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December 31, 2018
Project 1132.03

Paso County Farms, LLC
c/o: Justin Borba
1027 Walnut Street, Apt A
San Luis Obispo, CA 93401

Re: Biological Resource Assessment for Paso County Farms, 1480 Penman Springs, Paso Robles, San Luis Obispo County

Dear Mr. Justin Borba:

This report provides the results of a reconnaissance level biological survey conducted for an approximately 20-acre Property. The western edge of the Property borders Penman Springs Road at 1480 Penman Springs in Paso Robles, California (Attachment C, Figure 1). The Property is located within the Estrella USGS 7.5' topographic quadrangle and includes assessor's parcel number (APN) 015-053-035. This survey was conducted to provide baseline biological information and an assessment of potential special status plant and animal species that could occur on the Property or be affected by the proposed project (Project), a Cannabis Cultivation Minor Use Permit on approximately 2.7 acres (Project Area) of the Property (Attachment C, Figures 2 and 3). The project is outside the limits of the City of Paso Robles, within the permitting jurisdiction of the County of San Luis Obispo.

The proposed cannabis cultivation project would consist of 2.5 acres of greenhouse and hoop house cultivation, with an additional 3,000 square feet dedicated to drying and packaging facilities (1,500 square feet each). The greenhouse and hoop houses will be above-ground structures consisting of a dirt floor with concrete reinforcements at footings. Cultivation will occur in above-ground pots throughout grow areas. The current grow area extends east of the existing residential house, and will expand toward the northeast, remaining within the currently fenced Project Area. New cultivation areas are also proposed for the front yard to the west and north. Other proposed structures include three shipping containers to be used as an office, safe room, and for storage (totaling 480 square feet). Plans include the demolition of a dilapidated residential structure located north of the existing grow area, which will be replaced with a new agricultural processing building. New six-foot fencing is proposed at the Property line (high wire fence) and around grow areas (covered deer fence). Plans also include a pickup and delivery area of approximately 6,480 square feet, which will consist of expanding the existing dirt driveway to include access to the grow area and to increase parking spaces. There are no plans to change the existing main residence, garage, and metal agricultural building.

A Site Plan is provided which shows areas of current operation and areas intended for future expansion of the facility (refer to Attachment C).

Methods

The Property was surveyed for biological resources on October 30 and December 7, 2018 by Althouse and Meade, Inc. Biologist Kristen Andersen, with a San Joaquin kit fox (SJKF) habitat evaluation survey conducted on May 21, 2018 by Biologist Greg Salas. The October 30 survey consisted of a reconnaissance level walking survey of the Property. The survey method included meandering transects with an emphasis on identifying plants and animals within the Property boundary. Transects were also utilized to describe general conditions and dominant species, compile species lists, and evaluate potential habitat for special status species. A follow-up survey occurred on December 7 to inspect the area around the residential structure proposed for demolition and to assess the vacant stock pond for water retention after recent rain events. Photographs were taken throughout the Property (Attachment B). All habitats on the Property were mapped (Attachment C, Figure 3). Identification of botanical resources included field observations and laboratory analysis of collected material. The botanical survey was conducted too late in the season to qualify as a full season survey, however it was appropriately timed for select late season special status species (refer to Attachment E, Table 1). Botanical nomenclature used in this document follows the Jepson Manual, Second Edition (Baldwin et al. 2012). A list of plants observed on the Property was compiled (Attachment E).

Wildlife documentation included observations of animal presence and other wildlife sign. Observations of wildlife were recorded throughout the Property. Birds were identified by sight or by vocalizations. A list of animals observed on the Property was compiled (Attachment F).

The May 21, 2018 SJKF habitat evaluation included a thorough assessment of habitat and potential kit fox denning and foraging criteria. Methods included walking the entire Property and assessing all mammal dens for entrance width and length of den, and for current prey base status. Den aprons (area of dirt excavated from den by occupying species) were evaluated for kit fox sign (tracks, scat, prey remains). Overall mammal den and burrow activity was recorded, and habitats were defined. A California Department of Fish and Wildlife Kit Fox Habitat Evaluation Form was prepared for the Property (Attachment G).

The California Natural Diversity Database (CNDDB; October 2018 data) and the California Native Plant Society (CNPS) On-line Inventory of Rare and Endangered Plants of California were reviewed for special status species known to occur in the nine USGS 7.5-minute quadrangles surrounding the site, including: Cholame Hills, Creston, Estrella, Paso Robles, Ranchito Canyon, San Miguel, Shandon, Shedd Canyon, and Templeton. Tables of potential special status plants and animals are provided in Attachment D.

Existing Conditions

The Property consists of a residentially zoned rural parcel located approximately 1,600 feet south of Linne Road at 1480 Penman Springs, east of the City of Paso Robles, in San Luis Obispo County. The Property is approximately 0.5 miles directly east of Huerhuero Creek at an elevation of approximately 900 feet. A dirt road leads to a residential single-family home in the center of the Property with surrounding structures, which include parking overhangs and a metal workshop.

Directly behind the house is an existing hoop house grow area, which is fenced off from the remaining Property. The undeveloped portion of the Property is comprised of approximately 12 acres of annual grassland and 2.8 acres of blue oak woodland (Figure 3) that continues beyond the current grow area to the north and east of this centrally located residential home (Photo 1). A dry stock pond is located on the Property approximately 30 feet north of the currently fenced-off cultivation area (Photo 2). An abandoned residential structure is located within 50 feet northwest of the stock pond (Photo 3). The eastern and southern portion of the Property is defined by fencing which divides the grassland and a potentially jurisdictional drainage aligned with blue oak trees and sparse riparian vegetation (Photo 4). This drainage is within the Property boundary but the Project area is fenced off from this drainage with a minimum 50-foot setback. Irrigation of the currently operating grow area consists of a low-drip water system which is used to reduce and control any potential water runoff. The Property is surrounded by residentially rural parcels on all sides, with vineyards to the north (Photo 5).

Results

Potential special status species

The CNDDDB and CNPS On-line Inventory of Rare and Endangered Plants of California listed 33 special status plant species, subspecies, and varieties and 29 special status animal species reported to occur in the vicinity of the Property. The Property has potential to support one special status plant and two special status animals (Attachment D, Tables 1 and 2). Special status species were not detected in October or December 2018. The Property is located within federally designated critical habitat for vernal pool fairy shrimp; however, vernal pools were not observed on the Property (Figure 4). Vernal pool fairy shrimp was determined to have no potential to occur on the Property due to the lack of suitable aquatic habitat on site. Although vernal pool fairy shrimp is not expected to occur on site, this species warrants further discussion. Below we discuss potential special status plants and animals, describe habitat, range restrictions, known occurrences, and survey results for the Property.

