inappropriate for certain functions (i.e., breeding), these species were still considered to have "Potential" to occur onsite and a description of this assessment is provided in the special-status

species table (Appendix B) as well as a more in-depth analysis in the text. Although definitive surveys for the presence or absence of special-status animal species were not conducted, the May rare plant survey was conducted during a wet year and during the appropriate blooming period when special-status plant species would have been identifiable. Based on the results of the rare plant survey, the probability of occurrence in Appendix B was revised to indicate the likelihood that these species could occur in the project impact area. Other plant species that were determined to have potential to occur on the property based upon environmental conditions and nearby records from the background review are listed in the results section, but were removed from consideration within Appendix B.

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

3.0 RESULTS

A list of plants and animals observed during the surveys is included as Appendix A. Appendix B includes a list of all special-status species and plant communities identified in the CNDDB within the site vicinity, and an evaluation as to their potential presence onsite. Appendix C contains photographs taken during the site visit to characterize the onsite conditions, and Appendix D includes the project plans prepared by Angle Land Use Entitlement and Roberts Engineering. A map illustrating the habitat types onsite is included as Figure 3. Figure 4 is a soils map of the site, and Figure 5 is the CNDDB map showing the locations of special-status biological resources (i.e., plant communities, plants and animals) known from the general area.

3.1 Existing Conditions

The site is located in the rolling hills of the eastern flank of the Santa Lucia Range. Elevations on the property range from approximately 1,180 to 1,550 feet (360 to 472 meters). The site has previously been used for cattle grazing, dry-farming and irrigated corn crops. A majority of the proposed project area was disked at the time of the site surveys, and a review of historical photography on Google Earth showed that these areas have been in agriculture for many years. Several structures supporting on-going agricultural uses of the property, and two residences, are present near the center of the site. Landscaping around existing structures consisted of ornamental plantings and other non-native trees and shrubs. Hoop houses were present in several sites surrounding this area. As shown on the site plans, most areas within the project footprint for both parcels are currently being used for hemp cultivation. An existing unpaved driveway provides access to the structures from Klau Mine Road.

3.2 Habitat Types

Four primary habitat or land use types were observed on the property and included: 1) Agriculture; 2) Developed/Ruderal; 3) Foothill Woodland; and, 4) Non-native Grassland (please refer to Figure 3). Within the proposed project area for both parcels, Agriculture and Developed/Ruderal were the primary land use types. The habitat types are described below.

3.2.1 Agriculture

The areas identified as Agriculture on Figure 3, the Habitat Map, consisted of disked areas observed during the site visits, which were historically disturbed and/or farmed as shown on Google Earth time series imagery. These areas had greater than 90% bare soil and shale rocks, with occasional weedy vegetation such as field bindweed (*Convolvulus arvensis*), summer mustard (*Hirschfeldia incana*), and western vervain (*Verbena lasiostachys*). A rocky area had some native species, such as California milkweed (*Asclepias californica*), beardless wild rye (*Elymus triticoides*), California cottonrose (*Logfia filaginoides*), coast tarweed (*Madia sativa*), and small fescue (*Festuca microstaychys*). Areas used for agriculture were located in openings among the patches of woodland that appeared to formerly contain Non-native Grassland habitat, and did not encroach into woodland habitats. Some of the Agriculture areas were used for hemp cultivation in addition to historic hay farming, as shown in the attached site plans (Appendix D).

3.2.2 Developed/Ruderal

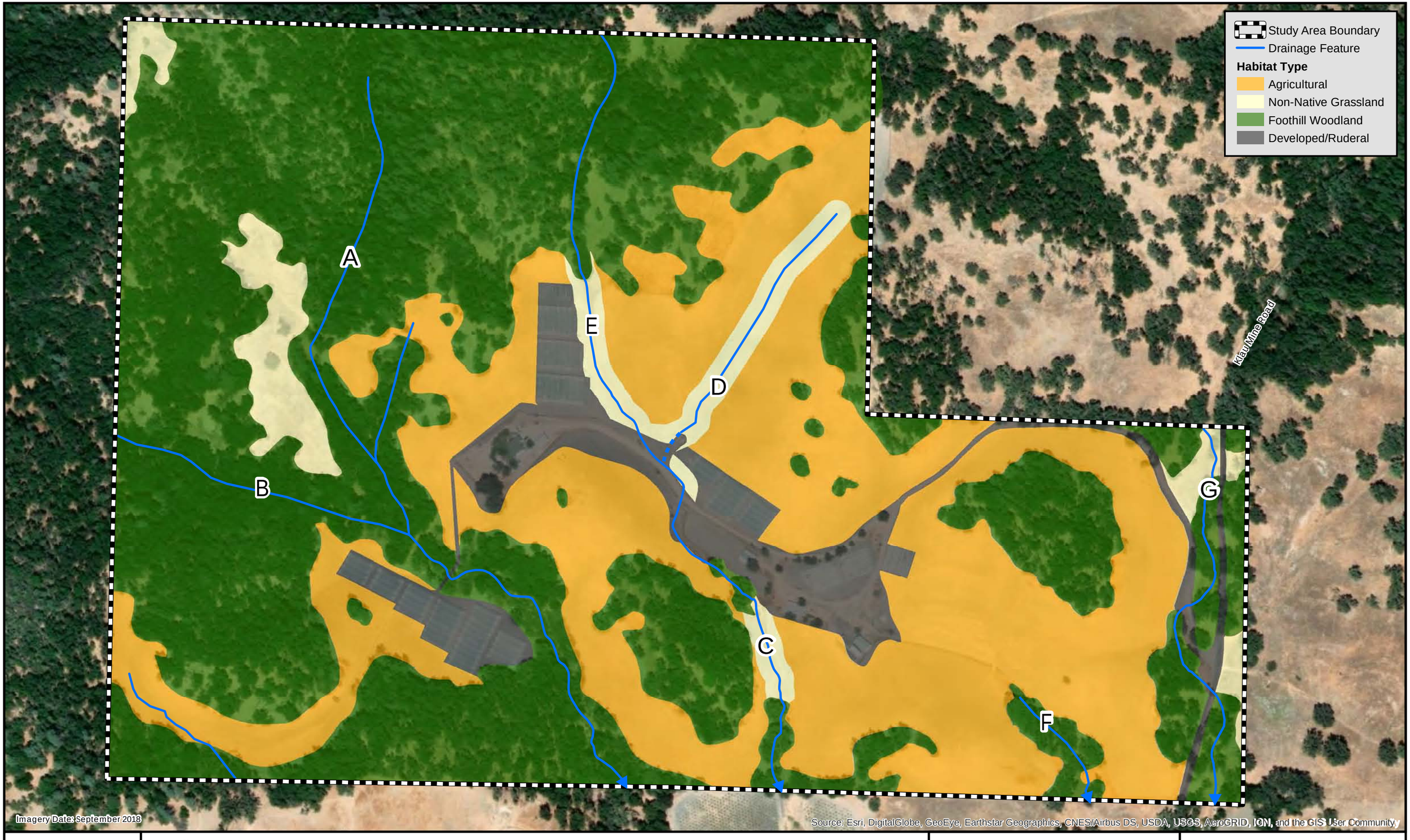
The areas identified as developed or ruderal were around the existing residences and included outbuildings, hoop houses, and roads that are regularly disturbed and had weedy plant species that are adapted to frequent disturbance, including yellow starthistle (*Centaurea solstitialis*), slender wild oats (*Avena barbata*), coyote brush (*Baccharis pilularis*), black mustard (*Brassica nigra*), and Harding grass (*Phalaris aquatica*). Species that were planted included numerous horticultural landscaping plants as well as several trees including pines (*Pinus* sp.) and California sycamore (*Platanus racemosa*). Subsequent to the site visits, some of the Developed/Ruderal areas were used for hemp cultivation, as shown in the attached site plans (Appendix D).

3.2.3 Foothill Woodland

The Foothill Woodland habitat type on the property occurred on hillsides, hilltops, and along drainages. It was comprised of mature trees with Non-native Grassland and shrubs in the understory. Dominant tree species included coast live oak (*Quercus agrifolia*), valley oak (*Quercus lobata)*, and foothill pine (*Pinus sabiniana*). The shrub understory included toyon (*Heteromeles arbutifolia*), poison oak (*Toxicodendron diversilobum*), common snowberry (*Symphoricarpos albus*), and California coffeeberry (*Frangula californica*). The herbaceous species in the understory consisted of yerba buena (*Clinopodium douglasii*), pink honeysuckle (*Lonicera hispidula*), and bur chevril (*Anthriscus caucalis*).

3.2.4. Non-native Grassland

Non-native Grassland occurred in the understory of and openings in the Foothill Woodland habitat, along ephemeral drainages where disking was not conducted, and in one opening within the Foothill Woodland habitat in the western portion of the property that was not disked. Dominant species included ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeacous*), Italian thistle (*Carduus pycnocephalus*), summer mustard, slender wild oats, California melic (*Melica californica*), field hedge parsley (*Torilis arvensis*), wine cup clarkia (*Clarkia purpurea*), dogtail grass (*Cynosurus echinatus*), and California milkweed. Native forbs included sky lupine (*Lupinus nanus*), pinpoint clover (*Trifolium gracilentum*), rancheria clover (*Trifolium albopurpureum*), blue dicks (*Dichelostemma capitatus*) and coast tarweed.



KEVIN MERK ASSOCIATES

N W E S

1 in = 300 feet

0 500 1,000 Feet

0 100 200 Meters

1375 Klau Mine Road

Riparian Biosupport, Inc.

Figure 3

Habitat Map

3.3 Hydrologic Features, Wetlands and Riparian Habitats

Each of the drainage features mapped on Figure 3 are shown as intermittent drainages on the USGS Lime Mountain quadrangle. These drainages are also shown on the NWI map (Figure 2). These ephemeral drainages (described below) are tributaries of Las Tablas Creek, which flows west and then north emptying into Lake Nacimiento. No agricultural ponds or impoundments were observed on the property. With the exception of Drainage G, no water or damp soil conditions were present at any of the onsite drainages, and they were dominated by upland plant species. Drainages C, D, and E that run through agricultural areas had a buffer along the channel that was not disked, and vegetation was composed of upland Non-native Grassland species (Figure 3). The May 2019 site survey followed an exceptionally wet winter, and the only drainage onsite that had water was Drainage G. Drainages C, D and E showed no signs of flow from surface runoff earlier that winter, apparently due to their limited watersheds and potentially from the San Simeon earthquake.

The NWI shows freshwater emergent wetland, freshwater forested/shrub wetland, and a freshwater pond along Drainages C, D and E (Figure 2). These areas, however, appear to have been mapped in error as no wetland vegetation was present in Drainages C, D or E at the time of the site visits, and only Drainages F and G contained a few scattered plant species that would indicate periods of increased soil moisture (as described below). The pond shown by the NWI on Drainage D appears to be a misinterpretation of aerial photographs because an excavated or graded area is visible on historical aerial photography, but this area is on the hillside and does not appear capable of holding surface water. The NWI incorrectly maps this feature as occurring on Drainage D, but in fact the drainage channel actually occurs to the west of the NWI mapped location. In addition, there is a rock rubble pile across Drainage D that apparently was constructed to prevent erosion, but the rocks are loosely fitted and do not impound water. This feature is visible on aerial photography and may have been misinterpreted as an impoundment on the drainage. No evidence of impounded water was observed during the surveys, and the site conditions suggested ponded water likely never occurred in that location.

Freshwater forested/shrub wetland (riparian vegetation) is mapped along Las Tablas Creek south of the property (Figure 2), and was also observed in the field as a band of willow woodland along the channel offsite. The only willow scrub riparian habitat observed onsite was a small patch of red willows (*Salix laevigata*) at the headwaters of Drainage F. The coast live oak trees taken together with a mesic understory along Drainage G could be classified as Central Coast Live Oak Riparian Forest (Holland 1986).

A description of the drainages onsite is as follows and corresponds to locations shown on Figure 3 and photographs in Appendix C:

Drainage A: Ephemeral drainage with predominately upland non-native grassland species characteristic of the surrounding understory within the Foothill Woodland habitat, and also having blue wild rye (*Elymus glaucus*), goldenrod (*Solidago* sp.), poison oak, and southern honeysuckle (*Lonicera subspicata*). No evidence of flow was seen during the site visits.

Drainage B: Ephemeral drainage, less than two (2) feet wide, within Foothill Woodland habitat with at least 90% canopy cover. The understory was composed of redberry (*Rhamnus crocea*), snowberry (*Symphoricarpos mollis*), nodding needle grass (*Stipa cernua*), blue wild rye, giant wild rye (*Elymus condensatus*), poison oak, yerba buena, southern honeysuckle, California wild rose (*Rosa californica*), and narrow leaf milkweed (*Asclepias fascicularis*). Evidence of flow from the previous winters, such as racking of duff and branches against a rock, was observed during both site visits, but there was no water present. There is a farm road crossing through the drainage with no signs of erosion.

Drainage C: Ephemeral drainage downstream of the confluence of Drainages D and E, which flow through a small culvert under the existing driveway. Disturbance at the confluence location upstream from the road crossing as well as in a former pasture area downstream from the road has eliminated a true channel. There was no evidence of flow and the disturbed area was vegetated by weedy upland species, which were predominantly yellow starthistle and summer mustard. Downstream from the disturbed area there is a section of channel that had not been disked and was vegetated by Non-native Grassland.

Drainage D: Ephemeral drainage with no clearly defined channel, and no evidence of flow was seen during either site visit. It was vegetated by summer mustard, ripgut brome, soft chess, and yellow starthistle. A rock rubble pile has been placed on the lower end of the drainage, possibly from clearing rocks from the agricultural field or to prevent erosion.

Drainage E: Ephemeral drainage with no clearly defined channel or evidence of flow. Below the wooded portion of the drainage, it was vegetated by summer mustard, ripgut brome, soft chess, and yellow starthistle.

Drainage F: Ephemeral drainage lacking a scour line in a narrow (1-foot wide) channel with steeply sloping hillsides. One potential small plunge pool was seen. The overstory was valley oak, and in the upper portion of the drainage there were a few medium-sized red willows and California coffeeberry shrubs. Along the channel there were a few clumps of slender rush (*Juncus tenuis*), but otherwise it was vegetated by upland non-native grassland species.

