Attachment 3: CEQA Guidelines § 15168(c)(4) Checklist dated January 5, 2022

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): 19LUP-00000-00480
2. Business Licensing Ordinance Case Number(s): _____
3. Project Applicant(s): Central Coast Agriculture, Inc.
4. Property Owner(s): Chris Cadwell

5. Project Site Location and Tax Assessor Parcel Number(s): 5645 Santa Rosa Road, APN 083-150-013

6. Project Description:

The Proposed Project is a request for a Land Use Permit to allow 24.45 acres of cannabis cultivation, including 20 acres of outdoor cultivation in existing 12-ft.-tall hoop structures, four acres of outdoor cultivation without hoop structures, and 19,440 sq. ft. of indoor nursery cultivation within an existing permitted 14-ft.-tall greenhouse with blackout screening. Plants will be grown in the ground and in pots, and plant waste will be hauled off or composted onsite in a fenced area.

During harvest periods, cannabis will be weighed and staged in a 2,500-sq.-ft. temporary shade structure that will be used only during harvest periods and taken down immediately after harvest. Within 24 hours of harvesting, the harvested material will be loaded onto trucks and transported offsite for processing. No cannabis will be stored in the 2,500-sq.-ft. shade structure. No equipment or materials storage will be allowed under hoop structures or in the Santa Ynez River buffer area. A new 400-sq.-ft security building with two restrooms will be located near the nursery area.

Landscaping includes 12,813 sq. ft. of trees, shrubs, and grasses that will be planted along Santa Rosa Road. No vegetation is proposed to be removed. The Proposed Project includes approximately 1,000 cubic yards of grading for over-excavation and re-compaction of proposed development as well as to modify the access road. The cannabis cultivation area is enclosed by an existing 6-ft.-tall no-climb wire fence. The Proposed Project includes fully-shielded, downward-facing lights at the parcel entrance gate, an entrance gate to the cultivation area, a restroom building, and on a camera pole near the temporary shade structure. The lights will be a maximum of 8-ft.-tall and will be on motion sensors to remain illuminated for five minutes after movement.

The Project site has seven existing 5,000-gallon water tanks, three of which will not be used for the cannabis operation and serve an existing 1,900-sq.-ft. single family dwelling built in 1920 that will not be used for the cannabis operation. One new 5,000-gallon tank will be installed for landscape irrigation. Three new 10,000-gallon water tanks will be installed for fire suppression. Three new 5,000-gallon water tanks will be installed for cannabis crop irrigation. In total, the subject parcel will have fourteen water tanks, and eleven of those tanks will be used for the cannabis operation.

The Project site also has one permitted 867 sq. ft. accessory agricultural structure that was later converted to an accessory dwelling unit (ADU) without permits. The ADU will be converted back to an agricultural accessory structure as part of the Proposed Project. The Project site also has one as-built 120-sq.-ft. agricultural accessory structure used as equipment storage. Five as-built

storage containers not affiliated with the cannabis operation, two of which are 160 sq. ft. and three of which are 320 sq. ft., will be permitted as part of this Land Use Permit.

The hours of operation will be 7:00 a.m. to 7:00 p.m. daily. There will be up to 10 employees full-time. Work shifts will be staggered throughout the day and employees will be provided with incentives to carpool in order to reduce peak hour trips. Additionally, one employee~~s~~ of the operation may live in the existing single family dwelling. The cannabis operation will involve up to 55 employees during harvests which will occur twice per year and last up to 3 weeks each time. There will be 35 parking spaces including one ADA compliant space and five carpool spaces.

Access will continue to be provided via an existing 20-ft.-wide driveway off of Santa Rosa Road, portions of which will be re-surfaced and widened as part of the Proposed Project. The Project site will have a total of four wells to serve different components of the site. An existing agricultural well located in the northeastern portion of the parcel will provide water for the cannabis activities. A new well located in the northeastern portion of the parcel will serve the new restroom building~~,~~ and single family dwelling. An existing well located in the northeastern portion of the parcel that currently serves the dwellings and small orchard will no longer be used for the dwelling and will continue to be used for irrigating the small orchard. An existing well located in the southwestern portion of the parcel will provide back-up water for the cannabis operation. Wastewater treatment for the existing single family dwelling and new restroom building will be provided by two proposed septic systems. Portable chemical toilets will be provided for employees during harvest periods. Power will be provided by PG&E and one mobile generator for use only in emergencies. Fire protection will be provided by the County Fire Department and law enforcement will be provided by the County Sheriff's Department. The Proposed Project is located on a 100.92-acre parcel zoned Agriculture II (AG-II-100) and located at 5645 Santa Rosa Road, shown as Assessor's Parcel Number 083-150-013 in the Lompoc area, Third 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		

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
MM AV-1. Screening Requirements	LUDC § 35.42.075.C.3 Article II § 35-144U.C.3	Is the proposed cannabis operation visible from a public viewing location? X Yes ☐ No If so, does the proposed project include implementation of the required landscape and screening plan? X Yes ☐ No ☐ N/A
Agricultural Resources		
MM AG-1. Cannabis Cultivation Prerequisite Ancillary Use Licenses	LUDC §§ 35.42.075.D.3 and -4 Article II § 35-144U.C.2.a and -3.a	Does the proposed project include ancillary cannabis uses (e.g., manufacturing of cannabis products)? ☐ Yes X 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 X N/A
MM AG-2. New Structure Avoidance of Prime Soils	LUDC § 35.42.075.D.1.b Article II § 35-144U.C.1.b	Does the proposed project site have prime soils located on it? X Yes ☐ No Does the proposed project involve structural development? X Yes ☐ No If the proposed project involves structural development, are the structures sited and designed to avoid prime soils? X Yes ☐ No ☐ N/A
Air Quality and Greenhouse Gas Emissions		
MM AQ-3. Cannabis Site Transportation Demand Management	LUDC § 35.42.075.D.1.j Article II § 35-144U.1.j	Does the proposed project include cannabis cultivation? X Yes ☐ No If so, does the project include implementation of the required Transportation Demand Management Plan? X Yes ☐ No ☐ N/A
MM AQ-5. Odor Abatement Plan	LUDC § 35.42.075.C.6 Article II § 35-144U.C.6	*This mitigation measure/requirement does not apply to projects in the AG-II zone, unless a Conditional Use Permit is required for the proposed commercial cannabis operation.* Does the proposed project include cannabis cultivation, a nursery, manufacturing, microbusiness, and/or distribution? X Yes ☐ No

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		If so, does the project include implementation of the required odor abatement plan? ☐ Yes ☐ No X 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 X No
	Article II § 35-144.C.8 and Appendix G	If so, does the project include implementation of the required tree protection plan? ☐ Yes ☐ No X N/A
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 X No ☐ N/A If so, does the project include implementation of the required habitat protection plan? ☐ Yes ☐ No X 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? X Yes ☐ No
	Article II § 35-144U.C.1.d	If so, did the applicant submit documentation from the State Water Resources Control Board demonstrating compliance with the comprehensive Cannabis Cultivation Policy? X Yes ☐ No ☐ N/A
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? X Yes ☐ No
	Article II § 35-144.C.8 and Appendix G	If so, does the project include implementation of the required wildlife movement plan? X Yes ☐ No ☐ N/A
Cultural Resources		

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
MM CR-1. Preservation MM CR-2. Archaeological and Paleontological Surveys	LUDC § 35.42.075.C.1 Article II §§ 35-144U.C.1 and 35-65	Does the proposed project involve development within an area that has the potential for cultural resources to be located within it? X Yes ☐ No If so, was a Phase I cultural study prepared? X Yes ☐ No ☐ N/A If so, did the Phase I cultural study require a Phase II cultural study? ☐ Yes X 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 X N/A
Hazards and Hazardous Materials		
MM HAZ-3. Volatile Manufacturing Employee Training Plan	LUDC § 35.42.075.D.4.c Article II § 35-144U.C.3.c	Does the proposed project involve volatile manufacturing of cannabis products? ☐ Yes X No If so, does the project involve implementation of the required Volatile Manufacturing Employee Training Plan? ☐ Yes ☐ No X N/A
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 Article II § 35-144U.C.1.h	Does the proposed project involve cannabis cultivation on public lands? ☐ Yes X No
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? X Yes ☐ No

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		If so, did the applicant pay the requisite fee? X 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? X 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 *☐ Yes ☐ No*
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: • 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

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		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 X 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.

X 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.

Gwen Beyeler — Gwen Beyeler — 1/5/2022

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

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		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

* 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 1 –
Additional Information for the Proposed Cannabis Activity
CEQA Environmental Determination

The following discussion supports the determinations made in the Checklist for the Central Coast Agriculture, Inc. Land Use Permit (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 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 Lompoc 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 and mixed-light cultivation within a greenhouse are cannabis activities that were anticipated to occur on AG-II zoned lands, such as the AG-II zoned lands which exist in the Lompoc region in which the Proposed Project site is located. In December 2020, a Biological Resources Assessment (Attachment 2) was prepared by Rincon Consultants, Inc., that evaluates the proposed project in regard to its impact on biological resources. This Assessment was updated in January 2022 to analyze the revised project, which includes additional employees during harvests, additional parking spaces, and use of an additional onsite well. A Wildlife Movement Plan was prepared as part of the Biological Resources Assessment for the proposed project consistent with the mitigations set forth in the PEIR.

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 are approximately three other land use entitlement applications involving proposed or permitted cannabis activities located within two miles of the project site (Santa Barbara County Interactive Map for Cannabis, available at https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cff438f91, accessed on January 5, 2022). 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).[1] Although the PEIR did not predict the specific commercial cannabis applications on the properties located on and around the Proposed

[1] 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)."

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, the hoops and cultivation will be visible to travelers along Santa Rosa Road, and therefore a Landscaping and Screening Plan is required. The Lighting Plan shows that all of the exterior light fixtures will be fully shielded and downward facing. While the parcel includes prime soils, the development is sited to avoid prime soils whereas cultivation is encouraged on the prime soils. The project does not require an Odor Abatement Plan. No processing is included, and the project would not generate noise levels over 65 dbA at the property lines. The proposed Site Transportation Demand Management Plan requires ridesharing for employees. 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.

Domestic water uses will be served by an existing domestic well located in the northeastern portion of the parcel that has been reviewed by County Environment Health Services (EHS). Irrigation for the cannabis operation is proposed to be served by an existing agricultural well located in the northeastern portion of the parcel. According to the Hydrologic Overview and Potential Impact Assessment (Assessment) dated January 21, 2020 (Attachment 4), the existing agricultural well produces groundwater from the Santa Ynez River Alluvial Corridor/Sub-Basin (SYRAB). The Assessment estimates total annual extraction of 1,000 acre-feet of groundwater from the SYRAB with around 90,000 acre-feet usable groundwater in storage (1.11% of total storage extracted annually). The Assessment notes that the "shallow well produces groundwater from unconsolidated sand and gravel alluvial aquifers that are, at least in part, in hydraulic connection with the Santa Ynez River flow system." However, the Assessment concludes that the Proposed Project is unlikely to "substantially affect instream flows" because: 1) the surface flow regime of the Santa Ynez River

in this location is overwhelmingly controlled by the SWRCB's Water Rights Decision 89-18; 2) groundwater levels in the SYRAB have been historically stable, with only 1.11 extracted of the total usable groundwater; and 3) the Proposed Project covers about 1% of the total surface area of the sub-basin. Projected water usage for the Proposed Project will be 15 acre-feet per year (AFY) compared to 36 AFY used for the previous non-cannabis agricultural operation onsite according to the water memorandum dated January 24, 2022 (Attachment 5). The Santa Barbara County Environmental Thresholds and Guidelines Manual does not include a threshold of significance for the Santa Ynez River Alluvial Corridor/Sub-Basin. All well users in this jurisdiction, regardless of whether water is used for agricultural or domestic purposes, are required to report pumping records to the SYRWCD. The Proposed Project is in compliance with all SYRWCD reporting requirements.

Additionally, there is an existing 500-ft.-deep groundwater agricultural well located in the southwestern portion of the subject parcel that draws from the Santa Ynez River Valley Groundwater Basin. The Applicant will be required to use this well to supplement water usage for the Proposed Project if warranted by applicable SWRCB regulations. As stated above, the projected water use for the Proposed Project is 15 AFY, which is below the 61 AFY threshold of significance for the Santa Ynez River Valley Groundwater Basin described in the Santa Barbara County Environmental Thresholds and Guidelines Manual. The Santa Ynez River Valley Groundwater Basin is considered overdrafted and is defined by the California Department of Water Resources (DWR) as a high priority basin. The Sustainable Groundwater Management Act (SGMA) requires Groundwater Sustainability Agencies (GSAs) to be formed to develop and implement Groundwater Sustainability Plans (GSPs) in medium- and high-priority basins. GSPs are intended to provide a roadmap for how groundwater basins will reach long-term sustainability and reviewed by DWR to ensure compliance with SGMA. The WMA GSA includes the subject parcel and Proposed Project, and development of a GSP at a future date is required. The Proposed Project will be subject to applicable requirements outlined in the GSP.

These are no 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 a
- esthetics 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 Project includes a Lighting Plan, Landscaping and Screening Plan, Site Transportation Demand Management Plan, Habitat Protection Plan, and Wildlife Movement Plan. 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 stated 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 and mixed-light cultivation in a greenhouse on AG-II zoned lots within the Lompoc 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.

Attachment 2 –
Biological Resources Assessment prepared by Rincon Consultants, Inc. dated January 2022

5645 Santa Rosa Road Cannabis Cultivation Project

Biological Resources Assessment

prepared for

Central Coast Agriculture, Inc.
85 West Hwy 246 #233
Buellton, California 93427
Contact: Matthew Allen, matthew@ccagriculture.com

prepared by

Rincon Consultants, Inc.
209 East Victoria Street, Suite B
Santa Barbara, California 93101

April 2020 | Revised January 2022

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

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Appendices

1 Introduction

1.1 Project Information

Project Name

5645 Santa Rosa Road Cannabis Cultivation Project

Applicant Name

Central Coast Agriculture, Inc.

Planning and Development Case Number

19LUP-00000-00480

Title of Project

5645 Santa Rosa Road Cannabis Cultivation Project

1.2 Project Location

The study area is located south of California State Route (SR) 246 and the Santa Ynez River and west of Buellton, California. Its street address is 5645 Santa Rosa Road in unincorporated Santa Barbara County, California, 93436 (Figure 1). It includes one assessor's parcel (Assessor's Parcel Number [APN]: 083-150-013) totaling approximately 100.92 acres. The study area is within the United States Geological Survey (USGS) *Santa Rosa Hills* and *Solvang*, California 7.5-minute topographic quadrangles in Township 6N, Range 32-33W, Section 11 of the San Bernardino Meridian (Earth Point 2018; USGS 2018). Its global positioning system (GPS) location is approximately centered at: (latitude: 34.608211° N, longitude: -120.311298° E).

1.3 Brief Project Description Statement

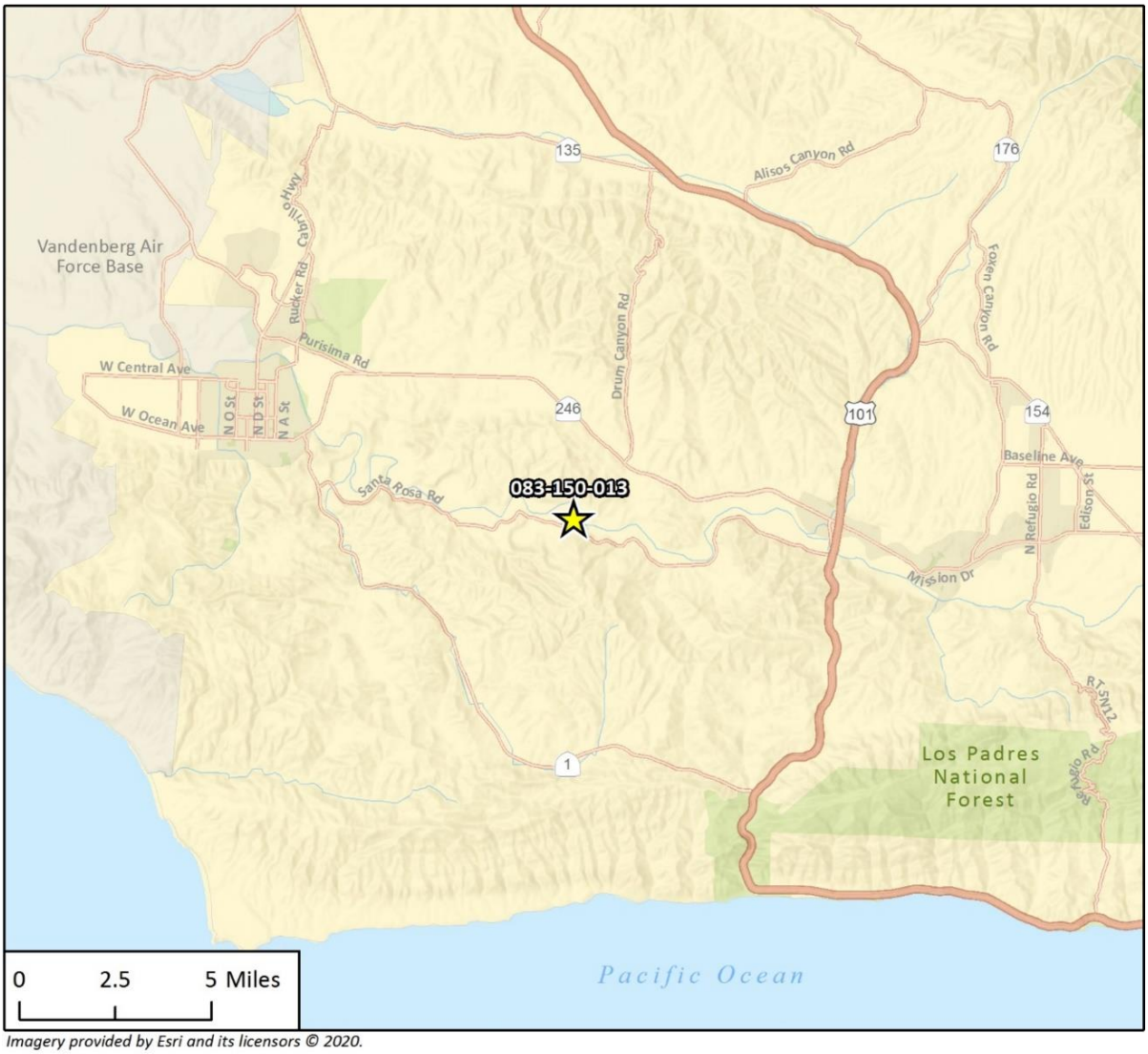
The proposed project encompasses the development and implementation of activities associated with cannabis cultivation. Specifically, the project will include approximately 24.45 acres of previously disturbed land zoned as agriculture to cannabis cultivation. As the study area is currently zoned for agriculture, the project is required to obtain a Land Use Permit from Santa Barbara County for the cultivation of cannabis. The proposed project includes retaining existing and current cannabis cultivation consisting of approximately 20 acres of outdoor cultivation in existing hoop structures, in addition to 4 acres of existing outdoor cultivation areas without hoop structures and 19,440 square feet (sq. ft.) of indoor nursery cultivation within an existing permitted 14-ft. tall greenhouse with blackout screening, and the construction four new 5,000-gallon water tanks and three new 10,000-gallon water tanks.

Type of Report and Scope

Central Coast Agriculture, Inc. (CCA) retained Rincon Consultants Inc. (Rincon) to prepare the following biological resources assessment (BRA) to document existing conditions, evaluate the potential for project-related impacts to biological resources and recommend measures to avoid,

minimize, and mitigate impacts to such resources prior to, during, and following implementation of the proposed project. For the purposes of this report, the entire 100.92-acre parcel at 5645 Santa Rosa Road will be referred to as the study area. The project, inclusive of all project components, is referred to globally as the project site. This document has been prepared to meet the mitigation and development standards outlined in Appendix H: Cannabis Activities Additional Standards of the County of Santa Barbara (County) Land Use Development Code (LUDC) (County 2020) and Final Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program (FEIR) (County 2017), as well as the County Environmental Thresholds and Guidelines Manual (County 2008).

Figure 1 Regional Location Map



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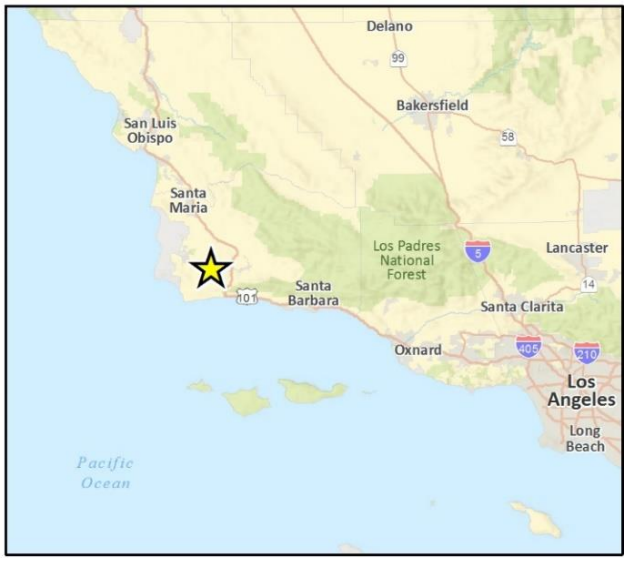
Study Area

N



2 Project Description

CCA is requesting a Land Use Permit from the County of Santa Barbara (County) for the cultivation of cannabis. The proposed project includes retaining approximately 24.45 acres of existing and current cannabis cultivation zoned as agriculture II (AG-II). The project site is currently cultivating cannabis, per the County's temporary use permit authorization. The study area encompasses one 100.92-acre parcel (APN 083-150-013) (Figure 2). The project site includes existing and current cannabis cultivation consisting of approximately 20 acres of outdoor cultivation in existing 12 ft.-tall hoop structures, 4 acres of outdoor cultivation without hoop structures, and, a 19,440 sq ft of indoor nursery cultivation within an existing permitted 14 ft.-tall greenhouse with blackout screening. Plants will be grown in the ground and in pots, and plant waste will be hauled off or composted on site in a fenced area.

The proposed project does not include the pruning, damage, or removal of native trees, or the clearing of any native or sensitive vegetation. All areas proposed for cultivation have been used for fruit and vegetable cultivation since 1994, at a minimum. All activities involving typical ground disturbance associated with farming practices are considered routine activities and would be conducted in flat areas that have been tilled and planted regularly for a minimum of 20 years. Other routine activities include utilizing a water truck for daily dust control during the cultivation season (March to November), running a box scraper along the access road every two to three weeks year-round, and weeding as needed with hand tools. Landscaping includes 12,813 sq ft. of trees, shrubs, and grasses that will be planted along Santa Rosa Road. The proposed project includes grading of approximately 1,000 cubic yards of grading for over-excavation and re-compaction to pave the access road to the greenhouse.

The proposed project includes hoop structures approximately 14 ft in height and a nursery greenhouse approximately 14 ft in height. The project site also has one permitted 867 sq. ft. accessory agricultural structure that was later converted to an accessory dwelling unit (ADU) without permits. The ADU will be converted back to an agricultural accessory structure as part of the proposed project. The project site also has one as-built 120 sq. ft. agricultural accessory structure used as equipment storage. Five as-built storage containers not affiliated with the cannabis operation, two of which are 160 sq. ft. and three of which are 320 sq. ft. will be permitted as part of the Land Use Permit. The proposed project includes removing two existing refrigerated agricultural storage containers. One of the existing agricultural storage containers is 384 sq ft, and the other is 500 sq ft.

During harvest periods, cannabis will be weighed and staged in a 2,500-sq.-ft. temporary shade structure that will be used only during harvest periods and taken down immediately after harvest (depicted as cannabis staging and pick up area for transport offsite on Figures 2 through 4). Within 24 hours of harvesting, the harvested material will be loaded onto trucks and transported offsite for processing. No cannabis will be stored in the 2,500-sq.-ft. shade structure. No equipment or materials storage will be allowed under hoop structures or in the Santa Ynez River buffer area. A new 400-sq.-ft. security building with two restrooms will be located near the nursery area. The proposed project site is currently partially developed with a 1,900 sq ft existing single family dwelling that predates permit requirements and is considered legal, non conforming.

An existing agricultural water well will provide water for the proposed cannabis activities. There are seven existing 5,000-gallon water tanks, three of which serve the 1,900-sq.ft. single family dwelling

built in 1920 and are not part of the proposed project. There will be one new 5,000-gallon tank installed for landscape irrigation. Three new 10,000-gallon water tanks will be installed for fire suppression. Three new 5,000-gallon water tanks will be installed for cannabis crop irrigation. In total, the subject parcel will have 14 water tanks, and eleven of those tanks will be used for the cannabis operation. The Project site will have a total of four wells to serve different components of the site. An existing agricultural well located in the northeastern portion of the parcel will provide water for the cannabis activities. A new well located in the northeastern portion of the parcel will serve the new restroom building and single-family dwelling. An existing well located in the northeastern portion of the parcel that currently serves the dwellings and small orchard will no longer be used for the dwelling and will continue to be used for irrigating the small orchard. An existing well located in the southwestern portion of the parcel will provide back-up water for the cannabis operation. Wastewater treatment for the existing single-family dwelling and new restroom building will be provided by two proposed septic systems. Power will be provided by PG&E and one mobile generator for use only in emergencies. Fire protection will be provided by the County Fire Department and law enforcement will be provided by the County Sheriff's Department.

Hoop structures would be setback a minimum of 100 ft and outdoor cultivation activities would be setback a minimum of 50 ft from the edge of riparian vegetation or top of bank (whichever is more protective) and cultivation areas would also be setback a minimum of 150 ft from the mapped Santa Ynez River high flow water level that occurs every 1.5-2 years in accordance with State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy riparian setback requirements. As communicated by CDFW, a 100-ft setback from the Santa Ynez River is suitable. Within the 100-ft setback, 50 ft will be utilized for outdoor cannabis cultivation. Vehicular use has been revised to minimize use of areas adjacent to Santa Ynez River, in particular where there is less than 100-ft of combined setback (northeastern end of the project site). In addition, a 10-ft buffer is proposed along the northeastern project site to limit potential debris from entering the riparian area of the Santa Ynez River.

