



## CEQA Referral Initial Study And Notice of Intent to Adopt a Mitigated Negative Declaration

**Date:** September 10, 2021

**To:** Distribution List (See Attachment A)

**From:** Jeremy Ballard, Associate Planner, Planning and Community Development

**Subject:** USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2020-0010 – STANCO FAMILY FARMS

**Comment Period:** September 10, 2021 – October 13, 2021

**Respond By:** October 13, 2021

**Public Hearing Date:** November 4, 2021

You may have previously received an Early Consultation Notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, Stanislaus County anticipates adopting a Mitigated Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Mitigated Negative Declaration.

All applicable project documents are available for review at: Stanislaus County Department of Planning and Community Development, 1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354. Please provide any additional comments to the above address or call us at (209) 525-6330 if you have any questions. Thank you.

**Applicant:** Mark McManis dba StanCo Family Farms

**Project Location:** Sullivan Road, abutting the California Aqueduct to the east and Merced County line to the south, in the Newman area

**APN:** 028-015-026

**Williamson Act Contract:** 1975-2058

**General Plan:** Agriculture

**Current Zoning:** A-2-40 (General Agriculture)

**Project Description:** Request to operate a commercial cannabis cultivation, nursery, and distribution operation on 3± acres in the northwest corner of a 35.8-acre parcel in the A-2-40 zoning district. The project proposes to construct a total of eight greenhouses, 3,920 square feet each in size, for a total of 23,040 square feet of nursery and cultivation canopy, and one 1,500 square-foot warehouse for processing activities solely for cannabis grown on-site. The warehouse building will also include an area for distribution activities associated with on-site cultivation and nursery production. Of the eight greenhouses, seven will be used for cultivation and one for nursery

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activities. The project site will be accessed via Sullivan Road by a private road and anticipates one vehicle trip per-day associated with supplies and distribution activities. The applicant anticipates up to five employees on a maximum shift, and hours of operation are proposed to be Monday through Friday 8:00 a.m. to 8:00 p.m. The site will be served by an existing well and will develop a private septic system.

Full document with attachments available for viewing at:  
<http://www.stancounty.com/planning/pl/act-projects.shtm>



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354  
 Planning Phone: (209) 525-6330 Fax: (209) 525-5911  
 Building Phone: (209) 525-6557 Fax: (209) 525-7759

**USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2020-0010 – STANCO FAMILY FARMS**

Attachment A

Distribution List

X	CA DEPT OF CONSERVATION Land Resources		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
X	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	STAN CO ERC
X	CEMETERY DISTRICT: HILLS FERRY	X	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
	CITY OF		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES/SANITARY DIST	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
X	COUNTY OF: MERCED	X	STAN CO SHERIFF
X	DER - GROUNDWATER RESOURCES DIVISION	X	STAN CO SUPERVISOR DIST 5: CONDIR
X	FIRE PROTECTION DIST: WEST STAN	X	STAN COUNTY COUNSEL
	GSA:		StanCOG
X	HOSPITAL DIST: WEST SIDE	X	STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: DEL PUERTO	X	STANISLAUS LAFCO
X	MOSQUITO DIST: TURLOCK	X	STATE OF CA SWRCB – DIV OF DRINKING WATER DIST. 10
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	SURROUNDING LAND OWNERS
	MUNICIPAL ADVISORY COUNCIL:	X	TELEPHONE COMPANY: AT&T
X	PACIFIC GAS & ELECTRIC		TRIBAL CONTACTS (CA Government Code §65352.3)
	POSTMASTER:		US ARMY CORPS OF ENGINEERS
	RAILROAD:		US FISH & WILDLIFE
X	SAN JOAQUIN VALLEY APCD		US MILITARY (SB 1462)
X	SCHOOL DIST 1: NEWMAN-CROWS LANDING UNIFIED		USDA NRCS
	SCHOOL DIST 2:		WATER DIST:
	WORKFORCE DEVELOPMENT	X	CA DEPARTMENT OF CANNABIS CONTROL
X	STAN CO AG COMMISSIONER	X	CA DEPARTMENT OF CONSUMER AFFAIRS – BUREAU OF CANNABIS CONTROL



## STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

**TO:** Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**FROM:** \_\_\_\_\_

**SUBJECT:** USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO.  
PLN2020-0010 – STANCO FAMILY FARMS

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- \_\_\_\_\_ Will not have a significant effect on the environment.  
\_\_\_\_\_ May have a significant effect on the environment.  
\_\_\_\_\_ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

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Response prepared by:

Name	Title	Date
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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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## CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020

1. **Project title:** Use Permit and Development Agreement Application No. PLN2020-0010 – Stanco Family Farms
2. **Lead agency name and address:** Stanislaus County Planning & Community Development Department  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Jeremy Ballard, Associate Planner
4. **Project location:** Sullivan Road, abutting the California Aqueduct to the east and Merced County line to the south, in the Newman area. APN: 028-015-026
5. **Project sponsor's name and address:** Mark McManis, StanCo Family Farms
6. **General Plan designation:** Agriculture
7. **Zoning:** General Agriculture (A-2-40)
8. **Description of project:**

Request to operate a commercial cannabis cultivation, nursery, and distribution operation on 3± acres in the northwest corner of a 35.8-acre parcel in the A-2-40 zoning district. The project proposes to construct a total of eight greenhouses, 3,920 square feet each in size, for a total of 23,040 square feet of nursery and cultivation canopy, and one 1,500 square-foot warehouse for processing activities solely for cannabis grown on-site. The warehouse building will also include an area for distribution activities associated with on-site cultivation and nursery production. Of the eight greenhouses, seven will be used for cultivation and one for nursery activities. The project site will be accessed via Sullivan Road by a private road and anticipates one vehicle trip per-day associated with supplies and distribution activities. The applicant anticipates up to five employees on a maximum shift, and hours of operation are proposed to be Monday through Friday 8:00 a.m. to 8:00 p.m. The site will be served by an existing well and will develop a private septic system.

9. **Surrounding land uses and setting:** Rangeland in all directions, single family dwellings to the west, the California Aqueduct and Interstate Route 5 to the east, solar farm to the north, and the County of Merced to the south.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works and Department of Environmental Resources; California Department of Cannabis Control; Central Valley Regional Water Quality Control Board; San Joaquin Valley Air Pollution Control District; Caltrans.

**11. Attachments:**

Biological Assessment performed by Cali Consulting Service, Inc., dated November 20, 2020.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |                                                          |                                                           |                                                             |
|----------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology / Soils                 | <input type="checkbox"/> Greenhouse Gas Emissions         | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology / Water Quality       | <input type="checkbox"/> Land Use / Planning              | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                           | <input type="checkbox"/> Population / Housing             | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation                   | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities / Service Systems     | <input type="checkbox"/> Wildfire                         | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

**Signature on file.**

Prepared by Jeremy Ballard, Associate Planner

**September 10, 2021**

Date

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significant criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significant.



**ISSUES**

<b>I. AESTHETICS – Except as provided in Public Resources Code Section 21099, could the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Have a substantial adverse effect on a scenic vista?</b>			<b>X</b>	
<b>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</b>			<b>X</b>	
<b>c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?</b>			<b>X</b>	
<b>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</b>			<b>X</b>	

**Discussion:** The site itself is not considered to be a scenic resource or unique scenic vista. The sole scenic designation in the County is along Interstate 5, which is in the vicinity of the project site, but not adjacent. The area of proposed activity is .95 miles from the Interstate. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential development. The project proposes to construct a total of eight greenhouses for a total of 23,040 square feet and one 1,500 square-foot warehouse for processing activities solely for cannabis grown on-site. The warehouse building will also include an area for distribution activities associated with on-site cultivation and nursery. Of the eight greenhouses, seven will be used for cultivation and one for nursery activities. The greenhouse buildings will be similar in nature to other agricultural buildings found in the surrounding agriculturally zoned area.

The California Department of Cannabis Control, is charged with regulation of cannabis cultivation activities per state regulations. In relation to aesthetics Section 8304(c) and (g) of the California Code of Regulations, require cultivation operations to aim all outdoor security lighting downward and that mixed light cultivators ensure that lighting used is shielded to avoid nighttime glare.

Land Use Element Goal 2, Policy 16, Implementation Measures 1 and 2 requires that outdoor lighting be efficient and designed to provide minimum impact to the surrounding environment through the use of shielded fixtures which direct light only towards the objects requiring illumination reduces this impact. Construction that will occur as a result of this project would be required to meet this General Plan policy. A condition of approval will be added to the project requiring a photometric lighting plan, to ensure no light pollution occurs on-site for all phases of development. Furthermore, the condition of approval will require that all exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow and to prevent light trespass onto neighboring properties. The proposed project is not anticipated to have a substantial negative effect on a scenic vista, damage scenic resources, or substantially degrade the existing visual character of the site or its surroundings. Any further development resulting from this project will be consistent with existing area development. Accordingly, the potential impacts to Aesthetics are considered less-than significant.

**Mitigation:** None.

**References:** Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

**Discussion:** The 35.8± acre project site is currently enrolled in California Land Conservation Act ("Williamson Act") Contract No. 1975-2058, and is classified as "Grazing land" by the California Department of Conservation's Farmland Mapping and Monitoring Program. The California Revised Storie Index is a rating system based on soil properties that dictate the potential for soils to be used for irrigated agricultural production in California. This rating system grades soils with an index rating of 81 and 90 as excellent. Grade 1 soils are deemed prime farmland by Stanislaus County's Uniform Rules. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that property is primarily comprised of Damluis clay loam with an index rating of 95 and grade of 1, and Woo loam with an index rating of 95 and a grade of 1; these comprise approximately all acres of the project site. Based on these soils, the site would be considered prime farm land.

County Code Section 21.20.045, in compliance with Government Code Section 51238.1, specifies that uses approved on contracted lands shall be consistent with three principles of compatibility. Those principles state that the proposed use shall not significantly compromise, displace, impair or remove current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. The proposed cannabis cultivation activities are considered to be similar to other permitted activities such as the cultivation of agricultural crops, which are considered to be consistent with the Williamson Act principals of compatibility. This application was referred to the Department of Conservation (DOC) for review and input; no response has been received to date.

The Stanislaus County Agricultural Element includes guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Non-people intensive uses require a 150-foot buffer between the proposed use and surrounding agriculture. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The project site is adjacent to agriculturally zoned property, zoned A-2, on all sides. With a maximum of five employees on a maximum shift, the project will be conducted mostly indoors and would be considered to be a low-people intensive use. The area where the project will take place meets or exceeds the 150-foot agricultural buffer to the north, west, east, and south.

The site is also west of the California Aqueduct. The project was referred to the California Department of Water Resources. No response has been received to date. The proposed project will be served by an existing private well for the proposed cultivation operation.

The California Department of Food and Agriculture – Cal Cannabis Division (CDFA) (now the California Department of Cannabis Control) developed a Programmatic Environmental Impact Report (PEIR) for the adoption of regulations for cultivation of commercial cannabis. The PEIR stated that for the purposes of the Williamson Act, cannabis is considered under state law as an Agricultural product, therefore it is an acceptable use of agriculture zoned property and would not result in the conversion of farmland. Additionally, the PEIR believed that conversion or loss of non-cannabis crops to cannabis would be limited due to overall size restrictions on cultivation permit types allowed under the CDFA.

All commercial cannabis uses are required under Stanislaus County Code 6.78.080(a) to participate in State of California's and Stanislaus County's Agricultural Commissioners Track and Trace Program for all cannabis grown within the facility. Additionally, the use of any fertilizers or pesticides must be in accordance with CDFA regulations, and the County's Agricultural Commissioners rules and regulations.

The project site does not contain forest land or timberland. The proposed project will take place indoors within proposed greenhouses. No impacts to important farmland, agriculturally zoned land, land subject to a Williamson Act contract, or timberlands are anticipated. The project will consist of greenhouse structures, which can be reasonably returned to agriculture in the future. Therefore, less-than significant impacts to agriculture are anticipated to occur as a result of this project.

**Mitigation:** None.

**References:** PEIR California Department of Food and Agriculture – CalCannabis Division - Cultivation Licensing Program, dated November 2017; Natural Resources Conservation Service Soil Survey; Stanislaus Soil Survey (1957); California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Conflict with or obstruct implementation of the applicable air quality plan?</b>			X	
<b>b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?</b>			X	
<b>c) Expose sensitive receptors to substantial pollutant concentrations?</b>			X	
<b>d) Result in other emissions (such as those odors adversely affecting a substantial number of people?</b>			X	

**Discussion:** The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The project will increase traffic in the area and, thereby, impacting air quality.

Potential impacts on local and regional air quality are anticipated to be less-than significant, falling below SJVAPCD thresholds, as a result of the nature of the proposed project and project's operation after construction. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions, as discussed below. Because construction and operation of the project would not exceed the SJVAPCD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations a project's vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

The project proposes to construct a total of eight greenhouses for a total of 23,040 square feet and one 1,500 square-foot warehouse for processing activities solely for cannabis grown on-site. The warehouse building will also include an area for distribution activities associated with on-site cultivation and nursery. Of the eight greenhouses, seven will be used for cultivation and one for nursery activities. The project site will be accessed via Sullivan Road by private road and is anticipating one vehicle trip per-day. The applicant anticipates up to five employees on a maximum shift and hours of operation are proposed to be Monday through Friday 8:00 a.m. to 8:00 p.m.

Construction-related emissions would consist of the construction of a total of eight greenhouses, 3,920 square feet each in size, for a total of 23,040 square feet of nursery and cultivation canopy, and one 1,500 square-foot warehouse for processing activities solely for cannabis grown on-site. The primary source of operational air pollutants generated by this project would be classified as being generated from "mobile" sources created from increased vehicle trips generated by employees and shipping/receiving vehicles. Additionally, the San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) analyses indicates that the minimum threshold of significance for criteria pollutant emissions for commercial projects is 1,673 trips/day and 1,506 trips/day for industrial projects. The applicant anticipates five employees on a maximum shift and a total of one vehicle trip per-day, which would be below the District's threshold for significance. Mobile sources are generally regulated by the California Air Resources Board of the California Environmental Protection Agency (EPA), which sets emissions for vehicles and acts on issues regarding cleaner-burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin-wide programs and policies to prevent cumulative deterioration of air quality within the Air Basin.

