COUNTY OF SANTA BARBARA
Planning and Development
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State CEQA Guidelines § 15168(c)(4) Checklist for Commercial Cannabis Land Use Entitlement and Licensing Applications

A. Purpose

On February 6, 2018, the Santa Barbara County Board of Supervisors certified a programmatic environmental impact report (PEIR) that analyzed the environmental impacts of the Cannabis Land Use Ordinance and Licensing Program (Program). The PEIR was prepared in accordance with the State CEQA Guidelines (§ 15168) and evaluated the Program's impacts with regard to the following environmental resources and subjects:

- Aesthetics and Visual Resources
- Agricultural Resources
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Transportation and Traffic
- Utilities and Energy Conservation
- Population, Employment, and Housing

The PEIR evaluated the direct and indirect impacts, as well as the project-specific and cumulative impacts, that would result from the implementation of the Program. The PEIR set forth feasible mitigation measures for several significant impacts, which are now included as development standards and/or requirements in the land use and licensing ordinances.

Pursuant to State CEQA Guidelines (§ 15168(c)(4)), the following checklist was prepared to determine whether the environmental effects of a proposed commercial cannabis operation are within the scope of the PEIR.

B. Project Description

Please provide the following project information.

1. Land Use Entitlement Case Number(s): 23CUP-00014
2. Business Licensing Ordinance Case Number(s): _____
3. Project Applicant(s): Jason Moriarty
4. Property Owner(s): Cat Canyon Investments, LLC

5. Project Site Location and Tax Assessor Parcel Number(s): 6980 Cat Canyon Road, Santa Maria, CA 93455; APN 101-070-069

6. Project Description: The Project is a request for a Conditional Use Permit to allow 5.19 acres of outdoor cannabis cultivation under hoop structures. Each year, the operation will involve two grow cycles (one 90-day grow and one 120-day grow) and two harvest periods for a duration of one month per harvest period.

   The Project site is bisected by Cat Canyon Creek. The 5.19 acres of outdoor cannabis cultivation is located south of the creek. All outdoor cannabis cultivation will be grown in soilless media pots and under hoop structures setback a minimum of 50 ft. from all property lines, and 100 ft. from the top-of-bank and edge of riparian vegetation of Cat Canyon Creek. Hoop structures will have a maximum height of 12 ft. and will not include any permanent structural elements, utilities, or lighting. The Project also includes a 120 sq. ft. pesticide and agricultural chemical storage shed ("Building B"), a 2,400 sq. ft. water storage and fertigation equipment barn ("Building A"), and a 7,300 sq. ft. road base parking and loading area south of Cat Canyon Creek. Access to the Project area will be provided by a new road base driveway, a minimum of 20-ft. in width, off Cat Canyon Road. The existing driveway (northerly easement) that extends from Long Canyon Road to the northeast corner of the Project site will not be used by the Project.

   All harvested cannabis will be transferred offsite for processing the same day it is harvested, and there will be no cannabis processing (i.e., drying, curing, trimming, storing, packaging, or labeling) on the Project site. The operation will require a maximum of 6 regular, full-time employees and 8 seasonal employees who will be employed onsite during the two harvest periods per year (one month each; 2 months total per year). Hours of operation will be limited to the daylight hours that occur between 6 AM and 8 PM Monday through Saturday. Portable restrooms and bottled water will be provided for employee use in compliance with CalOSHA. Irrigation water will be provided by an existing groundwater well located south of Cat Canyon Creek.

   The operational area south of Cat Canyon Creek will be secured with 6-ft.-tall wire-mesh security fencing. Access will be controlled with a 6-ft.-tall, 16-ft.-wide wire mesh gate, which will remain locked at all times except during active ingress/egress. Additional security features include pole-mounted security lights at the access gate. All security light fixtures will be fully shielded and directed downward, and installed at a maximum height of 8 ft. All security light fixtures will be motion activated, and when triggered, will remain on for a maximum of three minutes. Screening will be provided by approximately 15,820 sq. ft. of landscaping planted along the southwestern, southern, and southeastern boundaries of the property.

   Fire protection will be provided by the Santa Barbara County Fire Department, law enforcement will be provided by the Santa Barbara County Sheriff's Department, and electricity will be provided by Pacific Gas & Electric Co. No generators will be used onsite.

   The Project site is a 40-acre parcel, zoned AG-II-100, and shown as Assessor's Parcel Number 101-070-069, located at 6980 Cat Canyon Road, in the Santa Maria area, 4th Supervisorial District.

C. PEIR Mitigation Measures/Requirements for Commercial Cannabis Operations

The following table lists the specific mitigation measures set forth in the PEIR. The table further includes questions to determine the scope of the potential environmental impacts of a project. This information will be used by staff to determine if subsequent environmental review of a project is warranted.

Please answer all questions set forth in the following table. Planning and Development Department (P&D) staff complete § C.1 and County Executive Office (CEO) staff complete § C.2. If a question does not apply to the proposed cannabis operation, please check the corresponding "N/A" box.

C.1 Mitigation Measures/Requirements for P&D Staff Review

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Aesthetics and Visual Resources		
MM AV-1. Screening Requirements	LUDC § 35.42.075.C.3	Is the proposed cannabis operation visible from a public viewing location? ☑ Yes ☐ No If so, does the proposed project include implementation of the required landscape and screening plan? ☑ Yes ☐ No ☐ N/A
	Article II § 35-144U.C.3	
Agricultural Resources		
MM AG-1. Cannabis Cultivation Prerequisite Ancillary Use Licenses	LUDC §§ 35.42.075.D.3 and -4	Does the proposed project include ancillary cannabis uses (e.g., manufacturing of cannabis products)? ☐ Yes ☑ No If the proposed project includes ancillary cannabis uses, does the proposed project comply with the minimum cultivation requirements to allow ancillary cannabis uses? ☐ Yes ☐ No ☑ N/A
	Article II § 35-144U.C.2.a and -3.a	
MM AG-2. New Structure Avoidance of Prime Soils	LUDC § 35.42.075.D.1.b	Does the proposed project site have prime soils located on it? ☑ Yes ☐ No Does the proposed project involve structural development? ☑ Yes ☐ No If the proposed project involves structural development, are the structures sited and designed to avoid prime soils? ☑ Yes ☐ No ☐ N/A
	Article II § 35-144U.C.1.b	
Air Quality and Greenhouse Gas Emissions		
MM AQ-3. Cannabis Site Transportation Demand Management	LUDC § 35.42.075.D.1.j	Does the proposed project include cannabis cultivation? ☑ Yes ☐ No If so, does the project include implementation of the required Transportation Demand Management Plan? ☑ Yes ☐ No ☐ N/A
	Article II § 35-144U.1.j	
MM AQ-5. Odor Abatement Plan	LUDC § 35.42.075.C.6	

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
	Article II § 35-144U.C.6	Does the proposed project include cannabis cultivation, a nursery, manufacturing, microbusiness, and/or distribution? ☑ Yes ☐ No If so, does the project include implementation of the required odor abatement plan? ☐ Yes ☐ No ☑ N/A
Biological Resources		
MM BIO-1a. Tree Protection Plan	LUDC § 35.42.075.C.8 and Appendix J	Does the proposed project involve development within proximity to, alteration of, or the removal of, a native tree? ☐ Yes ☑ No If so, does the project include implementation of the required tree protection plan? ☐ Yes ☐ No ☑ N/A
	Article II § 35-144.C.8 and Appendix G	
MM BIO-1b. Habitat Protection Plan	LUDC § 35.42.075.C.8 and Appendix J	*Inland*. Will the project result in the removal of native vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species? ☑ Yes ☐ No ☐ N/A If so, does the project include implementation of the required habitat protection plan? ☑ Yes ☐ No ☐ N/A
	Article II § 35-144.C.8 and Appendix G	*Coastal.* Does the project involve development within environmentally sensitive habitat (ESH) and/or ESH buffers? ☐ Yes ☐ No ☑ N/A If so, does the project include implementation of the required habitat protection plan? ☐ Yes ☐ No ☑ N/A
MM HWR-1a. Cannabis Waste Discharge Requirements Draft General Order	LUDC § 35.42.075.D.1.d	Does the proposed project involve cannabis cultivation? ☑ Yes ☐ No If so, did the applicant submit documentation from the State Water Resources Control Board demonstrating compliance with the comprehensive Cannabis Cultivation Policy? ☑ Yes ☐ No ☐ N/A
	Article II § 35-144U.C.1.d	

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
MM BIO-3. Wildlife Movement Plan	LUDC § 35.42.075.C.8 and Appendix J	Is the proposed project site located in or near a wildlife movement area? ☑ Yes ☐ No If so, does the project include implementation of the required wildlife movement plan? ☑ Yes ☐ No ☐ N/A
	Article II § 35-144.C.8 and Appendix G	
Cultural Resources		
MM CR-1. Preservation MM CR-2. Archaeological and Paleontological Surveys	LUDC § 35.42.075.C.1	Does the proposed project involve development within an area that has the potential for cultural resources to be located within it? ☑ Yes ☐ No If so, was a Phase I cultural study prepared? ☑ Yes ☐ No ☐ N/A If so, did the Phase I cultural study require a Phase II cultural study? ☐ Yes ☑ No ☐ N/A If so, does the project involve implementation of cultural resource preservation measures set forth in the Phase II cultural study? ☐ Yes ☐ No ☑ N/A
	Article II §§ 35-144U.C.1 and 35-65	
Hazards and Hazardous Materials		
MM HAZ-3. Volatile Manufacturing Employee Training Plan	LUDC § 35.42.075.D.4.c	Does the proposed project involve volatile manufacturing of cannabis products? ☐ Yes ☑ No If so, does the project involve implementation of the required Volatile Manufacturing Employee Training Plan? ☐ Yes ☐ No ☑ N/A
	Article II § 35-144U.C.3.c	
Hydrology and Water Quality Impacts		
MM HWR-1. Cannabis Waste Discharge Requirements General Order	*See the Biological Resources items, above.*	
MM BIO-1b. Cannabis Waste Discharge Requirements General Order	*See the Biological Resources items, above.*	
Land Use Impacts		
MM LU-1. Public Lands Restriction	LUDC § 35.42.075.D.1.h	Does the proposed project involve cannabis cultivation on public lands? ☐ Yes ☑ No
	Article II § 35-144U.C.1.h	

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
MM AQ-3. Cannabis Site Transportation Demand Management	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
MM AQ-5. Odor Abatement Plan	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
MM TRA-1. Payment of Transportation Impact Fees	County Ordinance No. 4270	Is the proposed project subject to the countywide, Goleta, or Orcutt development impact fee ordinance? ☐ Yes ☑ No If so, did the applicant pay the requisite fee? ☐ Yes ☐ No ☑ N/A
Compliance with Comprehensive Plan Environmental Resource Protection Policies	LUDC § 35.10.020.B	*All cannabis applications.* Does the proposed project comply with all applicable environmental resource protection policies set forth in the Comprehensive Plan? ☑ Yes ☐ No
	CLUP Chapter 3, § 3.1 and Policy 1-4	*Coastal cannabis applications.* Does the proposed project comply with all applicable coastal resources protection policies set forth in the Coastal Land Use Plan? ☐ Yes ☐ No ☑ N/A
Noise		
MM AQ-3. Cannabis Site Transportation Demand Management	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
Transportation and Traffic		
MM AQ-3. Cannabis Site Transportation Demand Management	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
MM TRA-1. Payment of Transportation Impact Fees	*See the Land Use Impacts items, above.*	
Unusual Project Site Characteristics and Development Activities		
Activities and Impacts within the Scope of the Program/PEIR	State CEQA Guidelines § 15168(c)(1)	Does the proposed project involve a project site with sensitive or unusual environmental characteristics, or require unusual development activities, which will result in a significant environmental impact that was not evaluated in the PEIR? Examples of unusual environmental characteristics or development activities which might cause a significant environmental impact include, but are not limited to:

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		• construction of a bridge across a riparian corridor that supports listed species protected under the Federal or California endangered species acts, in order to gain access to a project site; • structural development that cannot be screened from a public viewing location pursuant to the requirements of PEIR mitigation measure MM AV-1 (Screening Requirements); or • development activities that will have a significant impact on cultural resources, which cannot be mitigated to a less-than-significant level pursuant to the County's *Environmental Thresholds and Guidelines Manual* (March 2018). ☐ Yes ☑ No

LUDC = Land Use and Development Code; Chapter 35, Article 35.1 et seq., of the Santa Barbara County Code
Article II = Coastal Zoning Ordinance; Chapter 35, Article II, § 35-50 et seq., of the Santa Barbara County Code
CLUP = Santa Barbara County Coastal Land Use Plan
State CEQA Guidelines = California Code of Regulations, Title 14, Division 6, Chapter 3, § 15000 et seq.

C.1.1 Environmental Document Determination

Check the appropriate box below, based on the responses to the questions and requests for information set forth in the checklist in § C.1, above, and pursuant to the requirements set forth in State CEQA Guidelines §§ 15162 and 15168.

☑ All of the environmental impacts of the proposed commercial cannabis operation are within the scope of the PEIR, and a subsequent environmental document is not required to evaluate the environmental impacts of the proposed commercial cannabis operation.

☐ The proposed commercial cannabis operation will have environmental effects that were not examined in the PEIR, and an initial study must be prepared to determine whether a subsequent environmental impact report or negative declaration must be prepared.

Alia Vosburg — Digitally signed by Alia Vosburg Contact Info: avosburg@countyofsb.org — 5/22/2024

Name of Preparer of § C.1 | Signature of Preparer of § C.1 | Date

C.2 Mitigation Measures/Requirements for CEO Staff Review

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Air Quality and Greenhouse Gas Emissions		
MM UE-2a. Energy Conservation Best Management Practices	BLO § 50-10(b)	Does the proposed project include the implementation of the required energy conservation plan? ☐ Yes ☐ No
MM UE-2b. Participation in a Renewable Energy Choice Program	BLO § 50-10(b)2.ii	Does the proposed project include participation in a renewable energy choice program to meet the applicable energy reduction goals for the proposed project? ☐ Yes ☐ No
MM UE-2c. Plan review by the County Green Building Committee	BLO § 50-10(b)2.iii.K	Did the County Green Building Committee review the proposed project? ☐ Yes ☐ No ☐ N/A If so, does the proposed project conform to the recommendations of the County Green Building Committee? ☐ Yes ☐ No ☐ N/A
Utilities and Energy Conservation		
MM UE-2a. Energy Conservation Best Management Practices	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
MM UE-2b. Participation in a Renewable Energy Program	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
MM UE-2c. Licensing by the County Green Building Committee	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
Unusual Project Site Characteristics and Development Activities		
Activities and Impacts within the Scope of the Program/PEIR	State CEQA Guidelines § 15168(c)(1)	Does the proposed project involve a project site with sensitive or unusual environmental characteristics, or require unusual development activities, which will result in a significant environmental impact that was not evaluated in the PEIR? Examples of unusual environmental characteristics or development activities which might cause a significant environmental impact include, but are not limited to: • construction of a bridge across a riparian corridor that supports listed species protected under the Federal or California endangered species acts, in order to gain access to a project site;

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		• structural development that cannot be screened from a public viewing location pursuant to the requirements of PEIR mitigation measure MM AV-1 (Screening Requirements); or • development activities that will have a significant impact on cultural resources, which cannot be mitigated to a less-than-significant level pursuant to the County's *Environmental Thresholds and Guidelines Manual* (March 2018). ☐ Yes ☐ No

* BLO = Commercial Cannabis Business Licensing Ordinance; Chapter 50, § 50-1 et seq., of the Santa Barbara County Code
State CEQA Guidelines = California Code of Regulations, Title 14, Division 6, Chapter 3, § 15000 et seq.

C.2.1 Environmental Document Determination

Check the appropriate box below, based on the responses to the questions and requests for information set forth in the checklist in § C.2, above, and pursuant to the requirements set forth in State CEQA Guidelines §§ 15162 and 15168.

☐ All of the environmental impacts of the proposed commercial cannabis operation are within the scope of the PEIR, and a subsequent environmental document is not required to evaluate the environmental impacts of the proposed commercial cannabis operation.

☐ The proposed commercial cannabis operation will have environmental effects that were not examined in the PEIR, and an initial study must be prepared to determine whether a subsequent environmental impact report or negative declaration must be prepared.

Name of Preparer of § C.2 | Signature of Preparer of § C.2 | Date

Attachment A
Additional Information for the Proposed Cannabis Activity CEQA Environmental Determination

The following discussion supports the determinations made in the Checklist for the Moriarty Holdings Cannabis Cultivation Project (Proposed Project), pursuant to the requirements of the State CEQA Guidelines §§ 15168(c) and 15162. The State CEQA Guidelines §§ 15168(c)(1) and -(2) state:

> *(1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.*
>
> *(2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.*

The requirements of the State CEQA Guidelines § 15168 and 15162 are set forth below, along with an analysis of the Proposed Project with regard to these requirements. The following analysis supplements the information set forth in the State CEQA Guidelines § 15168 checklist prepared for the Proposed Project.

State CEQA Guidelines § 15168(c)(1)

As discussed below, the PEIR analyzed the environmental impacts of the Cannabis Land Use Ordinance and Licensing Program. The effects of this particular Project were anticipated and examined in the PEIR and there are no project-specific effects that were not examined in the program EIR. Therefore, no new initial study is required and the PEIR can be relied upon for this Project based upon the checklist prepared pursuant to State CEQA Guidelines 15168(c)(4).

State CEQA Guidelines § 15162

State CEQA Guidelines § 15162 states that when a lead agency has prepared an EIR for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that certain conditions exist. The specific conditions that warrant the preparation of a subsequent EIR are set forth below, with an analysis of the proposed project immediately following the respective condition.

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The Proposed Project includes a request for a commercial cannabis cultivation activity that was anticipated and evaluated in the PEIR. The Proposed Project site is zoned Agriculture II (AG-II), which is one of the zones that was evaluated for proposed cannabis cultivation activities in the PEIR (PEIR page 2-36, Table 2-5). Furthermore, the Santa Maria region in which the Proposed Project site is located was one of five regions identified in the PEIR for organizing the data and analyzing the impacts of the Program (Ibid, page 2-5).

As discussed below, the Proposed Project consists of an activity the impacts of which were disclosed in the PEIR. Outdoor cultivation is a cannabis activity that was anticipated to occur on AG-II zoned lands, such as the AG-II zoned lands which exist in the Santa Maria region in which the Proposed Project site is located. The PEIR evaluated the potential increases in employment, traffic, noise, and air emissions (including odors) that would result from the Proposed Project and other commercial cannabis activities allowed under the Program. The physical development that is included in the Proposed Project includes a water storage barns, a storage shed, permeable employee parking and driveway, fencing, lighting, and landscaping. The scope of the Proposed Project's development was evaluated in the PEIR with regard to aesthetics, visual impacts, and loss of prime soils. Additionally the established groundwater-use threshold of significance for the Santa Maria Basin was used to evaluate the potential impact of Proposed Project's projected groundwater use as anticipated in the PEIR. There is nothing unusual about the Proposed Project and the physical development under the scope of the Proposed Project is standard and in character with development in the Santa Maria region AG-II zone district. Therefore, the Proposed Project will not result in substantial changes to the Program which will require major revisions of the PEIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Currently, there is one other land use entitlement application involving proposed or permitted cannabis activities located within a two mile radius of the Proposed Project[1]. The PEIR anticipated that certain areas in which cannabis activities historically have occurred would continue to experience cannabis activities under the Program. Furthermore, the PEIR projected the demand for cannabis cultivation that could occur under the Program (i.e., 1,126 acres of cultivation countywide), based on information that was known at the time the PEIR was prepared. The Program that was analyzed in the PEIR did not include a cap or other requirement to limit either the concentration or total amount of cannabis activities that could occur within any of the zones that were under consideration for cannabis activities (PEIR, pages 3-3, 3-5, 3-12, 3.1-19, and 3.12-26).[2] Although the PEIR did not predict the

[1] Santa Barbara County Interactive Map for Cannabis, accessed on May 8, 2024 and available at: https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cff438f91

[2] The PEIR states, "…[T]he impact analysis in this EIR assumes that **future cannabis activity licenses would not be limited under the Project**, with the total area permitted to be unincorporated areas Countywide that are under County jurisdiction (excludes incorporated cities, state, federal, and tribal lands) (PEIR, page 3-5, emphasis added)."

specific commercial cannabis applications on the properties located on and around the Proposed Project site, the programmatic analysis was broad enough to account for this pattern of development that has resulted from the Program. Therefore, the number and/or location of the commercial cannabis activities that have been either permitted or are currently under consideration within the general area of the Proposed Project site, do not constitute a substantial change with respect to the circumstances under which the project is undertaken.

Furthermore, the potential concentration of cannabis activities near the Proposed Project site will not create new significant environmental effects or a substantial increase in the severity of previously identified significant effects evaluated in the PEIR. The PEIR evaluated the cumulative impacts to which cannabis activities, as well as other pending, recently approved, and reasonably foreseeable non-cannabis projects, would contribute (Ibid, page 3-11, Section 3.0.4). The PEIR concluded that unavoidable and significant (Class I) impacts would result from the Program with regard to the following environmental resources or issues:

- Aesthetics and visual resources
- Agricultural resources
- Air quality (including odor impacts)
- Noise
- Transportation and traffic

The Board of Supervisors adopted a Statement of Overriding Considerations concluding that the benefits of the Program outweigh the unavoidable adverse environmental effects identified above.

For this particular Project, proposed physical development includes a water storage barn, a storage shed, permeable employee parking and driveway, fencing, lighting, and landscaping, which is in character with agricultural development of the zone. The Proposed Project site contains areas of prime soil, however the proposed physical development is accessory to the proposed cultivation activities, minimized to the extent feasible, sited to avoid prime soil areas to the extent feasible, and would not result in a significant conversion prime agricultural land to non-agricultural use.

The Proposed Project, which consists of cannabis cultivation and agricultural accessory development, may contribute to cumulative impacts on aesthetics and visual resources, transportation and traffic, air quality, and noise, but the Proposed Project would be subject to the mitigation measures set forth in the PEIR to reduce the Proposed Project's contribution to these cumulative impacts. These mitigation measures include implementation of a Landscape Screening Plan to ensure the Proposed Project is screened from public view within 5 years, and implementation of a Site Transportation Demand Management Plan to reduce vehicle trips generated by Proposed Project, reduce vehicle noise, and reduce traffic-generated emissions. Noise associated with operation of the Proposed Project would be limited to the use of standard agricultural equipment and machinery that is consistent with common practices of commercial agriculture in the Santa Maria area. Additionally the established groundwater-use threshold of significance for the Santa Maria Basin was used to evaluate the potential impact of Proposed Project's projected groundwater use as anticipated in the PEIR. A Water Demand Memo prepared by an Agronomist/Certified Crop Advisor demonstrates that the total projected water demand of the Proposed Project is 1.70 acre-feet per year, which remains below the threshold of significant for the Santa Maria Basin of 25 acre-feet per year.

These are not new impacts resulting from a substantial change in the Program. As stated above, the Proposed Project is an activity that was anticipated to result from the Program and, consequently, the impacts associated with the Proposed Project were disclosed in the PEIR. As such, the PEIR analysis of cumulative impacts accounted for the impacts from the Proposed Project.

Therefore, no substantial changes have occurred with respect to the circumstances under which the Project is undertaken under the Program which will require major revisions of the PEIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

The PEIR evaluated the direct and indirect impacts of the Program as well as cumulative impacts that would result from the implementation of the Program. More specifically, the PEIR identified the following unavoidably significant (Class I) impacts that would result from the Program:

- Cumulative impacts to aesthetics and visual resources
- Cumulative impacts to agricultural resources
- Project-specific and cumulative impacts to air resources (including odors)
- Project-specific and cumulative noise impacts
- Project-specific and cumulative transportation and traffic impacts

The PEIR also identified the following significant but mitigable (Class II) impacts that would result from the Program:

- Project-specific impacts to aesthetics and visual resources
- Project-specific impacts to agricultural resources
- Project-specific and cumulative impacts to biological resources
- Project-specific impacts to cultural resources
- Project-specific impacts related to hazards and hazardous materials
- Project-specific impacts related to hydrology and water quality
- Project-specific land use impacts
- Project-specific impacts related to utilities and energy conservation

The PEIR identified a number of mitigation measures to reduce the significant impacts that would result from the implementation of the Program. The mitigation measures were included as development standards and other regulations of Chapters 35 and 50 of the County Code, which are applied to commercial cannabis activities resulting from the Program. As shown in Section C of the State CEQA Guidelines § 15168(c)(4) checklist that was prepared for the Proposed Project,

the Proposed Project would be subject to the applicable mitigation measures that were included as development standards and other regulations of Chapters 35 and 50 of the County Code.

As stated above, the PEIR did not assume that there would be a cap or other limitation on activities or location. Therefore, although the PEIR did not predict the specific commercial cannabis applications on the properties located on and around the Proposed Project site, the programmatic analysis was broad enough to account for this pattern of development that has resulted from the Program. Furthermore, the concentration of commercial cannabis activities will not result in a new significant impact which was not disclosed in the PEIR. The cumulative impacts associated with aesthetics and visual resources, agricultural resources, air resources (including odors), noise, and traffic resulting from the Proposed Project and other proposed projects located within proximity to the Proposed Project site were discussed in the PEIR.

The proposed agricultural activities, including outdoor cultivation, are standard agricultural practices in the Santa Maria region and the AG-II zone district. There is nothing unusual about the project site. The Proposed Project and project site have been reviewed by a County-approved archeologist, a County-approved biologist (Attachment C), a licensed Geologist, the Regional Water Quality Control Board, the California Department of Fish and Wildlife, County Fire, County Public Works, and County Environmental Health Services. Mitigation measures discussed in the PEIR, including implementation of a Lighting Plan, Landscape Screening Plan, Site Transportation Demand Management Plan, Water Efficiency Plan, Habitat Protection Plan and Wildlife Movement Plan, have been incorporated into the conditions of approval for the Proposed Project to ensure the Proposed Project will remain in compliance with the applicable mitigation measures designed to reduce project-level impacts. As such, the Proposed Project will not have any new impacts which were not discussed in the PEIR, because there is nothing unusual about the proposed development or the project site.

Therefore, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified, which shows that the Proposed Project will have one or more significant effects not discussed in the PEIR.

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

As discussed in detail above, the Proposed Project consists of a cannabis activity that was analyzed as part of the Program studied in the PEIR. There are no unique features of the Proposed Project such that the Proposed Project could cause more severe impacts than shown in the PEIR. The PEIR analyzed the impacts of outdoor cultivation on AG-II zoned lots within the Santa Maria region. As shown in Section C of the State CEQA Guidelines § 15168(c)(4) checklist that was prepared for the Proposed Project, the Proposed Project complies with the applicable mitigation measures.

Furthermore, the PEIR did not assume that there would be a cap or other limitation on activities or location. Although the PEIR did not predict the specific commercial cannabis applications on the properties located on and around the Proposed Project site, the programmatic analysis was

broad enough to account for this pattern of development, and disclosed the corresponding impacts that would result.

Therefore, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified, which shows that significant effects previously examined will be substantially more severe than shown in the PEIR.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

There are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the Proposed Project which are available at this time for the project proponents to consider.

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

There is no new information which was not known and could not have been known at the time the PEIR was certified that shows any mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR which would substantially reduce one or more significant effects on the environment. Further, the project applicant agrees to adopt all applicable mitigation measures as demonstrated by Section C.1 of the 15168(c)(4) Checklist hereby incorporated into this attachment. As stated above, the Proposed Project consists of a cannabis activity typical of that which was analyzed as part of the Program studied in the PEIR. The Proposed Project will comply with the applicable mitigation measures from the PEIR, including implementation of a Lighting Plan, Landscape and Screening Plan, Site Transportation Demand Management Plan, Water Efficiency Plan, Habitat Protection Plan and Wildlife Movement Plan.

Attachment B
Board of Supervisors Findings for Approval and Statement of Overriding Consideration for the Cannabis Land Use Ordinances

FINDINGS FOR APPROVAL AND STATEMENT OF OVERRIDING CONSIDERATION
CANNABIS LAND USE ORDINANCES
February 6, 2018

Case Nos. 17ORD-00000-00004, 17ORD-00000-00010, 17ORD-00000-0009, 18ORD-00000-0001, and 17EIR-00000-00003

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

1.1 FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CEQA GUIDELINES SECTIONS 15090, 15091, AND 15163:

1.1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

The Board of Supervisors (Board) find that the Final Programmatic Environmental Impact Report (EIR) (17EIR-00000-00003) dated December 2017, and EIR Revision Letter (RV 01), dated January 4, 2018, were presented to the Board and all voting members of the Board reviewed and considered the information contained in the EIR and its appendices and RV 01 prior to approving the project. In addition, all voting members of the Board have reviewed and considered testimony and additional information presented at, or prior to, its public hearings. The EIR, appendices, and RV 01 reflect the independent judgment and analysis of the Board and are adequate for this project. Attachments 7 and 8, of the Board letter, dated February 6, 2018, are incorporated herein by reference.

1.1.2 FULL DISCLOSURE

The Board finds and certifies that the EIR, appendices, and RV 01 constitute a complete, accurate, adequate, and good faith effort at full disclosure pursuant to CEQA. The Board further finds and certifies that the EIR, appendices, and RV 01 were completed in compliance with CEQA.

1.1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) and 15097 require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The EIR has been prepared as a program EIR pursuant to CEQA Guidelines Section 15168. The degree of specificity in the EIR corresponds to the specificity of the general or program level policies of the project and to the effects that may be expected to follow from the adoption of the project.

A detailed Mitigation Monitoring and Reporting Program (MMRP) has been provided in Section 7.0 of the EIR, incorporated herein by reference, and all mitigation measures identified in the MMRP have been incorporated directly into the Cannabis Land Use Ordinance and Licensing Program as shown in Attachments 1, 2, 3, 6 and 13 of the Board letter dated February 6, 2018, incorporated herein by reference, and into the resolution and amendments to the Uniform Rules for Agricultural Preserves and Farmland Security Zones as shown in Attachment 5 of the Board letter dated February 6, 2018, incorporated herein by reference. To ensure compliance with adopted mitigation measures during implementation of Cannabis Land Use Ordinance and Licensing Program the County Land Use and Development Code (LUDC), Montecito Land Use and Development Code (MLUDC) and the Coastal Zoning Ordinance (CZO) amendments include requirements that future development projects comply with each policy, action, or development standard required by each adopted mitigation measure in the MMRP, as applicable to the type of proposed development. Therefore, the Board adopts the MMRP to comply with Public Resource Code Section 21081.6 and California Environmental Quality Act (CEQA) Guidelines Section 15097, and finds that the Cannabis Land Use Ordinance and Licensing Program's above referenced ordinance amendments in the LUDC, MLUCD, and CZO are sufficient for a monitoring and reporting program.

1.1.5 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS[1] ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The EIR (17EIR-00000-00003), its appendices, and EIR Revision Letter (RV 01), for the Cannabis Land Use Ordinance and Licensing Program identify several environmental impacts which cannot be fully mitigated and, therefore, are considered unavoidable (Class I). These impacts involve: agricultural resources; air quality and greenhouse gas emissions; noise; transportation and traffic; and aesthetic and visual resources. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. For each of these Class I impacts described in the EIR, feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to the maximum extent feasible, as discussed below. The Board letter, dated February 6, 2018, and its attachments are incorporated by reference.

Agricultural Resources

Impacts: The EIR identified significant project-specific and cumulative impacts related to the conversion of prime agricultural soils to a non-agricultural use or the impairment of agricultural land productivity (Impact AG-2).

[1] The discussion of impacts related to aesthetics and visual resources discussed in this section of these findings (below), addresses both the unavoidable cumulative impacts (Class I), as well as the project-specific impacts found to be significant but mitigable to a less-than-significant level (Class II), that are set forth in the EIR.

Mitigation: Mitigation Measure AG-2 requires that any new structures proposed for cannabis site development are sited on areas of the property that do not contain prime soils, to the maximum extent feasible. During the review of applications for cannabis site development, the County Planning and Development Department shall review the proposed location of any new structures proposed for cannabis-related structural development to ensure that they would avoid prime agricultural soils on-site. No other feasible mitigation measures are known that will further reduce impacts. Under a reasonable buildout scenario for cannabis related development, impacts to prime soils will remain significant and unavoidable.

Cumulative impacts to agricultural resources are mitigated to the maximum extent feasible with measure MM AG-2. Program approval would contribute to cumulative agricultural impacts associated with pending and future growth and development projects Countywide. The combined effect of cumulative development is anticipated to result in significant and unavoidable cumulative impacts to agricultural resources.

Findings: The Board finds that the feasible mitigation measure (MM AG-2) has been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts to agricultural resources to the maximum extent feasible. However, even with this mitigation measure, impacts to agricultural resources (Impact AG-2) will remain significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual impacts to agricultural resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

Air Quality and Greenhouse Gas Emissions

Impacts: The EIR identified significant project-specific and cumulative impacts related to air quality and greenhouse gas emissions from future cannabis activities that would be permitted if the Project is approved. Specifically, the EIR identified the following adverse and unavoidable effects: inconsistency with the Clean Air Plan (Impact AQ-1), traffic generated emissions (Impact AQ-3), inconsistency with the Energy and Climate Action Plan (Impact AQ-4), and exposure of sensitive receptors to objectionable odors (Impact AQ-5).

Mitigation: The EIR identifies two mitigation measures, MM AQ-3 and MM AQ-5 to reduce impacts associated with traffic-generated emissions and objectionable odors, respectively.