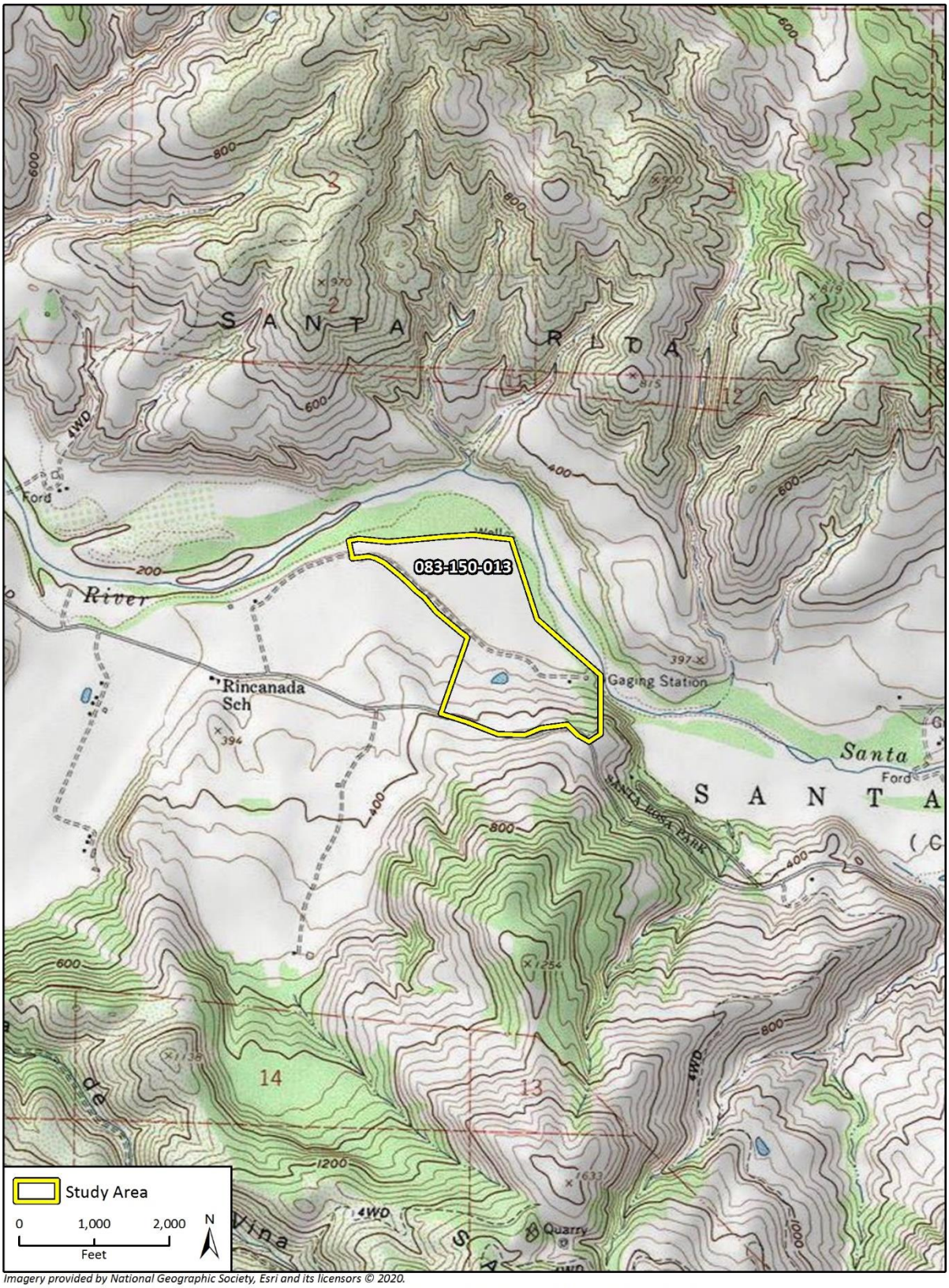
The perimeter of the cannabis cultivation area is fenced with an existing 6-ft-high no-climb wire fence. The proposed project includes the installation of fully shielded downward-facing security lights, one at the parcel entrance gate, an entrance gate to the cultivation area, a restroom building, and on a camera pole near the temporary shade structure. The lights will be a maximum of 8-ft. tall and will be on a motion sensor and will remain illuminated for five minutes after activation. There will be perimeter security cameras with night vision silent alarm motion detection and two 24-hour roving security guards. The proposed cannabis operation will involve up to 55 employees during harvest which will occur twice per year, once in June or July and once in October or November, and lasts up to 3 weeks each time. There will be up to 10 employees on site year around. Work shifts will be staggered throughout the day and employees will be provided with incentives to carpool in order to reduce peak hour trips. Additionally, one employee of the operation may live in the existing single-family dwelling. Portable (chemical) toilets are provided for the employees during the harvest periods. The hours of operation year-round will be 7:00 am to 7:00 pm. Access will continue to be provided via an existing paved 20-ft-wide driveway from Santa Rosa Road, portions of which will be re-surfaced and widened as part of the proposed project. There will be 35 parking spaces including one ADA compliance space and 5 carpool spaces.

The use of farm equipment would occur only within the existing fence surrounding the project site, in previously disturbed areas, and on designated access roads. Heavy equipment use includes a tractor, box truck, and F450 with a trailer. Traffic along access roads is significantly reduced during the winter and spring period of November 15 to April 1, as most cultivation activities take place

during the summer and early fall months. All access roads are designed for minimal use in the winter to prevent erosion. The only use of heavy equipment in the winter period will be to plant, mow, and till a beneficial use cover crop. Tilling of cannabis waste will occur in the designated compost area and will use a tractor with tilling equipment attached.

All project components are shown on Figure 3.

Figure 2 Project Site and Study Area Topographic Map



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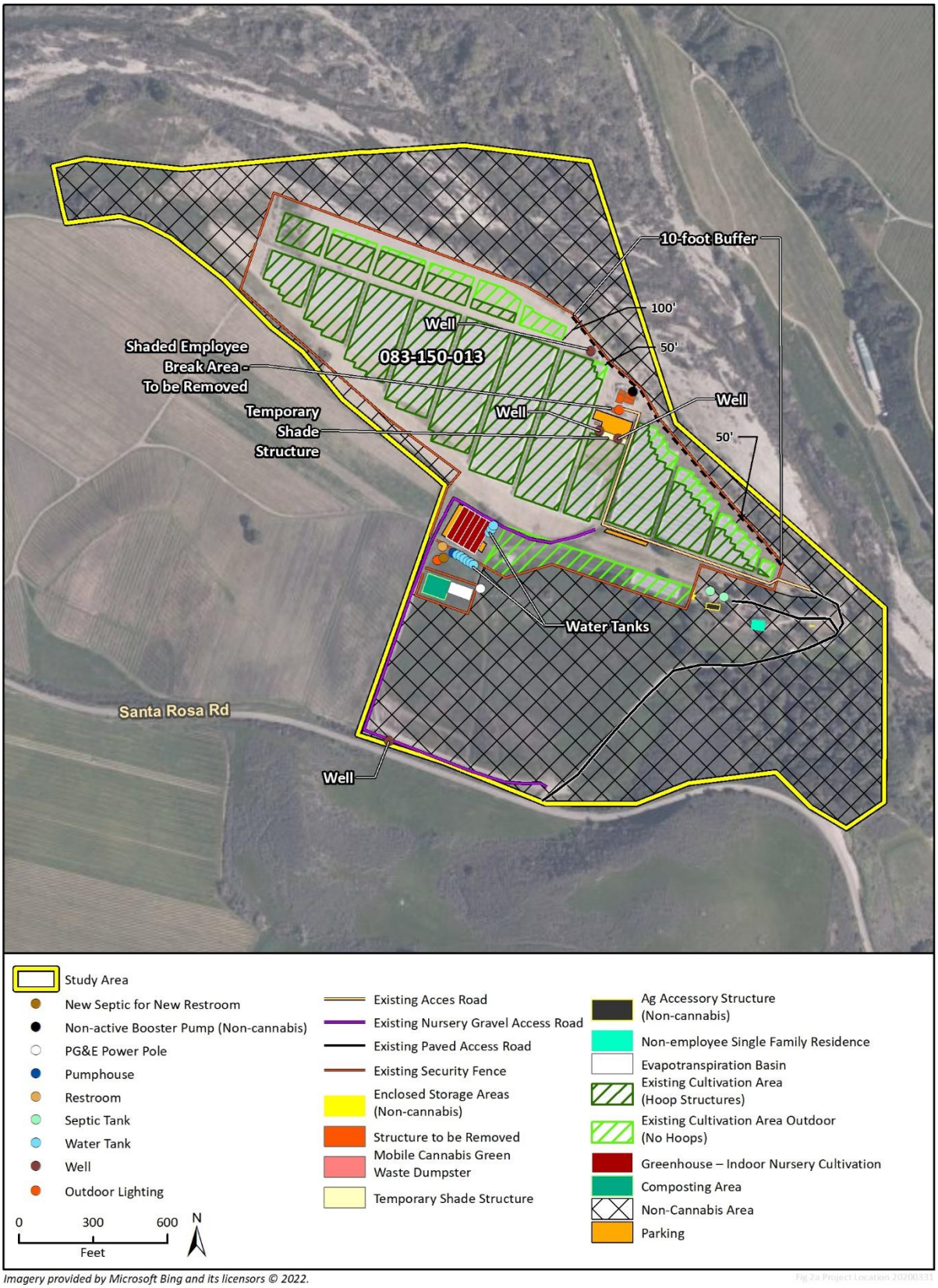
Santa Rosa Hills Quadrangle. T06N R33W S11,12. The topographic representation depicted in this map may not portray all of the features currently found in the vicinity today and/or features depicted in this map may havechanged since the original topographic map was assembled.

Fig 3a Topo

Figure 3 Site Plan Figure



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3 Regulatory Framework

Regulated or sensitive resources studied and analyzed herein include special status plant and animal species, nesting birds and raptors, sensitive plant communities, jurisdictional waters, wildlife movement corridors, and locally protected resources, such as protected trees. Regulatory authority over biological resources is shared by federal, state, and local authorities. Primary authority for regulation of general biological resources lies within the land use control and planning authority of local jurisdictions, in this instance the County.

3.1 Environmental Statutes

For the purpose of this BRA, potential impacts to biological resources were analyzed based on the following statutes (Appendix A):

- California Environmental Quality Act (CEQA)
- Federal Endangered Species Act (ESA)
- California Endangered Species Act (CESA)
- Federal Clean Water Act (CWA)
- California Fish and Game Code (CFGC)
- Migratory Bird Treaty Act (MBTA)
- The Bald and Golden Eagle Protection Act
- Porter-Cologne Water Quality Control Act (Porter-Cologne Act)

3.2 California Environmental Quality Act

This BRA is intended to support the County's review of the proposed project. The County completed a county-wide FEIR for its Cannabis Land Use Ordinance and Licensing Program in 2017 and as a result, individual cannabis projects are not subject to individual review under CEQA. However, the project must comply with the Santa Barbara County LUDC and the Santa Barbara County Code of Ordinances (SBCO).

The guidelines for determining CEQA significance are followed in this BRA as it is a useful and defined process for the evaluation and grouping of resource impacts to facilitate detailed discussion of impacts that may occur with this project. 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, in accordance with the CEQA thresholds adopted by the County in its Environmental Thresholds and Guidelines Manual (County 2018) (incorporated herein by reference), 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 Cannabis Regulatory Review

The following regulations were reviewed for their applicability to the proposed project.

- Santa Barbara County LUDC-in particular:
  - Chapter 35.21 - Agricultural Zones
  - Section 35.42.075 - Cannabis Regulations
  - Section 35.42.140 - Greenhouses, Hoop Structures, and Shade Structures
    - Attachment A - Guidelines for Applying Streams and Creeks Setbacks to Exempt Hoop Structures and Shade Structures (2019)
  - Section 35.30.070 - Fences and Walls
  - Appendix H - Cannabis Activities Additional Standards (2020)
- Final EIR for the Cannabis Land Use Ordinance and Licensing Program (2017)
- SWRCB General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Order WQ 2019-0001 DWQ [SWRCB 2019])

Santa Barbara County LUDC 35.42.075-Cannabis Regulations

Fencing and Security Plan

Where fencing would separate an agricultural area from undeveloped areas with native vegetation and/or Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage.

Tree Protection Plan

Applicants who apply for a cannabis license for a site that would involve pruning, damage, or removal of a native tree or shrub, are shall be required to submit for the Planning and Development Department approval a Tree Protection Plan (TPP) prepared by a Planning and Development Department-approved arborist/biologist and designed to determine whether avoidance, minimization or compensatory measures are necessary.

Habitat Protection Plan

Applicants who apply for a cannabis license for a site that would involve clearing of established sensitive native vegetation, are required to or other sensitive vegetation shall submit a Habitat Protection Plan (HPP) to the County Planning and Development Department. The plan shall apply within areas that have been identified as having a medium to high potential of being occupied by a special status wildlife species, nesting, or a federal or state-listed special status plant species. The plan shall be prepared by a Planning and Development Department-approved biologist and designed to determine whether protected species, habitat, or sensitive communities may be present, and whether avoidance, minimization or measures are necessary. Focused species-specific surveys shall be required to whether a sensitive species or nesting bird may be present and shall be conducted at the appropriate time of year and time of day when that species is active or otherwise identifiable. Where warranted by the findings of initial review, protocol level surveys may also be required. In addition, the HPP shall determine whether specific restoration measures are required where disturbance associated with previous cannabis activities on the property being considered for permitting or licensing has occurred.

Wildlife Movement Plan

If fencing is required for outdoor cultivation sites, the applicant shall prepare a Wildlife Movement Plan for all cannabis cultivation sites proposed. The Wildlife Movement Plan shall analyze proposed fencing in relation to the surrounding opportunities for migration, identify the type, material, length, and design of proposed fencing, and shall propose nondisruptive, wildlife-friendly fencing, such as post and rail fencing, wire fencing, and/or high tensile electric fencing, to allow passage by smaller animals and prevent movement in and out of cultivation sites by larger mammals, such as deer.

Santa Barbara County LUDC 35.42.140-Greenhouses, Hoop Structures, and Shade Structures

In addition, as stated in the countywide FEIR for the Cannabis Land Use Ordinance and Licensing Program, all developments within the county are required to comply with the County Setback Ordinance, which includes the following measure, applicable to the study area.

Streams and Creeks

Within the rural areas, hoop structures and shade structures shall be setback 100 ft from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource.

State Water Resources Control Board

In 2019, the SWRCB adopted Order WQ 2009-0001-DWQ-*General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order). The Cannabis General Order dictates general waste discharge requirements for discharges into state-jurisdictional waters associated with cannabis cultivation activity.

Attachment A of the Cannabis General Order states that cannabis cultivators shall comply with the minimum riparian setbacks for all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage). The minimum riparian setbacks include: 150 ft for perennial watercourses (Class I), 100 ft for intermittent watercourses (Class II), 50 ft for ephemeral watercourses (Class III), and edge of established riparian vegetation zone for man-made watercourses that support native aquatic species (Class IV). RWQCBs may adopt site-specific waste discharge requirements (WDRs).

4 Methods

4.1 Literature and Database Review

Queries of the U.S. Fish and Wildlife Service (USFWS) *Information for Planning and Consultation System* (IPaC; 2018a), USFWS Critical Habitat Portal (2018b) and California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CNDDB; 2018b) were conducted with a 5-mile radius. A list of special status plant species was also queried from California Native Plant Society (CNPS), with a nine USGS 7.5-minute quadrangle search (CNPS 2018). The queries were conducted to obtain comprehensive information regarding state and federally listed species, as well as other special status species, considered to have potential to occur. In addition, the following resources were reviewed for information about the study area:

- Aerial photographs of the study area and vicinity (Google Earth 2020) (UCSB 2020)
- United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) *Web Soil Survey* (2018a)
- National Hydrography Dataset (USGS 2018)
- National Wetlands Inventory (USFWS 2018c)
- Rare Plants of Santa Barbara County (Santa Barbara Botanic Garden 2012)
- California Tiger Salamander Habitat Map (USFWS 2010) and Final Recovery Plan for the Santa Barbara County Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*) (USFWS 2016)

4.2 Field Reconnaissance Survey

Rincon Senior Biologist Julie Love and Associate Biologist Charis Van Der Heide conducted a field reconnaissance survey on November 1, 2018 (see Table 1 for survey details). Ms. Love and Ms. Van Der Heide surveyed the entire study area on foot and recorded all botanical and wildlife resources encountered on site. The survey was conducted to document the existing site conditions and to evaluate the potential for presence of sensitive biological resources, including sensitive plant and animal species, sensitive plant communities, and habitat for nesting birds protected by federal and state laws. During the survey, an inventory of all plant and animal species observed was compiled and an evaluation of potentially jurisdictional aquatic features was conducted.

Table 1 Field Reconnaissance Survey

Date	Personnel	Time	Weather Conditions	Survey Type
11/1/2018	Julie Love Charis van der Heide	1315 - 1650	68-72°F, winds 1-3 mph, 5% cloud cover	Biological Reconnaissance and Jurisdictional Delineation Survey

Plant species nomenclature and taxonomy followed *The Jepson Manual: Vascular Plants of California, Second Edition* (Baldwin et al. 2012) and the Jepson eFlora (Jepson Flora Project eds. 2018). All plant species encountered were noted and identified to the lowest taxonomic level possible given the condition of the materials during the site visit. The vegetation classification

system used for this analysis is based on *A Manual of California Vegetation, Second Edition* (MCV2; Sawyer et al. 2009), but has been modified as needed to accurately describe the existing habitats observed on site. These vegetation communities were mapped onto aerial imagery depicting the study area and then later digitized using ArcGIS® (ESRI 2018).

Wildlife identification and nomenclature followed standard reference texts, including Sibley Birds West: Field Guide to Birds of Western North America (Sibley 2016), Field Guide to Western Reptiles and Amphibians (Stebbins 2003), and Mammals of North America (Bowers et al. 2004). The habitat requirements for each regionally occurring special status species were assessed and compared to the type and quality of the habitats observed within the study area during the field survey. Habitat requirements for avian species referenced the Cornell Lab of Ornithology *Birds of North America* database (Cornell 2019). Several sensitive species were eliminated from consideration as having potential to occur on site due to lack of suitable habitat, lack of suitable soils/substrate, and/or knowledge of regional distribution. The relative density of fossorial mammal burrows and soil characteristics throughout the site were also noted.

Habitats for potentially occurring special status species were assessed and compared to the type and quality of the habitats observed within the study area. California Natural Communities List and the Sensitive Natural Communities Lists (CDFW 2020) were reviewed for the presence of sensitive natural communities.

4.3 Jurisdictional Delineation

During the field reconnaissance survey, Ms. Love and Ms. Van Der Heide conducted a jurisdictional delineation of the study area on November 1, 2018. The entire study area was surveyed on foot for potential wetland and non-wetland jurisdictional areas, including streambeds, and riparian resources. Current methods and guidelines and state policies and guidelines were used to identify and delineate potentially state-jurisdictional aquatic resources, such as streams and wetlands. The study area was surveyed for any streams and other hydrologic features that might constitute waters of the state, as well as having a defined channel, bed and banks and any associated riparian habitat that could be subject to CDFW jurisdiction under the CFGC and/or Regional Water Quality Control Board (RWQCB) jurisdiction under the Porter-Cologne Act. Potential jurisdictional features that might constitute waters of the U.S. were noted but not formally delineated due to access issues. Results were further refined and characterized during an August 2020 survey as described in Section 4.4 and Section 6.3.

Extents of potential jurisdictional features, centerlines, and photo locations were mapped using a Trimble GEO7X series GPS unit with sub-meter accuracy and were also plotted on aerial photographs. Note that final jurisdictional determinations of the boundaries of waters and riparian habitats are made by each agency, typically at the time that authorizations to impact such features are requested.

4.4 Agency Consultation

On August 19, 2020 Rincon biologist Jaime McClain and Ms. Love conducted a site visit with CCA and CDFW between the hours of 1200 to 1500. The intent of the site visit was to document existing conditions and determine adequate buffers from potential jurisdictional features and sensitive resources. As a part of the site visit, recommendations from CDFW were provided to CCA, which

were incorporated into the project and summarized in the Wildlife Movement Plan as applicable (Appendix E).

5 Environmental Setting

This section summarizes the general environmental setting, vegetation communities present, and plants and animals observed within the study area. Representative photographs of the study area are provided in Appendix B and a complete list of all plant and animal species observed on site during the field survey is presented as Appendix C.

5.1 Climate and Topography

The study area is located in central Santa Barbara County near Buellton and is characterized by long, hot, dry summers and short, wet winters. On average, temperatures range from 49 degrees Fahrenheit to 93 degrees Fahrenheit during the summer, with an average of 71 degrees Fahrenheit, and from 39 degrees Fahrenheit to 75 degrees Fahrenheit during the winter months, with an average temperature of 57 degrees Fahrenheit. On average, the warmest month is July and the coolest month is December. The average annual precipitation in Buellton is 18 inches, with most of the precipitation typically occurring from December to March and highest rainfall typically occurring in February (National Oceanic and Atmospheric Administration [NOAA] 2018).

The topography of the study area is flat, with a small hill occurring within the southeastern portion. Elevation within the study area ranges from 232 to 493 feet above mean sea level. Adjacent land use includes active agricultural land to the west, east, and south, and undisturbed riparian corridor and the Santa Ynez River to the north.

A review of historical imagery (Appendix G) has been provided. The imagery depicts activities related to agriculture uses, including clearing, grading, trimming, moving, tilling, and maintenance. The historical imagery depicts these activities as early as 1928, further review of Google Earth time lapse imagery shows regular maintenance occurring within the project site continuous until present day.

5.2 Hydrology and Watershed

The study area is in the Santa Ynez watershed (Hydrologic Unit Code [HUC] 18060010) (USGS 2018). The Santa Ynez River flows in a westerly direction in the northern portion of the study area and meets the Pacific Ocean approximately 17 miles west of the study area. The National Wetlands Inventory (NWI) indicates that the portion of the Santa Ynez River within the study area is a palustrine wetland adjacent to a second riverine system. The palustrine system is non-tidal and dominated by trees, shrubs, and emergent mosses or lichens. The water regime can be seasonally or temporarily flooded where surface water is present for brief or extended periods during the growing season, but the water table usually lies well below the ground surface for most of the season. The riverine system includes all wetlands and deepwater habitats contained within a channel. The system includes channels that contain flowing water only part of the year and when the water is not flowing, it may remain in isolated pools or surface water may be absent (USFWS 2018c).

The Santa Ynez River is one of the largest rivers on the Central Coast of California. It is 92 miles long, flowing through the Santa Ynez Valley. The river contains breeding populations of the federally listed endangered southern California steelhead DPS (*Oncorhynchus mykiss irideus*) and critical

habitat for the federally and state listed endangered southwestern willow flycatcher (*Empidonax traillii extimus*).

One potentially jurisdictional hydrologic feature is present within the study area (discussed further in Section 6.3): 1) the Santa Ynez River. A historic non-jurisdictional detention basin has been mapped on site by NWI. However, upon further investigation, the feature is no longer present and is therefore not considered to be jurisdictional (discussed further in Section 6.3) (Appendix B).

5.3 Soils

Information about the soil types present in the study area is presented below. Based on the literature review, seven soil map units are located within the study area: *Corducci-Typic Xerofluvents 0 to 5 percent slopes, occasionally flooded, MLRA 14* (300) underlies the majority of the study area adjacent to the Santa Ynez River (28 percent). Corducci-typic xerofluvents are derived from metamorphic and sedimentary rocks in drainageways. Typical vegetation includes, mule fat, arroyo willow, and mixed grasses and forbs; evident in riparian areas. Typic xerofluvents is rated as a hydric soil. The next greatest soil type is *Mocho Fine Sandy Loam, 0-2 percent slopes* (Mu) which underlies the central portion of the study area (15 percent). Mocho fine sandy loam consists of very deep, well drained soils that formed in alluvium derived mostly from sandstone and shale rock sources. The typical depth to water table is greater than 80 inches and flooding is rare. The available water storage in a typical soil profile is very high – about 17.7 inches. Mu is rated as a hydric soil. The third greatest soil type present is *Gazos Clay Loam, 15 to 30 percent slopes* (GsE) which underlies the southern study area (14 percent). Gazos clay loam consists of well-drained clay loams with a texture of silty clay underlain by shale bedrock at a depth of 20 to 30 inches. These soils occur on rounded hills in the upland covered with annual grasses and forbs. Permeability is moderately slow, with surface runoff medium to high, and the erosion hazard moderate to high. GsE soil is not hydric. The next greatest percentage and located in the project site is *Mocho Sandy Loam*, overflow (Mr) (21 percent. Mocho sandy loam is adjacent to channels of large drainageways and is inundated during severe floods. It consists of well-drained silty clay loams developed from recently deposited alluvium. Areas consisting of mocho sandy loam typically are characterized by areas used for a variety of irrigated and dryland crops where permeability is moderately rapid. Mr is rated as a hydric soil. The remining soil types collectively comprise less than 30 percent and include *Gazos clay loam 30 to 45 percent slope* (GsF) (9 percent), *Gazos clay loam 9 to 15 percent slopes* (GsD) (4 percent), and *Ballard Fine Sandy Loam 0 to 2 percent slopes* (BaA) (2 percent).

5.4 Vegetation/Land Cover Types

The study area is within the Transverse Ranges Subregion (TR) geographic subregion of California. The TR subregion comprises the mountain ranges that are oriented in the east-west direction and is characterized as lower elevations by chaparral and at higher elevations by oak forest and dry montane forests of white fir, incense cedar, or pines. The TR is divided into three districts that are progressively higher, hotter, and drier eastward. The project site lies in the *Western Transverse Ranges District* (WTR) (Baldwin et al. 2012).

The study area consists mostly of agricultural lands, including several existing buildings and structures associated with on site agricultural operations, as well as residences and areas consisting of existing structures, roads, and greenhouses. A few natural vegetation communities are present in limited quantities throughout the project site as described below.

The study area is documented to contain a variety of plant species as compiled in Appendix D. Only common plant species were observed on site, no special status species were observed. However, one CDFW sensitive natural community was present on site. Vegetation communities and land cover types detected in the study area are summarized in Table 2 and displayed graphically in Figure 4. A description of natural communities and land covers are discussed below.