Under CDFA's PEIR Air Quality Section, the PEIR discussed potential impacts to air quality due to outdoor cultivation's use of equipment that includes combustibles or creation of fugitive dust emissions through land preparation. Outdoor cultivation is not permitted in Stanislaus County, which would limit creation of the emissions discussed in the PEIR. The PEIR did not anticipate a conflict or obstruct implementation of air quality plans in the individual basins. Consequently, the PEIR anticipates the commercial cannabis cultivation program to lead to a decrease in emissions, as previously unregulated cultivation sites came into compliance. Lastly, the PEIR discussed additional air quality measures that are required for the protection of employees. Each individual project will be subject to building code and OSHA requirements for regulations to

reduce air quality impacts from cultivation operations that are enforced by CDFA include Sections 8102(s), 8304(e), 8305, and 8306.

The project was referred to the Air District, they responded that the proposed project would have a less-than significant impact on air quality. The District also requested that the applicant receive an Authority to Construct permit prior to any construction for the project to ensure that District rules and regulations be identified prior to work being done. A condition of approval will be added to the project requiring an Authority to Construct permit prior to commencement of work.

Cannabis has the potential to generate odor that can be considered objectionable. However, as required by County Code Section 6.78.120(9)(D), the project applicant has developed an odor control plan that includes several elements to ensure odors will not affect adjacent properties, including carbon filters attached to exhaust fans. Implementation of the odor control measures would ensure a substantial number of people would not be affected by project-generated odors.

Potential impacts on local and regional air quality are anticipated to be less-than significant, falling below SJVAPCD thresholds. Accordingly, the potential impacts to Air Quality are considered to be less-than significant.

**Mitigation:** None.

**References:** Application material; PEIR California Department of Food and Agriculture – CalCannabis Division - Cultivation Licensing Program, dated November 2017; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Small Project Level Analysis Level; [www.valleyair.org](http://www.valleyair.org); SJVAPCD project referral response, dated March 25, 2020; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IV. BIOLOGICAL RESOURCES -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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 Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
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?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
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?			X	

**Discussion:** The project is located within the Howard Ranch Quad of the California Natural Diversity Database. A referral response received from California Department of Fish and Wildlife (CDFW) stated the proposed project could have

potential significant impacts to protected species such as the California Tiger Salamander, the San Joaquin Kit Fox, Swainson Hawk, Tricolored Blackbird, Crotch Bumblebee, California red-logged frog and the western spadefoot. Also in their response, CDFW provided potential mitigation measures if these species were located on the project site. Additionally, CDFW raised concerns with potential impacts to wildlife through the use of site-lighting and pesticide use by commercial cannabis operators.

As stated in Section I, *Aesthetics*, a condition of approval will be added to the project requiring a photometric lighting plan, to ensure no light pollution occurs on-site for all phases of development. Furthermore, the condition of approval will require that all exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow and to prevent light trespass onto neighboring properties.

Additionally, the California Department of Cannabis Control (Formerly CDFA-Cal Cannabis Division), regulates all pesticide use for cannabis cultivation. The proposed project will be required to meet all regulations pertaining to the storage of pesticides, as well as their use within the indoor facility. A detailed description of the handling of hazardous materials, can be found in the IX Section of this report; however, no significant impacts to wildlife from hazardous materials are anticipated.

In response to the letter from CDFW, a biological assessment was completed by Cali Consulting Service, Inc. on November 20, 2020. The assessment included a field survey of the site and portions of surrounding parcels on September 29, 2020. The survey looked for suitable habitats of sensitive species as indicated in the CDFW. The field survey found that the project site was graded and leveled for the onsite farming operation over the past 30 years, which limited the potential for plant life growth. Observed wildlife species from the site survey included: Red-shouldered hawk, American crow, California ground squirrel, and the Turkey vulture. No sensitive species were found during the site survey. Additionally, the site survey found no suitable habitat or areas for forging within the project site. However, the biological assessment concluded that the site would have a moderate likelihood of wildlife species, including sensitive wildlife species onsite based on previous sightings in the vicinity of the project site. Thus, the assessment recommended that multiple preconstruction surveys take place prior to ground disturbance for species; such as: California Tiger Salamander, San Joaquin Kit Fox, Swainsons Hawk, Tri Colored Black Bird, Crotch Bumble Bee, the American Badger and Western, and the California red legged frog. Additionally, if any species are discovered the appropriate agencies shall be notified and an appropriate buffer from the species be established.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. With mitigation measures added to include additional site surveys, impacts to biological resources are considered to be less-than significant.

#### **Mitigation:**

1. Prior to the onset of any ground disturbance activities, pre-construction surveys shall be conducted by a qualified biologist to determine if any avoidance of the California tiger salamander is required. If avoidance is determined to be required, a qualified biologist, in consultation with the California Department of Fish & Wildlife (CDFW), shall determine the need (if any) for temporal restrictions on construction, including but not limited to installation of onsite exclusion fencing.
2. 10 days prior to any ground disturbance of the site, trees within and around the site will be resurveyed by a qualified biologist for any active Swainson's Hawk nesting sites. If active nests are identified, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a half-mile no-disturbance buffer to remain until the young have fledged.
3. 30 days prior to any ground disturbance, the site shall be surveyed by a qualified biologist for potential San Joaquin Kit Fox dens. If any dens are found, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a 50-foot no-disturbance buffer.
4. The drainage ditch west of the California Aqueduct shall be surveyed 10 days prior to any ground disturbance by a qualified biologist for the presence of nesting colonies of the Tri Colored Blackbird. If a colony has been discovered, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a 300-foot no-disturbance buffer.

5. If ground disturbing activity or construction commences between October 1st and February 28th, pre-construction surveys for Crotch bumble bee shall be conducted by a qualified biologist. If evidence of any Crotch bumblebee is observed, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction.
6. The site shall be surveyed by a qualified biologist for American Badger and Western Spadefoot prior to any ground disturbance activities. If any American Badger and Western Spadefoot are observed, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer.
7. If ground disturbing activity or construction commences between November 1st and March 31st, pre-construction surveys for California red-legged frog shall be conducted by a qualified biologist. If evidence of any California red-legged frog is observed, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer.

**References:** California Department of Fish and Wildlife's Natural Diversity Database Quad Species List; California Department of Fish and Wildlife referral response, dated June 2, 2020; Biological Assessment, Cali Consulting Service Inc., dated November 20, 2020; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

V. CULTURAL RESOURCES -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

**Discussion:** It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project site has already been used historically for rangeland and is currently planted in row crops. Nevertheless, a condition of approval will be placed on the project that if any resources are found, construction activities will halt until a qualified survey takes place and the appropriate authorities are notified.

**Mitigation:** None.

**References:** Application material; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VI. ENERGY. -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

**Discussion:** The project proposes to construct a total of eight greenhouses for a total of 23,040 square feet and one 1,500 square-foot warehouse for processing activities solely for cannabis grown on-site. The warehouse building will also include an area for distribution activities associated with on-site cultivation and nursery. Of the eight greenhouses, seven will be used for cultivation and one for nursery activities. All greenhouses developed for the project will be of mixed-light construction, utilizing natural sun light and will also be required to meet energy renewal portfolios for commercial cannabis,

per State of California requirements. Subsequently, the applicant proposes the majority of lighting be used would be LED, including grow lighting.

The project includes mixed-light cultivation which will involve artificial lighting which utilizes wattage at a rate above 25 watts per square-foot, temperature/humidity/air flow control, carbon filters, and irrigation and water treatment equipment. A condition of approval will be added to this project to address compliance with Title 24, Green Building Code, which includes energy efficiency requirements. Each greenhouse constructed, as well as the warehouse building used for processing, activities will have to meet this standard.

The operation is also required to meet state standards regarding energy use and cannabis cultivation. The PEIR prepared for the State's Cultivation Permitting Program identified that the program's offset of illegal operator energy use would improve energy use overall. Additionally, the State's regulations require mixed-light and indoor cannabis cultivation and nursery licensees, beginning January 1, 2023, to ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program, Division 1, Part 1, Chapter 2.3, Article 16 (commencing with Section 399.11) of the California Public Utilities Code. As evidence of meeting the standard, licensees shall provide information on the average weighted greenhouse gas emission intensity of their operation and of their utility provider. The licensee is required to cover the excess of their emissions in carbon offsets. Beginning January 1, 2022, an application for renewal of a license shall include details on the total electricity supplied by local utility provider, name of local utility provider, and greenhouse gas emission intensity per kilowatt-hour reported by the utility provider under section 398.4(c) of the Public Utilities Code for the most recent calendar year available at time of submission. The permittees must also identify what percentage of their energy provider's energy comes from a zero-net energy renewable sources and what percentage comes from other unspecified sources.

Electricity is provided to the project site by Pacific Gas & Electric (PG&E). Although referred the project, no response has been received to date. With existing requirements in place that the project is required to meet, and with the proposed additional measures providing energy efficient improvements, it does not appear this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources.

**Mitigation:** None.

**References:** Application material; PEIR California Department of Food and Agriculture – CalCannabis Division - Cultivation Licensing Program, dated November 2017; California Stanislaus County General Plan EIR<sup>1</sup>.

<b>VII. GEOLOGY AND SOILS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</b>			<b>X</b>	
<b>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</b>			<b>X</b>	
<b>ii) Strong seismic ground shaking?</b>			<b>X</b>	
<b>iii) Seismic-related ground failure, including liquefaction?</b>			<b>X</b>	
<b>iv) Landslides?</b>			<b>X</b>	
<b>b) Result in substantial soil erosion or the loss of topsoil?</b>			<b>X</b>	
<b>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</b>			<b>X</b>	



<b>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</b>			<b>X</b>	
<b>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</b>			<b>X</b>	
<b>f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</b>			<b>X</b>	

**Discussion:** The 35.8± acre project site is currently enrolled in California Land Conservation Act ("Williamson Act") Contract No. 1975-2058, and is classified as "Grazing land" by the California Department of Conservation's Farmland Mapping and Monitoring Program. The California Revised Storie Index is a rating system based on soil properties that dictate the potential for soils to be used for irrigated agricultural production in California. This rating system grades soils with an index rating of 81 and 90 as excellent. Grade 1 soils are deemed prime farmland by Stanislaus County's Uniform Rules. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that property is primarily comprised of Dam Luis clay loam with an index rating of 95 and grade of 1, and Woo loam with an index rating of 95 and a grade of 1; these comprise approximately all acres of the project site. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. An Early Consultation referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project will be required, subject to Public Works review and Standards and Specifications. Likewise, any addition or expansion of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area.

The project site is served by a private well and private septic system. The applicant will also develop permanent employee restrooms for the site, within the warehouse structure. A referral response was received from the Department of Environmental Resources (DER) stating that the proposed on-site wastewater treatment system (OWTS) must meet the definitions of Measure X. Conditions of approval will be added to the project for these requirements.

**Mitigation:** None.

**References:** Referral response from the Department of Environmental Resources (DER), dated June 15, 2021; Referral response from the Stanislaus County Department of Public Works, dated March 10, 2020; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>VIII. GREENHOUSE GAS EMISSIONS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</b>			<b>X</b>	
<b>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</b>			<b>X</b>	

**Discussion:** The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. Two additional bills, SB 350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40% of 1990 levels by 2030.

PEIR prepared for the Cannabis Cultivation Licensing Program indicates that cannabis cultivation generates energy demand and GHG emissions from use of high-intensity lighting, ventilation, and temperature control necessary to grow cannabis indoors and in mixed-light operations. The high-energy demand of indoor cultivation represents the largest contributor of GHG emissions. However, both state and local jurisdictions have required renewal energy portfolios for all commercial cannabis activities, which will lower the energy demand of the activity types, which will reduce overall GHG emissions. Construction emissions, which are temporary in nature, distribution, and employee vehicle use and truck-trips are also GHG emission generators associated with indoor cultivation and distribution activities. The PEIR concludes that GHG emissions would remain essentially unchanged, with implementation of the State's Cultivation Licensing Program, due to a corresponding decrease in illegal cultivation as permitted cultivation increases.

The project proposes to construct a total of eight greenhouses for a total of 23,040 square feet and one 1,500 square-foot warehouse for processing activities solely for cannabis grown on-site. The warehouse building will also include an area for distribution activities associated with on-site cultivation and nursery. Of the eight greenhouses, seven will be used for cultivation and one for nursery activities. All greenhouses developed for the project will be of mixed-light construction, utilizing natural sun light and will also be required to meet energy renewal portfolios for commercial cannabis, per State of California requirements. Subsequently, the applicant proposes the majority of lighting be used would be LED, including grow lighting. The project site will be accessed via Sullivan Road by private road and is anticipating one vehicle trip per-day. The applicant anticipates up to five employees on a maximum shift, which would be a less-than significant generator of GHG emissions. Green House Gas regulations to reduce impacts from cultivation operations that are enforced by CDFA include Sections 8102(s), 8304(e), 8305, and 8306.

Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. As the proposed project would only consist of five employees on a maximum shift and one vehicle trip per-day associated with supplies and distribution activities, it would be considered less-than significant for VMT generation.

The proposed operation is required to obtain building permits, which would be subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). Minimal greenhouse gas emissions will occur during construction. Construction activities are considered to be less-than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control.

The project was referred to the Air District, they responded that the proposed project would have a less-than significant impact on air quality. The District also requested that the applicant receive an Authority to Construct permit prior to any construction for the project to ensure that District rules and regulations be identified prior to work being done. A condition of approval will be added to the project requiring an Authority to Construct permit prior to commencement of work. It is not anticipated that the project will create any significant greenhouse gas emissions.

**Mitigation:** None.

**References:** San Joaquin Valley Air Pollution Control District referral response, dated March 25, 2020; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

**Discussion:** The PEIR completed by CalCannabis for their Cannabis Cultivation Program indicates that cannabis cultivation operations may involve the use of hazardous materials, such as fuel for power equipment and backup generators, and pesticides. Additionally, indoor and mixed-light cultivation operations may use high-powered lights, which could contain hazardous components that could enter the environment during disposal. Routine transport, handling, use, and disposal of these types of materials could expose people to hazards if adequate precautions are not taken. However, evidence suggests that improper storage, use, and disposal of hazardous materials is a major problem at unpermitted cannabis cultivation sites. Permitted cannabis cultivation, such as the proposed project, must comply with local and state hazardous materials handling, use procedures and regulations, and are regularly inspected for compliance by both local and state departments. Regulations to reduce impacts to Hazards and Hazardous Materials from cultivation operations that are enforced by CDFA include Sections 8102(q), 8106(a)(3), 8304(f), and 8307.