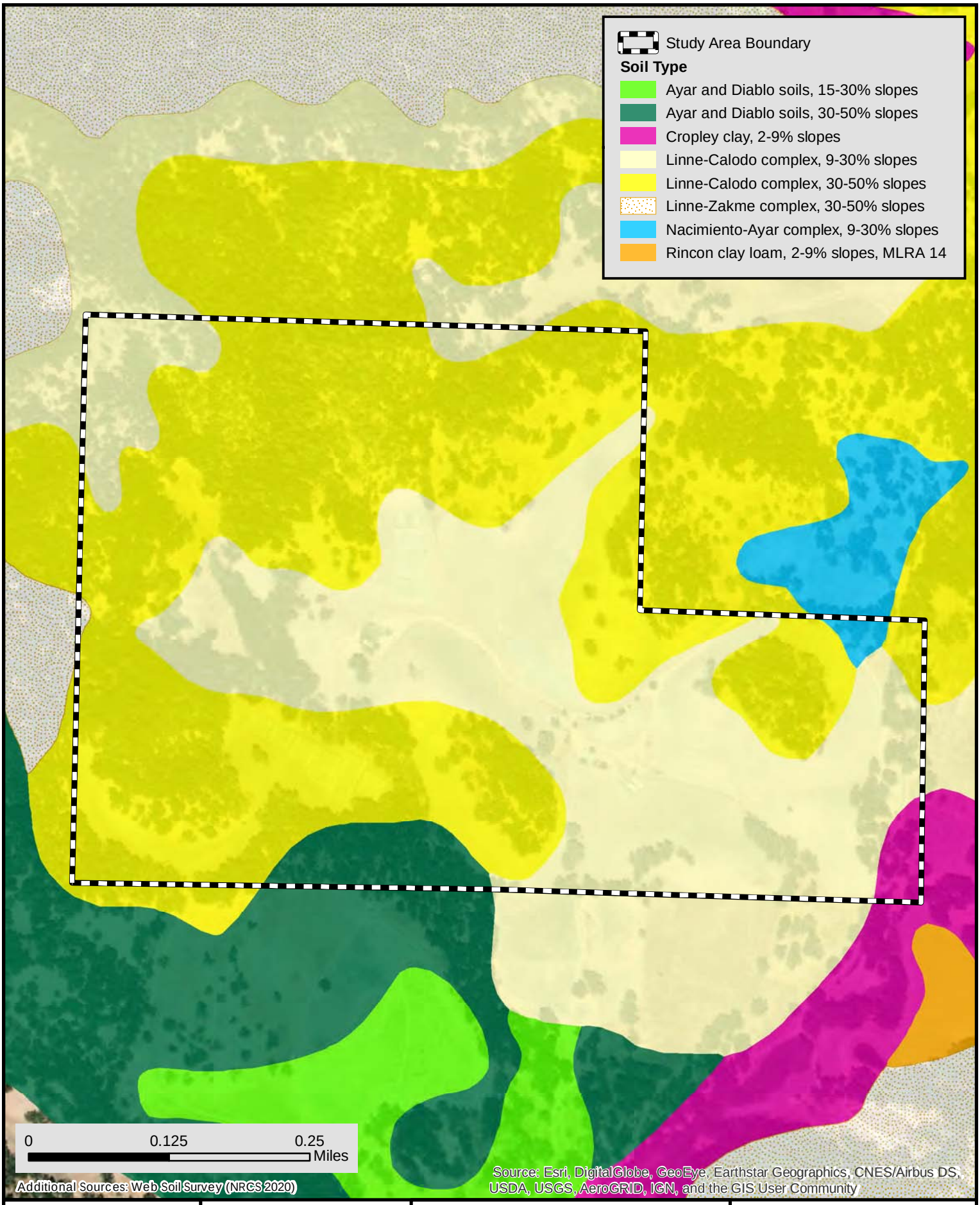
Drainage G: Intermittent stream with rock and cobble substrate, which receives seasonal flows. Evidence of flow was seen during the November 2018 survey as racking and leaves caught on obstructions, and flowing water was present throughout the channel during the May 2019 survey. At the crossing of the existing driveway, it flows through two culverts with headwalls made from stacked pavers. Grates have been installed in the upstream side of the channel to trap leaves and other debris and prevent clogging the culverts. The channel was vegetated by soft chess, ripgut brome, summer mustard, narrow leaf milkweed, wild teasel (*Dipsacus fullonum*), smilo grass (*Stipa miliacea*), false brome (*Brachypodium distachyon*), and willow herb (*Epilobium brachycarpum*). The streambank was vegetated by coffeeberry, redberry, southern honeysuckle, creek clematis (*Clematis ligusticifolia*), and poison oak. The overstory was dominated by coast live oak, and given the species in the understory, could be considered Central Coast Live Oak Riparian Forest (Holland 1986).

3.4 Soils

The Natural Resources Conservation Service (NRCS; 2020) identified five soil types on the property, shown on Figure 4 and as follows:

- Linne-Calodo complex, 9 to 30 percent slopes
- Linne-Calodo complex, 30 to 50 percent slopes
- Ayar and Diablo soils, 30 to 50 percent slopes
- Cropley clay, 2 to 9 percent slopes
- Nacimiento-Ayar complex, 9 to 30 percent slopes

Linne-Calodo complex is the primary soil map unit onsite, and are a channery clay loam. Channery soils have at least 15% of thin, flat fragments of shale, slate or limestone. All areas that are within the project impact area contain this soil type. The Linne series consists of moderately deep, well-drained soils that formed in material weathered from shale and sandstone. The Calodo series



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N W E S

1 in = 579 feet

1375 Klau Mine Road

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Figure 4

Soils Map

consists of shallow, well-drained soils that formed in material weathered from calcareous shale and sandstone. The Ayar and Diablo soil type and Cropley clay are found in small woodland areas along the southern edge of the property, and the Nacimiento-Ayer complex is in a small wooded area in the eastern corner of the property. These soil types have a slightly higher clay component.

3.5 Special-status Biological Resources

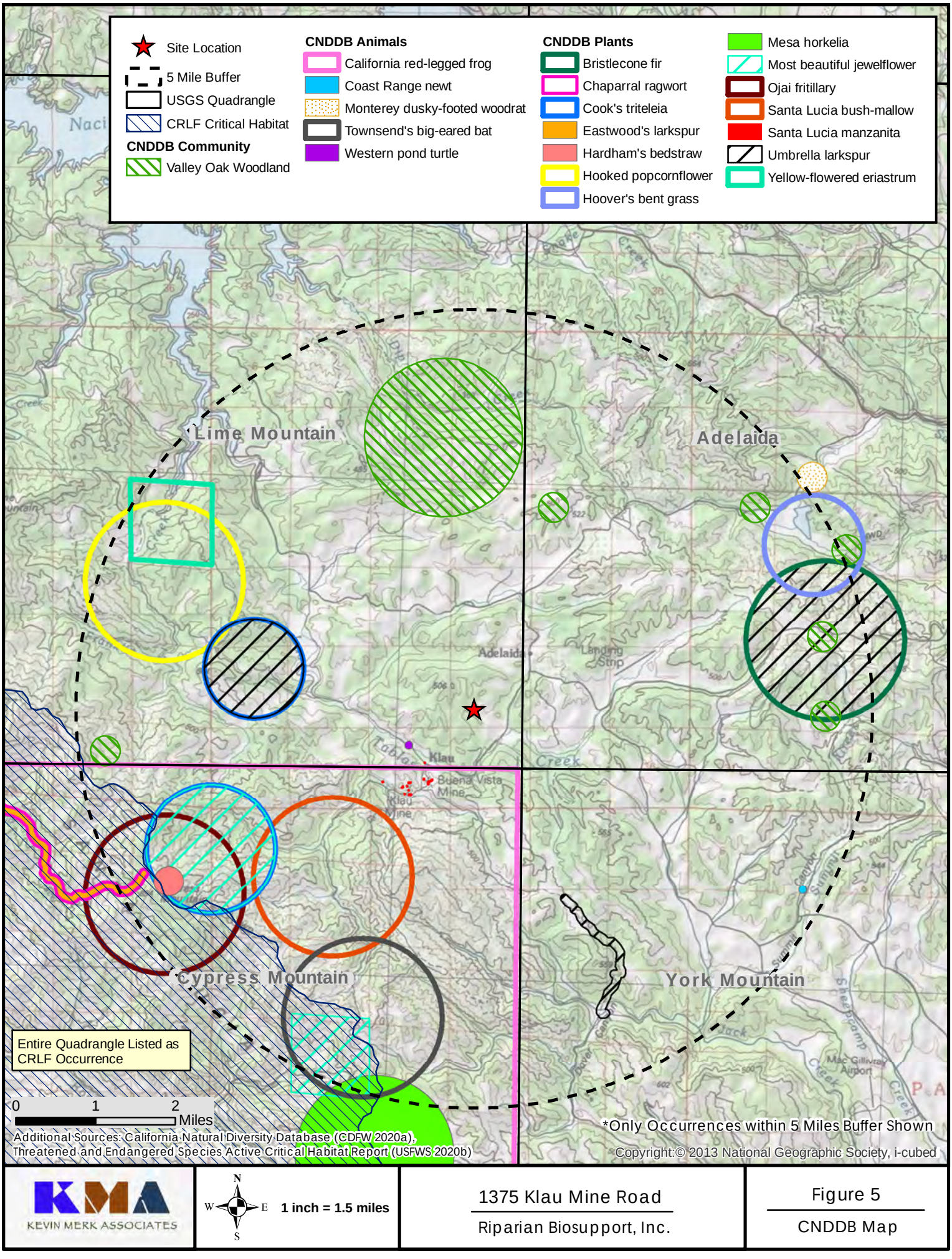
The eastern flank of the Santa Lucia Range and rolling hills of the west Paso Robles region have specific habitat and geologic areas that support numerous special-status species of plants and animals and sensitive plant communities. Figure 5 illustrates the CNDDB-documented occurrences of these resources within a five-mile search radius of the site. Appendix B provides a list of special-status biological resources (i.e., plants, natural communities, or animals) recorded from the site vicinity, their listing status, and our assessment as to whether these resources are expected to occur onsite. Those species listed as "Potential" in Appendix B are described in further detail below.

3.5.1 Plants

Nine special-status plant species were determined to have potential to occur onsite within the Foothill Woodland and Non-native Grassland habitat types on the property. Of these nine species with potential to occur on the property, none are associated with disturbed or developed habitats. None of these species are federally or state listed as Threatened or Endangered or are Candidates for listing, but instead are California Rare Plants. These species may occur in woodland or open grassy areas that are outside of the proposed disturbance footprint. The grassland-associated species could occur either in the understory of woodland habitat, or in the limited areas of grassland that have not been disked. The majority of grassland areas on the site have been farmed over the years and are currently in agriculture, which reduces the chance that special-status plant species would occur in these areas. Additionally, because there are no large expanses of true undisturbed grassland habitat on the property, the probability that they could occur is much lower than for similar undisturbed sites. The following rare plant species were considered to have potential to occur onsite due to plant community and soils affiliations, documented elevational range, and records in the site vicinity (see Appendix B for a summary of ecological information):

- Douglas' fiddleneck (*Amsinckia douglasiana*);
- Santa Lucia manzanita (*Arctostaphylos luciana*);
- Salinas milk-vetch (*Astragalus macrodon*);
- Dwarf calycadenia (*Calycadenia villosa*);
- Small-flowered gypsum-loving larkspur (*Delphinium gypsophilum* ssp. *parviflorum*);
- Umbrella larkspur (*Delphinium umbraculorum*);
- Jones' bush-mallow (*Malacothamnus jonesii*);
- Woodland woollythreads (*Monolopia gracilens*); and,
- Michael's rein orchid (*Piperia michaelii*).

The May 2019 focused rare plant survey covered all of the potential disturbance areas proposed by the project, and focused on searches for the nine rare plant species identified above with potential to occur on the property. No special-status plant species were found within the project impact area. May is within the documented blooming period of eight of the special-status plant species listed above, and the ninth species is Santa Lucia manzanita, which is a perennial shrub and would have been identifiable at any time of year. Spring 2019 followed an exceptionally wet winter, which would have presented favorable conditions for the growth of plant species. Therefore, if any rare plant species were present in the project footprint, there is a very high probability that they would have been found during the survey. Most of the project area had already been disked or was otherwise disturbed. The



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N W E S

1 inch = 1.5 miles

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Figure 5

CNDDB Map

exception was the patch of undisked Non-native Grassland in the western portion of the site, and no special-status plant species were found in this area that could contribute propagules to other areas onsite. The special-status biological resources table in Appendix B has been revised to indicate that these species are Not Expected to occur in the project impact area based upon this survey, and no further surveys are recommended at this time.

3.5.2 Sensitive Natural Communities

The CNDDB search identified the occurrence of Valley Oak Woodland recorded near the project site (Figure 5). The Foothill Woodland habitat type identified onsite is composed primarily of coast live oak trees. While the Foothill Woodland onsite does contain valley oak trees in many areas, it did not have the necessary habitat attributes and the dominance of valley oaks to constitute the Valley Oak Woodland community. One small stand of predominantly valley oak trees was present along Drainage F, but this area lacked the size and structure to be considered Valley Oak Woodland.

Other sensitive natural communities known to occur in the region that were not returned in the CNDDB search include freshwater emergent wetland and riparian scrub/forest habitats (Appendix B). No wetland habitat was observed on the site as there were no areas of ponded water or damp soil conditions that could support freshwater marsh species. The few small red willows observed at the head of Drainage F also lacked the structure to be considered to be Red Willow Thicket or Central Coast Riparian Scrub, which are sensitive natural communities defined by dense stands of red and/or arroyo willow and other associated shrubs. The Foothill Woodland community along Drainage G could be considered Central Coast Live Oak Riparian Forest due to mesic-adapted shrub species occurring in the understory, which were not present in other areas of Foothill Woodland on the property. This type of riparian habitat has a State Rarity Rank of S3, and is considered a sensitive natural community. The proposed project is located outside of this habitat, but the access road passes through it.

3.5.3 Animals

There is potential for five special-status amphibian or reptile species, three bird species, and seven mammal species to occur in the study area (Appendix B). Each of these species is a CDFW Species of Special Concern or are considered to be a sensitive species, and none are federally listed as Threatened or Endangered or are Candidates for listing. The two eagles are CDFW Fully Protected species, and one is state Endangered. No special-status invertebrates or fish were considered to have potential to occur on the site. There is no designated critical habitat for federally listed species on or near the study area. While these 15 animal species could use Foothill Woodland habitats on the property, there is a very low probability that any would occur in the Agriculture or Developed/Ruderal areas where the project would be located. Project impact areas are highly disturbed and would not provide the resources or structure necessary to provide cover, food, or other resources necessary to maintain wildlife populations. Use by special-status animal species within the project impact area is expected to be unlikely, and limited to transitory individuals that may occur periodically while foraging or moving through the area. These considerations are described below for each special-status animal species with potential to occur on the property, and potential project impacts on these species are described in Section 4.2.

