Graening & Associates, LLC
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July 25, 2024

RE: Wellness Ranch 3 UP 23-08 Response to County Comments

The Lake County Community Development Department had the following comment for Wellness Ranch 3 UP 23-08

> *Resource Planning- A formal delineation of waters shall be submitted to the Community Development Department prior to construction work or ground disturbance per pg. 16 of the updated 2020 Biological Report from G.O. Graening. The 2020 Biological Report from G.O. Graening originally submitted for MUP 22-11 on November 9, 2022 differs from the updated version (March 2023) provided for UP 23-08. The report submitted for UP 23-08 should be amended to include a section outlining the changes*

My original report (dated 2020) recommended a formal aquatic resources delineation only if project development occurred "*near*" a stream or wetland. My revised report (2023) clarified "*near*" by replacing that word with "*within 50 feet of*"..... Since the project design has 100-foot setbacks from streams (that I digitally mapped in the field), there is no need to do a formal aquatic resources delineation as the water resources are sufficiently protected by the setback. Because project-related ground disturbances are beyond these setbacks, there is no need to verify the precise extent of wetlands because the geographical error is less than 5 feet and the buffer is 100 feet.

Here is the summary of the changes between 2020 and 2023 versions of the report* =

- minor change in title
- minor changes to project description
- global word change and differentiation of Study Area (entire property) to Project Areas
- minor updates to enviro setting
- section 4.4: clarification that no water resources were detected in project areas by field survey or NWI, but surrounding property has some
- section 5.2.3: clarification that no water resources were detected in project areas, but surrounding property has some
- section 5.2.3: refinement of recommendation that a formal delineation of jurisdictional waters be performed before construction work, or ground disturbance, is performed within 50 feet of any channel or wetland. instead of the vague word "near"

CONSULTANT

G. O. “Geo” Graening
Principal and owner
Graening & Associates, LLC

BIOLOGICAL RESOURCES ASSESSMENT FOR THE WELLNESS RANCH 3 CANNABIS CULTIVATION PROJECT AT 6751 RIDGE ROAD, LAKEPORT, CALIFORNIA

Prepared March 5, 2020
Updated October 13, 2023

Applicant:

Wellness Ranch, LLC
6751 Ridge Road, Lakeport, CA 95453

Prepared by:

G.O. Graening, PhD
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343 Carpenter Hill Road, Folsom CA 95630

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1. INTRODUCTION

1.1. PROJECT LOCATION AND DESCRIPTION

A biological resources assessment was conducted for the expansion of the Wellness Ranch 3 cannabis cultivation operation on a 106.5-acre parcel (APN: 007-045-16) at 6751 Ridge Road, Lakeport (see exhibits).

The existing Wellness Ranch cannabis cultivation operation includes:

- Grow site 1 – existing 10,000 square foot fenced/gated outdoor garden.
- Grow site 2 – existing 10,000 square foot fenced/gated outdoor garden.
- Grow site 3 – existing 2,500 square foot indoor garden within barn.
- Residence - one (1) existing single-family dwelling.
- Various existing farm storage, processing, and service facilities, including existing wells and water storage tanks, a hoop house for immature plants, 3 - 40' drying containers, 1 - 40' storage container, 1 - 8'x12' Pesticide/fertilizer storage shed, an ADA accessible toilet, security cameras/equipment, on site vehicle circulation and parking areas, trash storage bins, green waste composting/soil storage areas.

The proposed Wellness Ranch 3 Cannabis Cultivation project is depicted on site plans dated October 2023 prepared by Gregory Engineering, Inc. (see Exhibits) and consists of the following features:

- Grow site 2 – a new 3-acre fenced outdoor garden.
- Grow site 4 – new ~~5,000~~ 2,500 square foot barn building for indoor cultivation adjacent to the existing residence.
- Various proposed farm storage, processing, and service facilities.

The combined footprints of all of these features constitutes the Project Areas, and totals approximately 4 acres.

All outdoor cultivation will be conducted in fabric bags and/or tilled native soil with amendments. Indoor cultivation will be in pots/containers under grow lights. Ground water from existing wells will be pumped into twelve (12) 5,000 gallon above Grow site 2, one existing (1) 5,000-gallon tank at the house and four (4) existing 2,500-gallon tanks at Grow site 1. Drip irrigation systems will be used to water plants. A fertilizer mixing tank will be set up at each garden site to deliver liquid fertilizer such as compost tea to the plants. Cannabis drying and storage/processing will take place on site within storage containers.

Access to the property is from Ridge Road via two (2) 13'-15' wide existing driveways, with one serving the house, the indoor cultivation facilities, and the Grow site 1 area. The other driveway serves the Grow site 2 facilities. The driveways have a road base/gravel surface and turnouts in compliance with PRC 4290.

Minor Use Permits for the existing outdoor cultivation areas, the indoor facility, and site improvements have been approved by the County, are currently being operated, and have recently passed the annual on-site inspection by County CDD staff.

1.2. PURPOSE AND SCOPE OF ASSESSMENT

This Biological Resources Assessment was prepared to assist in compliance with the California Environmental Quality Act and the state and federal Endangered Species Acts. This assessment provides information about the biological resources within the Project Areas, the regulatory environment affecting such resources, any potential Project-related impacts upon these resources, and finally, to identify mitigation measures and other recommendations to reduce the significance of these impacts. The specific scope of services performed for this assessment consisted of the following tasks:

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

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

1.3. REGULATORY SETTING

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

1.3.1. Special-status Species Regulations

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

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

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

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

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

1.3.2. Water Resource Protection

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

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

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

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

California Fish and Game Code (§1601 - 1607) protects fishery resources by regulating "*any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake*." CDFW requires notification prior to commencement, and issuance of a Lake or Streambed Alteration Agreement, if a proposed project will result in the alteration or degradation of ''waters of the State". The limit of CDFW jurisdiction is subject to the judgment of the Department; currently, this jurisdiction is interpreted to be the "stream zone", defined as "*that portion of the stream channel that restricts lateral movement of water*" and delineated at "*the top of the bank or the outer edge of any riparian vegetation, whichever is more landward*". CDFW reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by the CDFW and the applicant is the Streambed Alteration Agreement. Projects that require a Streambed Alteration Agreement may also require a CWA 404 Section Permit and/or CWA Section 401 Water Quality Certification.

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

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

1.3.3. Tree Protection

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

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

> *"The removal of any commercial tree species as defined by the California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (Quercus species) or Tan Oak (Notholithocarpus species) for the purpose of developing a cannabis cultivation site should be avoided and minimized. This shall*

not include the pruning of any such tree species for the health of the tree or the removal of such trees if necessary for safety or disease concerns."

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

2. ENVIRONMENTAL SETTING

The Project Areas are located within Inner North Coast Range geographic subregion, which is contained within the Northwestern California geographic subdivision of the larger California Floristic Province (Baldwin et al. 2012). The Wellness Ranch site is located within the Mayacamas Mountains - North Coast Range. This region has a Mediterranean-type climate, characterized by distinct seasons of hot, dry summers and wet, moderately-cold winters. The Project Areas and vicinity is in Climate Zone 7 - California's Gray Pine Belt, defined by hot summers and mild but pronounced winters without severe winter cold or high humidity (Sunset, 2020). The topography of the property is mountainous, and consists of the upper Donavan Valley and a side canyon.

The 3-acre cultivation area is on a gently sloping south facing hillside that is open grass land with scattered blue oak trees around the perimeter. No oak trees will be removed; however, some trees will trimmed to facilitate cultivation activities and vehicle access. The topography of the site is mountainous and consists of the upper Donavan Valley and a side canyon. The elevation ranges from approximately 1,760 feet to 2,100 feet above sea level. Two intermittent creeks extend through the site, one running north to south through the center and the other is parallel to Ridge Road. The land was part of a cattle grazing ranch and was largely undeveloped except for a partially built barn until 2017. A well was drilled in 2017 and the house and barn were completed in 2019. A stock pond in the center of the site was approved and constructed in 2019.

3. METHODOLOGY

3.1. PRELIMINARY DATA GATHERING AND RESEARCH

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

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

3.2. FIELD SURVEY

Consulting biologist Tim Nosal, MS. (Natural Investigations Co.) conducted a field survey on February 10, 2020. A variable-intensity pedestrian survey was performed, and modified to account for differences in terrain, vegetation density, and visibility. All visible fauna and flora observed were recorded in a field notebook, and identified to the lowest possible taxon. Survey efforts emphasized the search for any special-status species that had documented occurrences in the CNDDB within the vicinity of the Project Areas and those species on the USFWS species list (Appendix 1).

When a specimen could not be identified in the field, a photograph or voucher specimen (depending upon permit requirements) was taken and identified in the laboratory using a dissecting scope where necessary. Dr. Graening holds the following scientific collection permits: CDFW Scientific Collecting Permit No. SC-006802; and CDFW Plant Voucher Specimen Permit 09004. Tim Nosal holds CDFW Plant Voucher Specimen Permit 2081(a)-16-102-V. Taxonomic determinations were facilitated by

referencing museum specimens or by various texts, including the following: Powell and Hogue (1979); Pavlik (1991); (1993); Brenzel (2012); Stuart and Sawyer (2001); Lanner (2002); Sibley (2003); Baldwin et al. (2012); Calflora (2020); CDFW (2020b,c); NatureServe 2020; and University of California at Berkeley (2020a,b).

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

3.3. MAPPING AND OTHER ANALYSES

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

4. RESULTS

4.1. INVENTORY OF FLORA AND FAUNA FROM FIELD SURVEY

All plants detected during the field survey of the Project Areas are listed in Appendix 2. The following animals were detected within the Project Areas during the field survey: black-tailed jackrabbit (*Lepus californicus*); Botta's pocket gopher (*Thomomys bottae*); Columbian black-tailed deer (*Odocoileus hemionus columbianus*); coyote (*Canis latrans*); pig (*Sus scrofa*); raccoon (*Procyon lotor*); acorn woodpecker (*Melanerpes formicivorus*); American robin (*Turdus migratorius*); bushtit (*Psaltriparus minimus*); California quail (*Callipepla californica*); California scrub jay (*Aphelocoma californica*); California towhee (*Melozone crissalis*); common raven (*Corvus corax*); northern flicker (*Colaptes auratus*); oak titmouse (*Baeolophus inornatus*); red-breasted sapsucker (*Sphyrapicus ruber*); red-tailed hawk (*Buteo jamaicensis*); sparrow (Emberizidae); spotted towhee (*Pipilo maculatus*); white-breasted nuthatch (*Sitta carolinensis*); yellow-billed magpie (*Pica nuttalli*); and common songbirds.

4.2. VEGETATION COMMUNITIES AND WILDLIFE HABITAT TYPES

4.2.1. Terrestrial Vegetation Communities

General vegetation communities occurring in the Project Areas and surrounding property were mapped (see Exhibits). More specifically, the following terrestrial natural communities occur in the Project Areas or surrounding property (as categorized by CDFW 2019):

- 42.051.01 *Phalaris aquatica – Bromus hordeaceus-Centaurea solstitialis* (Annual Grassland)
- 37.101.19 *Adenostoma fasciculatum – Arctostaphylos manzanita* (Chamise)
- 37.409.03 *Quercus berberidifolia – Adenostoma fasciculatum* (Mixed chaparral)
- 71.020.11 *Quercus douglasii – Quercus lobata* (Blue oak woodland)
- 71.040.05 *Quercus lobata* – grass (Valley oak woodland)
- 61.205.02 *Salix laevigata - Salix lasiolepis* (Riparian)
- 45.560.00 *Juncus* (Emergent freshwater marsh)

4.2.2. Wildlife Habitat Types

Wildlife habitat types were classified using CDFW's Wildlife Habitat Relationship System. The property contains the following wildlife habitat types: Montane Chaparral; Mixed Chaparral; Valley Foothill Riparian; Blue Oak Woodland; Valley Oak Woodland; Annual Grassland; Fresh Emergent Wetland; Riverine; Urban; and Barren.

4.2.3. Critical Habitat and Special-status Habitat

No critical habitat for any federally-listed species occurs within the Project Areas. The CNDDB reported no special-status habitats within the Project Areas or surrounding property. The CNDDB reported the following special-status habitats in a 5-mile radius outside of the Project Areas: Clear Lake Drainage Cyprinid/Catostomid Stream; Clear Lake Drainage Seasonal Lakefish Spawning Stream; Coastal and Valley Freshwater Marsh; Northern Interior Cypress Forest.

There are no special-status habitats within the Project Area. The only special-status habitats detected within the property during the field survey are aquatic habitats associated with the stream channels, ponds, and wetlands.

4.2.4. Habitat Plans and Wildlife Corridors

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

Although there are no designated wildlife corridors, the open space within the property provides unrestricted animal movement. Stream corridors function as wildlife corridors. The Project Areas are not located within any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

4.3. LISTED SPECIES AND OTHER SPECIAL-STATUS SPECIES

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

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

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

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

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

The CNDDB was queried on October 12, 2023, and any reported occurrences of special-status species were plotted in relation to the Project Areas boundary using GIS software (see exhibits). The CNDDB reported no special-status species occurrences within the Project Area or surrounding property.

Within a 10-mile buffer of the Project Areas boundary, the CNDDB reported several special-status species occurrences, summarized in the following table. A USFWS species list was generated online using the USFWS' IPaC Trust Resource Report System (see Appendix 1). This list is generated using a regional and/or watershed approach and does not necessarily indicate that the Project Areas provide suitable habitat. Migratory birds should also be considered in the impact assessment.

Table 1. Special-status Species Reported by CNDDB in the Vicinity of the Project Areas

Scientific Name	Common Name	Status *	General Habitat**	Microhabitat**
Agelaius tricolor	tricolored blackbird	FC	HIGHLY COLONIAL SPECIES, MOST NUMEROUS IN CENTRAL VALLEY & VICINITY. LARGELY ENDEMIC TO CALIFORNIA.	REQUIRES OPEN WATER, PROTECTED NESTING SUBSTRATE, & FORAGING AREA WITH INSECT PREY WITHIN A FEW KM OF THE COLONY.
Allium peninsulare var. franciscanum	Franciscan onion	1B.2	CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND.	CLAY SOILS; OFTEN ON SERPENTINE. DRY HILLSIDES. 50-300 M.
Ammodramus savannarum	grasshopper sparrow	SSC	DENSE GRASSLANDS ON ROLLING HILLS, LOWLAND PLAINS, IN VALLEYS & ON HILLSIDES ON LOWER MOUNTAIN SLOPES.	FAVORS NATIVE GRASSLANDS WITH A MIX OF GRASSES, FORBS & SCATTERED SHRUBS. LOOSELY COLONIAL WHEN NESTING.
Amsinckia lunaris	bent-flowered fiddleneck	1B.2	CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND.	50-500M.
Andrena blennospermatis	Blennosperm a vernal pool andrenid bee	SSC	THIS BEE IS OLIGOLECTIC ON VERNAL POOL BLENNOSPERMA.	BEES NEST IN THE UPLANDS AROUND VERNAL POOLS.
Antirrhinum subcordatum	dimorphic snapdragon	4.3	CHAPARRAL, LOWER MONTANE CONIFEROUS FOREST.	GENERALLY ON SERPENTINE OR SHALE IN FOOTHILL WOODLAND OR CHAPARRAL ON S- AND W-FACING SLOPES. 185-800 M.
Antrozous pallidus	pallid bat	SSC	DESERTS, GRASSLANDS, SHRUBLANDS, WOODLANDS & FORESTS. MOST COMMON IN OPEN, DRY HABITATS WITH ROCKY AREAS FOR ROOSTING.	ROOSTS MUST PROTECT BATS FROM HIGH TEMPERATURES. VERY SENSITIVE TO DISTURBANCE OF ROOSTING SITES.
Archoplites interruptus	Sacramento perch	SSC	HISTORICALLY FOUND IN THE SLOUGHS, SLOW-MOVING RIVERS, AND LAKES OF THE CENTRAL VALLEY.	PREFERS WARM WATER. AQUATIC VEGETATION IS ESSENTAL FOR YOUNG. TOLERATES WIDE RANGE OF PHYSIO-CHEMICAL WATER CONDITIONS.
Arctostaphylos manzanita ssp. elegans	Konocti manzanita	1B.3	CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.	VOLCANIC SOILS. 395-1615 M.
Arctostaphylos stanfordiana ssp. raichei	Raiche's manzanita	1B.1	CHAPARRAL, LOWER MONTANE CONIFEROUS FOREST.	ROCKY, SERPENTINE SITES. SLOPES AND RIDGES. 450-1000 M.
Artemisiospiza belli	Bell's sage sparrow	WL	NESTS IN CHAPARRAL DOMINATED BY FAIRLY DENSE STANDS OF CHAMISE. FOUND IN COASTAL SAGE SCRUB IN SOUTH OF RANGE.	NEST LOCATED ON THE GROUND BENEATH A SHRUB OR IN A SHRUB 6-18 INCHES ABOVE GROUND. TERRITORIES ABOUT 50 YDS APART.
Bombus caliginosus	obscure bumble bee	SSC	GRASSLANDS	
Brasenia schreberi	watershield	2B.3	FRESHWATER MARSHES AND SWAMPS.	AQUATIC FROM WATER BODIES BOTH NATURAL AND ARTIFICIAL IN CALIFORNIA.
Calasellus californicus	An isopod	SSC	KNOWN FROM LAKE, NAPA, MARIN, SANTA CRUZ AND SANTA CLARA COUNTIES.	PERENNIAL SPRINGS
Calycadenia micrantha	small-flowered calycadenia	1B.2	CHAPARRAL, VALLEY AND FOOTHILL GRASSLAND, MEADOWS AND SEEPS.	ROCKY TALUS OR SCREE; SPARSELY VEGETATED AREAS. OCCASIONALLY ON ROADSIDES; SOMETIMES ON SERPENTINE. 5-1500 M.