The County's Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in the project area. During project construction, various hazardous materials may be used like, gasoline, oil, and paints. The applicant would also be required to use, store, and dispose of any hazardous materials in accordance with all applicable federal, state, and local regulations. The proposed project would include the storage and use of fertilizers and pesticides. All fertilizers and pesticides will be stored in isolated fireproof cabinets. However, state regulations limit the types of chemicals that could be allowed to be applied onto cannabis products. In addition, all cultivation activities would occur indoors with direct application of water, pesticides, and fertilizers to eliminate drift of chemicals to areas outside the project area. A referral response was received from DER HazMat, stating that the project is not anticipated to have a significant impact on the environment regarding hazardous materials; however, the operation will require permitting through the Department for the storage and use of any hazardous materials. A condition of approval will be added to the project to address this requirement.

A referral response from the Department of Public works stated that the proposed cultivation operation will be required to meet all State Water Resources Control Board measures for collection and disposal of process wastewater including a

manifest of disposal activities to be monitored by the Central Valley Regional Water Quality Control Board. A condition of approval will be added to reflect this requirement.

The project site is not located within an airport land use plan or a wildlands area. The project site is not located in a very high or high fire severity zone, but located within both an area of State Responsibility as well as West Stanislaus Fire Protection District. The project was referred to the West Stanislaus Fire Protection District as well as CalFire, no response has been received to date from either. The proposed project will access Sullivan Road, by private road. During the building permit phase, each permit request will be reviewed by the Stanislaus County's Fire Prevention Bureau to ensure all activities meet the appropriate federal, state, or local fire code requirements. Consequently, the private road easement will be required to consist of an all-weather surface to meet these code requirements.

Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining the applicable permits.

The proposed use is not recognized as a generator and/or consumer of hazardous materials, therefore no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

The project site is not within the vicinity of any airstrip or wildlands.

**Mitigation:** None.

**References:** Application material; PEIR California Department of Food and Agriculture – CalCannabis Division - Cultivation Licensing Program, dated November 2017; Referral response from the Department of Environmental Resources Hazardous Materials Division, dated March 25, 2020; Referral response from the Department of Public Works, dated March 12, 2020; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>X. HYDROLOGY AND WATER QUALITY -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?</b>			X	
<b>b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</b>			X	
<b>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:</b>			X	
<b>(i) result in substantial erosion or siltation on – or off-site;</b>			X	
<b>(ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site;</b>			X	
<b>(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or</b>			X	
<b>(iv) impede or redirect flood flows?</b>			X	
<b>d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?</b>			X	
<b>e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?</b>			X	

**Discussion:** Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process. On-site areas subject to flooding have not been identified by the Federal Emergency Management Agency and/or County designated flood areas.

The project site is currently served by a private well for water and a private septic system and will not result in the formation of a new public water system as defined in California Health and Safety Code (CHSC), Section 116275 (h). Additionally, Goal Two, Policy Seven, of the Stanislaus County General Plan's Conservation/Open Space Element requires that new development that does not derive domestic water from pre-existing domestic and public water supply systems be required to have a documented water supply that does not adversely impact Stanislaus County water resources. This Policy is implemented by requiring proposals for development that will be served by new water supply systems be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Control Board and any other appropriate agencies for review and comment. Additionally, all development requests shall be reviewed to ensure that sufficient evidence has been provided to document the existence of a water supply sufficient to meet the short and long-term water needs of the project without adversely impacting the quality and quantity of existing local water resources. If required, the property owner must obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance to CHSC, Section 116527 (SB1263) and submit an application for a water supply permit with the associated technical report to Stanislaus County DER.

Furthermore, the Sustainable Groundwater Management Act (SGMA) was passed in 2014 with the goal of ensuring the long-term sustainable management of California's groundwater resources. SGMA requires agencies throughout California to meet certain requirements, including forming Groundwater Sustainability Agencies (GSA), developing Groundwater Sustainability Plans (GSP), and achieving balanced groundwater levels within 20 years. The site is located in the San Joaquin Valley Delta-Mendota sub-basin under the jurisdiction of the Delta Mendota – II GSA. The project site is adjacent to the California Aqueduct; however, the proposed area for development will be located approximately 1,500 feet to the west of the Aqueduct and will take place entirely indoors. A project referral was sent to the State of California's Department of Water Resources; however, no response was received to date.

Stanislaus County adopted a Groundwater Ordinance in November 2014 (Chapter 9.37 of the County Code, hereinafter, the "Ordinance") that codifies requirements, prohibitions, and exemptions intended to help promote sustainable groundwater extraction in unincorporated areas of the County. The Ordinance prohibits the unsustainable extraction of groundwater and makes issuing permits for new wells, which are not exempt from this prohibition, discretionary. For unincorporated areas covered in an adopted GSP pursuant to SGMA, the County can require holders of permits for wells it reasonably concludes are withdrawing groundwater unsustainably to provide substantial evidence that continued operation of such wells does not constitute unsustainable extraction and has the authority to regulate future groundwater extraction. The construction and operation of wells could potentially cause degradation of water quality due to cross connection of aquifers of varying quality or induced migration of groundwater with impaired water quality. The Ordinance is intended to address these eventualities.

The applicant anticipates two acre-feet per-year for the entire operation, which will be minimal compared to the amount utilized for any onsite agriculture. The applicant will utilize a drip system irrigation method to reduce the amount of evapotranspiration and waste within the greenhouse. Additionally, the applicant will be required to apply for a waste discharge waiver through the Central Valley Regional Water Quality Control Board (RWQCB) and will be subject to any requirements of that waiver. As required by regulations administered by the CDFA, the applicant will be required to show proof of enrollment or exemption in the applicable water quality programs of the RWQCB.

The PEIR adopted by the CDFA stated that diversion of surface water to irrigate cannabis has potential for impacts to several impacts on water quality and quantity. As stated previously, the applicant proposes to utilize an existing groundwater well to supply water for the mixed light cultivation activities. The well would be accounted for under the Del Puerto – II GSP. The PEIR also discussed the unlikelihood of cultivation activities creating areas overdraft of groundwater aquifers due to the smaller water demand of cannabis crops. In addition, the PEIR states that State licensing for cultivation activities would limit large scale growers, limiting overall water use. The PEIR touches on discharge of waste that could have an impact on water quality. However, cultivators are required to comply with all Regional Water Quality Control Board standards for any discharge including the adopted General Order for cannabis cultivation. Furthermore, the PEIR identified best management practices such as: comply with all pesticide label directions, store chemicals in a secure building or shed to prevent access by wildlife, contain any chemical leaks and immediately clean up any spills, apply the minimum amount of product necessary to control the target pest, prevent off-site drift, do not apply pesticides when pollinators are present, do not allow drift to

flowering plants attractive to pollinators, do not spray directly to surface water or allow pesticide product to drift to surface water, spray only when wind is blowing away from surface water bodies, do not apply pesticides when they may reach surface water or groundwater, and only use properly labeled pesticides, which would result in a less-than significant impact to water quality. The PEIR also found that indoor cultivation would be less likely to create significant impacts to water quality as direct discharge into bodies of water would have a low potential for occurrence. Regulations to reduce impacts to Hydrology and Water Quality from cultivation operations that are enforced by CDFA include Sections 8102(p), 8102(v), 8102 (w), 8102 (dd), 8107(b), 8216, 8304 (a-b), and 8307.

There are no rivers or streams in the project vicinity, therefore the project would not alter the course of a stream or river in a manner which would result in substantial erosion or siltation on or off-site. The applicant will be required by CDFA regulations to provide proof of exemption from any streambed alterations required by the California Department of Fish and Wildlife. Prior to any ground disturbance, grading and drainage plans are required to be submitted to the County Department of Public Works for review and approval to demonstrate that all storm-water generated from the proposed project will be maintained on-site. This requirement will be reflected as conditions of approval for the project.

A referral response from the Department of Public works stated that the proposed cultivation operation will be required to meet all State Water Resources Control Board measures for collection and disposal of process wastewater including a manifest of disposal activities to be monitored by the Central Valley Regional Water Quality Control Board. A condition of approval will be added to reflect this requirement.

As a result of the Conditions of Approval required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less-than significant impact.

**Mitigation:** None.

**References:** Application material; PEIR California Department of Food and Agriculture – CalCannabis Division - Cultivation Licensing Program, dated November 2017; Referral response from the Department of Public Works, dated March 12, 2020; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XI. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

**Discussion:** Request to operate a commercial cannabis cultivation, nursery and distribution operation on a 35.8-acre parcel in the A-2-40 zoning district. The project proposes to construct a total of eight greenhouses for a total of 23,040 square feet and one 1,500 square-foot warehouse for processing activities solely for cannabis grown on-site. The warehouse building will also include an area for distribution activities associated with on-site cultivation and nursery. Of the eight greenhouses, seven will be used for cultivation and one for nursery activities. The project site will be accessed via Sullivan Road by private road and is anticipating one vehicle trip per-day. The applicant anticipates up to five employees on a maximum shift and hours of operation are proposed to be Monday through Friday 8:00 a.m. to 8:00 p.m. The site will be served by an existing well and will develop a private septic system

All commercial cannabis activities within the State of California are subject to Section 26000-26250 of California Business and Professions Code, as well as California Code of Regulations, Title's 3, 16, and 17. Specifically, CDFA is responsible for regulation of cannabis cultivation and enforcement per the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).

The project has a General Plan designation of Agriculture and is in the A-2-40 (General Agriculture) zoning district. The A-2 zoning district is intended to support and enhance agriculture as the predominant land use in the unincorporated areas of the County. Commercial cannabis cultivation, nursery, and distribution activities may be allowed in the A-2 zoning district

upon approval of a use permit when conducted within a greenhouse or accessory agricultural storage building. In order to approve a use permit, the decision making authority shall make a finding that the establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. If after receiving and considering the evidence, and any proposed conditions, the decision-making body is unable to make the findings, the use permit shall be denied. Section 6.78.060 requires that all commercial cannabis applicants be subject to a Commercial Cannabis Activity Permit, Development Agreement, Land Use Permit, and State Licensure for Commercial Cannabis Activities. In this instance, a commercial cannabis cultivation operation requires a conditional use permit and development agreement.

The 35.8± acre project site is currently enrolled in California Land Conservation Act ("Williamson Act") Contract No. 1975-2058, and is classified as "Grazing land" by the California Department of Conservation's Farmland Mapping and Monitoring Program. The proposed cannabis cultivation activities are considered to be similar to other permitted activities such as the cultivation of agricultural crops which are considered to be consistent with the Williamson Act principals of compatibility. Approval of this project will not significantly compromise the long-term productive agricultural capability of the subject property or of surrounding agricultural operations. Nor will the proposed project result in new facilities limiting the return of the property to agricultural production in the future, or in the removal of any adjacent contracted land from agricultural or open-space use. The project was referred to the State Department of Conservation during the Early Consultation review periods and no comment was received.

Furthermore, per Section 6.78, each commercial cannabis activity must meet and maintain operating standards for odor control, security, minimum building standards, track and trace, as well as meeting specialized setbacks. To reduce land use conflicts, Section 6.78.120 requires that all commercial cannabis activities are setback a minimum of 200 feet from adjacent residents and libraries. Additionally, commercial cannabis activities must be setback a minimum of 600 feet from day cares, schools, and youth centers, in existence at the initial time of permitting. The facility is 50 feet from the nearest property line, the nearest known dwelling is more than 1,200 feet away, and there are no sensitive uses within 600 feet of the project parcel. The nearest school is Gustine Elementary, located over five miles from the site.

The project will not physically divide an established community nor conflict with any habitat conservation plans. Project impacts related to land use and planning are considered to be less-than significant.

**Mitigation:** None.

**References:** Application materials; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XII. MINERAL RESOURCES -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XIII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

**Discussion:** The PEIR prepared by CDFA did not anticipate any significant impacts with noise from cultivation operations, as the most likely noise generator would come from temperature control devices that would not produce any more noise than any other equipment used for non-cannabis land uses. Additionally, the PEIR didn't find that any other equipment utilized for the cultivation of cannabis would generate temporary or ambient noise that would create any significant impacts and review of sensitive receptors would be done on a site-specific basis. Regulations to reduce impacts to Noise from cultivation operations that are enforced by CDFA include Sections 8304(e) and 8306, which include requirements for generator use.

A temporary increase in noise and vibration, associated with construction of the proposed greenhouses, is anticipated. However, there are no sensitive receptors in the vicinity of the project site. Cultivation activities would not generate substantial noise. Proposed hours of operation for the business are Monday through Friday 8:00 a.m. to 8:00 p.m. The project will include a total of five employees on a maximum shift. The applicant anticipates up to one vehicle trip per-day associated with deliveries of supplies and distribution activities. The proposed use is not anticipated to exceed ambient noise levels in the vicinity. Section 6.78.120(8)(N) require that any commercial cannabis activities comply with County's previously adopted Noise Control Ordinance. According to the County's Noise Element of the General Plan, acceptable noise levels in industrial land use categories is 75 decibels, which the proposed project is not anticipated to exceed. Additionally, agricultural activity is exempt from the Stanislaus County Noise Control Ordinance (Ord. CS 1070 §2, 2010). All equipment proposed for this project will be reviewed upon submission of a building permit and must be consistent with the County's noise ordinance. Per the County's Noise Ordinance construction activities are not permitted to operate any construction equipment so as to cause at or beyond the property line of any property upon which a dwelling unit is located an average sound level greater than 75 decibels between the hours of 7 p.m. and 7 a.m. The closest residence to the proposed project site is over 1,200 feet from the site. It is not anticipated that the cultivation of cannabis will create significant impacts to sensitive receptors as the growing of plants is not anticipated to be heard from outside the existing building nor will the use of passenger vehicles create noise levels that exceed levels of noise exhibited by existing traffic in the area.

The proposed project is not within two miles of a public airstrip. The site is not located within an airport land use plan. Accordingly, the potential noise impacts are considered to be less-than significant.

**Mitigation:** None.

**References:** Application material; PEIR California Department of Food and Agriculture – CalCannabis Division - Cultivation Licensing Program, dated November 2017; Chapter 6.78, Chapter 10.46, and Title 21 of the Stanislaus County Code; Stanislaus County General Plan Noise Element and Support Documentation<sup>1</sup>.