MM AQ-3 requires that cannabis Permittees implement feasible transportation demand management (TDM) measures that reduce vehicle travel to and from their proposed sites. Each Permittee must consider location, total employees, hours of operation, site access and transportation routes, and trip origins and destinations associated with the cannabis operation. Once these are identified, the Permittee is required to identify a range of TDM measures as feasible for County review and approval. No other feasible mitigation measures are known that will further reduce traffic-generated emissions impacts. Under a reasonable buildout

scenario for cannabis related development, impacts from traffic-generated emissions will not be fully mitigated and will remain significant and unavoidable.

MM AQ-5 requires that cannabis licensees implement feasible odor abatement plans (OAPs) consistent with Santa Barbara County Air Pollution Control District requirements and subject to the review and approval of the County. No other feasible mitigation measures are known that will further reduce odor impacts. Under a reasonable buildout scenario for cannabis-related development, impacts from objectionable odors will not be fully mitigated and will remain significant and unavoidable.

Cumulative impacts related to air quality and greenhouse gas emissions are mitigated to the maximum extent feasible with measures MM AQ-3 and MM AQ-5. Since the Project is inconsistent with the Clean Air Plan and the Energy and Climate Action Plan, and the County is anticipated to remain in non-attainment, the Project's contribution to cumulative air quality impacts would be cumulatively considerable and, therefore, significant and unavoidable (Class I).

Findings: The Board finds that feasible mitigation measures (MM AQ-3 and MM AQ-5) have been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. These mitigation measures are implemented during project review to mitigate project-specific and cumulative impacts related to air quality and greenhouse gas emissions, to the maximum extent feasible. However, even with these mitigation measures, impacts related to inconsistency with the Clean Air Plan (Impact AQ-1), traffic generated emissions (Impact AQ-3), inconsistency with the Energy and Climate Action Plan (Impact AQ-4), and exposure of sensitive receptors to objectionable odors (Impact AQ-5), will remain significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual impacts related to air quality and greenhouse gas emissions are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

Noise

Impacts: The EIR identified significant project-specific and cumulative impacts to sensitive receptors from long-term increases in noise from traffic on vicinity roadways (Impact NOI-2).

Mitigation: As discussed above in the summary of air quality impacts, MM AQ-3 would require cannabis Permittees to implement feasible TDM measures that reduce vehicle travel to and from their proposed sites, subject to the review and approval of the County. No other feasible mitigation measures are known that will further reduce impacts. Under a reasonable buildout scenario for cannabis-related development, impacts to sensitive receptors from long-term noise increases from Project traffic will not be fully mitigated and will remain significant and unavoidable.

Cumulative impacts to sensitive receptors from traffic-generated noise are mitigated to the maximum extent feasible with measure MM AQ-3.The Project has the potential to contribute to cumulative noise impacts from roadway noise effects on ambient noise levels in the County. Combined with other development, increased vehicle trips could increase congestion and daily travel on roadways in rural areas that experience relatively minimal traffic noise. As the Project's contribution would be cumulatively considerable, even with implementation of MM AQ-3 to require reduced employee trips through TDM measures, cumulative impacts from the Project would be significant and unavoidable.

Findings: The Board finds that the feasible mitigation measure (MM AQ-3) has been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR, to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis activities, in order to mitigate project-specific and cumulative impacts to sensitive receptors from traffic generated noise, to the maximum extent feasible. However, even with this mitigation measure, noise impacts related to long-term noise increases (Impact NOI-2) will remain significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual noise impacts are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

Transportation and Traffic

Impacts: The EIR identified significant project-specific and cumulative impacts related to transportation and traffic from future cannabis activities that would be permitted if the Project is approved. The following adverse and unavoidable effects were identified: increases of traffic and daily vehicle miles of travel that affect the performance of the existing and planned circulation system (Impact TRA-1), and adverse changes to the traffic safety environment (Impact TRA-2).

Mitigation: The EIR identifies two mitigation measures, MM AQ-3 and MM TRA-1, to reduce impacts associated with traffic.

As discussed above in the summary of air quality impacts, MM AQ-3 would require cannabis Permittees to implement feasible TDM measures that reduce vehicle travel to and from their proposed sites, subject to the review and approval of the County. No other feasible mitigation measures are known that will further reduce these traffic impacts. Under a reasonable buildout scenario for cannabis-related development, impacts from traffic will not be fully mitigated and will remain significant and unavoidable.

MM TRA-1 requires that cannabis Permittees pay into the County's existing Development Impact Mitigation Fee Program, at an appropriate level (e.g., Retail Commercial and Other Nonresidential Development) in effect at the time of permit issuance for the County and Goleta and Orcutt Planning Areas to improve performance of the circulation system. No other feasible mitigation measures are known that will further reduce these traffic impacts. Under a

reasonable buildout scenario for cannabis related development, impacts from traffic will not be fully mitigated and will remain significant and unavoidable.

Cumulative impacts related to traffic would be mitigated to the maximum extent feasible with measures MM AQ-3 and MM TRA-1. The Project's contribution to cumulative changes in the transportation environment as a result of generation of new vehicle trips could still result in exceedances of acceptable road segment or intersection Level of Service, as well as inconsistency with the Regional Transportation Plan-Sustainable Communities Strategy. Therefore, the proposed Project would make a cumulatively considerable contribution to a significant cumulative traffic impact, and impacts are considered significant and unavoidable.

Findings: The Board finds that feasible mitigation measures (MM AQ-3 and MM TRA-1) have been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR, to the maximum extent feasible. These mitigation measures will be implemented during the review of entitlement applications for cannabis activities in order to mitigate project-specific and cumulative impacts related to traffic, to the maximum extent feasible. However, even with these mitigation measures, increases of traffic and daily vehicle miles of travel that affect the performance of the existing and planned circulation system (Impact TRA-1) and adverse changes to the traffic safety environment (Impact TRA-2) would remain significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual impacts related to traffic are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

Aesthetics/Visual Resources

Impacts: Although the EIR identifies that project-specific impacts to County scenic resources would be mitigated to a less-than-significant level, it also found that Project-related future development in combination with other County projects and plans would contribute considerably to aesthetic and visual impacts. Thus, potential cumulative impacts resulting from changes to scenic resources and existing character would be significant and unavoidable.

Mitigation: Mitigation Measure MM AV-1 would reduce direct visual impacts associated with hoop structures and ancillary development for cannabis cultivation, such as fencing, by requiring appropriate screening in compliance with the land use entitlement (e.g., LUP, CDP, or CUP) that would be required for the cannabis operation. To the maximum extent feasible, screening for cannabis cultivation sites shall consist of natural barriers and deterrents to enable wildlife passage, prevent trespass from humans, and shall be visually consistent, to the maximum extent possible, with surrounding lands. Screening requirements would be set forth in the conditions of, and on the plans related to, the entitlement for the cannabis operation. While project-specific impacts to aesthetics/visual resources will be less-than-significant (Class II) with implementation of this mitigation measure, cumulative impacts would remain significant and unavoidable (Class I).

Findings: The Board finds that the feasible mitigation measure (MM AV-1) has been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR, to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis operations in order to mitigate project-specific impacts to a less-than-significant level. However, even with this mitigation measure, the Project's contribution to significant cumulative visual impacts would remain cumulatively considerable, and would be significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual cumulative impacts to aesthetic and visual resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

1.1.6 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY MITIGATION MEASURES

The EIR (17EIR-00000-00003), its appendices, and EIR Revision Letter (RV 01), for the Cannabis Land Use Ordinance and Licensing Program, identify several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts (Class II). For each of these Class II impacts identified by the EIR, feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as discussed below.

Aesthetics/Visual Resources
As discussed in Section 1.1.4 of these findings (above), the EIR identified potentially significant but mitigable project-specific impacts to County scenic resources from development associated with cannabis cultivation (Impact AV-1). The Board finds that implementation of MM AV-1 would reduce the significant project-specific environmental effects related to aesthetic and visual resources (Impact AV-1) to a less-than-significant level (Class II).

Agricultural Resources
Impacts: The EIR identified potentially significant but mitigable project-specific impacts as a result of potential land use incompatibility from manufacturing and distribution uses on agriculturally zoned lands (Impact AG-1).

Mitigation: MM AG-1 would require cannabis Permittees for manufacturing or distribution on lands designated for agricultural use (e.g., AG-I and AG-II), to cultivate cannabis on-site and have approval for a cultivation license. The requirement would specify that non-cultivation activities must be clearly ancillary and subordinate to the cultivation activities on-site so that the majority of cannabis product manufactured and/or distributed from a cannabis site is sourced from cannabis plant material cultivated on the same site. The requirement would also specify that the accessory use must occupy a smaller footprint than the area dedicated to cannabis cultivation. Further, the requirement would apply to microbusiness licenses (Type

12) to ensure that proposed manufacturing or distribution would be ancillary and subordinate to the proposed cultivation area.

Findings: The Board finds that MM AG-1 has been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM AG-1 will reduce the significant project-specific environmental effects related to incompatibility with existing zoning for agricultural uses (Impact AG-1) to a less-than-significant level (Class II).

Biological Resources

Impacts: The EIR identified the following potentially significant but mitigable project-specific impacts from future cannabis activities: adverse effects on unique, rare, threatened, or endangered plant or wildlife species (Impact BIO-1); adverse effects on habitats or sensitive natural communities (Impact BIO-2); adverse effects on the movement or patterns of any native resident or migratory species (Impact BIO-3); and conflicts with adopted local plans, policies, or ordinances oriented towards the protection and conservation of biological resources (Impact BIO-4).

Mitigation: The EIR identifies several mitigation measures that would reduce potentially significant impacts to a less-than-significant level.

MM BIO-1a would require applicants who apply for a cannabis permit for a site that would involve pruning, damage, or removal of a native tree or shrub, to submit a Tree Protection Plan (TPP) prepared by a County-approved arborist/biologist. The TPP would set forth specific avoidance, minimization, or compensatory measures, as necessary, given site-specific conditions and the specific cannabis operation for which the applicant would be requesting a permit.

MM BIO-1b would require applicants who apply for a cannabis permit for a site that would involve clearing of sensitive native vegetation, to submit a Habitat Protection Plan (HPP) prepared by a County-approved biologist. The HPP would set forth specific avoidance, minimization, or compensatory measures, as necessary, given site-specific conditions and the specific cannabis operation for which the applicant would be requesting a permit.

MM BIO-3, Wildlife Movement Plan, would be required for outdoor cultivation sites that would include fencing. The Wildlife Movement Plan would analyze proposed fencing in relation to the surrounding opportunities for migration, identify the type, material, length, and design of proposed fencing, and identify non-disruptive, wildlife-friendly fencing, such as post and rail fencing, wire fencing, and/or high-tensile electric fencing, to be used to allow passage by smaller animals and prevent movement in and out of cultivation sites by larger mammals, such as deer. Any required fencing would also have to be consistent with the screening requirements outlined in MM AV-1, which is discussed in these findings (above).

MM HWR-1 would require applicants for cultivation permits to provide evidence of compliance with the State Water Resources Control Board (SWRCB) requirements (or

certification by the appropriate Water Board stating a permit is not necessary). The SWRCB has drafted a comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation within the state. The general requirements and prohibitions included in the draft policy address a wide range of issues, from compliance with state and local permits to riparian setbacks. The draft general order also includes regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers.

Findings: The Board finds that MM BIO-1a, MM BIO-1b, MM BIO-3, and MM HWR-1 have been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM BIO-1a, MM BIO-1b, MM BIO-3, and MM HWR-1 would reduce the significant project-specific environmental effects related to biological resources (Impacts BIO-1, BIO-2, BIO-3, and BIO-4) to a less-than-significant level (Class II).

In addition, the Board finds that implementation of MM BIO-1a, MM BIO-1b, MM BIO-3, and MM HWR-1 would reduce the Project's contribution to significant, cumulative impacts to biological resources, such that the Project would not make a cumulatively considerable contribution and, therefore, the Project's contribution to cumulative impacts to biological resources would be less-than-significant with mitigation (Class II).

Cultural Resources

Impacts: The EIR identified potentially significant but mitigable impacts to historical resources (Impact CR-1) as well as to archaeological resources, tribal cultural resources, human remains, or paleontological resources (Impact CR-2) from future cannabis activities.

Mitigation: The EIR identifies two mitigation measures that would reduce potentially significant impacts to a less-than-significant level.

MM CR-1 would require cannabis licensees to preserve, restore, and renovate onsite structures consistent with the requirements of CEQA and the County Cultural Resources Guidelines. This mitigation measure requires an applicant for a cannabis permit to retain a qualified historian to perform a Phase I survey, and if necessary, a Phase II significance assessment and identify appropriate preservation and restoration/renovation activities for significant onsite structures in compliance with the provisions of the most current County Cultural Resources Guidelines.

MM CR-2 would require a Phase I archaeological and paleontological survey in compliance with the provisions of the County Cultural Resources Guidelines for areas of proposed ground disturbance. If the cannabis development has the potential to adversely affect significant resources, the applicant would be required to retain a Planning and Development Department-approved archaeologist to prepare and complete a Phase II subsurface testing program in coordination with the Planning and Development Department. If the Phase II program finds that significant impacts may still occur, the applicant would be required to retain a Planning and Development Department-approved archaeologist to prepare and complete a Phase III

proposal for data recovery excavation. All work would be required to be consistent with County Cultural Resources Guidelines. The applicant would be required to fund all work.

Findings: The Board finds that the feasible MM CR-1 and MM CR-2 have been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM CR-1 and MM CR-2 would reduce the significant project-specific effects related to cultural resources (Impacts CR-1 and CR-2) to a less-than-significant level (Class II).

Hydrology and Water Resources

Impacts: The EIR identified potentially significant but mitigable impacts to surface water quality (Impact HWR-1) as well as groundwater quality (Impact HWR-2) from future cannabis activities.

Mitigation: MM HWR-1 would require applicants for cultivation licenses to provide evidence of compliance with the SWRCB requirements (or certification by the Regional Water Quality Control Board stating that a permit is not necessary). The SWRCB has drafted a comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation within the state. The general requirements and prohibitions included in the draft policy address a wide range of issues, from compliance with state and local permits to riparian setbacks. The draft general order also includes regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers.

Findings: The Board finds that the feasible MM HWR-1 has been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM HWR-1 would reduce the significant project-specific effects related to surface water quality (Impact HWR-1) and groundwater quality (Impact HWR-2) to a less-than-significant level (Class II).

Land Use

Impacts: The EIR identified potentially significant but mitigable impacts related to conflicts with an applicable land use plan, policy, or regulation, specifically with regard to conflicts with public land uses (Impact LU-1).

Mitigation: MM LU-1 would establish a regulation prohibiting cannabis activities on publicly owned lands within the County.

Findings: The Board finds that the feasible MM LU-1 has been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM LU-1 would reduce the significant project-specific effects related to conflicts with uses on public lands (Impact LU-1) to a less-than-significant level (Class II).

Utilities and Energy Conservation
Impacts: The EIR identified potentially significant but mitigable impacts related to increased demand for new energy resources (Impact UE-2) from future cannabis activities.

Mitigation: The EIR identifies several mitigation measures that would reduce potentially significant impacts to a less-than-significant level.

MM UE-2a would require cannabis licensees to implement energy conservation best management practices to the maximum extent feasible. This would include the use of renewable energy sources and energy efficient development and operations.

MM UE-2b would require that cannabis licensees participate in a Regional Renewable Choice (RRC) program, Green Rate program, Community Renewable program, or similar equivalent renewable energy program, if feasible.

MM UE-2c would encourage cannabis Permittees to participate in the Smart Build Santa Barbara (SB2) Program as part of the permit review process. This measure would ensure that Permittees receive direction on feasible energy conservation measures, incentives, or other energy-saving techniques.

Findings: The Board finds that the MM UE-2a, MM UE-2b, and MM UE-2c have been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM UE-2a, MM UE-2b, and MM UE-2c would reduce the significant project-specific effects related to increased demand for new energy resources (Impact UE-2) to a less-than-significant level (Class II).

1.1.7 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The EIR (17EIR-00000-00003) evaluated a no project alternative and three additional alternatives (Alternative 1 - Exclusion of Cannabis Activities from the AG-I Zone District, Alternative 2 - Preclusion of Cannabis Activities from Williamson Act Land, and Alternative 3 - Reduced Registrants) as methods of reducing or eliminating significant environmental impacts. The Board letter, dated February 6, 2018, and its attachments are incorporated by reference. The Board finds that the identified alternatives are infeasible for the reasons stated.

1. No Project Alternative

The No Project Alternative addresses the potential environmental impacts that could result if the proposed Project is not adopted and the mitigation measures of the Project are not implemented. Under the No Project Alternative, the direct impacts associated with licensing of an expanded cannabis industry would not occur. However, this alternative would not address unregulated and illegal cannabis activities, and would not offer an avenue for licensing and permitting. Thus, it is likely that illegal cannabis activities would continue to

exist. Under the No Project Alternative, existing County law enforcement would continue on a primarily response-to-complaints and call-for-service basis. Over the more than three decades of local, state and federal law enforcement activities cannabis cultivation and related activities have not been eradicated. Even with local, state, and federal participation in cannabis law enforcement, as well as pending state-level regulations and programs developed from MAUCRSA, the illicit cultivation and sale of cannabis in California and the County would likely continue to be a major illicit business. Therefore, there would be no orderly development, nor oversight of cannabis activities within the County, with potential for expanded illegal activities.

Under the No Project Alternative, aesthetic/visual and agricultural resource impacts would likely be reduced. However, potential impacts related to air quality, biology, cultural resources, geology and soils, hazards, hydrology, land use, public services, transportation, and utilities/energy would be more severe under the No Project Alternative.

The No Project Alternative fails to achieve the objectives of the project. Therefore, the Board finds that the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) is preferable to the No Project Alternative.

2. Alternative 1: Exclusion of Cannabis Activities from the AG-I Zone District

Under Alternative 1 - the Exclusion of Cannabis Activities from the AG-I Zone District, cannabis-related activities would not be allowed within the AG-I zone districts throughout the County. This would reduce the areas of eligibility in the County, particularly within the Carpinteria Valley and the Santa Ynez Valley. Alternative 1 would reduce the total amount of eligible area and sites as compared to the proposed Project, and would require substantial relocation or abandonment of existing cannabis operations. Existing cultivators would need to find locations within the reduced area of eligibility.

The classification of all impacts under Alternative 1 would be similar to those under the proposed Project, including significant and unavoidable impacts to agricultural resources; air quality and greenhouse gas emissions; noise; and transportation and traffic. Adoption of Alternative 1 would achieve most of the Project objectives, which include regulating cannabis activities within the County including: providing an efficient and clear cultivation and manufacturing permit process and regulations; and regulating sites and premises to avoid degradation of the visual setting and neighborhood character, odors, hazardous materials, and fire hazards. However, adoption of Alternative 1 would not achieve Project objectives related to development of a robust and economically viable legal cannabis industry (Objective 1), encouraging businesses to operate legally and secure a license to operate in full compliance with County and state regulations (Objective 4), and minimization of adverse effects of cultivation and manufacturing and distribution activities on the natural environment (Objective 6).

Although this alternative would be consistent with some of the objectives of the Proposed Project, it would not adequately meet Objectives 1, 4, and 6. As such, it has been found infeasible for social, economic and other reasons. The Board finds that the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) is preferable to Alternative 1.

3. Alternative 2: Preclusion of Cannabis Activities from Williamson Act Land

Alternative 2 considers environmental impacts under a modified set of licensing regulations that would reduce the area of eligibility on lands that are subject to a Williamson Act contract in the County where licenses may be issued for cannabis cultivation activities. Under Alternative 2, cannabis activities would not count towards the minimum cultivation requirements to qualify for an agricultural preserve contract pursuant to the Williamson Act; however, cannabis activities would be considered compatible uses on lands that are subject to agricultural preserve contracts. Cannabis cultivation activities would be limited to a maximum of 22,000 square feet of cannabis canopy cover for each Williamson Act contract premises. Agricultural use data for commercial production and reporting that would be used to determine compliance with minimum productive acreage and annual production value requirements would not include cannabis activities.

This alternative would result in limiting the potential for cannabis activities on over 50 percent of eligible County area, and would eliminate hundreds of potential cannabis operations from occurring on Williamson Act lands. As compared to the proposed Project, the approximate total area of eligibility for manufacturing and distribution would be reduced while retail sales and testing area would remain about the same.

Adoption of Alternative 2 would achieve some of the Project objectives which include regulating commercial cannabis cultivation, manufacturing, and distribution activities within the County, providing an efficient and clear cultivation and manufacturing permit process and regulations, and regulating sites and premises to avoid degradation of the visual setting and neighborhood character, odors, hazardous materials, and fire hazards. However, Alternative 2 would not reduce any significant impacts to a less-than-significant level. Moreover, adoption of this alternative would not achieve some of the basic Project objectives, including those related to development of a robust and economically viable legal cannabis industry (Objective 1), encouraging businesses to operate legally and secure a license to operate in full compliance with County and state regulations (Objective 4), and minimization of adverse effects of cultivation and manufacturing and distribution activities on the natural environment (Objective 6).

Although this alternative would be consistent with some of the objectives of the Proposed Project, it would not adequately meet Objectives 1, 4, and 6. As such, it has been found infeasible for social, economic, and other reasons. The Board finds that the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) is preferable to Alternative 2.

4. Alternative 3: Reduced Registrants

Under the Reduced Registrants Alternative, the total number of licenses issued by the County would consist of half of the number of each category of licenses that were indicated as part of the 2017 Cannabis Registry. This would restrict the County to issuing a total of 962 licenses (50 percent of the 1,924 identified), which would subsequently limit the representative buildout of the Project analyzed in the EIR by a commensurate 50 percent. Existing operators identified in the 2017 Cannabis Registry would be prioritized for licensing under this alternative, which would substantially reduce the net new buildout, while allowing for limited growth.

Alternative 3 would result in substantial reductions in the severity of most impacts compared to the Project, and would reduce significant and unavoidable impacts to agricultural resources to a less-than-significant level. However, it would not achieve the most basic Project objectives, including those related to development of a robust, economically viable, and legal cannabis industry (Objective 1), and encouraging businesses to operate legally and secure a license to operate in full compliance with County and state regulations (Objective 4).

Although this alternative would be consistent with some of the objectives of the Proposed Project, it would not adequately meet Objectives 1 and 4. As such, it has been found infeasible for social, economic and other reasons. The Board finds that the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) is preferable to Alternative 3.

1.1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

The Board makes the following Statement of Overriding Considerations: The Cannabis Land Use and Licensing Program EIR (17EIR-00000-00003) found that impacts related to agricultural resources, air quality and greenhouse gas emissions, noise, transportation and traffic, and aesthetic and visual resources (cumulative) will remain significant and unavoidable (Class I). The Board has balanced "the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits" of the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) against these effects and makes the following Statement of Overriding Considerations, which warrants approval of the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) notwithstanding that all identified adverse environmental effects are not fully avoided or substantially lessened [CEQA Guidelines Section 15093(a)]. The Board finds that the benefits of the "proposed project outweigh the unavoidable adverse environmental effects," and therefore, "the adverse environmental effects may be considered 'acceptable'" [CEQA Guidelines Section 15093(a)].

Each of the reasons for approval cited below is a separate and independent basis that justifies approval of the Cannabis Land Use Ordinance and Licensing Program. Thus, even if a court

were to set aside any particular reason or reasons, the Board finds that it would stand by its determination that each reason, or any combinations of reasons, is a sufficient basis for approving the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) notwithstanding the significant and unavoidable impacts that may occur. The substantial evidence supporting the various benefits can be found in the other Findings for Approval set forth in this document, the EIR, and in the Record of Proceedings, including, but not limited to, public comment received at the numerous public hearings listed in the incorporated Board letter dated February 6, 2018.

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15043, 15092, and 15093, any unavoidable adverse environmental effects of the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) are acceptable due to the following environmental benefits and overriding considerations:

A. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) provides for a robust and economically viable legal cannabis industry to ensure production and availability of high quality cannabis products to help meet local demands, and, as a public benefit, improves the County's tax base. For a detailed discussion of the economic viability, see the Fiscal Analysis of the Commercial Cannabis Industry in Santa Barbara County, prepared by Hdl Companies and dated October 31, 2017 and incorporated herein by reference:

   https://santabarbara.legistar.com/View.ashx?M=F&ID=5685428&GUID=E6A9F289-B740-40DC-A302-B4056B72F788

B. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) enhances the local economy and provides opportunities for future jobs, business development, and increased living wages. Moreover, the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) promotes continued agricultural production as an integral part of the region's economy by giving existing farmers access to the potentially profitable cannabis industry, which in turn would provide relief for those impacted by competition from foreign markets and rising costs of water supply.

C. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) expands the production and availability of medical cannabis, which is known to help patients address symptoms related to glaucoma, epilepsy, arthritis, and anxiety disorders, among other illnesses.

D. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) allows for the orderly development and oversight of commercial cannabis activities by applying development standards that

require appropriate siting, setbacks, security, and nuisance avoidance measures, thereby protecting public health, safety, and welfare.

E. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) provides a method for commercial cannabis businesses to operate legally and secure a permit and license to operate in full compliance with County and state regulations, maximizing the proportion of licensed activities and minimizing unlicensed activities. Minimization of unlicensed activities will occur for two reasons. First, the County will be providing a legal pathway for members of the industry to comply with the law. Secondly, the County will use revenue from the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) to strengthen and increase code enforcement actions in an effort to remove illegal and noncompliant operations occurring in the County unincorporated areas.

F. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) establishes land use requirements for commercial cannabis activities to minimize the risks associated with criminal activity, degradation of neighborhood character, groundwater basin overdraft, obnoxious odors, noise nuisances, hazardous materials, and fire hazards.

G. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) minimizes the potential for adverse impacts on children and sensitive populations by imposing appropriate setbacks and ensuring compatibility of commercial cannabis activities with surrounding existing land uses, including residential neighborhoods, agricultural operations, youth facilities, recreational amenities, and educational institutions. For detailed discussions on compatibility, see Section 3.9, *Land Use and Planning*, in the EIR, incorporated herein by reference, as well as the other Findings for Approval in this document.

H. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) provides opportunities for local testing labs that protect the public by ensuring that local cannabis supplies meet product safety standards established by the State of California.

I. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) protects agricultural resources, natural resources, cultural resources, and scenic resources by limiting where cannabis activities can be permitted and by enacting development standards that would further avoid or minimize potential impacts to the environment.

2.0 ADMINISTRATIVE FINDINGS FOR CANNABIS LAND USE ORDINANCES

In compliance with Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) of the Santa Barbara LUDC the Board shall make the

findings below in order to approve a text amendment to the County Land Use and Development Code (LUDC).

The findings to approve a text amendment to the County's certified Local Coastal Program are set forth in Section 35-180.6 (Findings Required for Approval of Rezone or Ordinance Amendment) of the Coastal Zoning Ordinance (CZO). In compliance with Chapter 2, Administration, Article V, Planning and Zoning, Section 2-25.2, Powers and Duties, the Board shall make the following findings in order to approve the text amendment to the CZO.

In compliance with Section 35.494.050 (Action on Amendment) of the Montecito Land Use and Development Code (MLUDC), the Board shall make the following findings in order to approve the text amendment to the MLUDC.

2.1 The request is in the interests of the general community welfare.

The proposed ordinance amendments are in the interest of the general community welfare since the amendments will serve to (1) define new land uses associated with cannabis activities (2) indicate those zones that allow the Cannabis land uses, and (3) set forth development standards for various permitted commercial cannabis activities to avoid compromising the general welfare of the community, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference.

2.2 The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the LUDC, CZO, and MLUDC.

Adoption of the proposed ordinances, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference, will provide more effective implementation of the State planning and zoning laws by revising the LUDC, CZO, and MLUDC to provide clear zoning standards that will benefit the public, consistent with the state licensing program for the cannabis industry. The proposed ordinances: define the uses associated with commercial cannabis activities; identify the zones in which cannabis land uses would be prohibited; and set forth a number of development standards and other requirements that would apply to personal cultivation, in order to avoid or otherwise minimize adverse effects from cannabis activities. The proposed ordinances would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Community Plans. The proposed ordinance amendments are also consistent with the remaining portions of the LUDC, CZO, and MLUDC that these ordinance amendments would not be revising. Therefore, the proposed ordinance amendments would be consistent with the Comprehensive Plan including the Community Plans, the requirements of State Planning and Zoning Laws, and the LUDC, CZO, and MLUDC.

2.3 The request is consistent with good zoning and planning practices.

The proposed ordinances, as analyzed in the Board letter, dated February 6, 2018, which are hereby incorporated by reference, clearly and specifically address personal cultivation and commercial cannabis activities within the unincorporated area of Santa Barbara County. The ordinances are consistent with sound zoning and planning practices to regulate land uses for

the overall protection of the environment and community values since it provides for clear direction regarding where cannabis land uses are allowed and prohibited, which serves to minimize potential adverse impacts to the surrounding area. As discussed in Finding 2.2, above, the amendments are consistent with the Comprehensive Plan, including the Community Plans, LUDC, CZO and MLUDC. Therefore, the proposed ordinances are consistent with sound zoning and planning practices to regulate land uses.

3.0 ADMINISTRATIVE FINDINGS FOR AMENDMENTS TO ARTICLE X (CASE NO. 18ORD-00000-00001)

In compliance with Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) of the Santa Barbara LUDC the Board shall make the findings below in order to approve the amendment and partial rescission of Article X, Medical Marijuana Regulations, of Chapter 35, Zoning, of the Santa Barbara County Code (Case no. 18ORD-00000-00001).

3.1 The request is in the interests of the general community welfare.

The proposed ordinance to amend and partially rescind Article X is in the interest of the general community welfare since it will:

- Maintain the amortization of Legal Nonconforming medical marijuana operations as established by the Board in November of 2017.
- Clarify the timing of the amortization periods for Legal Nonconforming medical marijuana operations, thereby providing certainty to the operators and the public alike regarding the status of the operations.
- Rescind the existing prohibition against medical marijuana cultivation upon the operative dates of the Cannabis Land Use Ordinances (Case Nos. 17ORD-00000-00004, -00009, -00010), thereby ensuring that the new regulations are not in conflict with existing regulations.
- Rescind the entirety of Article X upon the termination of Legal Nonconforming uses, thereby removing obsolete regulations.

3.2 The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the LUDC and CZO.

Adoption of the proposed ordinance, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference, will ensure that the provisions in Article X are consistent with the new regulations in the LUDC, CZO, and MLUDC should the Board adopt the Cannabis Land Use Ordinances (Case Nos. 17ORD-00000-00004, -00009, -00010). The amended Article X would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Community Plans. Together with the Cannabis Land Use Ordinances, the amended Article X will allow for more effective implementation of the State planning and zoning laws by ensuring consistency with the new State licensing program for the cannabis industry. Therefore, the proposed ordinance amendments would be

consistent with the Comprehensive Plan including the Community Plans, the requirements of State Planning and Zoning Laws, and the LUDC, CZO and MLUDC.

3.3 The request is consistent with good zoning and planning practices.

The proposed amendments to Article X are consistent with sound zoning and planning practices since they will ensure that there is no conflict between the new cannabis regulations and the existing medical marijuana regulations. Moreover, the amendments provide a clear timeframe for the termination of Legal Nonconforming uses for medical marijuana cultivation. Finally, the amendments provide for Article X to be rescinded entirely once Legal Nonconforming medical marijuana operations are terminated and the separate medical marijuana regulations are no longer necessary. Thus, the proposed amendments are consistent with sound zoning and planning practices to regulate land uses.

4.0 AMENDMENT TO THE UNIFORM RULES FINDINGS (Case No. 17ORD-00000-00019)

4.1 The request is in the interests of the general community welfare.

The proposed amendment to the Uniform Rules would limit the amount and types of cannabis activities that would be permitted on Williamson Act lands. This is in the interests of the general community welfare because the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and also for the assurance of adequate, healthful, and nutritious food for residents of the state and the nation. The amendment would also specify that cannabis activities are not compatible with Williamson Act contracts for open space or Williamson Act contracts for recreation, thereby ensuring the continued protection of scenic, biological and recreational resources in those preserves.

4.2 The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the LUDC and CZO.

The amendment of the Uniform Rules, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference, would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Land Use and Agricultural Elements. The Agricultural Element contains goals and policies which require the protection of agriculture lands, the reservation of prime soils for agricultural uses, and the preservation of a rural economy. The amendment would limit the types and amounts of cannabis activities that would be permitted on Williamson Act lands. It would also specify that some cannabis activities, including cultivation, are compatible with the agricultural uses on Williamson Act lands, thereby ensuring consistency with the Cannabis Land Use Ordinances (Case Nos. 17ORD-00000-00004, -00010).

4.3 The request is consistent with good zoning and planning practices.

The Agricultural Preserve Advisory Committee (APAC) held three hearings on the matter of cannabis activities to be permitted on Williamson Act lands. At the hearings, public input was received and information such as current zoning and planning practices, assessor policies and procedures, potential environmental impacts, and approaches taken by other counties was discussed. The purpose of agricultural preserve program and uniform rules was also discussed

as a factor in making a recommendation to the Board. APAC recommended the proposed amendments to the Uniform Rules on December 1, 2017, with particular consideration given to applying good zoning/planning practices while preserving agricultural and open space land in the County. As also stated under 4.2 above, the proposed Uniform Rules amendment is consistent with all applicable policies of the Comprehensive Plan and Land Use and Development Code.

Attachment C
Revised Biological Resources Assessment

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REVISED BIOLOGICAL RESOURCES ASSESSMENT
MORIARTY HOLDINGS
CANNABIS CULTIVATION PROJECT (19LUP-00000-00273)
6980 CAT CANYON ROAD (APN 101-070-069) LOS ALAMOS, CALIFORNIA

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Revised: September 2, 2021

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1.0 INTRODUCTION

This Revised Biological Resources Assessment (Revised Assessment) was prepared in support of a Land Use Permit application (Case #19LUP-00000-002734) from the County of Santa Barbara (County) for the Moriarty Holdings (Applicant) Outdoor Cannabis Cultivation Project (Project), located at 6980 Cat Canyon Road (APN 101-070-069), Los Alamos, California.