Carex comosa	bristly sedge	2B.1	MARSHES AND SWAMPS.	LAKE MARGINS, WET PLACES; SITE BELOW SEA LEVEL IS ON A DELTA ISLAND. -5-1005M.
Ceanothus confusus	Rincon Ridge ceanothus	1B.1	CLOSED-CONE CONIFEROUS FOREST, CHAPARRAL, CISMONTANE WOODLAND.	KNOWN FROM VOLCANIC OR SERPENTINE SOILS, DRY SHRUBBY SLOPES. 75-1065 M.
Corynorhinus townsendii	Townsend's big-eared bat	SSC	THROUGHOUT CALIFORNIA IN A WIDE VARIETY OF HABITATS. MOST COMMON IN MESIC SITES.	ROOSTS IN THE OPEN, HANGING FROM WALLS & CEILINGS. ROOSTING SITES LIMITING. EXTREMELY SENSITIVE TO HUMAN DISTURBANCE.
Cryptantha dissita	serpentine cryptantha	1B.2	CHAPARRAL.	SERPENTINE OUTCROPS. 330-730M.
Dubiraphia brunnescens	brownish dubiraphian riffle beetle	SSC	AQUATIC; KNOWN ONLY FROM THE NE SHORE OF CLEAR LAKE, LAKE COUNTY.	INHABITS EXPOSED, WAVE-WASHED WILLOW ROOTS.
Emys marmorata	western pond turtle	SSC	A THOROUGHLY AQUATIC TURTLE OF PONDS, MARSHES, RIVERS, STREAMS & IRRIGATION DITCHES, USUALLY WITH AQUATIC VEGETATION. BE	NEED BASKING SITES AND SUITABLE (SANDY BANKS OR GRASSY OPEN FIELDS) UPLAND HABITAT UP TO 0.5 KM FROM WATER FOR EGG-LAYIN
Entosthodon kochii	Koch's cord moss	1B.3	CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLANDS.	MOSS GROWING ON SOIL ON RIVER BANKS. KNOWN FROM SERPENTINE ON THE PLUMAS NF. 500-1000 M.
Eriastrum brandegeeae	Brandegee's eriastrum	1B.1	CHAPARRAL, CISMONTANE WOODLAND.	ON BARREN VOLCANIC SOILS; OFTEN IN OPEN AREAS. 425-840 M.
Gratiola heterosepala	Boggs Lake hedge-hyssop	FE	MARSHES AND SWAMPS (FRESHWATER), VERNAL POOLS.	CLAY SOILS; USUALLY IN VERNAL POOLS, SOMETIMES ON LAKE MARGINS. 10-2375 M.
Harmonia guggolziorum	Guggolz's harmonia	1B.1	CHAPARRAL.	OPEN AREAS ON SERPENTINE. 160-195 M.
Hesperolinon adenophyllum	glandular western flax	1B.2	CHAPARRAL, CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND.	SERPENTINE SOILS; GENERALLY FOUND IN SEPENTINE CHAPARRAL. 150-1315 M.
Horkelia bolanderi	Bolander's horkelia	1B.2		
Kopsiopsis hookeri	small groundcone	2B.3	NORTH COAST CONIFEROUS FOREST.	OPEN WOODS, SHRUBBY PLACES, GENERALLY ON GAULTHERIA SHALLON. 90-885 M.
Lasthenia burkei	Burke's goldfields	FE, CE	VERNAL POOLS, MEADOWS AND SEEPS.	MOST OFTEN IN VERNAL POOLS AND SWALES. 15-600 M.
Lavinia exilicauda chi	Clear Lake hitch	CT	FOUND ONLY IN CLEAR LAKE, LAKE CO, AND ASSOCIATED PONDS. SPAWNS IN STREAMS FLOWING INTO CLEAR LAKE.	ADULTS FOUND IN THE LIMNETIC ZONE. JUVENILES FOUND IN THE NEARSHORE SHALLOW-WATER HABITAT HIDING IN THE VEGETATION.
Layia septentrionalis	Colusa layia	1B.2	CHAPARRAL, CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND.	SCATTERED COLONIES IN FIELDS AND GRASSY SLOPES IN SANDY OR SERPENTINE SOIL. 145-1095M.
Limnanthes floccosa ssp. floccosa	woolly meadowfoam	4.2	CHAPPARAL, CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND. VERNAL POOLS.	VERNALLY WET AREAS, DITCHES, AND PONDS. 60-1335 M.
Navarretia leucocephala ssp. pauciflora	few-flowered navarretia	FE, CT	VERNAL POOLS.	VOLCANIC ASH FLOW, AND VOLCANIC SUBSTRATE VERNAL POOLS. 400-855 M.
Oncorhynchus mykiss irideus pop. 8	steelhead - central California coast DPS	FT	FROM RUSSIAN RIVER, SOUTH TO SOQUEL CR & TO, BUT NOT INCLUDING, PAJARO RIVER. ALSO	

			SAN FRANCISCO & SAN PABLO BAY BASINS.	
Pandion haliaetus	osprey	WL	OCEAN SHORE, BAYS, FRESH-WATER LAKES, AND LARGER STREAMS.	LARGE NESTS BUILT IN TREE-TOPS WITHIN 15 MILES OF A GOOD FISH-PRODUCING BODY OF WATER.
Pekania pennanti	fisher - West Coast DPS	FT	INTERMEDIATE TO LARGE-TREE STAGES OF CONIFEROUS FORESTS & DECIDUOUS-RIPARIAN AREAS WITH HIGH PERCENT CANOPY CLOSURE.	USES CAVITIES, SNAGS, LOGS & ROCKY AREAS FOR COVER & DENNING. NEEDS LARGE AREAS OF MATURE, DENSE FOREST.
Plagiobothrys lithocaryus	Mayacamas popcornflower	1A	MEADOWS, VALLEY AND FOOTHILL GRASSLAND, CISMONTANE WOODLAND, CHAPARRAL?	MOIST SITES. 285-450M.
Potamogeton zosteriformis	eel-grass pondweed	2B.2	MARSHES AND SWAMPS.	PONDS, LAKES, STREAMS. 0-1860 M.
Rana boylii	foothill yellow-legged frog	FC, SSC	PARTLY-SHADED, SHALLOW STREAMS & RIFFLES WITH A ROCKY SUBSTRATE IN A VARIETY OF HABITATS.	NEED AT LEAST SOME COBBLE-SIZED SUBSTRATE FOR EGG-LAYING. NEED AT LEAST 15 WEEKS TO ATTAIN METAMORPHOSIS.
Sidalcea oregana ssp. hydrophila	marsh checkerbloom	1B.2	MEADOWS AND SEEPS, RIPARIAN FOREST.	WET SOIL OF STREAMBANKS, MEADOWS. 1100-2300 M.
Streptanthus glandulosus ssp. hoffmanii	Hoffman's bristly jewelflower	1B.3	CHAPARRAL, CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND.	MOIST, STEEP ROCKY BANKS, IN SERPENTINE AND NON-SERPENTINE SOIL. 120-475M.
Streptanthus glandulosus ssp. hoffmanii	Hoffman's bristly jewelflower	1B.3	CHAPARRAL, CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND.	MOIST, STEEP ROCKY BANKS, IN SERPENTINE AND NON-SERPENTINE SOIL. 120-475M.
Taricha rivularis	red-bellied newt	SSC		
Taxidea taxus	American badger	SSC	MOST ABUNDANT IN DRIER OPEN STAGES OF MOST SHRUB, FOREST, AND HERBACEOUS HABITATS, WITH FRIABLE SOILS.	NEEDS SUFFICIENT FOOD, FRIABLE SOILS & OPEN, UNCULTIVATED GROUND. PREYS ON BURROWING RODENTS. DIGS BURROWS.
Tracyina rostrata	beaked tracyina	1B.2	CISMONTANE WOODLAND, VALLEY AND FOOTHILL GRASSLAND.	OPEN GRASSY MEADOWS WITHIN OAK WOODLAND AND GRASSLAND HABITATS. 90-790 M.
Trichostema ruygtii	Napa bluecurls	1B.2	CISMONTANE WOODLAND, CHAPARRAL, VALLEY AND FOOTHILL GRASSLAND, VERNAL POOLS, LOWER MONTANE CONIFEROUS FOREST.	OFTEN IN OPEN, SUNNY AREAS. ALSO HAS BEEN FOUND IN VERNAL POOLS. 30-590M.
Viburnum ellipticum	oval-leaved viburnum	2B.3	CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.	215-1400 M.

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

***Copied verbatim from CNDDB, unless otherwise noted.*

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

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

4.3.3. Potential for Listed Species or Special-status Species to Occur in the Project Areas

The ruderal/developed and non-native grassland habitats within the Project Areas have a low potential for harboring special-status plant species due to the dominance of aggressive non-native grasses and forbs. Streams, riparian corridors, and riverine wetlands in the vicinity can sustain aquatic special-status species and diverse wildlife species. Oak woodland and chaparral habitats have a moderate potential to harbor special-status plant species.

4.4. POTENTIALLY-JURISDICTIONAL WATER RESOURCES

The USFWS National Wetland Inventory reported no water features within the Project Areas, but 1 water feature was mapped in the surrounding property (see Exhibits): Highland Creek.

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

No surface water resources (wetlands or channels) were detected within the Project Areas. The following water features were detected within the larger property during the field survey (see Exhibits):

- Highland Creek, a braided, intermittent channel (Class II watercourse)
- an unnamed tributary of Highland Creek (Class II watercourse)
- a pond on this unnamed tributary
- and a wetland in the floodplain of Highland Creek

There are no vernal pools or other isolated wetlands on the property.

5. IMPACT ANALYSES AND MITIGATION MEASURES

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

5.1. IMPACT SIGNIFICANCE CRITERIA

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

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a special-status species in local or regional plans, policies, or regulations, or by USFWS or CDFW
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by USFWS or CDFW
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
- Conflict with any county or municipal policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved governmental habitat conservation plan.

5.2. IMPACT ANALYSIS

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

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

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

No special-status species were detected within the Project Areas. The Project Areas consist primarily of ruderal/developed and non-native grassland/pasture habitats; these habitats have a low potential for harboring special-status plant species due to the dominance of aggressive non-native grasses and forbs. The oak woodland and chaparral habitats have a moderate potential to sustain special-status plant species, but these habitats were avoided. Likewise, the oak woodland and chaparral habitats have a moderate potential to sustain special-status animal species, but these habitats were avoided. The watercourses within the property can sustain aquatic special-status species. However, the Project Areas have setbacks of 50 to 100 feet from all channels and wetlands. The project will not require major vegetation clearing for the establishment of cultivation areas because these area were previously cleared (see exhibits). No impacts to special-status species were identified from project implementation.

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

Recommended Mitigation Measures

If grading or vegetation clearing is performed in the future in the oak woodland habitat, riparian habitat or chaparral habitat, a pre-construction special-status species survey is recommended.

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

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

The Project Areas are not within any designated listed species' critical habitat. The Project Areas do not contain specials-status habitats. The property contains special-status aquatic habitats along the watercourses and at the pond and wetland. However, the cannabis cultivation / operation area has setbacks of at least 100 feet away from the nearest intermittent (Class II) watercourse and pond and 50 feet from the nearest ephemeral (Class III) watercourse. The project will not require major vegetation clearing or grading for the establishment of cultivation areas because these area were previously cleared, so sensitive habitats like oak woodlands will be avoided.

Recommended Mitigation Measures

No mitigation is necessary.

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

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

The Project Areas do not contain channels or wetlands. There are several water resources within the surrounding property: Class II and III watercourses, a pond, and a wetland. Potential adverse impacts to water resources could occur during construction by modification or destruction of stream banks or riparian vegetation, the filling of wetlands, or by increased erosion and sedimentation in receiving water bodies due to soil disturbance. However, the cultivation areas have been designed with 50 to 100-foot setbacks from watercourses and situated in flat areas. Because of these avoidance measures, no direct impacts to water resources will occur.

Potential indirect impacts to water resources could occur during construction by increased erosion and sedimentation in receiving water bodies due to soil disturbance or by the release of other pollutants. If the total area of ground disturbance from installation of the cultivation operation is 1 acre or more, the Cultivator must enroll for coverage under the General Permit for Discharges of Storm Water Associated

with Construction Activity (Construction General Permit, 2009-0009-DWQ). Implementation of a stormwater pollution prevention plan, and erosion control plan, along with regular inspections, will ensure that construction activities do not pollute receiving waterbodies.

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

It is recommended that a formal delineation of jurisdictional waters be performed before construction work, or ground disturbance, is performed within 50 feet of any channel or wetland.

Recommended Mitigation Measures

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

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

- *Will the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

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

Implementation of the proposed project would necessitate erection of security fences around the cultivation compounds. These fences do not allow animal movement and may act as a local barrier to wildlife movement. However, the fenced cultivation areas are surrounded by open space, allowing wildlife to move around these fenced areas. Thus, implementation of the proposed project is a less than significant impact upon wildlife movement. Implementation of the project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Recommended Mitigation Measures

No mitigation is necessary.

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

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

Construction of the project may require the removal of trees protected by Lake County and/or CALFIRE. This is a potentially significant impact before mitigation.

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

Recommended Mitigation Measures

Lake County requires mitigation for the removal of native oak species.

If development of the project will result in the removal of commercial tree species, one of the following permits is needed: Less than 3 Acre Conversion Exemption; Christmas Tree; Dead, Dying or Diseased, Fuelwood, or Split Products Exemption; a Public Agency, Public and Private Utility Right of Way Exemption; a Notice of Exemption from Timberland Conversion Permit for Subdivision; or an Application for Timberland Conversion Permit.