- A. Special Status Plants.** The Project vicinity is known to support numerous special status plant species in a variety of microhabitats (CNDDDB 2018). One special status plant species, shining navarretia (*Navarretia nigelliformis* subsp. *radians*), has potential to occur in suitable open grassland habitat on the Property (Attachment D, Table 1). Several occurrences of shining navarretia have been documented in the area with the nearest occurrence within 0.3 miles of the Property (CNDDDB #72), reported in 2014. The clay content within the silty clay loam soil of the Property could provide suitable soil to support this species, although we expect shining navarretia has low potential to occur. Other special status plant species reported from the region are not expected to occur due to the soil texture and composition, along with the xeric and disturbed grassland conditions of the Property. Special status plants were not observed during our 2018 surveys.
- B. San Joaquin Kit Fox** (*Vulpes macrotis mutica*) is listed as endangered under the Federal Endangered Species Act (FESA) and threatened under the California Endangered Species Act (CESA). The Property is within contiguous kit fox habitat with the potential to block or degrade an existing corridor linking populations or isolate a subpopulation (refer to SJKF Habitat Evaluation in Attachment H). The closest reported occurrences for kit fox are approximately 0.5 miles southeast and 0.6 miles northeast of the Property (CNDDDB #941 and

#945), reported in 1991 and 1990, respectively. Kit foxes prefer loose-textured soils but will occupy soils with high clay content where they modify burrows dug by other animals. Sites that may not provide suitable denning habitat may be suitable for feeding or providing cover. The annual grassland habitat could provide a moderate prey base for kit fox, as many small mammal burrows were observed throughout the Property. Adjacent properties are comprised of vineyards and residential rural landscapes which could provide kit fox connectivity with the Property; however human development and agricultural activity make it less likely for kit fox to utilize the Property. Kit foxes are not known to currently be present in the Paso Robles area, but could move through on rare occasion. They have low potential to occur on the Property. A kit fox habitat evaluation form was prepared for the Property by Daniel E. Meade, Ph.D. that produced a score of 76 points, consistent with 3:1 mitigation for the area (refer to Attachment G).

- C. **American Badger** (*Taxidea taxus*) is a California Species of Special Concern known from open grassland habitats throughout San Luis Obispo County and elsewhere in California. The Property is within the known range of the American badger, and numerous occurrences are reported (CNDDDB 2018). The closest known reported occurrence is approximately 1.9 miles northeast of the Property (CNDDDB #23) in 2003. Badgers are residents of grassland areas, but also forage in croplands on occasion in areas where California ground squirrels have become established. They are highly mobile and could be present anywhere in the region where suitable prey base is found and could occur on the Property periodically at any time of year and American badgers have moderate potential to occur. Badgers or their sign (dens, scat, tracks) were not detected on the Property during the 2018 surveys.
- D. **Vernal Pool Fairy Shrimp** (*Branchinecta lynchi*) is a small freshwater crustacean that is federally listed as threatened and occurs in the Central Valley of California from Shasta County to Tulare County and the central and southern Coast Ranges from northern Solano County to Ventura County, California (USFWS 2003). The species is typically associated with smaller and shallower vernal pools (typically about 6 inches deep) that have relatively short periods of inundation (Helm 1998) and relatively low to moderate total dissolved solids and alkalinity (Eriksen and Belk 1999). The closest reported occurrence is approximately 1.3 miles northeast of the Property (CNDDDB #621). The Property is within known critical habitat for vernal pool fairy shrimp (refer to Figure 5); however, vernal pools were not present on the Property. A second survey was conducted on December 7, 2018 to assess water retention of the existing dry stock pond located just north of the existing grow area. The December 7 survey was conducted following a week-long rain event totaling approximately 0.50 inches of precipitation. The stock pond remained dry throughout its base with a highly porous sandy and gravelly soil composition. Wetland indicators were not present. There was no vegetative or hydrologic boundary defining a potential wetland or pool. Vegetation within the stock pond was dominated by invasive weed species such as horehound (*Marrubium vulgare*), tocalote (*Centaurea melitensis*), and black mustard (*Brassica nigra*; Photo 2). Vernal pool fairy shrimp are not expected to occur in the stock pond due to lack of potential for standing water. There are no plans to alter the stock pond and the pond does not fall within the Project footprint.

Botanical Survey Results

The October and December 2018 site visits constituted a late season botanical survey which identified 39 species and subspecies of vascular plants on the Property (Attachment E, Table 3). The botanical survey effort did not include early or mid-season coverage and therefore is not considered a protocol level survey. The plant list includes 19 species native to California, and 20 introduced (naturalized or planted) species. Special status plant species were not detected on the Property.

Wildlife Survey Results

Wildlife species detected on the Property include 12 birds and one mammal. The planted pine trees, cottonwoods, and oaks occurring throughout various parts of the Property could provide suitable nesting habitat for several bird species, though nests were not observed during the 2018 surveys. The Property is predominantly grassland habitat, which could provide foraging habitat for birds, as well as foraging and denning habitat for mammals, though only small mammal burrows were observed. Several common bird species were observed foraging on and/or flying through the Property (refer to Attachment F, Table 4).

Small mammal trapping studies were beyond the scope of this study; however, several common small mammal species are likely to occur.

Impacts and Mitigation

The proposed Project would occupy approximately 2.7 acres of the Property when all phases of the Project are complete, including the 2.5 acres of cultivation canopy and the 8,700 square feet of building structures and driveway expansions proposed (refer to Site Plan in Attachment C). One special status plant and two special status animal species have potential to occur on the Property. A potentially jurisdictional drainage feature is present on the Property east of the Project area. The drainage would remain fenced off with a minimum 50-foot setback from top of bank. The following sections provide mitigation information and recommendations designed to reduce potential effects of the Project to a less than significant level.