<b>XIV. POPULATION AND HOUSING -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</b>			<b>X</b>	
<b>b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?</b>			<b>X</b>	

**Discussion:** The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5<sup>th</sup> cycle Regional Housing Needs Allocation (RHNA) for the county, and will therefore not impact the County's ability to meet their RHNA. No population growth will be induced nor will any existing housing be displaced as a result of this project.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XV. PUBLIC SERVICES --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</b>				
<b>Fire protection?</b>			<b>X</b>	
<b>Police protection?</b>			<b>X</b>	
<b>Schools?</b>			<b>X</b>	
<b>Parks?</b>			<b>X</b>	
<b>Other public facilities?</b>			<b>X</b>	

**Discussion:** The County has adopted Public Facilities Fees (Title 23 of the County Code), as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. School Districts also have their own adopted fees, which are required to be paid at the time of Building Permit issuance.

Upon project approval, the applicant will be required to obtain building permits for the proposed construction in accordance with the adopted building and fire codes. The project site is located within the West Stanislaus Fire Protection District and would be subject to the District's fire fees for any building permits for the proposed project.

This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts during the Early Consultation referral period and no concerns were identified with regard to public services. The project was referred to the Del Puerto Irrigation District, no comment was received. However, the operation intends to utilize the existing well and does not require supplemental irrigation water from the District.

CDFA's PEIR stated that cannabis activities could increase the need for police services, but would be reviewed on an individual project level by the local jurisdiction. Additionally, the PEIR did not anticipate any significant impacts related to fire protection, school or park services and relied on the local jurisdiction's regulatory requirements to account for any increases needed.

Section 6.78.060 requires that all commercial cannabis applicants be subject to a Commercial Cannabis Activity Permit, Development Agreement, Land Use Permit, and a State Licensure for Commercial Cannabis Activities. Per Section 6.78, each commercial cannabis activity must meet and maintain operating standards for odor control, security control, minimum building standards, and track and trace. State and local regulations must also be met in order to maintain an active commercial cannabis permit. The Development Agreement establishes two fees to be collected from each project applicant; the Community Benefit Contribution and the Community Benefit Rate. The Contribution fee will be paid quarterly and utilized for local community charities or public improvement projects. The Rate fee will also be paid quarterly, but will be utilized for County enforcement activities of illegal cannabis. The funds received from the Community Benefit fees are anticipated to address any increase in service impacts induced by commercial cannabis activities.

Conditions of approval will be added to this project to ensure that the proposed development complies with all applicable federal, state, and local requirements. The project has submitted a safety and security plan with fire evacuation plans, fire suppression, employee training, 24-hour video surveillance, and on-site security personnel. The safety and security plan are required to be reviewed and approved by the County Sheriff's Department, as well as the appropriate fire district for each project. Upon project approval, the applicant shall be required to obtain building permits in accordance with the adopted building and fire codes.

**Mitigation:** None.

**References:** Application material; Chapter 6.78 and Title 21 of the Stanislaus County Code; PEIR California Department of Food and Agriculture – CalCannabis Division - Cultivation Licensing Program, dated November 2017; Stanislaus County General Plan Safety Element and Support Documentation<sup>1</sup>, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XVI. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</b>			X	
<b>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</b>			X	

**Discussion:** This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XVII. TRANSPORTATION-- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</b>			X	
<b>b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?</b>			X	
<b>c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</b>			X	
<b>d) Result in inadequate emergency access?</b>			X	

**Discussion:** The request to operate a commercial cannabis cultivation, nursery and distribution operation on a 35.8-acre parcel in the A-2-40 zoning district. The project proposes to construct a total of eight greenhouses for a total of 23,040 square feet and one 1,500 square-foot warehouse for processing and distribution activities solely for cannabis grown on-site. The project site will be accessed via Sullivan Road by private road and is anticipating one vehicle trip per-day associated with delivery of supplies and distribution activities. The applicant anticipates up to five employees on a maximum shift and hours of operation are proposed to be Monday through Friday 8:00 a.m. to 8:00 p.m. The project was referred to the County's Public Works Department, Environmental Review Committee, and Caltrans. All three agencies reviewed the project and did not provide any comments or concerns with traffic impacts that would be generated as a result of this project. The Public Works Department did have comment related to loading and unloading of vehicles and grading, which will be added to the conditions of approval. Consequently, the private road that will be utilized to access Sullivan Road, will be required to be upgraded to an all-weather surface, prior to operation of the business.

Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. As the proposed project would only consist of five employees on a maximum shift and one vehicle trip per-day associated with supplies and distribution activities, it would be considered less-than significant for VMT generation. The PEIR performed by CDFA did not anticipate significant impacts to traffic from cannabis cultivation activities due to the limit on size of operations from state licenses, which would limit the number of employees and amount of vehicle trips from supply deliveries and distribution to a minimal amount. Furthermore, the PEIR stated that local regulatory measures for traffic control would limit any impacts to the local traffic network.

With up to five employees and one vehicle trip per-day, impacts associated with Transportation are expected to have a less-than significant impact.

**Mitigation:** None.

**References:** Application Material; PEIR California Department of Food and Agriculture – CalCannabis Division - Cultivation Licensing Program, dated November 2017; CEQA Guidelines Section 15064.3; Referral response from Stanislaus County Department of Public Works, dated March 10, 2020; Circulation Element of the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

**Discussion:** Tribal notification of the project was not referred to any tribes in conjunction with AB 52 requirements, as Stanislaus County has not received any requests for consultation from the tribes listed with the NAHC. It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project site has already been used historically for rangeland and is currently planted in row crops. Nevertheless, a condition of approval will be placed on the project that if any resources are found, construction activities will halt until a qualified survey takes place and the appropriate authorities are notified.

Tribal cultural Impacts are considered to be less-than significant.

**Mitigation:** None.

**References:** Application material; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</b>			X	
<b>b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</b>			X	
<b>c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</b>			X	
<b>d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?</b>			X	
<b>e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</b>			X	

**Discussion:** The proposed project site is served by a private well and private septic system, and the Pacific Gas and Electric (PG&E) for electricity. The project was referred to PG&E, and no response was received. There are no rivers or streams in the project vicinity, therefore the project would not alter the course of a stream or river in a manner which would result in substantial erosion or siltation on or off-site. The site is located in the San Joaquin Valley Delta-Mendota sub-basin, any new-well facilities will be required to be consistent with any Groundwater Service Agency (GSA) plan for the basin. As stated previously, this project will not result in the formation of a new public water system as defined in California Health and Safety Code (CHSC), Section 116275 (h) and will utilize the existing well.

The PEIR published by CDFA touches on discharge of waste that could have an impact on capacity of waste water treatment facilities and water quality. However, cultivators are required to comply with all Regional Water Quality Control Board standards for any discharge, including the adopted General Order for cannabis cultivation. Furthermore, the PEIR identified best management practices such as: comply with all pesticide label directions, store chemicals in a secure building or shed to prevent access by wildlife, contain any chemical leaks and immediately clean up any spills, apply the minimum amount of product necessary to control the target pest, prevent off-site drift, do not apply pesticides when pollinators are present, do not allow drift to flowering plants attractive to pollinators, do not spray directly to surface water or allow pesticide product to drift to surface water, spray only when wind is blowing away from surface water bodies, do not apply pesticides when they may reach surface water or groundwater, and only use properly labeled pesticides, which would result in a less-than significant impact to water quality. The PEIR also found that indoor cultivation would be less likely to create significant impacts to water quality as direct discharge into bodies of water would have a low potential for occurrence. As for capacity

of waste water treatment facilities, cultivation operations will be limited in size due to state licensure possibilities, which is not foreseen to create significant impacts to existing facilities if connected to. Additionally, storm-water collection systems would be unlikely to be specifically impacted significantly by cultivation activities, and would be reviewed on a site-specific basis by the local jurisdiction. Regulations to reduce impacts to Utilities and Service Systems from cultivation operations that are enforced by CDFA include Sections 8102(s), 8108, and 8308.

It is not anticipated that the proposed project would have a significant impact on existing wastewater facilities or require expanded entitlements for water supplies. A referral response from the Department of Public works stated that the proposed cultivation operation will be required to meet all Water Resources Control Board measures for collection and disposal of process wastewater including a manifest of disposal activities to be monitored by the Central Valley Regional Water Quality Control Board. A condition of approval will be added to reflect this requirement.

The project would be required to comply with all regulations related to solid waste. The solid waste generated by the project would be primarily organic waste from the cannabis plants, which would be collected and removed by State licensed operators. The project would not generate an amount of solid waste, such that the landfill's capacity would become impacted and expansion required.

No significant impacts related to Utilities and Services Systems have been identified.

**Mitigation:** None.

**References:** Application material; Correspondence from Department of Environmental Resources, dated September 3, 2020; PEIR California Department of Food and Agriculture – CalCannabis Division - Cultivation Licensing Program, dated November 2017; Referral response from the Department of Public Works, dated March 12, 2020; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Substantially impair an adopted emergency response plan or emergency evacuation plan?</b>			X	
<b>b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</b>			X	
<b>c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</b>			X	
<b>d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?</b>			X	

**Discussion:** The site is located in a State Responsibility Area (SRA), but also within the West Stanislaus Fire Protection District. As stated previously, the private road that will be utilized to access Sullivan Road, will be required to be upgraded to an all-weather surface, prior to operation of the business. This will ensure requirements for emergency service access is met. The terrain is relatively flat and it is not located near any bodies of water. No significant impacts to the project site's or surrounding environment's wildfire risk is anticipated as a result of this project. Accordingly, wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

**Mitigation:** None.

**References:** Application materials; California Building Code Title 24, Part 2, Chapter 7; Stanislaus County Local Hazard Mitigation Plan; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Discussion:** Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. Less-than significant impacts are addressed through regulatory requirements and conditions of approval limit any impacts the project could have on the environment. The County has limited the total number of permitted commercial cannabis activities to 61 permit types, including cultivation, nursery, manufacturing volatile and non-volatile, distribution, laboratory testing, and retail. Subsequently, any potential cumulative impacts to traffic are anticipated to be less-than significant as PFF fees collected during the building permit would contribute to any improvements to the local road infrastructure impacted by the proposed project. As a result of a cumulative analysis performed by CDFA in their PEIR for commercial cannabis cultivation licensing program, no impacts that are identified as cumulatively considerable were identified. County staff finds that the proposed project does not exhibit impacts that could be identified as cumulatively considerable either.

**Mitigation:** None.

**References:** Initial Study; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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## Stanislaus County

### Planning and Community Development

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## Mitigation Monitoring and Reporting Program

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

**SEPTEMBER 10, 2021**

1. Project title and location: Use Permit and Development Agreement  
Application No. PLN2020-0010 – Stanco Family  
Farms  
  
Sullivan Road, abutting the California Aqueduct to  
the east and Merced County line to the south, in  
the Newman area. APN: 028-015-026
2. Project Applicant name and address: Mark McManis, StanCo Family Farms  
3801 Shoemaker Avenue  
Modesto, CA 95358
3. Person Responsible for Implementing  
Mitigation Program (Applicant Representative): Mark McManis, StanCo Family Farms
4. Contact person at County: Jeremy Ballard, Associate Planner (209) 525-6330

### MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

### IV. BIOLOGICAL RESOURCES

- |      |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No.1 | Mitigation Measure:                     | Prior to the onset of any ground disturbance activities, pre-construction surveys shall be conducted by a qualified biologist to determine if any avoidance of the California tiger salamander is required. If avoidance is determined to be required, a qualified biologist, in consultation with the California Department of Fish & Wildlife (CDFW), shall determine the need (if any) for temporal restrictions on construction, including but not limited to installation of onsite exclusion fencing. |
|      | Who Implements the Measure:             | Developer/Property Owner                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|      | When should the measure be implemented: | Prior to issuance of a grading or building permit                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|      | When should it be completed:            | Prior to onset of any ground disturbing activities                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|      | Who verifies compliance:                | Stanislaus County Department of Planning and Community Development                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|      | Other Responsible Agencies:             | CA Department of Fish and Wildlife                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| No.2 | Mitigation Measure:                     | 10 days prior to any ground disturbance of the site, trees within and around the site will be resurveyed by a qualified biologist for any active Swainson's                                                                                                                                                                                                                                                                                                                                                 |

Hawk nesting sites. If active nests are identified, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a half-mile no disturbance buffer to remain until the young have fledged.

- |  |                                         |                                                                    |
|--|-----------------------------------------|--------------------------------------------------------------------|
|  | Who Implements the Measure:             | Developer/Property Owner                                           |
|  | When should the measure be implemented: | Prior to issuance of a grading or building permit                  |
|  | When should it be completed:            | Prior to onset of any ground disturbing activities                 |
|  | Who verifies compliance:                | Stanislaus County Department of Planning and Community Development |
|  | Other Responsible Agencies:             | CA Department of Fish and Wildlife                                 |
- No.3 Mitigation Measure: 30 days prior to any ground disturbance, the site shall be surveyed by a qualified biologist for potential San Joaquin Kit Fox dens. If any dens are found, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a 50-foot no-disturbance buffer.
- |  |                                         |                                                                    |
|--|-----------------------------------------|--------------------------------------------------------------------|
|  | Who Implements the Measure:             | Developer/Property Owner                                           |
|  | When should the measure be implemented: | Prior to issuance of a grading or building permit                  |
|  | When should it be completed:            | Prior to onset of any ground disturbing activities                 |
|  | Who verifies compliance:                | Stanislaus County Department of Planning and Community Development |
|  | Other Responsible Agencies:             | CA Department of Fish and Wildlife                                 |
- No.4 Mitigation Measure: The drainage ditch west of the California Aqueduct shall be surveyed 10 days prior to any ground disturbance by a qualified biologist for the presence of nesting colonies of the Tri Colored Blackbird. If a colony has been discovered, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a 300-foot no-disturbance buffer.
- |  |                                         |                                                                    |
|--|-----------------------------------------|--------------------------------------------------------------------|
|  | Who Implements the Measure:             | Developer/Property Owner                                           |
|  | When should the measure be implemented: | Prior to issuance of a grading or building permit                  |
|  | When should it be completed:            | Prior to onset of any ground disturbing activities                 |
|  | Who verifies compliance:                | Stanislaus County Department of Planning and Community Development |
|  | Other Responsible Agencies:             | CA Department of Fish and Wildlife                                 |
- No.5 Mitigation Measure: If ground disturbing activity or construction commences between October 1st and February 28th, pre-construction surveys for Crotch bumblebee shall



be conducted by a qualified biologist. If evidence of any Crotch bumblebee is observed, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction.