Table 2 Vegetation Communities and Land Covers within the Study Area

	CDFW Sensitive Natural Community[1] Designation (Yes/No)	Study Area (acres)	If Sensitive Resource; Minimum Distance from Project Site (feet)
Natural Communities			
Black cottonwood forest (*Populus trichocarpa – Salix lasiolepis* association)	Yes	16.42	Yes; 50
Coast live oak woodland (*Quercus agrifolia*/grass association)	No	11.98	No; N/A
Coyote brush scrub (*Baccharis pilularis* association)	No	1.09	No; N/A
Ruderal – Sandbar willows	No	2.67	No; N/A
Anthropogenic Land Covers			
Agricultural	–	40.15	No; N/A
Orchard	–	1.98	No; N/A
Ruderal	–	26.48	No; N/A

[1] Natural Community is included on the CDFW Sensitive Natural Communities List (2020)

Natural Communities

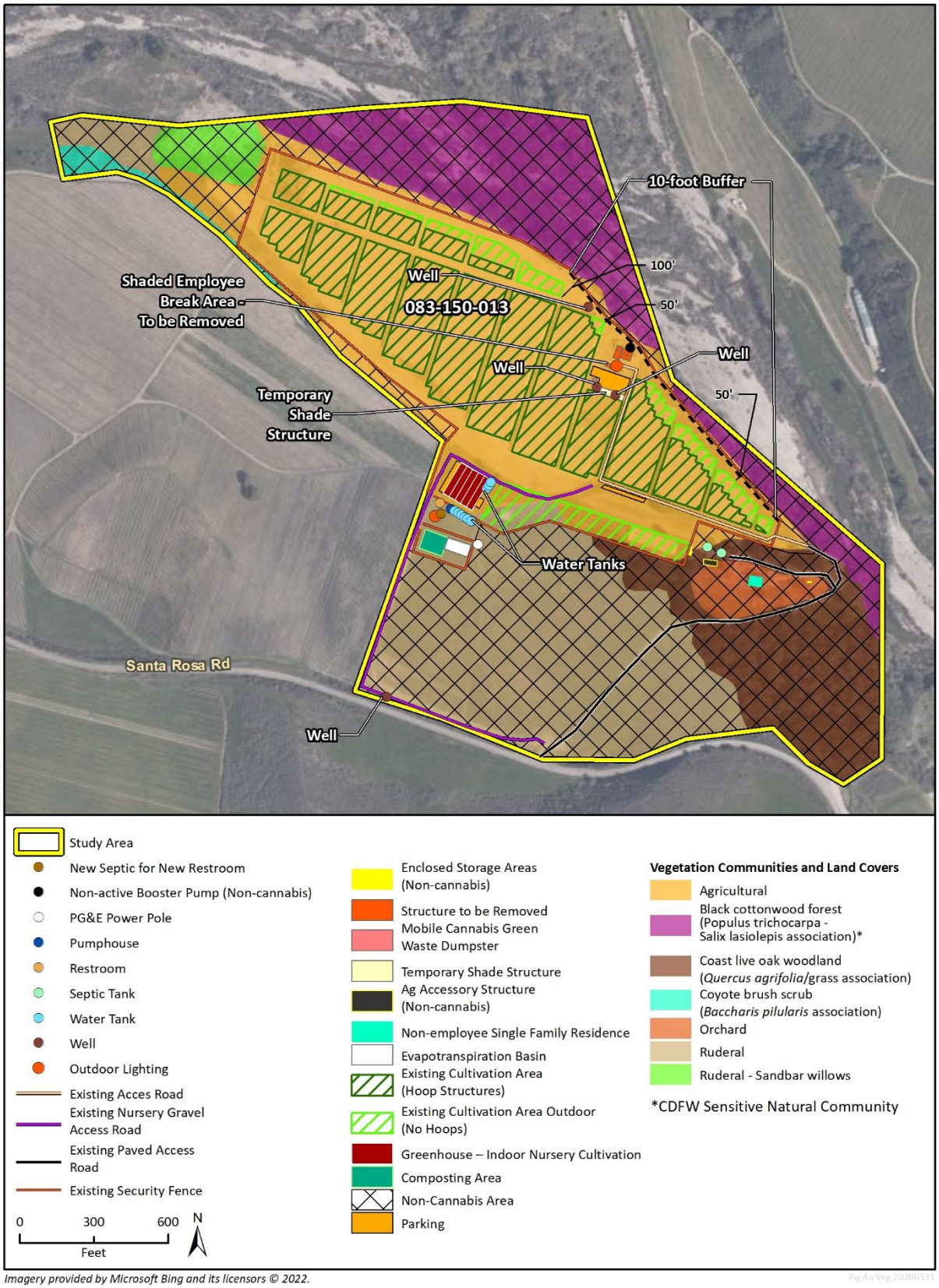
Black Cottonwood Forest

Black cottonwood forest (*Populus trichocarpa* Forest and Woodland Alliance) is ranked as G5S3 and is considered a CDFW sensitive natural community. MCV2 classifies black cottonwood forest's tree canopy as intermittent or continuous with black cottonwood (*Populus trichocarpa*) dominant or co-dominant with Fremont cottonwood (*Populus fremontii*), box elder (*Acer negundo*), white fir (*Abies concolor*), white alder (*Alnus rhombifolia*), bigleaf maple (*Acer macrophyllum*), coast live oak (*Quercus agrifolia*), and a variety of willow species (*Salix* spp.) The canopy is intermittent to continuous with an open to continuous shrub layer of willow species (Sawyer et al. 2009). On site, the black cottonwoods are co-dominant with arroyo willows (*Salix lasiolepis*); therefore, the *Populus trichocarpa* Forest and Woodland Alliance is further characterized as a *Populus trichocarpa – Salix lasiolepis* association.

Coast Live Oak Woodland

Coast live oak woodland (*Quercus agrifolia* Forest and Woodland Alliance) is a native community. MCV2 classifies coast live oak woodlands as dominated by coast live oak in the tree canopy (Sawyer et al. 2009). On site, no shrub layer is present, and the herbaceous layer is sparse consisting of non-native grasses; therefore, the *Quercus agrifolia* Forest and Woodland Alliance is further characterized as a pure stand *Quercus agrifolia*/grass association.

Figure 4 Vegetation Communities and Land Cover Types in the Study Area



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Coyote Brush Scrub

Coyote brush scrub (*Baccharis pilularis* Shrubland Alliance) is a native vegetation community. MCV2 classifies coyote brush scrub as disturbed areas dominated by coyote brush (*Baccharis pilularis*) in the shrub canopy (Sawyer et al. 2009). On site, emergent blue elderberry individuals are also present in the shrub canopy. Invasive non-native herbs and grasses dominate the herbaceous layer, including the following: summer mustard (*Hirschfeldia incana*), bull thistle (*Cirsium vulgare*), amaranth (*Amaranthus* sp.), tocalote (*Centaurea melitensis*), and non-native grasses. The *Baccharis pilularis* Shrubland Alliance is further characterized as a *Baccharis pilularis* association.

Ruderal – Sandbar Willows

The ruderal – sandbar willows community is characterized as a highly disturbed ruderal area with individual clusters of native sandbar willows. These areas are dominated by ruderal and non-native grass species in the herbaceous layer, with small clusters of sandbar willows not dense enough to constitute a sandbar willow thicket.

During the August 19, 2020 field survey, it was determined that this vegetation community was no longer present within the existing project site. This vegetation community is located behind the existing fence and is spatially separated horizontally and vertically from the existing riparian vegetation associated with the Santa Ynez River.

Anthropogenic Land Covers

Agricultural

Agriculture land cover is characterized by lands that support an active agricultural operation – in this case, current cannabis cultivation is present on site, consisting of hoop houses and outdoor cultivation. These areas are irrigated artificially.

Orchard

Orchard land cover is characterized by lands that support an active agricultural operation – specifically, orchards. Within the study area, orchards are comprised of artificially irrigated habitat dominated by mostly fruit trees with canopies that are low and bushy with an open understory. An existing house is also present within the orchard land cover.

Ruderal

Ruderal land cover is characterized by pre-dominantly non-native species (e.g., thistles, non-native grasses) introduced and established through human action. These areas have been physically disturbed and are no longer recognizable as a native or naturalized vegetation community. These areas are not typically artificially irrigated but receive water from precipitation or runoff.

5.5 General Wildlife

Wildlife activity was low during the field reconnaissance survey. Agricultural areas on site offer little to no habitat value for wildlife, except for common species that are adapted to disturbed conditions, i.e., western fence lizard (*Sceloporus occidentalis*), American crow (*Corvus brachyrhynchos*), etc. Intact native vegetation on the periphery of the study area supports a suite of common avian, mammalian, and reptilian wildlife, and has potential to support sensitive wildlife species. A complete list of species observed can be found in Appendix C. Special status species with potential to occur are discussed below in Section 6.

6 Sensitive Biological Resources

Local, state, and federal agencies regulate special status species and other sensitive biological resources and require an assessment of their presence or potential presence to be conducted on site prior to the approval of any proposed development on a property. This section discusses sensitive biological resources observed in the study area and evaluates the potential for the project site to support other sensitive biological resources. Assessments for the potential occurrence of special status species are based upon known ranges, habitat preferences for the species, species occurrence records from the CNDDB, species occurrence records from other sites in the vicinity of the survey area, previous reports for the project vicinity, and the condition of habitats present on the site. The potential for each special status species to occur in the survey area was evaluated according to the following criteria:

- **Not Expected.** Habitat on and adjacent to the site is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime).
- **Low Potential.** Few of the habitat components meeting the species requirements are present, and/or the majority of habitat on and adjacent to the site is unsuitable or of very poor quality. The species is not likely to be found on the site.
- **Moderate Potential.** Some of the habitat components meeting the species requirements are present, and/or only some of the habitat on or adjacent to the site is unsuitable. The species has a moderate probability of being found on the site.
- **High Potential.** All of the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site.
- **Present.** Species is observed on the site or has been recorded (e.g., CNDDB, other reports) on the site recently (within the last 5 years).

The literature review resulted in a total of 86 plant and animal species that are known to occur in the region. Of these, 14 species (3 plants and eleven animals) were evaluated as having potential to occur in the study area. A complete list of species evaluated for this project can be found in Appendix D.

6.1 Special Status Species

For the purpose of this study, special status species are defined as those plants and wildlife listed, proposed for listing, or candidates for listing as threatened or endangered by the USFWS or National Marine Fisheries Service (NMFS) under the ESA; those listed or candidates for listing as rare, threatened, or endangered by the CDFW under the CESA; animals designated as “Species of Special Concern” by the CDFW or “Fully Protected” under the CFGC; and plants recognized on the California Rare Plant Rank (CRPR) lists.

Additionally, raptors and other nesting birds protected by the MBTA and the CFGC Sections 3503 and 3503.5 are also discussed in this section.

Special Status Plant Species

Based on the literature review, a number of special status plant species have been previously documented in the regional vicinity of the study area (regional vicinity refers to a multi-quad search radius as defined in Section 4.1). Based on the evaluation of the findings of the literature review, the study area has the potential to support the following special status plant species:

- La Graciosa thistle (*Cirsium scariosum* var. *loncholepis*), Federally Endangered (FE), State Threatened (ST), CRPR 1B.1; low potential
- Seaside bird's-beak (*Cordylanthus rigidus* ssp. *littoralis*), SE, CRPR 1B.1; low potential
- Black-flowered figwort (*Scrophularia atrata*), CRPR 1B.2; low potential

No special status plant species have a moderate or high potential to occur within the study area. No special status plant species were observed during the reconnaissance-level surveys. However, note that the surveys were not protocol-level botanical surveys and did not include systematic transects over the entire study area. In addition, some species are annual and may not be evident and identifiable outside of blooming periods. Their potential to occur within the study area is based on the presence of suitable habitat, the proximity of the study area to documented occurrences, and the observation dates of the occurrences as described in Appendix D.

Special Status Animal Species

Based on the literature review, thirty-three special status wildlife species have been previously documented in the regional vicinity of the project site. Based on the evaluation of the findings of the literature review, the study area has a low to medium potential to support the following ten to eleven special status animal species.

- California tiger salamander (*Ambystoma californiense*), Federally Endangered (FE) and State Threatened (ST); no to low potential
- California red-legged frog (*Rana draytonii*), Federally Threatened (FT), Species of Special Concern (SSC); low potential
- Western spadefoot (*Spea hammondii*), SSC; low potential
- Western pond turtle (*Actinemyes marmorata pallida*), SSC; moderate potential
- Steelhead, FE; low potential
- Northern California legless lizard (*Anniella pulchra*), SSC; low potential
- Blainville's horned lizard (*Phrynosoma blainvillii*), SSC; low potential
- Southwestern willow flycatcher (*Empidonax traillii extimus*), FE and State Endangered (SE); low potential
- Least Bell's vireo (*Vireo bellii pusillus*), FE and State Endangered (SE); low potential
- Yellow-breasted chat (*Icteria virens*), SSC; low
- Yellow warbler (*Setophaga petechia*), SSC; low

The following analysis of potential for occurrence is based on the presence of suitable habitat, the proximity of the study area to CNDDB documented occurrences, and the observation date of the CNDDB occurrences.

California Tiger Salamander

The Santa Barbara County Distinct Population Segment (DPS) of the California tiger salamander, a federally endangered and state threatened species, is endemic to the northern portion of Santa Barbara County. This species was documented in the CNDDB within two miles of the study area in 2008 and no sighting has been recorded in recent years. The study area is located outside and on the other side of the Santa Ynez River of all known occurrences and the Santa Rita metapopulation area, as well as being located at least two miles from known or potential breeding ponds (USFWS 2016). The California tiger salamander requires a combination of seasonal pond habitat for breeding and upland (underground) habitat for the rest of its life cycle. A majority of the know California tiger salamander occurrences in Santa Barbara County currently occur on private lands. The likelihood of California tiger salamander occurring on the southern side of the Santa Ynez River in the study area is highly unlikely and therefore, the California tiger salamander is not expected to occur in the study area.

California Red-legged Frog

California red-legged frog, a federally threatened species, occurs in lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. This species requires 11-20 weeks of permanent water for larval development and must have access to estivation habitat. This species was documented in the CNDDB within two miles of the study area in 2008 and no sighting has been recorded in recent years. Additionally, federally designated critical habitat is located within 5 miles of the study area. Suitable habitat is not located within the project site due to agricultural disturbances. Suitable habitat is located within the portion of the Santa Ynez River that is located within the study area.

There are no known occurrences for California red legged frog occur south of the study area and no suitable breeding sites (permanent sources of water). The active floodplain of the Santa Ynez River is approximately 500 ft from the project site and separated by dense riparian vegetation. The top of bank of the Santa Ynez River is approximately 15 to 20 ft higher in elevation than the active floodplain. In addition, a natural berm is present adjacent to the existing fencing which may create a natural barrier to limit dispersal into the project site and aid in guiding individuals to remain along the Santa Ynez River and adjacent riparian habitat. The existing fencing is not considered a movement barrier considering no known breeding habitat or occurrences for California red legged frog occur south of the Santa Ynez River and the species is not expected to occur in the project site during upland dispersal.

Western Spadefoot

Western spadefoot, a SSC, is a species of spadefoot toad that is almost completely terrestrial, entering water only to breed. Pools that are suitable for breeding do not contain bullfrogs, fish, or crayfish and hold water for at least thirty (30) days to support successful completion of larval development (Morey and Reznick 2004). Outside the breeding season, western spadefoot spends the majority of time underground to avoid desiccation. They prefer open areas with sandy or gravelly soils in a variety of habitats, including annual grassland and coastal scrub, and in the vicinity of a suitable breeding pond. This species was documented in the CNDDB within 2.5 miles of the study area in 1986. The study area contains marginal aquatic habitat within the detention basin. The continual disturbance and lack of continually ponded water would more than likely preclude western spadefoot from establishing breeding habitat.

Aquatic and Semi-Aquatic Species

The western pond turtle has not been documented by the CNDDB within 5 miles of the study area. However, portions of the Santa Ynez River within the study area, contains suitable habitat for the species. This species is an aquatic turtle that occurs in ponds, marshes, rivers, streams and irrigation ditches that typically support aquatic vegetation. It requires downed logs, rocks, mats of vegetation, or exposed banks for basking. Western pond turtles lay their eggs in nests that are dug along the banks of streams or other uplands in sandy, friable soils. Those that reside in creeks, are also known to over-winter in upland habitats, or during the dry season when waterways dry. Upland movements can be quite extensive and individuals have been recorded nesting or overwintering hundreds of meters from aquatic habitats. The typical nesting season is usually from April through August; however, variation exists, depending upon geographic location. Due to the steep sloped banks of the Santa Ynez River in the study area, suitable nesting sites and upland refuge are limited in adjacent riparian areas. The project site is highly disturbed and does not support suitable habitat such as permanent and intermittent waters or sandy soils and open grassy fields suitable for basking or egg-laying.

The Santa Ynez River contains breeding populations of the federally listed endangered steelhead. Anthropogenic migration barriers on the Santa Ynez River prevent steelhead from accessing a majority of their habitat and has brought the steelhead run close to extinction. The upper Santa Ynez River watershed remains in a relatively natural and protected state within the Los Padres National Forest. High quality habitat also occurs on private land in the lower river and tributaries (Stoecker Ecological 2004). Portions of the Santa Ynez River, approximately 500-ft from the project site, are suitable for steelhead. However, based upon the Hydrologic Overview and Potential Impact Assessment Report (Kear Groundwater 2020), the existing well extracts occurring as a part of the project is negligible within the larger flow system and will not substantially affect instream flows from the baseline condition. This finding is based on the surface flow regime downstream of Bradbury Dam is overwhelmingly controlled by water releases and the current cultivation activities have recently estimated only 1.11 percent of the total usable groundwater is currently extracted (Appendix F). Therefore, no direct or indirect impacts to steelhead are expected to occur as a result of the proposed project.

Northern California Legless Lizard

Northern California legless lizard is a SSC and occurs in moist warm loose soil with plant cover. They prefer soils with high moisture content and can often be found under surface objects such as rocks, boards, and logs. Northern California legless lizard has been documented by the CNDDB within one mile of the study area. Based on the presence of suitable moist soils within the study area, this species has a low potential to occur within the study area. However, the continued tilling and working of the current agricultural land would likely preclude the species from occurring within the project areas.

Blainville's Horned Lizard

Blainville's (coast) horned lizard is a SSC that frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes containing open areas and patches of loose soil. The riparian corridor and Santa Ynez River adjacent to the project site contains suitable habitat for this species. However, there are no CNDDB occurrences of this species within a 5-mile radius . The security fence and berms present along the northern portion of the project site would likely preclude this species from occurring on site.

Southwestern Willow Flycatcher

The southwestern willow flycatcher (SWFL) is a federally and state endangered species historically found throughout the American southwest. Their breeding habitat occurs in southern California and requires relatively dense riparian tree and shrub communities associated with rivers, swamps, and other wetlands. They are present in breeding territories by mid-May, build their nests and lay eggs in late May and early June and fledges young in early to mid-July. Habitat patches must be at least 0.25 acre in size and at least 30 ft wide. Historically, the SWFL nested in native vegetation including willows, boxelder (*Acer negundo*), and cottonwoods (*Populus* spp.). However, following modern changes to riparian communities, the SWFL still nests in native vegetation, but also uses thickets dominated by non-native tamarisk or in mixed native non-native stands.

The primary cause of this species' decline is removing, thinning, or destroying riparian vegetation, water diversions and groundwater pumping which alters riparian vegetation, overstocking or other mismanagement of livestock, and recreational development. In addition, the SWFL is also subject to brown-headed cowbird (*Molothrus ater*) parasitism. The riparian corridor of the Santa Ynez River in the study area contains marginally suitable habitat for nesting and foraging habitat. The riparian vegetation in the floodplain of the Santa Ynez River is setback 50 ft from cultivation activities and no riparian vegetation is present in the project site. The species would likely not occur in the project site due to the lack of suitable breeding and forging habitat.

Least Bell's Vireo

The least Bell's vireo (LBV) is a federally endangered migratory bird species. They prefer well defined, often linear riparian vegetation primarily in the lower elevation, flatter sections of streams and rivers. The vegetation in vireo home ranges is dominated in the tree and shrub layers by several willow species. Important nesting and foraging shrubs include mulefat, California blackberry (*Rubus ursinus*), California wild rose, and blue elderberry.

The least Bell's vireo (LBVI), has a low potential to occur as a transient, foraging, or migratory species. Suitable breeding habitat is associated with the Santa Ynez River within 500 ft of the project site. However, the nearest CNDDB record exists approximately 4 miles to the east. In general, the project site lacks suitable nesting or breeding habitat for the species. However, the study area does contain foraging and transitory habitat such that species could occur transiently within the study area.

Nesting Birds

The study area and its surrounding have the potential to support several species of migratory and resident raptors. However, no active or previously occupied nests were observed during the reconnaissance surveys. The project site contains suitable nesting habitat for bird species that nest in anthropogenic structures, but largely the project site does not support suitable nesting habitat in the form of shrubs and trees that may support species such as residents and migrants, including yellow-breasted chat and yellow warbler. Within the study area, the portion within the Santa Ynez River contains suitable habitat for nesting birds; however, the suitable habitat is located at least 100 ft up to 500 ft from cannabis cultivation areas. Agriculture areas likely preclude most nesting birds, and those species that require dense riparian vegetation, due to the frequent activities associated with agricultural operations.

Designated Critical Habitat

A search of the USFWS critical habitat mapper (USFWS 2018b) revealed that federally designated critical habitat occurs within the study area for southwestern willow flycatcher (*Empidonax traillii extimus*), and is adjacent to critical habitat for steelhead, and is within five miles of critical habitat for the following species: California tiger salamander (*Ambystoma californiense*) and California red-legged frog. Critical habitat for southwestern willow flycatcher and steelhead is mapped within the Santa Ynez River and associated riparian corridor. To avoid potential impacts, all project components are setback at least 50 ft from the riparian corridor and the designated critical habitat and therefore, the project will not impact designated critical habitat.

6.2 Sensitive Plant Communities

Natural communities are evaluated using NatureServe's Heritage Methodology, the same system used to assign global and state rarity ranks for plant and wildlife species in the CNDDB. For rarity, the ranking incorporates the knowledge of range and distribution of a given type of vegetation, and the proportion of occurrences that are of good ecological integrity. Evaluation is conducted at both the Global (full natural range within and outside of California) and State (within California) levels – resulting in a single G (global) and S (state) rank, ranging from 1 (very rare and threatened) to 5 (demonstrably secure) (CDFW 2018e). There can be exceptions to this rule; namely, CDFW includes a sensitive designation denoted by "yes" or "no". For this reason, demonstrably secure communities can also be considered sensitive. Further, when addressing impacts to wetlands, State CEQA guidelines may group riparian habitat with sensitive natural communities. The current Sensitive Natural Communities List (CDFW 2020) was referenced to determine that the following vegetation communities located within the study area are sensitive: Black cottonwood forest (G5/S3). This sensitive resource is located at least 50 ft from the northern edge of the project site and cultivation area. The remaining communities are not sensitive.

6.3 Jurisdictional Waters

Based upon the findings of Rincon's jurisdictional delineation, one potentially jurisdictional hydrologic feature is present within the study area: 1) the Santa Ynez River (Figure 5 and Table 3).

Santa Ynez River

As described in Section 5.2, within the study area the Santa Ynez River, a sensitive resource and perennial watercourse, is characterized by the NWI as a riverine and palustrine wetland system. The river is located along the northern border of the study area. The riparian vegetation is comprised of mature Black cottonwood forest. The portion of the river located within the study area is an active floodplain; no water was present at the time of the surveys. The floodplain terrace is situated approximately 10 to 15 ft below the terrace upon which the project site is located. The state-jurisdictional boundary is mostly defined by the top of bank, with a few riparian trees extending the jurisdictional area further (Appendix B).

The Santa Ynez River is considered a water of the U.S. Conservatively, the entire portion of the river located within the study area was determined to be possible waters of the U.S. The CDFW-jurisdictional streambed is mostly defined by the top of bank, with a few riparian trees extending the jurisdictional area further. The extent of the CDFW-jurisdictional streambed was determined to

be coterminous with waters of the state. The Santa Ynez River is expected to be subject to U.S Army Corps of Engineers (USACE), RWQCB and CDFW jurisdictions as summarized in Table 3.

All project components are setback a minimum of 500 ft from the Santa Ynez River, as defined from the bank full stage defined by the high flow water levels that occur every 1 to 2 years or from the top edge of the waterbody bank incised channel, whichever is more conservative. Along the north and northeastern portion of the cultivation area, a natural berm is existing between the existing six-ft no-climb mesh fence and riparian area associated with the Santa Ynez River. In some areas along the Santa Ynez River, a 100-ft buffer or greater exists between the edge of riparian vegetation and existing cultivation. Within the 100-ft buffer, 50-ft of outdoor cannabis cultivation and 40-ft for an emergency access road is proposed. Along the northeastern portion of the cultivation area there is less than a 100-ft buffer, and in this area, a 10-ft visual stream avoidance buffer is proposed. The stream avoidance buffer will be comprised of seven-ft tall T-posts with an attached cable to restrict access to the riparian area associated with the Santa Ynez River.

Non-jurisdictional Historic Detention Basin

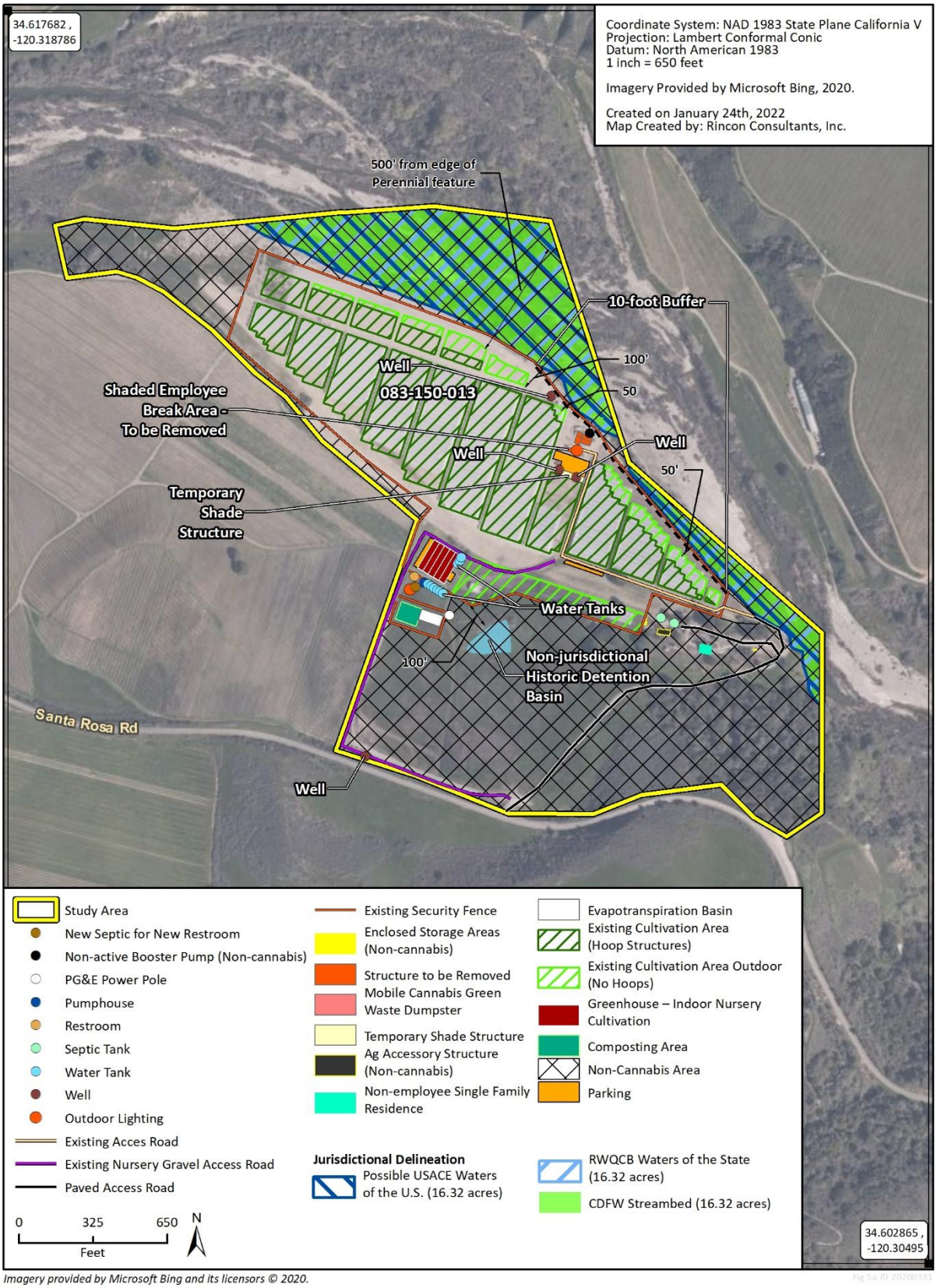
A historic detention basin is mapped by NWI in the middle portion of the study area. The detention basin is characterized by NWI as a freshwater pond. However, additional investigation concluded that the feature is no longer present and is therefore not considered to be jurisdictional. The vegetation is comprised of ruderal species that have colonized the area after the basin was leveled and removed. The feature does not exhibit a defined bed, bank, channel, or OHWM indicative of a jurisdictional feature. Review of historical aerial photographs confirms that the feature was likely used as an agricultural detention basin since at least 1943 but has not been used in recent years (Appendix B and Appendix G).