The **southwestern pond turtle** (*Actinemys pallida*) has been recorded from Las Tablas Creek less than 1500 meters from the property (CDFW 2020a), and may occur in other areas of that creek closer to the project site. In addition, there is a potentially suitable pond visible on aerial photography on an adjacent property approximately 320 meters from the site. Marginal aquatic habitat is present at Drainage G, which could be occupied by this species periodically when it

contains water although it appears to lack pools of sufficient depth to support long-term occupancy. There are no ponds or permanent streams on the property that could support the aquatic life history phase of this species, but they could use upland habitats on the site for refugia in fall/winter. Southwestern pond turtles move away from aquatic sites in fall when water levels decline; they have been found to move up to 1,096 meters in one season, and occupy oak woodland, scrub and chaparral vegetation within 500 meters from their aquatic sites for up to 30 weeks (Reese and Welsh 1997, Rathbun et al. 2002, Pilliod et al. 2013). Nesting, which occurs in summer in upland areas, is unlikely to occur onsite because they have been found to use areas closer to aquatic habitats (within 170 meters) (Rathbun et al. 2002). Southwestern pond turtles may move through agricultural areas onsite but are not expected to occupy these areas for refugia due to lack of cover. Terrestrial habitats likely to be used onsite include drainage corridors and Foothill Woodland.

The **northern California legless lizard** (*Anniella pulchra*) has been recorded in the foothills of the Santa Lucia Range (CDFW 2020a), and all of San Luis Obispo County is included in the central part of this species' range (Thompson et al. 2016). This species occurs in a variety of habitats as long as there is soil moisture and cover, including beach dunes, chaparral, pine forest, oak woodland, riparian forest and scrub, coastal scrub and landscaped areas near residences (California Herps 2020). This species is fossorial and buries into loose soils, leaf litter, or is associated with cover objects that provide moisture (i.e., rocks, boards, and logs). They forage just beneath the surface of loose soil or in leaf litter during the morning or evening, and may be active above the surface at dusk or at night (California Herps 2020). Their peak activity near the surface is from February through May (Yasuda 2012). Suitable habitat is present in the Foothill Woodland habitat. The clay loam soils in this area are likely to be suitable, especially in woodland areas with increased organic matter that would provide increased friability of the soil. Leaf litter, rocks or logs may provide adequate cover. They would not occur in Agricultural areas due to frequent disking, arid soil conditions and lack of cover. They could occur in Developed/Ruderal areas under lumber piles or similar objects that maintain moist soil conditions.

The **lesser slender salamander** (*Batrachoseps minor*) has a very restricted distribution along the crest and north slope of the Santa Lucia Range extending from the area west of Cambria through Cuesta Pass and east to Trout Creek in Santa Margarita (Samuel S. Sweet, unpublished range map). Therefore, the project site is slightly north and east of the species' known distribution. However, little is known about this species and most areas in the vicinity are private land inaccessible to researchers. In addition, DNA analysis of collected individuals is needed to determine the identity of this species from sympatric black-bellied salamanders (*Batrachoseps nigriventris*). The site is within the elevational range of the lesser slender salamander, and suitable habitat is present in the more mesic areas along drainages and within dense Foothill Woodland. It would not occur in or near Agricultural areas onsite because of its requirements for dense woodland cover and moisture.

Blainville's horned lizard (*Phrynosoma blainvillii*) has been reported from Camp Roberts and along the Salinas River (CDFW 2020a), and all of San Luis Obispo County is within the central part of this species' range (Thompson et al. 2016). They occur in a variety of habitat types, as long as those areas have open areas for basking in the sun, and shrubs or other objects for cover. They are surface active primarily in the spring and summer during periods of warm weather, and retreat underground during periods of low temperatures or extreme heat (California Herps 2020). While they can "swim" into loose sandy soil for burial, they area also found in areas with sandy gravel or loam substrates where they use small mammal burrows (Jennings and Hayes 1994). This species is negatively correlated with the presence of the invasive and non-native Argentine ants (*Linepithema humile*), which proliferate in developed areas and displace native ant species that are the food source of horned lizards (Fisher et al. 2002). Individuals could occur in any of the open habitats

onsite, including Developed/Ruderal areas associated with ranch buildings and roads, and along the edges of Foothill Woodland habitat with scattered shrubs.

The **California newt** (*Taricha torosa*) is primarily a terrestrial species, migrating to ponds, reservoirs and streams to breed. In central California, this species occupies rolling woodland and grassland, and can migrate up to 3,200 meters from aquatic breeding sites (Lanoo 2005). They may be found under cover objects such as plant containers or lumber, or walking around near rural residences. This species has been recorded within five (5) miles of the site (CDFW 2020a). Potentially suitable aquatic habitat may be present at Las Tablas Creek near the project site. Therefore, there is a possibility that California newts may occupy Foothill Woodland habitats onsite during their terrestrial and aestivation life history phases. They may also move through Agricultural, Developed/Ruderal, or Non-native Grassland areas during migration. Additionally, they may temporarily occupy Drainage G, but this stream is too ephemeral to support breeding.

The **golden eagle** (*Aquila chrysaetos*) could potentially occur onsite periodically. There are numerous sightings around Adelaida, Lake Nacimiento, Highway 46, Paso Robles, and along the coast west of the project site (The Cornell Lab of Ornithology 2020a). Potential foraging habitat is present in the Agricultural and Non-native Grassland habitats on the site, although these areas occur in relatively small patches within the Foothill Woodland and this species generally prefers larger expanses of open terrain for foraging. They potentially could nest in the larger trees in the Foothill Woodland habitat, although their preferred nesting habitat is associated with cliffs. This species is listed as Fully Protected by CDFW for nesting and wintering habitat.

The **great blue heron** (*Ardea herodias*) has been recorded at several locations close to the site, with concentrated use of areas at Lake Nacimiento and along the Salinas River (The Cornell Lab of Ornithology 2020a). This species does not have a specific listing status but is considered a sensitive species by CDFW for nesting colonies, which are located in forests near bodies of water. This species is associated with wetland habitats, but it is occasionally seen foraging in grasslands or agricultural fields away from water. Individuals could occur onsite periodically while foraging, but nesting colonies would not utilize the site due to the distance from any lakes, ponds or wetlands. Appropriate aquatic habitat for nesting colonies is not present in or near the study area.

The **bald eagle** (*Haliaeetus leucocephalus*) is a state Endangered species for nesting and wintering habitats and is a CDFW Fully Protected species. Their primary prey is fish, but they also feed on small mammals, amphibians, reptiles and carrion (The Cornell Lab of Ornithology 2020b). They are usually in close proximity to large bodies of water, rivers or flooded fields with large trees or other perches nearby (CDFW 2020d). They roost communally in winter in dense conifer stands away from human disturbance. Nests are in large trees in stands with moderately low canopy within 1 mile of water (CDFW 2020d). There are numerous observations of this species from Heritage Ranch and Lake Nacimiento (The Cornell Lab of Ornithology 2020a). There is a chance that individuals may fly over the site and could forage on the property, but they are unlikely to nest or roost on the site due to the distance from a large body of water.

The **pallid bat** (*Antrozous pallidus*) could forage in the more open stands of Foothill Woodland, as well as over the Agricultural and Non-native Grassland habitats onsite. Roosting habitat (maternity, winter or daytime roosts) with the type of structure that moderates temperatures was not seen during the site visit, but it is possible that cavities in large trees in the Foothill Woodland habitat onsite could be used. Pallid bats "night roost" (rest for periods of time while actively foraging at night) in or on various open structures. The structures on the property had porches, overhanging roofs, or were open-sided and could be used as night roosts. They were inspected and no patches of guano or old prey remains were observed.

Townsend's big-eared bat (*Corynorhinus townsendii*) occurs in a variety of habitats, including dry upland areas, semidesert, coniferous forest, and riparian woodland. They prefer foraging along the edges of riparian vegetation and they drink water from ponds. They roost in caves, mines, abandoned buildings and under bridges (Gruver and Keinath 2006). They are considered to widespread throughout California except for high elevations in the Sierra Nevada and occur in this area throughout the year (CDFW 2020d). They have been documented roosting in structures at Camp Roberts and in mines near Adelaida (CDFW 2020a). This species could forage over the site, but there is no suitable habitat for roosting. The outbuildings onsite would not be suitable because the roof structures are open and would not provide sufficient protection.

The **hoary bat** (*Lasiurus cinereus*) occurs in open habitats or habitat mosaics along woodland edges. They prey on moths and other flying insects (CDFW 2020d). Roost sites are in dense foliage of large trees, and maternity roosts are woodlands/forests with medium to large trees. They winter along the coast and in southern California, and breed inland and in northern parts of the state. During migration, males are found in foothills, deserts and mountains, and females in lowlands and coastal valleys (CDFW 2020d). This species could forage over any area of the site, and roost in the Foothill Woodland.

The **fringed myotis** (*Myotis thysanodes*) occurs in a wide variety of forested habitats and desert scrub. Foraging is in relatively open habitats with shrubs or low trees, and near water sources. They roost in caves, mines, buildings, and in crevasses, using different roosts during the day and night (CDFW 2020d). They are sensitive to disturbance at roost sites. This species has not been recorded in the CNDDB from the vicinity of the site, but San Luis Obispo County is considered to be entirely within this species' year-round range (CDFW 2020d). They could forage over any area onsite, and could roost in the cavities of large trees within the Foothill Woodland or in the outbuildings. No evidence of bat roosting was observed during the surveys.

The **Yuma myotis** (*Myotis yumanensis*) forages in open forests and woodlands, usually over water sources such as ponds and streams (CDFW 2020d). They prey on flying insects as well as ants. They roost in buildings, mines, caves, crevices and under bridges (CDFW 2020d). This species is considered to be common and widespread throughout all but the deserts of California, and they are known to occur year-round in the county (CDFW 2020d). Although there are no water sources onsite, Las Tablas Creek and ponds on adjacent properties could be used. This species could forage over the site and night roost in the outbuildings.

The **Monterey dusky-footed woodrat** (*Neotoma macrotis luciana*) has been reported to occur within five miles of the property (CDFW 2020a), and the property is within the local distribution of this species. Dusky-footed woodrats are highly arboreal, and coast live oaks and shrubs are important habitat components for this species. The Foothill Woodland habitat onsite has potentially suitable habitat for this species, and a woodrat midden (stick house) was observed during the site visit in the dense woodland, away from the residence and agricultural areas. The local distribution of the San Miguel woodrat (*N. fuscipes bullatior*) contacts that of the Monterey dusky-footed woodrat just to the north and east of the project site, with the San Miguel occurring in the Salinas Valley and the Monterey occurring in the Santa Lucia Range (Koenig 2015). Therefore, the midden observed onsite is highly likely to be that of the Monterey dusky-footed woodrat. Woodrats readily occupy outbuildings that are not frequently disturbed by humans or their domesticated pets, and there is a slight potential they could occur in Developed areas onsite. They would not occur in the Agricultural areas due to lack of cover and food resources, but may move through those areas while moving between patches of woodland.

The **American badger** (*Taxidea taxus*), could potentially occur on the project site in Non-native Grassland, Agriculture, Developed/Ruderal and Foothill Woodland habitats. This species occurs in a variety of open habitats, and prefers grassland, oak savannah and edges of shrubland. They are associated with friable soils in which they dig burrows. Although they frequently reuse old dens, they may dig a new den each night, especially in summer (CDFW 2020d). Potential prey, California ground-squirrels (*Otospermophilus beecheyi*), was observed on the property, but not with high frequency. In addition, badgers also eat pocket gophers, rats, mice and chipmunks (CDFW 2020d). Because many of these prey species often occur around ranch buildings and roads, badgers may also occur in the Developed/Ruderal habitat onsite while foraging. Badgers are somewhat tolerant of human activities (CDFW 2020d). Badgers are unlikely to build dens in the Developed/Ruderal or Agricultural habitats or in dense Foothill Woodland habitat, but may occur around the edges or in more open patches of woodland.

3.5.4 Designated Critical Habitat

Designated critical habitat Unit SLO-2 (Piedras Blancas to Cayucos Creek) for the California red-legged frog is located within five miles of the study area (Figure 5). This unit is comprised of 82,673 acres, and is along the northwestern coast of San Luis Obispo County extending eastward to the upper Santa Rosa Creek watershed (USFWS 2010). The limits of the critical habitat unit generally follow the ridge of the Santa Lucia Mountains, near Cypress Mountain, and do not extend into the Las Tablas Creek watershed in which the project site is located. There are no records of the California red-legged frog in the CNDDB from Las Tablas Creek (CDFW 2020a), and no suitable aquatic habitat for the species is present in the study area (see Appendix B).

3.5.5 Migratory Birds and Raptors

Many resident and migrant birds would likely build nests in various trees and shrubs in the Foothill Woodland habitat onsite. These include raptors as well as common species that are protected under the MBTA. While no large stick nests indicative of raptors, including species such as the bald or golden eagle, were observed in the vicinity of the proposed project, the expanse of Foothill Woodland on the property provides extensive nesting opportunities for birds protected by the MBTA, California Fish and Game Code, and Bald and Golden Eagle Protection Act. Only species tolerant of human activities would be likely to nest in the ornamental trees and shrubs within the Developed/Ruderal areas.