Special Status Plants

Special status plants were not detected on the Property during the late season 2018 surveys, however there is low potential for shining navarretia to occur. An appropriately timed spring botanical survey of the Property should be conducted prior to disturbance of grassland habitat, with a report submitted to the County prior to start of work. The survey should cover blooming periods for the special status species with potential to occur on the Property, identified in Attachment D, Table 1. Should special status plants be identified during spring surveys, the survey report should include recommendations for avoidance, protection and/or mitigation.

San Joaquin Kit Fox

San Joaquin kit fox was not present on the Property during the 2018 surveys. The Property is within the known range of San Joaquin kit fox and is considered suitable habitat by CDFW.

The annual grassland comprising most of the Property is considered potential habitat for San Joaquin kit fox and approximately 2.7 acres of grassland habitat would be impacted by the Project. CDFW has designated the Property area as within the three to one mitigation area for San Joaquin

kit fox. A San Joaquin Habitat Evaluation Form was completed and is included in Attachment G. Impacts to San Joaquin kit fox by loss of habitat would be offset by implementation of BR-1, and mitigation of construction or other installation activities would be accomplished by applying BR-2 through BR- 11.

BR-1. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Community Development, Planning Division that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **[Total number of mitigation acres required]** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to “The Nature Conservancy”, would total **[\$Amount of fee based on \$2500 per acre]**. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase **[Total number of mitigation acres required]** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act

(CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total **\$[Amount of mitigation acres required (i.e. credits), currently priced at \$2500 per credit]**. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BR-2. Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. preconstruction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. **The qualified biologist shall conduct weekly site visits during site-disturbance activities** (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-18 through BR-28. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-19iii). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the USFWS. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:
 1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged

stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e. potential, known, active, or natal den), to be determined by the kit fox biologist.

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring by a qualified biologist shall be required during ground disturbing activities.

BR-3. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: *“Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”*. Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

BR-4. During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox’s life history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7. During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site

shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

- BR-8.** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9.** Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10.** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.
- BR-11.** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
 - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards
 - c. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

American Badger

American badger was not present on the Property during the 2018 surveys. American badgers are known to occur in the area and could occupy the site or move through the site at any time. To reduce the potential for construction impacts to badgers to a less than significant level the following measure is recommended.

- BR-12.** A pre-construction survey shall be conducted within thirty days of beginning work on the site to identify if badgers are using the site. The results of the survey shall be sent to the project manager and the County of San Luis Obispo. If the pre-construction survey finds

potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. Between July 1st and February 1st all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices

Nesting Birds

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

BR-13. Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may commence (including house demolition). If nesting birds are located, no construction activities shall occur within a distance specified by a qualified biologist, until chicks are fledged, or the nest fails. Buffer radius shall be specified according to special status rank of the nesting bird, intensity of construction activity or impact (i.e. high decibel levels or heavy ground disturbance) and where local, state, and federal regulations apply. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

Jurisdictional drainages

The California Department of Fish and Wildlife regulates activities that divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake. One drainage feature is located on the Property, to the east of the Project footprint. It is considered Riverine habitat, classified as R4SBJ (Riverine (R), Intermittent (4), Streambed (SB), Intermittently Flooded (J)) according to the National Wetlands Inventory (NWI 2005). The drainage feature may be subject to regulation under Fish and Game code 1600, and

the U.S. Army Corps of Engineers (Clean Water Act section 404) and the Regional Water Quality Control Board (Clean Water Act section 401).

The proposed Project would not have any direct or indirect impacts to potentially jurisdictional drainages. No permits would be required under Clean Water Act sections 404 or 401.

CDFW has initiated a Cannabis cultivation permitting program that requires all applicants obtaining an Annual License from the California Department of Food and Agriculture to have a Lake and Streambed Alteration Agreement or written verification that one is not needed. If all Project components are set outside the 1600 jurisdiction a Self-Certification can be submitted online. More information about the CDFW Cannabis program and permitting can be found at <https://www.wildlife.ca.gov/Conservation/Cannabis/Permitting>.

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

Sincerely,



Jason Dart
Principal Biologist

Attachments:

- Attachment A. References
- Attachment B. Photographs
- Attachment C. Figures 1-5 and Site Plan
- Attachment D. CNDDDB/CNPS Special Status Species Lists
- Attachment E. Plant List
- Attachment F. Wildlife List
- Attachment G. San Joaquin Kit Fox Habitat Evaluation

Attachment A. References

- Baldwin BG, Goldman DH, Keil DJ, Patterson R, Rosatti TJ, Wilken DH, editors. 2012. The Jepson manual: vascular plants of California, second edition. University of California Press, Berkeley, CA.
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- Soil Survey Staff, [NRCS] Natural Resource Conservation Service, [USDA] United States Department of Agriculture. 2018. Web soil survey.
- [USFWS] US Fish and Wildlife Service. 2003. Endangered and threatened wildlife and plants; final designation of critical habitat for four vernal pool crustaceans and eleven vernal pool plants in California and southern Oregon: final rule. Federal Register. 68:46683–46867.

Attachment B. Photographs



Photo 1. Annual grassland habitat, view north from southwest portion of the Property. October 30, 2018.



Photo 2. Dry stock pond in northeast portion of the Property, after rain event. View southwest. December 7, 2018.



Photo 3. Residential house to be removed and replaced with a processing building. View of east side of structure. December 7, 2018.



Photo 4. View northeast of oak woodland in the eastern portion of the Property with the Project area to the west (left side) of the fence. October 30, 2018.



Photo 5. View north of proposed cultivation area with neighboring vineyard in the background. October 30, 2018.