Table 3 Summary of Jurisdictional Areas within the Study Area

Feature	Waters of the U.S.		Non-wetland Waters of the State (acres/square feet/linear feet)	CDFW Jurisdictional Streambed (acres/square feet/linear feet)	Minimum Distance from Project Site (feet)
	Non-wetland Waters of the U.S. (acres/square feet/linear feet)	Wetland Waters of the U.S. (acres/ linear feet)			
Santa Ynez River	16.42/2,494	–/–	16.42/2,494	16.42/2,494	Perennial feature – 500 Ephemeral feature – 50
Non-jurisdictional Historic Detention Basin	–/–	–/–	–/–	–/–	100

[1]Note that each agency categorizes different feature types within their jurisdiction slightly differently, thus acreages are presented separately by type and are not intended to be additive between columns. The CDFW jurisdictional streambed category includes riparian canopy where present.

Figure 5 Potentially Jurisdictional Features within the Study Area



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6.4 Wildlife Movement

Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as providing a linkage between foraging and denning areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return. Others may be important as dispersal corridors for young animals. A group of habitat linkages in an area can form a wildlife corridor network.

The habitats within the link do not necessarily need to be the same as the habitats that are being linked. Rather, the link merely needs to contain sufficient cover and forage to allow temporary inhabitation by ground-dwelling species. Typically, habitat linkages are contiguous strips of natural areas, though dense plantings of landscape vegetation can be used by certain disturbance-tolerant species. Depending upon the species using a corridor, specific physical resources (such as rock outcroppings, vernal pools, or oak trees) may need to be located within the habitat link at certain intervals to allow slower-moving species to traverse the link. For highly mobile or aerial species, habitat linkages may be discontinuous patches of suitable resources spaced sufficiently close together to permit travel along a route in a short period of time.

Wildlife movement corridors can be both large and small scale. Regionally, the study area is not located within an Essential Connectivity Area (ECA) as mapped in the report California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California (CDFW 2010). ECAs represent principle connections between Natural Landscape Blocks. ECAs are regions in which land conservation and management actions should be prioritized to maintain and enhance ecological connectivity. ECAs are mapped based on coarse ecological condition indicators, rather than the needs of particular species and thus serve the majority of species in each region.

No mapped wildlife movement corridors are present within the study area. However, the portion of study area that is undeveloped and supports natural vegetation allow for local movement of wildlife along the Santa Ynez River and the southeastern hillside. The river segment within the northern and eastern portion of the study area provide suitable small-scale wildlife movement corridors for wildlife to travel locally and are important in linking non-contiguous or fragmented wildlife habitats. The project site itself, which occupies much of the study area, lacks the features that would make it attractive as a wildlife movement route, topographic or vegetative cover or water sources for example. Additionally, the project site is surrounded by a 6-ft, 3-inch mesh, no-climb wire fence. A seven-ft high stream avoidance buffer fence and natural berm along the northeast perimeter further separates the project site from the remaining study area. The existing fencing and natural berm minimize the potential for wildlife to enter the project site and instead use the Santa Ynez River and adjacent riparian areas for wildlife movement.

6.5 Resources Protected by Local Policies and Ordinances

The project would need to comply with the FEIR measures and General Plan, including the County LUDC. The FEIR identifies mitigation measures for unique, rare, threatened, or endangered plant or wildlife species; habitats or sensitive natural communities; movement or patterns of native resident

or migratory species; and compliance with adopted local plans, policies, or ordinances for protection and conservation of biological resources.

Regarding tree protection, the FEIR analyzed the Program impacts and mitigation measures to be consistent with the Santa Barbara County Comprehensive Plan Conservation Element: Oak Tree Protection in the Inland Rural Areas of Santa Barbara County, the County's Environmental Thresholds and Guidelines Manual (County 2018), and the County Deciduous Oak Tree Protection and Regeneration Ordinance (County 2003). Per the FEIR; if project activities would involve pruning, damage, or removal of a native tree; a Tree Protection plan shall be prepared by a Planning and Development Department-approved arborist to determine whether avoidance, minimization, or compensatory measures are necessary.

The Coast live oak woodland is located upslope from the paved access road with an approximate 200-ft elevation gain. No trees or driplines of individual trees are located directly adjacent to the access road. The access road is existing, and no changes will occur to the road (e.g., grading or recontouring). The existing ADU structure is located adjacent to two individual coast live oak trees. However, no changes to the ADU are proposed. The trunk diameters of the trees at standard height (4.5 ft above ground) were not recorded because the trunks are located outside of the project components. Several emergent sandbar willow shrubs are located within the study area. However, they are at least 25 ft from the project site.

The project site does not contain native vegetation that has a medium to high potential of being occupied by special status wildlife species, nesting birds, or a federal or state-listed special status plant species. Perimeter fencing, present around the entire project site, has the potential to further restrict wildlife movement. Regarding compliance with other local ordinances, the project may utilize pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers that require compliance with the Cannabis General Order.

The Santa Ynez River is identified as an environmentally sensitive habitat. The project will not interrupt major wildlife travel corridors and the project will allow for wildlife movement, where practical. As shown in Appendix G, the project site has been regularly tilled and planted since 1928 and natural stream channel processes will not be impacted by the project. Project components will be setback at least 500 ft from the active channel of the Santa Ynez River. In addition, a 10-ft-wide stream avoidance buffer will be erected in areas that do not provide at least a 100-ft buffer from the adjacent riparian vegetation. This adjusted setback was confirmed with CDFW on August 19, 2020. The project, is compliant with the policies outlined in the Community Plan; no removal of riparian plants or native protected trees are proposed and efforts will be made to avoid and preserve the habitat in which sensitive plants and/or animal species are located to the maximum extent feasible.

7 Impact Analysis and Mitigation Measures

This section provides project-specific information regarding potential impacts that have the potential to result from proposed cannabis cultivation activities in the study area and provides resource-specific recommendations for reducing these impacts, where applicable. Mitigation measures are below are adapted from and/or consistent with the mitigation measure in the adopted FEIR and as recommended specifically for the project.

7.1 Special Status Plants, Vegetation Communities, and Wildlife

7.1.1 Special Status Plant Species and Vegetation Communities

Three special status plant species were determined to have a low potential to occur within the study area considering the presence of suitable habitat and soil conditions – specifically, within areas associated with suitable habitat (e.g., riparian corridor of the Santa Ynez River). No direct impacts are anticipated to suitable habitat, as no construction activities are proposed outside of the existing fence the surrounds the project site. No direct impacts to vegetation communities associated with suitable habitats for these plant species are anticipated and no direct impacts to special status plant species are expected.

The proposed project is not anticipated to result in direct impacts to sensitive plant communities identified by the CNDDB and the List of Vegetation Alliances and Associations (CDFW 2020). No sensitive natural communities would be adversely affected by the proposed project (e.g., black cottonwood forest). All proposed cultivation would be setback a minimum of 50 ft from the edge of riparian vegetation and hoop structures will be setback 100 ft from these areas; additional avoidance and minimization will be incorporated into the project as outlined in BIO-1 Wildlife Movement Plan (Appendix E) to further avoid impacts to special status plant species and vegetation communities.

7.1.2 Special Status Animal Species

Ten to eleven special status animal species have a potential to occur in the study area based upon known ranges, habitat preferences for the species, and species occurrence records in the vicinity of the study area as documented in the CNDDB.

California Red-legged Frog, Western Spadefoot, Northern California Legless Lizard, and Blainville's Horned Lizard

Direct impacts to California red-legged frog, western spadefoot, northern California legless lizard, and Blainville's horned lizard could occur in the form of injury or mortality through initial ground-disturbance activities and/or removal of suitable habitat if required by the project. Indirect impacts to these species could occur in the form of noise from use of heavy equipment and/or vehicles that result in altered behavior and other species-specific patterns of activity. The project involves routine agriculture uses and if ground disturbance or vegetation removal that is not considered routine (i.e., removal of hoop structure covers, which occurs annually prior to the rain season) is proposed, additional avoidance and minimization will be incorporated into the project as outlined in BIO-1

Wildlife Movement Plan (Appendix E) to further avoid impacts to special status wildlife species. Routine activities associated with cannabis cultivation will occur in compliance with local and state policies and no impacts to special status species or their habitat is expected. However, to further reduce any potential impacts to the species, a Wildlife Movement Plan (Appendix E) has been prepared for the project.

Aquatic and Semi-Aquatic Species

Western pond turtles are found in permanent and intermittent waters of rivers and creeks and can spend upwards to 200 days out of water. Males may be found on land for up to ten months annually, while females can be found on land during all months of the year due to nesting and overwintering. The project does not propose the removal of native vegetation or the development of upland habitat adjacent to the Santa Ynez River. The routine operational activities, such as watering, harvesting, and tilling soil, will remain consistent with what is currently occurring at the project site. In addition, the existing six-foot fence surrounding the project site acts as an exclusion buffer for any wildlife that cannot fit through a three-inch opening, while allowing passage of smaller wildlife species. The fence line excludes the segments of the Santa Ynez River that lie within the northern portion of the study area, thus minimizing the potential for wildlife to enter the project site and encouraging use of the Santa Ynez River corridor for wildlife movement. The Santa Ynez River contains suitable habitat for the species and the project site does not contain any primary constituent elements (PCEs) required for the species. Therefore, the project is not expected to impact western pond turtles. However, to further reduce any potential impacts to the species, a Wildlife Movement Plan (Appendix E) has been prepared for the project.

The Santa Ynez River contains breeding populations of steelhead. As a part of the propose project, a hydrologic study was conducted by Kear Groundwater (Kear Groundwater 2020) (Appendix F). The project has one operational shallow groundwater well used for cannabis cultivation at the project site and produces groundwater from unconsolidated sand and gravel alluvial aquifers that are, in least in part, in hydraulic connection with the Santa Ynez flow system. The report presents that based on the surface flow regime downstream of Bradbury Dam is controlled by water releases, groundwater levels have been historically stable in the portion of the groundwater sub-basin that the project overlies, and the study area cover about 1 percent of the total surface area of the sub-basin. For these reasons, the report concludes that alluvial groundwater extraction for cannabis cultivation at the project site is unlikely to “substantially affect instream flows” along the local reaches of the Santa Ynez River. Therefore, it is expected that the project will not impact steelhead associated with the Santa Ynez River and no avoidance or minimization measures are recommended.

Southwestern Willow Flycatcher and Least Bell’s Vireo

Direct impacts to SWFL and LBVI could occur if heavy equipment and vehicular transport is used near riparian areas during the species breeding season. All cultivation will be setback at least 50 ft from riparian areas in compliance with local and state policies. No direct impacts, including removal of riparian vegetation is proposed as a part of the project. Indirect impacts may include noise impacts but with proposed setbacks and with noise levels remaining below <65 dB at the fence line during normal operations (noise records provided by CCA), no impacts are expected to these species; however, to further reduce any potential impacts to the species, a Wildlife Movement Plan (Appendix E) has been prepared for the project to avoid any potential impacts to these species.

Other Nesting Birds

The project has potential to result in direct impacts to nesting birds, if nests are intentionally removed, and indirect impacts through noise or other anthropogenic factors, including special status birds (yellow-breasted chat and yellow warbler), if they are nesting within the project site and/or immediate vicinity during cultivation/staging activities. The project site does not contain suitable breeding habitat for nesting birds aside from non-sensitive nesting birds that utilize anthropogenic structures and that may not be disturbed by on-going agricultural operations. The project is set back at least 50 ft from riparian vegetation associated with the Santa Ynez River and no riparian vegetation is proposed for removal as part of the project. The project activities area considered routine operation and noise levels are not likely to change, if a nest is built around the project site the species is likely accustom to routine noise disturbances and the project would not likely impact the nest. Native or migratory species of nesting birds are protected under the MTBA and CFGC. Take of these species is prohibited by federal and state law and must be avoided. To reduce any potential impacts to the species, a Wildlife Movement Plan (Appendix E) has been prepared for the project.

7.1.3 Mitigation Measures

The following mitigation measure BIO-1 (BIO-3 from the FEIR for the Cannabis Land Use Ordinance and Licensing Program) is recommended to avoid impacts to special status birds, other nesting birds, and other special status wildlife species that may occur on site.

BIO-1 (FEIR MM BIO-3) Wildlife Movement Plan

The proposed project is considered routine cultivation activities and would not substantially interfere with wildlife movement on a local or regional scale or considerably reduce opportunities for wildlife movement. However, to avoid impacts to sensitive wildlife species that may be present seasonally or transitionally on site, a Wildlife Movement Plan (WMP) is required. Included in the Wildlife Movement Plan are additional measures to avoid and minimize impacts to special status birds, other nesting birds, and other special status plant and wildlife species and their habitats. Measures include avoidance and minimization such as establishing riparian setbacks, avoidance to special status species, general BMPs, consultation with USFWS and CDFW, a Workers Environmental Awareness Program (WEAP), seasonal avoidance, buffer avoidance, and compliance with the Cannabis General Order. A WMP (adapted from and in compliance with the FEIR for the Program) has been prepared for the project (Appendix E).

7.2 Jurisdictional Waters, Including Wetlands

The study area includes one hydrologic feature that exhibit beds and banks, the Santa Ynez River, which is expected to be under USACE jurisdiction pursuant to the Clean Water Act, CDFW jurisdiction pursuant to Section 1600 et seq. of the CFGC, and RWQCB jurisdiction pursuant to the Clean Water Act and Porter-Cologne Act as described in Section 6.3. However, the hydrologic feature is not expected to be directly impacted by project related activities.

As noted previously in Section 3, the SWRCB Cannabis General Order dictates general waste discharge requirements for discharges into state-jurisdictional waters associated with cannabis cultivation activity (SWRCB 2019). The requirements within the Cannabis General Order will be incorporated and implemented through any waste discharge requirements addressing cannabis cultivation activities adopted by the RWQCB. Attachment A of the Cannabis General Order states

that cannabis cultivators shall comply with the minimum riparian setbacks for all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage). The minimum riparian setbacks include: 150 ft for perennial watercourses (Class I), 100 ft for intermittent watercourses (Class II), 50 ft for ephemeral watercourses (Class III), and edge of established riparian vegetation zone for man-made watercourses that support native aquatic species (Class IV). RWQCBs may adopt site-specific WDRs.

The County LUDC development standards for hoop structures state that within rural areas, hoop structures shall be setback 100 ft from the top of bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource. As such, the setback for hoop structures on the project site would be 100 ft from the edge of riparian vegetation of the ephemeral drainages. For other project activities (e.g., material or vehicle storage and other cannabis cultivation activities) the setback would be 50 ft from the edge of riparian vegetation of the ephemeral drainages.

Areas within the Ordinary High Water Mark (OHWM), top of banks, and associated riparian vegetation would likely be subject to state regulations under CDFW and RWQCB jurisdictions. However, as stated above, project activities would be set back from the perennial feature associated with the Santa Ynez River to comply with the County and Cannabis General Order requirements and no impacts to jurisdictional areas are expected. A Wildlife Movement Plan has been prepared to reduce any potential indirect impacts to jurisdictional waters (Appendix E).

7.3 Wildlife Movement

There are no major wildlife movement corridors within the study area. The smaller on site hydrologic features may provide a suitable small-scale corridor for wildlife to travel locally. However, the project is not anticipated to adversely affect the wildlife utilization and movement along the Santa Ynez River or adjacent riparian vegetation.

The proposed project does not include the introduction of barriers to movement of any resident or migratory fish or wildlife species; nor will it deteriorate any existing fish or wildlife habitat. The proposed project is in compliance with local conservation and biological resources protection polices, thereby reducing potential impacts to wildlife movement associated with the proposed project. The proposed project additionally complies with local requirements regarding lighting of cultivation sites and it would therefore not impact wildlife movement due to artificial lighting. Based on the literature review and field survey performed for this study and presented in this report, the project site does not have a high presence of potentially sensitive biological resources; therefore, a Habitat Protection Plan is not recommended. However, a Wildlife Movement Plan has been prepared (Appendix E).

7.4 Local Policies and Ordinances

The project is designed to meet the mitigation/development standards outlined in the Santa Barbara County LUDC to ensure its consistency with local policies including Appendix H of the LUDC and the County of Santa Barbara Environmental Thresholds and Guidelines Manual.

The project site does not contain native vegetation or other sensitive vegetation that would be a medium to high potential of being occupied by special status wildlife species, nesting birds, or Federal or State-listed special status plant species. Therefore, a Habitat Protection Plan is not

anticipated to be required by the County or regulatory agencies for additional avoidance, minimization, or compensatory measures are necessary for the protection of special status species.

The FEIR for the Cannabis Land Use Ordinance and Licensing Program analyzed the program impacts and mitigation measures for consistency with the Santa Barbara County Comprehensive Plan Conservation Element: Oak Tree Protection in the Inland Rural Areas of Santa Barbara County, the County's Environmental Thresholds and Guidelines Manual (County 2008), and the County Deciduous Oak Tree Protection and Regeneration Ordinance (County 2003) (added for reference but not applicable to this project).

No native trees are anticipated to be pruned, damaged, or removed by project activities. No native trees are located within the cultivation areas. All coast live oak trees along the access route are upslope of the access road and will not be impacted by access to the cultivation site. Several black cottonwood trees are located outside of the cultivation site and separated by an existing fence and berm. No driplines are overhanging the access road or cultivation site. The access roads are existing and will be maintained for the proposed project; no changes will occur to the roads (e.g., grading, recontouring). No new impacts will occur to the native trees from continued use of the existing access roads. The perimeter fencing (wire fence on T-posts) is adjacent to native trees and aid in the protection of sensitive communities.

No direct impacts to natural or sensitive vegetation communities are anticipated for the project. No trenching or grading is proposed around the native trees or riparian vegetation. No Tree Protection Plan is recommended for the project.

7.5 Habitat Conservation Plans

The project is not located within a Habitat Conservation Plan, Natural Community Conservation Plan, or other approval habitat conservation plan area. The project would not involve clearing native vegetation or other sensitive vegetation within areas that have 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 species. No mitigation measures are recommended.

8 Conclusion

The proposed project encompasses the development and implementation of activities associated with cannabis cultivation within the project site. In particular, the project proposes to convert previously disturbed land zoned agriculture II to cannabis cultivation.

A few natural vegetation communities are present in limited quantities throughout the study area. There is a low potential for three special status plant species to occur on site; however, no direct or indirect impacts are anticipated to occur to these species as a result of the proposed project. No impacts to the sensitive natural communities are anticipated and all cultivation will be setback 50 ft from the edge of riparian vegetation and hoop structures will be setback 100 ft from these areas.

Ten to eleven special status wildlife species have a potential to occur on site. However, direct and indirect impacts to these species are not expected with proposed avoidance and minimization measures incorporated into the project. Recommendations incorporated herein include BMPs and adequate setbacks to prevent impacts to sensitive habitats that may provide suitable habitat for special status species.

One potentially jurisdictional hydrologic feature is present within the study area: 1) the Santa Ynez River, a potential CDFW-jurisdictional streambed and water of the U.S./state. The project site is located outside of this potentially jurisdictional area and no work is expected to occur within the feature. Avoidance and minimization measures presented within the Wildlife Movement Plan (Appendix E) will limit direct impacts. Indirect impacts to potentially jurisdictional features are not expected with avoidance and minimization measures pertaining to BMPs incorporated into the project.

Cannabis cultivation activities will be confined to portions of the project site that are currently used for agricultural and active cannabis cultivation. Based on the proposed project description and biological resources review summarized in this study, a Wildlife Movement Plan (Appendix E) is required.

Table 4 below provides a summary of avoidance and minimization measures.

Table 4 Recommended Avoidance and Minimization Measures

Biological Resources	Avoidance and Minimization Measure
Special Status Plant Species and Sensitive Habitats	Direct impacts to sensitive habitats have been avoided through the design of the project and implementation of the SWRCB Cannabis General Order and the County LUDC; additional avoidance and minimization measures are outlined in the Wildlife Movement Plan (Appendix E).
Special Status Animal Species	Direct impacts to special status animal species have been avoided through the design of the project and implementation of the SWRCB Cannabis General Order and the County LUDC; additional avoidance and minimization measures are outlined the Wildlife Movement Plan (Appendix E).
Jurisdictional Waters, Including Wetlands	Direct impacts to jurisdictional areas have been avoided through the design of the project and implementation of the SWRCB Cannabis General Order and the County LUDC; additional avoidance and minimization measures are outlined in BIO-1 Wildlife Movement Plan (Appendix E).
Wildlife Movement	There are no major wildlife movement corridors within the project site; a Wildlife Movement Plan (Appendix E) has been prepared for the project.
Regulatory Measures	**Avoidance and Minimization Measure**
Santa Barbara County Code-County Land Use and Development Code; Cannabis Activities Additional Standards (Appendix H)	Tree Protection Plan (not recommended)
Santa Barbara County Code-County Land Use and Development Code; Cannabis Activities Additional Standards (Appendix H)	Habitat Protection Plan (not recommended)
Santa Barbara County Code-County Land Use and Development Code; Cannabis Activities Additional Standards (Appendix H)	BIO-1 Wildlife Movement Plan (Appendix E)
State Water Resources Control Board General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities	BIO-1 Wildlife Movement Plan (Appendix E)

SWRCB- General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, 2019.

Source: Santa Barbara County Code-County Land Use and Development Code-Appendix H, 2000

9 Limitations, Assumptions, and Use Reliance

This Biological Resources Assessment has been performed in accordance with professionally accepted biological investigation practices conducted at this time and in this geographic area. The biological investigation is limited by the scope of work performed. Reconnaissance biological surveys for certain taxa may have been conducted as part of this assessment but were not performed during a particular blooming period, nesting period, or particular portion of the season when positive identification would be expected if present, and therefore, cannot be considered definitive. The biological surveys are limited also by the environmental conditions present at the time of the surveys. In addition, general biological surveys do not guarantee that the organisms are not present and will not be discovered in the future within the site. In particular, mobile wildlife species could occupy the site on a transient basis or re-establish populations in the future. Our field studies were based on current industry practices, which change over time and may not be applicable in the future. No other guarantees or warranties, expressed or implied, are provided. The findings and opinions conveyed in this report are based on findings derived from site reconnaissance, jurisdictional areas, review of CNDDB RareFind5, and specified historical and literature sources. Standard data sources relied upon during the completion of this report, such as the CNDDB, may vary with regard to accuracy and completeness. In particular, the CNDDB is compiled from research and observations reported to CDFW that may or may not have been the result of comprehensive or site-specific field surveys. Although Rincon believes the data sources are reasonably reliable, Rincon cannot and does not guarantee the authenticity or reliability of the data sources it has used. Additionally, pursuant to our contract, the data sources reviewed included only those that are practically reviewable without the need for extraordinary research and analysis.

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Appendix A

Regulatory Setting

Regulatory Setting

Special status habitats are vegetation types, associations, or sub-associations that support concentrations of special status plant or animal species, are of relatively limited distribution, or are of particular value to wildlife.

Listed species are those taxa that are formally listed as endangered or threatened by the federal government (e.g., U.S. Fish and Wildlife Service [USFWS]), pursuant to the Federal Endangered Species Act (FESA) or as endangered, threatened, or rare (for plants only) by the State of California (i.e., California Fish and Game Commission), pursuant to the California Endangered Species Act or the California Native Plant Protection Act. Some species are considered rare (but not formally listed) by resource agencies, organizations with biological interests/expertise (e.g., Audubon Society, CNPS, The Wildlife Society), and the scientific community.

The following is a brief summary of the regulatory context under which biological resources are managed at the federal, state, and local levels. A number of federal and state statutes provide a regulatory structure that guides the protection of biological resources. Agencies with the responsibility for protection of biological resources within the project site include:

- U.S. Army Corps of Engineers (wetlands and other waters of the United States);
- Santa Barbara Regional Water Quality Control Board (waters of the State);
- U.S. Fish and Wildlife Service (federally listed species and migratory birds);
- California Department Fish and Wildlife (riparian areas, streambeds, and lakes; state-listed species; Species of Special Concern; nesting birds);
- County of Santa Barbara

U.S. Army Corps of Engineers

Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) has authority to regulate activities that could discharge fill of material into wetlands or other “waters of the United States.” Perennial and intermittent creeks are considered waters of the United States if they are hydrologically connected to other jurisdictional waters (typically a navigable water). The USACE also implements the federal policy embodied in Executive Order 11990, which is intended to result in no net loss of wetland value or acres. In achieving the goals of the Clean Water Act, the USACE seeks to avoid adverse impacts and offset unavoidable adverse impacts on existing aquatic resources. Any fill of wetlands that are hydrologically connected to jurisdictional waters would require a permit from the USACE prior to the start of work. Typically, when a project involves impacts to waters of the United States, the goal of no net loss of wetland acres or values is met through avoidance and minimization to the extent practicable, followed by compensatory mitigation involving creation or enhancement of similar habitats.

Regional Water Quality Control Board

The State Water Resources Control Board (SWRCB) and the local Regional Water Quality Control Board (RWQCB) have jurisdiction over “waters of the State,” pursuant to the Porter-Cologne Water Quality Control Act, which are defined as any surface water or groundwater, including saline waters, within the boundaries of the State. The SWRCB has issued general WDRs regarding discharges to “isolated” waters of the State (Water Quality Order No. 2004-0004-DWQ, Statewide General Waste

Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction). The RWQCB administers actions under this general order for isolated waters not subject to federal jurisdiction, and is also responsible for the issuance of water quality certifications pursuant to Section 401 of the Clean Water Act for waters subject to federal jurisdiction.

United States Fish and Wildlife Service

The USFWS implements the Migratory Bird Treaty Act (16 United States Code [USC] Section 703-711) and the Bald and Golden Eagle Protection Act (16 USC Section 668). The USFWS and National Marine Fisheries Service (NMFS) share responsibility for implementing the Federal Endangered Species Act (FESA) (16 USC § 153 et seq.). Generally, the USFWS implements the FESA for terrestrial and freshwater species, while the NMFS implements the FESA for marine and anadramous species. Projects that would result in "take" of any federally threatened or endangered species are required to obtain permits from the USFWS or NMFS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan [HCP]) of the FESA, depending on the involvement by the federal government in permitting and/or funding of the project. The permitting process is used to determine if a project would jeopardize the continued existence of a listed species and what measures would be required to avoid jeopardizing the species. "Take" under federal definition means to harass, harm (which includes habitat modification), pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Proposed or candidate species do not have the full protection of the FESA; however, the USFWS and NMFS advise project applicants that they could be elevated to listed status at any time.