4.0 IMPACT ANALYSIS AND RECOMMENDED MITIGATION

4.1 Discussion

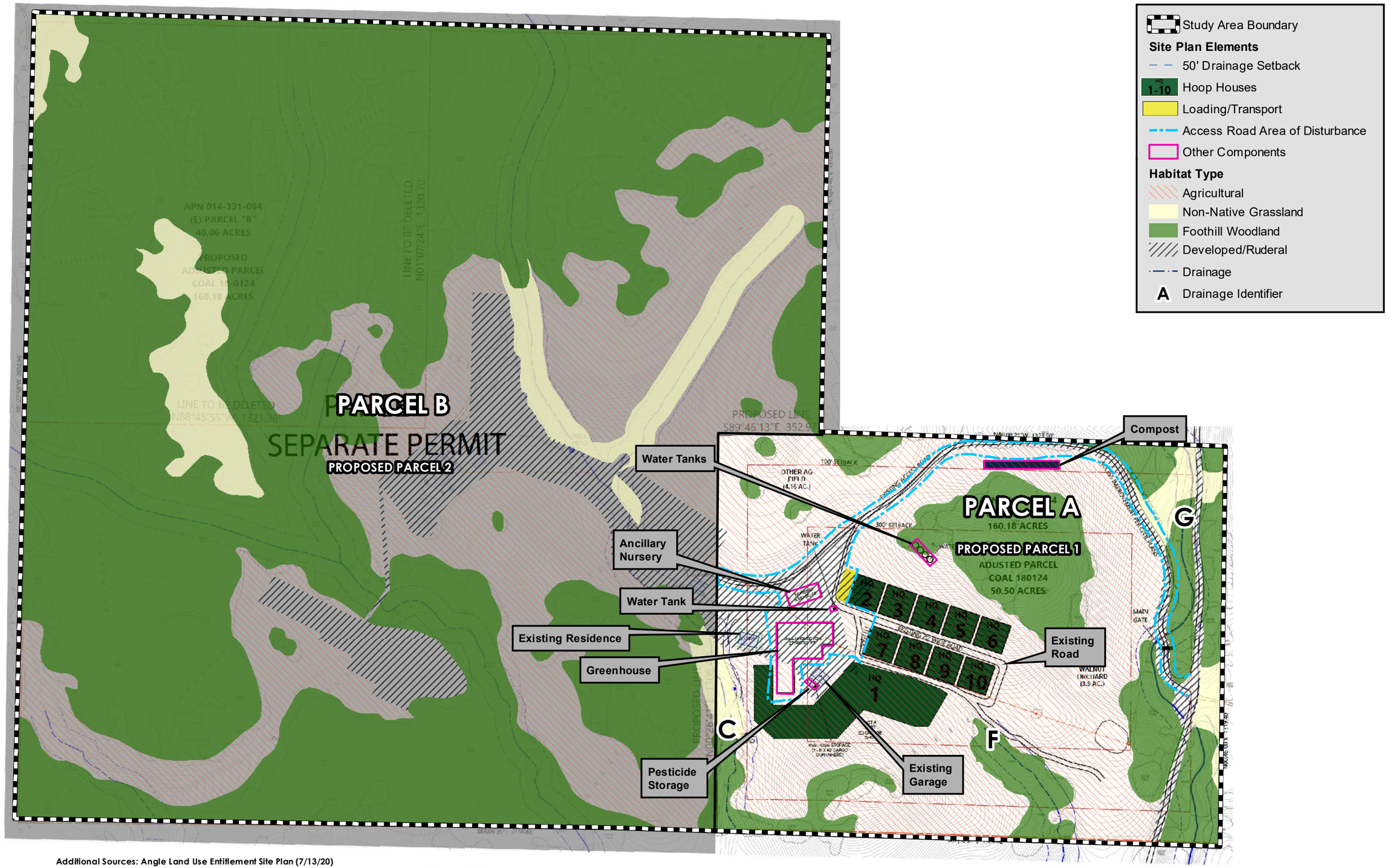
The following impact analysis and recommended mitigation measures are intended to help guide project planning efforts, and support the CEQA review process. The impact discussion addresses the range of impacts that could result from implementation of the proposed project. Direct effects (or impacts), as defined under CEQA, are caused by a project and occur at the same time and place. Indirect effects are caused by a project, but occur at a different time or place. Cumulative effects are those that result from when the effects of the subject project combine with effects from other unrelated projects to compound environmental harm. The proposed site plans prepared by Angle Land Use Entitlement and grading plans by Roberts Engineering were reviewed during preparation of this report and the site plans are included as Appendix D. In addition, the observations of onsite conditions from the site visits and evaluation of special-status biological resources provided the basis for this analysis.

The proposed project would continue agricultural operations in specific areas where agriculture has been conducted for many decades. It does not involve any tree removal and encroachment into oak woodlands has been minimized. All ephemeral drainages on the property would be buffered by 50-foot setbacks (Figures 6A and 6B). No wetlands, ponds, or other aquatic habitats are present on the property.

4.2 Direct and Indirect Effects

A) Adverse effects on special-status species. No species federally listed under FESA or state listed under CESA, or candidates for listing under these acts, have potential to occur in the project footprint area or would be indirectly affected by the proposed action. No designated critical habitat occurs on or nearby the project site. The background review determined nine California Rare Plant Rank 1B, 3 and 4 plant species with potential to occur on the property, but none of these species are expected to occur in project impact areas because these species would not occur in Developed/Ruderal or Agricultural habitats (see description of habitat requirements in Appendix B). Some areas of Non-native Grassland and Foothill Woodland are shown within the area of disturbance for the access road. These areas were surveyed, and only ruderal plant species occurred in this area due to being disturbed periodically along the edge of the existing road. None of the rare plant species identified as having potential to occur onsite are associated with disturbed habitats. This is supported by a seasonally timed rare plant survey conducted for this investigation in May 2019, in which no special-status plant species were found within the disturbance footprint. Foothill Woodland habitats where some of these species could potentially occur will be avoided by the project. Non-native Grassland that occurs in the understory of woodland habitats, along ephemeral drainages, and in an unfarmed patch in the western portion of the property also are outside of the project footprint. Because no adverse effects on sensitive plant species are expected, no mitigation is required. However, if any of the areas within the project footprint are fallowed and regrow with Annual Grassland species in the future, focused rare plant surveys would be recommended prior to project construction.

Several special-status bird species have potential to forage over the property, and may nest in Foothill Woodland habitat outside of the project impact area. No special-status bird species would nest in the Agricultural areas because there are no trees, shrubs or other structures for nesting. Sensitive bat species may potentially forage over the proposed project area, but there are no trees or other features suitable for roosting. No adverse effects of the project are expected on avian and bat habitat because foraging and nesting/roosting habitat will not be impacted. Current agricultural areas will be used for cannabis cultivation, and would not be considered to affect foraging habitat on the site because bird and bat species would continue to forage over the site after project implementation. Although bats could use some of the existing structures for roosting, the existing residences and ranch outbuildings are not proposed to be used for cannabis cultivation, and are therefore outside of the scope of the project. The pole barn is completely open in nature and does not have sufficient protection for bat roosting. Additionally, evidence of bat guano was searched for during the surveys, and none was found. Therefore, there would be no significant effect of the project on foraging or roosting habitat of birds or bats, and no mitigation is required.



Additional Sources: Angle Land Use Entitlement Site Plan (7/13/20)

KMA KEVIN MERK ASSOCIATES

N W E S

1 in = 300 feet

0 500 1,000 Feet

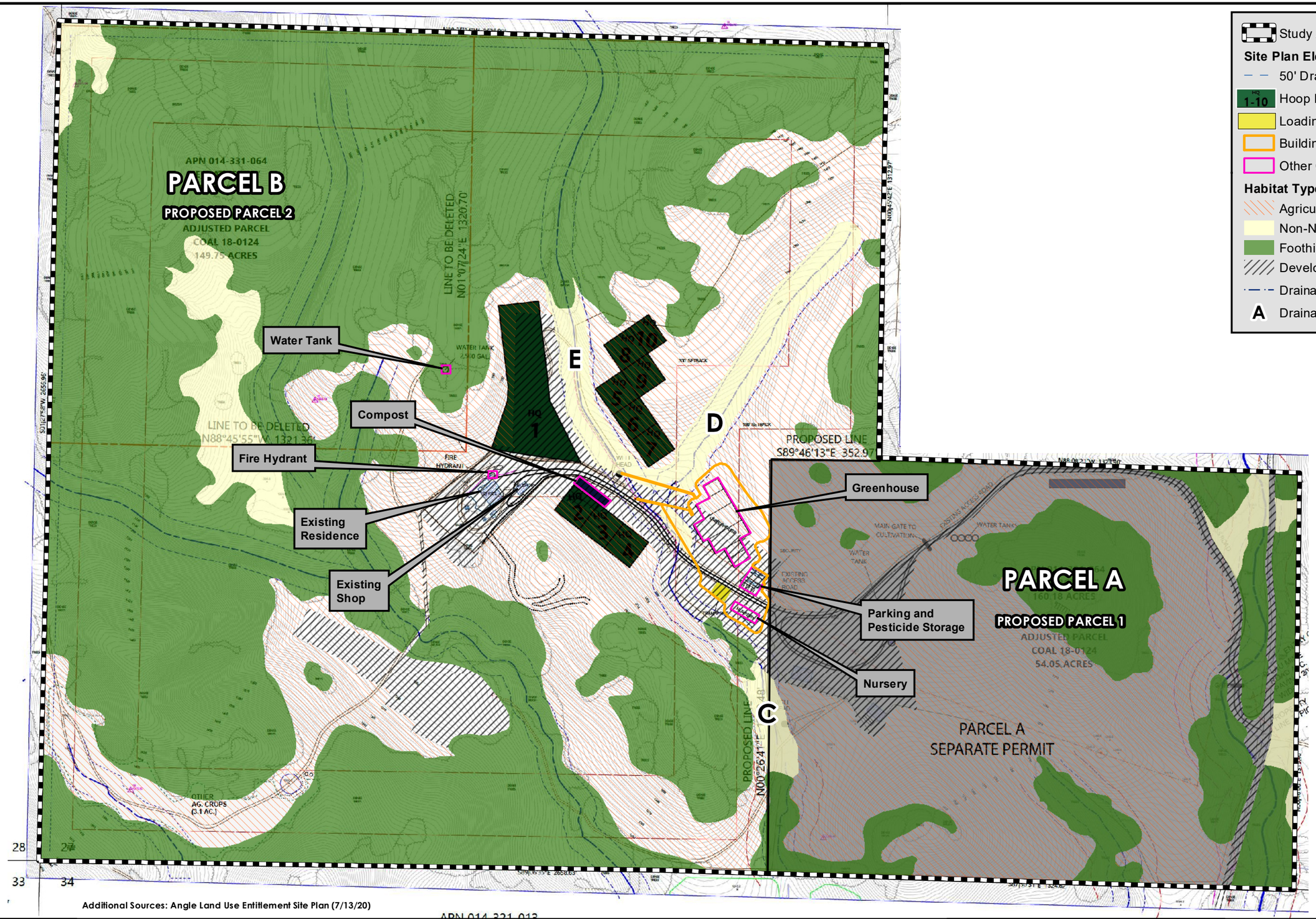
0 100 200 Meters

1375 Klau Mine Road

Riparian Biosupport, Inc.

Figure 6A

Impact Map East



Additional Sources: Angle Land Use Entitlement Site Plan (7/13/20)

KEVIN MERK ASSOCIATES

1 in = 300 feet

0 500 1,000 Feet

0 100 200 Meters

1375 Klau Mine Road

Riparian Biosupport, Inc.

Figure 6B

Impact Map West

Special-status bird species, common species protected under the MBTA, and raptors protected under Fish and Game Code and other federal acts could nest in the Foothill Woodland habitat onsite. The type of disturbance associated with operating the proposed activity is considered to be the same as for the existing farming operations. However, the construction of the nursery and greenhouse buildings could cause disturbance that may affect the breeding behavior of bird species that nest in adjacent Foothill Woodland habitat areas. Construction work to improve the access road will be located adjacent to woodland areas that could support protected breeding bird species. Construction activities to dismantle the pole barn may also affect nesting birds if the work was done during the nesting season. The significance of these effects and mitigation for nesting birds is described below.

Five CDFW Species of Special Concern amphibian and reptile species have slight potential to be found in project impact areas. The northern California legless lizard and lesser slender salamander are associated with woodland habitats where they remain underground or under cover objects where there are mesic conditions, and would not occur in regularly disked, arid Agricultural areas lacking native vegetation where the cultivation areas would be located. The southwestern pond turtle and California newt could potentially move through the Agricultural areas in winter, but would not remain in these areas due to lack of cover. If Blainville's horned lizard occurs onsite, it would most likely be along margins of native vegetation, and the project impact areas are surrounded by existing agriculture that would not represent suitable habitat for this species. Three of these five species that are mobile above ground could occur on the access roads at some point in time while moving between suitable habitat areas, should they be present in the study area (e.g., southwestern pond turtle, Blainville's horned lizard, California newt). Although the site lacks suitable aquatic habitats for the turtle and newt, potentially suitable aquatic sites are present offsite within the distance that individuals can move when occupying terrestrial habitats. They could also use Drainage G when water is present. During periods of terrestrial movements, these three species could occur on roads that are used by employee or farm vehicles, transport of materials and products in and out of the site, as well as during the construction phase of road improvements and suffer mortality or injury due to vehicle strikes. California legless lizard and lesser slender salamander may be present in woodland habitats adjacent to the access road that will be disturbed during road improvement phases. The legless lizard, California newt and Blainville's horned lizard may also occur in areas where there are cover objects such as ranch materials and could be disturbed, injured or killed if these items are removed during construction, such as for the relocation of the pole barn. The legless lizard would likely be mostly restricted to the woodland areas onsite, but they also often occur in developed areas where they could be under woodpiles or other materials. The horned lizard may occur along the edges of roads or other open areas, where they could be vulnerable to vehicle strikes. The proposed project does not represent any new threats to these species in comparison to existing agricultural activities, should they occur onsite, but increased human activity could pose a slightly increased chance of encounter. No breeding habitats or areas critical to their survival will be affected by the project. The significance of potential project effects is detailed below.

Other CDFW animal Species of Special Concern that could occur on the property but are not expected to be impacted by the project include the Monterey dusky-footed woodrat and American badger. The Monterey dusky footed woodrat occurs in woodland habitats that are outside of impact areas. There is a chance that the woodrat could occupy outbuildings onsite, but these structures are outside of the scope of the project. They would not occupy the pole barn due to its completely open nature. Potential foraging habitat of the American badger may be slightly affected because fencing is proposed on Parcel A that would restrict badger movement through the project site. The project would result in the loss of approximately less than five-acres of low-quality

foraging habitat on Parcel A. This is not expected to be a significant effect due to the suboptimal quality of the habitat, and the surrounding area will remain undeveloped and provide better quality foraging habitat. Burrowing habitat would not be affected because badgers are not expected to use Agricultural areas that have been regularly disked, nor are they expected to construct burrows next to active residences. Because no adverse effects on the Monterey dusky-footed woodrat or American badger are expected, no mitigation is required.

Significance: The effects of constructing new structures (greenhouses and nursery buildings), relocating the pole barn, and road improvement work on special-status wildlife species (e.g., protected nesting birds species, Blainville's horned lizard, northern California legless lizard, lesser slender salamander, southwestern pond turtle and California newt) potentially could be considered significant under CEQA. To reduce project impacts to a less than significant level, the following mitigation measures are recommended:

Mitigation Measure BIO-1a: If feasible, initiation of all construction activities for the structures planned as part of this project shall avoid the bird nesting season (February 1 to August 31). This shall include activities to dismantle the pole barn. If the nesting season cannot be avoided, implementation of Mitigation Measure BIO-1b is required.

Mitigation Measure BIO-1b: If it is not possible to schedule the initiation of construction for onsite buildings and pole barn relocation between September 1 and January 31, a qualified biologist shall conduct a preconstruction survey for nesting birds to ensure that no active nests will be disturbed. The preconstruction survey shall be conducted no more than seven days before the initiation of construction activities in any given area of the project site. During this survey, the qualified biologist shall inspect all potential nest substrates in the impact area, and any nests identified will be monitored to determine if they are active. If an active nest is found within 50 feet (250 feet for raptors) of the construction area, the biologist, in consultation with CDFW, shall determine the extent of a buffer to be established around the nest. The buffer will be delineated with flagging, and no work shall take place within the buffer area until the young have left the nest, as determined by a qualified biologist.

