



ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES

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

May 10, 2021
1175.04

Eric Hughes
County of San Luis Obispo Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
(805) 781-1591
ehughes@co.slo.ca.us

Re: Response to County Comments for Cano – 8770 Carrisa Highway, San Luis Obispo County, DRC2018-00010

Dear Eric Hughes:

This letter serves to address comments provided by the County of San Luis Obispo (County) regarding the Biological Report Assessment (BRA) for 8770 Carrisa Highway, San Luis Obispo County, DRC2018-00010 (Althouse and Meade, Inc. 2020). Table 1 summarizes specific comments received and responses provided by Althouse and Meade, Inc. A discussion follows to expand on response rationale, provide clarification on comment items, and includes additional mitigation measures.

TABLE 1. PEER REVIEW COMMENTS FROM STEVE CONNER (RINCON AND ASSOCIATES, 4/14/2021)

Comment	Summary Response
1. The BRA indicated that there is a wetland feature on the site. Although the project was designed with a 50’ buffer from the waterway, the Land Use Ordinance (LUO) specifies that a buffer of 100’ is required for wetland.	1. No wetland features are present on the Property. See Response 1 below.
2. Page 5 of the BRA stated that unidentified fairy shrimp (likely common versatile fairy shrimp) were observed on the property, but the biologists did not rule out whether the observed shrimp could be Longhorn (endangered) or vernal pool (threatened) species. The BRA states that aquatic features on site are not likely to support longhorn, but it also notes that vernal pool fairy shrimp have been documented nearby and could potentially occur on the project property.	2. The onsite drainage and pond will be avoided by the Project. There will be no impacts to habitat that supports fairy shrimp. See Response 2 below.

Discussion and Mitigation Recommendations

Comment 1: The BRA indicated that there is a wetland feature on the site. Although the project was designed with a 50’ buffer from the waterway, the Land Use Ordinance (LUO) specifies that a buffer of 100’ is required for wetland.

Response 1: The BRA classifies the onsite drainage feature as “ephemeral”, where surface water only flows in direct response to precipitation during large rain events and is dry throughout most of the year. Both the drainage and existing pond lack hydrophytic vegetation and hydrologic indicators necessary to qualify as wetland. We reviewed data in the National Wetland Inventory (NWI) (USFWS 2021) that classified the entire drainage feature based on 1976 aerial imagery as the following:

R4SBC (Riverine (R), Intermittent (4), Streambed (SB), Seasonally Flooded (C)) and Freshwater Emergent Wetland, classified as PEMIA (Palustrine (P), Emergent (EM), Persistent (1), Temporary Flooded (A)).

This classification is generalized of the entire channel that spans over 48 acres of the mapped waterway. The portion of drainage on the Property does not demonstrate wetland conditions based on the three-factor criteria required to define wetland habitat (i.e., hydrophytic vegetation, hydric soils, wetland hydrology), and therefore wetland habitat is not present on the Property. In addition, we reviewed the Stream Classification Finder¹ (State Water Resources Control Board 2021) and National Hydrography Dataset (USGS 2021), which classify the channel as ephemeral (or Class III under the Water Board Watercourse Class system).

Both the County and Regional Water Quality Control Board (RWQCB) require that cannabis cultivation projects observe a 50-foot setback from ephemeral watercourses. The Applicant has provided site plans (Attachment B) that show the Project will avoid the onsite drainage and pond by a minimum of 50-feet, consistent with Chapter 22.40.050.D.3.d. of the County Land Use Ordinance (CLUO) and Water Board Cannabis General Order setback guidelines (State Water Resources Control Board 2019). In addition to the required setback, the following mitigation measures, provided by and in collaboration with the County (County 2021), shall be implemented:

Protection of State Waters. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., California Department of Fish and Wildlife [CDFW], Regional Water Quality Control Board) shall be obtained, as necessary. Any additional measures required by these agencies shall be implemented as necessary throughout the project. During construction, project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) shall occur during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining controls, which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard materials. These controls shall be installed and maintained for the duration of the project.

¹ Central Coast Water Board Cannabis Program Stream Classification Finder accessed online: <https://gispublic.waterboards.ca.gov/portal/apps/View/index.html?appid=9b7f9b80c1904869b0f2a98e1c10f81e>

Site Maintenance and General Operations. The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

1. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
2. Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
3. Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
4. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
5. Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
6. Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

Comment 2: Page 5 of the BRA stated that unidentified fairy shrimp (likely “common versatile fairy shrimp) were observed on the property, but the biologists did not rule out whether the observed shrimp could be Longhorn (endangered) or vernal pool (threatened) species. The BRA states that aquatic features on site are not likely to support longhorn, but it also notes that vernal pool fairy shrimp have been documented nearby and could potentially occur on the project property.