	Who Implements the Measure:	Developer/Property Owner
	When should the measure be implemented:	Prior to issuance of a grading or building permit
	When should it be completed:	Prior to onset of any ground disturbing activities
	Who verifies compliance:	Stanislaus County Department of Planning and Community Development
	Other Responsible Agencies:	CA Department of Fish and Wildlife
No.6	Mitigation Measure:	The site shall be surveyed by a qualified biologist for American Badger and Western Spadefoot prior to any ground disturbance activities. If any American Badger and Western Spadefoot are observed, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer.
	Who Implements the Measure:	Developer/Property Owner
	When should the measure be implemented:	Prior to issuance of a grading or building permit
	When should it be completed:	Prior to onset of any ground disturbing activities
	Who verifies compliance:	Stanislaus County Department of Planning and Community Development
	Other Responsible Agencies:	CA Department of Fish and Wildlife
No.7	Mitigation Measure:	If ground disturbing activity or construction commences between November 1st and March 31st, pre-construction surveys for California red-legged frog shall be conducted by a qualified biologist. If evidence of any California red-legged frog is observed, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer.
	Who Implements the Measure:	Developer/Property Owner
	When should the measure be implemented:	Prior to issuance of a grading or building permit
	When should it be completed:	Prior to onset of any ground disturbing activities
	Who verifies compliance:	Stanislaus County Department of Planning and Community Development
	Other Responsible Agencies:	CA Department of Fish and Wildlife

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

**Signature on file.** \_\_\_\_\_  
Person Responsible for Implementing  
Mitigation Program






**9/10/2021** \_\_\_\_\_  
Date

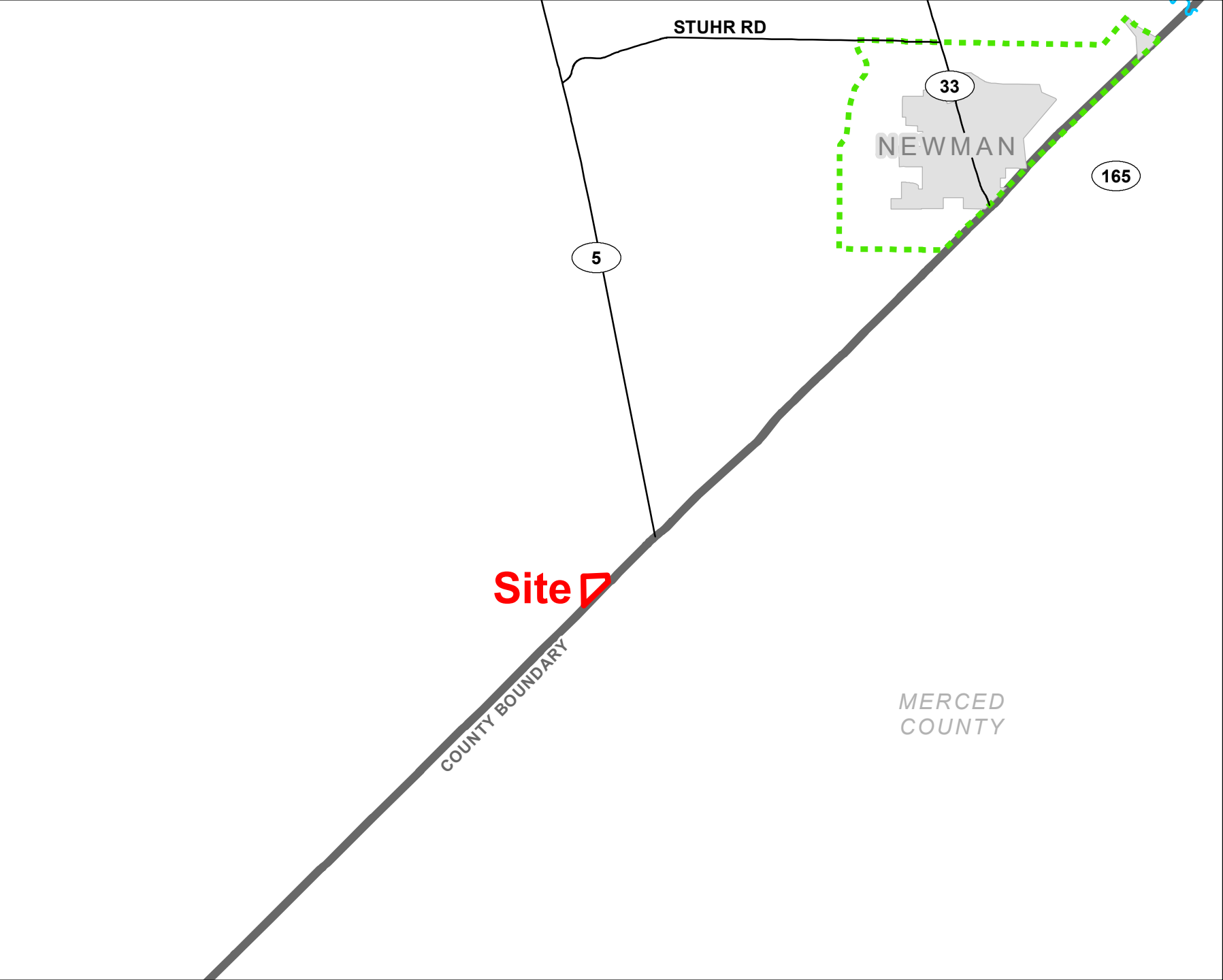
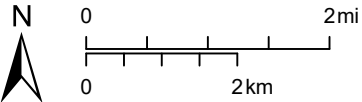
# STANCO FAMILY FARMS

UP & DA App  
PLN2020-0010

## AREA MAP

### LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road
-  River










# STANCO FAMILY FARMS



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PLN2020-0010

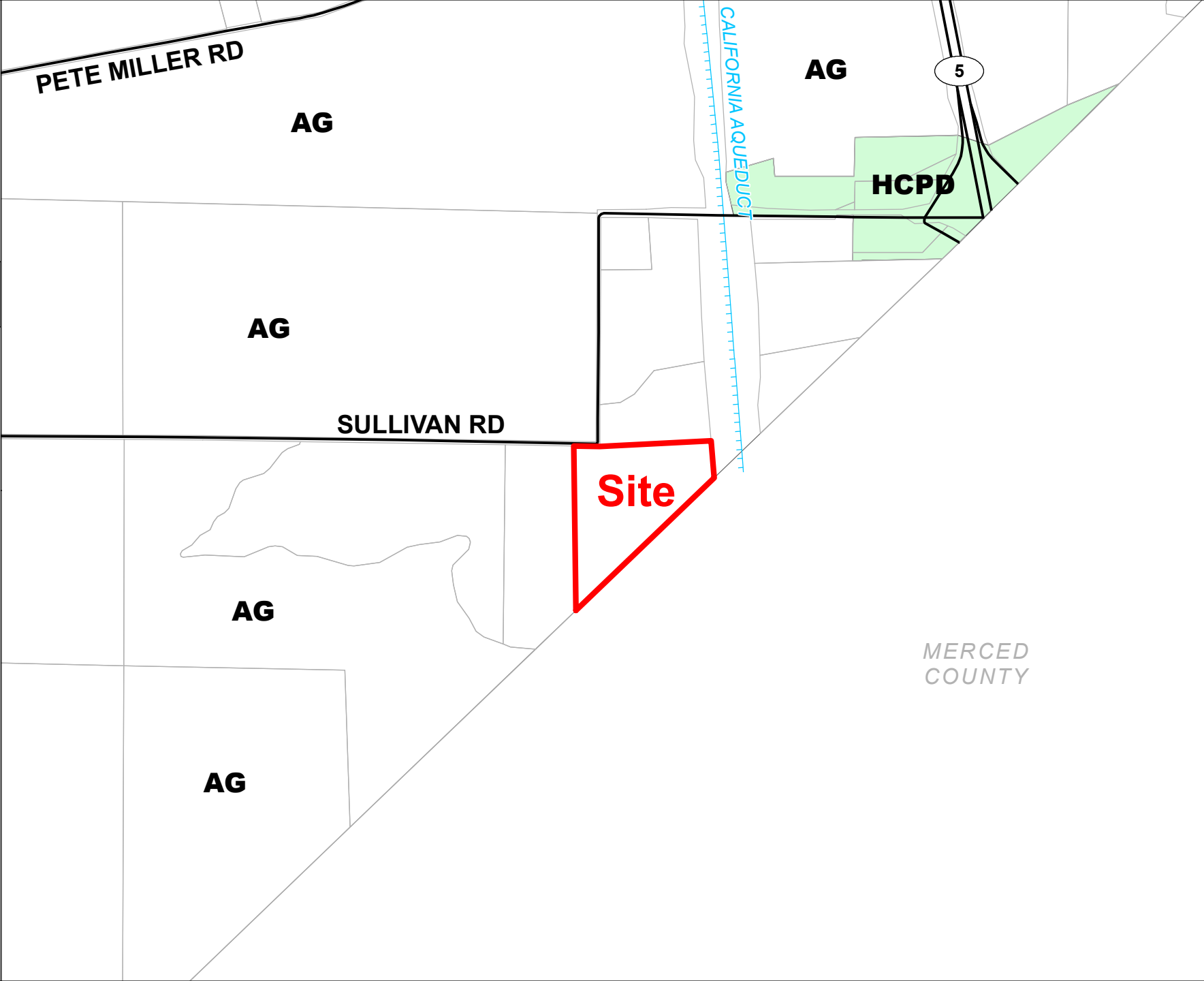
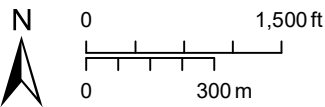
## GENERAL PLAN MAP

### LEGEND

-  Project Site
-  Sphere of Influence
-  City of
-  Parcel
-  Road
-  River
-  Canal

### General Plan

-  Agriculture
-  Highway Commercial / Planned Development







# STANCO FAMILY FARMS



UP & DA App  
PLN2020-0010

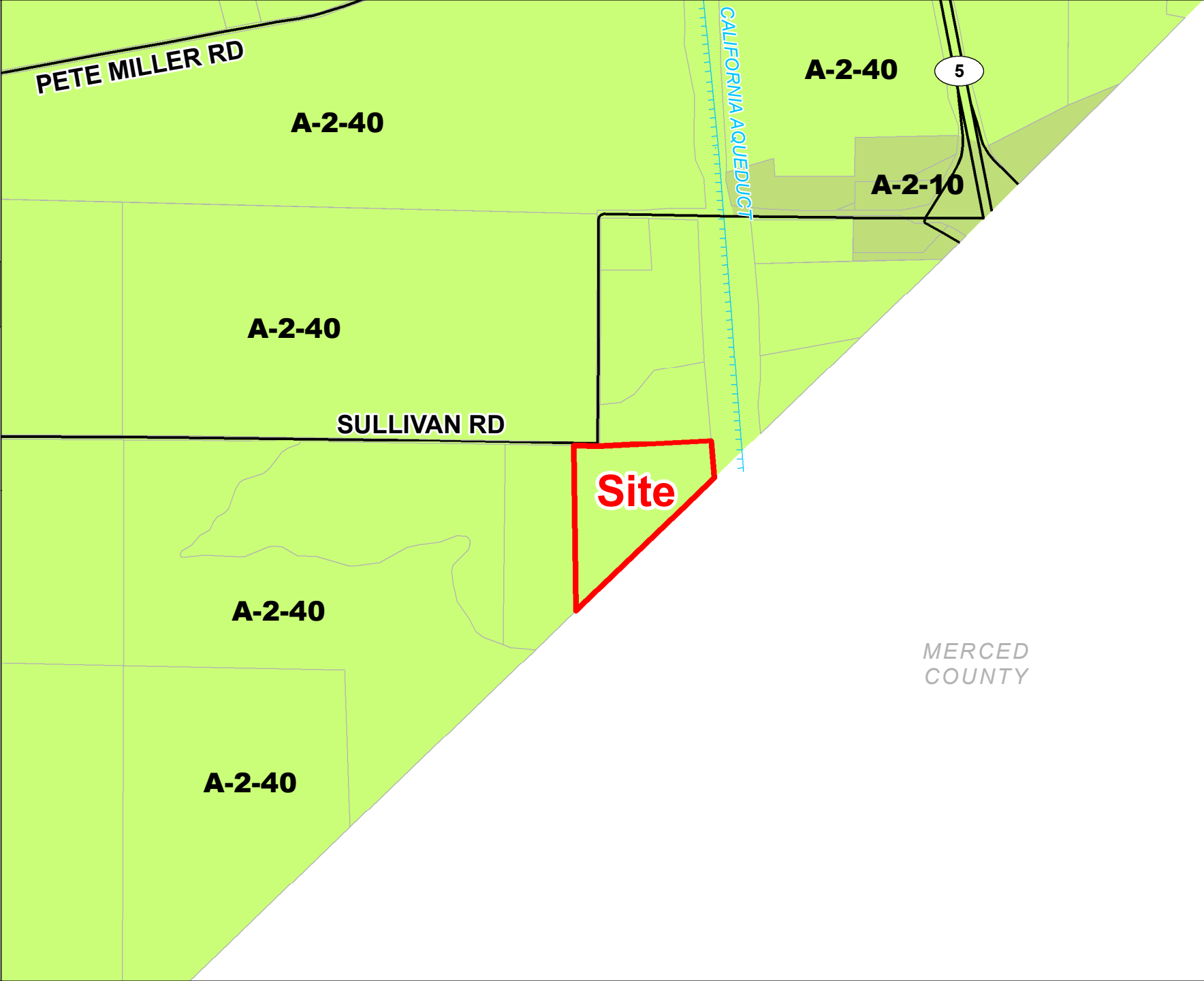
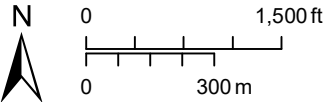
## ZONING MAP