Mitigation Measure BIO-2**:** Immediately prior to grading for construction of the nursery building and greenhouses, and any widening of the driveway, a preconstruction survey shall be conducted by a qualified biologist for special-status amphibian and reptile species. The biologist shall search under all cover objects and in leaf litter for individuals of these species. Any special-status species found shall be allowed to leave the project impact area on their own volition, and monitored to ensure that they are no longer present once work begins. If construction of these elements is initiated at different times, separate preconstruction surveys shall be conducted of relevant disturbance areas immediately prior to each phase.

B) Adverse effects on riparian habitat or sensitive natural communities. No Riparian habitat is present in the project footprint for the cultivation areas or structures. The exiting access road that will be improved as part of the project passes through Central Coast Live Oak Riparian Forest on Parcel A. As detailed in the project grading plans (see Appendix D), all trees within 20 feet of grading limits will be protected by the installation of protective fencing along their driplines. Along Drainage G, the existing road passes under the riparian canopy (Figure 6A). Although no trees are planned to be removed, it is possible that trees may need to be trimmed to accommodate the increased road width and appropriate CalFire clearance requirements. The limits of disturbance for the road improvements shown on the grading plans extends under the canopy of these trees (Figure 6A). Placement of fill to elevate the road surface and shoulders within the root zone of oak trees may adversely affect individuals. Additionally, both the project site plans and grading plans

(Appendix D) show the water tanks for Parcel A to be located within the canopy of Foothill Woodland (Figure 6A). The grading plans call for construction of a graded and compacted pad for placement of these four tanks. These activities may require removal or damage of the oak trees, and mitigation measures are prescribed below for the potential impacts. Also see Section 4.2E for further discussion of setbacks from Riparian habitat, and Section 4.2C for mitigation measures to protect wetland habitats in offsite areas, which would also protect riparian habitat along Las Tablas Creek.

Significance: The Central Coast Live Oak Riparian Forest habitat onsite may be adversely affected by widening of the access road and other clearance requirements by CalFire could be considered significant under CEQA. To reduce project impacts to a less than significant level, the following mitigation measures are recommended:

Mitigation Measure BIO-3a: A tree inventory shall be performed by a qualified biologist for any native trees that are within 50 feet of the limits of disturbance. The inventory shall document each of the trees that are at least four (4) inches in diameter at breast height (DBH). Each tree shall be identified to species, assigned a unique number, and DBH measured for each trunk or major (>3 inch) branch that split below approximately 4.5 feet. An aluminum tag imprinted with the identifying number should affixed to the north side of the tree at approximately four (4) feet above the ground. The locations of each tree should be recorded using a Geographic Positioning System with submeter accuracy or located by a licensed surveyor.

Mitigation Measure BIO-3b: Within two weeks prior to the initiation of work to improve the access road, protective fencing shall be installed as specified in the project grading plans. The applicant shall employ the services of a certified arborist to trim trees as necessary for clearance. The arborist shall work with the project engineer and grading contractor to provide information on how to avoid and minimize impacts of fill and/or grading within the critical root zone of oak trees. For any work that may impact an oak tree, Mitigation Measure BIO-3d is required.

Mitigation Measure BIO-3c: Protective fencing shall also be placed delineating the drip line for oak and pine trees adjacent to the proposed water tank area on Parcel A. All grading for the water tank pad and the construction access route to the pad should remain out of this area, or Mitigation Measure BIO-3d shall be employed.

Mitigation Measure BIO-3d: For any work including grading or placement of fill within the dripline of oak trees, compensatory mitigation shall be employed at the ratio of 2:1 (i.e., two oak trees to be planted for every oak tree impacted). Trees that may be affected by the project shall be identified using the tree inventory described in Mitigation Measure BIO-3a. An appropriate mitigation site shall be determined in close proximity to the impacted trees. An Oak Tree Mitigation Plan shall be prepared and implemented by a qualified biologist. The plan shall follow current County guidelines and shall provide the methods and techniques to be used in the field to mitigate impacted trees. Should any oak tree require removal a 4:1 ratio (i.e., 4 trees planted for every tree removed) would be required. Replacement trees shall be the same species impacted and planted in open space areas that will not be affected by future development. Mitigation trees can also be installed adjacent to existing trees. All replacement trees shall be maintained and monitored for a minimum of seven (7) years to ensure successful establishment. If replacement trees die or do not successfully establish, then additional trees will be installed and monitored accordingly to meet this requirement. An as-built planting plan shall be prepared that is used to track the replacement trees, and annual reports prepared by a qualified individual and submitted to the County by December 31st of each year following planting. It may also be possible to pay an in-lieu mitigation fee for trees impacted or removed. Working with the County, the applicant may pay an estimated fee of $485 for each tree

impacted and $970 for each tree removed.

C) Federally protected wetlands. No wetland habitat was present on the property, and there were no basins or reservoirs that would collect water and could potentially support wetland vegetation. No wetland vegetation was seen within the onsite drainages. All drainages onsite were ephemeral and the dominant vegetation types were upland species, except Drainage G which would be considered to be an intermittent stream. Drainages B and G had a defined bed and bank, and evidence of flow such as scour and racking, may be under the jurisdiction of the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the CDFW. Project impact areas have been designed to be clustered away from these two drainages, and there would be no direct or indirect effects on these drainages. The proposed project does not include improvements to the culvert structure for the driveway crossing of Drainage G. Therefore, no permitting from these agencies would be required. All project disturbance areas are proposed to have a 50-foot buffer on either side of drainage centerlines, including those that lack a clear channel or evidence of flow. The project grading plans incorporate sediment and erosion control measures that would minimize these effects during the construction phases. Under the direction of the project engineer, these measures should be sufficient to reduce construction effects to a level below significance. Because there will be no impacts on wetlands or other jurisdictional habitats, no mitigation or associated permitting is required.

Significance: With the incorporation of setback areas and sediment and erosion control measures specified in the project grading plans, there would be no significant direct or indirect effects on federally protected wetlands or other jurisdictional areas.

Mitigation. No mitigation is required.

D) Interference with movement of native fish or wildlife, wildlife corridors, and wildlife nursery sites. The project has been planned to make use of existing roads, developed or disturbed areas, and be located away from woodland habitat and drainages to the maximum extent feasible. It would result in the loss of potential wildlife movement across low quality Agricultural and Developed/Ruderal habitat in two approximately 5-acre sites that will be fenced. The type of fencing to be used is expected to be a barrier to the movement of species such as the American badger and equal- or larger-sized mammals. It would not affect the movements of bats, birds, amphibians and some reptiles. The area surrounding these two project sites will remain unfenced, and represents approximately 190 acres of higher quality habitat for wildlife movement. The natural characteristics of the site will remain unchanged following implementation, and native wildlife species are expected to continue to use the site. The driveway onsite would not be improved in such a way, and use of the driveway would not increase to the extent, in which the road would be considered a barrier to movement for most animal species. However, there is a slight possibility that increased use of the driveway could lead to mortality of amphibians and reptiles, which are frequently found on rural roads and unpaved ranch access routes (see Section 4.2 A). Fish would not occur onsite because all of the drainages are too ephemeral to support fish, and drainages would not be impacted. If any nursery sites (such as maternal bat roosts) exist onsite, they would occur in the woodland areas that are outside of proposed disturbance areas.

Significance: There would be no impact on the movement of any native resident or migratory fish or wildlife species, on established or migratory wildlife corridors, or on the use of native wildlife nursery sites.

Mitigation: No mitigation is required.

E) Conflicts with local policies or ordinances, such as tree preservation. The County of San Luis Obispo adopted an Oak Woodland Ordinance (Chapter 22.58) on April 11, 2017, effective May 11, 2017. This ordinance prohibits clear-cutting (removal of more than one acre of contiguous trees) within an oak woodland and on slopes ≥30 percent, without an exemption or permit. There are exemptions for clearance required by CalFire or otherwise creating a fire break, trees that are diseased or dead, trees creating a hazardous condition, residential development, public utility work, and tree removal for establishing fence lines. A minor Use Permit is required for clear-cutting 1-3 acres of oak woodland over a 10-year period, and a Conditional Use Permit is required for clear-cutting more than 3 acres over a 10-year period (County 2017). Property owners who want to remove less than one acre of oak woodland (defined as a grouping of trees where the dominant species is blue oak, coast live oak, interior live oak, valley oak, and California black oak) are required to file an Oak Woodland Tree Removal Form with the Department of Planning and Building or by preparing and submitting an Oak Woodland Management Plan (County 2018). Removal of individual Heritage Oaks, which are individuals of any of the oak species listed above 48-inches diameter at breast height or greater and separated by oak woodland habitat by at least 500 feet, can be authorized under a Minor Use Permit (County 2017). This ordinance does not apply to the removal of individual oak trees (except for Heritage oaks), woodland thinning, or tree trimming, which can be conducted without a permit (County 2018). No oak trees will be removed as part of this project, as disturbance areas will generally remain outside of the dripline of oak trees in the Foothill Woodland habitats onsite. Impacts have been identified and mitigation prescribed for impacts on Central Coast Live Oak Woodland described above in Section 4.2 B. Project plans call for protective fencing to be installed at the drip line of oak trees and no work to be conducted within this protective area. For access road improvement work on Parcel A that will be under the canopy of coast live oak trees, mitigation is prescribed as detailed in Mitigation Measure 3a. Additionally, the location of the water tanks and all grading to create a pad for the tanks on Parcel A must be moved outside of the oak tree dripline as detailed in Mitigation Measure 3b.

The project site falls within the Adelaida Agricultural Preserve area. The proposed cannabis cultivation activities fall within the definition of agricultural use under this plan.

Land Use Ordinance Section 22.40.040 D. 2.d requires that all outdoor cannabis cultivation be setback a minimum of 50 feet from the upland edge of riparian vegetation along watercourses. The few small willow shrubs at upper Drainage F could potentially be considered to be Riparian habitat, although this area is small in size and lacks structure to be a habitat type different from the surrounding area. Planted Area HQ1 is at least 100 feet from these willows. All outdoor cultivation plots are more than 300 feet from coast live oak trees that could be considered to be riparian habitat along Drainage G. Also, under the Ordinance, parcels zoned Agriculture that are at least 25 acres can have up to 3 acres of outdoor cannabis cultivation. Thus, the total size of the outdoor cultivation areas is in compliance. The 300-foot setback requirement from neighboring properties also appears to be met.

Significance: The project has been designed to minimize encroachment into Foothill Woodland habitat and less than one acre would be affected; therefore, it is in compliance with the Oak Woodland Ordinance. Cannabis cultivation is consistent with the agricultural uses allowed within the Adelaida Agricultural Preserve and the County Land Use Ordinance for Cannabis Cultivation, and meets the setback requirements for Riparian habitat.

Mitigation: No mitigation is required.

F) Conflicts with local, regional or state conservation plans. The project site is not in an area subject to a Habitat Conservation Plan, Natural Community Conservation Plan or other such habitat conservation plan; therefore, no conflict would occur.

Significance: There would be no conflicts with local, regional or state conservation plans.

Mitigation: No mitigation is required.

4.3 Cumulative Effects

The project is not expected to significantly affect any of the six additional impacts outlined under CEQA. The project would bring slightly more human activity to the property than exists under current agricultural practices, which could affect individuals of special-status reptile and amphibian species. Should other large parcels in the surrounding area also be converted to more intensive uses, there could be cumulative effects in the long-term. Under the current project, the remaining 190 acres of the property will be maintained in its existing natural state as a buffer around the clustered cannabis cultivation facility, which would benefit wildlife species. There is a slight chance that runoff from cultivated areas could affect water quality, wetland and/or riparian habitats in downstream, offsite areas. BMPs are described in this BRA as well as the project grading plans to reduce project impacts. With mitigation incorporated as described herein, no significant effects on biological resources are expected to occur as a result of project implementation. Because there would be no effects of the project in the context of the site's importance in the overall area, the project would not contribute to cumulative effects of other non-federal projects planned in the area.

5.0 CONCLUSIONS

The project proposes approximately 10 acres of cannabis cultivation within an existing agricultural area on an approximately 200-acre property in rural Adelaida, Paso Robles, California. The proposed project has been designed to avoid encroachment into woodland habitat and drainages onsite, and will be sited on previously disturbed areas already in agriculture. Recently, the project disturbance area has been used for hemp cultivation. Compared to historic dry farming activities on the property, the proposed cannabis cultivation project will be a slightly more intensive use and require the construction of hoop houses, greenhouses and nursery buildings. The large property supports expanses of foothill woodland habitat that will not be impacted by the project. While there are several special-status plant species that could occur on the greater property, no special-status plants are expected to occur in the project area because all of these areas have been previously disturbed and no rare plant species were found during a seasonally timed focused survey. Sensitive natural communities are not present in the cultivation areas. No ponds, wetlands or riparian habitats are present. Drainages onsite will be avoided and cultivation activities will incorporate a 50-foot setback. Project elements are clustered, and located away from the two onsite drainages that had evidence of seasonal flows. There is at least a 100-foot setback from Oak Riparian that occurs along an intermittent stream and BMPs are described to protect downstream aquatic resources. Mitigation is prescribed herein for construction activities that could disrupt nesting birds or impact special-status amphibian and reptile species. Continued farming of a different agricultural crop would not affect foraging, roosting, or migration by wildlife species, and the approximately five-acre fenced project sites would not significantly affect wildlife movement on this large property. Impacts of road improvements required by CalFire on oak riparian woodland and individual oak trees are required to be under the direction of a qualified biologist/certified arborist, and protective fencing has been incorporated into the project to prevent construction activities from encroaching into root zones as feasible.