The Revised Assessment has been prepared in compliance with County Ordinance 5027 and the corresponding requirements of Land Use Development Code (LUDC) §35.42.075 (Cannabis Regulations) and is also applicable to the requirements by other California resources agencies (e.g., California Department of Fish and Wildlife [CDFW], Regional Water Quality Control Board [RWQCB]) pursuant to the California Environmental Quality Act (CEQA). The investigation was completed by Storrer Environmental Services, LLC (SES).

The objectives and scope of the Revised Assessment are to 1) identify the nature and extent of biological resources present within and in proximity to the planned cannabis cultivation area, with focus on native habitats and/or species afforded special protection by federal, state, and/or local policies and regulations; 2) recommend measures to minimize project-related impacts to Environmentally Sensitive Habitat (ESH); 3) provide a Habitat Protection and Wildlife Movement Plan per the County's LUDC; 4) determine whether there are any site-specific impacts not generally assessed in the County's Final Environmental Impact Report (FEIR) for the Cannabis Land Use Ordinance and Licensing Program (County 2017); 5) address comments from County Staff (County 2020, 2021) on two previous drafts of the Biological Resources Assessment (SES 2019, 2021); and, 6) recommend avoidance and minimization measures to reduce potential impacts to biological resources.

1.1 PROJECT LOCATION

The 40-acre parcel (Project Site) is in an unincorporated portion of the County, approximately 5 miles southeast of the town of Sisquoc and 7 miles north of the town of Los Alamos, Santa Barbara County, California (Latitude 34.484298, Longitude -120.154297) (Figure 1 – Site Vicinity Map). Cat Canyon Creek bisects the Project Site from east to west (Appendix A – Site Photographs). The field surveys encompassed the entire Project Site, including the extent of Cat Canyon Creek within the parcel. The location of a proposed reinforced box culvert for fire access was also specifically examined (Figures 2a-2f – Site Plans; Figure 5 – Box Culvert Impact Area).

1.2 PROJECT DESCRIPTION

The Project Site is currently undeveloped. The proposed Project is a request from Moriarty Holdings for approval of a Land Use Permit (LUP) to allow approximately 19.6 acres of outdoor cannabis cultivation in hoop structures, with onsite processing (drying, packaging and storage) in two proposed processing structures. The total cannabis cultivation area under hoops will be approximately 19.6 acres in size, or less than 50% of the gross parcel size. In addition, there are two proposed 2,400 square foot ag-exempt storage structures to cover the water storage tank, water distribution pump and FERTIGATION System areas, and a 120 square foot guard gate house at the main property entrance at 7015 Long Canyon Road. Access is gained through a 30-foot-wide ingress/egress easement over APN: 101-070-075, document number 200-0064812, which enters from the east off of Long Canyon Road.

The parcel will be served by the Santa Barbara County Fire Department. Access to the southern portion of the site will be provided by an existing 20-foot-wide driveway off Cat Canyon Road. Access to the northerly portion of the site will be provided by a 20-foot-wide all-weather access road within the 30-foot-wide easement from Long Canyon Road, over APN: 101-070-075, which includes an existing Arizona crossing to be improved with the installation of a reinforced box culvert that meets Fire Department and other agency requirements (e.g., CDFW, Flood Control, etc.) (see Figure 2f and Figure 5).

The proposed Project includes approximately 133 cubic yards of cut and 5,192 cubic yards of import to create a building pad for the processing buildings. Installation of the reinforced box culvert at the drainage crossing at the easterly access point of the ingress/egress easement will require 5,481 cubic yards of cut and fill (see Figure 2f).

Each proposed hoop structure will be 20 feet wide and 13.6 feet in height with no permanent structural elements, lighting or electricity. Each proposed processing structure will be 9,500 square feet and approximately 29.5 feet in height. One of the two proposed 9,500 sq. ft. processing buildings, Building A, will include permanent ADA-compliant employee restrooms supported by a proposed onsite wastewater treatment (septic) system. The proposed 9,500 square foot processing 'Building A' will include permanent ADA compliant employee restrooms supported by a proposed onsite wastewater treatment (septic) system. Agricultural chemicals and fertilizers will be stored in secondary containment in the processing buildings.

The cannabis operation will be secured with 6-foot-high wire mesh fencing. Access to the proposed cannabis operation will be controlled with 6-foot high, wire mesh gates that will remain locked at all times except during times of active ingress/egress. Additional security features include security cameras and light fixtures installed at the property entrance gates and surrounding the proposed cultivation and processing areas. All proposed light fixtures will be fully shielded and directed downward and installed at a maximum height of 8 feet. Motion sensor lights, once triggered, will remain on for 10 minutes.

The applicant plans to operationalize the cultivation (Phase 1) within approximately 6 months of the LUP being issued. The applicant will plan to operationalize the processing buildings (Phase 2) within approximately 1 year of the LUP being issued. Until such time that the processing buildings are built and permitted, the applicant will harvest the cannabis and immediately load it onto a truck to be taken off-site for processing. This interim processing will not change the number of traffic or truck trips that will be expected when Phase 2 is complete.

Phase 1 of the project is limited to cultivation on the south side of Cat Canyon creek only. The cultivation area south of Cat Canyon Creek includes 5.8 acres of hoops with its own, waste storage and pickup location, 5 employee parking spaces, and two porta-potty restrooms with a hand washing station. The cultivation area south of Cat Canyon Creek will be irrigated by a permitted and tested, solar-powered well located at 34°48'36.69" N, 120°15'36.91"W, south of Cat Canyon creek (Well B-2 PERMIT# SR0104136). The cultivation area south of Cat Canyon Creek will also include an ag-exempt shade structure covering ten, 5,000-gallon water storage tanks and a water distribution pump FERTIGATION System. The cultivation area south of Cat Canyon Creek will be tended to by 3 full-time employees, and an additional 6 seasonal employees. The hours of operation are 7:00 am to 6:00 pm Monday through Saturday. Phase 1 will be accessed via Cat

Canyon Road. The Fire Department has assigned an emergency response address to the south side entrance gate: 6980 Cat Canyon Road.

Phase 2 of the project will become operational once the processing buildings on the north side of Cat Canyon creek have been completed. At this time, the cultivation area north of Cat Canyon Creek will be activated and total square footage of the parcel, including the Phase 1 cultivation area south of Cat Canyon Creek, will equal 19.6 acres of outdoor cannabis.

The cultivation area north of Cat Canyon Creek is 13.8 acres and has its own waste storage, pick-up location, and employee parking. The cultivation area north of Cat Canyon Creek will be irrigated by a permitted (WP# 4781), solar-powered well located at 120°15'51.14" W, 34°48'38"N, that is to be installed as part of the Project.

The cultivation area north of Cat Canyon Creek will also consist of an ag-exempt shade structure covering ten, 5,000-gallon water storage tanks and a water distribution system. The cultivation area north of Cat Canyon Creek will be tended to by 4 full time employees, and an additional 9 seasonal employees. The hours of operation are 7:00 am to 6:00 pm Monday through Saturday. Phase 2 will be accessed via Long Canyon Road, and the culvert improvements will be completed prior to Phase 2 operations.

The proposed cannabis operation will involve a maximum of 7 year-round, full-time employees and a maximum of 15 seasonal employees who will be employed onsite during the months of July and November. The Applicant will implement an internal rideshare/vanpool program to allow for reduced energy consumption, emissions, traffic congestion and onsite parking infrastructure demand. This program will begin with Phase 1 of the Project, limiting the number of trips to 6 per day during Phase 1 and a maximum of ten per day during Phase 2.

Once the Phase 2 processing buildings are built all cannabis from both the south and north of Cat Canyon Creek will be processed on site. These processing buildings will consist of a cannabis dry room, cannabis trimming room, cannabis product storage area, offices, employee break room and restrooms.

2.0 ENVIRONMENTAL SETTING

The Project Site is located in the Solomon Hills approximately four miles southeast of the town of Sisquoc (Figure 1 – Site Vicinity Map). The parcel is zoned for agriculture (AG-II-100). Based on aerial imagery analysis, the property appears to have been historically used for cattle grazing and actively farmed since 2009. The Project Site is currently undeveloped, but it appears to be grazed by cattle and mowed/maintained annually. There are numerous cattle trails in and across Cat Canyon Creek, as well as a low-water ("Arizona") crossing at the west end of the parcel (Appendix A – Site Photographs). Surrounding land uses include oil and gas extraction/processing, agriculture, and rural residential development. There are no access roads within the parcel. As mentioned, the Project Site is accessed by a dirt road through an easement on the property to the east off of Long Canyon Road.

The Project Site ranges in elevation from 710 feet above mean sea level (msl) in the west end of Cat Canyon Creek to approximately 760 feet above msl at the northwest corner. Based on review of the Web Soil Survey of the of Santa Barbara County, California, Northern Part, the following three soil units are mapped in the Project Site:

- Arnold sand (ArF & ArF3), 9 to 45 percent slopes. The northwest corner of the Project Site is comprised of the ArF and ArF3 soil types. Arnold sand is a somewhat excessively drained soil that forms on hills and ridges, overlying weathered bedrock. The parent material is residuum weathered from sandstone. These soil types are not considered prime farmland (NRCS 2020).
- Betteravia sandy loam (BnD2), 5 to 15 percent slopes. The majority of the Project Site north of Cat Canyon Creek is comprised of the BnD2 soil type. This is a well-drained soil that forms on alluvial fans, flood plains, or fan terraces. Parent material is alluvium derived from diatomaceous shale and/or acid sandstone. BnD2 is not considered prime farmland (NRCS 2020).
- Elder loam (EmC), 2 to 9 percent slopes. The majority of the Project Site south of Cat Canyon Creek is comprised of the EmC soil type. EmC is a well-drained soil type that forms on alluvial fans. The parent material is alluvium derived from acid sandstone and shale. This soil type is considered prime farmland, if irrigated (NRCS 2020).

3.0 REGULATORY FRAMEWORK

Sensitive biological resources, including special-status plant and wildlife species, unique plant communities, wildlife corridors, nesting birds, and jurisdictional waters and wetlands, are protected under various federal, state, and local laws, regulations, and land use policies. The following sections summarize the regulations and policies administered by resource agencies pertaining to biological resources that are known to occur or have the potential to occur on the property.

3.1 FEDERAL REGULATIONS

3.1.1 Endangered Species Act (16 U.S.C. § 1531 et seq.)

The Endangered Species Act of 1973 (ESA) provides for the protection of plant and animal species listed by the federal government as "endangered" or "threatened," and "the ecosystems upon which they depend." The USFWS and National Marine Fisheries Service (NMFS) share responsibility for administration of the federal ESA. An "endangered" species is one that is "in danger of extinction" throughout all or a significant portion of its range. A "threatened" species is one that is "likely to become endangered" within the foreseeable future. The ESA prohibits "take" of threatened or endangered species except under certain circumstances and only with authorization from the USFWS. "Take" as defined by the ESA, "means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." This can also include the modification of a species' habitat. For plants, this statute governs removing, possessing, maliciously damaging, or destroying any listed plant on federal land and removing, cutting, digging up, damaging, or destroying any listed plant on non-federal land in knowing violation of state law (16 U.S.C. § 1538(c)).

When non-federal entities, such as states, counties, local governments, and private landowners, wish to conduct an otherwise lawful activity that might incidentally, but not intentionally, "take" a listed species, an incidental take permit must first be obtained via formal consultation with the USFWS using one of two methods. If a federal nexus is not available, an incidental take permit

(ITP) must be obtained for the project following formal consultation with the USFWS via Section 10 of the ESA (ESA § 10(a)(1)(B)).

If a federal nexus is available, then an incidental take permit may be obtained by the federal agency involved in the nexus (e.g., USACE) via Section 7 of the ESA (ESA § 7). Section 7 stipulates that any federal agency action that may affect a species listed as threatened or endangered requires a formal consultation with USFWS to ensure that the action is not likely to jeopardize the continued existence of the listed species or result in destruction or adverse modification of designated critical habitat (16 U.S.C. 1536(a)(2)). The Biological Opinion issued by the USFWS at the conclusion of the consultation may include authorization for incidental take of a listed species.

3.1.2 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711) is also administered by the USFWS. The MBTA provides protection of nearly all species of birds, their nests, and their eggs, including all native bird species. Under the MBTA, it is it is unlawful to "take", kill, collect, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR 10, including feathers or other parts, nests, eggs or products, except as allowed by implementing regulations (50 CFR 21). Certain game bird species are allowed to be hunted for specific periods determined by federal and state governments.

3.1.3 Clean Water Act – Section 404

The Clean Water Act (CWA) is comprehensive legislation established to protect the nation's water from pollution by setting water quality standards and by limiting the discharge of effluents in the waters of the United States. Section 404 of the CWA regulates the discharge of dredged and/or fill material into waters of the U.S., including wetlands. Section 404 of the CWA is jointly administered and enforced by the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA). Activities in waters of the U.S. regulated under Section 404 include dredge or fill for development, water resources projects (i.e., dams and levees), infrastructure development (i.e., highways and airports), and mining projects. With the exception of certain farming and forestry activities that are exempt from Section 404 regulation, a Section 404 permit is required before any dredged or fill material may be discharged into waters of the U.S. The Section 404 program prohibits discharge of dredged or fill material if waters of the U.S. would be significantly degraded or a practical alternative exists that is less damaging to the aquatic environment.

3.1.4 Waters of the U.S.

On April 21, 2020, the EPA and USACE published the Navigable Waters Protection Rule (2020 Rule) that defines waters of the U.S. and clarifies the limits of federal jurisdiction over wetlands, streams, and ditches under the CWA. The 2020 Rule became effective on June 22, 2020.

3.1.4.1 Jurisdictional Waters

For purposes of the Clean Water Act, 33 U.S.C. 1251 *et seq.* and its implementing regulations, the term "waters of the U.S." means:

(1) The territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide;

(2) Tributaries;

(3) Lakes and ponds, and impoundments of jurisdictional waters; and,

(4) Adjacent wetlands.

The limit of USACE's jurisdiction in non-tidal waters extends to the ordinary high water mark (OHWM). The term OHWM means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

The term "adjacent wetlands" applies to wetlands that:

(i) Abut, meaning to touch at least at one point or side of, a water identified in paragraphs (1), (2), or (3) of this section;

(ii) Are inundated by flooding from a water identified in paragraphs (1), (2), or (3) of this section in a typical year;

(iii) Are physically separated from a water identified in paragraph (1), (2), or (3) of this section only by a natural berm, bank, dune, or similar natural feature; or

(iv) Are physically separated from a water identified in paragraph (1), (2), or (3) of this section only by an artificial dike, barrier, or similar artificial structure so long as that structure allows for a direct hydrologic surface connection between the wetlands and the water identified in paragraph (1), (2), or (3) of this section in a typical year, such as through a culvert, flood or tide gate, pump, or similar artificial feature. An adjacent wetland is jurisdictional in its entirety when a road or similar artificial structure divides the wetland, as long as the structure allows for a direct hydrologic surface connection through or over that structure in a typical year.

The term "lakes and ponds, and impoundments of jurisdictional waters" means:

Standing bodies of open water that contribute surface water flow to a water identified in paragraph (1) of this section in a typical year either directly or through one or more waters identified in paragraph (2), (3), or (4) of this section. A lake, pond, or impoundment of a jurisdictional water does not lose its jurisdictional status if it contributes surface water flow to a downstream jurisdictional water in a typical year through a channelized non-jurisdictional surface water feature, through a culvert, dike, spillway, or similar artificial feature, or through a debris pile, boulder field, or similar natural feature. A lake or pond, or impoundment of a jurisdictional water is also jurisdictional if it is inundated by flooding from a water identified in paragraph (1), (2), or (3) of this section in a typical year.

3.1.4.2 Non-jurisdictional Waters

Per the 2020 Rule, the following are not "waters of the U.S.":

(1) Waters or water features that are not identified in paragraphs (1), (2), (3), or (4) of the previous section;

(2) Groundwater, including groundwater drained through subsurface drainage systems;

(3) Ephemeral features, including ephemeral streams, swales, gullies, rills, and pools;

(4) Diffuse stormwater run-off and directional sheet flow over upland;

(5) Ditches that are not waters identified in paragraphs (1) or (2) of the previous section, and those portions of ditches constructed in waters identified in paragraph (4) of the previous section that do not satisfy the definitions of adjacent wetlands;

(6) Prior converted cropland;

(7) Artificially irrigated areas, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease;

(8) Artificial lakes and ponds, including water storage reservoirs and farm, irrigation, stock watering, and log cleaning ponds, constructed or excavated in upland or in non-jurisdictional waters, so long as those artificial lakes and ponds are not impoundments of jurisdictional waters;

(9) Water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel;

(10) Stormwater control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater run-off;

(11) Groundwater recharge, water reuse, and wastewater recycling structures, including detention, retention, and infiltration basins and ponds, constructed or excavated in upland or in non-jurisdictional waters; and,

(12) Waste treatment systems.

3.2 STATE REGULATIONS

3.2.1 California Endangered Species Act (California Fish and Game Code § 2050, et seq.)

Fish and wildlife resources are protected by a number of laws and programs administered by the CDFW, formerly the California Department of Fish and Game. The California Endangered Species Act (CESA) generally parallels the provisions of the federal ESA, and states that "all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved."

Under the CESA, "endangered" is defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range;" and "threatened" is defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts." "Take" is defined as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" an individual of a species, but

the definition does not include "harm" or "harass," as the ESA does. As a result, the threshold for a take under the CESA is higher than that under the federal ESA. Exceptions to the take prohibition are limited to authorization of collection for "necessary scientific research".

Consistent with the CESA, CDFW has established lists of endangered, threatened, and candidate species that may or may not be included on a federal ESA list. CDFW also maintains a list of Species of Special Concern for those species that have declining populations, limited distribution, diminishing habitat, or unusual scientific, educational, or recreational value. In addition, CDFW manages a "watch list" of species that have been de-listed or are vulnerable. Species of Special concern and watch list species are not afforded the same legal protection as listed species.

Pursuant to California Fish and Game Code Section 2081, CESA allows for incidental take permits to otherwise lawful development projects that could result in the take of a state-listed threatened or endangered species. The application for an incidental take permit under Section 2081(b) has a number of requirements including the preparation of a conservation plan, generally referred to as a Habitat Conservation Plan. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate mitigation planning to offset project-caused losses of listed species.

3.2.2 General Provisions for Migratory and Nesting Birds (California Fish and Game Code § 3503 and § 3513)

Under the California Fish and Game Code, it is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act (MBTA) or any part (i.e., nests, eggs, or products) of a migratory nongame bird described in the MBTA, except as provided by rules and regulations adopted by the United States Secretary of the Interior under that federal act.

The California Fish and Game Code also specifically states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.

3.2.3 Native Plant Protection Act (California Fish and Game Code §§ 1900 - 1913, § 2062 and § 2067)

The CDFW also manages the California Native Plant Protection Act (NPPA), which designates and protects species eligible for state listing. Eligible species include those identified on California Native Plant Society (CNPS) Rare Plant Ranks (CRPRs) 1A, 1B, and 2 meet the definitions of Sections 1901, Chapter 10 (NPPA) or Sections 2062 and 2067 (CESA) of the California Fish and Game Code. CRPR 3 and 4 species, though not meeting the criteria for listing by CDFW, may be considered during project review by the agencies.

3.2.4 Clean Water Act – Section 401

The CWA Section 401 Water Quality Certification (Section 401 Certification) provides states and authorized tribes an opportunity to address the aquatic resource impacts of federally issued permits and licenses, to help protect water quality. Under Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity that may result in any discharge into waters of the U.S. must obtain a Section 401 Certification from the State Water Resources Control Board

(SWRCB) that the proposed activity will comply with state water quality standards. In California, Section 401 Certifications are issued by Regional Water Quality Control Boards (RWQCB) located throughout the state. The Central Coast RWQCB issues Section 401 Certifications for projects in the County. The federal CWA Section 404 permit is dependent on and subject to the terms of the Section 401 Certification. Therefore, under Section 401, a federal agency cannot issue a permit or license for an activity that may result in discharge into waters of the U.S. until the RWQCB has granted or waived the Section 401 Certification. Section 401 Certification is limited to federally jurisdictional waters and wetlands. In response to the federal 2020 Rule, SWRCB has adopted a new policy effective on May 28, 2020.

3.2.4.1 Waters of the State

California Code of Regulations, title 23, section 3831(w) states that "all waters of the United States are also 'waters of the state.'" This regulation has remained in effect despite federal decisions which added limitations to what could be considered a water of the U.S. Therefore, the regulation reflects the SWRCB's intent to include a broad interpretation of waters of the U.S. into the definition of waters of the state. Waters of the state includes features that have been determined by the EPA or the USACE to be "waters of the U.S." in an approved jurisdictional determination; "waters of the U.S." identified in an aquatic resource report certified by the USACE upon which a permitting decision was based; and features that are consistent with any current or historic final judicial interpretation of "waters of the U.S." or any current or historic federal regulation defining "waters of the U.S."

Because the interpretation of waters of the U.S. in place at the time section 3831(w) was adopted was broader than subsequent definitions (including the 2020 Rule) that incorporated more limitations into the scope of federal jurisdiction, it is consistent with the SWRCB's intent to include both historic and current definitions of waters of the U.S. into the SWRCB's wetland jurisdictional framework. Further, a wetland will continue to be protected when it has been regulated in the past as a water of the U.S. regardless of any subsequent changes in federal regulations. The inclusion of both current and historic definitions of "waters of the U.S." will help ensure some regulatory stability in an area that has otherwise been in flux. Like the other categories of the SWRCB's wetland jurisdictional framework, the status as a water of the U. S. may only be used to establish that a wetland qualifies as a water of the state; it cannot be used to exclude a wetland from qualifying as a water of the state. In other words, wetlands that are categorically excluded from qualifying as a water of the U.S. may nevertheless qualify as waters of the state under another jurisdictional category.

The SWRCB generally excludes certain areas and activities from the application procedures in order to better align the SWRCB's dredge or fill program with the federal CWA section 404 program. Activities and areas excluded from the procedures include:

(1) Normal farming, ranching, and silviculture activities; constructing and maintaining stock or farm ponds and irrigation ditches; constructing or maintaining farm, forest, or mining roads; maintaining or reconstructing structures that are currently serviceable; and constructing temporary sediment basins for construction;

(2) Suction dredge mining;

(3) Routine emergency operation and maintenance activities;

(4) Prior converted cropland that was cleared, drained, or otherwise manipulated for cropland use prior to December 23, 1985;

(5) Fields used for rice cultivation; and,

(6) Features used for agricultural purposes (e.g., stock ponds, irrigation ditches, etc.).

3.2.5 SWRCB Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Attachment A)

The SWRCB has adopted "General Requirements and Prohibitions" with respect to cannabis cultivation. Among these are "minimum riparian setbacks" measured from the waterbody's bank-full stage (high flow water levels that occur every 1.5 to 2 years) or from the top edge of the waterbody bank in incised channels, whichever is more conservative. Riparian setbacks for wetlands shall be measured from the edge of the wetland as determined by a qualified professional familiar with the USACE Wetlands Delineation Manual. Prescribed setbacks for cannabis cultivation and support facilities (e.g., materials/vehicle storage, pumps, water storage tanks) are as follows:

- Perennial watercourses (e.g. lakes, ponds, springs): 150 feet;
- Intermittent watercourses or wetlands: 100 feet;
- Ephemeral watercourses: 50 feet; and,
- Man-made irrigation canals and reservoirs: limits of riparian vegetation zone.

The SWRCB guidelines also include requirements for cleanup, restoration, and mitigation for impacts to riparian vegetation and/or oak trees. A revegetation plan may be required for impacts to these habitat types resulting from cannabis operations.

3.2.6 California Code of Regulations, Title 14, Section 722 – General Lake or Streambed Alteration Agreement or Activities Related to Cannabis Cultivation (General Agreement)

The California Department of Fish and Wildlife (CDFW) requires a General Agreement under the referenced statute for "construction, reconstruction or repair of stream crossings in the form of a bridge, culvert, or rock ford, and water diversion on non-finfish rivers streams and lakes that are used or will be used for the purpose of cannabis cultivation, each a "covered activity"".

3.3 LOCAL LAND USE POLICIES

3.3.1 County Stream and Riparian Habitat Protection

The Environmental Thresholds and Guidelines Manual (County 2008) defines riparian habitat as the "terrestrial or upland area adjacent to freshwater bodies, such as the banks of creeks and streams, the shores of lakes and ponds, and aquifers which emerge at the surface as springs or seeps. This habitat can also occur along arroyos and barrancas, and other types of drainages throughout the County".

County-prescribed setbacks (i.e., buffer areas) from the outer (upland) edge of the riparian canopy, or the top-of-bank of the water body in the absence of riparian vegetation, are 50 feet in urban

areas, and 100 feet in rural areas. Intrusion within the buffer areas for riparian habitats and streams may be considered significant.

Per the Hoop Structures Ordinance Amendment (Case No. 17ORD-00000-00005) to the County LUDC (County 2019), the following setbacks apply for cannabis projects on agriculturally zoned land:

- Within the Urban, Inner Rural, and Existing Developed Rural Neighborhood (EDRN) areas hoop structures and shade structures shall be setback 50 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource.
- Within the Rural areas hoop structures and shade structures shall be setback 100 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource.

3.3.2 Oak Tree Protection

The County's Standard Conditions and Mitigation Measures (County 2011) require that grading, trenching, ground disturbance, construction activities and structural development occur beyond six feet of the dripline of all oak trees. Mitigation for impacted coast live oak trees requires posting of a performance security and tree replacement at a 10:1 ratio, preferably on-site (County 2019).

3.3.3 California Environmental Quality Act (CEQA)

This Revised Assessment is intended to support County review of the proposed Project. The adopted County-wide Programmatic FEIR for the Cannabis Land Use Ordinance and Licensing Program (County 2017) generally covers individual cannabis projects when the EIR CEQA analysis applies. The guidelines for determining CEQA significance are followed in this Revised Assessment. The following threshold criteria, as defined by the CEQA Guidelines Appendix G Initial Study Checklist, were used to evaluate potential effects to biological resources. Based on these criteria, the proposed Project would have a significant effect 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 Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS.

c) Have a substantial adverse effect on State or federally protected wetlands (including marsh, vernal pool, and coastal areas) 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.

In addition, based on the following County-adopted CEQA thresholds from the County's Environmental Thresholds and Guidelines Manual (County 2008) the Project would have a significant effect on biological resources if it would:

- Substantially reduce or eliminate species diversity or abundance.
- Substantially reduce or eliminate quantity or quality of nesting areas.
- Substantially limit reproductive capacity through losses of individuals or habitat.
- Substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources.
- Substantially limit or fragment range and movement (geographic distribution or animals and/or seed dispersal routes).
- Substantially interfere with natural processes, such as fire or flooding, upon which the habitat depends.

3.3.4 County Land Use Development Code (LUDC) §35.42.075

The County LUDC provides development standards, permit requirements, and procedures for commercial cannabis activities (County 2019). As summarized in Appendix J: Cannabis Activities Additional Standards of the LUDC, the following measures are to be implemented to protect biological resources, if present.

A. Tree Protection Plan

A.1. The Applicant for a land use entitlement for a commercial cannabis activity that would involve pruning, damage, or removal of a native tree, shall prepare and submit to the County Planning and Development Department (Department) a Tree Protection Plan prepared by a Department-approved arborist designed to determine whether avoidance, minimization, or compensatory measures are necessary.

B. Habitat Protection Plan

B.1. The Applicant for a land use entitlement for a cannabis activity that would involve clearing of native vegetation or other sensitive vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species, shall prepare and submit a Habitat Protection Plan prepared by a Department-approved biologist, in coordination with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) as required for State or Federal permits and State or Federally listed species, designed to determine whether avoidance, minimization, or compensatory measures are necessary.

B.3. If the project site is located within the known habitat of a species listed as rare, threatened, or endangered by the USFWS and/or CDFW, the issuance of a permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the Endangered Species Act or any other law.

C. Wildlife Movement Plan

C.1. The Applicant shall prepare a Wildlife Movement Plan for all commercial cannabis activities proposed in or near wildlife movement areas for the Department's review and approval. A Department-approved biologist shall review the Plan and confirm the adequacy of design for passage of smaller wildlife and safe prevention of entry by larger mammals, such as deer. The Applicant shall demonstrate to the Department that all perimeter fencing requirements are in place as required prior to commencement of cannabis activities.

4.0 METHODS

4.1 BACKGROUND REVIEW

Public domain information was reviewed prior to the field work, including the NRCS Web Soil Survey of Santa Barbara County, California, Northern Area (NRCS 2020), the National Hydrography Dataset (NHD) (USGS 2020), National Wetlands Inventory (USFWS 2020), California Natural Diversity Data Base (CDFW 2020), CNPS Inventory of Rare and Endangered Vascular Plants of California (CNPS 2020b), and weather data. The CNDDB query encompassed a 5-mile radius from the Project Site, providing documentation of special-status plant populations, sensitive natural communities, and special-status wildlife within all, or portions of the Foxen Canyon, Sisquoc, Orcutt, Los Alamos, Twitchell Dam, and Zaca Creek USGS 7.5-minute quadrangles.

In addition to the CNDDB, the following sources were reviewed for information on regional occurrence of special-status species that have the potential to occur in the Project vicinity:

- Bumble bees of the Western United States (Koch et al. 2012);
- Birds of Santa Barbara County, California (Lehman 2020);
- California Bird Species of Special Concern (Shuford and Gardali 2008)
- Terrestrial Mammal Species of Special Concern in California (CDFG 1998);
- California Amphibian and Reptile Species of Special Concern (Thompson et al. 2016);
- A Flora of the Santa Barbara Region, California (Smith 1998); and,
- Rare Plants of Santa Barbara County (SBBG 2012).

Field reconnaissance was conducted on August 21, 2019 and August 11, 2020 by biologist Justine Cooper and senior botanist Jessica Peak. The field investigation included mapping of primary vegetation types, documentation of dominant plant species and wildlife, and an evaluation of the limits of jurisdictional waters within the parcel. A follow-up survey was performed on July 21, 2021 to document the limits of disturbance (LOD) and vegetation impact areas to facilitate installation of the reinforced box culvert. Mapping was performed in the field using an iPad tablet

with ArcCollector and an EOS Arrow 100 Global Navigation Satellite System (GNSS) receiver. Table 1 provides a summary of survey types, dates, and field personnel.

Table 1 – Biological Surveys Conducted in 2019 and 2020

Type of Survey	Date	Field Personnel	Area Surveyed
Botanical Survey Wildlife Survey Vegetation Mapping Delineation of ESH/Jurisdictional Limits	August 21, 2019	Jessica Peak Justine Cooper	Entire 40-acre parcel and adjacent habitat, including the extent of Cat Canyon Creek within the Project Site
Botanical Survey Wildlife Survey CNPS Vegetation Rapid Assessment Forms	August 11, 2020	Jessica Peak Justine Cooper	Entire 40-acre parcel and adjacent habitat, including the extent of Cat Canyon Creek within the Project Site
Box Culvert Mapping	July 21, 2021	Jessica Peak Jorge Olivo (Engineer)	Top of bank (TOB) of ephemeral drainage; Limits of Disturbance (LOD) and vegetation impacts for the reinforced box culvert.

4.1.1 Botanical Surveys

The field investigations included mapping and documentation of primary vegetation types using CDFW-CNPS protocol for Vegetation Rapid Assessment, when applicable (Appendix B – CNPS Vegetation Rapid Assessment Forms). Descriptions of vegetation communities are adapted from *A Manual of California Vegetation, Second Edition* (MV-II) (Sawyer et al. 2009) and *A Manual of California Vegetation Online* (CNPS 2020a). Nomenclature for plant species follows *The Jepson Manual, Second Edition* (Baldwin et al. 2012) and *Jepson eFlora* (Jepson 2020). Vegetation Rapid Assessment Forms were completed at one location for each vegetation community in the Project Site that meets, or could be adapted to meet, the MV-II classification system (VEG-01 through VEG-04) (Figure 3 – Vegetation Communities & Land Use Types). Vegetation communities and land use types are discussed in detail in Section 5.2 below.

4.1.2 Wildlife Surveys

The evaluation of wildlife use of the property was made in part through field surveys, but was also based on habitat suitability within the Project Site and known occurrence of various species in the vicinity. Wildlife species that were observed or detected via scat or vocalizations were recorded. Habitat conditions and potential for occurrence of special-status wildlife species, were a particular focus of the wildlife surveys. Potential for nesting, roosting, or foraging by sensitive bird species and various raptors was also assessed.

4.1.3 Delineation of ESH and Jurisdictional Limits

The jurisdictional limits (i.e., USACE, RWQCB, CDFW, and County-regulated areas) of Cat Canyon Creek were determined and the extent of ESH (i.e., riparian canopy) along the creek was mapped using an iPad tablet with ArcCollector and an EOS Arrow 100 High Accuracy GNSS receiver (Figure 3 – Vegetation Communities & Land Use Types). The extent of NHD mapped ephemeral tributaries to Cat Canyon Creek and the jurisdictional limits at the proposed box culvert location for the access road were also verified and documented in the field.

5.0 RESULTS

5.1 HYDROLOGY

Cat Canyon Creek is an ephemeral (i.e., conveying flows during and/or immediately following a rain event) tributary to the Sisquoc River, which it joins approximately 6 miles northwest of the Project Site. Cat Canyon Creek conveys stormwater and runoff from several surrounding agricultural properties. Within the Project Site, the creek channel is moderately to severely incised, with banks approximately 20-50 feet high and 50-60 feet wide measured from top-of-bank (TOB)-to-TOB. The active creek bed ranges from 4-8 feet in width.