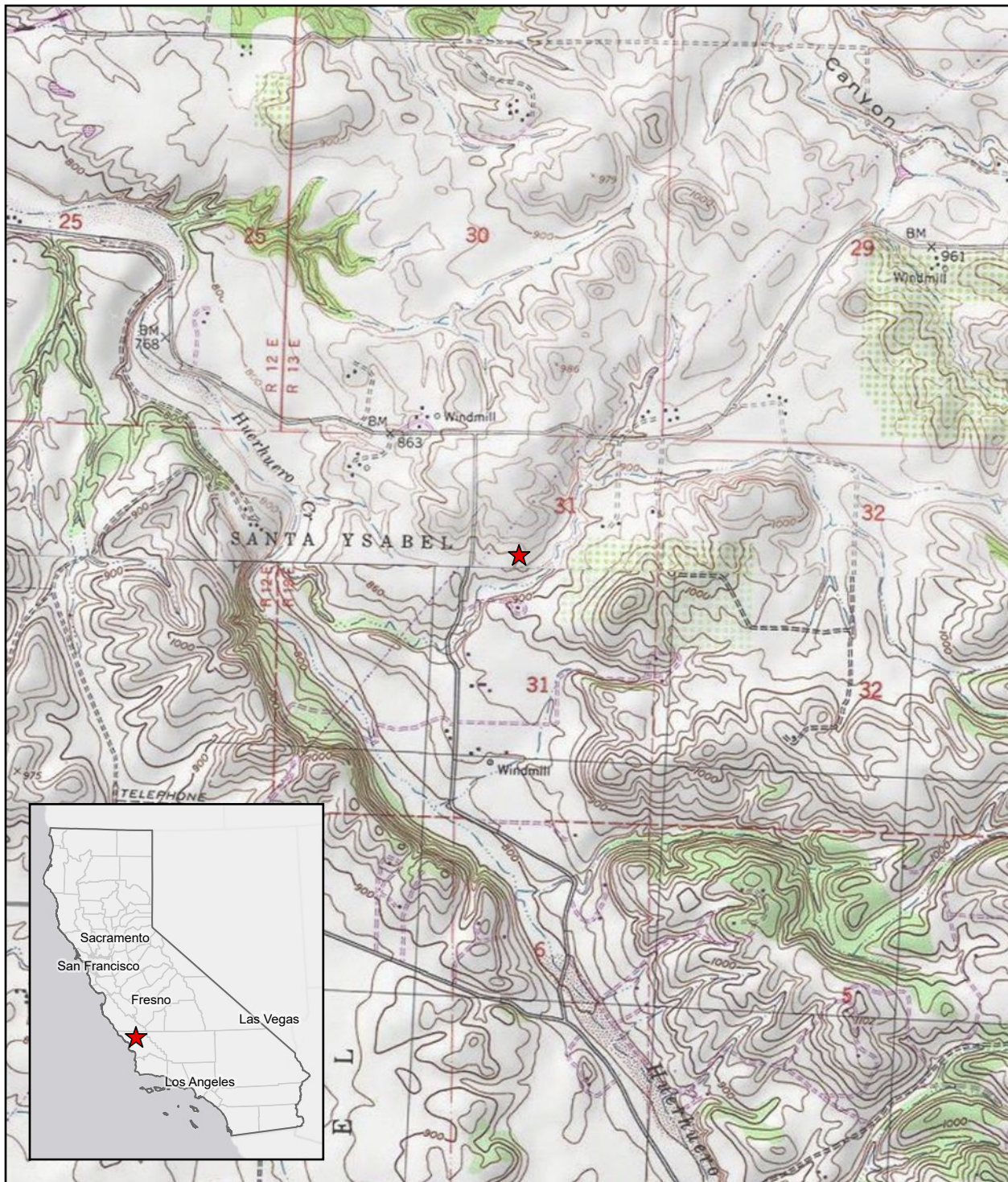


Photo 6. Northeast portion of proposed cultivation area with existing grow area fenced off with black deer fencing (far right in photo). October 30, 2018.

Attachment C. Figures

- Figure 1. USGS Topographic Map
- Figure 2. Aerial Photograph
- Figure 3. Biological Resources Map
- Figure 4. CNDDB Plant Records
- Figure 5. CNDDB Animal and Critical Habitat Records
- Site Plan fo1480 Penman Springs (Hamrick Associates, Inc. 11/29/18)