California Department of Fish and Wildlife

The California Department of Fish and Wildlife (CDFW) derives its authority from the Fish and Game Code of California. The California Endangered Species Act (CESA) (Fish and Game Code Section 2050 et. seq.) prohibits take of state listed threatened or endangered. Take under CESA is restricted to direct mortality of a listed species and the law does not prohibit indirect harm by way of habitat modification. Where incidental take would occur during construction or other lawful activities, CESA allows the CDFW to issue an Incidental Take Permit upon finding, among other requirements, that impacts to the species have been minimized and fully mitigated.

The CDFW also enforces Sections 3511, 4700, 5050, and 5515 of the Fish and Game Code, which prohibits take of species designated as Fully Protected. The CDFW is not allowed to issue an Incidental Take Permit for Fully Protected species; therefore, impacts to these species must be avoided.

California Fish and Game Code sections 3503, 3503.5, and 3513 describe unlawful take, possession, or destruction of native birds, nests, and eggs. Section 3503.5 of the Code protects all birds-of-prey and their eggs and nests against take, possession, or destruction of nests or eggs. Section 3513 makes it a state-level office to take any bird in violation of the federal Migratory Bird Treaty Act. CDFW administers these requirements.

Species of Special Concern (SSC) is a category used by the CDFW for those species which are considered to be indicators of regional habitat changes or are considered to be potential future protected species. Species of Special Concern do not have any special legal status except that which may be afforded by the Fish and Game Code as noted above. The SSC category is intended by the CDFW for use as a management tool to include these species in special consideration when decisions are made concerning the development of natural lands. The CDFW also has authority to

administer the Native Plant Protection Act (NPPA) (Fish and Game Code Section 1900 et seq.). The NPPA requires the CDFW to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare. Effective in 2015, CDFW promulgated regulations (14 CCR 786.9) under the authority of the NPPA, establishing that the CESA's permitting procedures would be applied to plants listed under the NPPA as "Rare." With this change, there is little practical difference for the regulated public between plants listed under CESA and those listed under the NPPA.

Perennial, intermittent, and ephemeral streams and associated riparian vegetation, when present, also fall under the jurisdiction of the CDFW. Section 1600 *et seq*. of the Fish and Game Code (Lake and Streambed Alteration Agreements) gives the CDFW regulatory authority over activities that divert, obstruct, or alter the channel, bed, or bank of any river, stream or lake.

County of Santa Barbara

The project is subject to the Cannabis Land Use ordinances and development standards for the County. Specifically, the County has amended Section 35-1 of the County Land Use and Development Code to implement new development standards, permit requirements and procedures regarding commercial cannabis activities.

The project is also subject to the County Comprehensive Plan Conservation Element: Oak Tree Protection in the Inland Rural Areas of Santa Barbara County as adopted in 2003, and republished in 2009 outlines protection goals, development standards, policies and implementing actions to promote the conservation, protection, and regeneration of native oak populations and oak woodlands (County 2009).

- Oak Tree Protection Policy 1 states that "native oak trees, native oak woodlands and native oak savannas shall be protected to the maximum extent feasible in the County's rural and/or agricultural lands. Regeneration of oak trees shall be encouraged."
- Development Standard 1 (Protection of all species of mature oak trees) states that "development shall avoid removal of or damage to mature oak trees, to the maximum extent feasible." Mature oak trees are defined as live oak trees six inches or greater in diameter at breast height (DBH). "Native oak trees that cannot be avoided shall be replanted on site or on a receiver site known to be capable of supporting the particular oak tree species. Replanting shall conform to the County's Standard Conditions and Mitigation Measures."

The County's Environmental Thresholds and Guidelines Manual (County 2008) states that individual native specimen trees (mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species) are potentially significant. In general, the loss of 10 percent or more of the trees (by number or by canopy cover) of biological value on a study area is considered potentially significant.

In addition, the project shall comply with any applicable policies in the Santa Ynez Valley and Community Plan (Community Plan) (County of Santa Barbara 2009), including the County Flood Control Ordinance regarding development in floodways and floodplains, which includes specific setback requirement for development (200 ft from top of the bank of the Santa Ynez River and 50 ft from top of bank of stream and creeks). The local policies presented in the Community Plan restate the importance for the protection of resources through buffers, pollution prevention, restoration, and education policies

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Appendix B

Site Photographs

Photograph 1. Disturbed agriculture land in project site (aspect west; November 1, 2018)

Photograph 2. Coast live oak woodland in southern study area along access road (aspect south; November 1, 2018)

Photograph 3. Agriculture operation in proejct site (aspect northwest; November 1, 2018)

Photograph 4. Ruderal – sandbar willow habitat in northwest study area (aspect west; November 1, 2018)

Photograph 5. Disturbed agricultural land in project site (aspect northeast; November 1, 2018)

Photograph 6. Peremiter fence along northern portion of project site seperating project components from riparian vegetation (aspect northwest; December 17, 2019) Photo courtesty of Central Coast Agricutlure, Inc.

Photograph 7. Location of non-jurisdcitonal historic detention basin in central study area, existing hoop houses in the project area in the background (aspect northwest; August 19, 2020)

Photograph 8. Perimeter fence along northwestern portion of project site seperating cannabis area from riparian vegetation (aspect north; August 19, 2020)

Photograph 9. Perimeter fence along northwestern portion of project site seperating cannabis area from riparian vegetation. Note ruderal sandbar willows in background (aspect north; August 19, 2020)

Photograph 10. Perimeter fence along northeast portion of proejct area seperating cannabis area from riparian vegetation. Note six-ft-tall fence and natural berm (aspect west; August 19, 2020)

Appendix C

Floral and Faunal Compendium

Plant Species Observed in Study Area [November 1, 2018]

Scientific Name	Common Name	Origin
Acer negundo	boxelder	Native
Amaranthus sp.	amaranth	Introduced
Ambrosia psilostachya	ragweed	Native
Amsinckia sp.	Fiddleneck[2]	Native
Annona cherimola	cherimoya	Introduced
Artemisia californica	California sagebrush	Native
Asparagus officinalis	asparagus	Introduced
Baccharis pilularis	coyote brush	Native
Brachypodium distachyon	annual false-brome	Introduced, Cal-IPC[1] Moderate
Cannabis sp.	cannabis	Introduced
Centaurea melitensis	tocalote	Introduced, Cal-IPC Moderate
Chenopodium album	lambs quarters	Introduced
Cirsium vulgare	bull thistle	Introduced, Cal-IPC Moderate
Convolvulus arvensis	field bindweed	Introduced
Cynodon dactylon	Bermuda grass	Introduced, Cal-IPC Moderate
Datura wrightii	Jimsonweed	Native
Elymus triticoides	beardless wild rye	Native
Eschscholzia californica	California poppy	Native
Erodium cicutarium	Coastal heron's bill	Introduced, Cal-IPC Limited
Ericameria ericoides/linearfolia	mock heather	Native
Eriogonum fasciculatum	California buckwheat	Native
Heterotheca grandifolia	telegraph weed	Native
Heliotropium curassavicum	Chinese parsely	Native
Hirschfeldia incana	short-pod mustard	Introduced, Cal-IPC Moderate
Isocoma menziesii	Menzie's goldenbush	Introduced, Cal-IPC Moderate
Lactuca serriola	prickly lettuce	Introduced
Lepidospartum squamatum	scalebroom	Native
Malva parviflora	cheeseweed mallow	Introduced
Olea europaea	olive	Introduced; Cal-IPC Limited
Polygonum argyrocoleon	Persian knotweed	Introduced
Populus fremontii	Fremont cottonwood	Native
Populus trichocarpa	black cottonwood	Native
Punica granatum	pomegranate	Native
Quercus agifolia	coast live oak	Native
Raphanus sativus	wild radish	Native
Rumex acetosella	common sheep sorrel	Introduced, Cal-IPC Moderate
Salix exigua	narrowleaf willow	Native
Salix laevigata	polished willow	Native
Salix lasiolepis	arroyo willow	Native

Scientific Name	Common Name	Origin
Sambucus nigra	elderberry	Native
Sonchus asper	spiny sowthistle	Introduced
Toxicodendron diversilobum	poison oak	Native
Xanthium spinosum	spiny cocklebur	Native

[1]Cal-IPC – California Invasive Plant Council (Cal-IPC 2018)

[2]Common *Amsinckia* sp.

Animal Species Observed Within the Study Area [November 1, 2018]

Scientific Name	Common Name	Status	Native or Introduced
Birds			
Buteo jamaicensis	red-tailed hawk	None	Native
Sayornis saya	say's Phoebe	None	Native
Melozone fusca	canyon towhee	None	Native
Psaltriparus minimus	bushtit	None	Native
Sturnus vulgaris	European starling	None	Introduced
Zonotrichia leucophrys	white-crowned sparrow	None	Native
Cathartes aura	turkey vulture	None	Native
Aphelocoma californica	California scrub jay	None	Native
Haemorhous mexicanus	house finch	None	Native
Fulica americana	American coot[1]	None	Native
Melanerpes formicivorus	acorn woodpecker	None	Native
Geothlypis trichas	common yellowthroat	None	Native
Falco sparverius	American kestrel	None	Native
Reptiles			
Sceloporus occidentalis	Western fence lizard	None	Native
Mammals			
Thomomys bottae	pocket gopher	None	Native

[1] Flyover

Appendix D

Special Status Species Evaluation Tables

Special Status Natural Communities in the Regional Vicinity of the Study Area

Plant Community	G-Rank/ S-Rank	Anticipated Impact	Rationale
Central Coast Arroyo Willow Riparian Forest	G3/S3.2	Not Expected	Not present in study area.
Central Maritime Chaparral	G2/S2.2	Not Expected	Not present in study area.
Southern California Steelhead Stream	GNR/SNR	Not Expected	Present in study area; although, the project will not occur within the Santa Ynez River and will not require the diversion of surface waters.
Southern Coast Live Oak Riparian Forest	G4/S4	Not Expected	Present in study area; although, impacts are anticipated to be avoided. See Sections 4.2 and 5.2.
Southern Cottonwood Willow Riparian Forest	G3/S3.2	Not Expected	Present in study area; although, impacts are anticipated to be avoided. See Sections 4.2 and 5.2.
Southern Vernal Pool	GNR/SNR	Not Expected	Not present in the study area.
Southern Willow Scrub	G3/S2.1	Not Expected	Not present in study area.
Valley Needlegrass Grassland	G3/S3.1	Not Expected	Not present in the study area.

G-Rank/S-Rank = Global Rank and State Rank as per NatureServe and CDFW's CNDDB RareFind3 (CDFW 2018b).

Special Status Plant Species in the Regional Vicinity of the Study Area

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Plants and Lichens				
Abronia maritima red sand-verbena	None/None G4/S3? 4.2	Coastal dunes. Dune plant. 0-100 m. perennial herb. Blooms Feb-Nov	Not Expected	No coastal dune habitat present in the study area.
Agrostis hooveri Hoover's bent grass	None/None G2/S2 1B.2	Chaparral, cismontane woodland, closed-cone coniferous forest, valley and foothill grassland. Sandy sites. 60-765 m. perennial herb. Blooms Apr-Jul	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Amsinckia douglasiana Douglas' fiddleneck	None/None G4/S4 4.2	Valley and foothill grassland, oak woodland. Monterey shale; dry habitats. 0-1950 m. annual herb. Blooms Mar-May	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Ancistrocarphus keilii Santa Ynez groundstar	None/None G1/S1 1B.1	Chaparral, cismontane woodland. Sandy soils. 40-130 m. annual herb. Blooms Mar-Apr	Not Expected	Although one historic CNDDB record (1929) indicates this species was present within the Santa Ynez River and general vicinity, the site is highly disturbed and does not provide suitable habitat. Not observed during the field survey.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Arctostaphylos crustacea ssp. eastwoodiana Eastwood's brittle-leaf manzanita	None/None G4T2/S2 1B.1	Chaparral. In maritime chaparral on sandy soils, in the La Purisima Ridge, Burton Mesa, and Point Sal areas. 150-245 m. perennial evergreen shrub. Blooms Mar	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Arctostaphylos pechoensis Pecho manzanita	None/None G2/S2 1B.2	Closed-cone coniferous forest, chaparral, coastal scrub. Grows on siliceous shale with other chaparral associates. 60-855 m. perennial evergreen shrub. Blooms Nov-Mar	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Arctostaphylos purissima La Purisima manzanita	None/None G2/S2 1B.1	Chaparral, coastal scrub. Sandstone outcrops, sandy soil. 60-470 m. perennial evergreen shrub. Blooms Nov-May	Not Expected	No suitable habitat present; not observed during the field survey.
Arctostaphylos refugioensis Refugio manzanita	None/None G3/S3 1B.2	Chaparral. On sandstone. 60-765 m. perennial evergreen shrub. Blooms Dec-Mar(May)	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Arctostaphylos rudis sand mesa manzanita	None/None G2/S2 1B.2	Chaparral, coastal scrub. On sandy soils in Lompoc/Nipomo area. 20-335 m. perennial evergreen shrub. Blooms Nov-Feb	Not Expected	No suitable habitat present; not observed during the field survey.
Arenaria paludicola marsh sandwort	Endangered/ Endangered G1/S1 1B.1	Marshes and swamps. Growing up through dense mats of Typha, Juncus, Scirpus, etc. in freshwater marsh. Sandy soil. 3-170 m. perennial stoloniferous herb. Blooms May-Aug	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Astragalus didymocarpus var. milesianus Miles' milk-vetch	None/None G5T2/S2 1B.2	Coastal scrub. Clay soils. 50-385 m. annual herb. Blooms Mar-Jun	Not expected	Although one historic CNDDB record (1935) exists approximately 4 miles northeast of the study area, highly disturbed marginally suitable habitat is present in the study area. Not observed during the field survey.
Atriplex coulteri Coulter's saltbush	None/None G3/S1S2 1B.2	Coastal bluff scrub, coastal dunes, coastal scrub, valley and foothill grassland. Ocean bluffs, ridgetops, as well as alkaline low places. Alkaline or clay soils. 2-460 m. perennial herb. Blooms Mar-Oct	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Atriplex pacifica south coast saltscale	None/None G4/S2 1B.2	Coastal scrub, coastal bluff scrub, playas, coastal dunes. Alkali soils. 1-400 m. annual herb. Blooms Mar-Oct	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Atriplex serenana var. davidsonii Davidson's saltscale	None/None G5T1/S1 1B.2	Coastal bluff scrub, coastal scrub. Alkaline soil. 0-460 m. annual herb. Blooms Apr-Oct	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Calochortus catalinae Catalina mariposa-lily	None/None G3G4/S3S4 4.2	Valley and foothill grassland, chaparral, coastal scrub, cismontane woodland. In heavy soils, open slopes, openings in brush. 15-700 m. perennial bulbiferous herb. Blooms (Feb)Mar-Jun	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Calochortus fimbriatus late-flowered mariposa-lily	None/None G3/S3 1B.3	Chaparral, cismontane woodland, riparian woodland. Dry, open coastal woodland, chaparral; on serpentine. 270-1435 m. perennial bulbiferous herb. Blooms Jun-Aug	Not Expected	Study area is out of the elevation range for this species. The CNDDB does not document the species within 5-miles of the study area.
Ceanothus cuneatus var. fascicularis Lompoc ceanothus	None/None G5T4/S4 4.2	Chaparral. Sandy soils. 5-400 m. perennial evergreen shrub. Blooms Feb-Apr	Not Expected	Highly disturbed marginally suitable habitat present in the study area. Not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Cercocarpus betuloides var. blancheae island mountain-mahogany	None/None G5T4/S4 4.3	Chaparral, closed-cone coniferous forest. 30-600 m. perennial evergreen shrub. Blooms Feb-May	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Chorizanthe rectispina straight-awned spineflower	None/None G2/S2 1B.3	Chaparral, cismontane woodland, coastal scrub. Often on granite in chaparral. 45-1040 m. annual herb. Blooms Apr-Jul	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Cirsium rhothophilum surf thistle	None/ Threatened G1/S1 1B.2	Coastal dunes, coastal bluff scrub. Open areas in central dune scrub; usually in coastal dunes. 3-60 m. perennial herb. Blooms Apr-Jun	Not Expected	Study area is out of the elevation range for this species. The CNDDB does not document the species within 5-miles of the study area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Cirsium scariosum var. loncholepis La Graciosa thistle	Endangered/ Threatened G5T1/S1 1B.1	Coastal dunes, coastal scrub, brackish marshes, valley and foothill grassland, cismontane woodland. Lake edges, riverbanks, other wetlands; often in dune areas. Mesic, sandy sites. 4-220 m. perennial herb. Blooms May-Aug	Low Potential	Disturbed elements of suitable habitat as well as sandy soils present. Highly suitable adjacent habitat. Low value habitat within study area. Not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Cladium californicum California saw-grass	None/None G4/S2 2B.2	Meadows and seeps, marshes and swamps (alkaline or freshwater). Freshwater or alkaline moist habitats. -20-2135 m. perennial rhizomatous herb. Blooms Jun-Sep	Not Expected	Low value habitat within project site. Not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Cordylanthus rigidus ssp. littoralis seaside bird's-beak	None/ Endangered G5T2/S2 1B.1	Closed-cone coniferous forest, chaparral, cismontane woodland, coastal scrub, coastal dunes. Sandy, often disturbed sites, usually within chaparral or coastal scrub. 30-520 m. annual herb (hemiparasitic). Blooms Apr-Oct	Low Potential	CNDDB records exist approximately 2 miles north of (1956) and 1 mile west of (1973) the study area. Highly disturbed coyote brush scrub with sandy soils present providing elements of marginally suitable habitat. Not observed during the field survey.
Deinandra increscens ssp. villosa Gaviota tarplant	Endangered/ Endangered G4G5T2/S2 1B.1	Coastal scrub, valley and foothill grassland, coastal bluff scrub. Known from coastal terrace near Gaviota; sandy blowouts amid sandy loam soil; grassland/coast scrub ecotone. 10-430 m. annual herb. Blooms May-Oct	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Deinandra paniculata paniculate tarplant	None/None G4/S4 4.2	Coastal scrub, valley and foothill grassland, vernal pools. Usually in vernally mesic sites. Sometimes in vernal pools or on mima mounds near them. 25-940 m. annual herb. Blooms (Mar)Apr-Nov	Not Expected	No suitable habitat found in the study area. Not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Delphinium parryi ssp. blochmaniae dune larkspur	None/None G4T2/S2 1B.2	Chaparral, coastal dunes (maritime). On rocky areas and dunes. 18-305 m. perennial herb. Blooms Apr-Jun	Not Expected	Although one historic CNDDB record (1929) exists approximately 2 miles north of the study area, no suitable chaparral or coastal dune habitat present. Not observed during the field survey.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Delphinium umbraculorum umbrella larkspur	None/None G3/S3 1B.3	Cismontane woodland, chaparral. Mesic sites. 215-2075 m. perennial herb. Blooms Apr-Jun	Not Expected	Study area is out of the elevation range for this species. The CNDDB does not document the species within 5-miles of the study area.
Diplacus vandenbergensis Vandenberg monkeyflower	Endangered/ None G1/S1 1B.1	Cismontane woodland, chaparral, coastal dunes. Sandy, often disturbed areas. 75-120 m. annual herb. Blooms Apr-Jun	Not Expected	One historical CNDDB record (1931) exists approximately 2 miles north of the study area. Highly disturbed marginally suitable habitat found in the study area. Not observed during the field survey.
Erigeron blochmaniae Blochman's leafy daisy	None/None G2/S2 1B.2	Coastal dunes, coastal scrub. Sand dunes and hills. 0-185 m. perennial rhizomatous herb. Blooms Jun-Aug	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Erigeron sanctarum saints' daisy	None/None G3/S3 4.2	Chaparral, cismontane woodland, coastal scrub. 160-300 m. perennial rhizomatous herb. Blooms Mar-Jul	Not Expected	Study area is out of the elevation range for this species. The CNDDB does not document the species within 5-miles of the study area.
Eriodictyon capitatum Lompoc yerba santa	Endangered/ Rare G2/S2 1B.2	Closed-cone coniferous forest, chaparral. Sandy soils on terraces. 60-505 m. perennial evergreen shrub. Blooms May-Sep	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Eriogonum elegans elegant wild buckwheat	None/None G3G4/S3S4 4.3	Cismontane woodland, valley and foothill grassland. Usually in sandy or gravelly substrates; often in washes, sometimes roadsides. 200-1525 m. annual herb. Blooms May-Nov	Not Expected	Study area is out of the elevation range for this species. The CNDDB does not document the species within 5-miles of the study area.
Erysimum capitatum var. lompocense San Luis Obispo wallflower	None/None G5T3/S3 4.2	Chaparral, coastal scrub. Sandy hillsides and mesas. 60-500 m. perennial herb. Blooms Feb-May	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Fritillaria ojaiensis Ojai fritillary	None/None G2?/S2? 1B.2	Broadleafed upland forest (mesic), chaparral, lower montane coniferous forest, cismontane woodland. Usually loamy soil. Sometimes on serpentine; sometimes along roadsides. 100-1140 m. perennial bulbiferous herb. Blooms Feb-May	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Horkelia cuneata var. puberula mesa Horkelia	None/None G4T1/S1 1B.1	Chaparral, cismontane woodland, coastal scrub. Sandy or gravelly sites. 15-1645 m. perennial herb. Blooms Feb-Jul(Sep)	Not Expected	No suitable habitat present; not observed during the field survey.
Horkelia cuneata var. sericea Kellogg's horkelia	None/None G4T1?/S1? 1B.1	Closed-cone coniferous forest, coastal scrub, coastal dunes, chaparral. Old dunes, coastal sandhills; openings. Sandy or gravelly soils. 5-430 m. perennial herb. Blooms Apr-Sep	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Layia heterotricha pale-yellow layia	None/None G2/S2 1B.1	Cismontane woodland, coastal scrub, pinyon and juniper woodland, valley and foothill grassland. Alkaline or clay soils; open areas. 90-1800 m. annual herb. Blooms Mar-Jun	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Lepidium virginicum var. robinsonii Robinson's pepper-grass	None/None G5T3/S3 4.3	Chaparral, coastal scrub. Dry soils, shrubland. 4-1435 m. annual herb. Blooms Jan-Jul	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Lonicera subspicata var. subspicata Santa Barbara honeysuckle	None/None G5T2?/S2? 1B.2	Chaparral, cismontane woodland, coastal scrub. 5-825 m. perennial evergreen shrub. Blooms May-Aug(Dec-Feb)	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Micropus amphibolus Mt. Diablo cottonweed	None/None G3G4/S3S4 3.2	Valley and foothill grassland, cismontane woodland, chaparral, broadleafed upland forest. Bare, grassy or rocky slopes. 45-825 m. annual herb. Blooms Mar-May	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Mimulus subsecundus one-sided monkeyflower	None/None G3G4Q/S3S4 4.3	Lower montane coniferous forest, chaparral. One site states: "on rock talus outcrop, south-facing slope, in herbaceous community. 450-915 m. annual herb. Blooms May-Jul	Not Expected	Study area is out of the elevation range for this species. The CNDDB does not document the species within 5-miles of the study area.
Monardella hypoleuca ssp. hypoleuca white-veined monardella	None/None G4T3/S3 1B.3	Chaparral, cismontane woodland. Dry slopes. 50-1280 m. perennial herb. Blooms (Apr)May-Aug(Sep-Dec)	Not Expected	Although one CNDDB record (1969) exists approximately 5 miles southwest of the study area, the species prefers dry and undisturbed slopes. No suitable habitat present. Not observed during the field survey.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Monardella sinuata ssp. sinuata southern curly-leaved monardella	None/None G3T2/S2 1B.2	Coastal dunes, coastal scrub, chaparral, cismontane woodland. Sandy soils. 20-305 m. annual herb. Blooms Apr-Sep	Not Expected	Although, multiple CNDDB records (2009-2012) exist approximately 3 miles north of the study area, species prefers dry and undisturbed slopes. No suitable habitat present. Not observed during the field survey.
Mucronea californica California spineflower	None/None G3/S3 4.2	Chaparral, cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland. Sandy soil. 0-1400 m. annual herb. Blooms Mar-Jul(Aug)	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Nasturtium gambelii Gambel's water cress	Endangered/ Threatened G1/S1 1B.1	Marshes and swamps. Freshwater and brackish marshes at the margins of lakes and along streams, in or just above the water level. 5-330 m. perennial rhizomatous herb. Blooms Apr-Oct	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Ophioglossum californicum California adder's-tongue	None/None G4/S4 4.2	Chaparral, vernal pool areas, valley and foothill grassland. Grassy pastures, vernal pool margins, chaparral. Mesic sites. 60-525 m. perennial rhizomatous herb. Blooms (Dec)Jan-Jun	Not Expected	No suitable habitat found within the study area. Not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Phacelia hubbyi Hubby's phacelia	None/None G4/S4 4.2	Chaparral, coastal scrub, valley and foothill grassland. Gravelly, rocky areas and talus slopes. 0-1000 m. annual herb. Blooms Apr-Jul	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Phacelia ramosissima var. austrolitoralis south coast branching phacelia	None/None G5?T3/S3 3.2	Chaparral, coastal scrub, coastal dunes, coastal salt marsh. Sandy, sometimes rocky sites. 5-300 m. perennial herb. Blooms Mar-Aug	Not Expected	Marginally suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Prunus fasciculata var. punctata sand almond	None/None G5T4/S4 4.3	Chaparral, coastal scrub, cismontane woodland, coastal dunes. Sandy flats. 15-200 m. perennial deciduous shrub. Blooms Mar-Apr	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Sanicula hoffmannii Hoffmann's sanicle	None/None G3/S3 4.3	Broadleafed upland forest, coastal scrub, coastal bluff scrub, chaparral, cismontane woodland, lower montane coniferous forest. Cool slopes in deep soil, often in moist shaded serpentine soils, or in clay soils. 30-300 m. perennial herb. Blooms Mar-May	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Scrophularia atrata black-flowered figwort	None/None G2?/S2? 1B.2	Closed-cone coniferous forest, chaparral, coastal dunes, coastal scrub, riparian scrub. Sand, diatomaceous shales, and soils derived from other parent material; around swales and in sand dunes. 10-445 m. perennial herb. Blooms Mar-Jul	Low Potential	Two CNDDB records (1954, 1962) approximately 4.5 miles southwest of the study area as well as multiple Calflora records (1984, 1987) adjacent to the Santa Ynez River watershed. Adjacent habitat provides marginally suitable riparian scrub. Disturbed sandy soils present. Low value habitat within project site and not observed during the field survey.
Senecio aphanactis chaparral ragwort	None/None G3/S2 2B.2	Chaparral, cismontane woodland, coastal scrub. Drying alkaline flats. 20-855 m. annual herb. Blooms Jan-Apr(May)	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Thelypteris puberula var. sonorensis Sonoran maiden fern	None/None G5T3/S2 2B.2	Meadows and seeps. Along streams, seepage areas. 60-930 m. perennial rhizomatous herb. Blooms Jan-Sep	Not Expected	No suitable habitat present; not observed during the field survey. The CNDDB does not document the species within 5-miles of the study area.
Invertebrates				
Ammopelmatus muwu Point Conception jerusalem cricket	None/None G1/S1	Coastal dunes at Point Conception.	Not Expected	No suitable habitat present; not observed during the field survey.
Bombus caliginosus obscure bumble bee	None/None G4?/S1S2	Coastal areas from Santa Barbara County to north to Washington state. Food plant genera include Baccharis, Cirsium, Lupinus, Lotus, Grindelia and Phacelia.	Not Expected	CNDDB species record within a 5-mile radius of the study area. *Baccharis* genera present in and adjacent to the study area providing suitable habitat. However, the project site provides no habitat.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Branchinecta lynchi vernal pool fairy shrimp	Threatened/ None G3/S3	Endemic to the grasslands of the Central Valley, Central Coast mountains, and South Coast mountains, in astatic rain-filled pools. Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	Not Expected	No vernal pools present within the study area.
Danaus plexippus pop. 1 monarch - California overwintering population	None/None G4T2T3/S2S3	Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby.	Not Expected	Coast live oak trees present in and adjacent to the study area. Marginally suitable habitat due to large agricultural area with lack of nectar sources. Not observed during the field survey.
Trimerotropis occulens Lompoc grasshopper	None/None G1G2/S1S2	Known only from Santa Barbara and San Luis Obispo counties.	Not Expected	No CNDDB records documented in the study area.
Fish				
Eucyclogobius newberryi tidewater goby	Endangered/ None G3/S3 SSC	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River. Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen levels.	Not Expected	No suitable habitat present; not observed during the field survey.
Gasterosteus aculeatus williamsoni unarmored threespine stickleback	Endangered/ Endangered G5T1/S1 FP	Weedy pools, backwaters, and among emergent vegetation at the stream edge in small Southern California streams. Cool (<24 C), clear water with abundant vegetation.	Not Expected	No suitable habitat present; not observed during the field survey.
Oncorhynchus mykiss irideus pop. 10 steelhead - southern California DPS	Endangered/ None G5T1Q/S1	Federal listing refers to populations from Santa Maria River south to southern extent of range (San Mateo Creek in San Diego County). Southern steelhead likely has greater physiological tolerances to warmer water and more variable conditions.	Not Expected	Not expected within the project site due to lask of stream habitat. A small portion of the study area is within southern California DPS critical habitat; however, not expected to encounter this species as no activities will be conducted in standing or flowing water. Not observed during the field survey.
Amphibians				