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APPENDIX A

List of Plants and Animals Observed Onsite During the Site Visits

Appendix A – List of Plants and Animals Observed Onsite During the Site Visits

Scientific Name*	Common Name
Plants	
*Anthriscus caucalis**	Bur chevril
Asclepias californica	California milkweed
Asclepias fascicularis	Narrow leaf milkweed
*Avena barbata**	Slender wild oat
Baccharis pilularis	Coyote brush
*Brachypodium distachyon**	False brome
*Brassica nigra**	Black mustard
*Bromus diandrus**	Ripgut brome
*Bromus hordeaceus**	Soft chess
*Carduus pycnocephalus**	Italian thistle
*Centaurea solstitialis**	Yellow star thistle
Clarkia purpurea	Wine cup clarkia
Clematis ligusticifolia	Creek clematis
Clinopodium douglasii	Yerba buena
*Convolvulus arvensis**	Field bindweed
*Cynosurus echinatus**	Dogtail grass
Dichelostemma capitatus	Blue dicks
*Dipsacus fullonum**	Wild teasel
Elymus condensatus	Giant wild rye
Elymus glaucus	Blue wild rye
Elymus triticoides	Beardless wild rye
Epilobium brachycarpum	Willow herb
*Eschscholzia californica***	California poppy
Festuca microstachys	Small fescue
Frangula californica	California coffeeberry
*Gastridium ventricosum**	Nit grass
Heteromeles arbutifolia	Toyon
*Hirschfeldia incana**	Summer mustard
*Hordeum murinum**	Barnyard foxtail
Juncus tenuis	Slender rush
Logfia filaginoides	California cottonrose
*Logfia gallica**	Narrowleaf cottonrose
Lonicera subspicata	Southern honeysuckle
Lupinus bicolor	Miniature lupine
Lupinus nanus	Sky lupine
Madia sativa	Coast tarweed
Melica californica	California melic
*Phalaris aquatica**	Harding grass
Pinus sabiniana	Foothill pine
Pinus sp.#	Pine
Platanus racemosa#	California sycamore
Quercus agrifolia	Coast live oak
Quercus lobata	Valley oak
Rhamnus crocea	Spiny redberry
Rosa californica	California wild rose
Salix laevigata	Red willow
Solidago velutina ssp. *californica*	Goldenrod

Scientific Name*	Common Name
Stipa cernua	Noddling needle grass
*Stipa miliacea**	Smilo grass
Symphoricarpos mollis	Snowberry
*Torilis arvensis**	Field hedge parsley
Toxicodendron diversilobum	Poison oak
Trifolium albopurpureum	Rancheria clover
Trifolium gracilentum	Pinpoint clover
*Triticum aestivum**	Common wheat
Verbena lasiostachys	Western vervain
Animals	
Buteo jamaicensis	Red-tailed hawk
Cathartes aura	Turkey vulture
Melanerpes formicivorus	Acorn woodpecker
Melazone crissalis	California towhee
*Meleagris gallapavo**	Wild turkey
Neotomoa fuscipes macrotis	Dusky-footed woodrat (midden in dense woodland)
Sayornis nigricans	Black phoebe
Sialia mexicana	Western blue bird
Otospermophilus beecheyi	California ground-squirrel
Zenaida macroura	Mourning dove
Zonotrichia leucophrys	White-crowned sparrow

*Non-native species
#Planted in developed areas

APPENDIX B

Special-status Species Known From the Project Vicinity

Appendix B. Special-status Biological Resources Known from the Project Vicinity

Scientific Name	Common Name	Fed	CA	Rare Plant Rank	Habitat	Probability of Occurrence / Site Suitability / Observations
PLANTS						
Abies bracteata	Santa Lucia fir (=bristlecone fir)	—	—	1B.3	Evergreen tree; broadleafed upland forest, chaparral, lower montane coniferous forest, and riparian woodland; 183-1555 meters.	**Unlikely.** Appropriate forest habitats are present and has been recorded in the region. Would not occur in disturbed grassland/agriculture areas and was not observed during surveys, but may occur in Foothill Woodland habitat in upper elevations on the property. Low potential to occur onsite.
Agrostis hooveri	Hoover's bent grass	—	—	1B.2	Perennial grass; closed-cone coniferous forest, chaparral, cismontane woodland, valley and foothill grassland usually on sandy soils; 6-610 meters in elevation; blooms April to July.	**Not expected.** Cismontane woodland and grassland habitats are present, but sandy soils are absent and the only known location nearby is unconfirmed. Not expected to occur onsite.
Amsinckia douglasiana	Douglas' fiddleneck	—	—	4.2	Annual herb; dry habitats including cismontane woodland and valley and foothill grassland on shale soils; 0-1950 meters in elevation; blooms March to May.	**Not expected.** Suitable woodland and grassland habitats and soils are present onsite, but was not observed during the May 2019 survey. Agricultural and developed areas are not suitable habitats for this species.
Arctostaphylos luciana	Santa Lucia manzanita	—	—	1B.2	Perennial evergreen shrub; chaparral, cismontane woodland on shale; 350-850 meters in elevation; blooms December to March.	**Not expected.** Cismontane woodland habitat and shale soils are present. Does not occur in the disturbance footprint but may occur in upper elevations on the property at the woodland border. Perennial shrub that would have been seen during the rare plant survey.

Scientific Name	Common Name	Fed	CA	Rare Plant Rank	Habitat	Probability of Occurrence / Site Suitability / Observations
Arctostaphylos obispoensis	Bishop manzanita	—	—	4.3	Perennial evergreen shrub; closed-cone coniferous forest, chaparral, and cismontane woodland on rocky serpentine soil; 150-1005 meters in elevation; blooms February to June.	**Not expected.** Cismontane woodland habitat is present, but serpentine soils are not. Recorded in the project vicinity but generally along the coast. Not expected to occur onsite.
Astragalus macrodon	Salinas milk-vetch	—	—	4.3	Annual herb; chaparral, grassland and openings in oak woodland habitats on eroded pale shales or sandstone, or serpentine alluvium ranging from 300-950 meters in elevation; blooms April to July.	**Not expected.** Suitable grassland and woodland habitats are present, as well as suitable soils, outside the agricultural footprint. Was not observed during May 2019 survey in the project footprint areas, and agricultural and disturbed sites are not suitable habitat.
Calandrinia breweri	Brewer's calandrinia	—	—	4.2	Annual herb; chaparral and coastal scrub including disturbed sites and burned areas with sandy or loamy soil; 10-1200 meters in elevation; blooms March to June.	**Not expected.** Marginal habitat is present onsite because suitable plant communities are not present but disturbed loamy soils are present. Has been recorded nearby, but was not observed during field surveys.
Calycadenia villosa	dwarf calycadenia	—	—	1B.1	Annual herb; rocky soils in chaparral, cismontane woodland, valley and foothill grassland and meadows and seeps; 425 - 1,130 meters in elevation; blooms May to October.	**Not expected.** Cismontane woodland and grassland habitats and rocky soils are present, but was not observed during May 2019 survey. Agricultural and disturbed areas are not suitable habitat for this species.
Castilleja densiflora var. *obispoensis*	San Luis Obispo owl's clover	—	—	1B.2	Annual herb; meadows, seeps, and valley and foothill grassland sometimes on serpentine; 10 to 400 meters in elevation; blooms March to May.	**Not expected.** Marginal habitat present in disturbed grasslands onsite, however it generally occurs closer to the coast and in the lower Salinas Valley. Not observed during May 2019 survey, and agricultural/disturbed areas are not suitable habitat for the species.

Scientific Name	Common Name	Fed	CA	Rare Plant Rank	Habitat	Probability of Occurrence / Site Suitability / Observations
Caulanthus lemmonii	Lemmon's jewelflower	—	—	1B.2	Annual herb; pinyon and juniper woodland, and valley and foothill grassland; from 80 to 1,220 meters elevation; blooms March to May.	**Not expected.** Marginal habitat is present in disturbed grasslands onsite but generally occurs in the eastern parts of the County. Not observed during May 2019 survey, and agricultural/developed areas are not suitable habitat for the species.
Delphinium gypsophilum ssp. *parviflorum*	small-flowered gypsum-loving larkspur	—	—	3.2	Perennial herb; cismontane woodland and valley and foothill grassland, on rocky clay, shale, sandstone or sometimes serpentine; 190-350 meters in elevation; blooms April to June.	**Not expected**. Suitable habitat and soils are present onsite outside the agricultural footprint. Was not observed during May 2019 survey, and agricultural and disturbed areas are not suitable habitat for the species.
Delphinium parryi ssp. *eastwoodiae*	Eastwood's larkspur	—	—	1B.2	Perennial herb; chaparral, valley & foothill grassland generally in serpentine soils and in coastal areas; 75-500 meters in elevation; blooms February to March.	**Not expected.** No documented occurrences are in the project vicinity - CNDDB mapped location appears to be an error (Stenner Cr. in SLO - not Steiner Cr. in Cambria). Serpentine not present. Not expected to occur onsite.
Delphinium umbraculorum	umbrella larkspur	—	—	1B.3	Perennial herb; cismontane woodlands and chaparral often on disintegrating shale; 85-1,035 meters in elevation; blooms April to June.	**Not expected.** The site supports cismontane woodland habitat and appropriate soils for this species. Species was not observed in project site during field surveys in May 2019. Agricultural and disturbed areas are not suitable habitat for this species.
Eriastrum luteum	yellow-flowered eriastrum	—	—	1B.2	Annual herb; broadleaved upland forest, chaparral, cismontane woodland generally in sandy or gravelly soils; 290-1000 meters in elevation; blooms May to June.	**Not expected.** The site provides cismontane woodland habitat for this species, but lacks suitable sandy soils. Nearby CNDDB record is imprecise and unconfirmed, otherwise not found in vicinity. Not observed during surveys and not expected to occur onsite.

Scientific Name	Common Name	Fed	CA	Rare Plant Rank	Habitat	Probability of Occurrence / Site Suitability / Observations
Fritillaria ojaiensis	Ojai fritillary	—	—	1B.2	Perennial bulbiferous herb; mesic broadleafed upland forest, chaparral, cismontane woodland, and lower montane coniferous forest on rocky soils; 225-998 meters in elevation; blooms February to May.	**Not expected.** Suitable habitat is present in the woodland areas onsite, and there are suitable soils and elevation; however, it was not observed during May 2019 survey.
Galium hardhamiae	Hardham's bedstraw	—	—	1B.3	Perennial herb; closed-cone coniferous forest and chaparral in serpentine soils; 395-975 meters in elevation; blooms April to October.	**Not expected.** No suitable habitat or serpentine soils present. Not observed during May 2019 survey and not expected to occur onsite.
Horkelia cuneata var. puberula	mesa horkelia	—	—	1B.1	Perennial herb; chaparral, cismontane woodland, coastal scrub; sandy or gravelly soils; 70- 810 meters elevation; blooms February to September.	**Not expected.** Cismontane woodland habitat present, but no sandy or gravelly soils present onsite to support this species, and nearby records are unverified and imprecise. Not observed during surveys and not expected to occur onsite.
Juncus luciensis	Santa Lucia dwarf rush	—	—	1B.2	Annual herb; chaparral, Great Basin scrub, lower montane coniferous forest, meadows and seeps, vernal pools from 300-2,040 meters in elevation; blooms April to July.	**Not expected.** No suitable mesic habitat observed, and generally occurs in the vernal pools not present onsite. Drainage features do not provide suitable habitat and species was not observed during May 2019 survey.
Malacothamnus jonesii	Jones's bush-mallow	—	—	4.3	Perennial deciduous shrub; chaparral and cismontane woodland; 160-1,075 meters in elevation; blooms April to October.	**Not expected** Suitable woodland habitat is present, the site is within the species' elevational range, and there are records nearby. Could occur in foothill woodland onsite. Would not occur in disturbed and agricultural areas, and was not seen during May 2019 focused survey of the project site.

Scientific Name	Common Name	Fed	CA	Rare Plant Rank	Habitat	Probability of Occurrence / Site Suitability / Observations
Malacothamnus palmeri var. *palmeri*	Santa Lucia bush-mallow	—	—	1B.2	Perennial deciduous shrub; chaparral on rocky soils; 60-360 meters in elevation; blooms May to July.	**Not expected.** No suitable habitat present. Site is outside elevation range for this species. Not observed during surveys and not expected to occur onsite.
Meconella oregana	Oregon meconella	—	—	1B.1	Annual herb; coastal prairie and coastal scrub; 250-620 meters in elevation; blooms March to April.	**Not expected.** Suitable habitats are not present onsite, and not observed during May 2019 field survey.
Monolopia gracilens	woodland woollythreads	—	—	1B.2	Annual herb; openings of broad-leaved upland forest, chaparral, cismontane woodland, north coast coniferous forest and valley and foothill grassland typically on serpentine; 100 to 1,200 meters in elevation; blooms February to July.	**Not expected.** Suitable habitats are present in the grassland and woodland areas, the site is within the elevational range of the species, and has been recorded nearby. Not observed in the project impact area during the May 2019 survey. Does not occur in disturbed or agricultural areas.
Navarretia nigelliformis ssp. *radians*	shining navarretia	—	—	1B.2	Annual herb; cismontane woodland, valley and foothill grassland habitat, swales adjacent to and on the rim of vernal pools or on open hillsides, usually in heavy clay; 76-1000 meters in elevation; blooms April to July.	**Not expected.** Suitable woodland and grassland habitats are present, but suitable soils are absent. May 2019 survey did not observe this species and therefore, not expected to occur onsite.
Piperia michaelii	Michael's rein orchid	—	—	4.2	Perennial herb; coastal bluff scrub, closed cone coniferous forest, cismontane woodland, coastal scrub, lower montane coniferous forest; 3-915 meters in elevation; blooms April to August.	**Not expected.** Suitable woodland habitat was searched for this species in May 2019, and it was not observed. Agricultural and developed areas are not suitable habitat, and would not occur in project impact area.

Scientific Name	Common Name	Fed	CA	Rare Plant Rank	Habitat	Probability of Occurrence / Site Suitability / Observations
Plagiobothrys uncinatus	hooked popcornflower	—	—	1B.2	Annual herb; grows in sandy soils in chaparral, cismontane woodland, valley and foothill grassland, and coastal bluff scrub; 300-730 meters in elevation; blooms April to May.	**Not expected.** Suitable habitat as identified in woodlands and grasslands, but site lacks sandy soils. All suitable habitat was searched for this species during May 2019 survey and it was not observed. Not expected to occur.
Senecio aphanactis	chaparral ragwort	—	—	2B.2	Annual herb; chaparral, cismontane woodland, coastal scrub in drying alkaline flats; 15-800 meters in elevation; blooms January to April.	**Not expected.** Suitable woodland habitat is present at the appropriate elevation but no verified records in the vicinity - CNDDB mapped location appears to be an error (Stenner Cr. in SLO - not Steiner Cr. in Cambria). Not observed during surveys and not expected to occur onsite.
Streptanthus albidus ssp. *peramoenus*	most beautiful jewel flower	—	—	1B.2	Annual herb; chaparral, cismontane woodland, valley & foothill grassland in serpentine soils; 94-1000 meters in elevation; blooms March to October.	**Not expected.** Suitable habitat present in woodland and grasslands, but no suitable soils onsite. Not observed during surveys and not expected to occur onsite.
Triteleia ixioides ssp. *cookii*	Cook's triteleia	—	—	1B.3	Perennial bulbiferous herb; cismontane woodland, closed-cone coniferous forest in moist places with serpentine soils; 150-700 meters in elevation; blooms May to June.	**Not expected.** The site provides cismontane woodland habitat for this species, but site is too dry to support this species and appropriate soils are not present. Not observed during surveys and not expected to occur onsite.