Figure 1. United States Geological Survey Topographic Map



Legend

★ Project Location



0 1,000 2,000 Feet

Paso County Farms

Penman Springs

APN: 015-053-035

Map Center: 120.61258°W 35.62393°N

San Luis Obispo County

USGS Quadrangle: Estrella



ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES

Map Updated:
December 18, 2018 08:47 AM by JBB

Figure 2. Aerial Photograph



Legend

 Property Boundary



0 100 200 300 400 Feet

Paso County Farms

Penman Springs

APN: 015-053-035

Map Center: 120.61234°W 35.62479°N

San Luis Obispo County

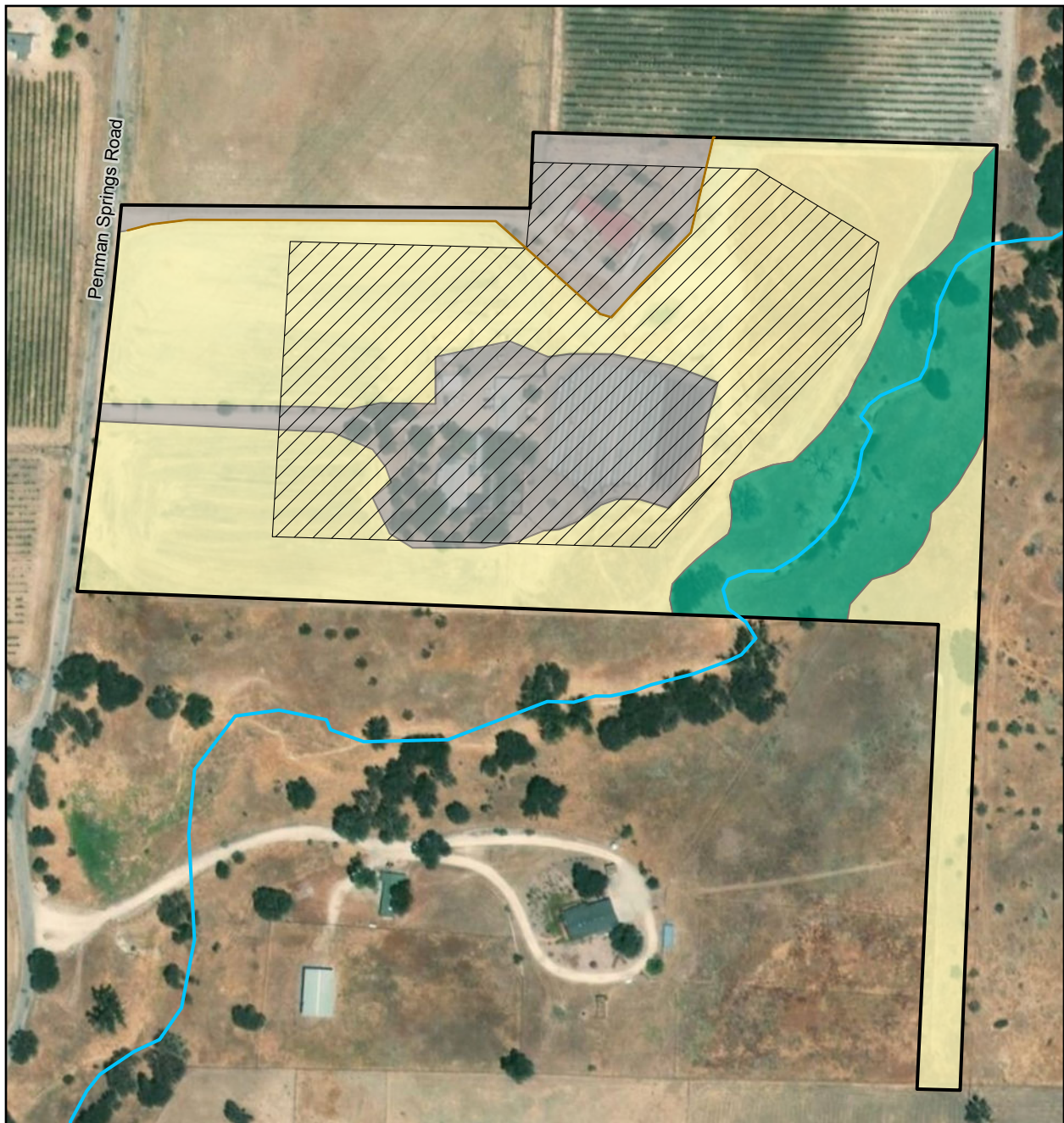
Imagery Date: 09/28/2016



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BIOLOGICAL AND ENVIRONMENTAL SERVICES

Map Updated:
December 18, 2018 01:27 PM by JBB

Figure 3. Biological Resources



Legend

- | | |
|---|---|
|  Property Boundary | Habitats |
|  Proposed Project Area |  Annual Grassland |
|  Fence |  Blue Oak Woodland |
|  Drainage |  Anthropogenic |

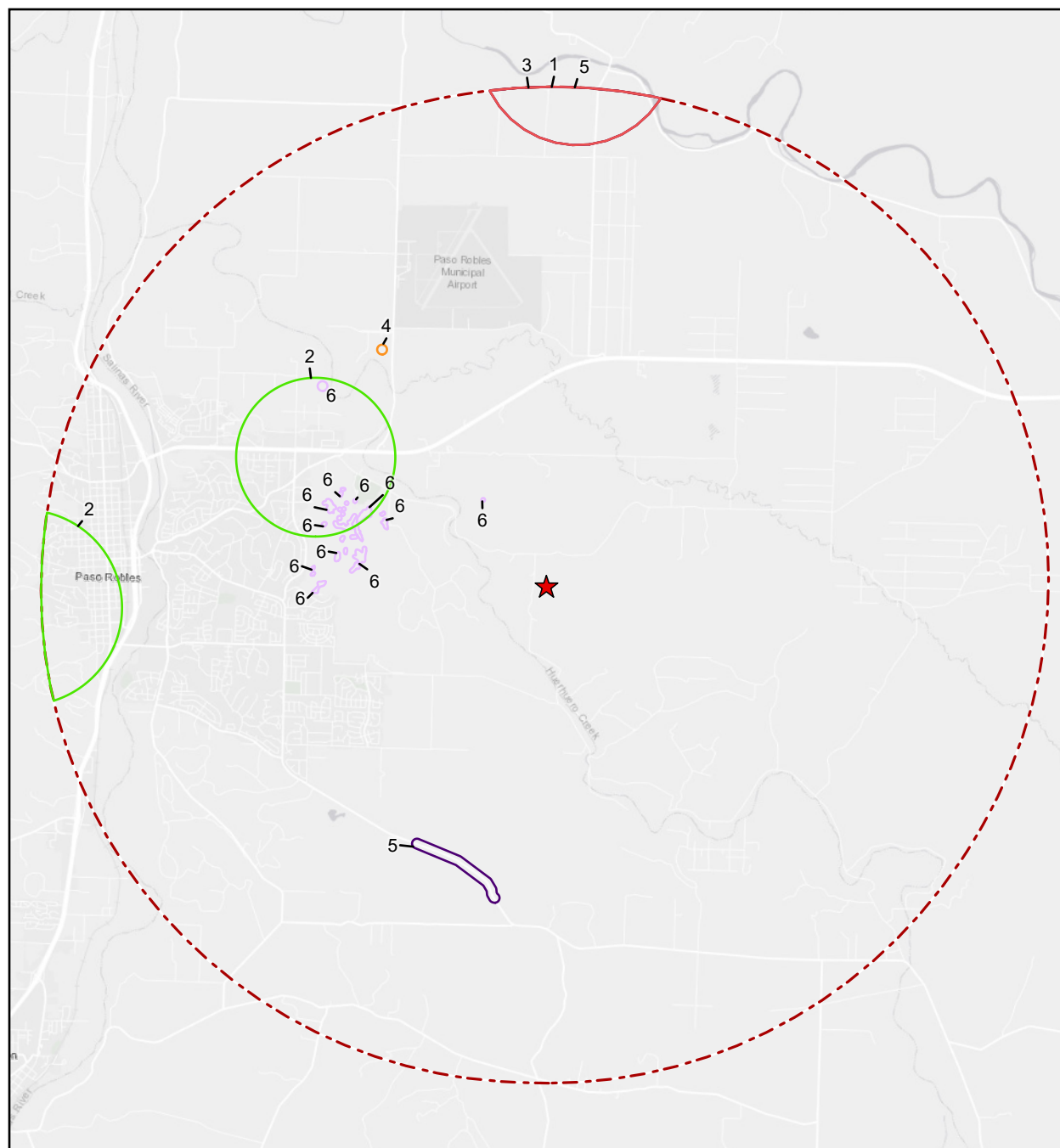


0 100 200 300 400 Feet

Paso County Farms
Penman Springs
APN: 015-053-035
 Map Center: 120.61232°W 35.62487°N
 San Luis Obispo County

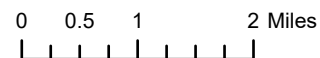
Biological Survey Date: 10/24/2018

Figure 4. California Natural Diversity Database Plant Records



Label	Common Name
1	Jared's pepper-gras
2	Lemmon's jewelflower
3	Oval-leaved snapdragon
4	San Luis Obispo owl's clover
5	Santa Lucia dwarf rush
6	Shining navarretia