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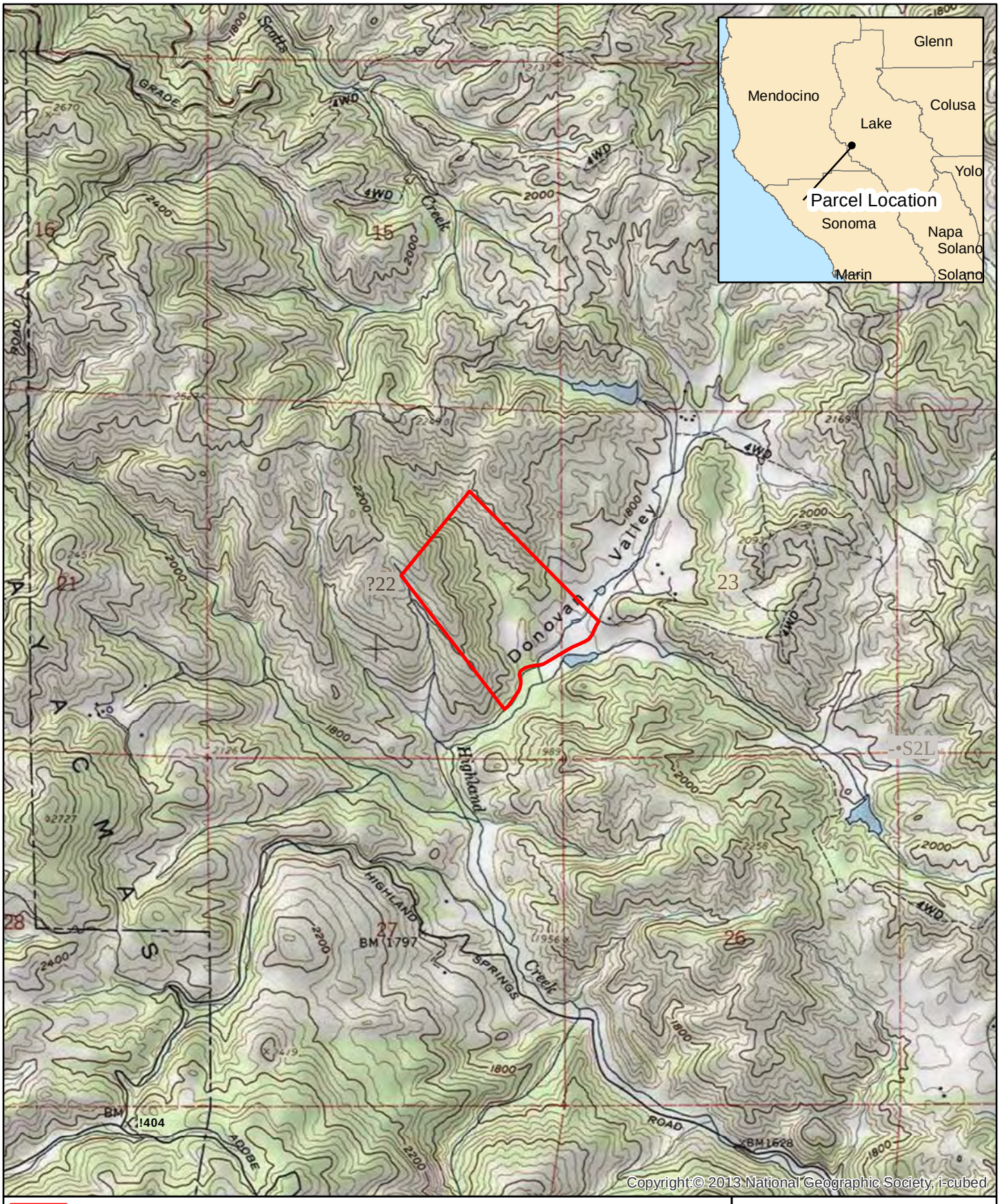
EXHIBITS



Parcel Location

0 0.5 1 Kilometers

0 0.5 1 Miles

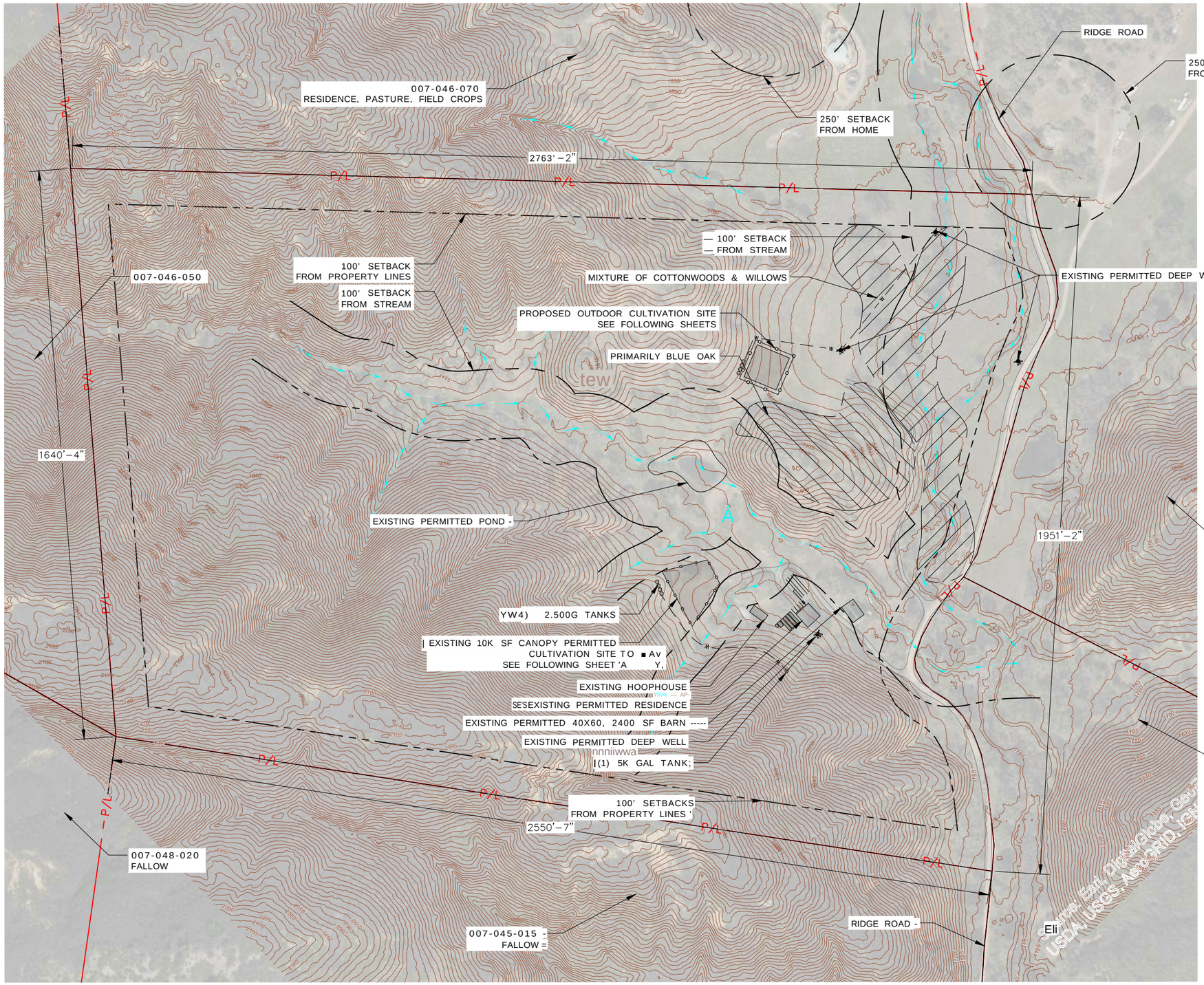
1:24,000

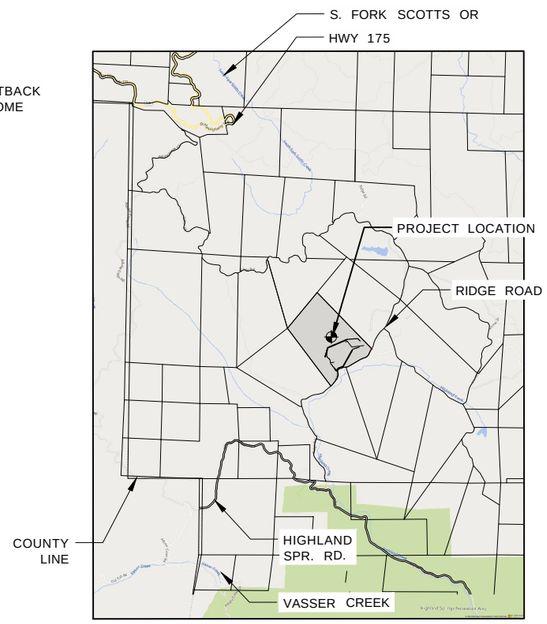
6751 Ridge Road
Parcel Location Map

NATURAL INVESTIGATIONS COMPANY

Map Date 1/30/2020

Highland Springs 1993 Quadrangle:Township 13N, Range 10W, Section 22,23





LOCATION MAP (NTS)

NOTES:

1. APN 007-045-16
2. SITE ADDRESS: 6751 RIDGE ROAD, LAKEPORT, GA 95453
3. PROPERTY OWNER: ROOM TO GROW RESEARCH DESIGN AND CONSULTATION, INC., 10522 POINSETTIA LN., SANTA FE SPRINGS, GA 90670, 562-314-7680, 707-354-6303.
4. APPLICANT NAME: WELLNESS RANCH, LLC., LUIS MARTINEZ, 10522 POINSETTIA LN., SANTA FE SPRINGS, GA 90670, 707-354-6303, 562-314-7680.
5. IMAGERY AND CONTOURS FROM LAKE COUNTY LIDAR.
6. GEI IS NOT IN POSSESSION OF ACCURATE SITE DATA, AND THEREFORE CANNOT CONFIRM THE ACCURACY OF THESE MAPS.
7. PARCEL SIZE: 106 AC
8. KNOWN TREE SPECIES WITHIN THE VICINITY OF THE CULTIVATION SITES CONSIST PRIMARILY OF BLUE OAK, WITH SOME COTTONWOODS AND WILLOWS NEAR RIPARIAN AREAS, SEE ILLUSTRATION FOR AREAS OF INTEREST. NO KNOWN ROCK OUTCROPPINGS IN VICINITY OF CULTIVATION.
9. EXISTING ILLUSTRATED SITE FEATURES ARE NOT ALL-INCLUSIVE OF SITE CONDITIONS, BUT ONLY REPRESENT THOSE OBSERVED WITHIN THE VICINITY OF THE PROJECT.

GRAPHIC SCALE
150 0 75 150 300
(IN FEET)
1 inch = 150 ft.

REGISTERED PROFESSIONAL ENGINEER
JESS R. GREGORY
No. 78334
October 3, 2023
CIVIL
STATE OF CALIFORNIA

NOT FOR CONSTRUCTION

REVISIONS			
NO.	DESCRIPTION	DATE	BY

GREGORY ENGINEERING, me.
Cottonwood, CA 96022

PROJECT	DESIGNED	DATE
WELLNESS RANCH MUP APPLICATION	JRG	3-Oct-23
SHEET DESCRIPTION	DRAWN	SHEET
EXISTING SITE PLAN	JRG	1 OF 3

250' RESIDENCE SETBACK

RIDGE ROAD

250' RESIDENCE SETBACK

007–046–070

P/L

100'

VOff

119'–11"

100' STREAM SETBACK VT

PROPOSED OUTDOOR CULTIVATION SITE SEE FOLLOWING SHEET

EXISTING PERMITTED CULTIVATION SITE SEE FOLLOWING SHEET

100'

69'–11"

170'–2"

007-046-050

EXISTING /PERMITTED POND & 150' SETBACK

50' STREAM SETBACK

007-060-010

EXISTING PERMITTED CULTIVATION SITE SEE FOLLOWING SHEET

EXISTING PERMITTED INDOOR CULTIVATION (PERMIT BP#18- 19- 1635)

'X EXISTING PERMITTED RESIDENCE

PROPOSED 5,000 SF BARN—STYLES BUILDING FOR INDOOR CULTIVATION ~

50' STREAM SETBACK

007-044-060

007-048-020

007–045–015

RIDGE ROAD

GRAPHIC SCALE

150 0 75 150 300

(IN FEET)
1 inch = 150 ft.

DATA NOTES:

1. TOPOGRAPHIC DATA COLLECTED FROM LAKE COUNTY LIDAR.
2. GEI IS NOT IN POSSESSION OF ACCURATE SITE DATA, AND THEREFORE CANNOT CONFIRM THE ACCURACY OF THESE MAPS.

REGISTERED PROFESSIONAL ENGINEER
JESS R. GREGORY
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REVISIONS			
NO.	DESCRIPTION	DATE	BY

GREGORY ENGINEERING, me.
Cottonwood, CA 96022

PROJECT	DESIGNED	DATE
WELLNESS RANCH MUP APPLICATION	JRG	3-Oct-23
SHEET DESCRIPTION	DRAWN	SHEET
PROPOSED PARCEL-WIDE SITE PLAN	JRG	2 OF 3

100' STREAM SETBACK, 150' POND SETBACK

EXISTING PERMITTED POND

r— (12) 5K GAL TANKS

6 FT PERIMETER FENCE

SEASONAL STREAM

100' STREAM SETBACK

EXISTING PERMITTED DEEP WELL (SOLAR)

100' P/L SETBACK

P/L

1790'

220'—9"

STATIC SECURITY CAMERA AND MOTION-SENSING WORK LIGHT (TOWARD ENTRANCE)

EXISTING 10,000 SF CANOPY AREA

6 FT TALL FENCE & LOCKED GATE

PROPOSED 3—AC CANOPY AREA

1770'

119'—11"

STRAW WATTLES (EROSION CONTROL) SEE NOTES

194'—10"

STATIC SECURITY CAMERA AND MOTION-SENSING WORK LIGHT (TOWARD ENTRANCE)

WATER DISTRIBUTION

EXISTING PERMITTED DEEP WELL (SOLAR)

119'—10"

1745'

EXIST WATER STORAGE TANKS

EXIST 10,000 SF CANOPY AREA

6' TALL PERIMETER SECURITY FENCE W/ LOCKED GATE

.187'

1805'

1810'

16' WIDE LOCKED GATE

TRASH & STORAGE BIN

500 SF PARKING &Y WORKING AREA

100 SF SECURE COMPOST AREA W/ 6 FT PERIMETER FENCE)

1800'

1795'

1790'

1785'

1780'

1775'

100' STREAM SETBACK

1755'

P/L

250' RESIDENCE SETBACK

STRAW WATTLES (EROSION CONTROL)

(2) PARKING & (1) HANDICAP

EXISTING SEPTIC/LEACH FIELD

35' LONG TURNOUT W/ 25' LONG TRANSITIONS

EXISTING HOOP HOUSE (IMMATURE PLANTS) RELATED TO CULTIVATION (NO ELECTRICAL OR GROUND DISTURBANCE)

EXISTING PERMITTED INDOOR CULTIVATION (PERMIT BP#18—19—1635)

ADA RESTROOM

8X12 STORAGE SHED (PESTICIDES & FERTILIZERS)

(1) 40' SHIPPING CONTAINER - FOR SECURE PACKAGING,) PROCESSING, HARVEST STORAGE)

"-.(6) 40' SHIPPING CONTAINERS" FOR DRYING

65'—10"

SEASONAL STREAM

EXISTING PERMITTED DEEP WELL (SOLAR)

EXISTING GRAVEL ROAD TO BE IMPROVED WITH ADDITIONAL GRAVEL

1740'

13'—5"

EXISTING PERMITTED DEEP WELL & (1) 5 KGAL TANK

EXISTING PERMITTED - RESIDENCE TO REMAIN AS RES.