**E = Endangered; T = Threatened; R = Rare; '—' = no status; CRPR: Rank 1A - Presumed extirpated in California and either rare or extinct elsewhere; Rank 1B – Rare, threatened or endangered in California and elsewhere; Rank 2A – Presumed extirpated in California, but more common elsewhere; Rank 2B – Rare, threatened, or endangered in California, but more common elsewhere; Rank 3 - Plants needing more information, a review list; Rank 4 – Limited distribution, a watch list. Sources: California Natural Diversity Database (California Department of Fish and Wildlife 2020a); Special Vascular Plants, Bryophytes, and Lichens List (California Department of Fish and Wildlife 2020c); Inventory of Rare and Endangered Plants of California (California Native Plant Society 2020); Information on Wild California Plants for Conservation, Education, and Appreciation (Calflora 2020).*

SENSITIVE NATURAL COMMUNITIES	
Central Coast Live Oak Riparian Forest — State Rarity Rank 3.2	**Present.** Band of riparian on drier, outer floodplains along perennial streams between the more mesic cottonwood or willow-dominanted communities and more xeric chaparral. Dominated by coast live oak (*Quercus agrifolia*) with a relatively open understory of grasses. Other species in the understory include coyote brush (*Baccharis pilularis*), California rose (*Rosa californica*), fragrant sumac (*Rhus aromatica*), and blue elderberry (*Sambucus mexicana*). Observed in a narrow band along Drainage G onsite.
Central Coast Riparian Scrub — State Rarity Rank S3	**Absent.** A dense, shrubby streamside thicket dominated by any of several species of willows (*Salix* spp.) and has coyote brush (*Baccharis pilularis*) as a secondary component. Occurs on sand or gravel bars along rivers and streams with ground water close to the surface. Also present around dune slack ponds. Observed along Las Tablas Creek offsite, but the only willows observed onsite were a few scattered small shrubs at the head of Drainage F and did not have the density to be considered scrub habitat.
Coastal and Valley Freshwater Marsh — State Rarity Rank S2 and S3	**Absent.** Occurs in permanently flooded sites with freshwater and lacking significant flow, dominated by perennial, emergent vegetation such as bulrushes (*Scirpus* sp. and *Schoenoplectus* sp.) and cattails (*Typha* sp.). No wetland vegetation was present onsite. The drainages were vegetated by upland species and there were no areas of ponded water or damp soil conditions that could support freshwater marsh species.
Valley Oak Woodland — State Rank S2.1	**Absent.** Foothill woodland occurs onsite which contains valley oaks (*Quercus lobata*), but the dominant species is coast live oak (*Q. agrifolia*) with foothill pine (*Pinus sabiniana*) . There were some areas that supported increased frequency of valley oak trees, such as surrounding Drainage F, but this patch was limited in size and would not constitute a separate type of woodland habitat.

Sources: Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland 1986); California Natural Community List (California Department of Fish and Wildlife 2020b); California Natural Diversity Database (California Department of Fish and Wildlife 2020a).

Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
INVERTEBRATES						
Branchinecta lynchi	vernal pool fairy shrimp	T	—	—	Endemic to vernal pools in grasslands of central coast mountains and valleys; inhabits small clear-water depressions, pools and swales lacking flow. Needs standing water for at least 16 days to complete its lifecycle.	**Not expected.** No vernal ponds or pools are expected to occur onsite due to friable and well-drained soils. Not expected to occur onsite.
Danaus plexippus	monarch butterfly (overwintering population)	—	—	—	Wind-protected tree groves of eucalyptus, Monterey pine and cypress along the coast, with nectar and water sources nearby	**Not expected.** No suitable habitat present and the site is too far inland. Not expected to occur onsite.
FISH						
Oncorhynchus mykiss irideus pop. 9	south-central California coast steelhead DPS	F	—	—	Adults spawn in freshwater streams with clear, well-oxygenated, cool water and clean gravel substrate. Also require instream cover (branches, logs) and streamside vegetation. Juveniles rear in freshwater reaches or lagoons before going to the ocean to mature, and then return to freshwater to reproduce.	**Not expected.** No suitable streams are present onsite, as all the drainages are highly ephemeral. Any trout in the Las Tablas Creek watershed would be landlocked by Nacimiento Dam.

Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
AMPHIBIANS/REPTILES						
Actinemys pallida (=*Emys marmorata*)	southwestern pond turtle (=western pond turtle)	—	—	SSC	Ponds, lakes, rivers, streams, marshes, brackish lagoons, and irrigation ditches with a mosaic if vegetation and open areas for basking. Uses upland areas for nesting and in winter, including woodland, forest, grassland, chaparral, and grasslands.	**Potential.** Suitable upland habitat consisting of grasslands and woodlands is present onsite in close proximity to suitable aquatic habitat at Las Tablas Creek. Species has been recorded less than 1500 meters from the site. Could occur onsite during nesting or other movement periods while using upland habitats, but only marginal aquatic habitat is present (at Drainage G).
Anniella pulchra	northern California legless lizard	—	—	SSC	Beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, oak woodland, and stream terraces with riparian vegetation. Fossorial species requires moist, loose soils with plant cover or surface objects (rocks, boards, logs, etc.).	**Potential.** Suitable habitat and soils are present in wooded and shrub covered areas, and there are several records in the vicinity. Could occur under cover objects that provide moist soil conditions. Would not occur in the agricultural areas that are regularly disturbed through tilling and lack sufficient cover.
Batrachoseps minor	lesser slender salamander	—	—	SSC	Moist forests of coast live oak, tanbark oak, sycamore and laurel 400-640 meters in elevation.	**Potential.** Suitable woodland habitat is present onsite, and the site is within the elevational range of the species, but may be slightly northeast of its limited distribution. Could occur onsite in woodland areas away from agricultural disturbance zone.

Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
Phrynosoma blainvillii	Blainville's (=coast) horned lizard	—	—	SSC	Grasslands, sandy washes, coastal scrub, chaparral, coniferous forest and woodlands with patches of open areas for sunning and bushes for cover. Often with loose sandy soils for burial, but also uses small mammal burrows. Preys on native species of ants and other small invertebrates.	**Potential.** Suitable habitat exists around margins of vegetated areas onsite. Could occur on dirt roads or ruderal areas. Has been recorded on Camp Roberts and along the Salinas River, and is often underreported when at low population densities.
Rana boylii	foothill yellow-legged frog	—	CT	SSC	Rocky streams and rivers with open sunny banks, surrounded by forests, chaparral and woodlands. Sometimes found in isolated pools, backwaters, and spring-fed pools. Reproduction is exclusively in streams and rivers. Usually found near water and diurnal.	**Not expected.** This species has been extirpated from this area since 1975-1978, and the closest extant populations are from Rocky Point northward. Historic records from Nacimiento River are considered extirpated.
Rana draytonii	California red-legged frog	T	—	SSC	Forages and breeds in streams with deep slow-moving pools, stock ponds, reservoirs, springs, lagoons, and marshes; usually with emergent or riparian vegetation but also found at sites lacking vegetation. Uses riparian and various upland habitats in winter and for dispersal.	**Unlikely.** No suitable aquatic is habitat present onsite. Potential aquatic habitat is present at Las Tablas Creek adjacent to the site, and potentially could use upland areas on the site or temporarily occupy Drainage G in winter. Has not been recorded in the Las Tablas Creek watershed. Low probability to occur onsite.
Spea hammondii	western spadefoot	—	—	SSC	Occurs in grassland and open woodland/savannah habitats where it primarily occupies underground burrows; breeds in vernal pools, ephemeral ponds, stock ponds lacking fish, and streams that dry to isolated pools.	**Not expected.** No suitable aquatic habitat present onsite or adjacent to the site. Soils are friable and well-drained and would not support ponding. Drainages onsite are not suitable. Not expected to occur onsite.

Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
Taricha torosa	California newt (=Coast Range newt)	—	—	SSC	Primarily terrestrial in forests, oak woodlands, chaparral, and rolling grassland. Breeds in ponds, reservoirs and pools of clear streams.	**Potential.** No suitable aquatic is habitat present onsite, but potential aquatic habitat is present at Las Tablas Creek adjacent to the site, and they could use upland areas on the site or temporarily occupy Drainage G. Has not been recorded in the Las Tablas Creek watershed, but documented recently in nearby Summit Creek. Could occur onsite.
BIRDS						
Agelaius tricolor	tricolored blackbird	—	CE	SSC (nesting colony)	Forages in a variety of habitats including pastures, agricultural fields, rice fields, and feedlots; nests in freshwater marshes with tules or cattails, or in other dense thickets of wilow, thistle, blackberry, or wild rose in close proximity to open water; occurs year-round in this area.	**Unlikely.** Marginal habitat is present in Las Tablas Creek and possibly at agricultural ponds near the site, and could potentially forage onsite. A few records are from nearby. Low probability to occur onsite as transients, but no nesting would occur.
Aquila chrysaetos	golden eagle	—	—	FP, WL (nesting & wintering)	Uncommon resident of mountainous and valley-foothill areas. Foraging typically occurs in open terrain where they prey on small mammals. Nesting usually occurs on cliff ledges, and less commonly in large trees or on structures such as electrical towers.	**Potential.** Foraging could occur in grassland and agricultural habitats onsite, but the open habitats may not be expansive enough to be ideal. Potentially could nest in large trees onsite. Has been recorded at numerous locations nearby. Could occur onsite.

Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
Ardea herodias	great blue heron	—	—	— (nesting colony)	Freshwater and saltwater marshes, also foraging in grasslands and agricultural fields. Nesting colonies are near lakes, ponds and wetlands bordered by forests. Nests are placed mainly in trees, but may also nest on the ground, in bushes or artificial structures. Occurs year-round in this area.	**Potential.** Individuals could forage onsite periodically, but no suitable aquatic habitat is present and nesting colonies would not occur. Has been recorded at several locations close to the site in eBird. Could occur onsite periodically.
Haliaeetus leucocephalus	bald eagle	—	E	FP	Open areas near water where they mainly feed on fish, and may also eat birds, amphibians, reptiles, small mammals, and crabs; nests in large mature trees such as ponderosa pine or occasionally on cliffs or the ground, within 1 mile of a large water source; occurs year-round in this area.	**Potential.** Could forage onsite, but the area lacks a large body of water needed to support this species and nesting habitat is not present. Has been recorded in eBird in the vicinty. Could occur infrequently while foraging or flying over.
Setophaga petechia	yellow warbler	—	—	SSC	Wetland and riparian habitats with willows, cottonwoods, aspens, sycamores and alders where they eat insects. Also uses gardens, orchards and roadside thickets. Nesting is in shrubs or small trees. Occurs year-round in this area.	**Unlikely.** No suitable riparian vegetation onsite to support this species Has been recorded at mountainous locations in the Santa Lucia Range along drainages. Low probability to occur onsite.
MAMMALS						
Antrozous pallidus	pallid bat	—	—	SSC	Open dry habitats including deserts, grasslands, shrublands, woodlands, and forests. Roosts in rocky outcrops, caves, crevasses, mines, hollow trees, and buildings that moderate temperature. Night roosts on porches and open buildings.	**Potential.** Suitable foraging habitat present in woodlands, agricultural areas, and grassland habitats onsite. Existing buildings could provide suitable night roost sites, and also could roost in large hollow trees in the woodland habitat. Could occur onsite.

Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
Corynorhinus townsendii	Townsend's big-eared bat	—	—	SSC	Desert scrub, sagebrush, chaparral, and deciduous and coniferous forests; prefers mesic habitats. Roosts in caves, cliffs, mines, tunnels and bridges.	**Potential.** Suitable foraging habitat is present in woodlands, but suitable roosting habitat is not present. Low probability to occur onsite.
Lasiurus cinereus	hoary bat	—	—	—	Open habitats or habitat mosaics along woodland edges. Roosts in dense foliage of large trees. Maternity roosts are woodlands/forests with medium to large trees. Winters along the coast and in southern CA, and breeds inland and in northern CA.	**Potential.** Suitable foraging habitat is present throughout the site and could roost in woodland habitat. Has been recorded nearby.
Myotis thysanodes	fringed myotis	—	—	—	High elevation coniferous forest, oak woodland, mixed deciduous forest and pinyon-juniper woodland. Roosts in caves, buildings, mines and cavities of large trees. Occurs in San Luis Obispo County year-round.	**Potential.** Suitable forest habitat is present in woodland habitat onsite. Potentially could roost in cavities of large trees or possibly in outbuildings but may not be of sufficient structure due to open nature. Only one record in the area from San Simeon in 2000, but their year-round range includes all of San Luis Obispo County.
Myotis yumaensis	Yuma myotis	—	—	—	Open forests and woodlands with water sources such as ponds, streams, and stock tanks; roosts in buildings, mines, caves, crevices and under bridges; night roosts in more open areas.	**Potential.** Suitable foraging habitat is present throughout the site, and potential water sources may be offsite on nearby properties. Could night roost in outbuildings onsite. Only one record in the area from San Simeon in 2000, but their year-round range includes all of San Luis Obispo County.

Scientific Name	Common Name	Fed	CA	CDFW	Habitat	Probability of Occurrence / Site Suitability / Observations
Neotoma macrotis luciana	Monterey dusky-footed woodrat	—	—	SSC	Builds large stick middens in chaparral and woodland habitats of moderate canopy and moderate to dense understory. Occurs along the coast north to Monterey Bay and reaches its eastern extent at Camp Roberts where it contacts *Neotoma fuscipes bullatior*.	**Potential.** Suitable habitat is present in woodlands onsite. A woodrat midden was observed during the site visit. Could potentially occur in dense woodlands onsite, but would not be expected to occur in agricultural areas except on a transitory basis. Could occupy infrequently used outbuildings in Developed areas.
Perognathus inornatus psammophilus	Salinas pocket mouse	—	—	SSC	Grasslands, alkali shrubland, and oak savannah habitats in the Salinas Valley from Soledad south to San Miguel. Creates burrows in alluvial or wind-drifted sands. Forages on seeds of grasses and forbs, which it stores in its burrows.	**Not expected.** Suitable habitat is present in the grassland habitat, but site is located south and west of the species known range. Not expected to occur onsite.
Taxidea taxus	American badger	—	—	SSC	Open grasslands, fields and the edge of scrub and woodland habitats; requires dry loose soils for burrowing and shelter and feeds on a variety of small mammals such as California ground squirrel and pocket gopher.	**Potential.** Highly mobile animal that would be expected to move through and potentially occur onsite, especially in grassland, and woodland with occurrences of ground squirrels and other small mammals. Agricultural activities appear to maintain low numbers of small mammals in the developed areas, but could occur onsite.