The channel bottom in Cat Canyon Creek is sandy with sporadic, small to medium sized cobble (Appendix A – Site Photographs). The creek bed is sparsely vegetated and was dry at the time of surveys, but evidence of past surface flow (i.e., drift deposits, drainage patterns) was observed. The riparian vegetation consists of Coast Live Oak-Arroyo Willow Woodland with an understory dominated by native shrubs. The riparian vegetation is described in further detail in Section 5.2 (Vegetation Communities and Land Use Types. Numerous cattle trails and one Arizona crossing were observed in the creek channel.

Two ephemeral drainages, as defined in the NHD (USGS 2020), were verified in the field during 2019 and 2020 surveys. The ephemeral drainages convey flow from their headwaters north and northwest and merge in the western portion of the Project Site prior to discharging into Cat Canyon Creek (Appendix A – Site Photographs; Figure 3 – Vegetation Communities & Land Use Types). The ephemeral drainages range from 10-20 feet wide at the TOB, with sandy channel beds ranging from 1-6 feet wide. They support sparse shrub and herbaceous growth and lack riparian vegetation (Appendix A – Photos 2 & 3).

There are numerous cattle trails in the northeastern side Project Site that likely facilitate sheet flow through the Project Site to Cat Canyon Creek during large storms, but are not connected to a jurisdictional drainage to the north. In particular, the cattle trail in the center of the Project Site has become an erosion feature due to heavy use and lack of stabilizing vegetation. The eroded cattle trails originate in the Project Site, do not support riparian vegetation, and are not jurisdictional under USACE, CDFW, RWQCB, or County policies. No culverts were observed in the Site Cat Canyon Creek, the ephemeral drainages, or the erosion features.

There is an unnamed ephemeral drainage that crosses the easement from Long Canyon Road and is tributary to Cat Canyon Creek. An existing Arizona crossing at the drainage will be improved with engineered reinforced box culvert that meets Fire Department and other agency requirements (see Figure 2f). The drainage supports coyote brush scrub habitat, as described below (Figure 5 – Box Culvert Impact Area).

5.2 VEGETATION COMMUNITIES & LAND USE TYPES

There are two vegetation communities/land use types present in the Project Site: coast live oak-arroyo willow woodland and wild oats-annual brome grassland. Coyote brush scrub habitat is present in the ephemeral drainage at the Arizona crossing along the access road easement. Vegetation communities were mapped based on field observations and aerial imagery. Descriptions of vegetation communities are adapted from *A Manual of California Vegetation,*

Second Edition (MV-II) (Sawyer et al. 2009) and are described below. The distribution of these vegetation types is illustrated in Figure 3 – Vegetation Communities & Land Use Types.

Table 2 – Summary of Vegetation Communities & Land Use Types in the Project Site

Vegetation Alliance/Land Use Type[1]	Vegetation Association[1]	Listing Status/ Rarity Ranking[2]	Area in Project Site (acres)
Sensitive Vegetation Community			
Coast Live Oak-Arroyo Willow Woodland *Quercus agrifolia* Woodland Alliance	*Quercus agrifolia – Salix lasiolepis*	Protected by County/ State policies G5, S4	2.46
Native Vegetation Community			
Coyote Brush Scrub *Baccharis pilularis* Shrubland Alliance	*Baccharis pilularis*-annual grasses	G5, S5	0.12 (Located at proposed box culvert, outside Project Site)
Non-native Vegetation Communities			
Wild Oats and Annual Brome Grassland *Avena* sp. – *Bromus* sp. Herbaceous Alliance	*Bromus diandrus*-Mixed herbs	N/A	37.24

[1] Vegetation Alliances and Associations follow *A Manual of California Vegetation Online* (MV-II) (CNPS 2020a), where applicable.

[2] Listing Status/ Rarity Ranking Notes:

Global/State rarity rankings follow the CDFW California Natural Communities List (CDFW 2019). Natural communities with ranks 1-3 are considered sensitive.

- G1/S1 – Critically imperiled. At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
- G2/S2 – Imperiled. At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
- G3/S3 – Vulnerable. At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
- G4/S4 – Apparently Secure. Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- G5/S5 – Demonstrably Secure. Common; widespread and abundant.

5.2.1 Coast Live Oak-Arroyo Willow Woodland (*Quercus agrifolia-Salix lasiolepis* Woodland Association)

The riparian corridor of Cat Canyon Creek consists of a mixed tree canopy dominated by arroyo willow (*Salix lasiolepis*) and coast live oaks (*Quercus agrifolia*) with scattered red willows (*Salix laevigata*) (Appendix A – Site Photographs; Appendix B – CNPS Vegetation Rapid Assessment Forms VEG-02). The understory vegetation is comprised primarily of native plant species such as poison oak (*Toxicodendron diversilobum*), coyote brush (*Baccharis pilularis var. consanguinea*), mule fat (*Baccharis salicifolia*), California mugwort (*Artemisia douglasiana*), giant wild rye (*Elymus condensatus*), blue elderberry (*Sambucus nigra* ssp. *caerulea*), California wild rose (*Rosa californica*), California cudweed (*Pseudognaphalium californicum*), and sticky monkeyflower (*Diplacus aurantiacus*). The creek bed was sparsely vegetated with annual grasses such as with salt grass (*Distichlis spicata*), rabbitsfoot grass (*Polypogon monspeliensis*), bromes (*Bromus diandrus, B. hordeaceus*), hare barley (*Hordeum murinum*), and wild oats (*Avena* sp.).

Coast live oak-arroyo willow woodlands are considered ESH by the County.

5.2.2 Coyote Brush Scrub (*Baccharis pilularis* Shrubland Alliance)

Coyote brush scrub habitat is present outside of the Project Site, at the proposed box culvert location along the access road at Long Canyon Road and Cat Canyon Creek (Figure 3; Appendix A – Site Photographs). This vegetation community is dominated by coyote brush, with occurrences of blue elderberry, arroyo willow, and California sagebrush (*Artemisia californica*). The understory is comprised primarily of annual grasses (e.g., *Avena* sp., *Bromus* sp.), summer mustard (*Hirschfeldia incana*), telegraph weed (*Heterotheca grandiflora*), and tocalote (*Centaurea melitensis*) (Appendix B – CNPS Vegetation Rapid Assessment Forms VEG-04).

5.2.3 Wild Oats and Annual Brome Grassland (*Avena* sp. – *Bromus* sp. Herbaceous Alliance)

Outside of the coast live oak-arroyo willow woodland habitat associated with Cat Canyon Creek the remainder of the Project Site, including the majority of the creek banks and the ephemeral drainages, is comprised of heavily disturbed wild oats and annual brome grassland habitat. CNPS Vegetation Rapid Assessment Forms were completed in this vegetation community both north and south of Cat Canyon Creek, to document the difference in the dominant species observed (Appendix B – CNPS Vegetation Rapid Assessment Forms VEG-01 and VEG-03).

The vegetation along the banks of Cat Canyon Creek is dominated by ruderal/disturbance adapted species such as summer mustard (*Hirschfeldia incana*), turkey mullein (*Croton setiger*), Italian thistle (*Carduus pycnocephalus* ssp. *pycnocephalus*), and annual grasses (*Bromus* sp. *Avena* sp.). The bed and banks of the ephemeral drainages on the western side of the Project Site are sparsely vegetated with similar species (e.g., turkey mullein, summer mustard, salt grass, and annual grasses) and periodic occurrences of native shrubs such as coyote brush and California sagebrush. There is no riparian vegetation associated with the ephemeral drainages or eroded cattle trails in the Project Site.

The disturbed grassland habitat north of Cat Canyon Creek is comprised almost entirely (approximately 60-70% relative cover) of one native plant species, paniculate tarplant (*Deinandra paniculata*), with turkey mullein comprising approximately 5-10% of the relative plant cover (Appendix A – Site Photographs; Appendix B – CNPS Vegetation Rapid Assessment Forms VEG-01). Paniculate tarplant is an annual herbaceous species with a CNPS California Rare Plant Rank (CRPR) of 4.2, meaning it has limited distribution in California (Appendix C – CNDDB Field Survey Form). Paniculate tarplant is a disturbance adapted species that often occurs in sandy soils (Baldwin et al. 2012).

The Project Site had been mowed prior to 2019 and 2020 field surveys. However, based on the prevalence of annual grasses on the adjacent properties and the evidence of recently grazed/mowed non-native annual grasses (*Bromus diandrus, B. hordeaceus, Hordeum murinum, and Avena* sp.) in the Project Site, it is likely that this field was formerly dominated by non-native annual grasses (Appendix A – Site Photographs). Ongoing and prolonged disturbance has resulted in the widespread distribution of paniculate tarplant seed and allowed for the prolific establishment of this species.

The disturbed grassland habitat south of Cat Canyon Creek is dominated by summer mustard, annual grasses, and turkey mullein, with the occasional paniculate tarplant interspersed throughout

(i.e., less than 10 paniculate tarplants observed in 2020) (Appendix A – Site Photographs; Appendix B – CNPS Vegetation Rapid Assessment Forms VEG-03). There are several, sporadic coyote brush shrubs present along the southern parcel boundary as well.

5.3 GENERAL WILDLIFE HABITAT

The highest value wildlife habitat on the site is the oak-arroyo willow woodland associated with Cat Canyon Creek. The value of the annual grassland is limited by its homogeneity and regular manipulation for agricultural purposes (i.e., livestock grazing and mowing). Pasture can provide foraging habitat for several bird species, including raptors.

Wildlife species typical of agricultural environs were observed in the grassland habitat north and south of Cat Canyon Creek. These included Eurasian collared dove (*Streptopelia decaoto*), house sparrow (*Passer domesticus*), American crow (*Corvus brachyrhynchos*), turkey vulture (*Cathartes aura*), Say's phoebe (*Sayornis saya*), California ground squirrel (*Otospermophilus beecheyi*), brush rabbit (*Sylvilagus bachmani*), and Botta's pocket gopher (*Thomomys bottae*).

Bird species observed in the riparian corridor of Cat Canyon Creek included red-tailed hawk (*Buteo jamaicensis*), black phoebe (*Sayornis nigricans*), Anna's hummingbird (*Calypte anna*), California towhee (*Melozone crissalis*), California scrub jay (*Aphelocoma californica*), Cooper's hawk (*Accipiter cooperii*), house wren (*Troglodytes aedon*), red-shouldered hawk (*Buteo lineatus*), and wrentit (*Chamaea fasciata*). The coast live oak-arroyo willow woodland offers nesting habitat for passerine and raptor species. The riparian corridor also allows for wildlife movement across a landscape that is fragmented by agricultural development.

Two white-tailed kites (*Elanus leucurus*) and a loggerhead shrike (*Lanius ludovicianus*) were seen in the adjacent property to the north. One kite was foraging and the other was perched on a snag of a dead tree. The loggerhead shrike was perched along a fence line.

5.4 SPECIAL-STATUS PLANTS AND WILDLIFE SPECIES

Special-status species and habitats include plant and wildlife taxa, vegetation communities, or other unique biological features that are afforded special protection by local land use policies and/or state and federal regulations. Vegetation communities may warrant special status if they are of limited distribution, support protected plants and animals, have high wildlife value, or are particularly vulnerable to disturbance. Special-status plant and animal species are those that are listed as rare, threatened, or endangered under the state and/or federal Endangered Species Acts or those that appear on various "watch lists" compiled by academic institutions, conservation organizations, and wildlife agencies. These include the CNDDB lists of "*Special Animals*" and "*Special Plants*" (CNDDB 2020), CNPS Inventory of Rare and Endangered Vascular Plants of California (CNPS 2020b), "*California Bird Species of Special Concern*" (Shuford and Gardali 2008), "*Amphibian and Reptile Species of Special Concern in California*" (Jennings and Hayes 1994), and "*Terrestrial Mammal Species of Special Concern in California*" (CDFG 1998).

The CNDDB query encompassed all, or part of six USGS 7.5-minute USGS quadrangles within a 5-mile radius of the Project Site: Foxen Canyon, Sisquoc, Orcutt, Los Alamos, Twitchell Dam, and Zaca Creek. Potential for special-status plant and wildlife species documented within this 5-mile radius to occur on the Project Site was evaluated as part of this Revised Assessment. A total

of eleven (11) special-status plant and fifteen (15) special-status animal species have been recorded within this broad geographic range.

Table 3 lists special status plants and animals that have been documented within a 5-mile radius of the Project Site. Conclusions regarding likelihood of occurrence are based on habitat suitability, elevation and geographic range, soils, topography, surrounding land uses, and proximity of known occurrences in the CNDDB database to the Project Site. Expanded narratives are provided for species for which there are land use planning and regulatory implications in Sections 5.4.1 and 5.4.2.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within the Project Region

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements/Habitat Affinity**	**Suitable Habitat Present in Project Site (Y/N)**	**Likelihood for Occurrence within Project Site**
Plants				
Hoover's Bent Grass *Agrostis hooveri*	CRPR 1B.2 G2, S2	Dry sandy soils, open chaparral, and oak woodland. Elevation range: 0 –2,000 feet. Blooming period: April – August.	Yes	The oak woodland habitat in the Project Site is highly degraded by cattle grazing and is unlikely to support Hoover's bent grass. This perennial species would have been in bloom and detectible during the August field surveys and was not observed. Hoover's bent grass is not expected to occur within the in the Project Site.
La Purisima Manzanita *Arctostaphylos purissima*	CRPR 1B.1 G2, S2	Sandstone outcrops, sandy soils, and chaparral. Elevation range: 0 –1,000 feet. Blooming period: January – March.	No	There is no suitable chaparral or forest habitat in the Project Site that would support manzanita. Manzanitas are evergreen shrubs that would have been identifiable during the field surveys – no manzanita were observed in the Project Site. La Purisima manzanita, Refugio manzanita, and sand mesa manzanita are not present in the Project Site.
Refugio Manzanita *Arctostaphylos refugioensis*	CRPR 1B.2 G3, S3	Sandstone outcrops and chaparral. Elevation range: 0 –2,700 feet. Blooming period: December – February.	No	
Sand Mesa Manzanita *Arctostaphylos rudis*	CRPR 1B.2 G2, S2	Sandy soils and chaparral. Elevation range: 0 –1,300 feet. Blooming period: November – February.	No	
Miles' Milk-vetch *Astragalus didymocarpus* var. *milesianus*	CRPR 1B.2 G5, S2	Grassy areas in coastal scrub and clay soils. Elevation range: 0 –1,350 feet. Blooming period: March – May.	No	Suitable clay soils to support Miles' milk-vetch are not present in the grassland habitat. In addition, the grassland habitat in the Project Site is highly disturbed by cattle grazing/mowing. Miles' milk-vetch is not expected to occur within the Project Site.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within the Project Region

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements/Habitat Affinity**	**Suitable Habitat Present in Project Site (Y/N)**	**Likelihood for Occurrence within Project Site**
Straight-awned Spineflower *Chorizanthe rectispina*	CRPR 1B.3 G2, S2	Chaparral, cismontane woodland, coastal scrub. Often on granite in chaparral. Elevation range: 145-3,400 ft. Blooming period: April – July.	Yes	The oak woodland habitat in the Project Site is highly degraded by cattle grazing and is unlikely to support straight-awned spineflower. Although 2019 and 2020 surveys were conducted in August, straight-awned spineflower would have been detectable if present in woodland and scrub habitats. Straight-awned spineflower was not observed in the Project Site or in the coyote brush scrub at the proposed box culvert location and this species is not expected to occur.
La Graciosa Thistle *Cirsium scariosum* var. *loncholepis*	FE, ST CRPR 1B.1 G5, S1	Marshes and dune wetlands at less than 50 meters elevation.	No	There is no suitable marsh or dune wetland habitat for La Graciosa thistle in the Project Site. Further, the property is not within the taxon's elevational range. La Graciosa thistle does not occur in the Project Site.
California Saw-grass C*ladium californicum*	CRPR 2B.2 G4, S2	Marshes, meadows and seeps. Blooming period June - September.	No	There is no marsh, meadow, or seep habitat in the Project Site that would support California saw-grass. This species is not expected to occur in the Project Site.
Mesa Horkelia *Horkelia cuneata* var. *puberula*	CRPR 1B.1 G4, S1	Dry, sandy coastal chaparral. Elevation range: 200 – 2,900 feet. Blooming period: March – July.	No	No chaparral habitat is present in the Project Site. This perennial species would have been identifiable during the surveys and was not observed. Mesa horkelia is not expected to occur.
Paniculate Tarplant *Deinandra paniculata*	CRPR 4.2 G4, S4	Valley foothill grassland, vernal pools, and coastal scrub in vernally mesic or sometimes sandy soils. April – November.	Yes	Paniculate tarplant was observed to be abundant and widespread within the Project Site, north of Cat Canyon Creek (Appendix C – CNDDB Field Survey Form).
Southern Curly-leaved Monardella *Monardella sinuata* ssp. *sinuata*	CRPR 1B.1 G2, S2	Open clayey or sandy soils, sometimes alkaline, in woodland, scrub, and coastal dune habitats. Elevation range: 600 – 6,000 feet. Blooming period: April – September.	Yes	The oak woodland habitat in the Project Site is highly degraded by cattle grazing and is unlikely to support southern curly-leaved monardella. The 2019 and 2020 field surveys were conducted during the appropriate period to identify this species and southern curly-leaved monardella was not observed. This species is not expected to occur within the Project Site.
Fish				

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within the Project Region

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements/Habitat Affinity**	**Suitable Habitat Present in Project Site (Y/N)**	**Likelihood for Occurrence within Project Site**
Southern California Steelhead (DPS) *Oncorhynchus mykiss irideus*	FE G5, S1	Anadromous. Spawns in freshwater streams and rivers with perennial flow.	No	The nearest record for Southern California steelhead is from the Siquoc River, 3.5 miles upstream from the confluence of the Cuyama River. Cat Canyon Creek (a tributary to the Sisquoc River) does not support Southern California steelhead due to a lack of sustained surface flow. This taxon does not occur in the Project Site.
Unarmored Three-spine Stickleback *Gaterosteus aculeatus williamsonii*	FE, FP, SE G5, S1	Coastal and inland waters. Tolerant of brackish and freshwater.	No	Unarmored three-spine stickleback is known only from San Antonio Creek in Santa Barbara County. Due to a lack of sustained surface flow, Cat Canyon Creek does not support fish species. This taxon does not occur in the Project Site.
Amphibians				
California Tiger Salamander (CTS) *Ambystoma californiense*	FE, ST, WL G2, S2	Inhabits valley foothills and grasslands, savannas, and open woodlands near vernal pools or other seasonal sources of water for breeding. Require upland, underground refuges, often California ground squirrel and Botta's pocket gopher burrows.	Yes	The Project Site is within range of the Santa Barbara County Distinct Population Segment of the California tiger salamander (CTS). However, CTS has not been found in this portion of the Solomon Hills. There is no aquatic breeding habitat present in the Project Site, but there is suitable upland refuge habitat. Occurrence in the Project Site is considered unlikely, but possible given proximity to a Potential CTS Breeding Pond (SISQ-19).

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within the Project Region

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements/Habitat Affinity**	**Suitable Habitat Present in Project Site (Y/N)**	**Likelihood for Occurrence within Project Site**
California Red-legged Frog (CRLF) *Rana draytonii*	FT, SSC G2, S2	Found primarily in coastal drainages of central California, from Marin County, California, to northern Baja California, Mexico. Uses a variety of aquatic, riparian, and upland habitats. Requires a pond, slow-flowing stream reach, or deep pool within a stream with vegetation or other material to which egg masses may be attached. Uses both riparian and upland habitats for foraging, shelter, cover. Will also use small mammal burrows and moist leaf litter as refugia.	No	Cat Canyon Creek does not have a sufficient hydroperiod to support breeding habitat for CRLF. The four closest documented occurrences are 3-to-4 miles north of the Project Site in Sisquoc Creek (CNDDB 2020), beyond the distance that CRLF are known to migrate (i.e., 2.2 miles). Due to the distance from known occurrences, it is highly unlikely that CRLF would traverse through the Project Site during dispersal/migration.
Western Spadefoot *Spea hammondii*	SSC G3, S3	Prefers open areas with sandy or gravelly soils, in a variety of habitats including grasslands, mixed woodlands, coastal sage scrub, chaparral, sandy washes, and river floodplains. Vernal pools or other ephemeral water sources are essential for breeding and egg-laying.	Yes	Cat Canyon Creek does not have a sufficient hydroperiod to support breeding habitat for western spadefoot. However, western spadefoot has been found in this portion of the Solomon Hills and this species could occur in the Project Site during periods of seasonal dispersal.
Arroyo Toad *Anaxyrus californicus*	FE, SSC G2, S2	Inhabits washes, arroyos, sandy riverbanks, and riparian areas with willows, sycamores, oaks, and cottonwoods.	No	The closest documented occurrence of the arroyo toad is 4.4 miles northeast of the Project Site in the Sisquoc River (CNDDB 2020). Cat Canyon Creek, though tributary to the Sisquoc River, does not offer suitable breeding habitat for this species. Arroyo toad is not expected to occur in the Project Site.
Reptiles				

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within the Project Region

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements/Habitat Affinity**	**Suitable Habitat Present in Project Site (Y/N)**	**Likelihood for Occurrence within Project Site**
Northern California Legless Lizard *Anniella pulchra*	SSC G3, S3	Inhabits moist soil in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. Leaf litter under trees and shrubs in sunny areas and dunes stabilized with bush lupine and mock heather often indicate suitable habitat. Can also be found under surface objects such as rocks, boards, driftwood, and logs.	No	The annual grassland that dominates the Project Site offers poor quality habitat for this species and is regularly manipulated (e.g., mowed and grazed). The nearest documentation for legless lizard is approximately 4 miles to the north, on the south side of the Sisquoc River. Northern California legless lizard is not expected to occur in the Project Site.
Blainville's (coast) Horned Lizard *Phrynosoma blainvillii*	SSC G3, S3	Occur in various scrublands, grasslands, coniferous and broadleaf forests, and woodlands at elevations up to 6,000 feet. Require loose, fine soils with open areas for basking and shrubs for refugia. Often occur in sandy sites	Yes	There is marginal grassland habitat for Blainville's horned lizard in the Project Site. The species has been observed in the nearby Cat Canyon Oil Field (CNDDB 2020). Horned lizards were not observed during 2019 and 2020 field surveys.
Western Pond Turtle *Emys marmorata*	SSC G3, S3	Inhabits permanent or nearly permanent bodies of water in many habitat types; at elevations below 6,000 feet. Requires basking sites such as partially submerged logs, vegetation mats, or open mud banks. Needs suitable upland nesting sites with silty soils for egg laying.	No	Cat Canyon Creek lacks sufficient hydroperiod to support southwestern pond turtle. There are records for this species from the Sisquoc River (CNDDB 2020). Southwestern pond turtle is not expected to occur in the Project Site.
Birds				

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within the Project Region

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements/Habitat Affinity**	**Suitable Habitat Present in Project Site (Y/N)**	**Likelihood for Occurrence within Project Site**
White-tailed Kite *Elanus leucurus*	FP, BCC, MTBA G4, S3	Uses a variety of open habitats for foraging, often near rivers or lakes, including tundra, marshes, seacoasts, savannahs, grasslands, meadows, open woodlands, and agricultural areas. Riparian areas, as well as coastal and inland wetlands, are important year-round habitats. Requires cliffs or suitable surrogates for breeding that are close to preferred foraging areas.	Yes	Suitable foraging habitat is present within and adjacent to the Project Site. A pair of white-tailed kites was observed on the adjacent property during August 2019 field survey.
Loggerhead Shrike (*Lanius ludovicianus*)	SSC, BCC MBTA G4, S4	Prefers semi-open country with lookout posts; wires, trees, scrub. Breeds in any kind of semi-open terrain, from large clearings in wooded regions to open grassland or desert with a few scattered trees or large shrubs. In winter, may be found in totally treeless country if fences or wires provide hunting perches.	Yes	Suitable foraging habitat is present within and adjacent to the Project Site. One loggerhead shrike was observed on the adjacent property during the August 2020 field survey.
California Horned Lark *Eremophila alpestris actia*	WL, MTBA G5, S4	Occurs in open areas dominated by sparse low herbaceous vegetation or widely scattered shrubs.	Yes	California horned lark can be found year-round in the interior lowlands of northern Santa Barbara County (Lehman 2020). Flocks of horned larks have been observed during the fall and winter in the Solomon Hills. This species could occur in the Project Site as a seasonal transient, but is not expected to nest there.
Least Bell's Vireo *Vireo bellii pusillus*	FE, SE MTBA G5, S2	Breeds in riparian habitat in southern California, primarily along the coast and the western edge of the Mojave Desert. Require dense riparian areas, dominated by willows and adjacent to freshwater streams.	No	The arroyo willow thickets in the Project Site are not extensive enough or sufficiently dense to be considered suitable riparian habitat for the least Bell's vireo. The nearest breeding occurrence of least Bell's vireo in the region is from the Santa Ynez River, approximately 10 miles northeast of the Project Site (CNDDB 2020). This species is not expected to occur in the Project Site.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within the Project Region

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements/Habitat Affinity**	**Suitable Habitat Present in Project Site (Y/N)**	**Likelihood for Occurrence within Project Site**
Tri-colored Blackbird *Agelaius tricolor*	ST, MTBA G2, S1	Nests in colonies in freshwater marsh and more recently, agricultural fields. Forages in large flocks when not breeding, typically in grassland and agricultural fields.	Yes	The tri-colored blackbird is considered an uncommon and very local resident in Santa Barbara County (Lehman 2020). There are nesting colonies in tule and cattail marsh in the Santa Maria Valley. There is no nesting habitat for tri-colored blackbird in the Project Site, but this species could occur as an uncommon and irregular transient.
Yellow Warbler *Setophaga petechia*	SSC, MTBA G5, S3	Breeds in mature riparian woodlands and occasionally in oak woodlands near riparian habitat.	Yes	Yellow warbler is considered a common spring and fall migrant and summer resident in the interior lowlands of northern Santa Barbara County (Lehman 2020). Breeding pairs have been observed along the Sisquoc River, approximately 9 miles northeast of the Project Site (CNDDB 2020). There is marginal breeding habitat in the Project Site associated with Cat Canyon Creek. This species would be an unlikely breeder in the Project Site, but could occur on a transient basis.
Mammals				
American Badger *Taxidea taxus*	SSC G5, S3	Most abundant in drier open stages of shrub, forest, and grassland habitats, with friable soils that facilitate burrowing. Needs sufficient food and open, uncultivated ground. Preys mainly on burrowing rodents.	Yes	There is suitable habitat and food resources to support American badger in the Project Site. No badger dens or signs of this species were observed during the field surveys, but rodent burrows were present in the annual grassland. This species should be considered a possible resident or transient.

*Listing Status/ Rarity Ranking Notes:
Federal: FE – Federally listed Endangered
FT – Federally listed Threatened
FC – Federal Candidate Species
WL – USFWS Watch list
BCC – USFWS Bird of Conservation Concern
MTBA – Migratory Bird Treaty Act
State: SE – State listed Endangered

ST – State listed Threatened
SC – State Candidate Species
SR – State Rare Species
SA – State Special Animal
FP – CDFW Fully Protected Species
SSC – CDFW Species of Special Concern
WL – CDFW Watch List

CRPR: California Native Plant Society Rare Plant Rank
CBR – Considered but Rejected
1B – Rare, threatened, or endangered in CA and elsewhere
2 – Rare, threatened, or endangered in CA but common elsewhere
4 – Limited distribution (Watch-list)
CBR – Considered but Rejected

CRPR Extensions
0.1 – Seriously endangered in California
0.2 – Fairly endangered in California
0.3 – Not very endangered in California

CNDDB Element Rankings
Global/State Rarity Ranking:
G1/S1 – Critically imperiled. At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
G2/S2 – Imperiled. At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
G3/S3 – Vulnerable. At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
G4/S4 – Apparently Secure. Uncommon but not rare; some cause for long-term concern due to declines or other factors.
G5/S5 – Demonstrably Secure. Common; widespread and abundant.

[1] – Unless otherwise noted, habitat, elevation, and blooming period for special-status plant species is from *The Jepson Manual, Online Edition* (2020) and CNPS 2020b.

5.4.1 Special-status Plant Species

There is marginal habitat in the Project Site to support four (4) special-status plant species: Hoover's bent grass, straight-awned spineflower, paniculate tarplant, and southern curly-leaved monardella. All of these species would have been in bloom or detectable during the August 2019 and 2020 field surveys and with the exception of paniculate tarplant, none were observed.

5.4.1.1 Paniculate tarplant (Deinandra paniculata)

During the August 2019 and 2020 field surveys, the disturbed grassland habitat north of Cat Canyon Creek was dominated by paniculate tarplant, a CNPS watch-list plant species (CRPR 4.2) (Appendix C – CNDDB Field Survey Form). Paniculate tarplant was also present in less dense populations south of the creek (less than 10 tarplants observed) and on the adjacent property to the east (approximately 5 percent relative cover). Paniculate tarplant is a disturbance-adapted annual herbaceous species whose distribution is limited to Southern and Central California, primarily in the South Coast and Peninsular Range regions, from Cambria to Tijuana (CNPS 2020). However, this plant species can be abundant and widespread where it occurs.

Paniculate tarplant has a California Rare Plant Rank (CRPR) of 4.2. These are taxa recognized for their limited distribution or infrequent occurrence in a broader regional context. Paniculate tarplant is not state or federally listed by CDFW or USFWS.

5.4.2 Special-status Wildlife Species

Two special-status wildlife species, white-tailed kite and loggerhead shrike, were observed on an adjacent parcel during the 2019 and 2020 field surveys. An additional seven (7) special-status wildlife species have a low to moderate potential to utilize the Project Site or adjacent habitat during dispersal or while foraging: California tiger salamander (CTS), western spadefoot, Blainville's horned lizard, California horned lark, tri-colored blackbird, yellow warbler, and American badger. Special status wildlife species that were observed or have the potential to occur are discussed in detail in the following narratives.

5.4.2.1 California Tiger Salamander (Ambystoma californiense)

The Santa Barbara County Distinct Population Segment (DPS) of CTS was emergency listed by the USFWS as endangered under the Federal Endangered Species Act in January of 2000 (USFWS 2000). Its distribution is limited to Santa Barbara County among six discrete regions. The six associated metapopulations inhabit ponds and adjacent uplands in the southwestern (West Orcutt) and southeastern (Bradley-Dominion) Santa Maria Valley, west Solomon Hills/north Los Alamos Valley, Purisima Hills, and Santa Rita Valley. Six geographically distinct metapopulations of the Santa Barbara County Distinct Population Segment (DPS) of California tiger salamander (CTS) are recognized. Corresponding critical habitat units have been designated accordingly. They are:

1. Western Santa Maria/Orcutt
2. Eastern Santa Maria
3. Western Los Alamos Valley/Careaga
4. Eastern Los Alamos Valley (Critical Habitat Units 4 and 4b)
5. Purisima Hills

6. Santa Rita Valley

The Project Site is situated in the Solomon Hills. The site is not within any of the designated critical habitat units but is closest to Unit 2 (Eastern Santa Maria).

The California Fish and Game Commission listed the Santa Barbara County DPS of the California tiger salamander as threatened under the California Endangered Species Act in August of 2010 (CDFW 2010).

CTS inhabit low elevation vernal pools and seasonal ponds and associated grassland, oak savanna, and coastal scrub plant communities of the Santa Maria, Los Alamos, and Santa Rita valleys in northwestern Santa Barbara County. CTS in the Purisima Hills occur at higher elevations. Historically, they bred primarily in natural vernal pools, but they have adapted to breeding in man-made stock ponds created for ranching and agricultural purposes.

CTS spend most of their life cycle in underground retreats in upland habitat. The most commonly used refugia are burrows of California ground squirrel and Botta's pocket gopher. CTS are known to travel long distances from breeding ponds into upland habitats. Maximum distances moved are difficult to establish for any species, but CTS have been recorded to disperse 1.37 miles (2.2 kilometers) from breeding ponds (Orloff 2011). Cultivated fields do not afford refuge habitat for CTS because regular manipulation of soil for agricultural production precludes establishment of small mammal burrows.

The Project Site is within the potential CTS range, as mapped on the U.S. Fish and Wildlife Service "California Tiger Salamander Pond Habitats – Northern Area" map (USFWS 2010). The closest CTS "potential breeding pond" (SISQ-19) is 0.43-mile to the north.

Two, multi-year CTS surveys have been completed in relation to proposed oil and gas development projects in the Solomon Hills. A 2-year upland and aquatic survey was done in support of the Aera East Cat Canyon Redevelopment Project in 2015/2016 and 2016/2017 (SES 2016, 2017). A separate 2-year survey effort was completed in 2014/2015 and 2015/2016 in for the ERG West Cat Canyon Redevelopment Project (Collins and Gaede 2013). CTS were not found during any of these surveys.

There is no suitable aquatic breeding habitat in the Project Site. However, the Project Site is within dispersal distance of the closest "Potential CTS Breeding Pond" (SISQ-19). The annual grassland habitat north and south of Cat Canyon Creek was observed to support small mammal populations and these areas are considered suitable CTS upland habitat.

5.4.2.2 Western Spadefoot (Spea hammondii)

The western spadefoot prefers open areas with sandy or gravelly soils, in a variety of habitats including grasslands, mixed woodlands, coastal sage scrub, chaparral, sandy washes, and river floodplains. Vernal pools or other ephemeral water sources are essential for breeding and egg-laying. The animal uses small mammal burrows for subterranean refuge.

Western spadefoot has been found in nearby Cat Canyon Oil Field in the course of upland and aquatic surveys for CTS (Collins and Gaede 2013; SES 2016, 2017). The species is considered a possible seasonal resident or transient at the Project Site.