PROPOSED 5,000 SF BARN-STYLE BUILDING FOR INDOOR CULTIVATION

13'—11"

157'—2"

55'

EXISTING RIDGE ROAD (GRAVEL), 50' ROW

1745'

PREMISES BOUNDARY

NOTES:

1. GRAVEL ACCESS ROADS ARE CONFIRMED BY PREVIOUS CALFIRE SITE VISIT TO MEET PRC 4290 STANDARDS FOR ALL-SEASON ROADS. ALL ROADS TO BE FINISHED WITH 6" OF i" AB.
2. IRRIGATION SYSTEM CONSISTS OF MULTIPLE DEEP WELLS, 2" PVC TRANSMISSION LINES TO STORAGE TANKS, DISTRIBUTION VIA DRIP LINES TO CULTIVATION.
3. SOLAR POWERED CAMERAS AND LIGHTS.
4. ALL DISTURBED AREAS TO BE COVERED WITH AB AS PARKING/ROADS/WORK AREAS OR TO BE SEEDED WITH NATIVE SEED OR STERILE WHEAT AND COVERED WITH 2" OF WEED-FREE STRAW FOR RE- VEGETATION. ALL DISTURBED AREAS TO HAVE STRAW WATTLE PERIMETER CONTROL PLACED WHERE RUNOFF IS EXPECTED TO OCCUR. FOLLOW CALTRANS MANUAL FOR ESC INSTALLATION BMPS.
5. ALL PROPOSED CANNABIS-RELATED STRUCTURES SHALL BE CONFIRMED ON SITE TO BE SET BACK 50 FEET FROM TOP OF BANK OF ALL CLASS III STREAMS AND 100 FEET FROM ALL CLASS II STREAMS.

GRAPHIC SCALE

60 0 30 60 120

(IN FEET)
1 inch = 60 ft.

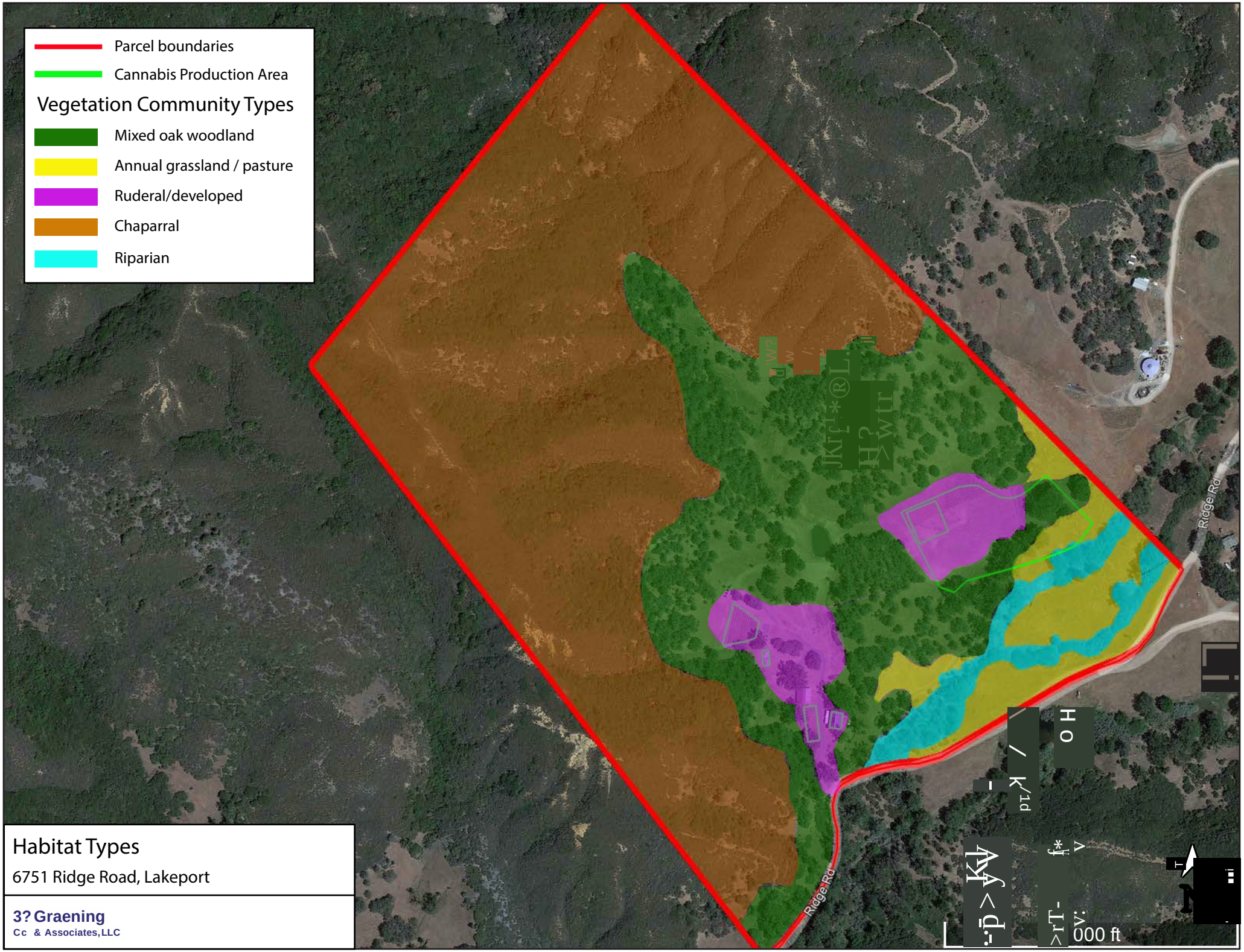
REGISTERED PROFESSIONAL ENGINEER — JAMES R. GREGORY — No. 78334 — October 3, 2023 — CIVIL — STATE OF CALIFORNIA

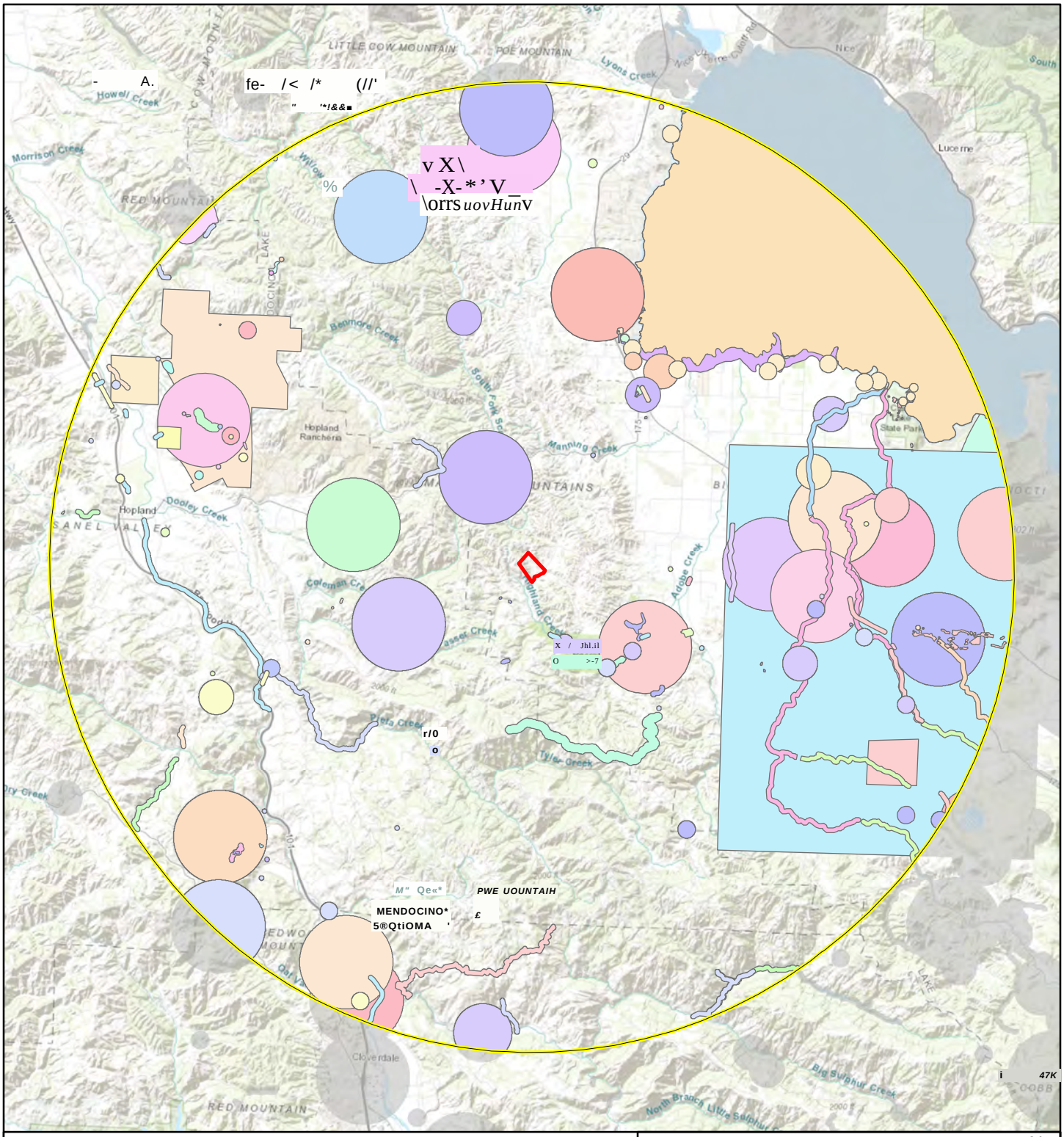
NOT FOR CONSTRUCTION

REVISIONS			
NO.	DESCRIPTION	DATE	BY

GREGORY ENGINEERING, me.
Cottonwood, CA 96022

PROJECT	DESIGNED	DATE
WELLNESS RANCH MUP APPLICATION	JRG	3-Oct-23
SHEET DESCRIPTION	DRAWN	SHEET
PROPOSED SITE PLAN	JRG	3 OF 3


Parcel boundaries
Cannabis Production Area
Vegetation Community Types
Mixed oak woodland
Annual grassland / pasture
Ruderal/developed
Chaparral
Riparian
Ridge Rd
Ridge Rd
Habitat Types
6751 Ridge Road, Lakeport
3? Graening
Cc & Associates, LLC



Project Location 10 Mile Buffer

1:190,000 1 inch = 3 miles

0 3 6 Miles

N

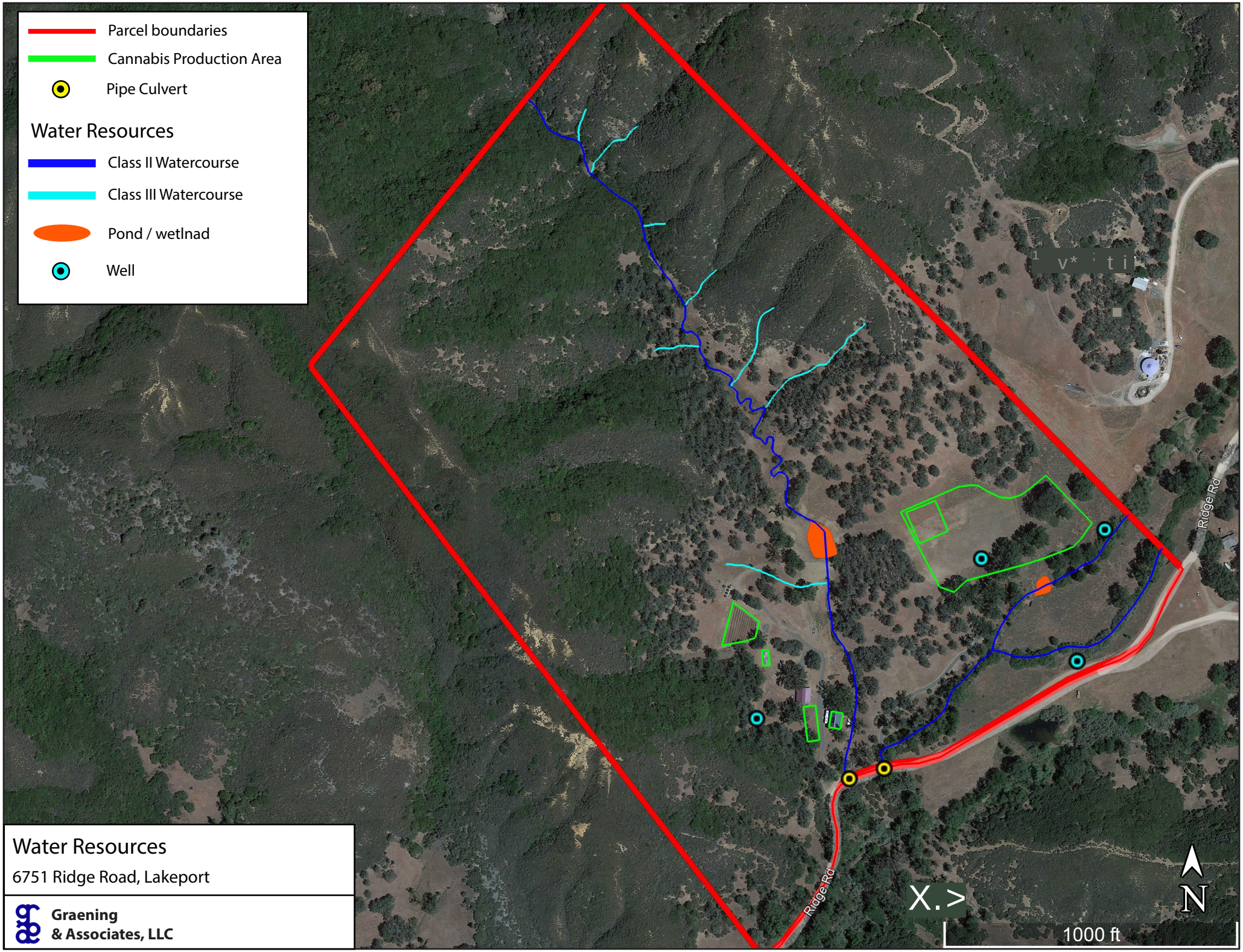
Notes:
1. The locations of all features shown are approximate.
2. This drawing is for information purposes. It is intended to assist inshowing features discussed in an attached document. Natural Investigations Company can not guarantee the accuracy and content of electronic files.The master file is stored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

Special-Status Species Occurrences Map

6751 Ridge Road

Highland Springs 1993 Quadrangle:
Township 13N, Range 10W, Section 22,23

NATURAL INVESTIGATIONS CO.
WWW.NATURALINVESTIGATIONS.COM



Water Resources

6751 Ridge Road, Lakeport

Graening & Associates, LLC

Parcel Location

Wetlands and Channels

0 150 300 Meters

0 750 1,500 Feet

1:7,500

6751 Ridge Road
National Wetlands Inventory
Features Map

NATURAL INVESTIGATIONS COMPANY

Map Date 1/30/2020

Highland Springs 1993 Quadrangle:Township 13N, Range 10W, Section 22,23

APPENDIX 1: USFWS SPECIES LIST

United States Department of the Interior

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

In Reply Refer To:
Project Code: 2024-0004186
Project Name: Wellness Ranch cultivation project

October 12, 2023

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

To Whom It May Concern:

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

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

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

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

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

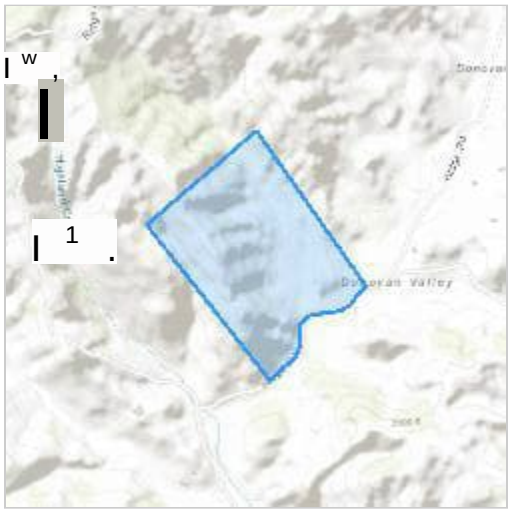
This species list is provided by:

Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600

PROJECT SUMMARY

Project Code: 2024-0004186
Project Name: Wellness Ranch cultivation project
Project Type: Commercial Development
Project Description: cannabis cultivation
Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@38.959400450000004,-122.9536864764527,14z



Counties: Lake County, California

ENDANGERED SPECIES ACT SPECIES

There is a total of 4 threatened, endangered, or candidate species on this species list.