**E = Endangered; T = Threatened; C = Candidate; SSC = Species of Special Concern; FP = Fully Protected; WL = Watch List; '—' = no status; California Natural Diversity Database (California Department of Fish and Wildlife 2020a); Special Animals List (California Department of Fish and Wildlife 2019); California Wildlife Habitat Relationships System (CDFW 2020d); A Guide to the Amphibians and Reptiles of California (California Herps 2020); eBird (The Cornell Lab of Ornithology 2020a); All About Birds (The Cornell Lab of Ornithology 2020b); Guide to North American Birds (Audubon 2020).*

DESIGNATED CRITICAL HABITAT	
California Red-legged Frog	**Absent.** Unit SLO-2 of designated critical habitat for this species occurs in the region, but further west-southwest of the site.

Source: Threatened and Endangered Species Active Critical Habitat Report (United States Fish and Wildlife Service 2020b).

APPENDIX C

Photo Plate

Appendix C. Photo Plate

Photo 1. Areas that have been regularly disked and comprise the Agriculture habitat type in the study area. Discing generally avoided the dripline under trees. Foothill Woodland habitat is in the background.

Photo 2. Additional view of disced areas in the Agriculture habitat type. Disking avoided ephemeral drainages, as seen on the right.

Photo 5. Photo taken in May 2019 when disking was underway in the Agricultural areas. Plant species characteristic of oats/wheat cover crop and non-native grassland had grown in during the winter.

Photo 3. Overview of Developed/Ruderal habitat, consisting of a residential area and hoop houses.

Photo 4. Additional view of Developed/Ruderal habitat with ornamental trees in the background and existing ranch outbuildings.

Photo 6. The ranch driveway, identified as Developed/Ruderal habitat, with adjacent Agriculture on the left. An existing Developed area with a residence and hoop houses is seen in the middle. Foothill Woodland extending into the Santa Lucia Range is seen in the background in this westerly view taken in May 2019.

Photo 7. Foothill Woodland habitat on the property, dominated by coast live oak, foothill pine, and valley oak with non-native grassland understory.

Photo 8. Non-native Grassland habitat, in an opening in the Foothill Woodland habitat, in the western portion of the property. This area appeared to have been disced in the past based on species composition. Photo taken in November 2018.

Photo 9. Non-native Grassland habitat in the western portion of the property that was outside of agricultural cultivation. Photo taken in May 2019.

Photo 10. Drainage A in the Foothill Woodland habitat type. This is an ephemeral drainage vegetated by upland woodland species.

Photo 11. Drainage B in the western portion of the site is an ephemeral stream that had evidence of flow from the previous winter, as observed during the November 2018 survey.

Photo 12. Drainage C had no clearly defined channel and occurred in a disturbed area. There was no evidence of flow during the surveys.

Photo 13. Overview of the confluence of Drainage C (right foreground) and Drainage D (background) looking north. Drainage D is a swale with no defined bed or banks. A pile of rock collected from the field is across the lower part of Drainage D uphill from the road.

Photo 14. Drainage D had no clearly defined channel or evidence of flow, and was vegetated by weedy upland species.

Photo 15. Overview of Drainage D taken in May 2019. The rubble rock pile uphill from the ranch road can be seen in the distance. Drainage C is along the base of the hill in the center and runs to the left.

Photo 16. Drainage E is between the hills in the middle of the photo and bends to the right. It had no defined channel and was vegetated by weedy upland grassland species. Also shown are hoop houses from November 2018.

Photo 17. Drainage F is an ephemeral stream lacking a scour line but potentially having one plunge pool. This stand was predominantly valley oak.

Photo 18. Drainage G is an intermittent stream in the eastern edge of the property, and had some plant species indicating mesic conditions. It flows under the ranch driveway in paired culverts. No improvements to the crossing or activities within riparian areas are proposed under the project.

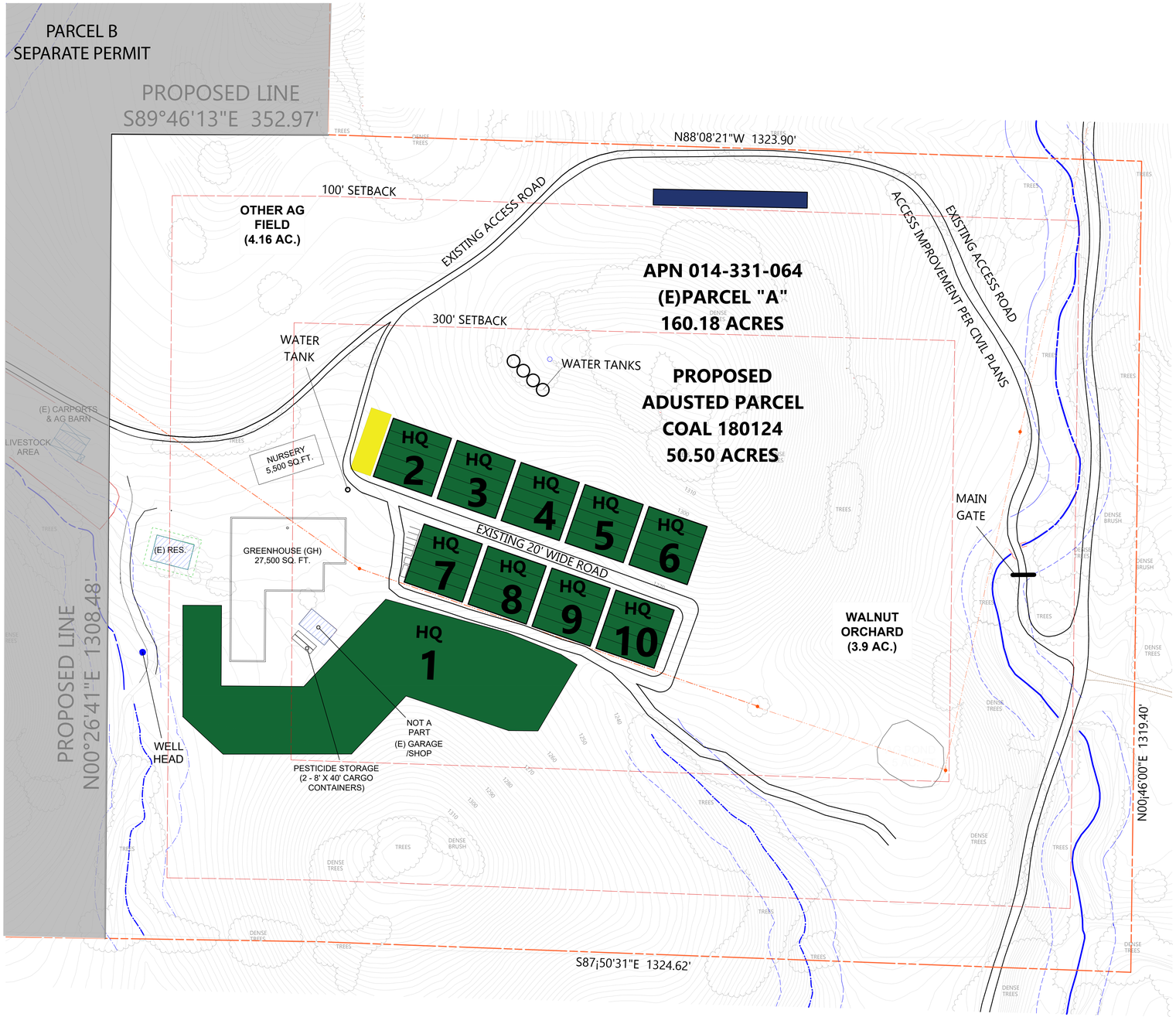
Photo 19. Upstream side of the ranch road crossing at Drainage G, taken in May 2019.

Photo 20. Downstream side of the ranch road crossing at Drainage G, taken in May 2019, showing some flowing water present.

APPENDIX D

Project Plans

KMA

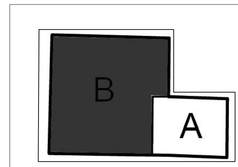


ENLARGED SITE PLAN - PARCEL A

SCALE: 1" = 90'-0"

KEY:

- EXISTING PROPERTY LINE
- 100' AND 300' PROPERTY LINE SETBACK
- 50' INTERMITTENT DRAINAGE SETBACK
- DRAINAGE CENTER LINE
- ADJUSTMENT PROPERTY LINE FOR NEW 54.05 ACRE PARCEL
- EXISTING RESIDENTIAL BUILDING SITE & SHOP (NOT A PART)
- HQ 1-10 — 3.75 ACRES HOOP HOUSES (3 ACRE CANOPY)
- COMPOST (6,300 SQ. FT.)
- WATER TANKS
- FIRE HYDRANT
- LOADING/TRANSPORT (3,600 SQ. FT.)
- W — WASTE/RECYCLE (500 SQ. FT.)
- GREENHOUSES (27,500 SQ. FT., 22,000 SQ. FT. CANOPY)
- ANCILLARY NURSERY (5,500 SQ. FT.)
- PESTICIDE STORAGE (622 S. F.)



KEY MAP

ANGLE LAND USE ENTITLEMENT
(805) 459-5334 | angle.planning@gmail.com | www.anglelanduse.com

PROJECT

M.U.P. OUTDOOR CANNABIS CULTIVATION

1375 KLAU MINE ROAD
PASO ROBLES, CA 93466

CLIENT

DR. KIRK AZEVEDO

1375 KLAU MINE ROAD
PASO ROBLES, CA 93466

PROJECT NO.	
DRAWN BY	SS
DATE	7/13/20

CONSULTANT:

STAMP:

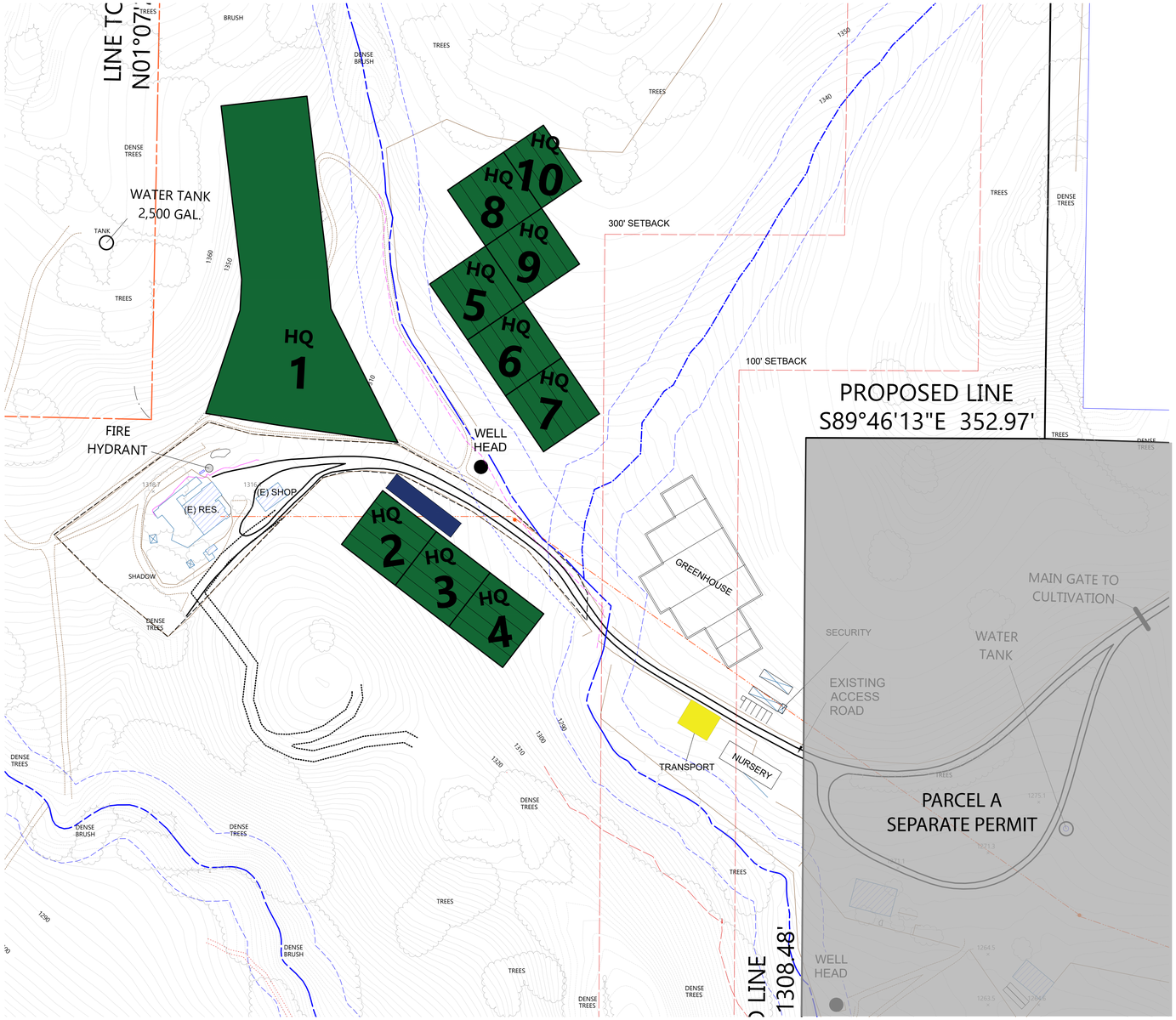
NOT FOR CONSTRUCTION

SHEET TITLE:

ENLARGED SITE PLAN PARCEL A

SHEET NUMBER:

A1.2

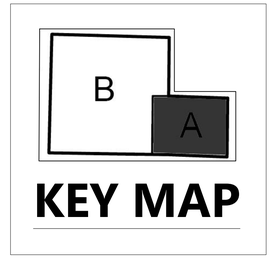


ENLARGED SITE PLAN - PARCEL B

SCALE: 1" = 90'-0"

KEY :

- EXISTING PROPERTY LINE
- 100' AND 300' PROPERTY LINE SETBACK
- 50' INTERMITTENT DRAINAGE SETBACK
- DRAINAGE CENTER LINE
- ADJUSTMENT PROPERTY LINE FOR NEW 149.75 ACRE PARCEL
- EXISTING RESIDENTIAL BUILDING SITE & SHOP (NOT A PART)
- HQ 1-10 — 3.75 ACRES HOOP HOUSES (3 ACRE CANOPY)
- COMPOST (3,150 SQ. FT.)
- WATER TANKS
- FIRE HYDRANT
- PARKING (815 SQ. FT.)
- LOADING/TRANSPORT (2,000 SQ. FT.)
- W — WASTE/RECYCLE (500 SQ. FT.)
- FERTILIZER & PESTICIDE STORAGE (1,280 SQ. FT.)
- GREENHOUSE (27,5000 SF TOTAL, 22,000 CANOPY TOTAL)
- NURSERY (2,700 S.F.)



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PROJECT NO.	
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CONSULTANT:

STAMP:

NOT FOR CONSTRUCTION

SHEET TITLE:

ENLARGED SITE PLAN PARCEL B

SHEET NUMBER:

A2.2