5.4.2.3 Blainville's (coast) horned lizard (Phrynosoma blainvillii)

The coast horned lizard frequents a wide variety of habitats but is most commonly found in lowlands along sandy washes with scattered low bushes. It prefers habitats with open spaces for sunning, bushes for cover, loose soil for burial, and an abundance of ants or other insects (CNDDB 2020). There are four occurrences of the coast horned lizard in the vicinity, ranging from 1.0 to 4.4 miles north and east of the Project Site.

Suitable sandy soils and habitat for the coast horned lizard are present within the Project Site. The most optimal habitat is along channel and banks of Cat Canyon Creek, but the annual grassland offers suitable habitat as well.

5.4.3 *White-tailed Kite* (*Elanus leucurus*)

Two white-tailed kites were observed on the adjacent property to the north of the Project Site. One kite was foraging while the other remained perched on a snag of a dead tree. White-tailed kites are listed as "Fully Protected" under the California Fish and Game Code Division 4, Part 2, Section 3511 (12).

White-tailed kites are found in a wide variety of open habitats in North America, including open oak grassland, desert grassland, agricultural areas, and marshes. Ideal habitat requires trees for perching and nesting, and open ground with high populations of diurnally-active rodents. The Project Site and the surrounding properties offer both foraging and nesting habitat for the white-tail kite.

5.4.3.1 Loggerhead Shrike (Lanius ludovicianus)

One loggerhead shrike was observed during the August 2020 field survey, perched on a barb-wire fence line on the adjacent property to the north. Loggerhead shrike are listed as a Species of Special Concern by CDFW and are a USFWS Bird of Conservation Concern.

Loggerhead shrike are found in a variety of open to semi-open habitats, and often use fences and posts for hunting perches. The Project Site and the surrounding properties offer both foraging and nesting habitat for the loggerhead shrike. This bird is a rare and irregular breeder in the interior lowlands of Santa Barbara County (Lehman 2020). It is more likely to occur as a transient or winter visitor.

5.4.3.2 California Horned Lark (Eremophila alpestris actia)

California horned larks can be found year-round in the interior lowlands of north Santa Barbara County (Lehman 2020). Horned larks have been found breeding in Santa Maria, Lompoc, and Santa Ynez Valleys (Lehman 2020).

Horned lark is expected to occur within the Project Site as an uncommon visitor, where it may forage in grazed grassland. It is an unlikely breeder due to the limited availability of suitable nesting habitat.

5.4.3.3 Least Bell's Vireo (Vireo bellii pusillus)

The least Bell's vireo is listed as endangered under both the Federal and State Endangered Species Acts (USFWS 1986, CDFW 2019). Lehman (2020) describes the least Bell's vireo as a "very local resident in District I" [District I = Interior Lowlands]. A breeding population of this species in the vicinity of Mono Creek/Gibraltar Reservoir in the upper Santa Ynez River drainage was monitored during extensive field work in 1979-1983 and 1987-1993. That population suffered a precipitous decline following a fire in 1984 and has apparently not recovered. Records of least Bell's vireo in the past six decades have been very sporadic outside of the upper Santa Ynez River population.

Least Bell's vireo typically occurs in dense, willow-dominated riparian habitat with a lush understory (USFWS 1986). Lehman (2020) suggested that the decline of the least Bell's vireo population in the upper Santa Ynez River drainage may have been due to the transition of dense scrub-willow understory to a more open canopied cottonwood-dominated forest resulting from various environmental factors (e.g., fire, drought, and flooding). The riparian habitat associated with Cat Canyon Creek is not dense enough to provide suitable nesting habitat for least Bell's vireo but the bird could occur as a rare transient.

5.4.3.4 Yellow Warbler (Setophaga petechia)

The yellow warbler breeds in mature riparian woodlands and occasionally in oak woodlands near riparian habitat. Yellow warbler is considered a common spring and fall migrant and summer resident in the interior lowlands of north Santa Barbara County (Lehman 2020). Breeding pairs have been observed 3.5 miles north of the Project Site along the Sisquoc River (CNDDB 2020). This species has the potential to nest in the arroyo willows and coast live oak trees that are associated with Cat Canyon Creek, but the nesting habitat is degraded relative to habitat available along the Sisquoc River. This species may occur in the Project Site on a transient basis.

5.4.3.5 American Badger (Taxidea taxus)

There is suitable foraging and denning habitat for American badger in the Project Site. No evidence of badgers was observed during the field surveys. However, there were small mammals present (e.g., Botta's pocket gopher, California ground squirrel) which are main dietary components.

5.5 ENVIRONMENTALLY SENSITIVE HABITAT

5.5.1 Sensitive Vegetation Communities

The coast live oak-arroyo willow woodland associated with Cat Canyon Creek is considered ESH by the County and native habitats, such as the coyote brush scrub, are protected by the County's Cannabis Regulations (Figure 4 – Sensitive Biological Resources). Intrusion into ESH or native habitat may be considered significant by the County.

5.5.2 Jurisdictional Drainages

Cat Canyon Creek and the associated riparian vegetation are considered ESH by the County and are regulated by the USACE, CDFW, and RWQCB. The County-prescribed setback (i.e., buffer

area) from the edge of the coast live oak-arroyo willow riparian woodland canopy (i.e., riparian vegetation), is 50 feet for outdoor row crop cultivation and 100 feet for hoops (County 2019). Encroachment within ESH or the buffer areas for streams/drainages may be considered significant by the County.

Per the 2020 Rule, the ephemeral drainages in the western side of the Project Site and at the access road Arizona crossing are not jurisdictional under USACE guidelines. However, ephemeral drainages are regulated under CDFW, RWQCB, and County polices. The drainages in the Project Site lack riparian vegetation and therefore, the County/RWQCB-prescribed setback is 50 feet from the TOB.

Although the eroded cattle trails in the central and eastern side of the Project Site may facilitate sheet flow to Cat Canyon Creek during large storms, these erosion features are not hydrologically connected to an upstream channel, lack defined bed and banks, do not support riparian vegetation, and are therefore not jurisdictional per USACE, CDFW, and RWQCB guidelines.

6.0 IMPACT DISCUSSION

The following impact assessment is based on existing conditions within the Project Site and the sections below describe the potential impacts of the proposed Project to biological resources. Consistent with the County's Environmental Thresholds and Guidelines Manual (County 2008) and the County-wide FEIR for the Cannabis Land Use Ordinance and Licensing Program (County 2017), the impacts on biological resources are considered significant if a proposed Project:

- Has a substantial adverse effect, either directly or through habitat modifications, on any on any sensitive natural community or plant or wildlife species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.
- Has 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.
- Interferes 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.
- Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

6.1 SUMMARY OF PROJECT IMPACTS

Site-specific, Project-level impacts are within the scope of the County-wide Programmatic FEIR for cannabis cultivation. Temporary/indirect impacts (e.g., noise, dust) resulting from hoop installation and ongoing agricultural activities, are minimal and can be mitigated through implementation of the recommended avoidance and minimization measures outlined in Section 7.0.

Table 4 – Summary of Project Impacts (Conversion of Existing Use)

Project Component	Habitat Impacted	Approx. Area in ESH/ESH Buffer	Type of Impact	Approximate Area
Cultivation Related Activities				
Proposed Hoops in Cultivation Areas 1 & 2	Wild Oats and Annual Brome Grassland	0	Permanent	19.6 acres
Buildings A & B, Grading, and Parking	Wild Oats and Annual Brome Grassland	0	Permanent	2.6 acres
Access Roads	Wild Oats and Annual Brome Grassland	0	Permanent	0.93-acre
Security Fencing	Wild Oats and Annual Brome Grassland	0	Permanent	6,920 linear feet
			Total Cultivation Area:	22.2 acres
Other Activities				
Reinforced Box Culvert Installation	Coyote Brush Scrub	2,040 square feet	Temporary	2,040 square feet
	Waters of the State[1] (i.e., CDFW/RWQCB Jurisdictional Areas)	2,260 square feet	Temporary	2,347 square feet
Habitat Protection Areas	Wild Oats and Annual Brome Grassland	10 acres	Beneficial	12.17 acres

[1] Waters of the State (i.e., CDFW/RWQCB Jurisdictional Areas) includes the coyote brush scrub vegetation within the TOB.

6.2 IMPACTS TO JURISDICTIONAL DRAINAGES AND ESH BUFFER

Conversion to cannabis cultivation is not expected to result in impacts to ESH. Proposed cultivation areas and support buildings recognize a 100-foot setback from Cat Canyon Creek and a 50-foot setback from the ephemeral drainages, as illustrated in Figure 4 – Sensitive Biological Resources. Per RWQCB requirements, appropriate BMPs (e.g., fiber rolls, gravel bags, etc.) will be installed and the Project Site will be 'winterized' by December 1 each year to prevent sediment deposition in Cat Canyon Creek and the associated ephemeral drainages. Implementation of the recommended avoidance and minimization measures outlined below would reduce incidental impacts to nearby sensitive habitat (e.g., noise, lighting, dust) to a less than significant level.

Per the 2020 Rule, the ephemeral tributary to Cat Canyon Creek is not considered to be under USACE jurisdiction. However, the drainage is regulated by the County, CDFW, and RWQCB. Impacts to jurisdictional areas (i.e., Waters of the State) will be limited to approximately 2,347 square feet at the proposed box culvert. This includes 2,040 square feet of coyote brush scrub vegetation that is present within the TOB (Figure 5 – Box Culvert Impact Area). Installation of the box culvert will require a Lake and Streambed Alteration Agreement from CDFW and a Notice of Applicability from the RWQCB. Impacts to the coyote brush scrub vegetation associated with the drainage are expected to be minimal and can be further reduced through implementation of the recommended avoidance and minimization measures outlined below.

6.3 IMPACTS TO NATIVE HABITAT OR TREES

No native trees will be removed or impacted as part of the proposed Project. There are no trees present at the proposed box culvert location. Impacts to native habitat (i.e., coyote brush scrub) will occur to facilitate installation of the proposed box culvert and are expected to be minimal (2,040 square feet). Specifically, installation of the box culvert will involve removal of approximately 10 coyote brush shrubs and 1 blue elderberry shrub from upstream of the culvert and approximately 10-15 coyote brush shrubs downstream of the culvert. With implementation of the recommended avoidance and minimization measures outlined below, impacts to native vegetation would be reduced to a less than significant level.

6.4 IMPACTS TO SPECIAL-STATUS PLANTS

One special-status plant species, paniculate tarplant (CNPS List 4), was recorded in the Project Site. Paniculate tarplant is commonly found in the Solomon Hills and is especially abundant in the northern portion of the property. A review of online data (e.g., Calflora) suggests that populations appear to be stable both locally and regionally. This particular occurrence is not at the periphery of the species' range – paniculate tarplant is found to the north at least through San Luis Obispo County, south to San Diego County and into Baja California, and east to San Bernardino County.

The California Native Plant Society (2020c) has identified the following criteria for including a List 4 plant taxon in CEQA analyses:

- The type locality of a California Rare Plant Rank 4 taxon;
- Occurrences at the periphery of a species' range;
- Areas where the taxon is especially uncommon;
- Areas where the taxon has sustained heavy losses (declining);
- Occurrences exhibiting unusual morphology or occurring on unusual substrates;
- Species maintained on BLM, USFWS, or USFS sensitive species lists; and
- Taxa associated with a habitat that is declining in California at a significant rate.

The occurrence of paniculate tarplant at the Project Site does not meet any of the criteria that would require additional CEQA analyses beyond the PEIR.

The habitat in which the plant is associated in the Project Site is heavily disturbed wild oats and annual brome grassland which is regularly tilled for dry farming. The abundance of paniculate tarplant in this instance is likely related to recent and current agricultural use (e.g., dry farming, livestock grazing) which reduces competition from other plant species on a seasonal basis. Conversion of the land from its current agricultural use to cannabis cultivation will not eliminate or significantly reduce the local population of paniculate tarplant.

The Project will convert 22.2 acres of wild oats and annual brome grassland to cannabis cultivation and related operations. This is amounts to 60% of the occupied paniculate tarplant habitat the property. There is a total of 37.24 acres of wild oats and annual brome grassland (i.e., "occupied habitat") on the property, as summarized in Table 2. A total of 12.17 acres of occupied paniculate

tarplant habitat will be included within a Habitat Protection Area. The Habitat Protection Area will be managed as described in Appendix D.

No other special status plant species are known or expected to occur in the Project Site.

6.5 IMPACTS TO SPECIAL-STATUS WILDLIFE

Wild oats and annual brome grassland and coast live oak-willow woodland provide habitat for CTS, western spadefoot, coast horned lizard, white-tailed kite, loggerhead shrike, California horned lark, yellow warbler, and American badger.

6.5.1 California Tiger Salamander

The Project Site is beyond the maximum range of dispersal (1.24 miles) from the nearest Known CTS Breeding Pond (SISQ-3e). The area proposed for continued agricultural use is within the range of dispersal from four Potential CTS Breeding Pond SISQ-19. Absent protocol surveys to conclusively determine that this pond is not used for breeding by CTS, the USFWS will consider it occupied.

Installation of hoops, structures, parking and access roads for cannabis cultivation would remove 22.2 acres of possible CTS upland habitat. In addition, proposed hoops and structures would impede dispersal of CTS between potential breeding ponds and suitable upland habitat, resulting in a "loss of permeability".

The Ventura Field Office of the USFWS was contacted regarding potential impacts to CTS and options for mitigation (Henry, 2021 personal communication). The USFWS ran their mitigation tool for calculating impacts to CTS and required mitigation. Because the areas proposed for continued agricultural use have historically been used for dry farming, they were assigned a reproductive value of 50%. Installation of proposed hoop structures would impede dispersal of CTS between a potential breeding pond and suitable upland habitat, resulting in a "loss of permeability", calculated at 100%. The total loss in reproductive value for conversion of dry farming to hoop structures was calculated at a value of -4,090, which provides a basis for compensatory mitigation. In CTS currency, that translates to 4.8 credits required for mitigation of impacts. In addition, there is a 60% surcharge for transferring credits from the Eastern Santa Maria to the La Purisima Conservation Bank in the Purisima Hills where the only mitigation bank for the Santa Barbara County DPS is located. That brings the total number of credits required to be purchased to 7.5.

Consultation with USFWS is on-going, with the objective of securing an Incidental Take Permit pursuant to the Federal Endangered Species Act. A Consistency Determination will be requested of CDFW, in order to satisfy requirements of the State Endangered Species Act.

6.5.2 Western Spadefoot

No impacts to aquatic breeding habitat for western spadefoot would occur as a result of the Project. Installation of hoops and associated structures, parking, and access roads would eliminate 22.2 acres of suitable upland refuge habitat. With implementation of the special-status species buffer and avoidance and minimization measures outlined below, potential impacts to western spadefoot would be considered less than significant.

6.5.3 American Badger

Initial clearing and grading for hoop installation could result in injury or mortality to badgers, if present. Incidental harm will be avoided through pre-project survey and implementation of measures to encourage voluntary abandonment of active dens if found.

6.5.4 Blainville's (Coast) Horned Lizard

Impacts to coast horned lizard are not anticipated as a result of the Project. However, suitable habitat for coast horned lizard is present in the Projects Site. To prevent potential impacts to coast horned lizard, a pre-survey of the Project Site by a qualified biologist prior to installation of hoops, fencing, and cannabis related structures is recommended. The survey should be conducted within 24 hours of beginning installation of hoop structures and support facilities. Any coast horned lizards found should be translocated to suitable habitat outside of the Project Site.

6.5.5 California Horned Lark

California horned lark considered an infrequent winter visitor and unlikely breeder at the Project Site (Section 5.4.3.2). A pre-construction survey for nesting birds will be conducted, as described in Section 7.1, to ensure that active bird nests are not destroyed or otherwise affected by project implementation.

6.5.6 Yellow Warbler

If present, yellow warbler would occur almost exclusively in the riparian habitat associated with Cat Canyon Creek. This habitat will not be affected and cultivation will be setback from the creek, as described in Section 6.2. Impacts to yellow warbler are not expected to occur.

6.6 IMPACTS TO NESTING BIRDS

No trees will be removed for project development. However, impacts to ground-nesting birds may occur if the clearing and grading were to occur during the nesting season (February 1 through August 31). Impacts to nesting birds can be mitigated through implementation of the avoidance and minimization measures outlined below.

6.6.1 Loss of Raptor Foraging Habitat

Installation of hoop structures and support facilities will eliminate 22.2 acres of marginal foraging habitat for some raptors (e.g., white-tailed kite, loggerhead shrike, red-tailed hawk). The uniformity of annual grassland habitat north and south of Cat Canyon Creek where cultivation is planned suggests that it is not prime foraging habitat. Similar, but more diverse grassland habitat is present in the properties surrounding the Project Site. This loss of 22.2 acres of raptor foraging habitat is not considered significant.

6.6.2 Impacts to Wildlife Movement

No impacts to wildlife corridors are expected as a result of the Project. The Project Site is encompassed by wildlife-friendly barb wire fencing. Security fencing is proposed only around cultivation areas and wildlife movement through the property from the north, south, east, and west is unimpeded. The proposed fenced cultivation areas are outside of the County/RWQCB-

prescribed setbacks from Cat Canyon Creek and the associated ephemeral drainages and do not constitute critical habitat linkages. The barb wire fence that encompasses the Project Site will enable continued access by wildlife between Cat Canyon Creek and the Solomon Hills.

Cat Canyon Creek offers the most contiguous and accessible means of wildlife movement across the local landscape. This connectivity will not be disrupted by the proposed Project. The perimeter fence is barb wire which will allow for passage of wildlife into and through the Project Site, including Cat Canyon Creek. The proposed security fence surrounding the cultivation areas and processing area will prohibit access by medium and large animals such as gray fox, bobcat, badger, and black-tailed deer, but the spacing is large enough to allow reptiles, amphibians, and small mammals (e.g., snake, lizard, salamander, frog, mice, gophers, etc.) to pass through the fence without harm. Measures to prevent impacts to special-status wildlife (e.g., CTS, western spadefoot, Blainville's horned lizard, etc.), should they happen to occur in the cultivation areas, are provided in Section 7.1 below and in the Habitat Protection and Wildlife Movement Plan (Appendix D).

7.0 RECOMMENDED AVOIDANCE AND MINIMIZATION MEASURES

The following avoidance and minimization measures are recommended to reduce the likelihood of impacts to biological resources that have the potential to result from the Project. Recommended species-specific and sensitive habitat protection measures are listed first, followed by general construction measures and standard Best Management Practices (BMPs).

7.1 SPECIES-SPECIFIC AND ESH AVOIDANCE AND MINIMIZATION MEASURES

1. A total of 12.17 acres of wild oats and annual brome grassland occupied by paniculate tarplant will be preserved. The cultivation areas will be secured with fences that will confine agricultural activity to within these enclosures. This fencing is in addition to the existing barbed wire fence on the Project Site perimeter.
2. Prior to site preparation and hoop installation in cultivation areas, seedbank from areas that support paniculate tarplant will be salvaged from cultivation and operational support areas for distribution within the HPAs. Receiver sites will be lightly tilled to reduce competition from annual grasses and forbs and to better incorporate the seedbank and associated organic matter.
3. Western spadefoot and Blainville's horned lizard have the potential to occur in the annual grasslands within the proposed cultivation areas. All work areas with suitable habitat for spadefoot and horned lizard shall be searched immediately prior to initial clearing and grubbing, installation of hoops, fencing, or support structures, or prior to re-disturbance if there has been a week or more of no activity at a given work area. Special status species (excluding state and/or federally-listed species) present in the work shall be moved out of harm's way by a qualified biologist. Any loose substrate in which lizards could bury themselves shall be gently raked with a hand tool (e.g., a garden rake) to a depth of two (2) inches immediately prior to construction, to locate any lizards that may be concealed under the surface.
4. The Project Site will be surveyed for badgers within 7 days of initial clearing and grading. Badger dens will be monitored for 3 consecutive nights using a tracking medium (such as

diatomaceous earth or fire clay) or game cameras posted at the entrance. If no tracks are observed in the tracking medium after 3 nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next 3 to 5 nights to discourage the badger from continued use. The den shall then be excavated and backfilled by hand to ensure that no badgers are trapped in the den.

5. If construction of new agricultural support facilities or installation of the box culvert occurs during the bird nesting season (February 1 to August 31), a County-approved biologist shall conduct a pre-construction survey of the Project Site within 7 days of commencement (i.e., mobilization, staging, demolition, excavation). If breeding birds with active nests are found, a County-approved biologist shall oversee the establishment of a buffer (prescriptively 300 feet for passerines and 500 feet for raptors) around the nest. No activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails. Prescriptive buffers may be reduced in consultation with the County and CDFW if substantiated by factors such as proximity to construction, level of construction, species, and nest context.
6. A worker environmental awareness training pamphlet will be prepared and available on-site for all employees (including site supervisors, equipment operators, and laborers). The training will emphasize the presence of special-status species that have the potential to occur on the property (e.g., CTS, western spadefoot, Blainville's horned lizard, and badger), identification of those species, their habitat requirements, applicable regulatory policies and provisions regarding their protection, measures being implemented to avoid and/or minimize impacts, and penalties for noncompliance. The pamphlet will also emphasize that if listed species are observed within or near the cultivation area, work will be suspended and the animals are not be touched or moved. State and federal wildlife authorities will be notified of any encounters with listed species. .
7. Riparian habitat and associated coast live oak trees and arroyo willow trees should be protected consistent with County policies and guidelines. No cultivation, hoop structures, or other improvements are proposed within 100 feet of the riparian corridor of Cat Canyon Creek. The creek will be further protected from damage by livestock and trespass by fencing and signage, as described in the Habitat Protection and Wildlife Movement Plan (Appendix D).
8. CDFW and RWQCB shall be consulted regarding the necessary permits associated with box culvert installation for the access road.
9. Prior to installation of the box culvert, protective fencing shall be installed around all native vegetation to be protected to prevent inadvertent impacts to coyote brush scrub habitat along the drainage.
10. A Habitat Restoration Plan should be prepared to mitigate for impacts to 2,040 square feet of coyote brush scrub (i.e., 1 blue elderberry shrub and 20-25 coyote brush shrubs), due to installation of the box culvert. Proposed mitigation ratios should be consistent with County and CDFW guidelines.
11. No equipment or supplies should be stockpiled or stored within the 100-foot setback from Cat Canyon Creek or within 50 feet of the ephemeral drainage on the west side of the Site.

12. Initiate consultation with the regulatory agencies concerning the need for an Incidental Take Permit from the USFWS and Consistency Determination from CDFW for impacts to CTS upland habitat. Consultation with USFWS has been initiated, as recommended.

7.2 GENERAL CONSTRUCTION AVOIDANCE AND MINIMIZATION MEASURES

13. Precautions shall be taken to prevent sediment transport to Cat Canyon Creek. Erosion control measures (e.g., silt fencing, jute netting, fiber rolls, gravel bags, etc.) shall be used (as necessary and in consultation with RWQCB) where sediment runoff from exposed areas could impacts sensitive habitat. All erosion control materials shall be free from plastic to prevent entanglement of wildlife.
14. Dust generated by tilling and cultivation activities should be kept to a minimum with a goal of reducing impacts to adjacent native habitat. A water truck or sprinkler system should be used to prevent excessive dust.
15. Fueling of equipment will not be done within 100 feet of Cat Canyon Creek. Stationary equipment and fluid storage vessels will be equipped with secondary containment. A spill containment and cleanup kit should be kept on-site in the event of an incidental spill.
16. All motorized equipment used shall be maintained in proper working condition and shall be free of drips and leaks of coolant, hydraulic, and petroleum products. No equipment shall be used for the Project unless such equipment is free of leaks and drips.
17. Trash and food items will be kept in closed containers and removed daily.

8.0 CONCLUSIONS

Cannabis production within the areas proposed will not result in significant adverse effects to special-status plant or wildlife species. Site-specific, Project-level impacts are within the scope of the County-wide Programmatic FEIR for cannabis cultivation.

A 100 foot setback from Cat Canyon Creek will be recognized to prevent impacts to ESH. In addition, all cannabis operations shall maintain a 50-foot setback from the ephemeral drainage on the west side of the Site, pursuant to County and RWQCB regulations. The portion of the property within setback areas (not dedicated to agriculture) will be placed in a Habitat Protection Area and managed accordingly (Appendix D – Habitat Protection and Wildlife Movement Plan).

Proposed cannabis operations will not require removal of native or non-native trees. All trees in the Project Site are within the Habitat Protection Area and therefore, there is no need for a Tree Protection Plan, per the County LUDC.

Consultation with the USFWS and CDFW regarding potential impacts to CTS is recommended.

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FIGURES

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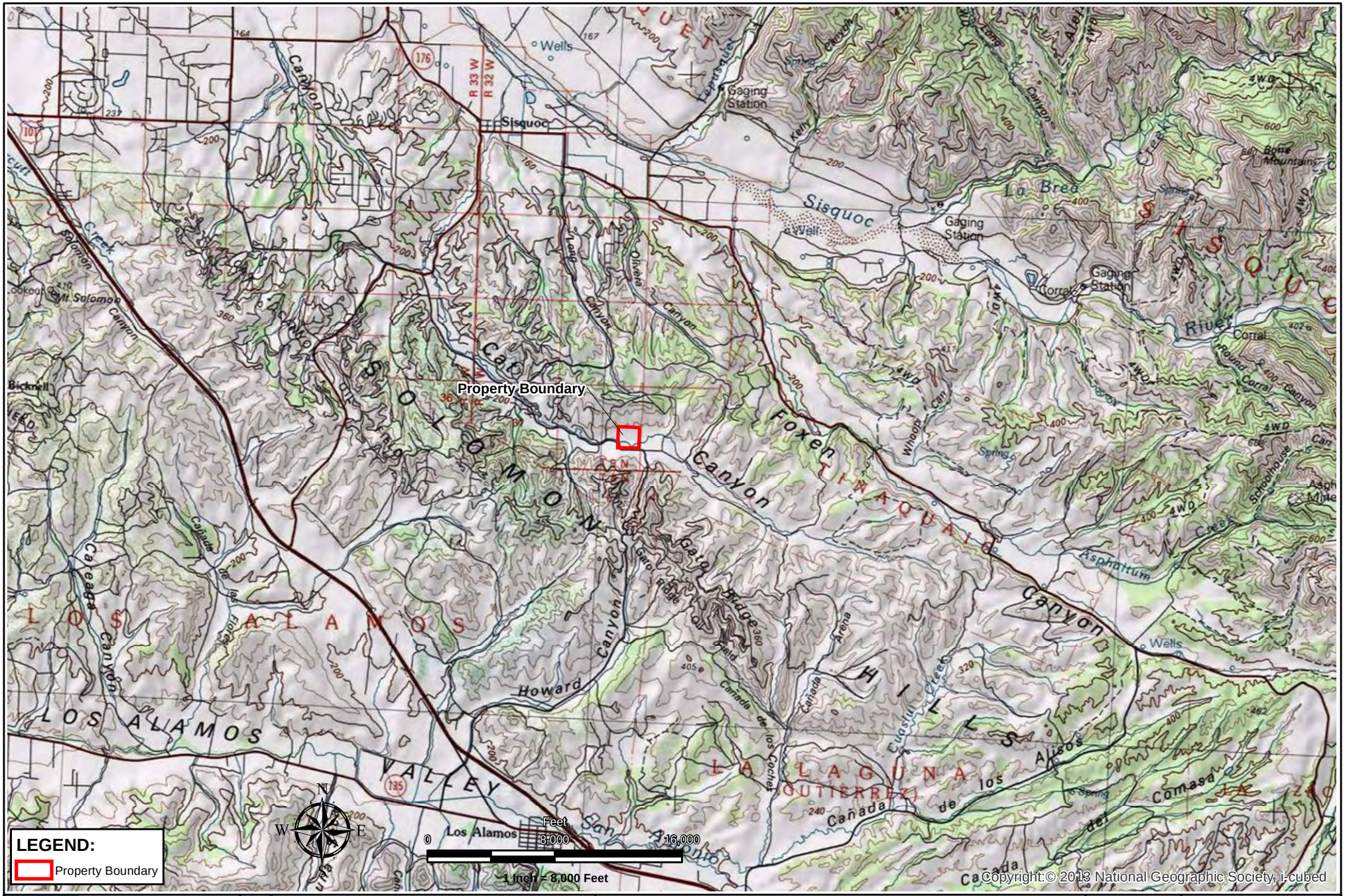

Terra Solutions 777 Mutsuhito Avenue San Luis Obispo, CA. 93401 (805) 782-0969	Storrer Environmental Services 2565 Puesta del Sol #3 Santa Barbara, CA. 93105 (805) 682-2065 www.storrerenvironmental.com	**Site Vicinity Map** **Revised Biological Resources Assessment** **6980 Cat Canyon Road (APN 101-070-069)** **Los Alamos, CA**	**Figure 1**	September 9, 2020

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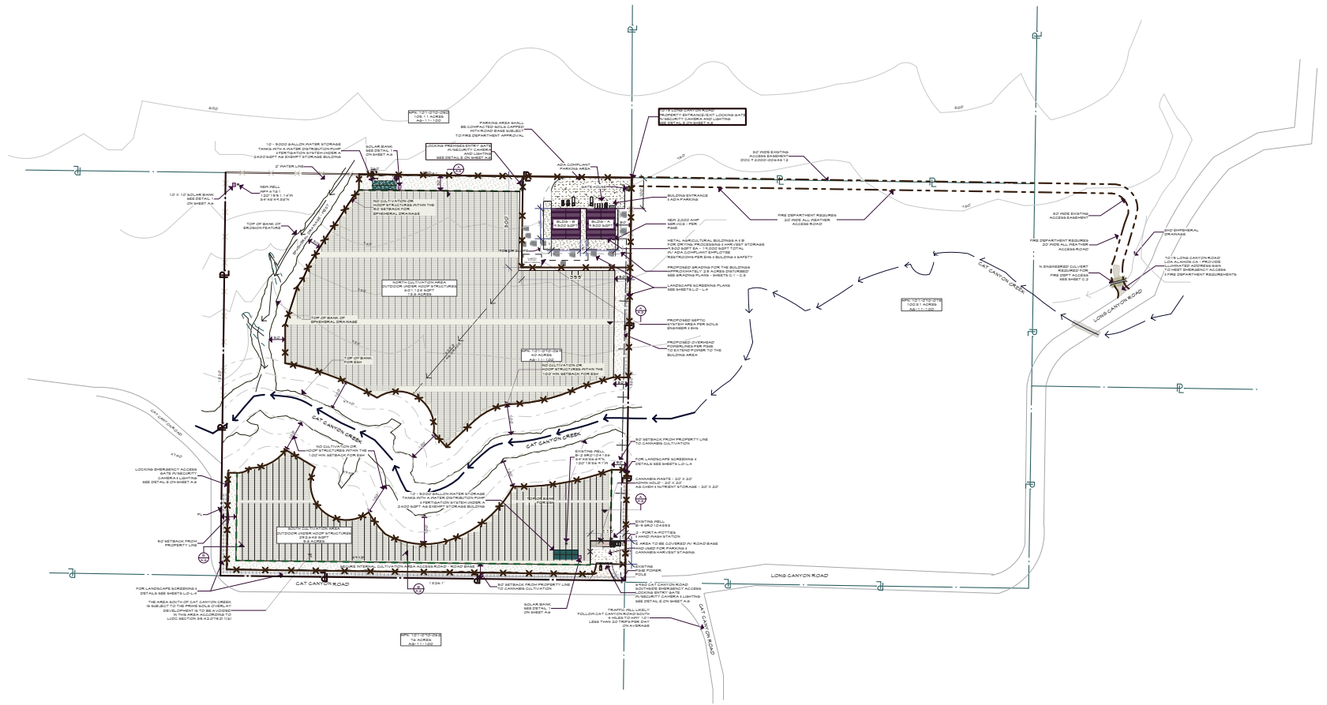

2 SITE PLAN OVERVIEW

SCALE: 1" =200'

PROPOSED CANNABIS CULTIVATION AREAS AND LOT COVERAGE

AREAS	DESCRIPTION	SQFT	ACRES	% LOT COVERAGE
LOT SIZE	TOTAL EXISTING UNDEVELOPED RANCH LOT SIZE	1,742,400	40	100
CA - 1	OUTDOOR CULTIVATION AREA UNDER LIGHT DEP HOOPS - NO ELECTRICITY	601,128	13.8	34.5
CA - 2	OUTDOOR CULTIVATION AREA UNDER LIGHT DEP HOOPS - NO ELECTRICITY	252,648	5.8	14.5
BLDG'S A + B	ACCESSORY BUILDINGS TO USED FOR DRYING, PROCESSING, HARVEST STORAGE AND ADMIN OFFICES W/ ADA COMPLIANT EMPLOYEE RESTROOMS. 9,500 SQFT EACH. TOTAL - BLDG'S A + B 19,000 SQFT			
AREA USED FOR CANNABIS PROCESSING	TOTAL CULTIVATION AREA INCLUDING - 19,000 SQFT OF AG ACCESSORY BUILDINGS (BLDG'S A + B), GRADING, PARKING AND OPEN SPACE AREAS AROUND THE BUILDINGS. 2.6 ACRES TOTAL	115,035.16	2.6	6.6
ROADS	ACCESS ROADS WITHIN THE PROPERTY	40,438.35	0.93	2.3
CREEK AREA	CREEK AREA PLUS REQUIRED CREEK SETBACK AREAS.	733,150.49	16.83	42.1
	TOTAL LOT AREA	1,742,400	40	100
	TOTAL CULTIVATION AREA (SEE NOTE 1): CA 1 + CA 2	853,776	19.6	49
	TOTAL CANNABIS CULTIVATION AREA (SEE NOTE 2): CA 1 + CA 2 + TOTAL PROCESSING AREAS	968,811.16	22.2	55.5
NOTE 1	CULTIVATION AREA: LUDG SECTION 35.42.075.D.1.(h) STATES IN PART; CULTIVATION AREA SHALL CONSIST OF THE AREA OF LAND IN OR ON WHICH CANNABIS PLANTS ARE GROWN, MEASURED TO THE PERIMETER OF THE PLANTED AREA AND EXCLUDING ROADWAYS.			
NOTE 2	DEFINITIONS: LUDG SECTION 35.110.020.G.2 - TOTAL CANNABIS CULTIVATION AREA: IS THE SUM OF THE AREAS ENCOMPASSING ANY ACTIVITY INVOLVING THE PLANTING, GROWING, HARVESTING, DRYING, CURING AND/OR TRIMMING OF CANNABIS.			