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

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

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

---

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

BIRDS

NAME	STATUS
Northern Spotted Owl *Strix occidentalis caurina*	Threatened

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
Species profile: https://ecos.fws.gov/ecp/species/1123

REPTILES

NAME	STATUS
Green Sea Turtle *Chelonia mydas*	Threatened

Population: East Pacific DPS
No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/6199

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus*	Candidate

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/9743

FLOWERING PLANTS

NAME	STATUS
Burke's Goldfields *Lasthenia burkei*	Endangered

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/4338

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Graening and Associates LLC
Name: G.O. Graening
Address: 343 Carpenter Hill Road
City: Folsom
State: CA
Zip: 95630
Email ggraening@gmail.com
Phone: 9164525442

APPENDIX 2: CHECKLIST OF PLANTS DETECTED IN THE PROJECT AREAS AND THE PROPERTY

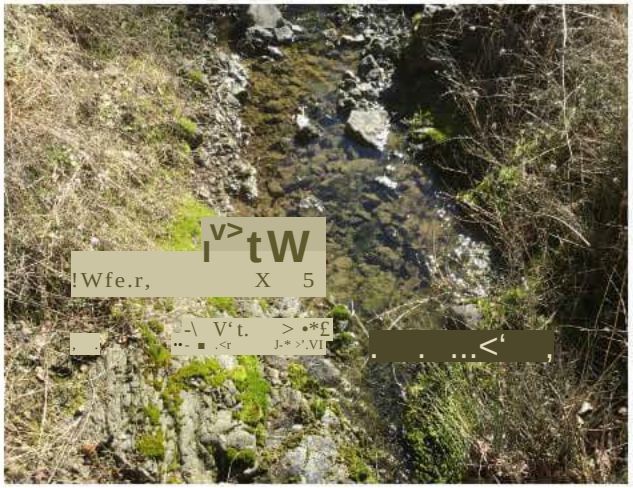
Appendix 2:

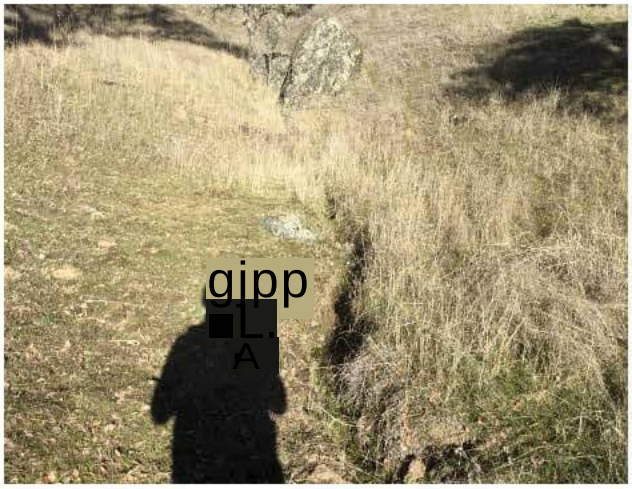
Plants Observed at 6751 Ridge Road, Lakeport on February 11, 2020

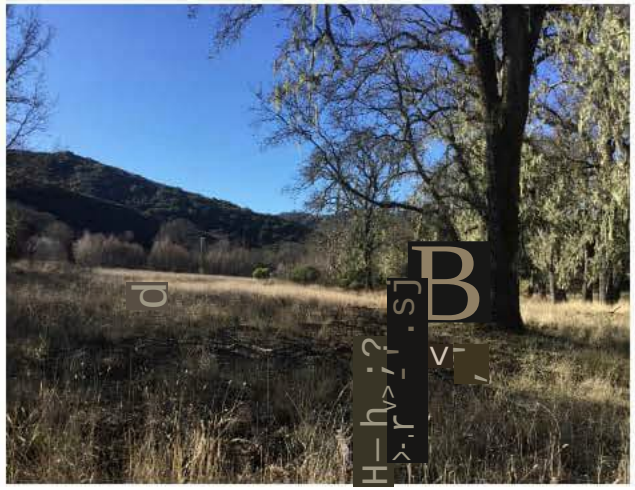
Common Name	Scientific Name
Yarrow	*Achillea millefolium*
Chamise	*Adenostoma fasciculatum*
Mountain dandelion	*Agoseris retrorsa*
Madrone	*Arbutus menziesii*
Common manzanita	*Arctostaphylos manzanita ssp. manzanita*
Lady fern	*Athyrium filix-femina*
Slender wild oat	*Avena barbata*
Rattlesnake grass	*Briza maxima*
Ripgut brome	*Bromus diandrus*
Sedge	*Carex sp.*
Wedgeleaf ceanothus	*Ceanothus cuneatus*
Maltese star thistle	*Centaurea melitensis*
Yellow star thistle	*Centaurea solstitialis*
Birch leaf mountain mahogany	*Cercocarpus betuloides*
Bull thistle	*Cirsium vulgare*
Clarkia	*Clarkia spp.*
Narrow leaved miner's lettuce	*Claytonia parviflora*
Red osier dogwood	*Cornus sericea*
Hedgehog dogtail grass	*Cynosurus echinoides*
Fuller's teasel	*Dipsacus fullonum*
Medusahead grass	*Elymus caput-medusae*
Squirreltail grass	*Elymus elymoides*
Blue wildrye	*Elymus glaucus*
Wildrye	*Elymus sp.*
Dense flower willowherb	*Epilobium densiflorum*
Buckwheat	*Eriogonum sp.*
California fescue	*Festuca californica*
Bedstraw	*Galium sp.*
Dove's foot geranium	*Geranium molle*
Toyon	*Heteromeles arbutifolia*
Iris	*Iris sp.*
Northern California black walnut	*Juglans hindsii*
Rush	*Juncus sp.*
Woodland star	*Lithophragma affine*
Pink honeysuckle	*Lonicera hispidula*
Common madia	*Madia elegans*
Pennyroyal	*Mentha pulegium*
Coyote mint	*Monardella villosa*
Goldback fern	*Pentagramma triangularis*
Yampah	*Perideridia sp.*
Harding grass	*Phalaris aquatica*
Popcorn flower	*Plagiobothrys sp.*
Bluegrass	*Poa sp.*
Mosquito bill	*Primula hendersonii*
California scrub oak	*Quercus berberidifolia*
Blue oak	*Quercus douglasii*
Valley oak	*Quercus lobata*
Interior live oak	*Quercus wislizeni*
Western buttercup	*Ranunculus occidentalis*

Lemonade berry	*Rhus trilobata*
Himalayan blackberry	*Rubus armeniacus*
California blackberry	*Rubus ursinus*
Sandbar willow	*Salix exigua*
Red willow	*Salix laevigata*
Arroyo willow	*Salix lasiolepis*
Blue elderberry	*Sambucus nigra ssp. caerulea*
Pacific sanicle	*Sanicula crassicaulis*
Needlegrass	*Stipa sp.*
Tall sock destroyer	*Torilis arvensis*
Poison-oak	*Toxicodendron diversilobum*
Clover	*Trifolium sp.*
Broad leaf cattail	*Typha latifolia*
California bay	*Umbellularia californica*
Common mullein	*Verbascum thapsus*

APPENDIX 3: SITE PHOTOS



















h7
OB




Huffman-Broadway Group, Inc.
ENVIRONMENTAL REGULATORY CONSULTANTS
828 MISSION AVENUE, SAN RAFAEL, CA 94901 • 415.925.2000 • WWW.H-BGROUP.COM

Sent via Email

June 4, 2019

Mr. Richard Knoll
Richard Knoll Consulting
1265 South Main Street
Lakeport, CA 95453

Subject: Biological Resources Report 6751 Ridge Road, Lakeport, Lake County, California

Dear Mr. Knoll:

Huffman-Broadway Group, Inc. (HBG) has completed a Biological Resources Report related to licensing of a proposed cannabis cultivation operation under the CalCannabis Cultivation Program within an approximately 106-acre site at 6751 Ridge Road near Lakeport in Lake County, California.

The objective of this study was to provide a determination of the potential for the Study Area and, in particular, the proposed cultivation sites and operations areas to support sensitive habitats as defined by state or federal regulation and/or pursuant to the California Environmental Quality Act (CEQA) including habitat suitable to support special status species of flora and fauna, and to evaluate whether the cultivation of cannabis as proposed would result in significant impacts to these resources. Our analysis included: (1) a review of the habitat characteristics of the site and species of plants and animals expected to utilize the site; (2) review of the *California Natural Diversity Data Base* (CNDDB) to determine if any populations of endangered, threatened, or rare species have occurred historically or are currently known to exist in the project vicinity; (3) a field survey of the site by an HBG biologist, and (4) an evaluation of whether the proposed project has the potential to result in impacts to sensitive habitats or special status species. The study included a general reconnaissance of the site by HBG wildlife biologist Gary Deghi on April 17, 2019. Reference citations are provided as Attachment 1.

PROPOSED PROJECT

The subject property is an approximately 106-acre site located at 6751 Ridge Road near Lakeport in Lake County, California. The subject property is assessor parcel No. is 007-045-16 and is owned by Wellness Ranch, LLC. The Project Area is accessed from Ridge Road. Existing land uses on the property include a primary residence and a barn. The remainder of the site is forested oak woodland, open grassland and chaparral at higher elevations.

A tentative plan for development of the cannabis cultivation project is shown in Attachment 3. The applicant plans to develop a cannabis cultivation operation at the project site. The applicant has selected an approximately 20,000 square foot area consisting of upland grassland for cultivation of cannabis in smart pots or tubs. The final designated location of cannabis cultivation areas will be determined based in part on the need to provide setbacks from biologically important features as described in this biological evaluation. The cultivation area will be surrounded by a 6-foot fence with gates on two sides. Plans have been prepared by the applicant that have been submitted to Lake County under separate cover. Plans include a 10,000 square foot cultivation area in addition to areas for material storage, waste storage processing and parking. An existing barn near the residence will be used for drying operations. The cultivation will draw water from the existing residential water supply, which uses an existing, permitted groundwater well and electric pump.

EXISTING BIOLOGICAL SETTING

The description of the biological setting for the property is based on a field visit to the site by HBG Senior Environmental Scientist Gary Deghi on April 17, 2019. The survey on this date included observations of the composition and distribution of plant species, wildlife observations, identification of sensitive habitats and a comparison of site characteristics for similarity to sites known to support special status species within the area.

The project site is in a rural location of Lake County southwest of the unincorporated City of Lakeport in Lake County, California. The property is located along Ridge Road, which is accessed from Highland Springs Road off of Highway 29. The property emcompasses an upper elevation area of chaparral and slopes down to areas of forested woodland, grasslands and wetlands. Elevations on the property range from about 2,160 feet in the chaparral at the north end of the property to about 1,750 feet msl where wetlands are found in the southeast corner of the property. Structures on the site include an existing residence and barn. A review of the Natural Resource Conservation Service (NRCS) Soil Survey map for Lake County (NRCS 1985) indicates that there are five soil types found on the property. The soils throughout the majority of the upper elevation chaparral portion of the site (an area totaling 59.7 acres) consists of Maymen-Etsel-Snook complex, 30 to 75 percent slopes, with a very small 0.3 acre area along the northern property line consisting of Maymen-Hopland-Etsel association, 15 to 50 percent slopes. The soils throughout much of the area of the oak woodland (an area of 30.9 acres) is Xerofluvents-Riverwash complex, and the soils in the southeastern portion of the site on either side of the creek (an area of 15.7 acres) is Wolfcreek loam. A creek, noted as a blue line stream on the Highland Springs USGS quadrangle map, traverses the southeastern end of the property not far from Ridge Road.

Like other portions of northern California, the Lakeport area experiences a Mediterranean climate characterized by warm, dry summers and cool, wet winters. Average annual precipitation in the Lower Lake area is slightly less than 40 inches, with most rain occurring in the winter “rainy season” (November through March).

Plant Communities

Vegetation communities are assemblages of plant species growing in an area of similar biological and environmental factors. Vegetation communities and habitats at the project site were identified based on the currently accepted List of Vegetation Alliances and Associations (or Natural Communities List) (CDFW 2010). The list is based on A Manual of California Vegetation, Second Edition (Sawyer and Keeler-Wolf 2009), which is the National Vegetation Classification applied to California. The project area contains four habitat types according to the Natural Communities List: Chamise Chaparral, Blue Oak Woodland, Non-native Annual Grassland and Coastal and Valley Freshwater Marsh. The site of the existing house and associated built facilities would be considered an urban habitat.

The area proposed for cannabis cultivation is an area of primarily Non-native Grassland vegetated with primarily weedy ruderal grasses and herbaceous species. Species noted in this area included widespread non-native grasses species such as wild oats (*Avena fatua*), Italian ryegrass (*Festuca perennis*), rip-gut brome *(Bromus diandrus*), redstem filaree (*Erodium cicutarium*), broadleaf filaree (*Erodium botrys*), bull thistle (*Cirsium vulgare*), spring vetch (*Vicia sativa*), and bur clover (*Medicago polymorpha*), among others.

A small creek passes through the northern portion of the site and passes behind the barn before exiting the site. The stream had running water during the April 17 site visit, but displayed little in the way of riparian canopy. Most vegetation consisted of grasses within the creek itself (including rushes such as *Juncus* sp.), and the stream was lined with an occasional common manzanita *(Arctostaphylos manzanita*). Several ephemeral drainages extend from the hills through the grasslands and oaks toward the creek. Portions of these ephemeral drainages contained rushes and other wetland species.

Areas surrounding the non-native grassland are Blue Oak Woodland with canopy vegetation consisting nearly exclusively of blue oak (*Quercus douglasiii*). Forest understory included a variety of shrubs including common manzanita. Some early spring native wildflowers were noticed on the forest floor including California buttercup (*Ranunculus californicus*), blue dicks (*Dichelostemma capitatum*), baby blue eyes (*Nemophila menziesii*), and Henderson's shooting star (*Dodecatheon hendersonii*).

Further uphill to the upper elevations of the property the habitat type is chaparral with vegetation consisting of chamise (*Adenostoma fasciculatum*), common manzanita, and other shrubs such as buck brush (*Ceonothus* sp.), sticky monkeyflower (*Diplacus aurantiacus*), leather oak (*Quercus durata*), toyon (*Heteromoles arbutifolia*), ocean spray (*Holodiscus discolor*), poison oak (*Toxicodendron diversoloba*), and others.

Animal Populations

The habitats on site and in the immediately surrounding area support a number of wildlife species, mostly those typically found in forested habitats this part of Lake County. Trees and other vegetation on the property provide nesting and roosting sites for birds, and cover and

foraging habitat for species of birds, mammals, reptiles and amphibians. The creek and ephemeral drainages and wetlands provide habitat for aquatic species. A number of wildlife species were documented at the site during a biological reconnaissance conducted on April 17, 2019.