Response 2: As stated above in Response 1, the Project has been designed to avoid all aquatic features on the Property. Through implementation of required setbacks of the onsite ephemeral drainage and pond, no direct impacts are anticipated to fairy shrimp (*Branchinecta* sp.), by proxy. The BRA mentions that vernal pool fairy shrimp (*Branchinecta lynchi*) have potential to occur on the Property; however, it is unlikely that the noted occurrence of fairy shrimp on the site is of special status, based on documented records of common versatile fairy shrimp (*Branchinecta lindahli*) within the same drainage and in closer proximity (approximately one mile downstream) compared with known records of special status fairy shrimp. Wet season surveys would be necessary to positively identify the shrimp to species sufficient for listing status determination. Since the Project will avoid potential fairy shrimp habitat, no further surveys are required. Mitigation measures listed above shall be implemented during construction to protect water quality, thereby protecting habitat that could support fairy shrimp and preventing potential for indirect impacts to sensitive aquatic resources.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Dart", with a long horizontal flourish extending to the right.

Jason Dart
Principal Biologist

Copy:
Salvador Cano
Hector Cano

Attachments

Attachment A. References

Attachment B. Site Plan for 8770 Carrisa Highway, San Luis Obispo County, CA

ATTACHMENT A. REFERENCES

Althouse and Meade, Inc. 2020. Revised Biological Resource Assessment for Cano – 8770 Carrisa Highway, San Luis Obispo County, DRC2018-00010. June 10, 2020.

[County] County of San Luis Obispo. 2021. Biological mitigation measures. Sent by Steve Connor, April 14, 2021.

State Water Resources Control Board. 2019. Cannabis Cultivation General Order. ORDER WQ 2019-0001-DWQ.

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf

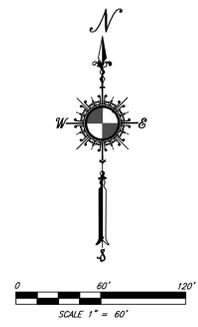
State Water Resources Control Board. 2021. Central Coast Water Board Cannabis Program Stream Classification Finder. Accessed May 2021.

<https://gispublic.waterboards.ca.gov/portal/apps/View/index.html?appid=9b7f9b80c1904869b0f2a98e1c10f81e>

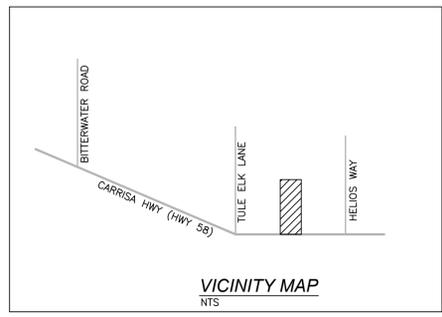
[USGS] United States Geological Survey. 2021. National Hydrography Dataset Map. <https://viewer.nationalmap.gov/advanced-viewer/index.html?p=nhd>

ATTACHMENT B. SITE PLAN FOR 8770 CARRISA HIGHWAY, SAN LUIS OBISPO COUNTY, CA

- SITE PLAN FOR THE PURPOSE OF CANNABIS CULTIVATION
1. NO TREE INSIDE PROPOSED CULTIVATION AREA.
 2. ACCESS FROM NEW GATE ALONG PRIVATE SHARED DRIVE.
 3. CAL FIRE MANDATED 6-INCH ALL WEATHER SIGN WITH ADDRESS.
 4. CAL FIRE MANDATED MAINTAINED PRIVATE ACCESS ROAD.
 5. WOOD FENCES TO BE 8'-0" HIGH WITH 4" GAP AT BOTTOM.
 6. GATES TO BE 6'-8" CHAIN LINK WITH 4" GAP AT BOTTOM.



- KEYNOTES**
- ① HOOP HOUSES (TYPICAL 24'x100')
 - ② SEPTIC & LEACH FIELD (PHASE 2)
 - ③ PORTABLE RESTROOMS
 - ④ PESTICIDE STORAGE 120 SF (PHASE 1)



**8770 CARRISA HIGHWAY
 SANT MARGARITA, CA
 APN: 072-301-012**