### LEGEND

-  Project Site
-  Parcel
-  Road
-  Canal

### Zoning Designation

-  General Agriculture 10 Acre
-  General Agriculture 40 Acre








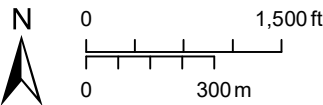
# STANCO FAMILY FARMS

UP & DA App  
PLN2020-0010

2017 AERIAL AREA MAP

## LEGEND

-  Project Site
-  Road
-  Canal








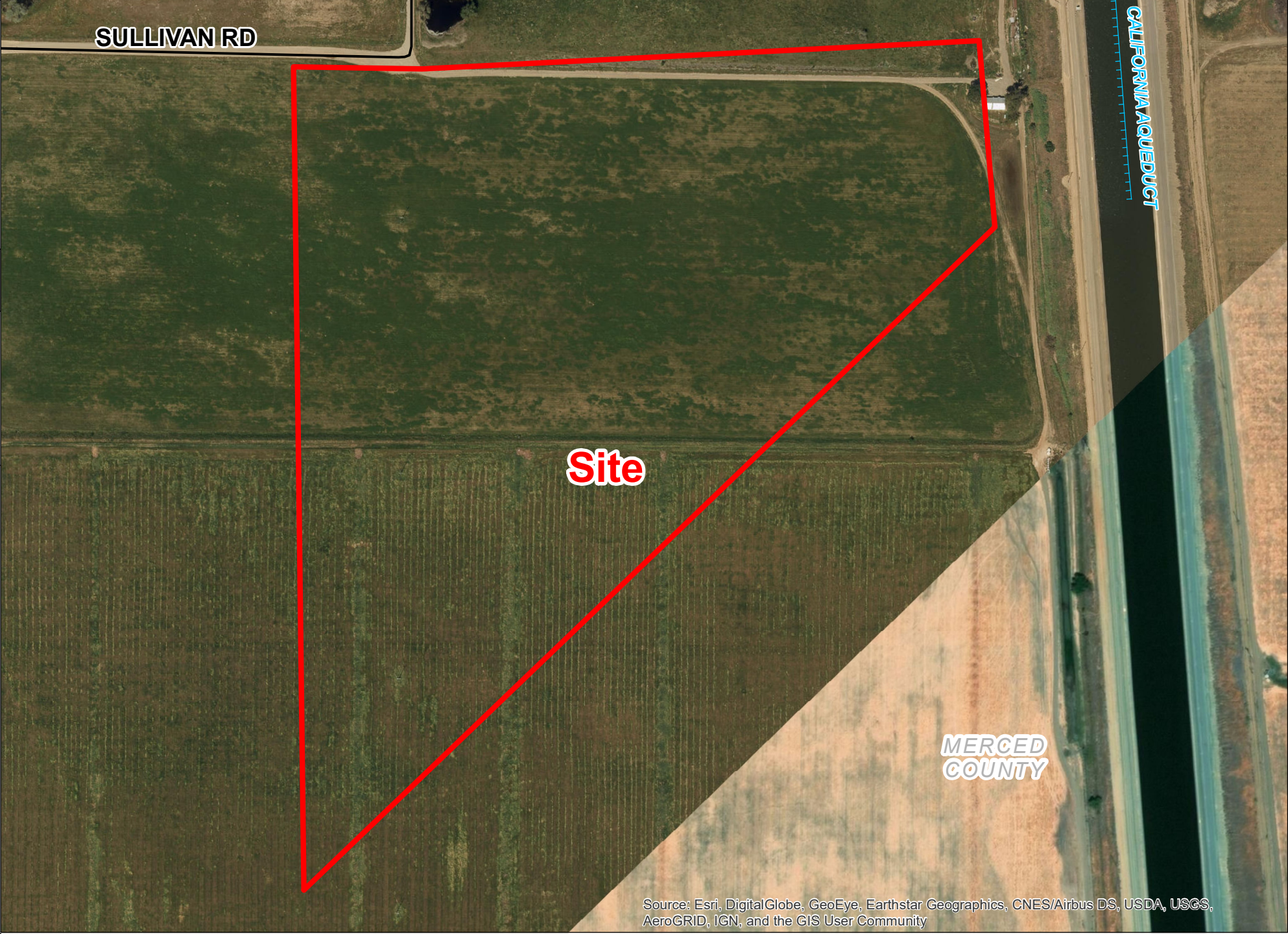
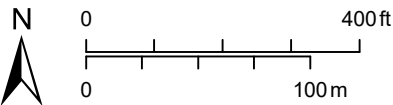
STANCO FAMILY  
FARMS

UP & DA App  
PLN2020-0010

2017 AERIAL SITE MAP

LEGEND

-  Project Site
-  Road
-  Canal












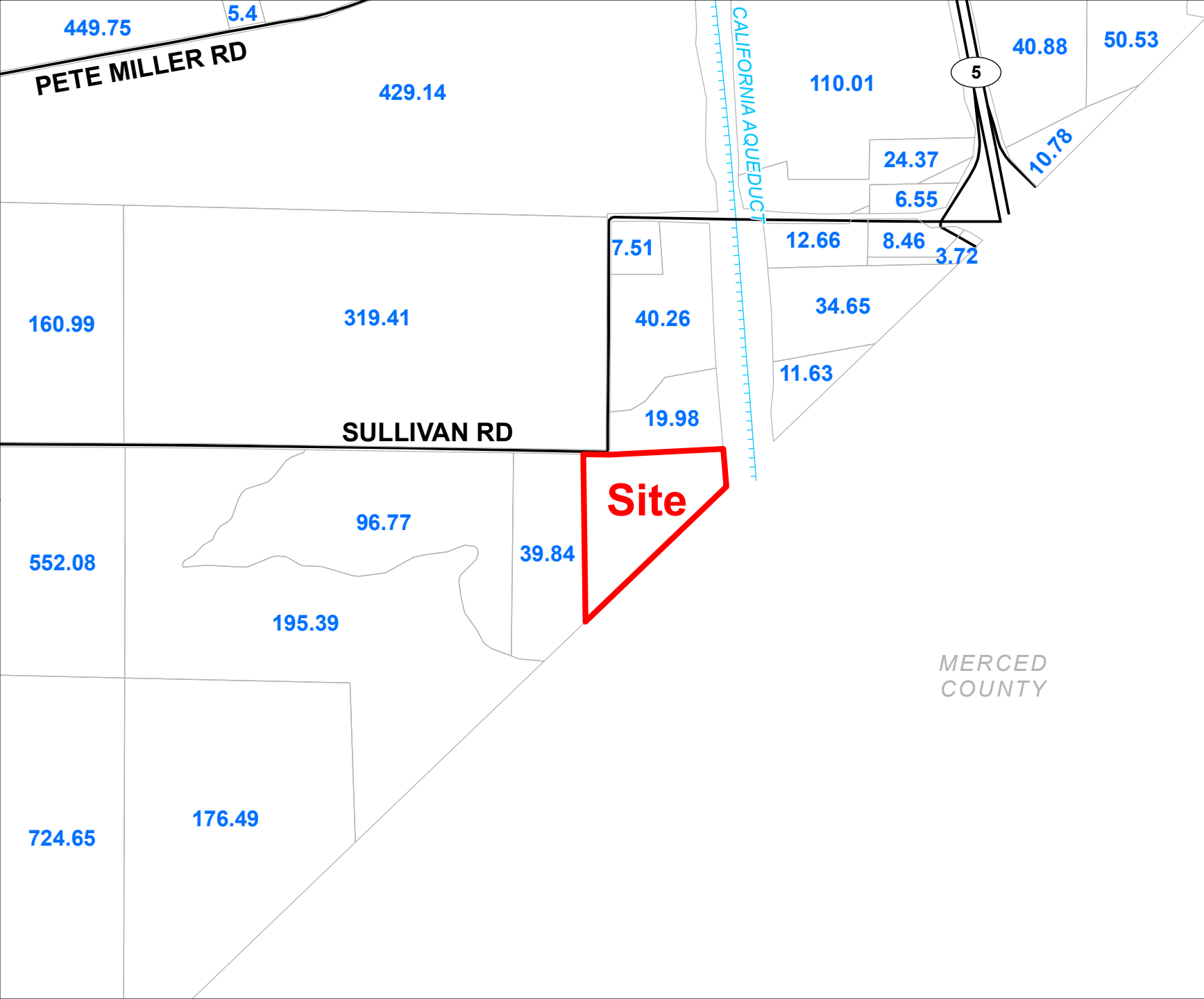
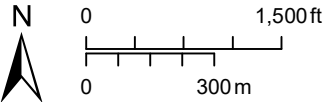
# STANCO FAMILY FARMS

UP & DA App  
PLN2020-0010

## ACREAGE MAP

### LEGEND

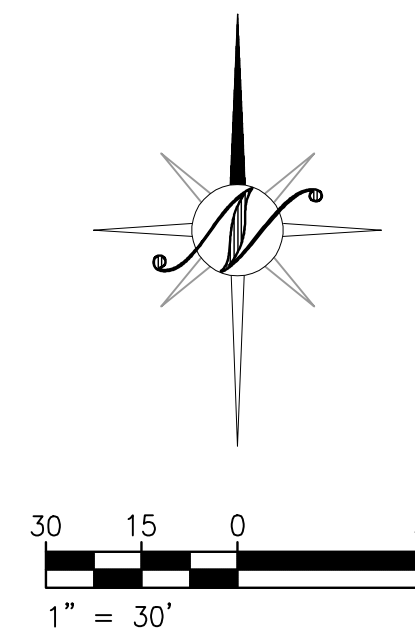
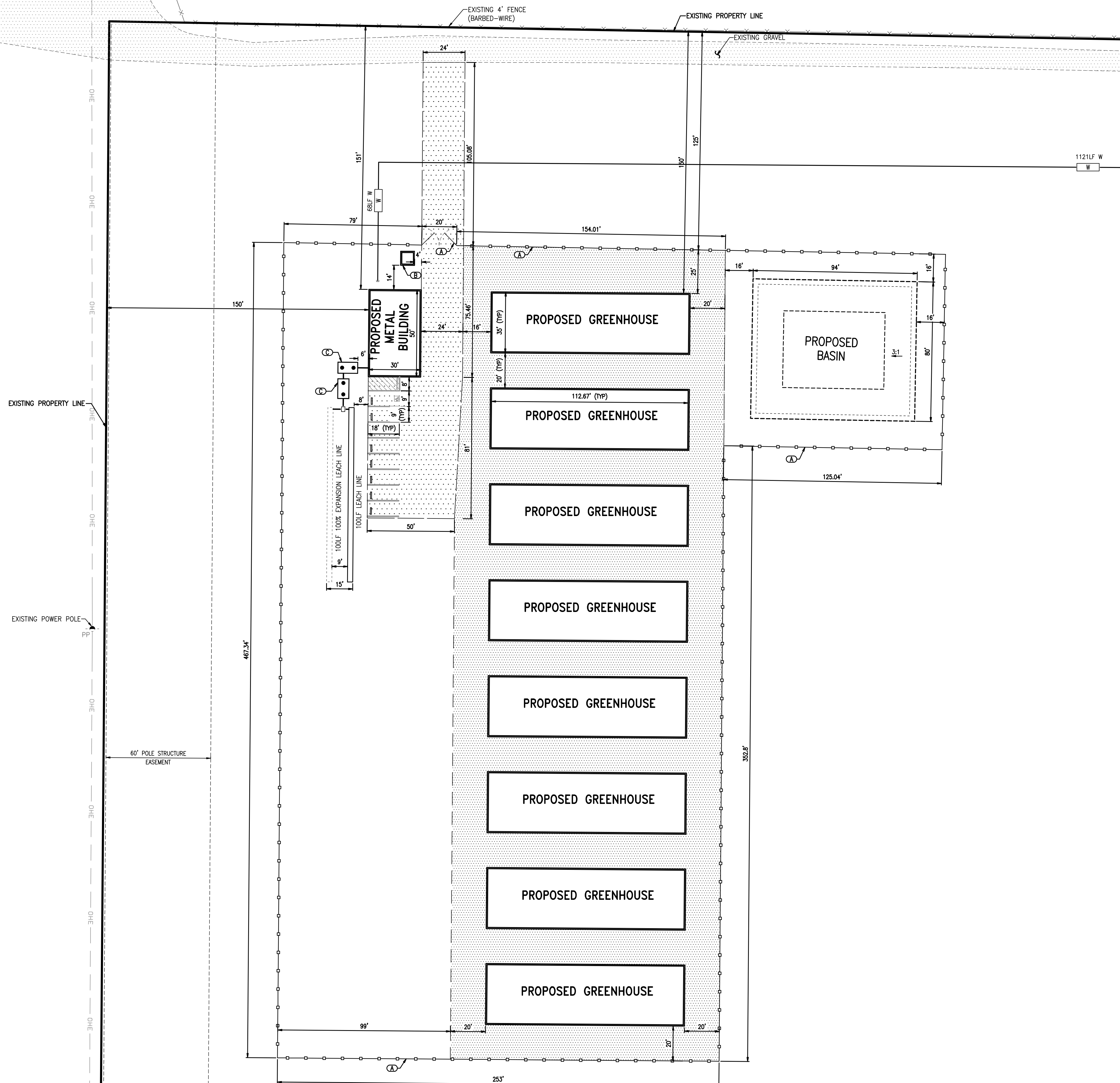
-  Project Site
-  Sphere of Influence
-  City of
-  Parcel/Acres
-  Road
-  River
-  Canal



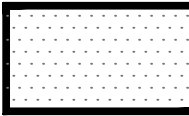
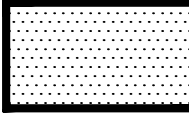
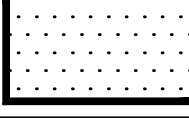








## **HATCH LEGEND**

	EXISTING GRAVEL
	PROPOSED AGGREGATE BASE
	PROPOSED PAVEMENT

## **KEY NOTES**

- (A) PROPOSED FENCE AND/OR GATE PER STANISLAUS COUNTY STANDARDS AND SPECIFICATIONS. SEE ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- (B) PROPOSED GUARD SHACK.
- (C) PROPOSED SEPTIC TANK LOCATION.

# Cali Consulting Service, Inc.

12960 Ivie Road  
Herald, CA 95638  
(209) 810-2538  
E-mail: caliag@att.net

November 20, 2020

Stanco Family Farms, Inc.  
4009 Royal Windsor Drive  
Salida, CA 95368

Subject: BIOLOGICAL ASSESSMENT FOR ASSESSOR PARCEL NUMBER  
(APN) 028-015-025, STANISLAUS COUNTY, CALIFORNIA

Dear Stanco Family Farms, Inc.