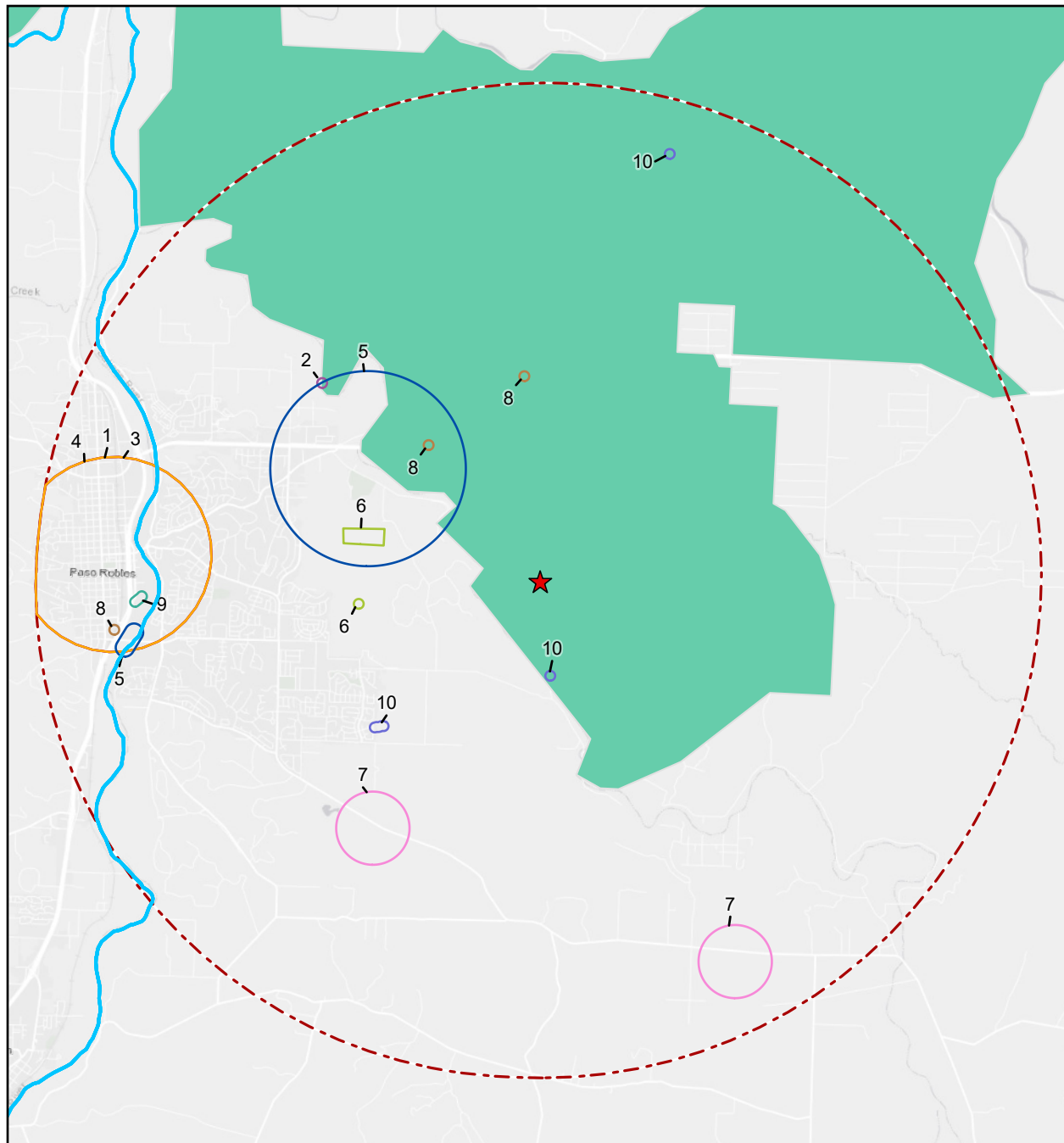
Legend
★ Project Location
— 5-Mile Radius



Paso County Farms
Penman Springs
APN: 015-053-035
 Map Center: 120.61342°W 35.62633°N
 San Luis Obispo County

CNDDDB GIS Data Last Updated: October 2018

Figure 5. CNDDDB Animal Records and USFWS Critical Habitat



Label Common Name

- 1 Atascadero June beetle
- 2 Golden eagle
- 3 Least Bell's vireo
- 4 Lompoc Grasshopper
- 5 Northern California legless lizard
- 6 San Joaquin kit fox
- 7 Tricolored blackbird
- 8 Vernal pool fairy shrimp
- 9 Western pond turtle
- 10 Western spadefoot

Legend

- ★ Project Location
- 5-Mile Radius
- Critical Habitat
- Steelhead
- Vernal Pool Fairy Shrimp



0 0.5 1 2 Miles

**Paso County Farms
Penman Springs
APN: 015-053-035**

Map Center: 120.61279°W 35.62629°N
San Luis Obispo County

CNDDDB GIS Data Last Updated: October 2018



ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES

Map Updated:
December 18, 2018 08:52 AM by JBB

Attachment D. CNDDDB/CNPS Special Status Species Lists

Potential Special Status Plant List

Table 1 lists one special status plant species reported from the region with potential to occur on the Property. Federal status, California State status, and CNPS ranking for each species are given. Typical blooming period, habitat preference, potential to occur on site, and whether or not the species was observed on the Property are also provided.

TABLE 1. SPECIAL STATUS PLANT LIST.

	Common Name <i>Scientific Name</i>	Fed/State Status Global/State Rank CRPR	Blooming Period	Habitat Preference	Potential to Occur	Detected Within Property?	Effect of Proposed Activity
1.	Shining Navarretia <i>Navarretia nigelliformis</i> subsp. <i>radians</i>	None/None G4T2/S2 1B.2	May - July	Vernal pools, clay depressions, dry grasslands, foothill woodlands; 150- 1000 m. SCoR	Low. Dry grassland habitat with silty clay loam soil is present on the Property.	No	Potential Adverse Effect Can be Mitigated

Habitat Preference Abbreviations:

SCoR: South Coast Ranges

California Rare Plant Ranks:

CRPR 1A: Plants presumed extirpated in California and either rare or extinct elsewhere

CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere

CRPR 4: Plants of limited distribution - a watch list

CRPR Threat Ranks:

0.1 - Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)

0.2 - Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

0.3 - Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

Potential Special Status Animals List

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

TABLE 2. SPECIAL STATUS ANIMAL LIST.