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Ambystoma californiense California tiger salamander	Endangered/ Threatened G2G3/S2S3 WL	Central Valley DPS federally listed as threatened. Santa Barbara and Sonoma counties DPS federally listed as endangered. Need underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding.	Not Expected to Low Potential	Species has been documented by the CNDDB within 2 miles of the study area along the north side of the Santa Ynez River. No vernal pools present in the study area; Adjacent habitat is marginally suitable and low value habitat present in the project site.
Rana boylii foothill yellow-legged frog	None/ Candidate Threatened G3/S3 SSC	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Needs at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis.	Not Expected	No suitable habitat present; not observed during the field survey.
Rana draytonii California red-legged frog	Threatened/ None G2G3/S2S3 SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	Low potential	Marginally suitable habitat and no PCE's present within the project site. Not observed during the field survey. Critical habitat is located within 5 miles.
Spea hammondii western spadefoot	None/None G3/S3 SSC	Occurs primarily in grassland habitats, but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying.	Low potential	Species has been documented by the CNDDB within 5 miles of the study area. The project site does not contain essential grassland vernal pool habitat.
Taricha torosa Coast range newt	None/None G4/S4 SSC	Coastal drainages from Mendocino County to San Diego County. Lives in terrestrial habitats & will migrate over 1 km to breed in ponds, reservoirs & slow moving streams.	Not Expected	Species has not been documented by the CNDDB within 5 miles of the study area. No suitable habitat present; not observed during the field survey.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Reptiles				
Anniella pulchra northern California legless lizard	None/None G3/S3 SSC	Sandy or loose loamy soils under sparse vegetation. Soil moisture is essential. They prefer soils with high moisture content.	Low Potential	CNDDB species record within a 2-mile radius of the study area. Study area contains disturbed soils providing marginally suitable habitat. Project site does not support suitable habitat. Not observed during the field survey.
Emys marmorata western pond turtle	None/None G3G4/S3 SSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	Moderate Potential	No CNDDB occurrences within 5-miles of the study area. However, the Santa Ynez River provides suitable habitat for the species.. No suitable habitat present in the project area; not observed during the field survey.
Phrynosoma blainvillii coast horned lizard	None/None G3G4/S3S4 SSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	Low Potential	Marginally suitable habitat present within the project site due to agriculture operations. Not observed during the field survey. More suitable habitat in the adjacent river. No CNDDB occurrences within 5-miles of the study area.
Salvadora hexalepis virgultea coast patch-nosed snake	None/None G5T4/S2S3 SSC	Brushy or shrubby vegetation in coastal Southern California. Require small mammal burrows for refuge and overwintering sites.	Not Expected	Species has not been documented by the CNDDB within 5-miles of the study area. No suitable habitat present; not observed during the field survey.
Thamnophis hammondii two-striped gartersnake	None/None G4/S3S4 SSC	Coastal California from vicinity of Salinas to northwest Baja California. From sea to about 7,000 ft elevation. Highly aquatic, found in or near permanent fresh water. Often along streams with rocky beds and riparian growth.	Not Expected	Permanent fresh water is not present within the study area. No CNDDB occurrences within 5-miles of the study area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Birds				
Agelaius tricolor tricolored blackbird	None/ Threatened G2G3/S1S2 SSC	Highly colonial species, most numerous in Central Valley & vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	Not Expected	No suitable habitat in project site. Adjacent habitat provides marginally suitable nesting and foraging habitat. Not observed during the field survey. No CNDDB occurrences within 5-miles of the study area.
Aimophila ruficeps canescens southern California rufous-crowned sparrow	None/None G5T3/S3 WL	Resident in Southern California coastal sage scrub and sparse mixed chaparral. Frequents relatively steep, often rocky hillsides with grass and forb patches.	Not Expected	Suitable habitat is not present in the study area. Species has not been documented by the CNDDB within a five-mile radius of the study area.
Buteo regalis ferruginous hawk	None/None G4/S3S4 WL	Open grasslands, sagebrush flats, desert scrub, low foothills and fringes of pinyon and juniper habitats. Eats mostly lagomorphs, ground squirrels, and mice. Population trends may follow lagomorph population cycles.	Not Expected	No suitable habitat in project site. Adjacent habitat provides marginally suitable nesting and foraging habitat. Not observed during the field survey. No CNDDB occurrences within 5-miles of the study area.
Empidonax traillii extimus southwestern willow flycatcher	Endangered/ Endangered G5T2/S1	Riparian woodlands in Southern California.	Low Potential	The species has been documented by the CNDDB within 4-miles of the project site. Adjacent habitat associated with the Santa Ynez River provides suitable foraging habitat; although, not observed during the field survey. The project site contains low value habitat for the species.
Falco peregrinus anatum American peregrine falcon	Delisted/ Delisted G4T4/S3S4 FP	Near wetlands, lakes, rivers, or other water; on cliffs, banks, dunes, mounds; also, human-made structures. Nest consists of a scrape or a depression or ledge in an open site.	Not Expected	The CNDDB has not documented the species within the study area. Adjacent habitat provides marginally suitable nesting and foraging habitat. No suitable habitat in project site. Not observed during the field survey.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Icteria virens yellow-breasted chat	None/None G5/S3 SSC	Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, wild grape; forages and nests within 10 ft of ground.	Low Potential	The CNDDB does not document this species in the study area. However, the species has been documented along the Santa Ynez River (Lehman 2020). The study area has marginally suitable habitat, no dense riparian vegetation present. The species may occur transiting the project site but is not likely to nest in the project site.
Progne subis purple martin	None/None G5/S3 SSC	Inhabits woodlands, low elevation coniferous forest of Douglas-fir, ponderosa pine, and Monterey pine. Nests in old woodpecker cavities mostly; also in human-made structures. Nest often located in tall, isolated tree/snag.	Not Expected	The study area does not provide suitable habitat. Not observed during the field survey. No CNDDB occurrences within 5-miles of the study area.
Setophaga petechia yellow warbler	None/None G5/S3S4	Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada. Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.	Low Potential	The CNDDB does not document this species in the study area. However, the species has been documented along the Santa Ynez River (Lehman 2020). Migrants may occur in the study area but the project site does not contain suitable habitat for breeding.
Vireo bellii pusillus least Bell's vireo	Endangered/ Endangered G5T2/S2	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 ft. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, mesquite.	Low Potential	Adjacent habitat provides suitable foraging habitat and low value nesting habitat; not observed during the field survey. No suitable habitat in project site. No CNDDB occurrences within 5-miles of the study area.
Mammals				
Antrozous pallidus pallid bat	None/None G5/S3 SSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Not Expected	No suitable habitat in project site. The study area provides marginally suitable roosting and foraging habitat. Not observed during the field survey. No CNDDB occurrences within 5-miles of the study area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Corynorhinus townsendii Townsend's big-eared bat	None/None G3G4/S2 SSC	Throughout California in a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Not Expected	The study area does not provide suitable habitat. Not observed during the field survey. No CNDDB occurrences within 5-miles of the study area.
Lasionycteris noctivagans silver-haired bat	None/None G5/S3S4	Primarily a coastal and montane forest dweller, feeding over streams, ponds & open brushy areas. Roosts in hollow trees, beneath exfoliating bark, abandoned woodpecker holes, and rarely under rocks. Needs drinking water.	Not Expected	The CNDDB has not documented the species within the study area. No suitable roosting or foraging habitat present; not observed during the field survey.
Lasiurus blossevillii western red bat	None/None G5/S3 SSC	Roosts primarily in trees, 2-40 ft above ground, from sea level up through mixed conifer forests. Prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.	Not Expected	The CNDDB has not documented the species within the study area. No suitable roosting or foraging habitat present; not observed during the field survey.
Lasiurus cinereus hoary bat	None/None G5/S4	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	Not Expected	The CNDDB has not documented the species within the study area. No suitable roosting or foraging habitat present; not observed during the field survey.
Myotis yumanensis Yuma myotis	None/None G5/S4	Optimal habitats are open forests and woodlands with sources of water over which to feed. Distribution is closely tied to bodies of water. Maternity colonies in caves, mines, buildings or crevices.	Not Expected	The CNDDB has not documented the species within the study area. No suitable roosting or foraging habitat present; not observed during the field survey.
Neotoma lepida intermedia San Diego desert woodrat	None/None G5T3T4/S3S4 SSC	Coastal scrub of Southern California from San Diego County to San Luis Obispo County. Moderate to dense canopies preferred. They are particularly abundant in rock outcrops, rocky cliffs, and slopes.	Not Expected	The CNDDB has not documented the species within the study area. No suitable habitat present; not observed during the field survey.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Site	Habitat Suitability/ Observations
Taxidea taxus American badger	None/None G5/S3 SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	Not Expected	Species has been documented by the CNDDB within 3 miles of the study area. The study area, did not have sign or suitably sized burrows indicating the presence of this species during the field survey.

Regional Vicinity refers to within a [5] mile radius of site (CDFW 2018b).

FT = Federally Threatened
FC = Federal Candidate Species
FE = Federally Endangered
FS=Federally Sensitive
SE = State Endangered
ST = State Threatened
SR = State Rare
SS = State Sensitive
SCT = State Candidate Endangered
SCE = State Candidate Threatened
G-Rank/S-Rank = Global Rank and State Rank as per NatureServe and CDFW's CNDDB RareFind3
SC = CDFW Species of Special Concern
FP = Fully Protected

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Appendix E

Wildlife Movement Plan

Wildlife Movement Plan

This Biological Resources Report (BRA) was prepared pursuant to the *Santa Barbara County LUDC 35.42.075 - Cannabis Regulations*. The purpose of this Wildlife Movement Plan (WMP) is to describe and analyze the design and extent of proposed and existing fencing around the project site in relation to surrounding opportunities for wildlife migration.

Description of Proposed and Existing Fencing

An existing six-ft fence comprised of no-climb mesh wire with three-inch openings surrounds the entire cultivation area. Along the north and northeastern portion of the cultivation area, a natural berm is existing between the existing fence and riparian area associated with the Santa Ynez River. In some areas along the Santa Ynez River, a 100-ft buffer or greater exists between the edge of riparian vegetation and existing cultivation. Within the 100-ft buffer, 50-ft of outdoor cannabis cultivation is proposed. Along the northeastern portion of the cultivation area there is less than a 100-ft buffer, and in this area, a 10-ft visual stream avoidance buffer is proposed. The stream avoidance buffer will be comprised of 7-ft tall T-posts with an attached cable to restrict access to the riparian area associated with the Santa Ynez River.

Figure 3 in this BRA depicts the project site plan, including the location of the existing fence line and proposed visual buffer fencing.

Analysis of Project Fencing in Relation to Wildlife Movement

No mapped wildlife movement corridors are present within the study area, nor is it located within an Essential Connectivity Area (ECA), as mapped in the report *California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California* (Spencer et al. 2010). The project site itself, which occupies much of the study area, lacks the features (such as water sources or native vegetation) that would make it attractive either as breeding habitat or a wildlife movement route. The northern portion of the study area consists of riparian habitat associated with the Santa Ynez River that could provide suitable small-scale wildlife movement corridors and be important in linking non-contiguous or fragmented wildlife habitats.

The stream avoidance buffer fencing proposed for the northeastern end of this project will consist of T-post and single cable fencing that will not prevent the passage of any wildlife and will only serve as a visual aid to ensure that project activities do not occur within areas where there is less than 100-ft of combined riparian buffer. Wildlife movement through the Santa Ynez River or the associated riparian habitat will not be inhibited by proposed project fencing.

The existing six-ft fence and natural berm surrounding the project site minimize the potential for wildlife to enter the project site and instead encourage use of the Santa Ynez River and adjacent riparian areas for wildlife movement. The existing fence line does not create any isolated patches of native habitat for wildlife and the project site does not function as a means of connecting two or more isolated wildlife areas at a regional level.

The proposed project will not introduce any new barriers to movement of any resident or migratory fish or wildlife species; nor will it deteriorate any existing fish or wildlife habitat. Based on the literature review and field survey performed as part of the BRA, the project site does not have a high presence of special status wildlife species. The existing wildlife-friendly fencing allows passage

of the smallest wildlife species while excluding larger animals from entering the project site and encouraging their passage through the adjacent riparian areas associated with the Santa Ynez River. The proposed project is in compliance with local conservation and biological resources protection polices, thereby reducing potential impacts to wildlife movement associated with project activities. The proposed project additionally complies with local requirements regarding lighting of cultivation sites and would therefore not impact wildlife movement due to artificial lighting.

Additional Wildlife Movement Avoidance and Minimization Measures

The proposed project is considered routine cultivation activities and would not substantially interfere with wildlife movement on a local or regional scale or considerably reduce opportunities for wildlife movement. However, to avoid impacts to sensitive wildlife species that may be present on site the following additional avoidance and minimization measures shall be implemented:

BIO-1 Wildlife Movement Plan

- The northern access road, adjacent to the Santa Ynez River should not be used 5 days prior to and 5 days after rain events.
- No pets should be allowed at the project site during cultivation/staging activities.
- Pallets or secondary containment areas for chemicals, drums, or bagged materials shall be used. Should material spills occur, materials and/or contaminants should be cleaned up appropriately.
- All vehicles and equipment shall be in good working condition and free of leaks.
- Cultivation/staging work, with the exception of spraying inside hoop structures, shall be restricted to daylight hours (7:00 AM to 9:00 PM) to avoid impacts to nocturnal and crepuscular (dawn and dusk activity period) species.
- Sensitive natural communities and jurisdictional drainages shall establish appropriate minimum riparian setbacks based on the SWRCB Cannabis General Order and County requirements.
- If any special status wildlife species are observed on site during cultivation/staging activities, the animal shall be allowed to safely leave the site on its own accord. If the individual is listed by the state and/or federal government(s) and remains in the work area, CDFW and/or USFWS should be contacted to ensure proper action.
- Erosion control and landscaping specifications shall allow only natural-fiber, biodegradable meshes and coir rolls, (i.e., no plastic-mesh temporary erosion control measures) to prevent impacts to the environment and to fish and terrestrial wildlife.
- Activities adjacent to the Santa Ynez River should implement best management practices, such as dust control and protecting construction materials from stormwater runoff and ensure accumulated soil and debris does not enter the Santa Ynez River.
- The existing fencing should be periodically checked for maintenance and verify they are capped to limit nesting birds.
- Site runoff has been engineered to not drain into Santa Ynez River. The cultivation areas are designed to retain water with any excess percolating into the ground.
- If rodenticides or other pesticides are used, they shall be wildlife-friendly to the extent feasible to avoid adverse mobilization effects through the food chain. The development and implementation of a Pest Management Plan shall include the techniques, proposed, use, storage and application of pesticides, herbicides, and rodenticides.

- During project activities, all trash that may attract predators should be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.
- No project lighting will occur adjacent to Santa Ynez River.

BIO-2 Consultation with USFWS

Informal consultation with USFWS is recommended to confirm *no effect* and/or *may affect, but not likely to adversely affect* determination(s) for California red-legged frog, LBVI, and SWFL. Consultation outcome should be documented and recommendations from the USFWS should be implemented.

BIO-3 Workers Environmental Awareness Program

All personnel associated with the project shall attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to assist workers in recognizing special status biological resources with the potential to occur in the project site. This training will include information about California red-legged frog, western spadefoot, Northern California legless lizard, western pond turtle, Blainville's horned lizard, protected nesting birds including SWFL and LBVI, special status plants, sensitive habitats, jurisdictional waters, as well as other special status species potentially occurring in the project site.

The specifics of this program will include identification of special status species and habitats, a description of the regulatory status and general ecological characteristics of special status resources, and review of the limits of construction and measures required to avoid and minimize impacts to biological resources within the project site. A fact sheet conveying this information will also be prepared for distribution to all employees, and other personnel involved with construction of the project. All employees will sign a form provided by the trainer documenting they attended the WEAP and understand the information presented. A supervising employee will be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special status species. If new personnel are added to the project, the supervising employee will ensure the new personnel receive the WEAP training before starting work. In addition, all WEAP materials will be readily available for reference during work hours.

While encounters with special status species are not likely or anticipated, any worker who inadvertently injures or kills a special status species or finds one dead, injured, or entrapped should immediately report the incident to the employee responsible for WEAP trainings. The employee should immediately notify USFWS and/or CDFW within five working days of the incident.

BIO-4 Seasonal Avoidance

The project is considered routine cultivation activities and does not propose vegetation removal or ground disturbance that is not associated with ongoing cultivation activities. Routine maintenance may occur annually or bi-annually which includes the removal and installation of hoop structure covers (plastic covers). The following seasonal avoidance should be incorporated during maintenance activities:

AQUATIC AND SEMI-AQUATIC SPECIES AVOIDANCE

To avoid the dispersal period for California red-legged frog and other aquatic or semi-aquatic species, maintenance activities, including non-emergency driving along the access road adjacent to

the Santa Ynez River, shall be minimized 5 days prior to and 5 days after rain events, or conducted when ponded or flowing water is absent. If maintenance activities must occur during the rainy period or when ponded or flowing water is present, a qualified biological monitor familiar with special status aquatic or semi-aquatic wildlife species with potential to occur in the project site shall conduct a clearance survey to ensure special status species are not present. If any individuals of California red-legged frog or western pond turtle are observed, work within 100 ft of the observation will stop until USFWS and/or CDFW is(are) contacted and a course of action is determined.

AVIAN NESTING AVOIDANCE

During the nesting bird season (generally February 1 through August 31), changes in routine operations should not occur within 100 ft of riparian areas, this includes the removal of hoop structure covers, and road maintenance. If changes in routine operations occur during the nesting season, then a pre-construction nesting bird survey should be conducted no more than seven days prior to initiation of those activities. The nesting bird pre-construction survey should be conducted on foot inside the project footprint, including a 100-ft buffer around the project site, including access roads (300-ft for raptors), and using binoculars to the extent practicable. The survey should be conducted by a biologist familiar with the identification of avian species known to occur in southern California. If nests are found, an avoidance buffer (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) should be determined and demarcated by the biologist with bright orange construction fencing, flagging, or other means to mark the boundary. All personnel should be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No changes in routine activities should occur inside this buffer until a qualified avian biologist has confirmed breeding/ nesting is completed, and the young have fledged the nest.

BIO-5 Buffer Avoidance

The 100-ft of buffer along Santa Ynez River will include 50-ft of cannabis cultivation not in hoop houses. Where more than 50-ft exists, that larger area will continue to exist and is 100-ft or greater in some locations. Parking, vehicle maintenance, storage and other such uses will not occur in these setback areas and should include berming and other appropriate methods to prevent runoff from entering Santa Ynez River. A section of the northeastern end of the project site has less than 100-ft of setback and will have a 10-ft buffer to limit potential debris from entering the riparian area of the Santa Ynez River. Additionally, vehicular use has been revised to minimize use of areas adjacent to Santa Ynez River, in particular where there is less than 100-ft of combined setback at the northeastern end of the project site.

The following mitigation measure is recommended (adapted from and in compliance with the FEIR for the Program).

BIO-6 (FEIR MM HWR-1) Cannabis General Order

The Cannabis General Order includes regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers. The law requires that cannabis cultivators provide evidence of compliance with the SWRCB Requirements (or certification by the appropriate SWRCB stating a permit is not necessary) as part of their application for a California Department of Food and Agriculture (CDFA) cannabis cultivation license.

- **Timing.** The applicant shall provide the Planning and Development Department (P&D) staff evidence of compliance with the SWRCB Requirements (or certification by the appropriate Water Board stating a permit is not necessary) prior to issuance of any applicable permit by the P&D staff and issuance of a license by the County.
- **Monitoring and Reporting.** P&D Permit Compliance ensure compliance through review of license applications and site inspections as needed in compliance with the Cannabis Policy and Cannabis General Order.

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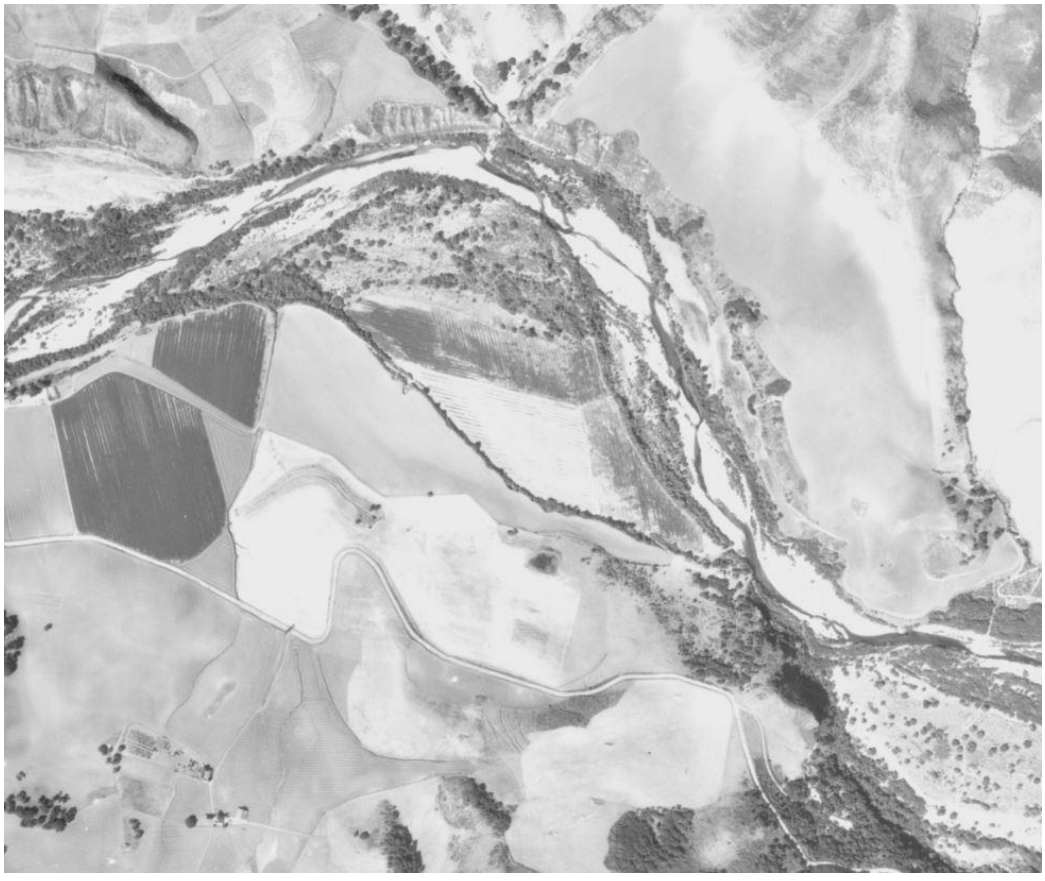
Appendix F

Hydrological Overview and Potential Impact Assessment (Kear Groundwater 2020)

Appendix G

Historical Imagery

Photograph 1. Historic imagery of proejct site; March 11, 1928 (UCSB 2020)

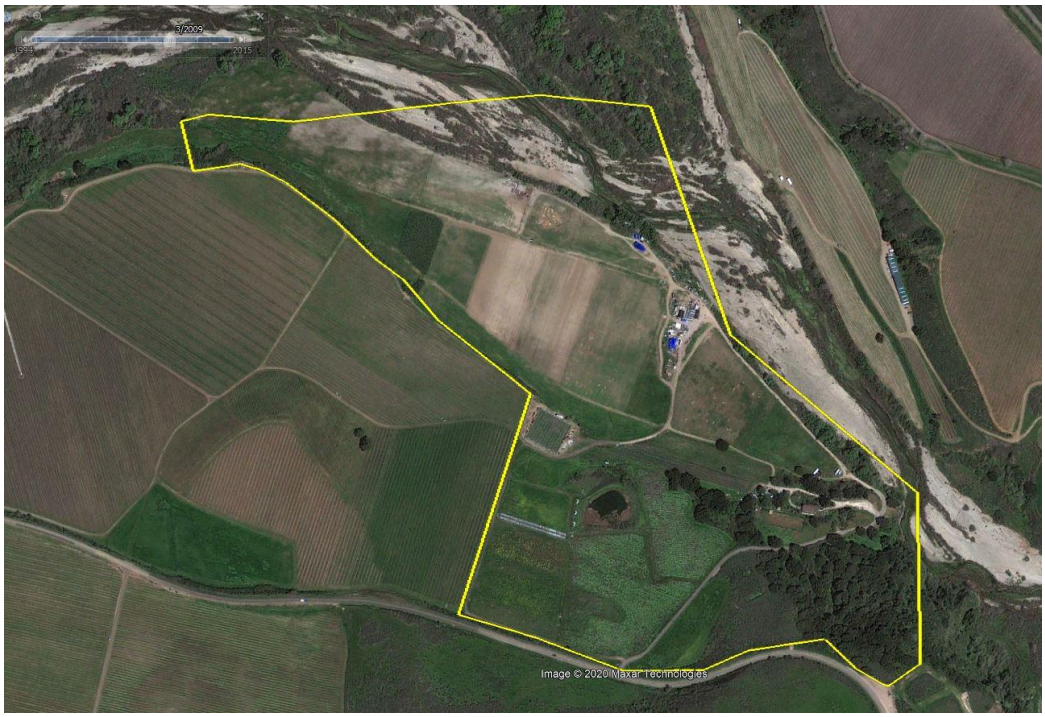


Photograph 2. Historic imagery of proejct site; January 1, 1943 (UCSB 2020)

Photograph 3. Historic imagery of proejct site; February 20, 1954 (UCSB 2020)

Photograph 4. Historic imagery of proejct site; January 5, 1968 (UCSB 2020)

Photograph 5. Historic imagery of proejct site; January 26, 1969 (UCSB 2020)



Photograph 6. Historic imagery of proejct site; March 9, 2009 (Google 2020)

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Attachment 3 –
Attachment 2 Board of Supervisors Findings for Approval and Statement of Overriding Consideration Cannabis Land Use Ordinances dated February 6, 2018

ATTACHMENT 2

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 4 –

Hydrologic Overview and Potential Impact Assessment, dated January 21 2020

KG18-0422

TO: Matt Allen

FROM: Kear Groundwater
P.O. Box 2601
Santa Barbara, CA 93120-2601

DATE: January 21, 2020

SUBJECT: *Hydrologic Overview and Potential Impact Assessment*
5645 Santa Rosa Road, Vicinity Lompoc/Buellton, Santa Barbara County, CA

Dear Mr. Allen,

This memorandum provides a summary of Kear Groundwater's (KG) hydrogeologic evaluation and review of potential riparian impacts due to groundwater usage for cannabis cultivation by Central Coast Agriculture, LLC (Central Coast) at the 5645 Santa Rosa Road property (APN 083-150-013) along the Santa Ynez River between Buellton and Lompoc, Santa Barbara County. Figure 1 presents the location of the parcel and the shallow alluvial well used for cultivation.