Birds documented at the site during the April 17, 2019 field review included California quail (*Callipepla californica*), wild turkey (*Meleagris gallopavo*), red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura),* acorn woodpecker (*Melanerpes formicivorus*), Nuttall's woodpecker (*Picoides nuttallii*), northern flicker (*Colaptes auratus*), black phoebe (*Sayornis nigricans*), California scrub-jay (*Aphelocoma californica*), common raven (*Corvus corax*), tree swallow (*Tachycineta bicolor*), violet-green swallow (*Tachycineta thalassina*), American robin (*Turdus migratorius),* western bluebird (*Sialia mexicana*), oak titmouse (*Baeolophus inornatus*), white-breasted nuthatch (*Sitta carolinensis*), wrentit (*Chamaea fasciata),* orange-crowned warbler (*Oreothlypis celata*), yellow-rumped warbler (*Setophaga coronata*), black-headed grosbeak (*Pheucticus melanocephalus*), California towhee (*Pipilo crissalis*), golden-crowned sparrow (*Zonotrichia atricapilla*), dark-eyed junco (*Junco hyemalis),* and purple finch (*Haemorhous purpureus*). An additional visit to the project area along Ridge Road was conducted during the evening of April 24, 2019, and additional wildlife species were noted including mountain quail (*Oreortyx pictus*), great horned owl (*Bubo virginianus*), western screech-owl (*Megascops trichopsis*), black-throated gray warbler (*Setophaga nigrescens),* and MacGillivray's warbler (*Geothlypis tolmiei).* These species are all common to abundant species that are expected in the forested habitats and open areas found at the site.

Western toads (*Bufo boreas*) were observed along Ridge Road on April 24, 2019. Additional amphibians would be expected to include Pacific tree frog (*Pseudacris regilla*), California slender salamander (*Batrachoseps attenuatus*), arboreal salamander (*Aneides lugubris*) and ensatina salamander (*Ensatina eschscholtzii*), among others. Reptiles were not observed but likely include western fence lizard (*Sceloperus occidentalis),* southern alligator lizard (*Elgaria multicarinatus*), ringneck snake (*Diadophus punctatus*), gopher snake (*Pituophis melanoleucus)* and common garter snake (*Thamnophis sirtalis).* Mammals documented at or near the site included mule deer (*Odocoileus hemionus*), black-tailed jackrabbit (*Lepus californicus*), dens of Botta's pocket gopher (*Thomomys bottae*), and burrows of California vole (*Microtus californicus*). Other mammals would include Virginia opossum (*Didelphis virginiana*), western gray squirrel (*Sciurus griseus),* deer mouse (*Peromyscus crinitus*), striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), and probably bobcat (*Felis rufus*), among others.

Sensitive Habitats

Regulatory Requirements

Sensitive habitats are those habitats which have been identified by local, state, or federal agencies as areas which provided special functions or values. These habitats are subject to regulation under various local, state, and federal regulations such as the following:

Waters of the United States. The Department of the Army, acting through the U.S. Army Corps of Engineers (Corps), has the authority to permit the discharge of dredge or fill material in waters of the U.S. under Section 404 of the Clean Water Act (CWA). Waters of the U.S. include both wetlands and "other waters of the U.S." Wetlands and other waters of the U.S. are described by U.S. Environmental Protection Agency (US EPA) and Corps regulations (40 CFR § 230.3(s) and 33 CFR § 328.3(a), respectively). US EPA and the Corps define wetlands as "…those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (US EPA regulations at 40 CFR § 230.3(t); Corps' regulations at 33 CFR § 328.3(b)). Both natural and manmade wetlands and other waters (not vegetated by a dominance of rooted emergent vegetation) are subject to regulation. The geographic extent of wetlands is defined by the collective presence of a dominance of wetland vegetation, wetland hydrology conditions, and wetland soil conditions as determined following the Corps' 1987 Wetlands Delineation Manual (1987 Manual); the Corps' 2008 Regional Supplement to Corps of Engineers Wetland Delineation Manual: Arid West, Version 2.0 (Arid West Regional Supplement); and supporting guidance documents. The geographic extent of other waters of the U.S. is defined by an ordinary high water mark (OHWM) in non-tidal waters (33 CFR. §328.3(e)) and by the High Tide Line within tidal waters (33 CFR. §328.3(d)).

Waters of the State. Waters of the State are defined more broadly than "waters of the US" to mean "any surface water or groundwater, including saline waters, within the boundaries of the state" (Water Code section 13050(e)). Examples include, but are not limited to, rivers, streams, lakes, bays, marshes, mudflats, unvegetated seasonally ponded areas, drainage swales, sloughs, wet meadows, natural ponds, vernal pools, diked baylands, seasonal wetlands, and riparian woodlands. Waters of the State include all waters within the state's boundaries, whether private or public, including waters in both natural and artificial channels. They include all "waters of the United States"; all surface waters that are not "waters of the United States, e.g. non-jurisdictional wetlands; groundwater; and the territorial seas. The State Water Quality Control Board (SWQCB) and its Regional Boards, including the Central Valley Regional Water Quality Control Board (CVRWQCB), routinely rely on the Corps/US EPA jurisdictional determinations as they have no adopted methodology for the identification and delineation of wetlands or other waters of the State. However, as a matter of policy the SWQCB/CVRWQCB consider wetlands and waters determined non-jurisdictional by the Corps/USEPA under SWANCC or Rapanos guidance to remain jurisdictional as waters of the State subject to SWQCB/CVRWQCB jurisdiction.

California Department of Fish and Wildlife Regulations. The California Department of Fish and Wildlife (CDFW) regulates lakes and streams under Section of 1602 of the California Fish and Game Code (FGC). CDFW's regulations implementing the FGC define the relevant rivers, streams and lakes over which the agency has jurisdiction to constitute "all rivers, streams, lakes, and streambeds in the State of California, including all rivers, streams and streambeds which have intermittent flows of water." (Title 14 *California Code of Regulations* [CCR] § 720).

The CDFW takes jurisdiction under its Lake and Streambed Alteration Agreement Program for any work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel. The CDFW does not have a methodology for the identification and delineation of the jurisdictional limits of streams except for the general guidance provided in *A Field Guide to Lake and Streambed Alteration Agreements, Section 1600-1607 California Fish and Game Code* (CDFG 1994). In making jurisdictional determinations, CDFW staff typically rely on field observation of physical features that provide evidence of water flow through a bed and channel such as observed flowing water, sediment deposits and drift deposits and that the stream supports fish or other aquatic life. Riparian habitat is not specifically defined by the FGC but CDFW takes jurisdiction over areas within the flood plain of a body of water where the vegetation (grass, sedges, rushes, forbs, shrubs, and trees) is supported by the surface or subsurface flow.

Sensitive plant communities are those natural plant communities identified in local or regional plans, policies, ordinances, regulations, or by the CDFW which provide special functions or values. The CDFW natural plant communities considered sensitive are those CDFW ranks as 'threatened' or 'very threatened' and keeps records of occurrences of these sensitive communities in the CNDDB. All known occurrences of sensitive habitats are mapped onto 7.5 minute USGS topographic quadrangle maps maintained by the CNDDB. Sensitive plant communities are also identified by CDFW on their List of California Natural Communities Recognized by the CNDDB. Impacts to sensitive natural communities must be considered and evaluated under CEQA.

California Department of Food and Agriculture. The California Department of Food and Agriculture (CDFA), through its CalCannabis Cultivation Licensing Program, ensures public safety and environmental protection by licensing and regulating commercial cannabis cultivators in California. CalCannabis also manages the state's track-and-trace system, which tracks all commercial cannabis and cannabis products from cultivation to sale. CDFA adopted final regulations for state cannabis cultivation licensing on January 16, 2019. With relevance to biological concerns, the regulations currently limit outdoor cannabis cultivation to a maximum of 1.0 acre. Regulations also address sensitive habitats, special status species, water sources, outdoor lighting, noise and human presence, and other items.

Lake County Requirements. The Open Space, Conservation and Recreation Chapter (Chapter 9) of the Lake County General Plan contains goals, policies, and programs designed to address biological resources, along with other resources in the County. The purpose of the Biological Resources section (Section 9.1) is to preserve and protect environmentally sensitive significant habitats, enhance biodiversity, and promote healthy ecosystems throughout the County. Policies commit the County to protect resources such as rare and endangered species, environmentally sensitive habitats, riparian corridors and wetlands.

Lake County's regulations regarding the commercial cultivation of cannabis are found in Chapter 21, Article 27 of the Lake County Code (the Zoning Ordinance) provides guidance

related to cultivation in the vicinity of environmentally sensitive habitats: "Outdoor cultivation, including any topsoil, Pesticide Managements, or fertilizers use for the cultivation of medical marijuana shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge."

Sensitive Habitat Findings

On April 17, 2019, Gary Deghi of HBG conducted an initial reconnaissance investigation of the study area for the presence of wetlands and other "waters of the U.S." that could be potentially subject to federal jurisdiction under the Clean Water Act or state jurisdiction under the Porter-Cologne Act. The review was guided by the Code of Federal Regulations (CFR) definitions of jurisdictional waters; the Corps' 1987 *Wetlands Delineation Manual* (1987 Manual); the Corps' 2008 *Regional Supplement to Corps of Engineers Wetland Delineation Manual: Arid West, Version 2.0* (Arid West Regional Supplement); and supporting guidance documents. The review consisted of a preliminary review of the area proposed for cultivation for wetlands/waters considering existing land forms, vegetation and evidence of wetland hydrology. A detailed delineation of wetlands/waters preformed pursuant Section 404 of the federal Clean Water Act or state of California Porter-Cologne Act criteria was not conducted.

Areas were found that would potentially be subject to wetland/waters jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act and that would potentially be subject to the Porter-Cologne Act jurisdiction of the Central Valley Regional Water Quality Control Board (CVRWQCB). The features include a creek (noted on the Highland Springs USGS quadrangle map as a blue line stream), several ephemeral drainages originating in the hills and draining toward the creek, and areas of wetland. The creek and the ephemeral drainages could also potentially be subject to CDFW jurisdiction under Section 1602 of the Fish and Game Code.

Gary Deghi of HBG discussed the nature of some of the above-mentioned aquatic features in a meeting with Principal Planner Byron Turner of Lake County Community Development Department on April 17, 2019. The discussion centered around whether minor ephemeral drainages are features that would be covered under the requirements of the Lake County Code section stating "Outdoor cultivation, including any topsoil, Pesticide Managements, or fertilizers use for the cultivation of medical marijuana shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool." It was clarified that the 100-foot setback is clearly required to protect aquatic features with significant habitat value, which would include riparian systems with significant canopy vegetation, major drainage systems, natural wetlands and vernal pools, and even stock ponds or irrigation ponds potentially supporting federally-listed threatened species such as California red-legged frog (*Rana draytonii*) or California tiger salamander (*Ambystoma californiense*). Many Lake County sites are riddled with ephemeral drainages of minor habitat value that originate in the hills and pass through lower elevation areas to feed larger drainage systems. Requiring a 100-foot setback from each of these ephemeral drainages would render many sites

infeasible for purposes of cannabis cultivation. County staff clarified that these smaller ephemeral drainages should be preserved, but could be protected with a lesser setback (e.g., 20 feet) if Best Management Practices (BMPs) including water quality and erosion control measures were also put into place to ensure that water quality impacts to these ephemeral streams do not occur.

Special Status Species

Sensitive species include those species listed by the federal and state governments as endangered, threatened, or rare or candidate species for these lists. Endangered or threatened species are protected by the federal Endangered Species Act of 1973 as amended, the California Native Plant Protection Act of 1977, and the California Endangered Species Act of 1970. The California Environmental Quality Act (CEQA) provides additional protection for unlisted species that meet the "rare" or "endangered" criteria defined in Title 14, California Code of Regulations Section 15380.

CDFW maintains records for the distribution and known occurrences of sensitive species and habitats in the California Natural Diversity Database (CNDDB). The CNDDB is organized into map areas based on 7.5-minute topographic maps produced by the US Geological Survey. All known occurrences of sensitive species and important natural communities are mapped on the quadrangle maps. The database gives further detailed information on each occurrence, including specific location of the individual, population, or habitat (if possible) and the presumed current state of the population or habitat. The project site is located in the Highland Springs 7.5-minute quadrangle. A search of the CNDDB for records of occurrence of special status animals and plants and natural communities within a 10 miles radius indicated that a number of special status species have been known known to occur in the general area of the project site, but none have been documented on the site itself.

Attachment 2 Tables 1 and 2, respectively, present a lists of special status plants and animals that have been reported within 10 miles of the project site. The tables include an evaluation of the potential for sensitive species to occur at the site.

Special Status Plant Species

A list of special status plants with potential to occur on the property was developed from the CDFW's California Natural Diversity Data Base. A complete list of special status plant species occurring in the vicinity of the property is included in Attachment 2 Table 1. The table includes all plant species mentioned in the CNDDB within approximately 10 miles of the site. Special status plant species include: (i) species that are listed or proposed for listing as threatened or endangered under the federal Endangered Species Act; (ii) species that are listed, or proposed for listing by the state of California as threatened or endangered under the California Endangered Species Act; (iii) plants considered by the California Native Plant Society (CNPS) to be rare, threatened, or endangered in California and elsewhere; and (iv) plant species that meet the definition of rare or endangered under CEQA.

Although some of the rare plants noted in Attachment 2 Table 1 are possible in the surrounding oak woodland, most of the plant species included in Table 1 require habitat conditions that are not found on the portion of the property where cannabis operations are proposed (e.g., serpentine soils and rock outcrops, wet meadows and seeps, vernal pools, riparian forest, chaparral etc.).

Special Status Animal Species

Animal species noted in the CNDDB as occurring within a 10 mile radius of the site, or that are known to occur in the general vicinity based on the knowledge of HBG biologists, are discussed in Attachment 2 Table 2. None of the animal species discussed in the table have the potential to occur on the site. This finding is made based on the habitat requirements of species listed in the table and is based on field review of habitats present at the site and the immediate vicinity and an evaluation of the suitability of on-site habitats to support these species.

BIOLOGICAL IMPACTS

Standards of Significance

According to CEQA Guidelines (Appendix G), the project would be considered to have a significant impact on biological resources if it would:

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 the California Department of Wildlife and Game or U.S. Fish and Wildlife Service.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

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.

Impacts

1) Would the project 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 the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The proposed project would not result in any significant adverse impacts on special status plant or animal species. None of the plant species discussed in Attachment 2 Table 1 have the potential to occur within the cultivation site that is a grassland area vegetated primarily with non-native grasses and herbaceous plants, so the project would not impact special status plant species. None of the animal species discussed in Attachment 2 Table 2 have the potential to inhabit the cultivation site or the immediate vicinity, so the project would not substantially reduce the number or restrict the range of a rare, endangered or threatened species of fauna. Therefore, no impacts to special status species of plant or animal would occur due to implementation of the project.

2) Would the project 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 the California Department of Fish and Game or US Fish and Wildlife Service?

Areas were found in the vicinity of cultivation sites that would potentially be subject to wetland/waters jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act and/or would potentially be subject to the Porter-Cologne Act jurisdiction of the CVRWQCB. The features include a blue line stream, several ephemeral drainages originating in the hills and draining toward the stream, and areas of wetland.

In discussions with County staff, HBG determined that County Code requirements for 100-foot setbacks from cannabis cultivation facilities and “any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool” primarily refers to aquatic features with significant habitat value such as riparian systems with significant canopy vegetation, major drainage systems, natural wetlands and vernal pools, and even stock ponds or irrigation ponds potentially supporting special status species. Many Lake County sites (including the project site) contain numerous ephemeral drainages of minor habitat value that originate in the hills and pass through lower elevation areas to feed larger drainage systems. County code would require preservation of these ephemeral drainages, but County staff clarified that they could be protected with a lesser setback (e.g., 20 feet) if Best Management Practices including water quality and erosion control measures were also put into place to ensure that water quality impacts to these ephemeral streams do not occur.