	Common Name <i>Scientific Name</i>	Fed/State Status Global/State Rank CRPR	Nesting- Breeding Period	Habitat Preference	Potential to Occur	Detected Within Property?	Effect of Proposed Activity
1.	American Badger <i>Taxidea taxus</i>	None/None G5/S3 SSC	February – May	Needs friable soils in open ground with abundant food source such as California ground squirrels.	Moderate. Suitable soils and open grassland habitat are present on the Property.	No	Potential Adverse Effect Can be Mitigated
2.	San Joaquin Kit Fox <i>Vulpes macrotis mutica</i>	FE/FT G4T2/S2 Special Animal	December – July	Annual grasslands or grassy open stages with scattered shrubby vegetation. Needs loose textured sandy soil and prey base.	Low. Low quality potential habitat is present on the Property.	No	Potential Adverse Effect Can be Mitigated

Habitat characteristics are from the Jepson Manual and the CDNNB.

Abbreviations:

FE: Federally Endangered

FT: Federally Threatened

PE: Proposed Federally Endangered

PT: Proposed Federally Threatened

CE: California Endangered

CT: California Threatened

Cand. CE: Candidate for California Endangered

Cand. CT: Candidate for California Threatened

SA: CDFW Special Animal

SSC: CDFW Species of Special Concern

FP: CDFW Fully-Protected

WL: CDFW Watch List

Attachment E. Plant List

TABLE 3. PLANT LIST.

Scientific Name	Special Status	Origin	Common Name
Trees - 7 Species			
<i>Ailanthus altissima</i>	None	Introduced	Tree of heaven
<i>Eucalyptus globulus</i>	None	Introduced	Blue gum
<i>Pinus muricata</i>	None	Native	Bishop pine
<i>Populus fremontii</i> subsp. <i>fremontii</i>	None	Native	Fremont cottonwood
<i>Olea europaea</i>	None	Introduced	Olive
<i>Quercus douglasii</i>	None	Native	Blue oak
<i>Quercus lobata</i>	None	Native	Valley oak
Shrubs - 2 Species			
<i>Baccharis pilularis</i>	None	Native	Coyote brush
<i>Punica granatum</i>	None	Planted	Pomegranate
Forbs - 24 Species			
<i>Acmispon americanus</i> var. <i>americanus</i>	None	Native	American bird's foot trefoil
<i>Amsinckia</i> sp.	None	Native	Fiddleneck
<i>Asclepias eriocarpa</i>	None	Native	Indian milkweed
<i>Asclepias fascicularis</i>	None	Native	Narrow-leaf milkweed
<i>Brassica nigra</i>	None	Introduced	Black mustard
<i>Cannabis sativa</i>	None	Introduced	Hemp
<i>Centaurea melitensis</i>	None	Introduced	Tocalote
<i>Centaurea solstitialis</i>	None	Introduced	Yellow star-thistle
<i>Croton setigerus</i>	None	Native	Turkey-mullein
<i>Datura wrightii</i>	None	Native	Jimsonweed
<i>Deinandra fasciculata</i>	None	Native	Clustered tarweed
<i>Erigeron canadensis</i>	None	Native	Horseweed
<i>Grindelia hirsutula</i>	None	Native	Gumweed
<i>Heliotropium curassavicum</i> var. <i>oculatum</i>	None	Native	Seaside heliotrope
<i>Heterotheca grandiflora</i>	None	Native	Telegraphweed
<i>Hirschfeldia incana</i>	None	Introduced	Short podded mustard
<i>Lactuca serriola</i>	None	Introduced	Prickly lettuce
<i>Marrubium vulgare</i>	None	Introduced	Horehound

Scientific Name	Special Status	Origin	Common Name
<i>Medicago polymorpha</i>	None	Introduced	California burclover
<i>Rumex crispus</i>	None	Introduced	Curly dock
<i>Solanum douglasii</i>	None	Native	Douglas' nightshade
<i>Sonchus oleraceus</i>	None	Introduced	Common sow thistle
<i>Trichostema lanceolatum</i>	None	Native	Vinegar weed
<i>Verbena lasiostachys</i>	None	Native	Common verbena
Grasses - 6 Species			
<i>Avena fatua</i>	None	Introduced	Wild oat
<i>Bromus diandrus</i>	None	Introduced	Ripgut grass
<i>Bromus hordeaceus</i>	None	Introduced	Soft chess
<i>Bromus madritensis</i> subsp. <i>rubens</i>	None	Introduced	Red brome
<i>Hordeum murinum</i>	None	Introduced	Wall barley
<i>Stipa cernua</i>	None	Native	Nodding needle grass

Attachment F. Wildlife List

TABLE 4. WILDLIFE LIST.

Common Name	Scientific Name	Special Status	Habitat Type
Birds – 12 Species			
Turkey Vulture	<i>Cathartes aura</i>	None	Open woodlands
House Finch	<i>Haemorhous mexicanus</i>	None	Urban, rural
California Towhee	<i>Melospiza crissalis</i>	None	Scrub
Savannah Sparrow	<i>Passerculus sandwichensis</i>	None	Grasslands
Ruby-crowned Kinglet	<i>Regulus calendula</i>	None	Forests
Black Phoebe	<i>Sayornis nigricans</i>	None	Open woodlands
Say's Phoebe	<i>Sayornis saya</i>	None	Grasslands
Western Bluebird	<i>Sialia mexicana</i>	None	Open woodlands
Lesser Goldfinch	<i>Spinus psaltria</i>	None	Open woodlands
Eurasian Collared-Dove	<i>Streptopelia decaocto</i>	None	Towns, agricultural fields
Mourning Dove	<i>Zenaidura macroura</i>	None	Open woodlands
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>	None	Scrub
Mammals – 1 Species			
California Ground Squirrel	<i>Otospermophilus beecheyi</i>	None	Grasslands

Attachment G. San Joaquin Kit Fox Habitat Evaluation Form

Kit Fox Habitat Evaluation Form

Cover Sheet

Project Name **Penman Springs**
APN 015-053-035

Date **May 21, 2018**

Project Location* **1480 Penman Springs Road**
Paso Robles, CA

*Include project vicinity map and project boundary on copy of U.S.G.S. 7.5. minute map (size may be reduced)

U.S.G.S. Quad Map Name **Paso Robles**

Lat/Long or UTM coordinates (if available) **N 35.62462°**
W 120.61214°

Project Description **Construct greenhouses**

Project Size: **0.50 acres** Amount of Kit Fox Habitat Affected: **0.50 acres**

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

WHR type Annual grassland **0.50 Acres**

Comments:

Form Completed by: 

Revised 03/02

San Joaquin Kit Fox Habitat Evaluation Form

Is the project within 10 miles from a recorded San Joaquin kit fox observation or within contiguous suitable habitat as defined in Question 2(A-E)?