Our objective was to perform a review of available hydrogeologic information and existing on-parcel groundwater resources, as well as to evaluate the potential hydrologic impacts on nearby water quality, aquatic habitat, riparian habitat, wetlands, and springs, as related to the diversion of water associated with cannabis cultivation, in compliance with the State Water Resources Control Board's (SWRCB) Cannabis Cultivation Policy per the California Water Code (Section 13149). SWRCB and the Department of Fish and Wildlife (DFW) may apply these requirements to groundwater extractions (as is the case herein) where determined to be reasonably necessary. For this assessment, we reviewed publicly-available data and gathered site-specific information relating to the surface/subsurface flow regimes along the Santa Ynez River system (including Lake Cachuma releases) and its local fluvial geomorphology, in addition to details on well characteristics/production rates and the intended cultivation operations.

SWRCB defines groundwater as any water found beneath Earth's surface; however, there is a distinction between "percolating groundwater" in a groundwater basin versus groundwater that

acts as a "subterranean stream" flowing within a known and defined channel.

Based on our review, we conclude that while the existing well extracts from a shallow alluvial aquifer that may be classified as part of the "subterranean stream" of the Santa Ynez River flow system, water usage for cannabis cultivation at 5645 Santa Rosa Road is negligible within the larger flow system and will not "substantially affect instream flows" from the baseline condition.

A summary of our efforts, findings, conclusions, and more detailed recommendations follows.

Existing On-Property Well for Cannabis Cultivation

There is one operational shallow groundwater well used for cannabis cultivation at the 5645 Santa Rosa Road property (Photo 1). The shallow well produces groundwater from unconsolidated sand and gravel alluvial aquifers that are, at least in part, in hydraulic connection with the Santa Ynez River flow system.

Per the available well record (Photo 2), Floyd Wells drilled the shallow alluvial well in 2006 as an 18-inch-diameter borehole to 80 ft bgs. The drillers reportedly equipped the well with a 12-inch-diameter, SDR-21 PVC casing to 80 ft bgs and perforations from 10 to 60 ft. Floyd Wells filled the annular space with an unspecified gravel pack from 80 ft up to 22 ft, followed by the cement sanitary seal from 22 ft up to ground surface, despite the shallow top of perforations (this is a common anomaly as a 22-ft deep conductor casing may have been used). The wellhead elevation is approximately 231 ft AMSL and is about 250 lateral ft at its closest point to the main Santa Ynez River channel (as measured via Google Earth).

The operational capacity and schedule for the well during a typical year is described in the "Cannabis Cultivation Operations and Groundwater Demand" section, below.

Photo 1. The shallow alluvial water well at 5645 Santa Rosa Road.

Work Investigation Record

Date 8/23/04

Well Site #:

Casing Information

Type: Steel ☐ PVC ☒ Other ☐

Class/Gage/NSF: SDR 21

ASTM#:

Diameter: 12" Total Depth: 80'

Casing Schedule

0' - 80' = Blank
60 - 80 = Screen
60 - 80 = Blank

Borehole

Total Depth of Well: 80'

Annular Seal Depth: 22'

Well Bore Diameter: 18"

Sealing Material: 6 sack cement

Amount: ≈ 1 yard

Method of Pour: Pump

Use of Tremie: yes

Driller(s): Floyd V. Wells

Photo 2. Shallow alluvial well record.

Hydrogeologic Overview

The 100.92-total-acre 5645 Santa Rosa Road property is situated within the Santa Ynez Valley, just south of the westward-draining Santa Ynez River between the Santa Rita Hills in the north and the Santa Ynez Mountains in the south (Figure 2 for watershed map). The subject parcel appears to be almost entirely within the delineated Santa Ynez River Valley Groundwater Basin ("Santa Ynez Basin," California Dept. of Water Resources, Bulletin 118, Basin No. 3-15), excluding the parcel's higher-elevation, southwestern corner. Specifically, the 5645 Santa Rosa Road property is within the Santa Ynez River Alluvial Corridor/Sub-Basin (SYRAB), between the up-gradient Buellton Uplands Sub-Basin (BUB) and the down-gradient Lompoc sub-basins.

The Santa Ynez Basin is bounded by the Pacific Ocean on the west and by the consolidated/semi-permeable rocks that form the Santa Ynez Mountains to the south, the San Rafael Mountains to the northeast, and the Purisima Hills to the northwest. Groundwater aquifers are stored in unconsolidated alluvial deposits (SYRAB) and in the older sedimentary formations (primarily the semi-consolidated Orcutt Formation, Paso Robles Formation, and Careaga Sandstone, especially where fractured). The SYRAB and the BUB are generally separated by the Santa Ynez River Fault Zone (mapped as a separate limb from the larger Santa Ynez Fault). Local groundwater aquifers around the parcel are principally comprised of the unconsolidated alluvium deposits as well as the secondary fractures of the older bedrock formations.

Santa Barbara County Water Agency's (SBCWA) Groundwater Basins Status Report (2014), more detailed than SBCWA's most recent (August 2019) Summary Report, estimates an annual extraction of 1000 acre-ft from the SYRAB with around 90,000 acre-ft usable groundwater in storage (1.11% of total storage extracted annually). At the BUB, the County estimates an annual extraction of 2000 acre-ft with around 154,000 acre-ft usable groundwater in storage (1.30% of total storage extracted annually). An additional 800 acre-ft (annually) of estimated groundwater surplus from the BUB would conceptually recharge the SYRAB as underflow. Other groundwater sub-basins of the larger Santa Ynez Basin include the Santa Ynez Uplands (with 11,000 acre-ft annual extraction and 900,000 acre-ft estimated storage), and the Lompoc

Uplands/Plain/Terrace Basins (with 28,000 acre-ft annual extraction and 170,000 acre-ft estimated storage).

Groundwater within the SYRAB is managed in accordance subject to water rights agreements (Decision 89-18) so as to protect downstream water rights from Bradbury Dam. Therefore, downstream water levels fluctuate less in response to climate-related trends and more so to water available according to the Decision.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) of 2014 is a three-bill package (AB 1739, SB 1168, and SB 1319) that sets the framework for statewide long-term sustainable groundwater management by local authorities. SGMA requires the formation of new groundwater sustainability agencies (GSAs) tasked with assessing the conditions in their local basins and adopting locally-based sustainable management plans. SGMA provides local GSAs with tools and authority to (1) require registration of groundwater wells, (2) measure and manage extractions (including limiting the amount of water pumped by individual well owners), (3) require reports and assess fees, and (4) request revisions of basin boundaries, including establishing new sub-basins. GSAs responsible for high- and medium-priority basins must adopt long-term groundwater sustainability plans (GSPs) by 2022 (or 2020 if in overdraft). Plans will be evaluated every five years. GSAs have until 2040 to achieve groundwater sustainability.

Via the California Statewide Groundwater Elevation Monitoring (CASGEM), the DWR ranks the 204,642-acre Santa Ynez Basin as a medium-priority basin, with some overdraft and groundwater quality impairments as noted impacts. The Santa Ynez Basin has been divided into three management areas, known as the "Eastern Management Area," "Central Management Area," and the "Western Management Area." Each management area will have its own GSP. The 5645 Santa Rosa Road parcel is within the Western Management Area. The Western Management Area GSA includes the Santa Ynez River Water Conservation District (SYRWCD), the SBCWA, the City of Lompoc, Vandenberg Village Community Services District (VVCSD),

and the Mission Hills Community Services District (MHCSD). The SYRWCD is a public agency formed in 1939 to protect/preserve local water rights/supplies of the Santa Ynez/Lompoc Valleys.

Hydrostratigraphy

The Santa Ynez River Valley is filled in the low-lying basins with Quaternary-aged alluvium of fluvial origin, with sediment derived from the weathering and erosion of the surrounding mountains. Alluvial deposits are comprised of an unconsolidated mixture of gravels, sands, silts, and clays of various thicknesses. Groundwater is stored in coarser-grained aquifers separated by finer-grained aquitards. Alluvium is generally separated into recent, active (Holocene-aged, Qa) and older, dissected (Pleistocene-aged, Qoa) terrace deposits. Alluvial deposits reach a maximum thickness of around 150 ft within the SYRAB before gradually thinning toward the foothills and becoming either too thin or unsaturated for sustained groundwater development.

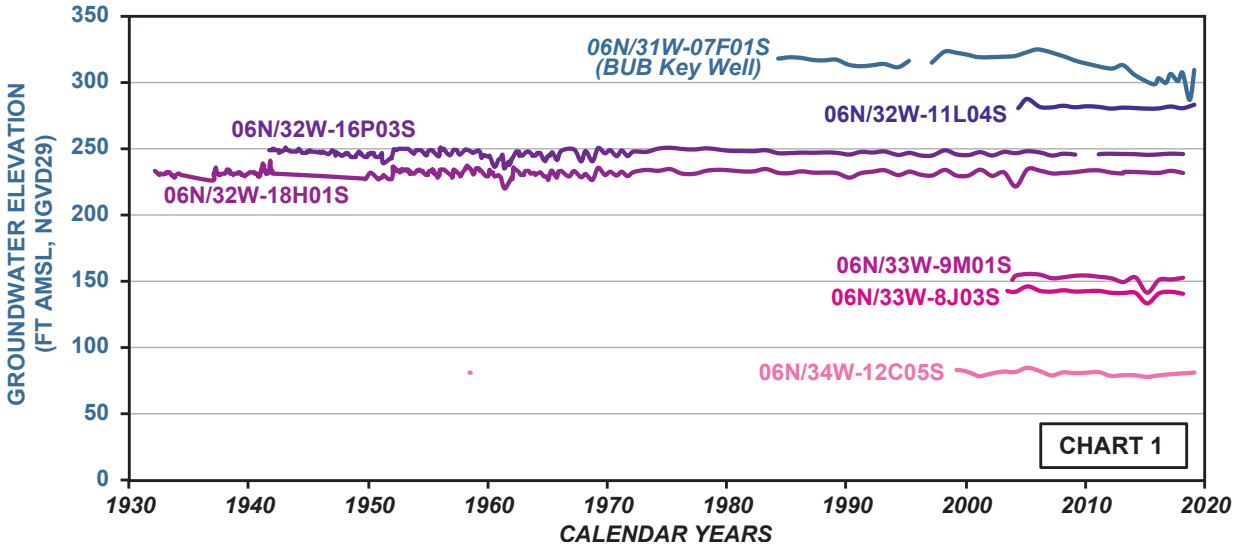
Around the 5645 Santa Rosa Road parcel, basin fill sediments are unconformably underlain by older, Tertiary-aged sedimentary and volcanic formations, including, from youngest to oldest (all Miocene-aged and marine-deposited) the Monterey Shale (Tm; including its more siliceous lower member, Tml), the Tranquillon Volcanic Formation (Ttb), and the Rincon Shale (Tr). Younger sedimentary units are exposed in the northern foothills of the Santa Ynez Valley and include the Plio-Pleistocene-aged nonmarine (Paso Robles Formation, QTp) and Pliocene-aged marine sediment (Careaga Sandstone, Tca).

Groundwater Recharge and Levels

Recharge to local aquifers is derived from percolation of precipitation, irrigation return flow, seepage from streams and rivers, and subsurface inflow. Precipitation at the parcel averages 18 to 20 inches annually but reaches over 30 inches along the nearby ridge tops (Figure 3 for annual rainfall isohyets). Per the Federal Emergency Management Agency's (FEMA) National Flood Hazard Layer (NFHL), the 100-year (1% annual chance) flood hazard zone follows the Santa Ynez River channel and the lower-lying, northern two-thirds (roughly) of the property.

Surface water moves westward along the Santa Ynez River system before reaching the Lompoc sub-groundwater basins or discharging into the Pacific Ocean. Groundwater flows generally east to west, parallel to the Santa Ynez River flow regime, with some localized water table depressions in high pumping zones (such as by the northern part of the Lompoc Plain with municipal supply wells for the City of Lompoc). Water levels within the Central Management Area have historically remained stable with minimal declines (SBCWA, 2019).

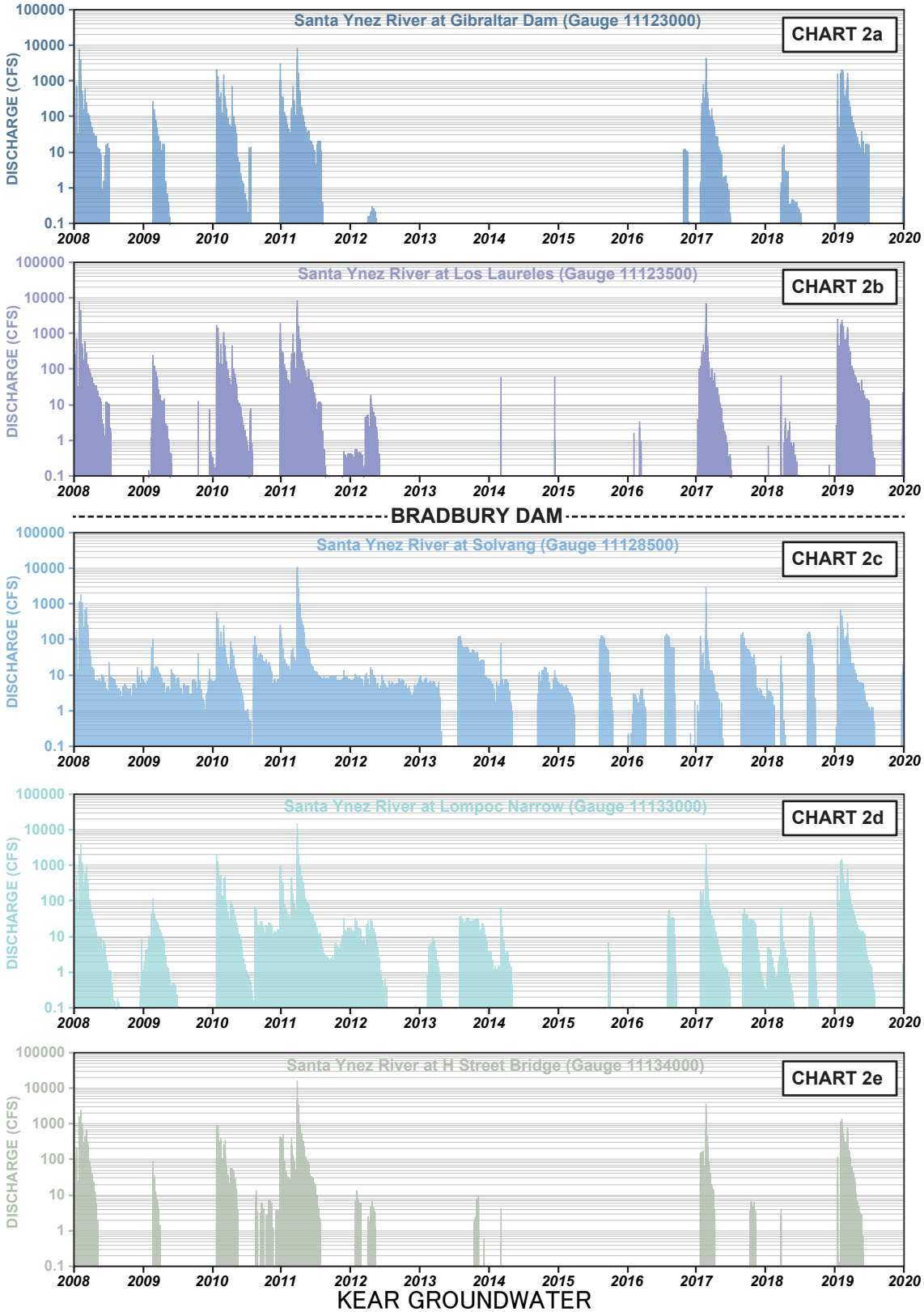
Available hydrographs from local groundwater wells (via the United States Geological Survey's [USGS] National Well Information System) reflect the fairly stable local water levels over the last many decades (Chart 1; Figure 2 for well locations). Level data are available from 1984 to present at the key well within the BUB, the reportedly 633-ft-deep assigned State Well Number 06N/31W-07F01S. The water level has ranged from as shallow as about 60 ft bgs in 2006 to as deep as about 87 ft bgs during the drought in 2015 (a recent measurement, in October 2018, was nearly 100 ft bgs but is still provisional, and the level recovered back to about 76 ft bgs by March 2019). Along the SYRAB, actively-monitored wells with long-term records include those assigned State Well Numbers 06N/32W-11L04S, -16P03S, -18H01S, 06N/33W-08J03S, -09M01S, and 06N/34W-12C05S, demonstrating historically stable water levels between around 30 and 60 ft bgs with well depths (where reported) as shallow as 50 ft and as deep as 162 ft bgs.



Santa Ynez River Surface Water Flow Regime

The 92-mile-long Santa Ynez River drains a nearly 900-square-mile area from east to west across the Santa Ynez Valley. Dams impound its flow into reservoirs, largely for water supply purposes, at three locations: from upstream to downstream, Jameson Lake behind Juncal Dam (constructed 1930), Gibraltar Reservoir behind Gibraltar Dam (constructed 1920), and Lake Cachuma behind the Bradbury Dam (constructed 1950-53). Stream discharge along the majority of the Santa Ynez River is controlled by Lake Cachuma operations. Reportedly, the Santa Ynez River had the largest run of steelhead in Southern California prior to dam constructions (CDFW, 2013). Its watershed is generally divided into lower and upper sub-basins relative to the dam.

In addition to numerous precipitation stations, Santa Barbara County's Flood Control District (SBFCD) and the USGS currently maintain automated river/stream gauges within the County (Figure 3 for gauge locations). There are four gauges with continuous/long-term records along the Santa Ynez River: from upstream to downstream, Gibraltar Dam Outflow (USGS 11123000) [Chart 2a], Los Laureles, above Lake Cachuma (USGS 11123500) [Chart 2b], Solvang (USGS 11128500) [Chart 2c], and Lompoc Narrows (USGS 11133000) [Chart 2d]. Each gauge records the stream discharge (flow), water temperature, gauge height, specific conductance, and dissolved oxygen every 15 minutes. Additional daily discharge records are available at other gauges, including at the H Street bridge in Lompoc (USGS 11134000) [Chart 2e]. A stream flow gauge along Santa Rita Valley Creek (USGS 11131700) recorded peak annual streamflows from 1976 to 2006.



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Lake Cachuma Inflows and Outflows

The United States Bureau of Reclamation (USBR) constructed the 279-ft-tall earthen Bradbury Dam between 1950 and 1953, as part of its Cachuma Project to store excess Santa Ynez River discharge. Lake Cachuma filled for the first time by 1958. The reservoir's maximum storage capacity is 193,305 acre-ft (currently around 139,492 acre-ft, or 72.2% filled, up from around 30% filled prior to the previous [2018-2019] wet winter) [Chart 3a]. Approximately 10% of its storage capacity has been lost due to silt accumulation behind the Dam (SBFCD, 2016). At the Dam's base, the Santa Ynez River's elevation is around 560 ft AMSL. The spillway elevation is 753 ft AMSL (actually spills at 750 ft but is surcharged to 753 ft for fish release). A recent (21-Jan-2020) reservoir surface elevation is 733.63 ft AMSL, available via the SBCWA at http://www.countyofsb.org/uploadedFiles/pwd/Content/Water/Documents/rainfallreport.pdf.

The USBR provides daily summaries on the reservoir's elevation, storage, inflows, and outflows.

Inflow into Lake Cachuma occurs via (1) the Santa Ynez River runoff [Chart 3b], (2) precipitation directly on the reservoir surface [Chart 3c], and (3) the State Water Project through the Central Coast Water Authority (CCWA) [Chart 3d]. Inflow to the Lake from the River is calculated as the sum of the storage change, releases, and evaporation minus contributions from the CCWA and direct precipitation.

Outflow from Lake Cachuma occurs via (1) the Tecolote Tunnel, for delivery to the Cities of Santa Barbara, Goleta, Montecito, Summerland, and Carpinteria through the South Coast Conduit [Chart 4a], (2) continuously pumped water to Hilton Creek as required by the National Marine Fisheries Service for steelhead trout [Chart 4b], (3) generally annual, late-summer controlled outlet releases from the Tunnel to the Santa Ynez River, including subject to Decision 89-18 [Chart 4c], (4) the spillway when the maximum storage capacity is exceeded (most recently in March 2011) [Chart 4d], and (5) evaporation [Chart 4e]. The region's arid climate results in evaporation losses around 16,000 acre-ft per year (SBFCD, 2016).

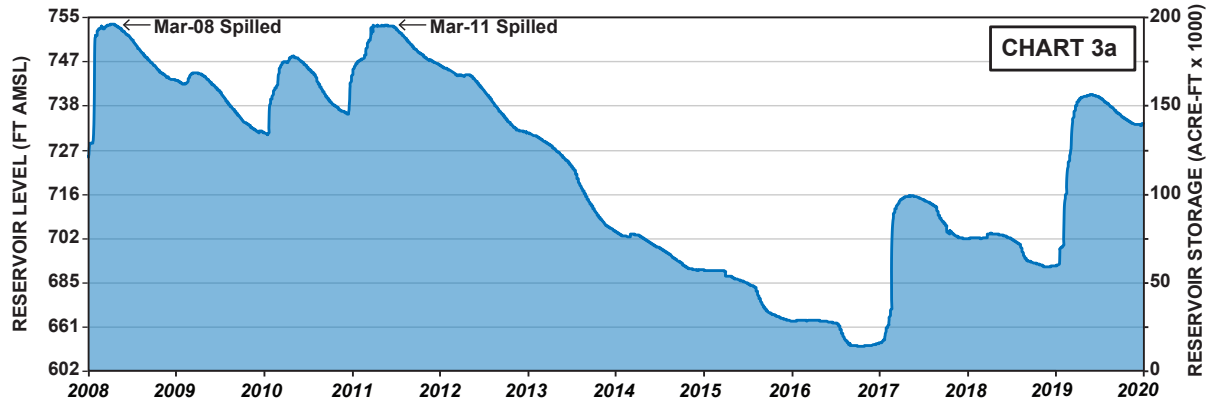
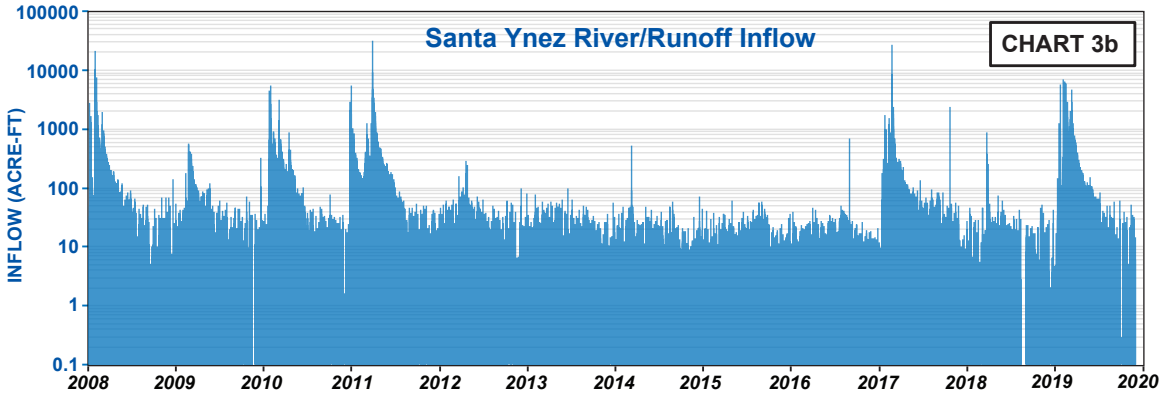
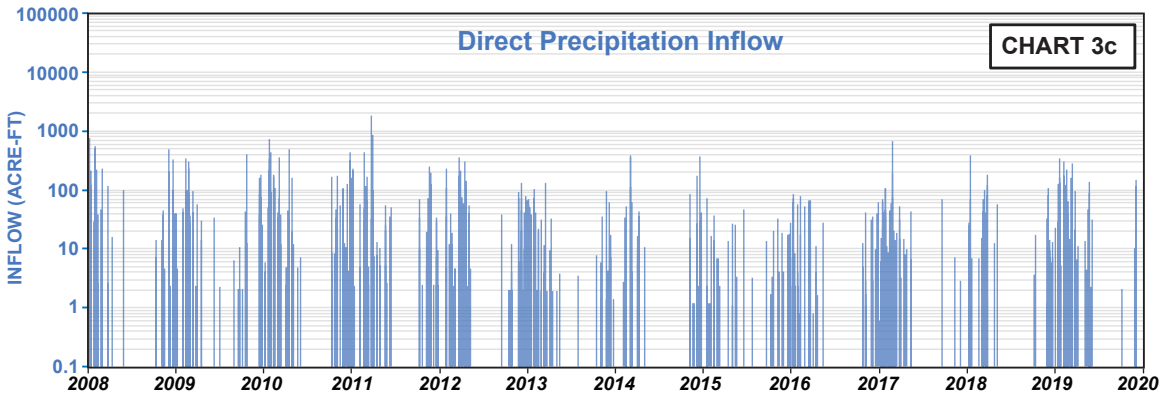
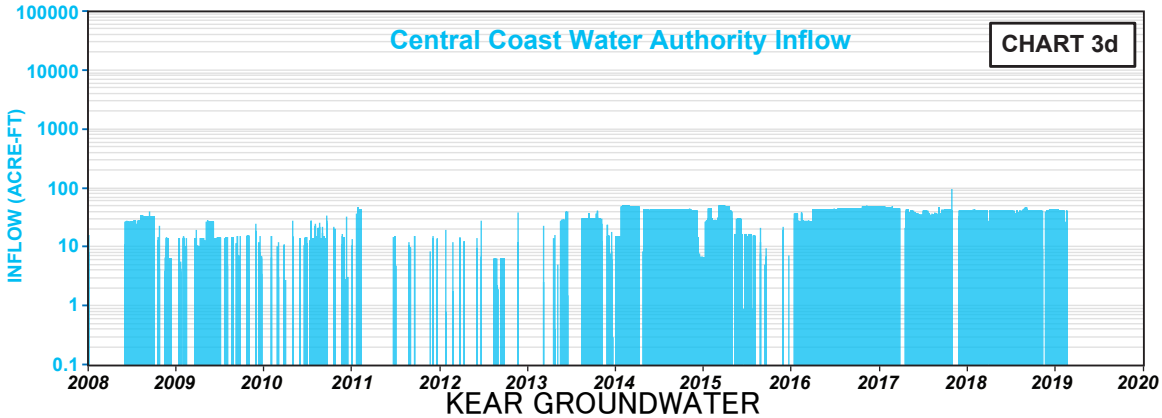
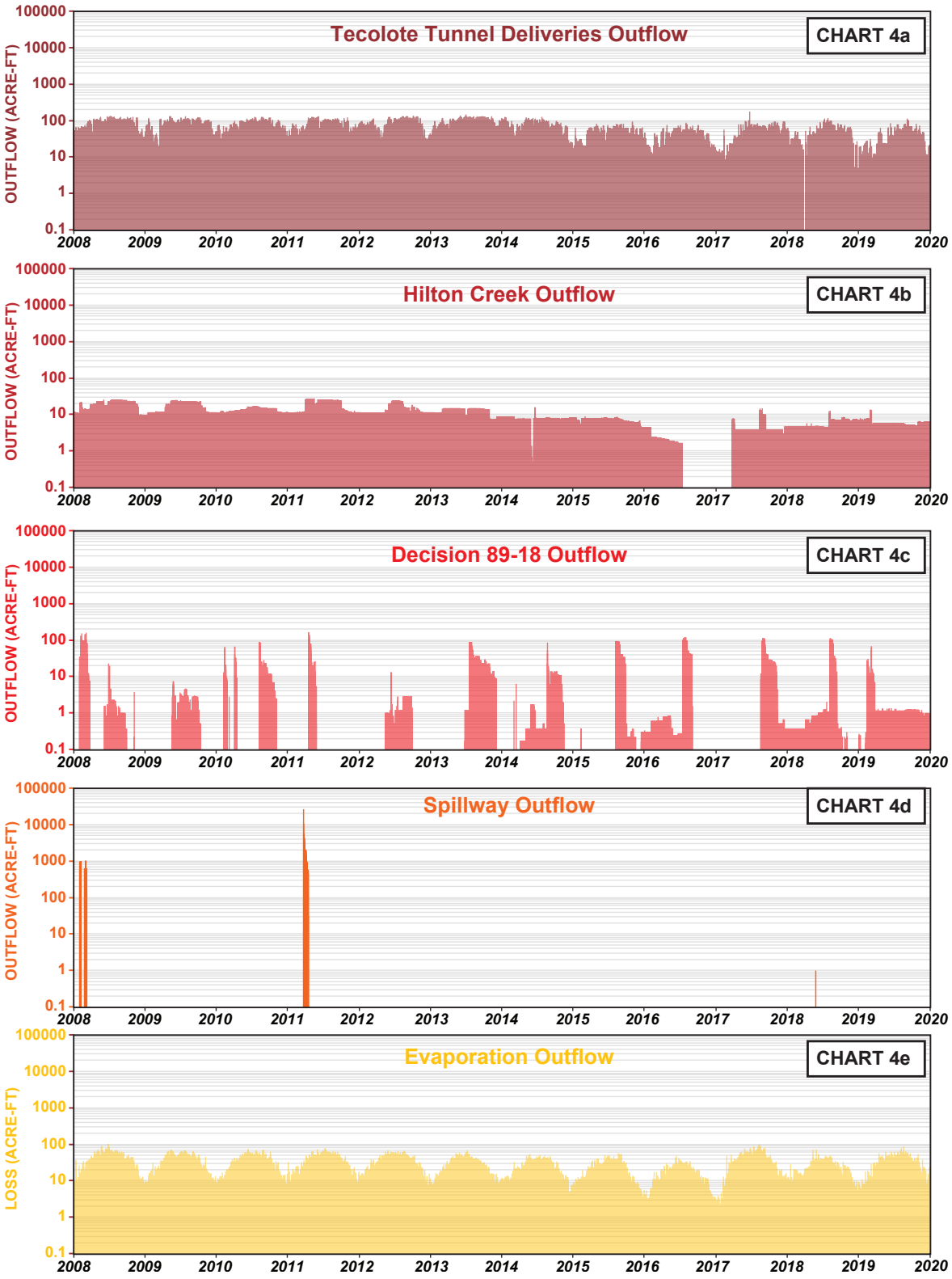