Thank you for asking Cali Consulting Service, Inc. to conduct a Biological Assessment of your (project site), Assessor Parcel Number (APN) 028-015-025. The focus of my work was to conduct a site evaluation for suitable habitats for or the presence of sensitive species. This work was being done to satisfy some of the Biological Requirements for your Conditions of Approval for Stanislaus County Department of Public Works Use Permit and Development Agreement Application Number PLN2020-0010StanCo Family Farms and to address some of California Department of Fish and Wildlife's recommended additional Mitigation Monitoring and Reporting (MMRP) Measures. The focus of my work was to conduct a detailed site evaluation of the entire project site (parcel number 028-015-025; 35 +/- acres) and a significant buffer surrounding the parcel. This report details the methodology and results of my investigation of the site.

## METHODS

Prior to the field survey, I conducted a search of California Department of Fish and Wildlife's (CDFW), California Natural Diversity Database (CNDDB, 2020). This information was used to identify sensitive species that have been previously documented in the greater project vicinity or have the potential to occur within the project site based on suitable habitats and geographical distribution. The project site appears to be located in the northwest corner of the USGS 7.5-minute Howard Ranch Topographic Quadrangle. Since the project site is in close proximity to the intersection of all four topographic quadrangles; for the sake of species completeness the Howard Ranch, Newman, Orestimba Peak, and Crevison

Peak quadrangles were all searched. The CNDDDB 2020 search covered an area of approximately 280 square miles around the project site.

The United States Fish and Wildlife Service's (USFWS), Designation of Critical Habitat Unit Maps were noted and the USFWS's National Wetland Inventory (NWI) Map was also reviewed for the project site. Historical Google Earth photographs were observed and an appointment has been made with the United States Department of Agriculture, Natural Resources Conservation Service (USDA, NRCS) to review their historical imagery of the area.

A field survey was conducted on September 29, 2020. The survey consisted of walking throughout the site observing and noting habitat conditions; surrounding land uses; and plant and wildlife species. I searched for sensitive species (plants, animals, invertebrates, etc.) and any suitable habitats for sensitive species (e.g., vernal pools, elderberry shrubs, nest trees, burrows, etc.). The field survey included searching the entire parcel (APN) 028-015-025 and a significant buffer area around the parcel for potential Swainson's hawk (*Buteo swainsoni*) nest trees, burrows with evidence of burrowing owl (*Athene cunicularia*) and/or San Joaquin Kit Fox (*Vulpes macrotis mutica*) occupancy, or any other visual evidence of potential species occupancy or potential habitats that could be utilized by any special status species. Significant time was spent specifically focusing on the area of impact for the footprint of development which is indicated as being 3 +/- acres located in the northwest corner of the parcel, right next to the established dirt road along the north and the power poles along the west. Since the project site appeared to be part of a larger farming operation, those buffer areas were easily walked and thoroughly searched. Some of the off-site buffer areas were observed with binoculars since there was a fence-line separating those parcels from the project site.

## RESULTS

**GENERAL SETTING:** The 35 +/- acre project site is located on the westside of the northern part of the central valley, southwest of the city of Newman in Stanislaus County, California (Figure 1). The project site consists of Assessor Parcel Number 028-015-025 (35 +/- acres) which is kind of triangular shaped but flat not pointed along the eastside (Figure 2) where the California Aqueduct is located. The southern boundary of the site runs diagonal with the Stanislaus / Merced County-line. Based on the parcel map, it appears that there may be an easement that follows the county-line? The project site appears to have been part of a larger farming operation that consisted of several APN's in both Stanislaus and Merced Counties. The majority of the project site falls within Section 16, Township 8 South, Range 8 East of the USGS 7.5-minute Howard Ranch



topographic quadrangle; however, there may be a long thin north-south section along the west edge of the project site that may fall within Section 17 (Figure 3). According to the topographic map elevations at the site range from approximately 225 to 250 feet above sea level, however the site does appear to have been prior leveled and is terraced between the two fields that make up the site.

The 35 +/- acre project site appears to have been part of a much larger farming operation in the past (Figure 4). There are no fence-lines separating this particular parcel from the other parcels that were farmed along with it in the larger farming operation. Portion of two separate fields make up the project site. Prior land leveling for farming purposes and flood irrigation have created a large field "cut/fill" terrace between the two fields which made up the larger farming operation. For the sake of discussion, we will call the two different fields that make up the project site (north field and south field). The "field cut" runs between these two fields and appears to get larger as you move west across the area. It goes from just a few feet on the eastside by the California Aqueduct to at least 12 +/- feet along the west edge of the field. Both north field and south field appear to have been prior leveled and capable of being flood irrigated. According to Google Earth's Historical Imagery, the site appears to have been leveled and farmed prior to 1998. In the 1998 photos obtained from Google Earth, the trees appeared to be mature in their canopy cover; however, 1998 is the furthest back the aerial imagery was available. When I am able to review the Historical photographs from USDA/NRCS I will then be able to see when the fields were actually leveled and farming started at the site.

Currently the project site consists of both non-native annual and perennial grasses and forbs grazed by sheep. Sheep are being confined to the site as well as the larger farming operation the site fell within with portable hot-wire netting. Since the project site (APN 028-015-025) is kind of triangular shaped it does consist of portions of both the north field and the south field with the large "field cut" terrace separating them. It appears that both of the fields are capable of flood irrigating but in opposite directions. The north field irrigates towards the north and the south field irrigates to the south. The north field is situated significantly lower than the south field and is fairly even with the surrounding areas to the north and west. The north field appears to have flood irrigation valves along its southern edge at the base of the terraced field "cut/fill" area. This field appears to irrigate towards the north where there is a remnant old fairly shallow tail-water ditched area to keep the excess flood irrigation water off of the dirt road along the north. The tailwater ditch appears to allow the excess flood irrigation water to go towards the east of the site. Along the eastside of this north field there is a small abandoned home, a well, power poles, and a few mature trees. The main dirt road is very close to the homesite on the north, west, and

east. The homesite, well, power poles, and trees are separated from the field and surrounded by the well-established dirt road. There are no other structures within the project site, however there are a few electrical power poles along the westside of the site about even to where Sullivan Road comes into the site from the north and there are a few cement irrigation stand pipes. Historical imagery of the site and the larger farming operation the site falls within, indicated that the southern field has been farmed to trees and the north field to hay or small grains. After the trees were removed in about 2012 it appears that this southern field was still farmed. I was told that the site went into dry bean production once the trees were removed. About half of this southern field is off-site and located in Merced County.

Surrounding land uses in this portion of Stanislaus County and adjacent Merced County are predominately rural consisting mostly of orchards, annual rangeland for cattle grazing, dry-land annually hayed ground, irrigated pasture, irrigated truck crops, and ranch homes with various types of landscaping. Sullivan Road "T's" into the project site along the northern boundary just to the east of where the "footprint" of development will be. This is well-traveled dirt road that bounds the site along the north and the east. This dirt road might actually be part of Sullivan Road or some type of an easement. North of this dirt road is a fence-line and a fallow area that appears to be part of Garzas Creek. It appears that some of this off-site fallow area to the north is also used for storage of various livestock items. There appears to be a large solar farm going-in north of Garzas Creek and Sullivan Road. East of the site is the dirt road, a fence-line, an off-site ditch along the Aqueduct, and the California Aqueduct. The Aqueduct is raised above the natural ground level. Since the project site runs at an angle with the county-line and was part of a larger farming operation in the past; it is bound on the south and west by the prior leveled and farmed fields.

**VEGETATION:** Vegetation within the project site mostly consists of annual ruderal grass and forb species, however there are also perennial grasses and clovers from past flood irrigation practices. California annual grassland series (Sawyer and Keeler-Wolf, 1995) is the plant community that best describes the majority of the site today. This series consists of non-native annual grass and forb species. They start to germinate with the on-set of the first rains or moisture in the fall and die out with the lack of moisture or rain in the heat of the summer. An example of the dominate annual species observed while surveying at the site include oats (*avena* sp.), soft chess brome (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), rose clover (*Trifolium hirtum*), filaree (*Erodium botrys*), foxtail barley (*Hordeum murinum*), and field mustard (*Brassica rapa*). Some of the perennial plants observed at the site include rescuegrass (*Bromus catharticus*), Bermudagrass (*Cynodon dactylon*), fescue (*Festuca* sp.), and Dallisgrass (*Paspalum dilatatum*). These perennial plants are best

represented by the non-native introduced perennial grassland series (Sawyer and Keeler-Wolf, 1995). This series consists of introduced perennial grass and forb species specifically for irrigation and haying or livestock grazing. Perennial plants will establish on a site due to irrigation practices out-side of our normal rainy season. The majority of the perennial plants appear to be dying-off due to the lack of irrigation this past season(s) and the heat of the summer. The off-site ditch that runs the base of the Aqueduct does have some willows (*Salix* sp.) and Himalayan blackberry bushes (*Rubus armeniacus*) in it. There were no large trees or shrubs within the prior leveled farmed fields, just around the old homesite. Appendix A contains a list of plant species observed while surveying at the site.

**WILDLIFE:** A limited number of wildlife species were observed during the site survey. All of these are common species found in rural areas of Stanislaus County. Appendix B contains a complete list of all of the wildlife species observed while surveying at the site, or even if there was any evidence of possible passing through the site on even a transitory basis. Red-shouldered hawk (*Buteo lineatus*), American crow (*Corvus brachyrhynchos*), and turkey vulture (*Cathartes aura*) are representative of some of the bird species observed during the field survey. Various raptors may utilize the large trees in the vicinity of the site for nesting, however the few eucalyptus trees by the old house are not actually that large for nesting but could possibly be used for perching while hunting prey. Raptors may forage over the fields at the site and annual rangeland in the vicinity of the site for food. A variety of songbirds may nest in the trees around the old house and/or off-site in the small trees or shrubs along the California Aqueduct just east of the site.

A variety of mammals are also likely to occur within the project site. The only mammal observed while surveying at the site was California ground squirrel (*Spermophilus beecheyi*). They appear to like the annual rangeland just west of the larger farming operation. It is expected that species such as raccoon (*Procyon lotor*), desert cottontail (*Sylvilagus audubonii*), opossum (*Didelphis virginiana*), and striped skunk (*Mephitis mephitis*) should also be present in the area and occasionally pass through the site. Raccoon prints were observed on the dirt road along the northern boundary to the site.

Based on the condition of the site (disturbed grasses and forbs with nothing to hide under) probably not too many amphibians and reptiles will utilize the area. The only species observed while surveying the site was a Western fence lizard (*Sceloporus occidentalis*). It was scurrying around the edge of the old house. You would also expect an occasional gopher snake (*Pituophis catenifer*) or garter snake (*Thamnophis* sp.) to pass through the site.



**SPECIAL STATUS AND SENSITIVE SPECIES:** Federal and State endangered species legislation gives special status to several plant and animal species known to occur in the vicinity of the project site. Such special-status species include plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered under the FESA or the CESA; animals listed as “fully protected” under the California Fish and Game Code (Section 3511); animals designated as “Species of Special Concern” by the CDFW; and plants listed as rare or endangered by California Native Plant Society (CNPS). The U.S. Fish and Wildlife Service has established Designated Critical Habitat Units for recovery of various special status sensitive species. The project site does not appear to be within or even close to any of the Designated Critical Habitat Units for sensitive species. Tables 1 and 2 provide a summary of the listing status and habitat requirements of the sensitive species that have been previously documented in the greater project vicinity (CNDDDB, 2020) or for which there is potentially suitable habitat within the surveyed site or buffer areas. Some of these species in tables 1 and 2 are also listed in the recommended additional Mitigation Monitoring and Reporting (MMRP) Measures by the California Department of Fish and Wildlife. Tables 1 and 2 lists and discusses all species documented in the CNDDDB 2020 as well as the species addressed by California Department of Fish and Wildlife in the MMRP. Tables 1 and 2 include an assessment of the likelihood of occurrence of the species within the site and/or buffer areas around the site that may be impacted by development at the site. Through reviewing Table 1 “Plants” and Table 2 “Wildlife”, it becomes apparent that the likelihood of occurrence of some of these special status species is considered moderate to none depending on which species we are addressing. One of the biggest issues with species is that they are mobile or can even stay dormant for years until conditions are right, nothing is 100% for sure. If you create habitats they require, they just may show up at some point in time.

**SENSITIVE PLANTS:** No sensitive plant species were observed within the project site or immediate buffers around the site. Sensitive plants found within the greater project vicinity generally occur in relatively undisturbed areas and are largely found within unique vegetation communities such as pristine wetlands, marshes and swamps; areas with unique soils; and undisturbed native rangeland. CNDDDB (2020) lists three sensitive plants within the vicinity of the project site. Spiny-sepaled button-celery (*Eryngium spinosepalum*), Lime Ridge navarretia (*Navarretia gowenii*), and Hospital Canyon larkspur (*Delphinium californicum* ssp. *interius*). All were searched for during the site survey, however due to prior disturbances at the site; land leveling, farming, and grazing, sensitive plant species would not be expected to be observed.

No sensitive plant species were observed during the site survey. The project site has been prior leveled and intensively farmed in the past. It is

currently being grazed by sheep whereby also reducing any chances of sensitive plant species germinating and/or getting established. The listed plants are not expected to occur in such highly disturbed areas such as the project site. Past land leveling ground disturbances within the site and the grazing of livestock has substantially reduced the suitability of the site for any sensitive plant species. Habitats required to germinate these plant species is not present at the site. There would also need to be a seed base present in the soil profile for the plants to even germinate. Through reviewing Table 1, it becomes apparent that the likelihood of occurrence of sensitive plants within the site is considered none.