YES – Continue with evaluation form

NO – Evaluation form/surveys are not necessary

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

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

B. Project is within a core population (15)

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

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

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

2. Habitat characteristics of the project area.

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

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

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

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

E. Orchards/vineyards (5)

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

3. Isolation of project area

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

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

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

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

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

4. Potential for increased mortality as a result of the project implementation.

Mortality may come from direct (e.g. – construction related) or indirect (e.g. – vehicle strikes due to increases in post development traffic) sources.

A. Increase in mortality likely (10)

B. Unknown mortality effects (5)

C. No long term effect on mortality (0)

5. Amount of potential kit fox habitat affected
 - A. > 320 acres (10)
 - B. 160-319 acres (7)
 - C. 80-159 acres (5)
 - D. 40-79 acres (3)
 - E. <40 acres (1)**

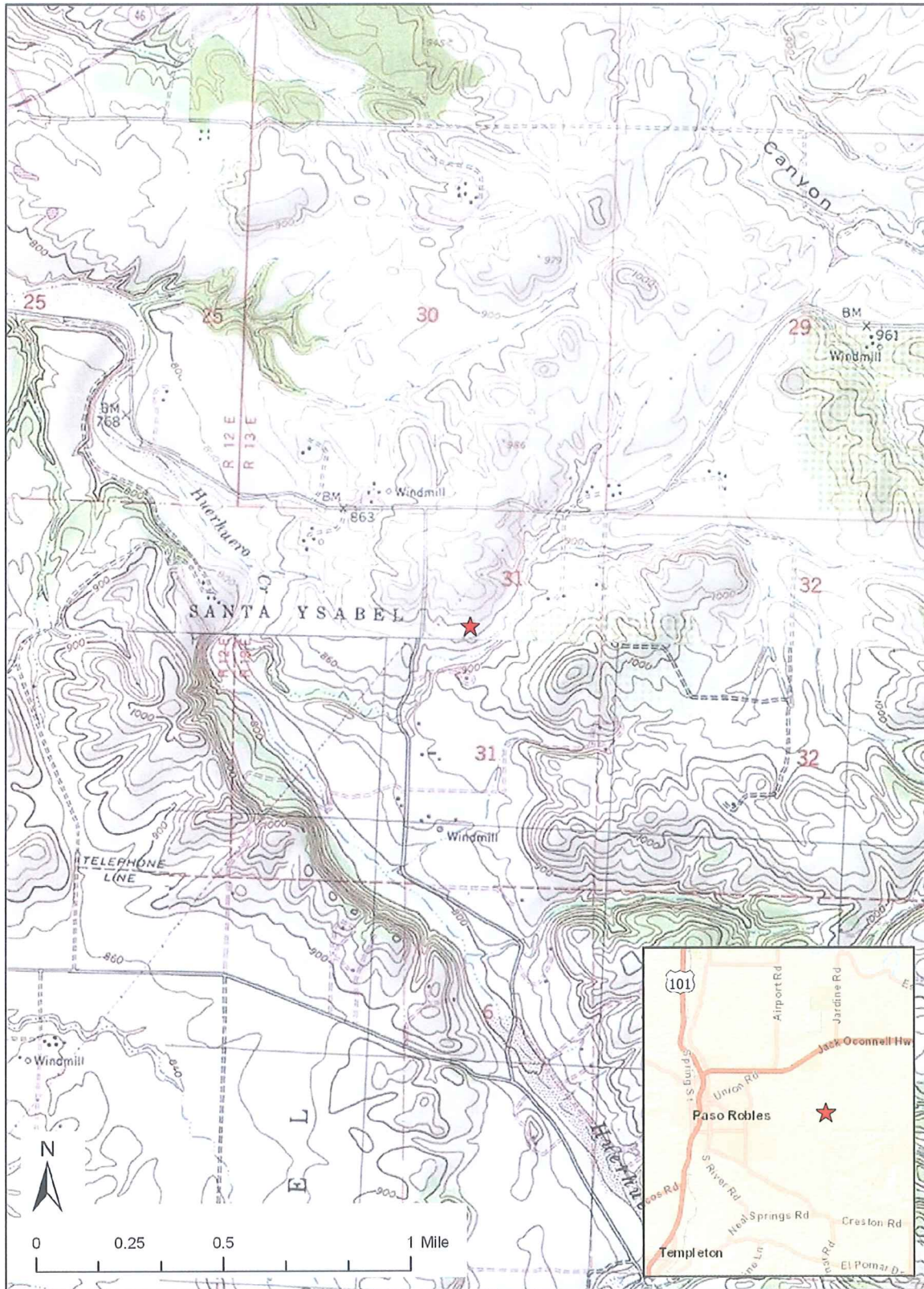
6. Results of project implementation
 - A. Project site will be permanently converted and will no longer support foxes (10)**
 - B. Project area will be temporarily impacted but will require periodic disturbance for ongoing maintenance (7)
 - C. Project area will be temporarily impacted and no maintenance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

7. Project shape
 - A. Large block (10)**
 - B. Linear with >40 foot right-of way (5)
 - C. Linear with <40 foot right-of-way (3)

8. Have San Joaquin kit foxes been observed within 3 miles of the project area within the last 10 years?
 - A. Yes (10)
 - B. No (0)**

Scoring

1. Recovery importance	20
2. Habitat condition	15
3. Isolation	15
4. Mortality	5
5. Quantity of habitat impacted	1
6. Project results	10
7. Project shape	10
8. Recent observations	<u>0</u>
Total	76



USGS 7.5' topo – Paso Robles quadrangle