CHART 3a
Mar-08 Spilled
Mar-11 Spilled
RESERVOIR LEVEL (FT AMSL)
RESERVOIR STORAGE (ACRE-FT x 1000)
755
747
738
727
716
702
685
661
602
200
150
100
50
0
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020


Santa Ynez River/Runoff Inflow
CHART 3b
INFLOW (ACRE-FT)
100000
10000
1000
100
10
1
0.1
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020


Direct Precipitation Inflow
CHART 3c
INFLOW (ACRE-FT)
100000
10000
1000
100
10
1
0.1
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020


Central Coast Water Authority Inflow
CHART 3d
INFLOW (ACRE-FT)
100000
10000
1000
100
10
1
0.1
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020



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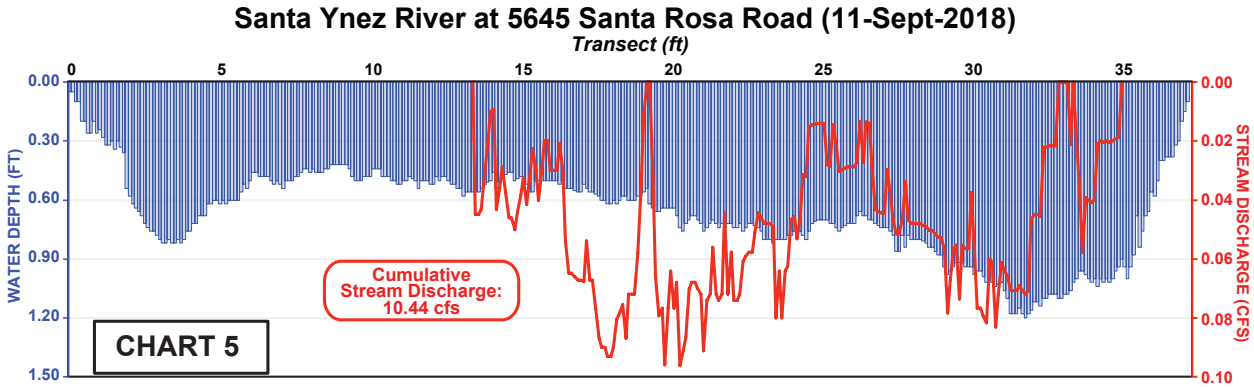
The Santa Ynez River Hydrology Model, first developed by the SBCWA in 1979, estimates the following average annual values for surface water budgets at Lake Cachuma. During the 1918-1993 simulation period, the model estimates a total of 85,768 acre-ft of annual inflows, with 74,171 acre-ft from runoff, 7663 acre-ft from the CCWA, and 3934 acre-ft from direct precipitation. The model estimates 85,672 acre-ft total outflow, with 11,066 acre-ft to evaporation, 35,350 acre-ft to spills/leakage, 23,053 acre-ft to deliveries (not including an additional 2050 acre-ft lost to infiltration along the Tecolote Tunnel), 5819 acre-ft to Decision 89-18 releases, 2721 acre-ft to fish/habitat releases, and finally 7663 net acre-ft to other State Water Project deliveries (City of Solvang Master Plan EIR, 2012).

Local River Geomorphology

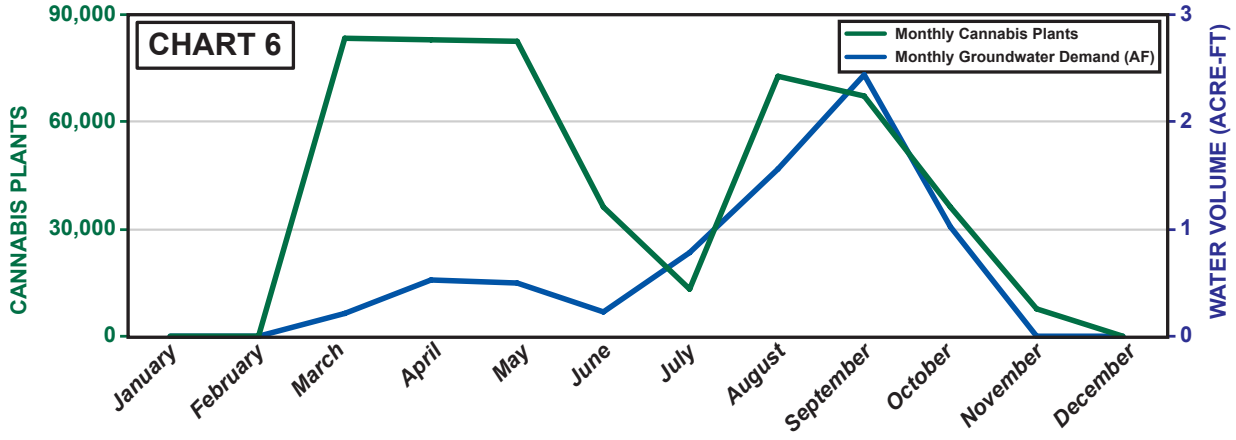
On September 11, 2018, KG measured the stream discharge across an approximately 38-ft-long transect of the Santa Ynez River (Figure 1 for transect location). KG measured the water depth and linear velocity (with a flow probe) at one-tenth-ft increments along the transect, in general agreement with the methods employed by the USGS on open-channel flow measurements. Discharge (in cubic ft per second, cfs) is estimated by multiplying the three parameters together: water depth (ft) x width (ft) x velocity (ft/sec). At the 5645 Santa Rosa Road property on September 11, 2018, KG estimated about 10.44 cfs stream discharge within the Santa Ynez River around 3:30 to 4:30PM (Chart 5), in good general agreement with data from the local USGS stream gage near Solvang (7.5 and 10.6 cfs during the day of September 11, 2018).



Cannabis Cultivation Operations and Groundwater Demand

Cannabis is planted from March through November at the 5645 Santa Rosa Road property. Plants are harvested twice a year under outdoor canopies and six times a year under indoor canopies. Groundwater pumping generally occurs in the daytime hours. Plants are primarily irrigated with low-volume drip/micro-sprinkler methods. Per the SWRCB's Electronic Water Rights Information Management System (eWRIMS), no recordation of surface water diversion exists at the 5645 Santa Rosa Road property.

Chart 6 presents the month-by-month summary of cannabis plants and water demand at 5645 Santa Rosa Road during the 2019 calendar year. The total number of plants peaked in the spring (about 83,000 plants per month in March, April, and May) and late summer (about 73,000 plants in August and 67,500 plants in September), with a mid-summer nadir (about 13,500 plants in July). The total annual demand was about 7.316 acre-ft for cannabis cultivation, entirely supplied as groundwater from the shallow well. The maximum monthly water demand for cannabis cultivation occurred in September with 2.451 acre-ft, which equates to a maximum instantaneous groundwater demand at 5645 Santa Rosa Road of about 18 gpm during that month. Actual operational capacities are higher but for shorter pump durations at the shallow well.



Conclusions

KG has found that alluvial groundwater extraction for cannabis cultivation at 5645 Santa Rosa Road is unlikely to "substantially affect instream flows" along the local reaches of the Santa Ynez River. This finding is based on:

(1) the surface flow regime downstream of Bradbury Dam is overwhelmingly controlled by the Decision 89-18 water releases.
(2) the parcel overlies the Santa Ynez River Alluvial Corridor groundwater sub-basin, where groundwater levels have been historically stable and the SBCWA (2014) recently estimated only 1.11% extracted of the total usable groundwater (about 90,000 acre-ft).
(3) the 100.92-total-acre parcel covers about 1% of the total surface area of the sub-basin.

Please do not hesitate to contact us with any questions.

Best Regards,

Jordan Kear
Principal Hydrogeologist
Professional Geologist No. 6960
California Certified Hydrogeologist No. 749

Timothy Becker
Professional Geologist No. 9589

References

Upson, J.E. and Thomasson, H.G. (**1951**), Geology and water resources of the Santa Ynez River Basin, Santa Barbara County, California: United States Geological Survey Water-Supply Paper 1107.

Dibblee, T.W., and Ehrenspeck, H.E., ed. (**1988**), Geologic map of the Santa Rosa Hills and Sacate quadrangles, Santa Barbara County, California: Dibblee Geological Foundation, Dibblee Foundation Map DF-17.

Department of Water Resources (**2004**), Santa Ynez River Valley Groundwater Basin, Number 3-15, Central Coast Hydrologic Region: Bulletin 118.

Stetson Engineers Inc. (**2008**), Approach to delineate subterranean streams and determine potential streamflow depletion areas, Technical Memorandum: Policy for Maintaining Instream Flows in Northern California Coastal Streams.

City of Solvang (**2012**), Hydrology, Water Supply, and Water Quality: Water System Master Plan Update Environmental Impact Report, prepared by Meridian Consultants.

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Santa Barbara County Water Agency (**2014**), Groundwater Basins Status Report.

County of Santa Barbara, Water Resources Division, Flood Control District (**2016**), Hydrology Report, Precipitation, Rivers/Streams, & Reservoirs, Water-Year 2016.

Santa Ynez River Water Conservation District (**2017**), Santa Ynez River Valley Basin, Western Management Area Groundwater Sustainability Agency: Notice of Decision to Become GSA.

California State Water Resources Control Board (**2017**), Cannabis Cultivation Policy.

Santa Barbara County Water Agency (**2019**), Groundwater Basins Summary Report.

5645 Santa Rosa Rd Parcel
Groundwater Basins
100-Yr (1% Annual Chance) Flood Zone
Rivers, Streams, Creeks
Faults
Roads
On-Property Well for Cannabis Cultivation
Proximal Key USGS-Monitored Groundwater Wells

LEGEND

LOMPOC UPLANDS (SUB)BASIN

CITY OF LOMPOC

246

1

SANTA YNEZ RIVER ALLUVIAL CORRIDOR/ (SUB)BASIN

SANTA YNEZ RIVER FAULT ZONE

SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN

BUELLTON UPLANDS (SUB)BASIN

[-07F01S]

CITY OF BUELLTON

-12C05S

-8J03S

-9M01S

APN 083-150-013

-11L04S

-18H01S

-16P03S

Santa Ynez River

Santa Rosa Road

101

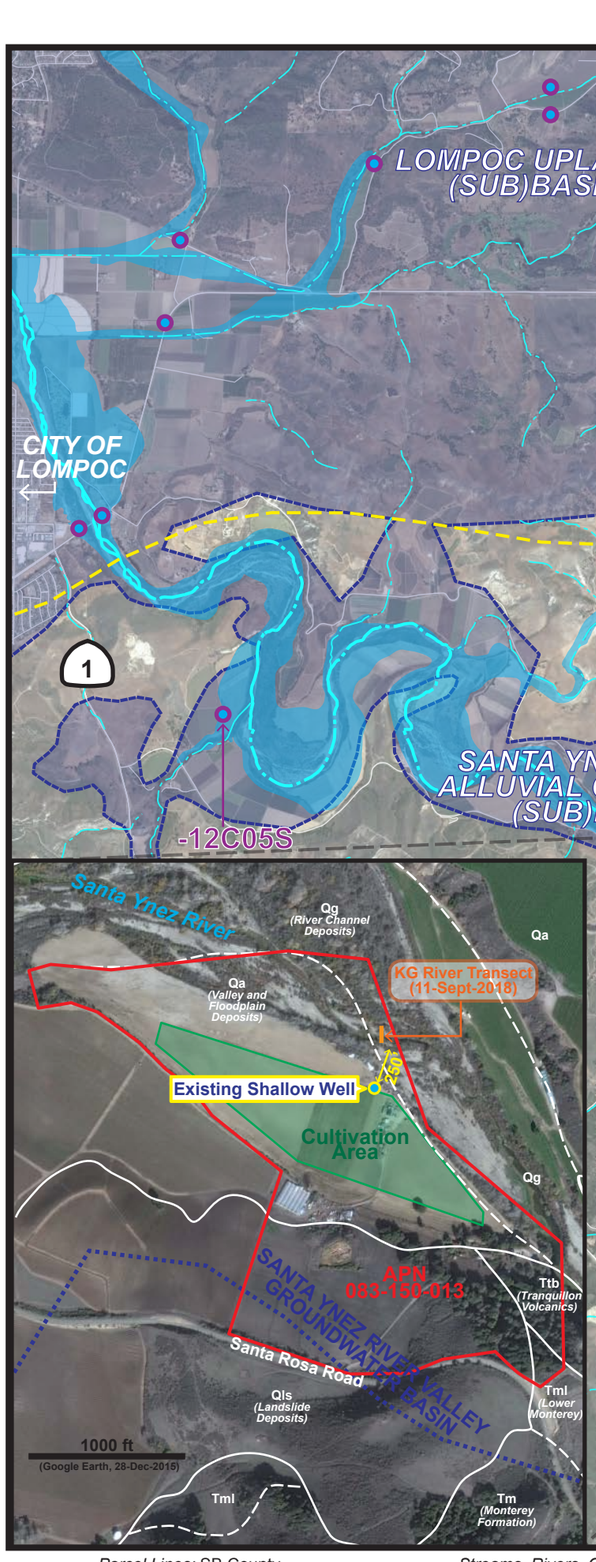


FIGURE 1

Central Coast Ag., LLC
5645 Santa Rosa Rd

KG18-0422

Aerial Map

KEAR GROUNDWATER

Parcel Lines: SB County
Groundwater Basins: DWR Bulletin 118
Aerial Image: Google Earth (11-Aug-2018)

Streams, Rivers, Creeks: USGS NHD
Flood Zone: FEMA NFHL
Faults: USGS EHP

0 1 2 Miles

N

5645 Santa Rosa Rd Parcel
Reservoirs and Lakes
Groundwater Basins
Watershed Boundaries
Santa Ynez Basin Western Management Area
Santa Barbara County Boundary
Rivers, Streams, Creeks
Faults
Major Roads
Proximal Key USGS-Monitored Groundwater Wells

LEGEND

CARRIZO PLAIN
SAN ANDREAS FAULT
SIERRA MADRE MOUNTAINS
CUYAMA VALLEY
SANTA MARIA VALLEY
CASMALIA HILLS
SOLOMON HILLS
SAN RAFAEL MOUNTAINS
SANTA YNEZ MOUNTAINS
PACIFIC OCEAN

166
33
246
101
154
1

-12C05S
-8J03S
-9M01S
-18H01S
-16P03S
-11L04S
-07F01S

Lompoc
Los Olivos
Buellton
Solvang
Santa Ynez
Santa Barbara

Lake Cachuma
Gibraltar Reservoir
Jameson Reservoir
Santa Ynez River

APN 083-150-013
Santa Ynez River Valley Groundwater Basin
Santa Ynez River Watershed

FIGURE 2

Central Coast Ag., LLC
5645 Santa Rosa Rd
KG18-0422
Watershed Map

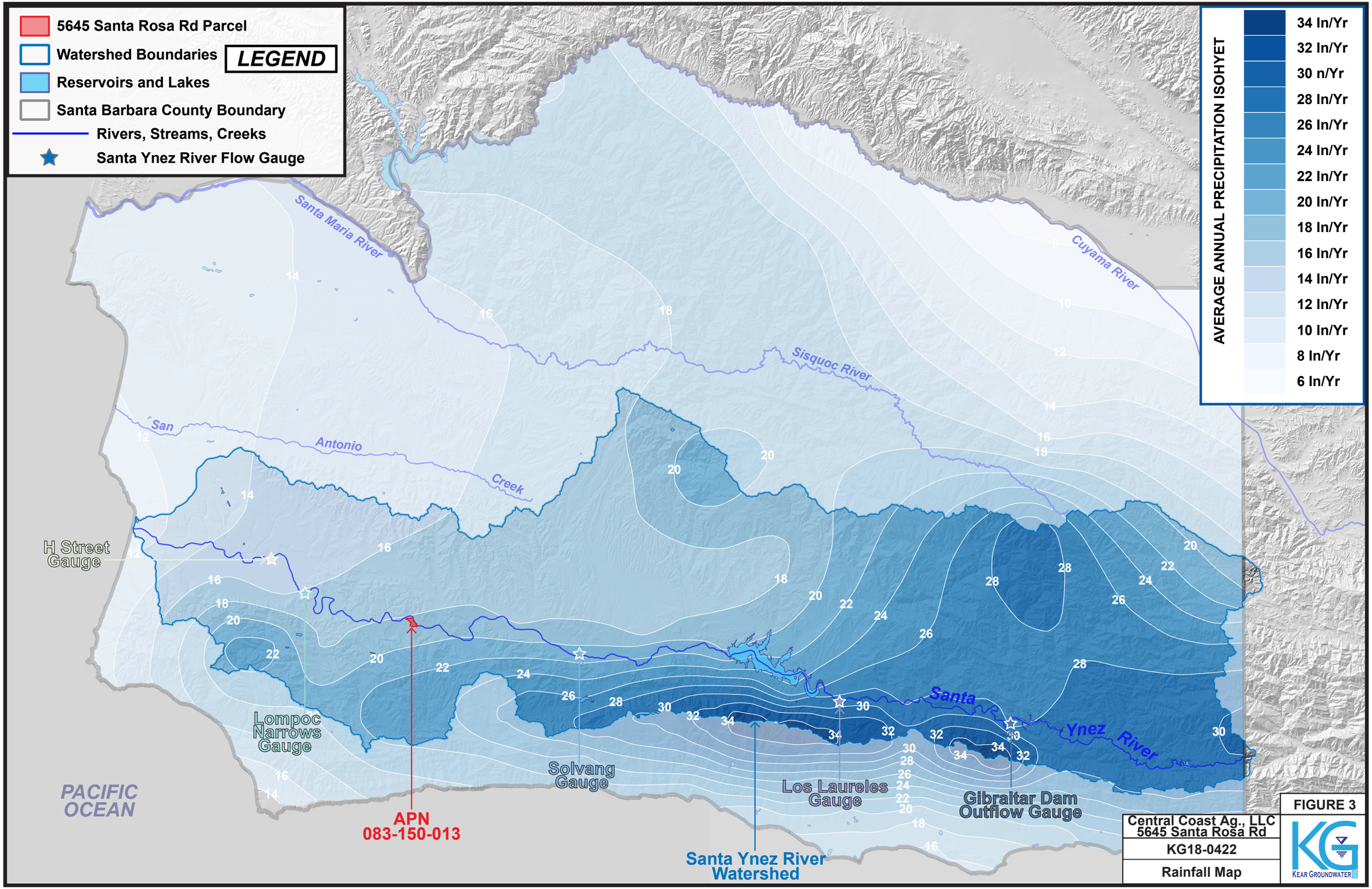
KEAR GROUNDWATER

Groundwater Basins: DWR Bulletin 118
Shaded Relief: Modified from USGS NED

Watersheds, Waterbodies: USGS NHD/WBD
Major Rivers & Streams: CDFW
Faults: USGS EHP

0 5 10 Miles

N



Rainfall Isohyets: SB County
Shaded Relief: Modified from USGS NED

Watersheds, Waterbodies: USGS NHD/WBD
Major Rivers, Creeks: CDFW
Stream Gauges: USGS

0 5 10 Miles

N

FIGURE 3

Central Coast Ag., LLC
5645 Santa Rosa Rd

KG18-0422

Rainfall Map

KEAR GROUNDWATER

Attachment 5 –

Water Memorandum dated January 24, 2022

CENTRAL COAST AGRICULTURE, INC.

85 W Hwy 246 #233, Buellton CA 93427

TELEPHONE: 818.317.8414
E-MAIL: lindsay@ccagriculture.com

Memo

Date: January 24, 2022

To: Gwen Beyler
County of Santa Barbara
Planning and Development
via email: gvonklan@co.santa-barbara.ca.us

Re: 19LUP-00000-00480 - Central Coast Ag Farming, LLC - Water Usage Memo - 5645 Santa Rosa Rd, Lompoc - APN 083-150-013

This memo serves to describe the historic and current water usage at the subject site in order to provide additional information regarding water resource availability for the proposed project. The project is located at 5645 Santa Rosa Rd in Lompoc ("Property"), and is located within the Santa Ynez River Valley Groundwater Basin.

Historically, the property has been planted with a variety of crops including organic tomatoes, squash, artichokes, lettuce, peppers, cabbage, carrots, onions, garlic, watermelons, and broccoli. The highest annual water demand for the existing agricultural well was approximately 120 AF to irrigate approximately 60 acres of pumpkins, tomatoes and peppers. Based on historical water usage and annual groundwater production reports with the Santa Ynez River Water Conservation District, from 2005 to 2015, the Property had an average historical water demand of 36 AFY.

TABLE 1: HISTORICAL PROPERTY WATER USAGE				
Year	**Pumped Water (Acre-Feet)**	**Planted Acres**	**Acre-Feet per Acre**	**Crop**
2005	51	30	1.70	Tomatoes
2006	36	30	1.20	Squash
2007	77.25	45	1.72	Artichokes, Tomato, Cabbage, Peppers
2008	90	100	0.90	Lettuce, Tomato, Peppers
2009	30	100	0.30	Cover Crop
2010	123	86	1.43	Pumpkin
2011	68.5	55	1.25	Tomato, Pumpkin, Squash
2012	36	30	1.20	Squash
2013	48	40	1.20	Squash
2014	119.2	81	1.47	Tomato, Broccoli, Squash, Carrots
2015	79.3	65	1.22	Asparagus, Cabbage, Fava Beans, Peas, Strawberries, Squash, Cannabis

Based on this historical water demand for the Property, the Property can support the proposed cannabis cultivation water demand. Water usage for the cannabis operation has been tracked and reported to the Santa Ynez River Water Conservation District since 2015. The average water demand for the cannabis operation since 2015 is 6.75 AFY which is a 84% decrease in the annual average water demand for the Property. This project does not exceed the County's Groundwater Thresholds for the Santa Ynez River Groundwater Basin.

The property is well situated to cultivate the proposed 24 acres of cannabis due to its overlying water rights, which can be substantiated based on historical water usage. Central Coast Agriculture, LLC proposed to cultivate 24 acres of outdoor cannabis. Water demand has been tracked and reported through the Santa Ynez River Water Conservation District over the past several years, including when cannabis was being cultivated as a legal nonconforming operation. Therefore the proposed maximum water demand of 15 AFY is a conservative estimate that represents a 60% decrease in historical water demand for the Property.

Several water efficiency measures have been incorporated into the project including drought tolerant landscaping, use of timed drip irrigation, placement of evaporative barriers on exposed soils, irrigation scheduling for leaching fraction and distribution uniformity, soil moisture monitoring, usage of hoop structures to reduce transpiration loss.