HBG finds that the onsite ephemeral drainages do not support habitat features that necessarily warrant a 100-foot setback. Instead, HBG recommends that a 100-foot setback apply to the creek that traverses the property. In addition, HBG recommends that all ephemeral drainages found in the vicinity of the cultivation area be protected with a 20-foot setback and installation of erosion control devices placed along the edge of the fence surrounding the cultivation area. Specifically, the applicant agrees to place straw wattles along the fence line along all borders of the cultivation site that are as close as 20 feet from any ephemeral drainage. The creek can be seen in the aerial photograph and plans provided as part of Attachment 3; detailed mapping of ephemeral drainages or wetlands as not been conducted. However, the applicant is committed to establishing and maintaining setbacks from cultivation operations of 100 feet from the blue line stream and 20 feet from all ephemeral drainages with accompanying Best Management Practices. It may require more than one fenced-in cultivation site to ensure these setbacks are maintainted, but as long as these conditions are satisfied, there would be no significant impact of the cannabis cultivation project on any biologically important aquatic features.

In addition, irrigation water for the cultivation is from the existing residential water supply, which uses an existing, permitted groundwater well, so no water will be extracted from surface streams.

3) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
Areas were found that would potentially be subject to wetland/waters jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act and/or that would potentially be subject to the Porter-Cologne Act jurisdiction of the CVRWQCB. The features include a creek, several ephemeral drainages originating in the hills and draining toward the creek, and areas of wetland. Cannabis cultivation within the approximately 1/2 -acre cultivation area would not result in filling or direct impacts to any area that would be subject to federal jurisdiction of the Corps or the state regulatory jurisdiction of the CVRWQCB or CDFW. No permits would be required from the Corps under the Clean Water Act, the CVRWQCB under the Porter-Cologne Act, or CDFW under Fish and Game Code Section 1602.

4) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
The approximately 1/2-acre area proposed for cannabis cultivation is an area of non-native grassland vegetated primarily with non-native grasses and herbaceous plants. No trees would need to be removed to accommodate the proposed cultivation areas. As the proposed cultivation would occur within grassland areas vegetated primarily with non-native plant species of limited habitat value for wildlife, impacts to wildlife species would not be considered significant.

Although a number of wildlife species, including a variety of bird species, were observed on or near the property during the field survey, the establishment of the proposed cultivation within a previously-disturbed portion of the site would not significantly impact wildlife habitats. Extensive areas of onsite habitat will be available for use by wildlife species that may currently occupy the approximately 1/2-acre cultivation area. The project would not result in substantial change in animal populations at the site. The creek running through the site would be protected by a 100-foot setback as required by County code. All ephemeral drainages (limited habitat value) would be protected with setbacks of at least 20 feet and would be further protected through the use of Best Management Practices to control erosion and water quality issues. It should also be noted that all cannabis cultivation will be done in smart pots or tubs and that, therefore, no disruption of the topsoil will be necessary. The project will not cause a fish or wildlife population to drop below self-sustaining levels.

Additionally, the project applicant is enrolling in the State Water Board's Waste Discharge Requirements for Cannabis Cultivation Order WQ 2017-0023-DWQ. Compliance with this Order will ensure that cultivation operations will not significantly impact water resources by using a combination of Best Management Practices (BMPs), buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight. Small quantities of organic pesticides are the only chemicals utilized by this cultivation operation.

The project will not create new light sources, (except for County required security lighting) so no night lighting impacts on nocturnal wildlife will occur, and the project will be in compliance with all lighting requirements of the CalCannabis Licensing Program. Primary use of gas or diesel-powered generators, which are not allowed under the CalCannabis Licensing Program, are not proposed for use. Noise levels would be consistent with the rural environment of the project area and the cultivation will not result in adverse impacts for wildlife populations. Rodenticides, which can have secondary effects with respect to non-target species that prey on rodents, will not be used in the cultivation, in compliance with Cal Cannabis licensing requirements.

5) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
Wetlands, ephemeral drainages or other sensitive habitats protected by County Zoning Ordinance would not be affected by the proposed project. No tree removal is necessary to establish the cultivation areas so tree preservation policies or ordinances would not apply to the project.

6) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan applicable to the project site.

Summary. As a result of this Biological Resources Report, we find that the proposed cannabis cultivation project will not result in any potentially significant adverse biological impacts to the environment.

If you have any questions regarding this Biological Resources Report for 6751 Ridge Road near Lakeport in Lake County, California, please call or email either me at 415.385.1045 / thuffman@h-bgroup.com or Gary Deghi at 415.925.2000 / gdeghi@h-bgroup.com.

Sincerely,

Attachments:

Attachment 1. References
Attachment 2. Tables
Attachment 3. Project Plans

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ATTACHMENT 1.

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ATTACHMENT 2.

TABLES

Tables

Table 1. Special Status Plants Known to Occur in the Vicinity of the Project Area, Lake County, California

SCIENTIFIC NAME	STATUS[2] FED/STATE/CNPS	HABITAT/RANGE	OCCURRENCE
Franciscan onion (*Allium peninsulare franciscanum*)	-/-/1B.2	Found in cismontane woodland and valley and foothill grassland in clay soils and serpentine on dry hillsides. 100-300m.	Not present. Suitable habitat is not present at the site.
Bent-flowered fiddleneck (*Amsinckia lunaris*)	--/--/1B.2	Cismontane woodland and valley and foothill grassland. 50-500m.	Not present. Suitable habitat is not present at the site.
Dimorphic snapdragon (*Antirrhimun subcordatum*)	--/--/4.3	Found in chaparral, lower montane coniferous forest, generally on serpentine or shale in foothill woodland or chaparral on south and west -facing slopes. 185-800 m.	Not present. Suitable habitat is not present at the site.
Konocti manzanita *(Arctostaphylos manzanita ssp. elegans*	--/--/1B.3	Found on volcanic soils in chaparral, cismontane woodland, and lower montane coniferous forest. 225-1830 m.	Not present. Suitable habitat is not present at the site.
Raiche's manzanita *(Arctostaphylos stanfordiana ssp. raichei)*	--/--/1B.2	Found on serpentine sites on slope and ridges in chaparral and lower montane coniferous foest. 485-1070 m.	Not present. Suitable habitat is not present at the site.
Watershield (*Brasenia schreberi*)	--/--/2B.3	Freshwater marshes and swamps. Aquatic, known from both natural and artificial water bodies in California. 1--2180 m.	Not present. Suitable habitat not present at the site.
Small-flowered calycadenia (*Calycadenia micrantha*)	--/--/1B.2	Chaparral, valley foothill grassland, meadows and seeps. Found on rocky talus or scree and sparsely vegetated areas, occasionally on roadsides and sometimes on serpentine. 435-1405 m.	Not present. Suitable habitat not present at the site.

SCIENTIFIC NAME	STATUS[2] FED/STATE/CNPS	HABITAT/RANGE	OCCURRENCE
Bristly sedge (*Carex comosa*)	--/--/2B.1	Found in marshes and swamps, coastal prairie, and valley and foothill grassland. Lake margins and wet places. -5-1620 m	Not present. Suitable habitat not present at the site.
Rincon Ridge ceanothus (*Ceanothus confuses)*	--/--/1B.1	Known from volcanic or serpentine soils on dry shrubby slopes in closed-cone coniferous forest, chaparral, and cismontane woodland. 75-1065m.	Not present. Suitable habitat is not present at the site.
Serpentine cryptantha (*Cryptantha dissita*)	--/--/1B.2	Serpentine outcrops in chaparral. 135-175m.	Not present. Suitable habitat is not present at the site.
Koch's cord moss (*Entosthodon kochii*)	--/--/1B.3	Grows on river banks in cismontane woodland. 185-365 M.	Not present. Suitable habitat not present at the site.
Brandegee's eriastrum *(Eriastrum brandegeeae)*	--/--/1B.1	Found on barren volcanic soils in chaparral and cismontane woodland. Often in open areas. 410-845 m.	Not present. Suitable habitat is not present at the site.
Bogg's Lake hedge hyssop (*Gratiola heterosepala*)	--/CE/1B.2	Inhabits vernal pools and margins of vernal lakes. 10-2375m.	Not present. Suitable habitat is not present at the site.
Grandular western flax *(Hesperolinon adenophyllum)*	--/--/1B.2	Occurs in chaparral, cismontane woodland and valley and foothill grassland on serpentine soils. Most often in serpentine chaparral. 150-1315 m.	Not present. Suitable habitat is not present at the site.
Bolander's horkelia (*Horkelia bolanderi)*	--/--/1B.2	Found in the grassy margins of vernal pools and meadows in lower montane coniferous forest, chaparral, meadows and seeps and valley and foothill grassland. 455-855 m.	Not present. Suitable habitat is not present at the site.
Small groundcone (*Kopsiopsis hookeri*)	--/--/2B.3	North Coast coniferous forest. Found in open woods and shrubby places, generally on Gaultheria shallon. 120-1435 m.	Not present. Suitable habitat is not present at the site.

SCIENTIFIC NAME	STATUS[2] FED/STATE/CNPS	HABITAT/RANGE	OCCURRENCE
Burke's goldfields (*Lasthenia burkei*)	FE/CE/1B.1	Found in vernal pools, meadows and seeps, most often in vernal pools and swales. 15-600m.	Not present. Suitable habitat is not present at the site.
Colusa layia *(Layia septentrionalis)*	--/--/1B.2	Found in scattered colonies in fields and grassy slopes in sandy or serpentine soils in chaparral, cismontane woodland and valley and foothill grassland. 15-1100 m.	Not present. Suitable habitat is not present at the site.
Woolly meadowfoam *(Limnanthes floccosa ssp. floccose)*	--/--/4.2	Found in vernally wet areas, ditches and ponds in chaparral, cismontane woodland, valley and foothill grassland, and vernal pools. 60-1335 m.	Not present. Suitable habitat is not present at the site.
Few-flowered navarretia (*Navarretia leucocephala ssp. pauciflora*)	FE/CT/1B.1	Inhabits volcanic ash flows and volcanic substrates in vernal pools. 400-855m.	Not present. Suitable habitat is not present at the site.
Mayacamas popcornflower (*Plagiobothrys lithocaryus*)	--/--/1A	Chaparral, cismontane woodland, valley and foothill grassland. Found in moist sites. 300-450 M.	Not present. Suitable habitat is not present at the site.
Eel-grass pondweed (*Potamogeton zosteriformis)*	--/--/2B.2	Marshes and swamps, ponds, lakes, streams. 90-2135 m.	Not present. Suitable habitat is not present at the site.
Marsh checkerbloom (*Sidalcea oregana ssp. hydrophila)*	--/--/1B.2	Meadows and seeps and riparian forest. Found in wet soil of streambanks and meadows. 455-2030 M.	Not present. Suitable habitat is not present at the site.
Hoffman's bristly jewelflower (*Streptanthus glandulosus ssp. hoffmanii*)	--/--/1B.3	Chaparral, cismontane woodland, valley and foothill grassland. Moist, steep, rocky banks in both serpentine and non-serpentine soil. 60-765 m.	Not present. Suitable habitat is not present at the site.

SCIENTIFIC NAME	STATUS[2] FED/STATE/CNPS	HABITAT/RANGE	OCCURRENCE
Beaked tracyina (*Tracyina rostrata*)	--/--/1B.2	Cismontane woodland, valley and foothill grassland, and chaparral. Found in open grassy meadows usually within oak woodland and grassland habitats.150-795 m.	Not present. Suitable habitat is not present at the site.
Napa bluecurls (*Trichostema ruygtii*)	--/--/1B.2	Open sunny areas in cismontane woodland, chaparral, valley and foothill grassland, vernal pools and lower montane coniferous forest. 30-590 m.	Not present. Suitable habitat is not present at the site.
Oval-leaved viburnum (*Viburnum ellipticum*)	--/--/2B.3	Chaparral, cismontane woodland and lower montane coniferous forest. 215-1400m.	Not present. Suitable habitat is not present at the site.

1. Source: California Natural Diversity Data Base, Natural Heritage Division, California Department of Fish and Wildlife for the Highland Springs 7.5 Minute Quadrangle Map and surrounding areas, information April 2019.

2. Status Codes:

FE	Federal-listed Endangered
FT	Federal-listed Threatened
FPE	Federal Proposed Endangered
FPT	Federal Proposed Threatened
CE	California State-listed Endangered
CT	California State-listed Threatened
CR	California Rare
FP	California Fully Protected
CSC	California Species of Special Concern

California Rare Plant Rank 1A: Plants presumed extirpated in California and either rare or extinct elsewhere.
California Rare Plant Rank 1B: Plants rare, threatened, or endangered in California and elsewhere.

California Rare Plant Rank 2A: Plants presumed extirpated in California, but more common elsewhere.
California Rare Plant Rank 2B: Plants rare, threatened, or endangered in California, but more numerous elsewhere.
California Rare Plant Rank 3: Plants about which more information is needed – a review list.
California Rare Plant Rank 4: Plants of limited distribution – a watch list.
CNPS 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 (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

Table 2. Special Status Animal Species that have been Reported in the Vicinity of the Project Area, Lake County, California

SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE ON THE PROJECT SITE
INVERTEBRATES			
Obscure bumble bee *(Bombus caliginosus)*	--/--	Found in Coastal areas from Santa Barbara County north to Washington State. Food plant genera include *Baccharis, Cirsium, Lupinus, Lotus, Grindelia* and *Phacelia*.	This uncommon species could occur almost anywhere in the general area of the site and is included in the CNDDB due to a general decline in bee populations in recent years.
Blennosperma Vernal Pool Andrenid Bee (*Andrena blennospermatis)*	--/--	Oligolectic on vernal pool flowers, especially *Blennosperma*.	Not present. Suitable habitat is not present at the site.
Brownish Dubiraphian riffle beetle *(Dubiraphia brunnescens)*	--/--	Aquatic species known only from the NE shore of Clear Lake in Lake County. Inhabits exposed, wave-washed willow roots.	Not present. Suitable habitat is not present at the site.

SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE ON THE PROJECT SITE
FISH			
Steelhead – Central CA Coast ESU (*Oncorhynchus mykiss*)	FT/CSC	Well-oxygenated streams with riffles; loose, silt-free gravel substrate Pine Gulch Creek to the north.	Not present. Suitable habitat is not present at the site.
AMPHIBIANS			
Red-bellied newt *(Taricha rivularis)*	--/CSC	Found in coastal drainages from Humboldt County south to Sonoma County and inland to Lake County. Lives in terrestrial habitats. Juveniles are generally found underground; adults are active at the surface in moist environments. Will migrate over 1 km to breed, typically in streams with moderate flow and clean rocky substrate.	Not present. Suitable habitat is not present at the site.
Foothill yellow-legged frog (*Rana boylii*)	--/CSC	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Needs at least some cobble-sized substrate for egg-laying.	Not present. Suitable habitat is not present at the site.
REPTILES			
Western pond turtle (*Emmys marmorata*)	--/CSC	Associated with permanent or nearly permanent water in a wide variety of habitats. Requires basking sites. Nests found up to 0.5 miles from water.	Not present. Suitable habitat is not present at the site.

SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE ON THE PROJECT SITE
BIRDS			
Northern Harrier (*Circus cyaneus*) [nesting]	--/CSC	Coastal salt marsh and freshwater marsh; nests and forages in grasslands; nests on ground in shrubby vegetation, usually at marsh edge.	Not present. Suitable habitat is not present at the site.
White-tailed kite (*Elanus caeruleus*) [nesting]	--/FP	Open grassland and agricultural areas throughout Central California.	Not present. Suitable habitat is not present at the site.
Sharp-shinned hawk (*Accipiter striatus*) [nesting]	--/WL	Breeds in ponderosa pine, black oak, riparian deciduous, mixed conifer, and Jeffrey pine habitats. Prefers, but not restricted to, riparian habitats. North facing slopes, with plucking perches are critical requirements. All habitats except alpine, open prairie, and bare desert used in winter.	Not present as a nesting species. Suitable nesting habitat is not present at the site. May forage at the site.
Cooper's hawk (*Accipiter cooperii*) [nesting]	--/WL	Nests primarily in deciduous riparian forests; forages in open woodlands.	Not present as a nesting species. Suitable nesting habitat is not present at the site. May forage at the site.
Bald eagle *(Haliaeetus leucocephalus)* (nesting and wintering)	Delisted,BCC/CE,FP	In winter, maybe be found throughout most of California at lakes, reservoirs, rivers and some rangelands and coastal wetlands. California's breeding habitats are mainly located in mountains and foothill forests near permanent water sources.	Not present. Suitable habitat is not present at the site.
Golden eagle (*Aquila chrysaetos*) [nesting and wintering]	BCC/FP,WL	Typically frequents rolling foothills, mountain areas, sage-juniper flats and desert.	Not present. Suitable habitat is not present at the site.

SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE ON THE PROJECT SITE
Osprey (*Pandion haliaetus*) [Nesting]	--/WL	Breeds in northern California from the Cascade Ranges south to Lake Tahoe, and along the coast south to Marin County. Associated strictly with large, fish-bearing waters, primarily in Ponderosa pine through mixed conifer habitats.	Not present. Suitable habitat not present at the site.
American peregrine falcon (*Falco peregrinus anatum*)	Delisted,BCC/Delisted, FP	Nests in woodland, forest and coastal habitats, on cliffs or banks, and usually near wetlands, lakes, rivers, sometimes on human-made structure. In non-breeding seasons found in riparian areas and coastal and inland wetlands.	Not present. Suitable habitat is not present at the site.
Purple martin (*Progne subis*)	--/CSC	Inhabits woodlands, low elevation coniferous forest of Douglas fir, ponderosa and Monterey pine. Nests mostly in old woodpecker cavities, but also man-made structures. Nest often located in tall, isolated tree snag.	Not present. Suitable habitat is not present at the site.
Loggerhead shrike (*Lanius ludovicianus*)	BCC/CSC	Habitat includes open areas such as desert, grasslands and savannah. Nests in thickly foliaged trees or tall shrubs. Forages in open habitats, which contain trees, fence posts, utility poles, and other perches.	Not present. Suitable habitat is not present at the site.
Yellow warbler (*Setophaga petechia*) [nesting]	BCC/CSC	Breeds in deciduous riparian woodlands, widespread during fall mitigation.	Not present. Suitable nesting habitat is not present at the site. May occur as a fall migrant.
Grasshopper Sparrow (*Ammodramus savannarum*)	--/CSC	Found in dense grasslands, especially those with a variety of grasses and tall forbs and scattered shrubs for singing perches.	Not present. Suitable habitat is not present at the site.

SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE ON THE PROJECT SITE
Bell's Sparrow *(Artemisiospiza belli)*	BCC/WL	Nests in chaparral dominated by fairly dense stands of chamise. Found in Coastal sage scrub in southern part of range.Nests are located on the ground beneath a shrub or in a shrub 6-18 inches above ground. Territories about 50 yards apart.	Not present. Suitable habitat is not present at the site.
Tri-colored blackbird (*Agelaius tricolor*) [nesting colony]	BCC/CCE,CSC	Breeds near freshwater, usually in tall emergent vegetation. Requires open water with protected nesting substrate. Colonies prefer heavy growth of cattails and tules. Uses grasslands and agricultural lands for foraging.	Not present. Suitable habitat is not present at the site.
MAMMALS			
Townsend's big-eared bat *(Corynorhinus townsendii)*	--/CCT,CSC	Found in desert scrub and coniferous forests. Roost in caves or abandoned mines and occasionally are found to roost in buildings.	Not present. Suitable habitat is not present at the site.
Pallid bat *(Antrozous pallidus)*	--/CSC	Found in deserts, grasslands, shrub lands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts in rocky areas primarily in oak woodland and ponderosa pine habitats; forages in open areas.	Not present. Suitable habitat is not present at the site.
Fisher- West Coast DPS (*Pekania pennanti*)	--/CT,CSC	Intermediate to large tree stages of coniferous forests and deciduous riparian areas with high percent canopy closure. Uses cavities, snags, logs and rocky areas for cover and denning. Needs large areas of mature dense forest.	Not present. Suitable habitat is not present at the site.

SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE ON THE PROJECT SITE
North American porcupine (*Erethizon dorsatum*)	--/--	Forested habitats in the Sierra Nevada, Cascade, and Coast Ranges, with scattered observations from forested areas in the Tranverse Ranges. Uses a wide variety of coniferous and mixed woodland habitat.	Not present. Suitable habitat not present at the site.
American badger (*Taxidea taxus*)	--/CSC	Drier open stages of most shrub, forest, and herbaceous habitats; needs sufficient food, friable soils and open, uncultivated ground.	Not present. Suitable habitat not present at the site.

1. Source: California Natural Diversity Data Base, Natural Heritage Division, California Department of Fish and Wildlife for the Highland Springs 7.5-Minute Quadrangle Map and surrounding areas, information dated April 2019.

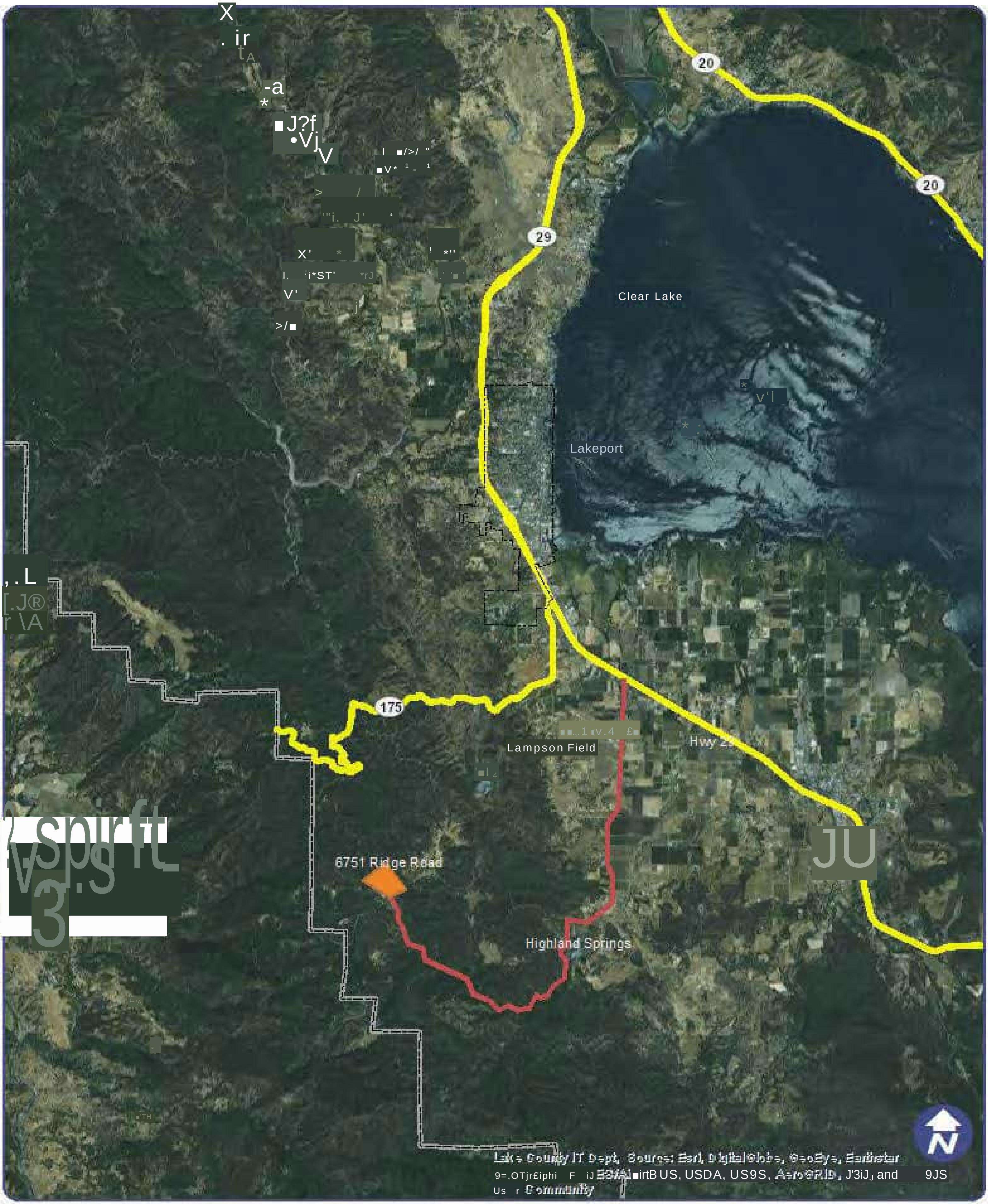
2. Status Codes:

FE Federal-listed Endangered
FT Federal-listed Threatened
FPE Federally Proposed Endangered
FPT Federally Proposed Threatened
FC Federal Candidate
BCC USFWS Bird Species of Conservation Concern

CE California State-listed Endangered
CCE Candidate for CA State-listed Endangered
CT California State-listed Threatened
CR California Rare
FP California Fully Protected
CSC CDFW Species of Special Concern
WL CDFW Watch List Species

ATTACHMENT 3.

PROJECT PLANS



Lake County, CA **Wellness Ranch 6751 Ridge Road Lakeport, California**

Print Date: 3/12/2019


6751 Ridge Rd
M*7US-» "x
■Lw.;
L -X
w'"
J '■<
>©2018 Google
Google Earth
1993
Imagery Date: 7/2/2018 lat 38.958634° lon -122.952168° elev 1743 ft eye alt 6278 ft

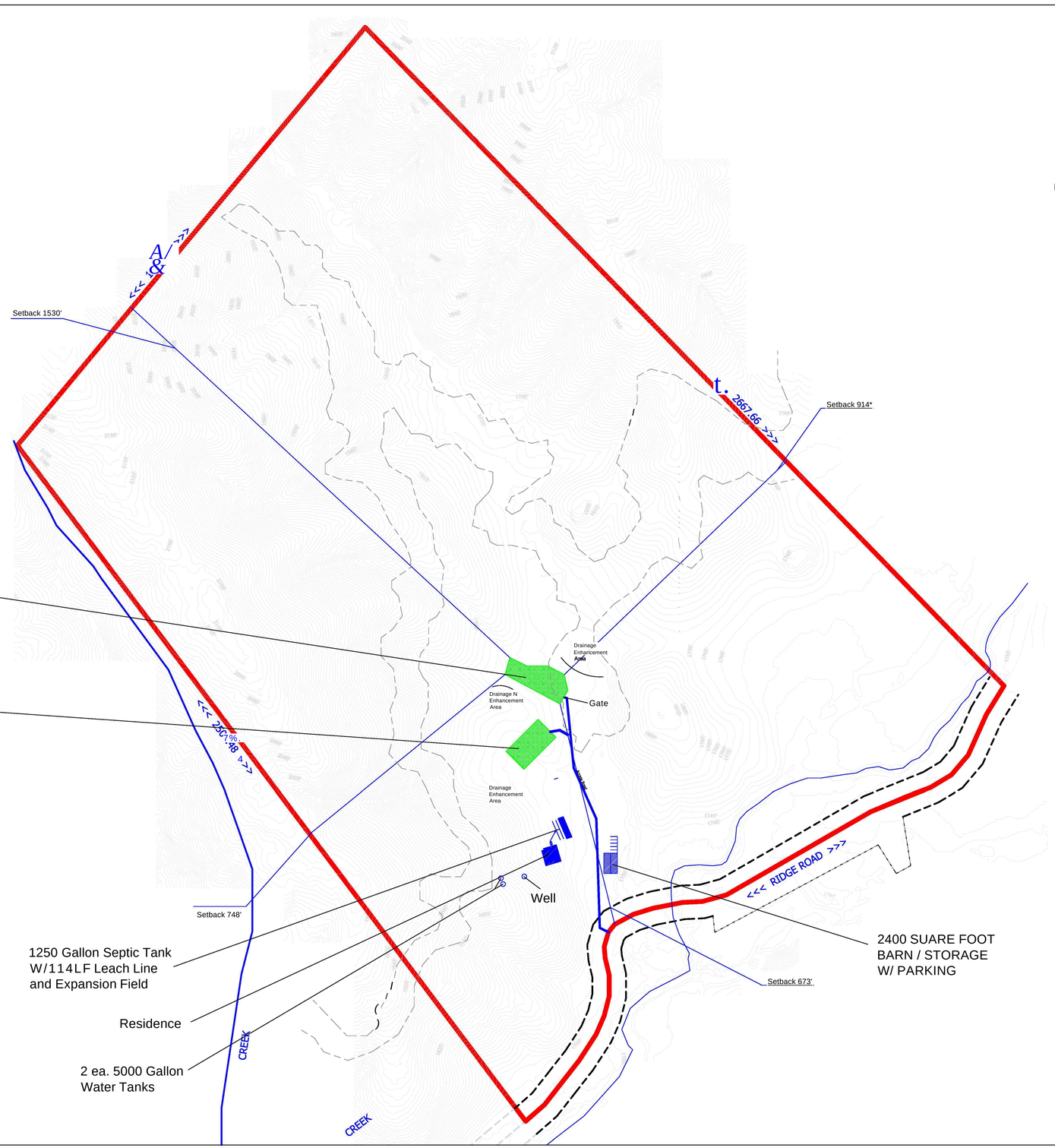
Legend:

PROPERTY LINE
BUILDING ENVELOPE
EDGE OF PAVEMENT
FENCE LINE
BUILDING SETBACK LINE
CONTOUR LINES

NOTATION:
THE DISCHARGE OF POLLUTANTS TO ANY STORM DRAINAGE SYSTEM IS PROHIBITED. NO SOLID WASTE. PETROLEUM BYPRODUCTS, SOIL PARTICULATES, CONSTRUCTION WASTE MATERIALS, OR WASTEWATER GENERATED ON CONSTRUCTION SITES OR BY CONSTRUCTION ACTIVITIES SHALL BE PLACED, CONVEYED, OR DISCHARGED INTO THE STREET, GUTTER,OR STORM DRAIN SYSTEM.....

CULTIVATION SITE A =
12,800 Sq Ft of Land Area
7,500 Sq Ft of Canopy Area...

CULTIVATION SITE B =
4,800 Sq Ft of Land Area
2,500 Sq Ft of Canopy Area...



1 Site Plan
APN: 007-045-16 Scale NTS

REVISIONS

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LICENSED ARCHITECT RICHARD RUFF NO. C11736 REN.11-30-19 STATE OF CALIFORNIA

WELLNESS RANCH
SITE PLAN
6751 RIDGE ROAD
LAKEPORT, CA 95453

SHEET TITLE
SITE PLAN

DRAWN BY	PSM
CHECKED BY	RPR
DATE SUBMITTED	4- 29-19
DATE CREATED	4- 29-19
SCALE	AS NOTED

PAGE A1

SHEET 4 OF 7


Secure
3 racks
Storage
40' x 60' Barn
Overhead Door
Secure
2 racks
Storage
Parking/Equipment Storage/Repair Area
Secure Ropm

Storm Water Management Plan

WELLNESS RANCH
CBD CANNABIS CULTIVATION

A TYPE 2
6751 RIDGE ROAD LAKEPORT
APN 007-045-16
MAY 2019