NOTE - PRIME SOILS CANNABIS REGULATION:
35.42.075.D. 1(B) "Avoidance of prime soils. All structures for cannabis cultivation operations, including, but not limited to, greenhouses that do not rely on in-ground cultivation, that are located on premises that contain prime soils shall be sited to avoid prime soils to the maximum extent feasible. Ancillary use facilities shall not be located on prime soils unless the Director determines that an alternative location on nonprime soils does not exist within a reasonable distance of the proposed site."

LEGEND:

- PROPERTY LINE
- FENCE LINE
- CREEK FLOW LINE
- ESH SETBACK LINE
- ROAD CENTERLINE
- EASEMENT LINE
- WATER LINE
- OVERHEAD ELECTRICAL LINE

SCALE: 1" = 200'

NOTE: ON SITE VERIFICATION OF ALL DIMENSIONS AND CONDITIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. NOTED DIMENSIONS TAKE PRECEDENCE OVER SCALE. REPORT ALL DISCREPANCIES IN WRITING TO TGG ASSOCIATES LLC FOR CLARIFICATION.
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LUP APPLICATION:
19LUP-00000-00273

PROJECT:
PROPOSED OUTDOOR CANNABIS CULTIVATION & PROCESSING BUILDINGS

7015 LONG CANYON ROAD
LOS ALAMOS CA 93440
APN: 101-070-069

OWNER:
MORIARTY HOLDINGS LLC
5021 VERDUGO WAY #105-132
CAMARILLO CA 93012

PROJECT PHASE:
LAND USE PERMIT
19LUP-0000-00273

SHEET CONTENTS:
SITE PLAN OVERVIEW

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DATE:	MAY 9 2021
SCALE:	AS SHOWN
DRAWN BY:	TGG
CHECKED BY:	TGG
JOB No:	101-070-069

SHEET No:
A.5

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Site Plan Overview
Revised Biological Resources Assessment
6980 Cat Canyon Road (APN 101-070-069)
Los Alamos, CA

Figure 2a

September 2, 2021

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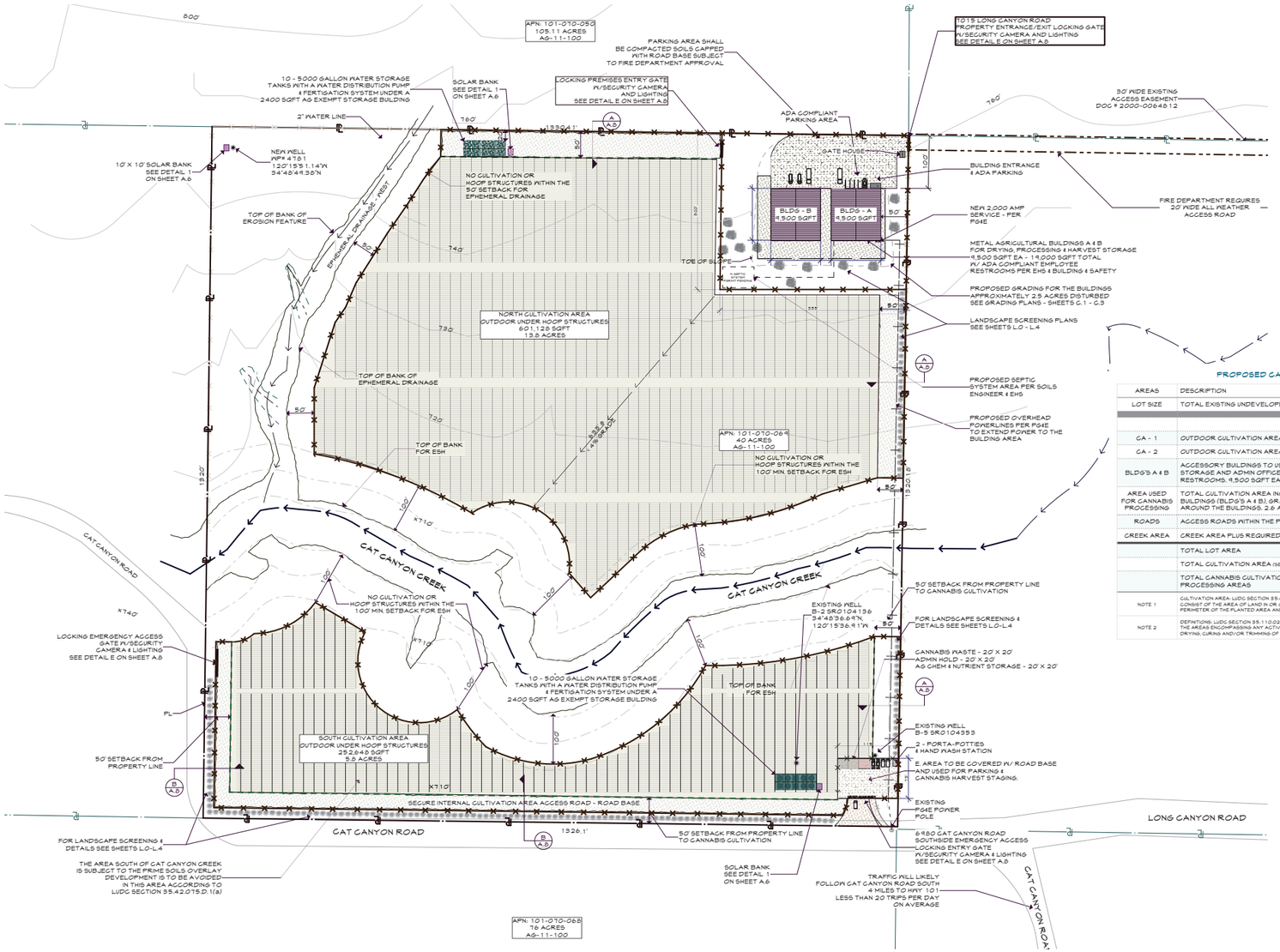

1 SITE DEVELOPMENT PLAN

SCALE: 1" = 100'

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2 SOLAR POWER BANK

SCALE: 1:1.38

LEGEND:

- PROPERTY LINE
- FENCE LINE
- CREEK FLOW LINE
- ESH SETBACK LINE
- ROAD CENTERLINE
- EASEMENT LINE

0 80 160 400

40 120 200 800

SCALE: 1" = 100'

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APN: 101-070-069

OWNER:
MORIARTY HOLDINGS LLC
5021 VERDUGO WAY #105-132
CAMARILLO CA 93012

PROJECT PHASE:
LAND USE PERMIT
19LUP-0000-00273

SHEET CONTENTS:
SITE DEVELOPMENT PLAN

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DATE:	MAY 9 2021
SCALE:	AS SHOWN
DRAWN BY:	TGG
CHECKED BY:	TGG
JOB No:	101-070-069

SHEET No:
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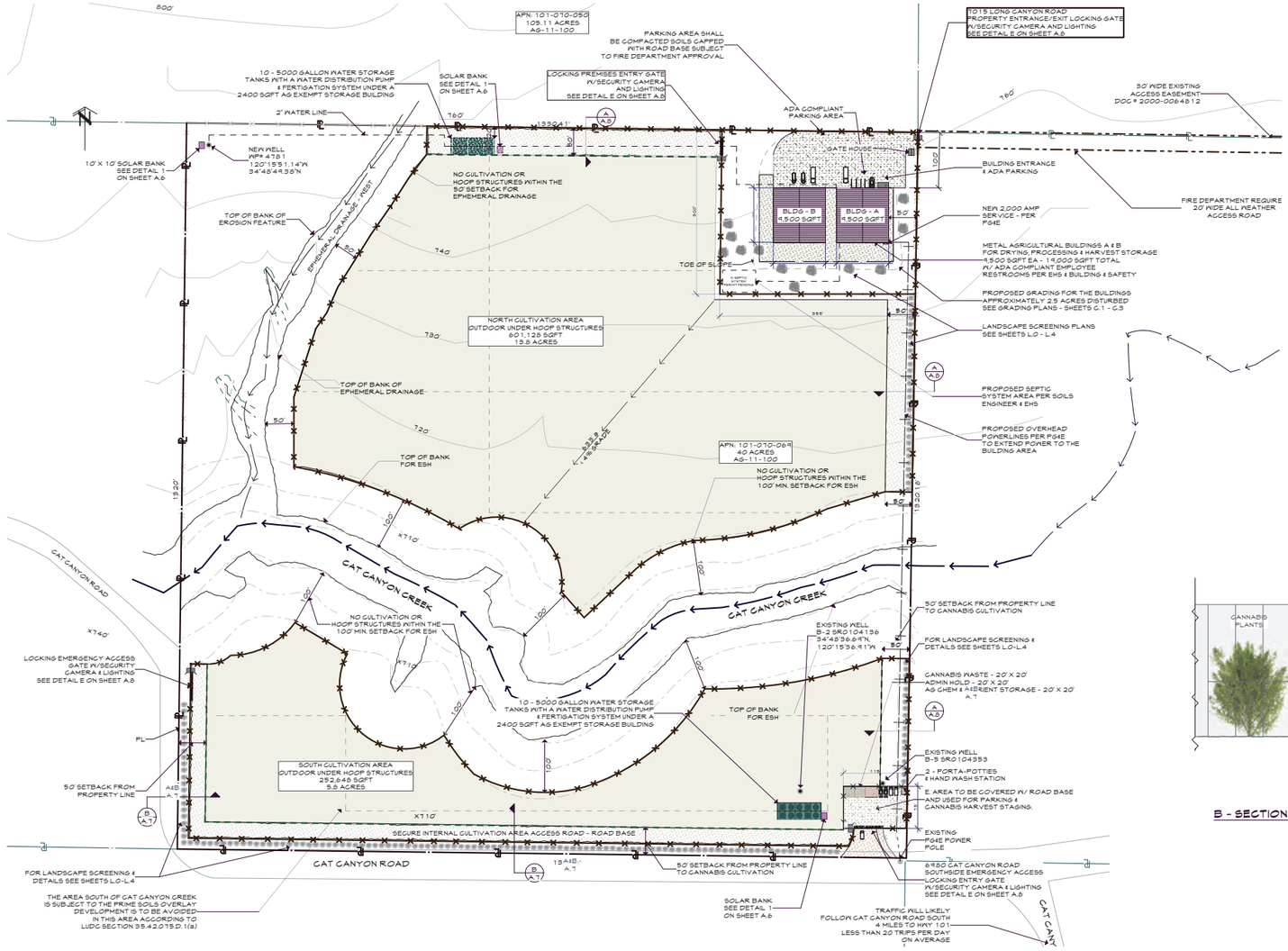
Site Development Plan
Revised Biological Resources Assessment
6980 Cat Canyon Road (APN 101-070-069)
Los Alamos, CA

Figure 2b

September 2, 2021



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1 **LANDSCAPE SCREENING PLAN - SEE SHEETS L.0 - L.4**
SCALE: 1" =100'

SCREEN PLANTING - PROVIDED
PROPOSED @ 8'-0" O.C. W DRIP IRRIGATION
SEE SHEETS L.0 - L.4

A - ELEVATION OF LANDSCAPE SCREENING-YEAR 1

SCREEN PLANTING - PROVIDED
PROPOSED @ 8'-0" O.C. W DRIP IRRIGATION
SEE SHEETS L.0 - L.4

A - ELEVATION OF LANDSCAPE SCREENING-YEAR 5

B - SECTION @ ROADWAY THROUGH LANDSCAPE SCREENING & 50' SETBACK FROM PL

FOR LANDSCAPE PLANS
SEE SHEETS L.0 - L.4

NOTES:

1. ALL LANDSCAPING AND SCREENING SHALL COMPLY WITH LUDC-SECTION 35.42.075.C.3 SEE DETAIL - A. B & SHEETS L.0 - L.4
2. ALL IRRIGATION SHALL COMPLY WITH LUDC SECTION 35.42.075.D.k
3. NEW LANDSCAPE SCREENING SHALL BE 15 GALLON PRUNUS CAROLINIANA PLANTED AT 8' O.C. W/ A DRIP IRRIGATION SYSTEM THAT IS ON A TIMER.
4. LANDSCAPING SHALL BE INSTALLED IN ACCORDANCE WITH THE "LANDSCAPE PLAN AND PERFORMANCE STANDARDS" HANDOUT.

LEGEND:

—— ℙ ——	PROPERTY LINE
—×—×—×—	FENCE LINE
—←——←—	CREEK FLOW LINE
～～～～	ESH SETBACK LINE
– — – —	ROAD CENTERLINE
- - — - - —	EASEMENT LINE

SCALE: 1" = 100'

NOTE: ON SITE VERIFICATION OF ALL DIMENSIONS AND CONDITIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. NOTED DIMENSIONS TAKE PRECEDENCE OVER SCALE. REPORT ALL DISCREPANCIES IN WRITING TO TCG ASSOCIATES LLC FOR CLARIFICATION.
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5021 VERDUGO WAY #105-132
CAMARILLO CA 93012

PROJECT PHASE:
LAND USE PERMIT
19LUP-0000-00273

SHEET CONTENTS:
CONCEPTUAL
LANDSCAPE
SCREENING PLAN

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DATE:	MAY 9 2021
SCALE:	AS SHOWN
DRAWN BY:	TCG
CHECKED BY:	TCG
JOB No:	101-070-069

SHEET No:
A.7

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Landscape Screening Plan
Revised Biological Resources Assessment
6980 Cat Canyon Road (APN 101-070-069)
Los Alamos, CA

Figure 2c

September 2, 2021

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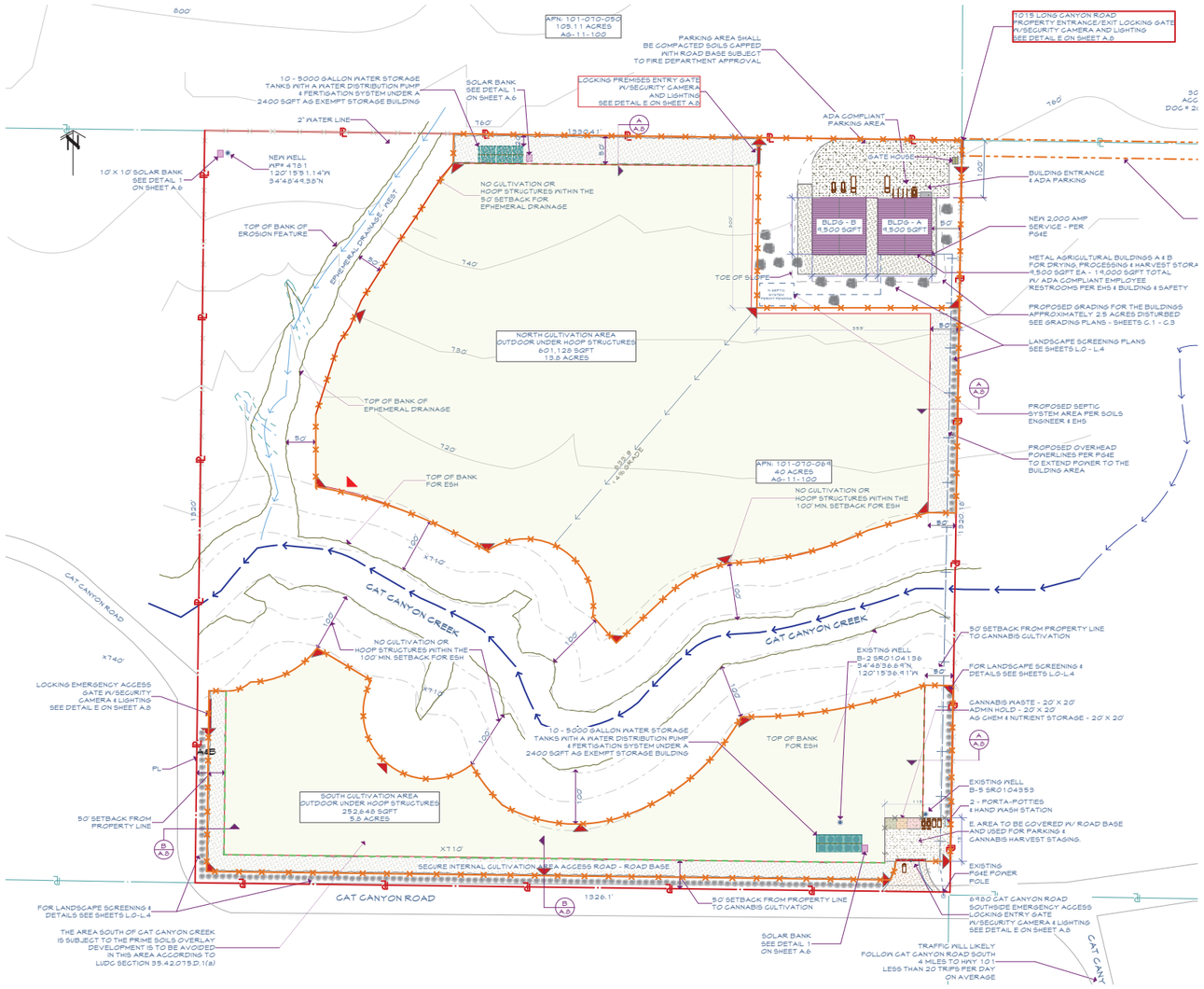


1 FENCING & SECURITY PLAN

SCALE: 1" = 100'

SECURITY LEGEND
- NEW CAMERAS
- NEW LIGHTS - SEE NOTES
- NEW 6' HIGH WIRE MESH FENCING

LOCKING GATE W/ KEYPAD & REMOTE ACCESS CONTROL, ENTRY AND EXIT SECURITY CAMERAS @ EACH ENTRANCE TO PROPERTY SEE DETAIL - E

SECURITY CAMERA PLACEMENT:

CAMERAS SHALL CAPTURE THE ENTIRE CULTIVATION AREA.

ALL CULTIVATION AREAS:
CAMERAS SHALL BE PLACED AT THE FOUR CORNERS OF THE CULTIVATION AREA. CAMERAS SHALL BE PLACED AT MID-POINTS ALONG THE CULTIVATION AREA AS WELL. ONE CAMERA SHALL BE PLACED WITHIN 20' OF EVERY INGRESS AND EGRESS POINT. CORNER CAMERAS SHALL CAPTURE A 90 DEGREE ANGLE.

BUILDINGS A & B:
CAMERAS AT THE ENTRANCES CAPTURING PEOPLE ENTERING THE FACILITY. CAMERAS SHALL BE PLACED INSIDE THE BUILDING CAPTURING A 360 DEGREE VIEW INSIDE THE BUILDING. 2 CAMERAS INSIDE AND ONE AT EACH ENTRANCE

NOTES:
1. ALL PROPOSED USES SHALL COMPLY WITH THE SANTA BARBARA COUNTY LUDC-SECTION 35.42.075.
2. FENCING AND SECURITY PLAN SHALL COMPLY WITH THE SANTA BARBARA COUNTY LUDC-SECTION 35.30.070 & 35.42.075.C.2.
3. NEW 6' HIGH SECURITY FENCING SHALL BE PLACED AROUND THE PREMISES.
4. LANDSCAPE AND SCREENING PLAN SHALL COMPLY WITH THE SANTA BARBARA COUNTY LUDC-SECTION 35.42.075.C.3.
5. LIGHTING PLAN SHALL COMPLY WITH THE SANTA BARBARA COUNTY LUDC-SECTION 35.42.075.C.4.
6. NEW LIGHTING SHALL BE PLACED WITHIN 10-15 FEET OF EACH CAMERA AROUND THE CULTIVATION AREA, EACH POINT OF INGRESS OR EGRESS, ENTRY GATE CALL BOX AND THE ADDRESS SIGN AT A HEIGHT OF 8' ABOVE GROUND.
7. NEW LIGHTS SHALL BE BEACON - GRUZER @ EACH LOCATION.
8. ALL LIGHTS SHALL BE SHIELDED & THE LIGHT DIRECTED DOWNWARD.

HIKVISION

DS-2CD2336360-I
6 MP Outdoor IR Network Turret Camera

- 1/2.8" 6 MP Progressive Scan CMOS
- Up to 3072 x 2048 Resolution
- 2.8 mm and 4 mm Fixed Lens Options
- EXIR 2.0 Range Up to 100 ft (30 m)
- H.265+/H.265/H.264+/H.264
- 120 dB True WDR
- IP67 Protection
- Durable Metal Housing
- 12 VDC ±25% (PoE 802.3af), maximum 7.5 W

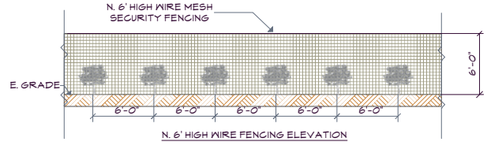
The Hikvision DS-2CD2336360-I Outdoor IR Turret Camera provides high definition network output. It supports H.265+ video compression technology, which assures savings in bandwidth and storage.

The camera has an EXIR 2.0 range of up to 100 feet (30 meters).

The 2.8 mm and 4 mm lens options are optimized for viewing angles that fit any situation.

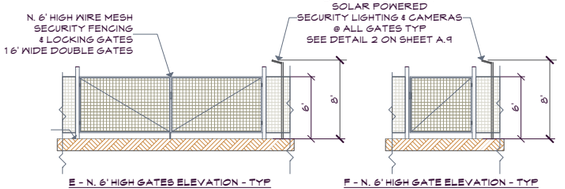
Available models:
DS-2CD2336360-I: 2.8 mm or 4 mm lens

C - IR SECURITY CAMERAS



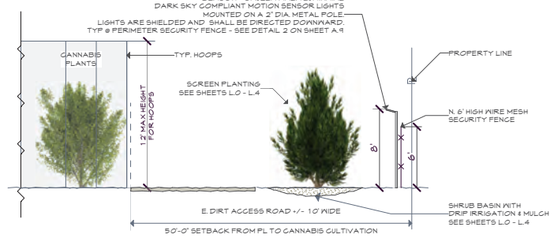
N. 6' HIGH WIRE FENCING ELEVATION

A - ELEVATION OF FENCING

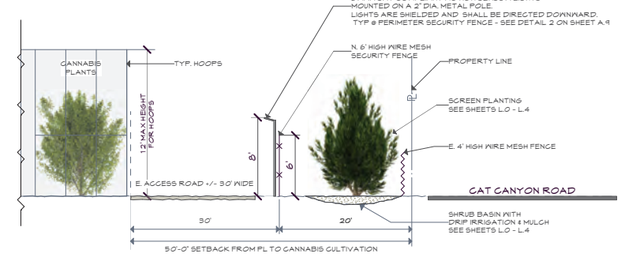


E - N. 6' HIGH GATES ELEVATION - TYP

F - N. 6' HIGH GATE ELEVATION - TYP



A - SECTION @ SIDE PL THROUGH LANDSCAPE SCREENING & 50' SETBACK FROM PL



B - SECTION @ ROADWAY THROUGH LANDSCAPE SCREENING & 50' SETBACK FROM PL

LEGEND:
- PROPERTY LINE
- FENCE LINE
- GREEK FLOW LINE
- ESH SETBACK LINE
- ROAD CENTERLINE
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SCALE: 1" = 100'

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REVISIONS:	DATE:

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SHEET CONTENTS:
FENCING & SECURITY PLAN

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DATE:	MAY 9 2021
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Figure 2d

September 2, 2021

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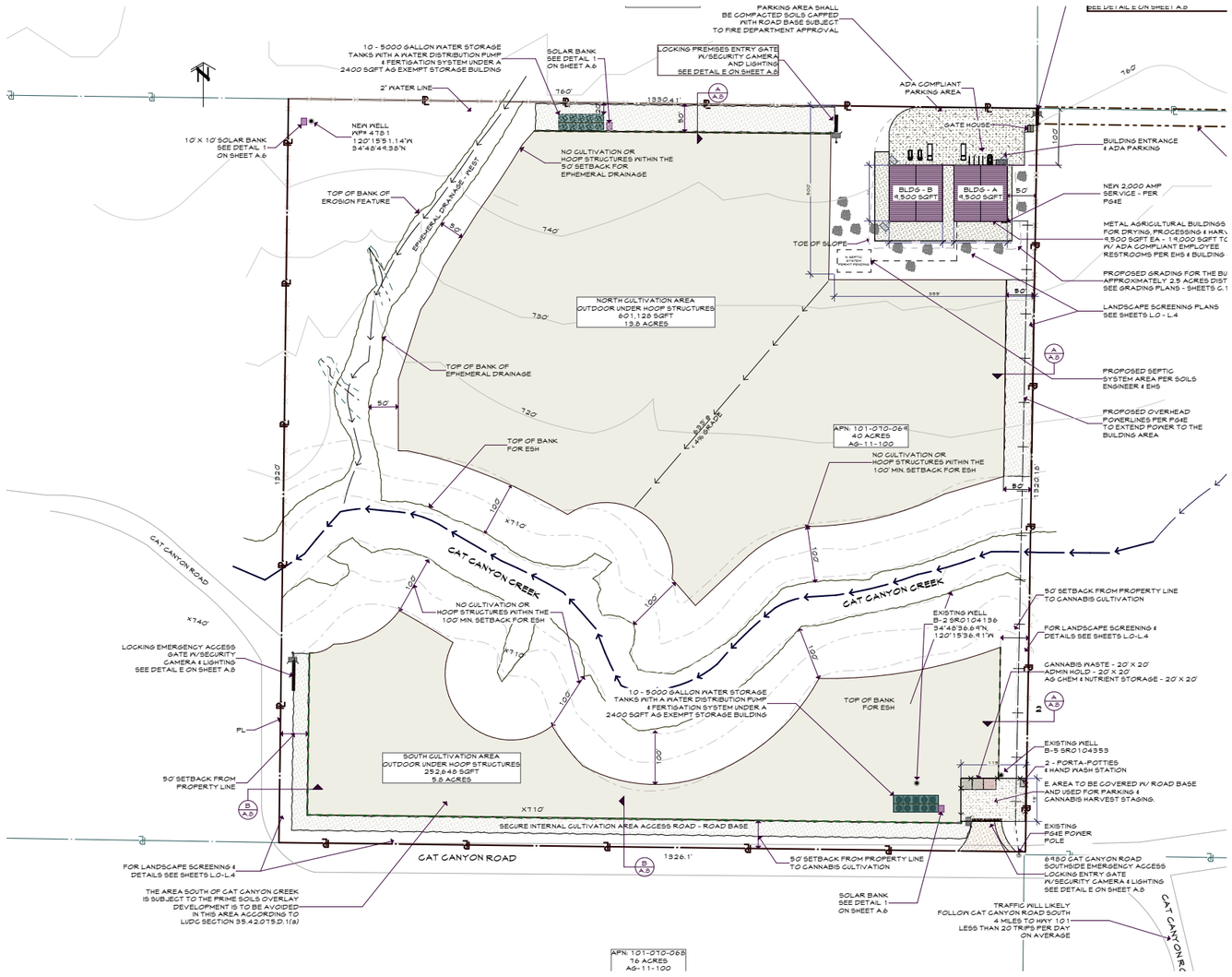

1 LIGHTING PLAN
SCALE: 1" = 100'

LEGEND:
- PROPERTY LINE
- FENCE LINE
- CREEK FLOW LINE
- ESH SETBACK LINE
- ROAD CENTERLINE
- EASEMENT LINE
- LIGHTS - SEE DETAILS 1 & 2 ON SHEET A.9

0 80 160 400
40 120 200 600
SCALE: 1" = 100'

NOTE: ON SITE VERIFICATION OF ALL DIMENSIONS AND CONDITIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. NOTED DIMENSIONS TAKE PRECEDENCE OVER SCALE. REPORT ALL DISCREPANCIES IN WRITING TO TGG ASSOCIATES LLC FOR CLARIFICATION.
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BEACON
design. performance. technology.

DATE: LOCATION:
TYPE: PROJECT:
CATALOG #:

CRUZER
AREA LUMINAIRE

FEATURES
- Unique thermal management system yields a 434,000 hour rated life
- Can be mounted on round or square poles
- Easy hinged access, field replaceable optical bezel and heat dissipating fins


SHOWN WITH SITESYNC®

CONTROL TECHNOLOGY
energent® SiteSync® wiSCAPE®

SPECIFICATIONS

CONSTRUCTION
- Die cast aluminum two-piece housing
- Die cast main (thermal) housing provides direct heat exchange between the LED light engine and the cool outdoor air
- LED drivers are thermally isolated from the main housing, mechanically attached and heat sinked to the rear housing
- Shape of the main housing is designed to prevent debris accumulation and is a bird nesting deterrent. Back and main housings are designed to hinge open for easy mounting and easy access
- IP5 polyester powder-coat electrostatically applied and thermocured
- IP5 finish consists of a five stage pretreatment regimen with a polymer primer sealer and top coated with a thermoset super TGIC polyester powder coat finish
- The finish meets the AAMA 2604 performance specification which includes passing a 3000 hour salt spray test for corrosion resistance and resists cracking or loss of adhesion per ASTM D522 and resists surface impacts of up to 160 inch-pounds

OPTICS
- Optical one piece cartridge system consisting of an LED engine, LEDs, optics, gasket and stainless steel bezel
- Cartridge is held together with internal brass standoffs soldered to the board so that it can be field replaced as a one piece optical system
- Optics are held in place without the use of adhesives
- Cartridge assembly is available in various lighting distributions using TIR designed acrylic optical lenses over each LED

ELECTRICAL
- Luminaire accepts 100V through 277V, 347V or 480V input, 50 to 60 Hz
- Power factor is ≥ 90 at full load
- Optional 0 to 10 volt dimming leads are available upon request
- Component-to-component wiring within the luminaire may carry no more than 80% of rated load and is listed by UL for use at 600VAC at 50°C or higher
- Plug disconnects are listed by UL for use at 600 VAC, 13A or higher. 13A rating applies to primary (AC) side only
- Surge protection - 20kA

CONTROLS
- Available with an optional passive infrared (PIR) motion sensor capable of detecting motion 360° around the luminaire. When no motion is detected for the specified time, the motion response system reduces the wattage to factory preset level, reducing the light level accordingly. When motion is detected by the PIR sensor, the luminaire returns to full wattage and full light output. Please contact Beacon Products if project requirements vary from standard configuration
- Available with Energenti for optional set dimming, timed dimming with simple delay, or timed dimming based on time of night (see www.beaconproducts.com/products/energenti)
- Cruzer can be specified with SiteSync™ wireless control system for reduction in energy and maintenance cost while optimizing light quality 24/7. See ordering information or visit www.hubbelllighting.com/sitesync for more details

INSTALLATION
- Arm mount for attachment to round or square pole
- Slip fitter or adjustable knuckle fits 2 3/8" arm or tenon
- Suitable for applications requiring 3G testing prescribed by ANSI C136.31

CERTIFICATIONS
- CSA labeled, suitable for wet locations (standard)
- IDA approved for 3000K or warmer CCT
- This product qualifies as a "designated country construction material" per FAR 52.225-11 Buy American-Construction Materials under Trade Agreements effective 06/03/2020. See Buy American Solutions

WARRANTY
- 5 year warranty
- See HLI Standard Warranty for additional information

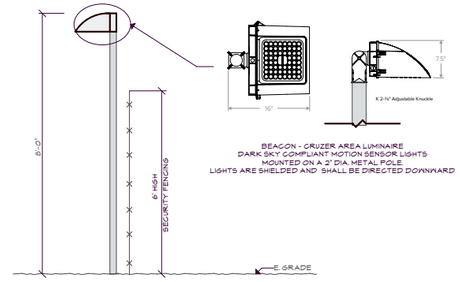
KEY DATA	
Lumen Range	3,414–15,549
Wattage Range	27–136
Efficacy Range (LPW)	99–139
Life (Hours)	L70 > 430,000
Input Current Range (Amps)	0.12–1.36

RELATED PRODUCTS
Traverse

© 2020 Beacon Products a division of Hubbell Lighting, Inc. Specifications subject to change without notice.
701 Millennium Blvd • Greenville, SC 29607 / Tel 864.678.1000 / Website www.beaconproducts.com

HUBBELL Lighting

1 SECURITY LIGHTING DETAIL @ SPECIFICATIONS



BEACON - CRUZER AREA LUMINAIRE
DARK SKY COMPLIANT MOTION SENSOR LIGHTS
MOUNTED ON A 2' DIA. METAL POLE
LIGHTS ARE SHIELDED AND SHALL BE DIRECTED DOWNWARD

2 SECURITY LIGHTING DETAIL @ PERIMETER SECURITY FENCE LINE

LIGHTING NOTES:

1. BEACON - CRUZER @ EACH LOCATION.
2. TIMED TO A MAXIMUM OF 10 MINUTES EACH OCCURRENCE.
3. ALL LIGHTING SHALL COMPLY WITH LUDC-SECTION 35.42.075.G.4.
4. ALL LIGHTS SHALL BE SHIELDED & THE LIGHT DIRECTED DOWNWARD.
5. LIGHTING PLAN SHALL COMPLY WITH THE SANTA BARBARA COUNTY LUDC-SECTION 35.42.075.G.4.
6. NEW LIGHTING SHALL BE PLACED WITHIN 10 - 15 FEET OF EACH CAMERA AROUND THE CULTIVATION AREA, EACH POINT OF INGRESS OR EGRESS, ENTRY GATE CALL BOX AND THE ADDRESS SIGN AT A HEIGHT OF 8' ABOVE GROUND.
7. NEW LIGHTS SHALL BE BEACON - CRUZER @ EACH LOCATION.
8. ALL LIGHTS SHALL BE SHIELDED & THE LIGHT DIRECTED DOWNWARD.

REVISIONS:	DATE:

THOMAS GOCHA
DESIGN
PLANNING
CONSULTING
PROJECT MANAGEMENT

TGG ASSOCIATES LLC

TRINITY COUNTY
PO BOX 578
HAYFORK, CA 96041
805.451.8491
tg@gochadesign.net

VENTURA COUNTY
SANTA BARBARA COUNTY
1072 CASITAS PASS ROAD
CARPINTERIA, CA 93013
805.451.8491
tg@gochadesign.net

www.gochadesign.net

ENGINEER:
Y.G.E. INC. ENGINEERS & SURVEYORS
1587 MORSE AVE. STE A
VENTURA, CA 93003
805.650.6995

LUP APPLICATION:
19LUP-00000-00273

PROJECT:
PROPOSED OUTDOOR CANNABIS CULTIVATION & PROCESSING BUILDINGS
7015 LONG CANYON ROAD
LOS ALAMOS, CA 93440
APN: 101-070-069

OWNER:
MORIARTY HOLDINGS LLC
5021 VERDUGO WAY # 105-132
CAMARILLO, CA 93012

PROJECT PHASE:
LAND USE PERMIT
19LUP-0000-00273

SHEET CONTENTS:
LIGHTING PLAN

tgg associates llc ©

DATE:	MAY 9 2021
SCALE:	AS SHOWN
DRAWN BY:	TGG
CHECKED BY:	TGG
JOB No:	101-070-069

SHEET No:
A.9

Terra Solutions
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San Luis Obispo, CA. 93401
(805) 782-0969

Storrer Environmental Services
2565 Puesta del Sol #3
Santa Barbara, CA. 93105
(805) 682-2065
www.storrerenvironmental.com

Lighting Plan
Revised Biological Resources Assessment
6980 Cat Canyon Road (APN 101-070-069)
Los Alamos, CA

Figure 2e

September 2, 2021

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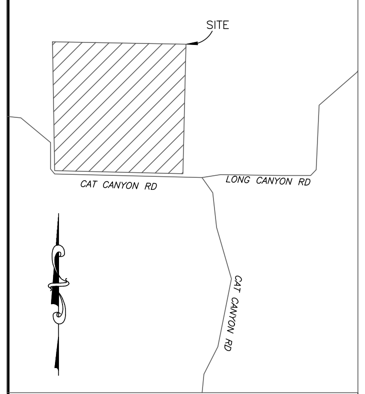


VICINITY MAP – N.T.S

SURVEY DATE:
JUNE 2020 & FEBRUARY 14, 2021

TEMPORARY BENCH MARK:
NUMBER 5 REBAR LOCATED NEAR LONG CANYON ROAD ON THE EASTERLY PROPERTY LINE OF APN 101-070-075 AND ON THE NORTHWESTERLY CORNER OF APN 101-070-026

T.B.M. ELEVATION= 727.37'

SURVEY NOTES:

1. ARIEL TOPOGRAPHIC SURVEY BY COAST ENGINEER & SURVEY INC.YCE INC. DOES NOT GUARANTEE THE ACCURACY OR EXTENT OF THE INFORMATION BY OTHERS.
2. TOPOGRAPHIC SURVEY OF CREEK CROSSING WITH LONG CANYON ROAD (DETAIL B) BY YCE, INC.

SANTA BARBARA COUNTY BUILDING & SAFETY DIVISION GRADING NOTES

1. ALL GRADING SHALL CONFORM TO SANTA BARBARA COUNTY CODE CHAPTER 14 AND STANDARDS AND REQUIREMENTS PERTAINING THERETO AND THESE CONSTRUCTION DRAWINGS.

2. CONTRACTOR TO NOTIFY THE COUNTY GRADING INSPECTOR AT LEAST 48 HOURS BEFORE START OF GRADING WORK OR ANY PRE-CONSTRUCTION MEETING.

3. CONTRACTOR SHALL EMPLOY ALL LABOR, EQUIPMENT AND METHODS REQUIRED TO PREVENT HIS OPERATIONS FROM PRODUCING DUST IN AMOUNTS DAMAGING TO ADJACENT PROPERTY, CULTIVATED VEGETATION AND DOMESTIC ANIMALS OR CAUSING A NUISANCE TO PERSONS OCCUPYING BUILDINGS IN THE VICINITY OF THE JOB SITE. CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGE CAUSED BY DUST FROM HIS GRADING OPERATION.

4. A THOROUGH SEARCH SHALL BE MADE FOR ALL ABANDONED MAN-MADE FACILITIES SUCH AS SEPTIC TANK SYSTEMS, FUEL OR WATER STORAGE TANKS, AND PIPELINES OR CONDUITS. ANY SUCH FACILITIES ENCOUNTERED SHALL BE REMOVED AND THE DEPRESSION PROPERLY FILLED AND COMPACTED UNDER OBSERVATION OF THE GEOTECHNICAL ENGINEER.

5. CUT SLOPES SHALL NOT EXCEED A GRADE OF 1 ½ HORIZONTAL TO 1 VERTICAL. FILL AND COMBINATION FILL AND CUT SLOPES SHALL NOT EXCEED 2 HORIZONTAL TO 1 VERTICAL. SLOPES OVER THREE FEET IN VERTICAL HEIGHT SHALL BE PLANTED WITH APPROVED PERENNIAL OR TREATED WITH EQUALLY APPROVED EROSION CONTROL MEASURES PRIOR TO FINAL INSPECTION.

6. "BEST MANAGEMENT PRACTICES FOR CONSTRUCTION ACTIVITIES: ERODED SEDIMENTS AND OTHER POLLUTANTS MUST BE RETAINED ONSITE AND MAY NOT BE TRANSPORTED FROM THE SITE VIA SHEET FLOW, SWALES, AREA DRAINS, NATURAL DRAINAGE COURSES, OR WIND. STOCKPILES OF EARTH AND OTHER CONSTRUCTION RELATED MATERIALS MUST BE PROTECTED FROM BEING TRANSPORTED FROM THE SITE BY THE FORCES OF WIND OR WATER. FUELS, OILS, SOLVENTS, AND OTHER TOXIC MATERIALS MUST BE STORED IN ACCORDANCE WITH THEIR LISTING AND ARE NOT TO CONTAMINATE THE SOIL AND SURFACE WATERS. ALL APPROVED STORAGE CONTAINERS ARE TO BE PROTECTED FROM THE WEATHER. SPILLS MAY NOT BE WASHED INTO THE DRAINAGE SYSTEM. EXCESS OR WASTE CONCRETE MAY NOT BE WASHED INTO PUBLIC WAY OR ANY OTHER DRAINAGE SYSTEM. PROVISIONS MUST BE MADE TO RETAIN CONCRETE WASTES ON SITE UNTIL THEY CAN BE DISPOSED AS A SOLID WASTE. TRASH AND CONSTRUCTION RELATED SOLID WASTE MUST BE DEPOSITED INTO A COVERED WASTE RECEPTACLE TO PREVENT CONTAMINATION OF RAINWATER AND DISPERSAL BY WIND. SEDIMENTS AND OTHER MATERIAL MAY NOT BE TRACKED FROM TO THE SITE BY VEHICLE TRAFFIC. THE CONSTRUCTION ENTRANCE ROADWAYS MUST BE STABILIZED SO AS TO INHIBIT SEDIMENTS FROM BEING DEPOSITED INTO THE PUBLIC WAY. ACCIDENTAL DEPOSITION MUST BE SWEPT UP IMMEDIATELY AND MAY NOT BE WASHED DOWN BY RAIN OR OTHER MEANS. ANY SLOPES WITH DISTURBED SOILS OR DENUDED OF VEGETATION MUST BE STABILIZED SO AS TO MINIMIZE EROSION BY WIND AND WATER."

7. IF GRADING OCCURS DURING NOV 1 THROUGH APR 15, NO GRADING SHALL OCCUR UNLESS APPROVED EROSION AND SEDIMENT CONTROL MEASURES ARE IN PLACE. DISCHARGES OF SEDIMENT FROM THE PROJECT SITE MAY RESULT IN A STOP WORK ORDER"

8. ALL EARTHWORK ON HILLSIDES, SLOPING OR MOUNTAINOUS TERRAIN SHALL BE STABILIZED TO PROTECT AND PREVENT LOSS OF SOILS, AS NECESSARY, YEAR-ROUND.

EARTHWORK ESTIMATES:

EXCAVATION: 147 CUBIC YARDS; IMPORT: 5,334 CUBIC YARDS; EXPORT: 0 CUBIC YARDS; FILL: 5,481 CUBIC YARDS

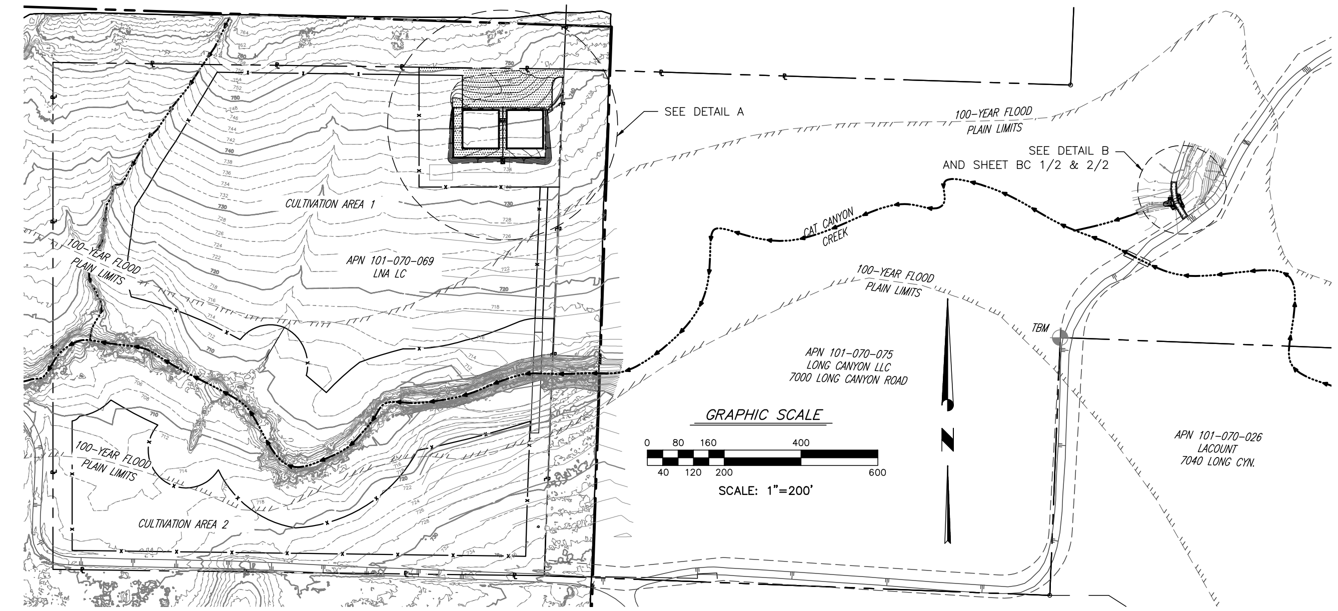
LEGEND

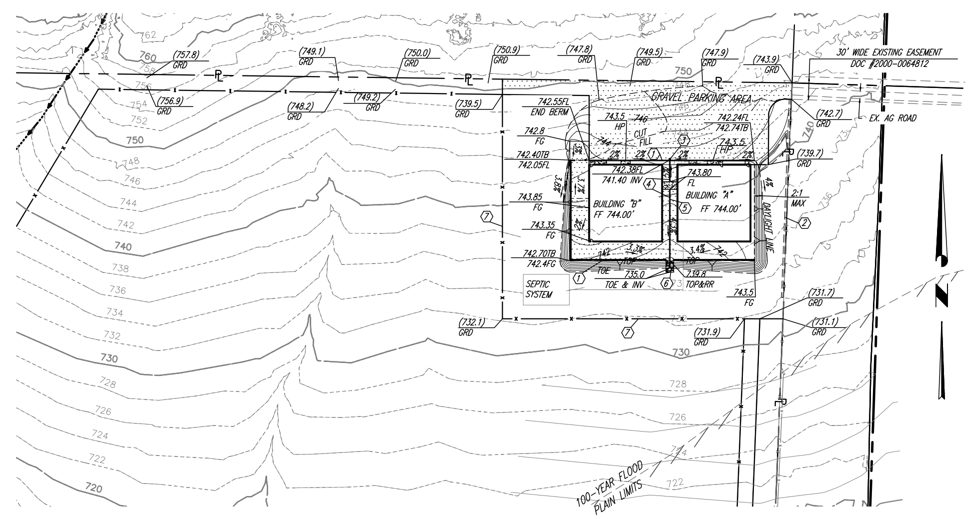
Symbol	Description
	EX. FENCE LINE
	PROPERTY LINE
	FLOW LINE
	FLOOD LINE
(XXX.XX')	EXISTING
XXX.XX'	PROPOSED
FS	FINISH SURFACE
FG	FINISH GROUND
FF	FINISH FLOOR
FL	FLOW LINE
GB	GRADE BREAK
HP	HIGH POINT
RR	RIP-RAP
TB	TOP OF BERM
	CONCRETE/PCC
	COMPACTED BASE/DG
	PROPOSED PAVED ROAD
	TEMPORARY BENCH MARK (TBM)

CONSTRUCTION NOTES

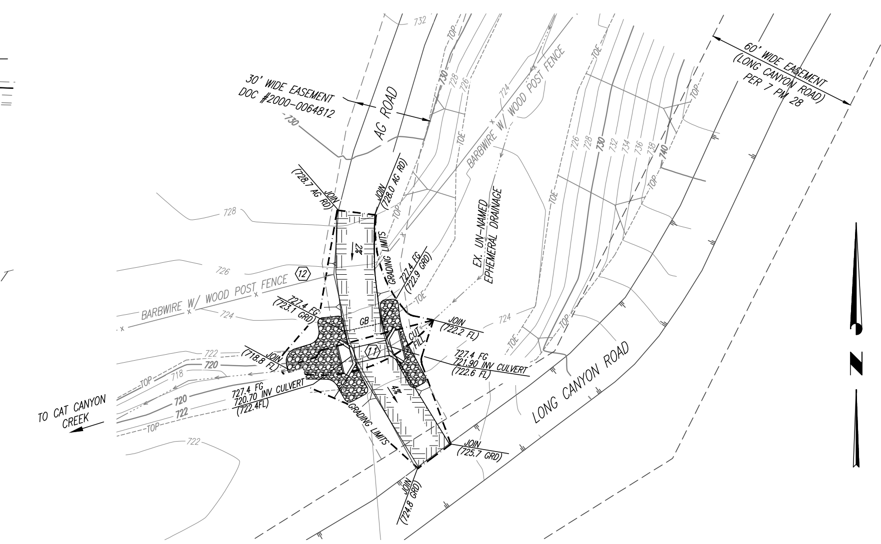
1. A.C. BERM 6" HIGH, 12" WIDE.
2. DIRT BERM 12" HIGH, 24" WIDE.
3. 24" x 24" DRAIN INLET WITH TRAFFIC GRATE.
4. CONCRETE SWALE 12" WIDE, 1.5" DEEP.
5. 8" HDPE DRAIN PIPE (OR APPROVED EQUIVALENT) S= 4.5%.
6. GROUTED RIP-RAP 9.6' X 10' ALONG THE SLOPE & 5' X 10' LEVEL SPREADER WITH 6"-12" COBBLE AND 24" DEEP.
7. PROPOSED FENCE.
8. COMPACTED SOIL TO 90%, 12" DEPTH MIN.
9. COMPACTED GRANULAR BEDDING 6" DEPTH MIN.
10. FREE DRAINING ANGULAR WASHED STONE WELL GRADED 2" MIN. PARTICLE SIZE, AT BOTTOM AND TOP OF BOX CULVERT
11. INSTALL A PRECAST 3' X 6' BOX CULVERT WITH PAVED ROAD PER TVCE BOX CULVERT DESIGN PLAN DATED SEPTEMBER 2021, SEE SHEET BC 1/2
12. REMOVE PORTION EXISTING BARBWIRE FENCE AS NECESSARY FOR GRADING AND REPLACE REMOVED PORTION WITH NEW BARBWIRE FENCE

SITE MAP
N.T.S





DETAIL A
SCALE: 1" = 100'



DETAIL B
SCALE: 1" = 30'

Revisions | Date | Description

Engineer/Consultant:

YCE INCORPORATED
Civil Engineering & Land Surveying

PRELIMINARY GRADING PLAN
MORIARTY, JASON
6980 CAT CANYON ROAD
LOS ALAMOS, CA 93440

Drawn: RAO
Checked: MYA
Date: SEPTEMBER 1, 2021
Job No.: 0121-03
Sheet: 1 OF 1

Terra Solutions
777 Mutsuhito Avenue
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(805) 782-0969

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Box Culvert Grading Plan
Revised Biological Resources Assessment
6980 Cat Canyon Road (APN 101-070-069)
Los Alamos, CA

Figure 2f

September 2, 2021

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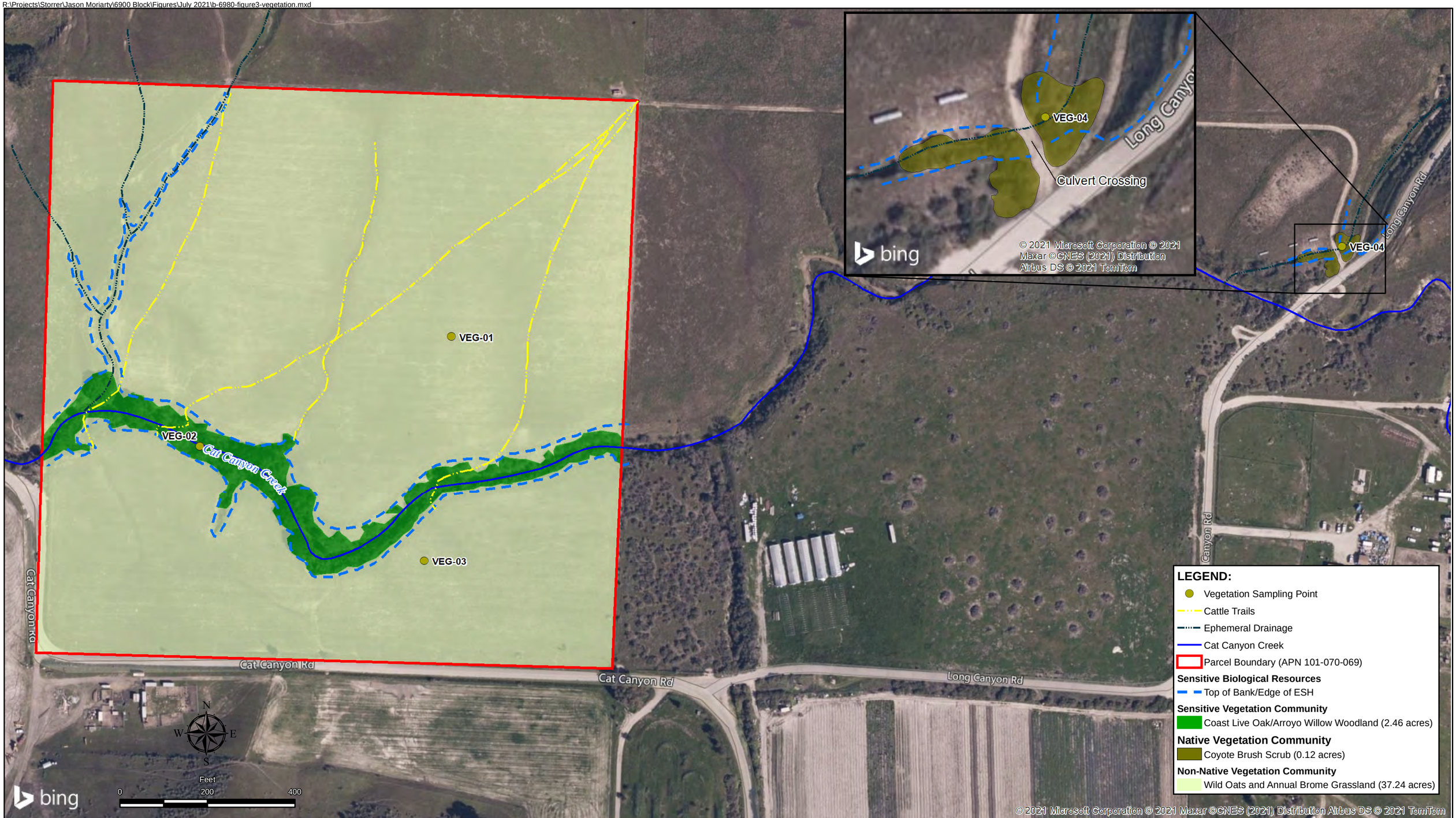

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Vegetation Communities and Land Use Types
Revised Biological Resources Assessment
6980 Cat Canyon Road (APN 101-070-069)
Los Alamos, CA

Figure 3

September 2, 2021

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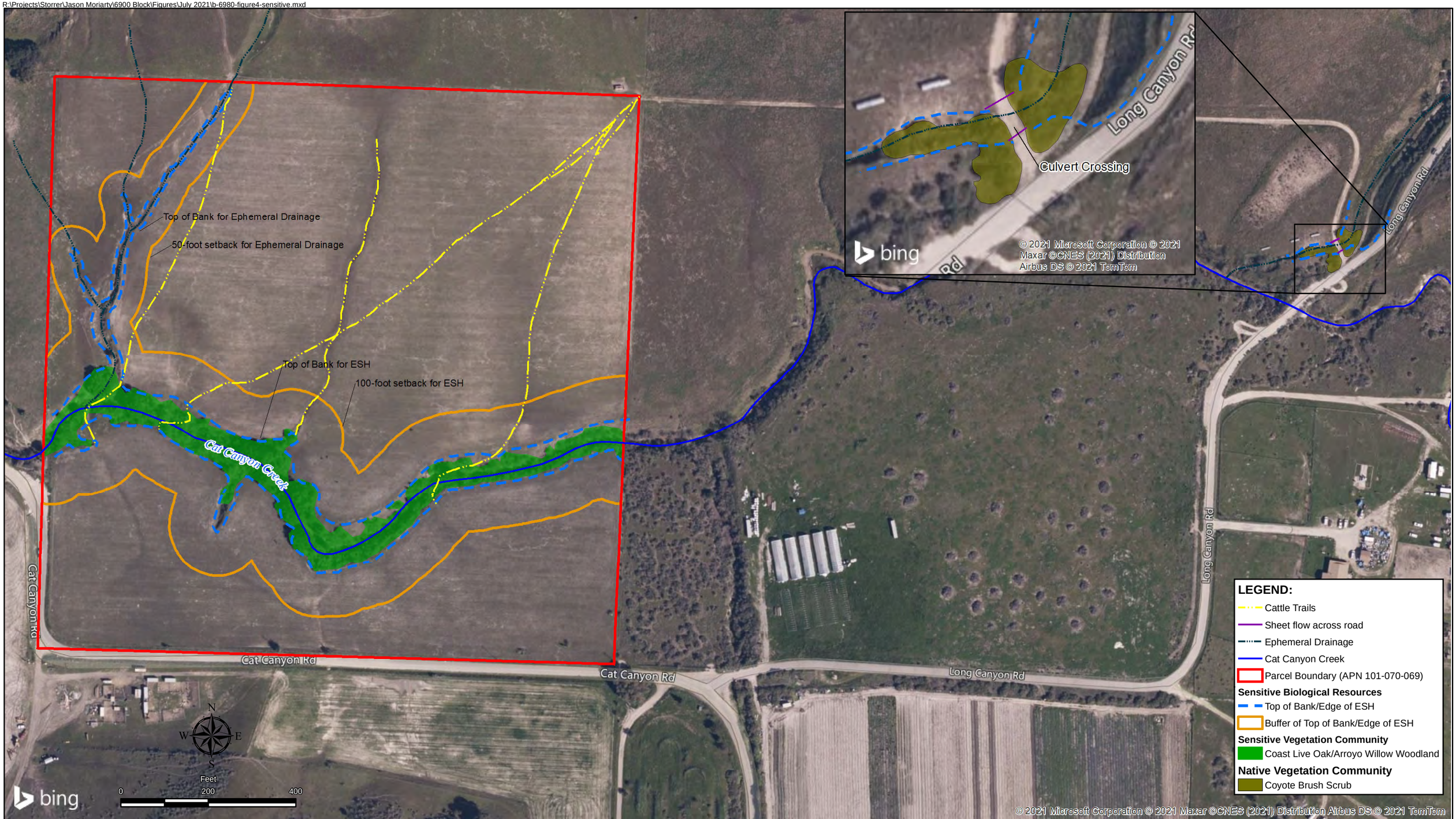

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Sensitive Biological Resources
Revised Biological Resources Assessment
6980 Cat Canyon Road (APN 101-070-069)
Los Alamos, CA

Figure 4

September 2, 2021

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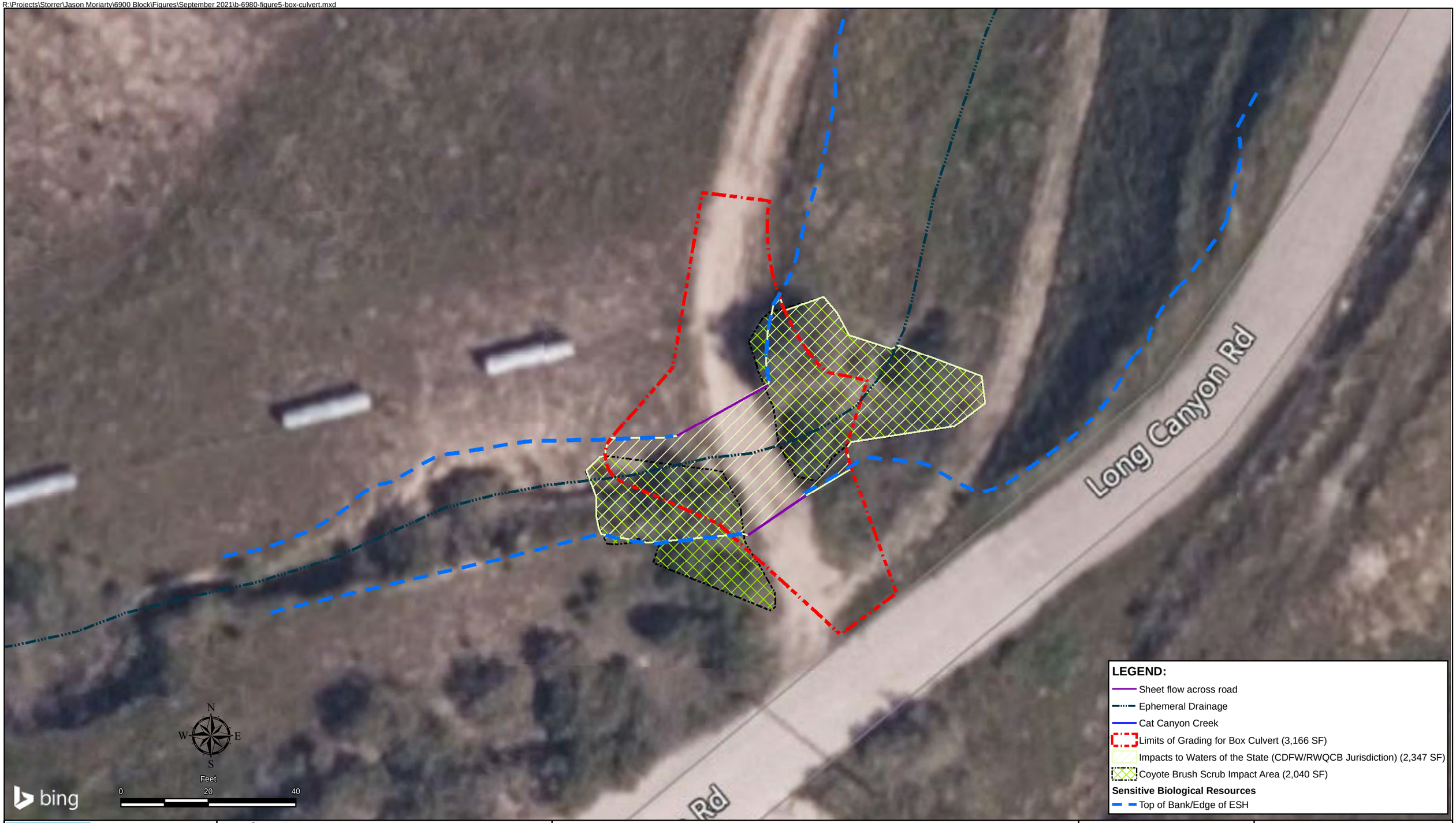

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Proposed Box Culvert Impact Area
Revised Biological Resources Assessment
6980 Cat Canyon Road (APN 101-070-069)
Los Alamos, CA

Figure 5

September 2, 2021

APPENDIX A

SITE PHOTOGRAPHS

(All Photographs Taken August 21, 2019, August 11, 2020, and July 21, 2021)

Photo 1: Coast live oak/arroyo willow riparian woodland associated with Cat Canyon Creek that bisects the property east to west (Aspect: North).

Photo 2: Eastern fork of ephemeral drainage on west side of Project Site (Aspect: South).

Photo 3: Western fork of ephemeral drainage on west side of Project Site (Aspect: South).

Photo 4: Eroded cattle trail in central portion of Project Site (Aspect: South)

Photo 5: Wild oats and annual brome grassland dominated by paniculate tarplant north of Cat Canyon Creek (Aspect: Southeast).

Photo 6: Paniculate tarplant dominated grassland north of Cat Canyon Creek in comparison to the undisturbed grassland habitat on the adjacent property to the east (Aspect: South).

Photo 7. Wild oats and annual brome grassland south of Cat Canyon Creek lacking paniculate tarplant (Aspect: North).

Photo 8: Arroyo willows associated with Cat Canyon Creek's riparian corridor and the ruderal/disturbed channel banks (Aspect: West).

Photo 9: Sandy creek bed vegetated with salt grass with coyote brush and arroyo willows along the channel banks (Aspect: West).

Photo 10: Arizona crossing cutting through Cat Canyon Creek (Aspect: North).

Photo 11: One of several cattle crossing cutting through Cat Canyon Creek (Aspect: South).

Photo 12: Western edge of the limits of disturbance (LOD) staked for the installation of the reinforced box culvert (Aspect: Southeast).

Photo 13: Eastern edge of the LOD for the installation of the reinforced box culvert (Aspect: Northwest).

Photo 14: Blue elderberry shrub and coyote brush shrubs upstream of the access road that will be removed to facilitate installation of the reinforced box culvert (Aspect: North).

Photo 15: Coyote brush shrubs downstream of the access road that will be removed to facilitate installation of the reinforced box culvert (Aspect: North).

APPENDIX B

CNPS VEGETATION RAPID ASSESSMENT FORMS

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

For Office Use:	Final database #:	Final vegetation type:	Alliance Association

I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION — circle: Relevé or RA

Database #:	Date:	Name of recorder: Jessica Peak
VEG-01	8/11/2020	Other surveyors: Justine Cooper
		Location Name: 6980 Cat Canyon Rd. — Moriarty Holdings

GPS name: iPad/ARROW 100 RECEIVER — For Relevé only: Bearing°, left axis at ID point ____ of Long / Short side

UTME _____ UTMN _____ Zone: 11 (NAD83) GPS error: ft./ m./ PDOP 6.4 inches

Decimal degrees: LAT 34.912148 LONG -120.261201

GPS within stand? (Yes) / No If No, cite from GPS to stand: distance (m) ____ bearing ° ____ inclination ° ____

and record: Base point ID _____ Projected UTMs: UTME _____ UTMN _____

Camera Name: JC Cardinal photos at ID point:

Other photos: Representative photos of stand

Stand Size (acres): <1, 1-5, (>5) | Plot Size (m²): 100 / _____ | Plot Shape ____ x ____ m | RA Radius 20 m

Exposure, Actual °: _____ NE NW SE (SW) (Flat) Variable | Steepness, Actual °: _____ 0° (1-5°) >5-25° >25

Topography: Macro: top upper (mid) (lower) bottom | Micro: convex (flat) concave (undulating)

Geology code: _____ Soil Texture code: _____ | (Upland) or Wetland/Riparian (circle one)

% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)

H_20: 0 BA Stems: 2 Litter: 3 Bedrock: 0 Boulder: 0 Stone: 0 Cobble: 0 Gravel: | Fines: 94 =100%

% Current year bioturbation 5 Past bioturbation present? (Yes) / No | % Hoof punch 90

Fire evidence: Yes / (No) (circle one) If yes, describe in Site history section, including date of fire, if known.

Site history, stand age, comments:

Property mowed prior to survey; heavily & routinely disturbed extensive use by cattle resulting in multiple trails & erosion

sample plot representative of all habitat north of Cat Canyon creek.

Disturbance code / Intensity (L,M,H): H / 03 / 04 / ___ / ___ / ___ / "Other" _____ / ___

II. HABITAT DESCRIPTION

Tree DBH : T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)

Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)

Herbaceous: H1 (<12" plant ht.), H2 (>12" ht.)

Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)

Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)

III. INTERPRETATION OF STAND

Field-assessed vegetation Alliance name: wild oats & annual brome grassland [heavily disturbed]

Field-assessed Association name (optional): Avena sp. — Deinandra paniculata

Adjacent Alliances/direction: Coast live oak-arroyo willow woodland (S); wild oats annual brome grassland (E/N)

Confidence in Alliance identification: L M (H) Explain: multiple site visits

Phenology (E,P,L): Herb L Shrub N/A Tree N/A Other identification or mapping information:

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

Database #: VEG-01 **SPECIES SHEET**

IV. VEGETATION DESCRIPTION

% NonVasc cover: 45 **Total % Vasc Veg cover:** 55

% Cover - **Conifer tree / Hardwood tree:** 0 / 0 **Regenerating Tree:** 0 **Shrub:** <1% **Herbaceous:** 100

Height Class - Conifer tree / Hardwood tree: 0 / 0 **Regenerating Tree:** 0 **Shrub:** 1 **Herbaceous:** 1

Height classes: 1=<1/2m, 2=1/2-1m, 3=1-2m, 4=2-5m, 5=5-10m, 6=10-15m, 7=15-20m, 8=20-35m, 9=35-50m, 10=>50m

Stratum categories: T=Tree, A = SApling, E = SEedling, S = Shrub, H= Herb, N= Non-vascular

% Cover Intervals for reference: r = trace, + = <1%, 1-5%, >5-15%, >15-25%, >25-50%, >50-75%, >75%

Stratum	Species	% cover	C	Final species determination
H	Avena sp.	25-50		
H	Hordeum murinum	5-15		
H	Deinandra paniculata	50-75	→	spread throughout Northern portion of site by grazing & mowing
H	Croton setiger	5-15		60-70% of grassland North of Cat Canyon Creek = paniculate tarplant
H	Polygonum arenulare	+		
H	Convolvulus arvensis	+		
S	Artemisia californica	r		tiny seedling survived mowing/grazing
H	Erodium sp.	1-5		
H	Bromus hordeaceus	1-5		
H	Acmispon americanus	+		
H	Navarretia hamata	+		
H	Lysimachia arvensis	+		

Unusual species: Deinandra paniculata CNPS CRPR 4.2 (disturbance adapted species)

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

For Office Use:	Final database #:	Final vegetation type:	Alliance Association

I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION — circle: **Relevé** or **RA**

Database #:	Date:	Name of recorder: Jessica Peak
VEG-02	8/11/2020	Other surveyors: Justine Cooper
		Location Name: 10980 Cat Canyon Road - Moriarty Holdings

GPS name: ipad / ARROW 100 receiver For Relevé only: Bearing°, left axis at ID point____ of **Long / Short** side

UTME _____ UTMN _____ Zone: 11 (**NAD83**) GPS error: ft./ m./ PDOP 8.5 inches

Decimal degrees: LAT 34.811421 LONG -120.263099

GPS within stand? (**Yes**) / **No** If No, cite from GPS to stand: distance (m)____ bearing °____ inclination °____

and record: **Base point ID** _____ **Projected UTMs: UTME** _____ **UTMN** _____

Camera Name: SC **Cardinal photos at ID point:**

Other photos: Representative photo of stand

Stand Size (acres): <1, (1-5), >5 | **Plot Size (m²):** 100 / _____ | **Plot Shape** ___ x ___ m | **RA Radius** 20 m

Exposure, Actual °: _____ NE NW SE (SW) Flat Variable | **Steepness, Actual °:** _____ 0° (1-5°) >5-25° >25

Topography: Macro: top upper mid (lower) (bottom) | **Micro:** convex flat (concave) undulating

Geology code: _____ **Soil Texture code:** _____ | **Upland** or **Wetland/Riparian** (circle one)

% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)

H_2O: 0 **BA Stems:** 3 **Litter:** 5 **Bedrock:** 0 **Boulder:** 0 **Stone:** 0 **Cobble:** | **Gravel:** | **Fines:** 90 **=100%**

% Current year bioturbation 2 **Past bioturbation present?** (**Yes**) / **No** | **% Hoof punch** 80

Fire evidence: Yes / (No) (circle one) If yes, describe in Site history section, including date of fire, if known.

Site history, stand age, comments:

- Cat Canyon Creek channel heavily disturbed by cattle; creek extends E→W through center of parcel.
- Sample plot Representative of all habitat associated w/ Cat Canyon Creek w/in the property
- comprised of large (20+ DBH) mature coast live oak trees w/ scattered arroyo willow
- upper banks dominated by annual grasses; lower banks w/ scattered shrubs but low bank/channel bottom mostly devoid of vegetation.

Disturbance code / Intensity (L,M,H): M / 03 / 04 / ___ / ___ / ___ / ___ **"Other"** _____ / ___

II. HABITAT DESCRIPTION

Tree DBH : T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), (T5) (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)

Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), (S3) mature (1-25% dead), S4 decadent (>25% dead)

Herbaceous: (H1) (<12" plant ht.), (H2) (>12" ht.)

Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)

Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)

III. INTERPRETATION OF STAND

Field-assessed vegetation Alliance name: Quercus agrifolia woodland

Field-assessed Association name (optional): Quercus agrifolia - Salix lasiolepis

Adjacent Alliances/direction: wild oats annual breme grassland (N); ___ / ___

Confidence in Alliance identification: L M (H) **Explain:** multiple site visits

Phenology (E,P,L): Herb L **Shrub** ___ **Tree** L **Other identification or mapping information:**

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

Database #: VEG-02 SPECIES SHEET

IV. VEGETATION DESCRIPTION

% NonVasc cover: 15 **Total % Vasc Veg cover:** 85

% Cover - **Conifer tree / Hardwood tree:** 0 / 55 **Regenerating Tree:** 1 **Shrub:** 40 **Herbaceous:** 5

Height Class - Conifer tree / Hardwood tree: 0 / 15-7 **Regenerating Tree:** 2 **Shrub:** 3-4 **Herbaceous:** 1

Height classes: 1=<1/2m, 2=1/2-1m, 3=1-2m, 4=2-5m, 5=5-10m, 6=10-15m, 7=15-20m, 8=20-35m, 9=35-50m, 10=>50m

Stratum categories: T=Tree, A = SApling, E = SEedling, S = Shrub, H= Herb, N= Non-vascular

% Cover Intervals for reference: r = trace, + = <1%, 1-5%, >5-15%, >15-25%, >25-50%, >50-75%, >75%

Stratum	Species	% cover	C	Final species determination
T	Quercus agrifolia	25-50		
S/T	Salix lasiolepis	15-25		
S	Sambucus nigra caerulea	1-5		
S	Baccharis pilularis	5-15		
S	Toxicodendron diversilobum	1-5		
H	Avena sp.	1-5		
H	Carduus pycnocephalus	1-5		
H	Croton setiger	1-5		
H	Bromus hordeaceus	1-5		
H	Bromus diandrus	1-5		
S	Baccharis salicifolia	1-5		
H	Hirschfeldia incana	1-5		
H	Artemisia douglasiana	1-5		
H	Pseudognaphalium californicum	+		
H	Centaurea melitensis	1-5		
T	Salix laevigata	5-15		
H	Achnatherum americanus	+		
H	Distichlis spicata	1-5		channel bottom / lower banks
H	Verbena lasiostachys	+		
S	Artemisia californica	1-5		
H	Deinandra paniculata	r		
H	Polypogon monspeliensis	1-5		
H	Elymus condensatus	1-5		
S	Diplacus aurantiacus	1-5		

Unusual species: _____

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

For Office Use:	Final database #:	Final vegetation type:	Alliance Association

I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION — circle: Relevé or (RA)

Database #:	Date:	Name of recorder: Jessica Peak
VEG-03	6/11/2020	Other surveyors: Justine Cooper
		Location Name: 6980 Cat Canyon Road - McKarty Holdings

GPS name: iPad / ARRON 100 receiver For Relevé only: Bearing°, left axis at ID point ____ of Long / Short side

UTME _____ UTMN _____ Zone: 11 (NAD83) GPS error: ft./ m./ PDOP 9.4 inches

Decimal degrees: LAT 34.810736 LONG -120.261370

GPS within stand? (Yes) / No If No, cite from GPS to stand: distance (m) ____ bearing ° ____ inclination ° ____

and record: Base point ID _____ Projected UTMs: UTME _____ UTMN _____

Camera Name: JC Cardinal photos at ID point:

Other photos: representative photos of stand

Stand Size (acres): <1, 1-5, (>5) | Plot Size (m²): 100 / _____ | Plot Shape ____ x ____ m | RA Radius 20 m

Exposure, Actual °: _____ NE NW SE (SW) Flat Variable | Steepness, Actual °: _____ 0° (1-5°) >5-25° >25

Topography: Macro: top upper (mid) (lower) bottom | Micro: convex (flat) concave (undulating)

Geology code: _____ Soil Texture code: _____ | (Upland) or Wetland/Riparian (circle one)

% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)

H₂0: 0 BA Stems: | Litter: 75 Bedrock: 0 Boulder: 0 Stone: 0 Cobble: 0 Gravel: | Fines: 25 =100%

% Current year bioturbation 1 Past bioturbation present? (Yes) No | % Hoof punch 90

Fire evidence: Yes / (No) (circle one) If yes, describe in Site history section, including date of fire, if known.

Site history, stand age, comments:

- Habitat south of Cat Canyon Creek heavily disturbed / routinely maintained (cattle / mowing)
(Essentially) <10 taeplants observed)
→ NO Deinandra paniculata present south of creek - otherwise same habitat & vegetation as northern portion of parcel

Disturbance code / Intensity (L,M,H): 1 / 03 / 04 / ___ / ___ / ___ / ___ "Other" _____ / ___

II. HABITAT DESCRIPTION

Tree DBH : T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)

Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)

Herbaceous: H1 (<12" plant ht.), H2 (>12" ht.)

Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)

Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)

III. INTERPRETATION OF STAND

Field-assessed vegetation Alliance name: wild oats & annual brome grassland [heavily disturbed]

Field-assessed Association name (optional): _____

Adjacent Alliances/direction: coast live oak-arroyo willow woodland (N) / _____

Confidence in Alliance identification: L M (H) Explain: _____

Phenology (E,P,L): Herb L Shrub L Tree L Other identification or mapping information:

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

Database #: VEG-03 SPECIES SHEET

IV. VEGETATION DESCRIPTION

% NonVasc cover: 45 **Total % Vasc Veg cover:** 55

% Cover - **Conifer tree / Hardwood tree:** 0 / 0 **Regenerating Tree:** 0 **Shrub:** 0 **Herbaceous:** 100

Height Class - Conifer tree / Hardwood tree: 0 / 0 **Regenerating Tree:** 0 **Shrub:** 0 **Herbaceous:** 1

Height classes: 1=<1/2m, 2=1/2-1m, 3=1-2m, 4=2-5m, 5=5-10m, 6=10-15m, 7=15-20m, 8=20-35m, 9=35-50m, 10=>50m

Stratum categories: T=Tree, A = SApling, E = SEedling, S = Shrub, H= Herb, N= Non-vascular

% Cover Intervals for reference: r = trace, + = <1%, 1-5%, >5-15%, >15-25%, >25-50%, >50-75%, >75%

Stratum	Species	% cover	C	Final species determination
H	Avena sp.	>75		
H	Hirschfeldia incana	+		
H	Polygonum arenlare	+		
H	Croton setiger	+		
H	Convolvulus arvensis	r		
H	Navarretia hamata	+		
H	Deinandra paniculata	r		<10 tarplants observed in grassland south of Cat Canyon Creek

Unusual species: _____

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

For Office Use:	Final database #:	Final vegetation type:	Alliance Association

I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION — circle: **Relevé** or **RA**

Database #:	Date:	Name of recorder:	Jessica Peak
VEG-04	6/11/2020	Other surveyors:	Justine Cooper
	Location Name:	6980 Cat Canyon Road – Moriarty Holdings	

GPS name: iPad/ARROW 100 receiver — For Relevé only: **Bearing°**, left axis at ID point ____ of **Long / Short** side

UTME ____ **UTMN** ____ **Zone: 11** (**NAD83**) GPS error: **ft./ m./ PDOP** ____

Decimal degrees: **LAT** ____ . ____ **LONG** ____ . ____

GPS within stand? (**Yes**) / **No** If No, cite from GPS to stand: distance (m) ____ bearing ° ____ inclination ° ____

and record: **Base point ID** ____ **Projected UTMs: UTME** ____ **UTMN** ____

Camera Name: JC **Cardinal photos at ID point:**

Other photos: Representative photos of stand

Stand Size (acres): (**<1**), 1-5, >5 | **Plot Size (m²):** 100 / ____ | **Plot Shape** ____ x ____ m | **RA Radius** 10 m

Exposure, Actual °: ____ NE NW SE (**SW**) Flat Variable | **Steepness, Actual °:** ____ 0° (**1-5°**) >5-25° >25

Topography: Macro: top upper mid (**lower**) (**bottom**) | Micro: convex flat (**concave**) undulating

Geology code: ____ **Soil Texture code:** ____ | **Upland** or **Wetland/Riparian** (circle one)

% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)

H20: 0 **BA Stems:** 2 **Litter:** | **Bedrock:** 0 **Boulder:** 0 **Stone:** 0 **Cobble:** 0 **Gravel:** 2 **Fines:** 95 =100%

% Current year bioturbation 0 **Past bioturbation present?** Yes / (**No**) | **% Hoof punch** 0

Fire evidence: Yes / (**No**) (circle one) If yes, describe in Site history section, including date of fire, if known.

Site history, stand age, comments:

sample plot @ proposed culvert crossing

Disturbance code / Intensity (L,M,H): M / 03 / 23 / ___ / ___ / ___ / ___ **"Other"** ____ / ___

II. HABITAT DESCRIPTION

Tree DBH : **T1** (<1" dbh), **T2** (1-6" dbh), **T3** (6-11" dbh), **T4** (11-24" dbh), **T5** (>24" dbh), **T6** multi-layered (T3 or T4 layer under T5, >60% cover)

Shrub: **S1** seedling (<3 yr. old), (**S2**) young (<1% dead), (**S3**) mature (1-25% dead), **S4** decadent (>25% dead)

Herbaceous: (**H1**) (<12" plant ht.), (**H2**) (>12" ht.)

Desert Riparian Tree/Shrub: **1** (<2ft. stem ht.), **2** (2-10ft. ht.), **3** (10-20ft. ht.), **4** (>20ft. ht.)

Desert Palm/Joshua Tree: **1** (<1.5" base diameter), **2** (1.5-6" diam.), **3** (>6" diam.)

III. INTERPRETATION OF STAND

Field-assessed vegetation Alliance name: Coyote brush scrub

Field-assessed Association name (optional): Baccharis pilularis – Sambucus nigra – grasses

Adjacent Alliances/direction: wild oats annual bromie grassland (E / N / W) /

Confidence in Alliance identification: L M (**H**) **Explain:** ____

Phenology (E,P,L): Herb L **Shrub** L **Tree** L **Other identification or mapping information:** ____

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

Database #: VEG-04

SPECIES SHEET

IV. VEGETATION DESCRIPTION

% NonVasc cover: 15 **Total % Vasc Veg cover:** 85

% Cover - **Conifer tree / Hardwood tree:** 0 / 0 **Regenerating Tree:** 0 **Shrub:** 30 **Herbaceous:** 70

Height Class - Conifer tree / Hardwood tree: 0 / 0 **Regenerating Tree:** 0 **Shrub:** 3-4 **Herbaceous:** 1-2

Height classes: 1=<1/2m, 2=1/2-1m, 3=1-2m, 4=2-5m, 5=5-10m, 6=10-15m, 7=15-20m, 8=20-35m, 9=35-50m, 10=>50m

Stratum categories: T=Tree, A = SApling, E = SEedling, S = Shrub, H= Herb, N= Non-vascular

% Cover Intervals for reference: r = trace, + = <1%, 1-5%, >5-15%, >15-25%, >25-50%, >50-75%, >75%

Stratum	Species	% cover	C	Final species determination
S	Baccharis pilularis	15-25		
S	sambucus nigra caerulea	1-5		
S	Salix lasiolepis	1-5		
S	Artemisia californica	1-5		
S	Rosa californica	+		
H	Heterotheca grandiflora	1-5		
H	Bromus diandrus	5-15		
H	Avena sp.	5-15		
H	Bromus hordeaceus	1-5		
H	Erodium sp.	1-5		
H	Hirschfeldia incana	1-5		
H	Deinandra paniculata	+		
H	Croton setiger	1-5		
H	Centaurea melitensis	1-5		
H	centaurea solstitalis	+		

Unusual species: _____

APPENDIX C

CNDDB FIELD SURVEY FORM

CNDDB Online Field Survey Form Report

California Natural Diversity Database
Department of Fish and Wildlife
1416 9th Street, Suite 1266
Sacramento, CA 95814
Fax: 916.324.0475
cnddb@wildlife.ca.gov
www.dfg.ca.gov/biogeodata/cnddb/

This data has been reported to the CNDDB, but may not have been evaluated by the CNDDB staff

Source code PEA20F0003
Quad code 3412073
Occ. no. _____
EO index no. _____
Map index no. _____

Scientific name: *Deinandra paniculata*

Common name: paniculate tarplant

Date of field work (mm-dd-yyyy): 08-11-2020

Comment about field work date(s): Surveys also conducted on 08/21/2019

OBSERVER INFORMATION

Observer: Jessica Peak

Affiliation: Storrer Environmental Services, LLC

Address: 2565 Puesta del Sol #203, Santa Barbara, CA 93105

Email: jpeak@storrerenvironmental.com

Phone: (805) 234-2337

Other observers: Justine Cooper

DETERMINATION

Keyed in: Jepson eFlora

Compared w/ specimen at:

Compared w/ image in:

By another person:

Other:

Identification explanation:

Identification confidence: Very confident

Species found: Yes **If not found, why not?**

Level of survey effort: Comprehensive Biological Resources Assessment

Total number of individuals: 5,000+

Collection? No **Collection number:**

Museum/Herbarium:

PLANT INFORMATION

Phenology:

vegetative	flowering	fruiting
10 %	80 %	10 %

SITE INFORMATION

Habitat description: Wild oats and annual brome grassland - heavily disturbed; density of paniculate tarplant varies throughout grassland

Slope: flat

Land owner/manager: Private

Aspect:

Site condition + population viability: Good

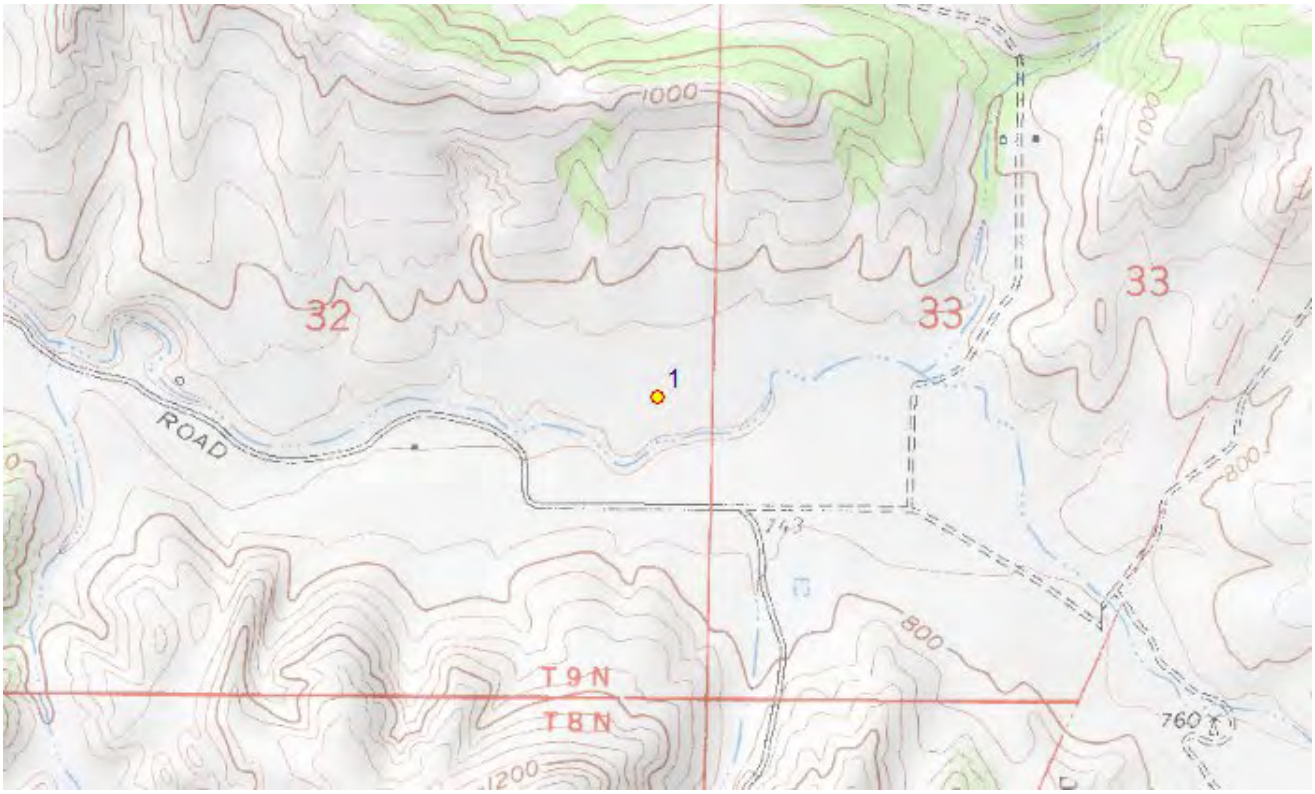
Immediate & surrounding land use: Livestock grazing, agriculture, rural residential

Visible disturbances: Grassland habitat is heavily and routinely disturbed; extensive use by cattle and soil tilling/ripping.

Threats: Agriculture, cattle, development

General comments: The abundance of paniculate tarplant is likely related to recent and current agricultural use (e.g., dry farming, livestock grazing) which reduces competition from other plant species on a seasonal basis.

MAP INFORMATION



ID	County	24K Quadrangle	Elev. (ft)	Latitude NAD83	Longitude NAD83	UTM E NAD83	UTM N NAD83	UTM Zone
	Santa Barbara	Sisquoc	737	34.81214	-120.26120	750523	3855631	10
1	**Public Land Survey**	**Feature Comment**						
	S T09N R32W 32							

The mapped feature is accurate within: 5 m

Source of mapped feature: Arrow 100 GNSS Receiver

Mapping notes: Point at central location in 40-acre parcel

Location/directions comments: 6980 Cat Canyon Road

Attachment(s):

APPENDIX D

HABITAT PROTECTION AND WILDLIFE MOVEMENT PLAN

HABITAT PROTECTION AND WILDLIFE MOVEMENT PLAN
MORIARTY HOLDINGS
CANNABIS CULTIVATION PROJECT (19LUP-00000-00273)
6980 CAT CANYON ROAD (APN 101-070-069) LOS ALAMOS, CALIFORNIA

This Habitat Protection and Wildlife Movement Plan (HPP/WMP) was prepared in support of an application for a Land Use Permit (19LUP-00000-00273) from the County of Santa Barbara (County) to allow for commercial cannabis cultivation on approximately 19 acres of land previously used for dry farming. A LUP is necessary to be in compliance with County Ordinance 5027 and the corresponding requirements of Land Use Development Code (LUDC) §35.42.075 (Cannabis Regulations).

Measures described herein are intended to avoid or minimize impacts to surrounding native habitat, including Cat Canyon Creek and plant and animal species of special concern that are known to occur on the property.

PROJECT LOCATION

The 40-acre parcel (Project Site) is located in the Solomon Hills, in an unincorporated portion of Santa Barbara County, approximately 5 miles southeast of the town of Sisquoc and 7 miles north of the town of Los Alamos (Latitude 34.484298, Longitude -120.154297).

PROJECT DESCRIPTION

The proposed Project consists of 19.6 acres of outdoor cannabis cultivation in hoop structures, with onsite processing (drying, packaging and storage) in two proposed processing structures, for a total of 22.2 acres. The Project Site is currently undeveloped.

Access to the portion of the Project Site south of Cat Canyon Creek will be provided by an existing 20-foot-wide driveway off of Cat Canyon Road. Access to the northerly portion of the site will be provided by a 20-foot-wide, all-weather access road within a 30-foot-wide easement from Long Canyon Road, over APN: 101-070-075, which includes an existing Arizona crossing to be improved with the installation of a reinforced box culvert.

The proposed cultivation activities do not require the removal of native habitats or specimen trees. The proposed cultivation areas currently support Wild Oats/Annual Brome Grassland vegetation.

EXISTING CONDITIONS

Based on a review of aerial imagery, the property appears to have been historically used for cattle grazing and has been periodically dry-farmed since 2009. Cat Canyon Creek trends generally westward through the southern third of the property.

There are three vegetation types on the Project Site: Coast Live Oak-Arroyo Willow Woodland; Coyote Brush Scrub; and Wild Oats/Annual Brome Grassland. The riparian habitat associated with Cat Canyon Creek will not be affected by the Project and is included within a Habitat Protection Area (HPA). Cultivation is setback a minimum 50 and 100 feet for Cat Canyon Creek for open grow and hoop structures, respectively. Two ephemeral drainages in the northwestern

portion of the Project Site, both tributary to Cat Canyon Creek, and associated 50-foot setbacks are also included in the HPA. A total of 2,040 square feet of coyote brush scrub will be temporarily impacted for installation of a reinforced box culvert under the access road. The Project will result in conversion of 22.2 acres of Wild Oats/Annual Brome Grassland vegetation formerly used for dry farming to cannabis cultivation and support operations.

Wildlife Habitat

The Project Site is within the range of dispersal from a "potential breeding pond" for the state and federally-listed California tiger salamander (CTS) (*Ambystoma californiense*). The Wild Oats/Annual Brome Grassland vegetation type constitutes suitable upland refuge habitat for CTS. Compensatory mitigation and management for this species will be implemented per a Habitat Conservation Plan as a requirement for obtaining state and federal permits. A mitigation strategy is currently being developed in consultation with the U.S. Fish and Wildlife Service (USFWS). This will entail a monetary contribution to a conservation bank and minimization and avoidance measures to be implemented during project development and operation.

Special-status wildlife species observed during the field surveys include white-tailed kite (*Elanus leucurus*) and loggerhead shrike (*Lanius ludovicianus*). In addition to CTS, six (6) special-status wildlife species have the potential to be found on the property or surrounding habitat: western spadefoot (*Spea hammondii*), Blainville's (coast) horned lizard (*Phrynosoma blainvilli*), California horned lark (*Eremophila alpestris actia*), least Bell's vireo (*Vireo belli pusilus*), yellow warbler (*Dendroica petechia*), and American badger (*Taxidea taxus*).

The least Bell's vireo and yellow warbler might occur on a transient basis in the Cat Canyon Creek riparian habitat. The western spadefoot, white-tailed kite, loggerhead shrike, coast horned lizard, horned lark, and badger could use annual grassland for foraging and/or harborage.

Rare Plants

One special status plant species, paniculate tarplant (*Dienendra peniculata*), occurs in abundance on the Project Site. Paniculate tarplant is designated as a List 4.2 species by the California Native Plant Society. It is found in association with the Wild Oats/Annual Brome Grassland vegetation type. Its density and distribution suggest that the plant may respond favorably to light tilling or mowing, since it occurs primarily in areas historically subject to dry farming.

The seedbank from areas that support paniculate tarplant will be salvaged from cultivation and operational support areas for distribution within the HPA. Receiver sites will be lightly tilled to reduce competition from annual grasses and forbs and to better incorporate the seedbank and associated organic matter.

WILDLIFE MOVEMENT

The primary avenue of wildlife movement in the Project Area is along the Cat Canyon Creek riparian corridor. Cat Canyon Creek and associated 100-foot setback from cultivation will be included in a HPA (Figure 1). Cultivation areas will be enclosed within a 6-foot wire mesh "deer" fence. The enclosure will prevent inadvertent encroachment into the HPA. A barbed-wire fence follows the entire perimeter of the Project Site.

The 6-foot deer fence around the cultivation areas is made of 4-inch square wire mesh, which excludes most terrestrial wildlife that could damage the crops (e.g., deer, raccoon, brush rabbit, etc.), but the spacing is large enough to allow reptiles, amphibians, and small mammals (e.g., snake, lizard, salamander, frog, mice, gophers, etc.) to pass through the fence without harm.

Large and medium sized wildlife (e.g., deer, bobcat, coyote, rabbit, woodrat, badger, etc.) can use the open grassland and riparian habitats along the creek and on the surrounding undeveloped properties to access the foothills and higher elevations of the Solomon Hills.

HABITAT PROTECTION MEASURES

The following measures are intended to protect resources within the Habitat Protection Area from inadvertent impacts due to agricultural operations. These are design features that will be implemented by the Applicant/Permittee at the time of Project development.

1. Setbacks of 100 feet from the riparian canopy of Cat Canyon Creek and 50 feet from the top-of-bank of the unnamed ephemeral tributaries will be included in a HPA.
2. Cultivation and operational support activities will be enclosed within security fencing, which will prevent inadvertent damage to, or encroachment within, surrounding HPAs.
3. Preservation of 12.17 acres of habitat for paniculate tarplant.
4. Riparian habitat and associated coast live oak trees and arroyo willow trees should be protected consistent with County policies and guidelines. No cultivation, hoop structures, or other improvements are proposed within 100 feet of the riparian corridor of Cat Canyon Creek. The creek will be further protected from damage by livestock and trespass by fencing and signage.
5. CDFW and RWQCB shall be consulted regarding the necessary permits associated with box culvert installation for the access road.
6. Prior to installation of the box culvert, protective fencing shall be installed around all native vegetation to be protected to prevent inadvertent impacts to coyote brush scrub habitat along the drainage.
7. A Habitat Restoration Plan should be prepared to mitigate for impacts to 2,040 square feet of coyote brush scrub (i.e., 1 blue elderberry shrub and 20-25 coyote brush shrubs), due to installation of the box culvert. Proposed mitigation ratios should be consistent with County and CDFW guidelines.
8. No equipment or supplies should be stockpiled or stored within the 100-foot setback from Cat Canyon Creek or within 50 feet of the ephemeral drainage during box culvert installation.

SPECIES-SPECIFIC PROTECTION MEASURES

These measures will be implemented by the Applicant/Permittee prior to initial clearing and grading, as specified.

9. Western spadefoot and Blainville's horned lizard have the potential to occur in the annual grasslands within the proposed cultivation areas. All work areas with suitable habitat for spadefoot and horned lizard shall be searched immediately prior to initial clearing and grubbing, installation of hoops, fencing, or support structures, or prior to re-disturbance if there has been a week or more of no activity at a given work area. Special status species (excluding state and/or federally-listed species) present in the work shall be moved out of harm's way by a qualified biologist. Any loose substrate in which lizards could bury themselves shall be gently raked with a hand tool (e.g., a garden rake) to a depth of two (2) inches immediately prior to construction, to locate any lizards that may be concealed under the surface.
10. The Project Site will be surveyed for badgers within 7 days of initial clearing and grading. Badger dens will be monitored for 3 consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) or game cameras posted at the entrance. If no tracks are observed in the tracking medium after 3 nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next 3 to 5 nights to discourage the badger from continued use. The den shall then be excavated and backfilled by hand to ensure that no badgers are trapped in the den.
11. If construction of new agricultural support facilities or the box culvert occurs during the bird nesting season (February 1 to August 31), a County-approved biologist shall conduct a pre-construction survey of the Project Site within 7 days of commencement (i.e., mobilization, staging, demolition, excavation). If breeding birds with active nests are found, a County-approved biologist shall oversee the establishment of a buffer (prescriptively 300 feet for passerines and 500 feet for raptors) around the nest. No activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails. Prescriptive buffers may be reduced in consultation with the County and CDFW if substantiated by factors such as proximity to construction, level of construction, species, and nest context.
12. A worker environmental awareness training pamphlet will be prepared and available on-site for all employees (including site supervisors, equipment operators, and laborers). The training will emphasize the presence of special-status species that have the potential to occur on the property (e.g., CTS, western spadefoot, Blainville's horned lizard, and badger), identification of those species, their habitat requirements, applicable regulatory policies and provisions regarding their protection, measures being implemented to avoid and/or minimize impacts, and penalties for noncompliance. The pamphlet will also emphasize that if listed species are observed within or near the cultivation area, work will be suspended and the animals are not be touched or moved. State and federal wildlife authorities will be notified of any encounters with listed species.

OPERATIONAL MEASURES

These measures will be adopted as part of long-term operational procedures by the Applicant/ Permittee.

13. Fueling of equipment will not be done within 100 feet of Cat Canyon Creek or within 50 feet of its tributaries. Stationary equipment and fluid storage vessels will be equipped with

secondary containment. A spill containment and cleanup kit should be kept on-site in the event of an incidental spill.

14. Precautions shall be taken to prevent sediment transport to Cat Canyon Creek. Erosion control measures (e.g., silt fencing, jute netting, fiber rolls, gravel bags, etc.) shall be used (as necessary and in consultation with RWQCB) where sediment runoff from exposed areas could impacts sensitive habitat. All erosion control materials shall be free from plastic to prevent entanglement of wildlife.
15. Dust generated by tilling and cultivation activities should be kept to a minimum with a goal of reducing impacts to adjacent native habitat. A water truck or sprinkler system should be used to prevent excessive dust.
16. All motorized equipment used shall be maintained in proper working condition and shall be free of drips and leaks of coolant, hydraulic, and petroleum products. No equipment shall be used for the Project unless such equipment is free of leaks and drips.
17. Trash and food items will be kept in closed containers and removed daily.

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Habitat Protection Areas
Habitat Protection and Wildlife Movement Plan
6980 Cat Canyon Road (APN 101-070-069)
Los Alamos, CA

Figure 1

September 2, 2021