**SENSITIVE WILDLIFE:** No sensitive wildlife species were observed while surveying the site. Sensitive wildlife species recorded in the CNDDDB (2020) search area included special status species such as American badger (*Taxidea Taxus*), Burrowing owl (*Athene cunicularia*), Tricolored blackbird (*Agelaius tricolor*), California tiger salamander (*Ambystoma californiense*), San Joaquin pocket mouse (*Perognathus inornatus*), Swainson's hawk (*Buteo swainsoni*), Bald eagle (*Haliaeetus leucocephalus*), Golden eagle (*Aquila chrysaetos*), California horned lark (*Eremophila alpestris actia*), Western pond turtle (*Emys marmorata*), Western spadefoot (*Spea hammondi*), California red-legged frog (*Ranadraytonii*), Foothill yellow-legged frog (*Rana boylei*), San Joaquin roach (*Lavinia symmetricus* ssp. 1), and San Joaquin Kit Fox (*Vulpes macrotis mutica*). The recommended mitigation measures from California Department of Fish and Wildlife also lists the Crotch bumble bee (*Bombus crotchii*). Through reviewing Table 2, it becomes apparent that the likelihood of occurrence of listed, candidate, and other sensitive species within the site is considered moderate to none depending on the species. A few species with some potential to occur in habitats present around the site are discussed further below.

**SWAINSON'S HAWK:** The Swainson's hawk is a migratory hawk listed by the State of California as a Threatened species. Swainson's hawks are found in the Central Valley primarily during their breeding season (March 1 through September 15), a population is even known to winter in the San Joaquin Valley and not migrate south. Swainson's hawks prefer nesting sites that provide sweeping views of nearby foraging grounds consisting of grasslands, irrigated pasture, hay, and small grain crops. However not documented, the project site does provide Swainson Hawk foraging ground and should continue to provide foraging ground since only about 3 +/- acres of the entire 35 +/- acre parcel will be developed to green houses and a warehouse. The 3 +/- acres will not even be entirely covered and hawks should still be able to forage around them. There were no large stick nests observed within the eucalyptus trees around the old house and there are no large trees on the site's boundaries.

**Nesting Birds** are protected during nesting season under the Migratory Bird Treaty Act. Nesting season extends from February 1 to September 31. Nesting birds could be adversely affected by site construction disturbances. The only trees on-site that may provide suitable nesting habitat for smaller birds are the trees around the old house. Various birds may forage over the vast project site; however, there is no nesting habitat for them within the majority of the site, just around the old house. Nesting bird survey should be conducted if site construction occurs during nesting season. Trees around the old house will be surveyed again just prior to any ground disturbances.

**BURROWING OWL:** Burrows within the greater project vicinity may be used by nesting burrowing owls and fields within the greater project vicinity may represent foraging habitat for this species. No burrowing owls or burrowing owl signs (i.e. whitewash, pellets and/or feathers) were observed within the site or within the buffer areas around the site. Vegetation at the site was fairly thick and the ground squirrel burrows were limited in the area of development. There was more ground squirrel activity in the parcel to the west closer to the annual rangeland and in the parcel north of the project site where minimal disturbances have occurred. The parcel just west of the site is part of the same larger farming operation and consists of fairly thick vegetation which is very marginal for nesting owls. Some items that are in the parcel to the north of the site such as livestock panels, fencing, troughs, tires, etc.. could be used as artificial nesting dens for burrowing owls. Even though this is off-site it is within the buffer area and site construction could adversely affect this species. Surveys for this species should be done just prior to any ground disturbances.

**SAN JOAQUIN KIT FOX:** There was no evidence of burrows large enough for the San Joaquin kit fox within the site. There were smaller ground squirrel burrows mostly west and north of the site; however, they did not appear to be large enough for even the small San Joaquin kit fox. Since this animal lives in burrows, it could be adversely affected by site development if they were burrowed in or near the site during developed. The San Joaquin kit fox was observed in the vicinity of Sullivan Road and I-5 in 1992 living in a pipe at a pipe storage facility. It too could live in and under items as artificial dens. Site will be resurveyed just prior to any ground disturbances.

**CALIFORNIA TIGER SALAMANDER:** California tiger salamander (CTS) is a State of California Species of Special Concern and is listed as threatened by both the USFWS under the Federal Endangered Species Act (FESA) (USFWS, 2004a), and CDFW under the California Endangered Species Act (CESA). In August 2004, USFWS also proposed rules for Designated Critical Habitat for the California tiger salamander (USFWS, 2004b). California tiger salamanders require stock ponds without game fish or

deep large vernal pools, which hold water well into the spring months (i.e., April or May) for breeding (Jennings and Hayes, 1994). Following breeding, the young disperse across upland habitats up to 1.2 miles and spend the summer months in subterranean refugia such as small mammal burrows. They do not dig their own burrows; however, they will occupy existing burrows in their dispersal range. Small mammal burrows and/or cracks in the soil could potentially be suitable for over-summering CTS refugia.

The larger farming operation that this project site was a part of has been prior leveled and farmed for many years. Farming and flood irrigation practices would limit or prohibit CTS from successfully seeking summer refugia within the site. Along the western fence-line of this larger farming operation there appears to be about a 12-inch drop (field cut/fill from prior land leveling) to the annual rangeland in the neighboring parcel. There is a wet ponded area off-site but along the fence-line that appears to pond up with the rains in the winter. Through Google earth historical imagery this area appears to be ponded most years. According to the CNDDDB 2020 this ponded area falls on the "Simon Newman Ranch" and back in April of 2017 they were surveying for the proposed "pipeline replacement project" on the pipeline that runs through the area and observed one CTS larvae in this ponded area. CNDDDB 2020 indicates that 1 larvae was observed during the pipeline survey on April 24, 2017. It also indicates that the "Simon Newman Ranch" property is managed by The Nature Conservancy (TNC). The western edge of the project site is approximately two-tenths of a mile or less from this CTS larvae observation in 2017. It appears that there is plenty of summer refugia for CTS in the annual rangeland west of this ponded area. The CTS observation is off-site and within the non-native annual rangeland which bounds the larger farming operations west fence-line (Figure 5).

**CALIFORNIA RED-LEGGED FROG:** California red-legged frog is considered Threatened by the federal Government and is a species of special concern by the state CDFW. This species requires aquatic habitats to live and breed. There is no habitat within the site for this species.

## CONCLUSIONS AND RECOMMENDATIONS

- The likelihood of occurrence of sensitive plant species within the project site is considered none. No sensitive plant species were observed within the project site during the survey. It is my opinion that the highly disturbed site has no possibility of supporting the listed sensitive plant species documented in the CNDDDB in the vicinity of the site.
- The likelihood of occurrence of sensitive wildlife species at the site is considered moderate to none depending on the species. No substantial habitats (wetlands or vernal pools), large tree or big deep exposed burrows exist within the prior leveled and farmed fields that make up the project site.
- No larger burrowed out areas required by the San Joaquin kit fox or any signs of burrowing owls were observed at the site or in the buffer areas surrounding the site during the survey. The likelihood of special status species living in burrows at the site in the future cannot be precluded at this time due to the fact that there is some evidence of ground squirrel activity surrounding the site. It is highly recommended that preconstruction surveys for occupied burrows be conducted just prior (within 2 weeks) of site construction. If occupied burrows are discovered during preconstruction surveys, the service will be consulted with and appropriate protective buffers will be incorporated around the burrows to protect the species. If species are observed during that pre construction survey a biologist will also stay on-site during all site activities for species evaluation.
- The only trees on-site are around the old home. If any tree trimming is to occur it should be done outside of nesting season. The on-site Eucalyptus trees did not have any sticks nests in them however it is recommended that they be surveyed again just prior to site construction. Nesting birds are protected by the Migratory Bird Treaty Act of 1918.
- Agency approval and/or mitigation measures may be required if there is a "take" of species listed as threatened or endangered under FESA; species listed as threatened or endangered under CESA. This also includes modification to their habitats. No species of concern were observed during the survey at the site; however, it is suggested you consult with California Department of Fish and Wildlife pertaining to the California tiger salamander sighting just west of the site.

- CDFW may require an Incidental Take Permit (ITP) if there is any possibility of species "take" which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any specifically listed conduct. Since the CTS is documented adjacent to the site consultation with the service should begin to see if CTS fencing may be installed since the sites are prior farmed.
- The project site is not within a Designated Critical Habitat Unit. There does not appear to be habitat on-site to support species listed in these units, however California Tiger Salamander has been listed in the CNDDDB 2020 in April of 2017 when they were surveying for the pipeline replacement project.

Thank you, again, for asking Cali Consulting Service, Inc. to conduct this work for you. Please feel free to call me at (209) 810-2538 with any questions. Let me know if I need to attend any meetings with you supporting my findings at your project site.

Sincerely,



Tish Espinosa, M.S.  
Principal

## REFERENCES AND LITERATURE CONSULTED

ACOE (U.S. Army Corps of Engineers). 1987. Technical Report Y87-1. U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MI.

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Jennings, M.R. and M.P. Hayes. 1994. Amphibian and Reptile Species of Special Concern in California. Prepared for California Department of Fish and Game, Rancho Cordova, California. November.

Sawyer, J.O. and T. Keeler-Wolf. 1995. A Manual of California Vegetation. California Native Plant Society, Sacramento. California.

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CNPS (California Native Plant Society). 2009. Inventory of Rare and Endangered Plants of California. Sacramento. California.

CDFG (California Department of Fish and Game). 2009. Protocols for Surveying and Evaluating Impacts to special status Native Plant Populations and communities. Prepared November 24, 2009.

USFWS (U.S. Fish and Wildlife Service). 2002 General Rare Plant Survey Guidelines. Prepared in 1996 and revised in 2002 by Ellen A. Cypher.

# APPENDIX A PLANTS OBSERVED WHILE SURVEYING

Common Name	Scientific Name
barley	<i>hordeum</i> sp.
Bermuda grass	<i>Cynodon dactylon</i>
bindweed	<i>Convolvulus arvensis</i>
bluegrass (annual)	<i>Poa annua</i>
bristly ox-tongue	<i>Picris echiodes</i>
brome (California)	<i>Bromus carinatus</i>
clover (bur)	<i>Medicago arabica</i>
clover (rose)	<i>Trifolium hirtum</i>
clover (subterranean)	<i>Trifolium subterraneum</i>
dandelion	<i>Taraxacum officinale</i>
dock (curly)	<i>Rumex crispus</i>
dock (fiddle)	<i>Rumex pulcher</i>
doveweed	<i>Eremocarpus setigerus</i>
filaree	<i>Erodium botrys</i>
foxtail barley	<i>Hordeum murinum</i>
geranium (cutleaf)	<i>Greanium dissectum</i>
hairgrass (annual )	<i>Deschampsia danthonioides</i>
knott weed	<i>Polygonum aviculare</i>
morning glory	<i>Convolvulus arvenis</i>
mustard (field)	<i>Brassica rapa</i>
oat	<i>Avena</i> sp.
oat (wild)	<i>Avena fatua</i>
pigweed (red root)	<i>Amaranthus retroflexus</i>
pigweed (prostrate)	<i>Amaranthus albus</i>
plantain (common)	<i>Plantago major</i>
rattail fescue	<i>Vulpia myuros</i>
ripgut brome	<i>Bromus diandrus</i>
ryegrass sp.	<i>Lolium</i> sp.
smooth cat's ear	<i>Hypochaeris glabra</i>
soft chess brome	<i>Bromus hordeaceus</i>
sow thistle (common)	<i>Sonchus oleraceus</i>
tar weed (virgate)	<i>Holocarpus virgata virgata</i>
thistle (bull)	<i>Crisium vulgare</i>
vinegar weed	<i>Trichostema lanceolatum</i>
yellow star-thistle	<i>Centaurea solstitialis</i>



## APPENDIX B WILDLIFE OBSERVED WHILE SURVEYING

### BIRDS

Red-shouldered Hawk	<i>Buteo lineatus</i>
Red-tailed Hawk	<i>Buteo jamaicensis</i>
Mourning Dove	<i>Zenaida macroura</i>
California Scrub-Jay	<i>Aphelocoma californica</i>
American Crow	<i>Corvus brachyrhynchos</i>
Western Bluebird	<i>Sialia mexicana</i>
European Starling	<i>Sturnus vulgaris</i>
House Finch	<i>Haemorhous mexicanus</i>
Turkey Vulture	<i>Cathartes aura</i>

### MAMMALS

California Ground Squirrel	<i>Spermophilus beecheyi</i>
Raccoon	<i>Procyon lotor</i>

### AMPHIBIANS

Western Fence Lizard	<i>Sceloporus occidentalis</i>
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TABLE 1

## SPECIAL-STATUS PLANT SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>1</sup>	CNPS List <sup>2</sup>	Habitat	Potential for Occurrence in the Project Site
<b>PLANTS</b>						
Spiny-sepaled button-celery	<i>Eryngium spinosepalum</i>	None	None	1B.2	Vernal pools, valley and foothill grassland.	None: There are no habitats on-site that would support Spiny-sepaled button-celery. This plant was not observed during the site survey and is listed in the CNDDDB, 2020 over 6 miles north of the site.
Lime Ridge navarretia	<i>Navarretia gowenii</i>	None	None	1B.1	On calcium carbonate rich soils with high clay content in chaparral area.	None: There are no habitats on-site that would support Lime Ridge navarretia. This plant was not observed during the site survey. CNDDDB 2020 lists this species about 7.25 miles southwest of the site.
Hospital Canyon larkspur	<i>Delphinium californicum</i> ssp. <i>interius</i>	None	None	1B.2	Cismontane woodland, Chaparral, Coastal scrub in wet boggy meadows.	None: There are no habitats on-site to support Hospital Canyon larkspur. This plant was not observed during the site survey. CNDDDB 2020 lists this species about 6 miles southwest of the site.

<sup>1</sup> Endangered, Threatened, Rare

<sup>2</sup> CNPS list of plants which may not be listed under FESA or CESA

List 1A Plants considered by CNPS to be extinct in California

List 1B Plants considered rare, threatened, or endangered in California and elsewhere

List 2 Plants considered rare, threatened, or endangered in California, but more common elsewhere

List 3 Plants in which more information is needed

List 4 Plants of limited distribution

Threat code extensions

.1 Seriously endangered in California

.2 Fairly endangered in California

.3 Not very endangered in California

TABLE 2

## SPECIAL-STATUS WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2</sup>	Habitat	Potential for Occurrence within Project Site
<b>WILDLIFE</b>					
American badger	<i>Taxidea Taxus</i>	None	SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats. Needs uncultivated ground with friable soils	Low to none: There is some potential that Garzas Creek just north of the site or the annual rangeland west of the site could be suitable habitat for the American badger. The farmed project site itself is not suitable habitat for this species. American badger may wonder through the site if they are in the area but it is highly unlikely it would occupy the site. CNDDDB (2020) lists the closest occurrence of this species approximately 6 miles northwest of the site in the vicinity of Orestimba Creek.
Burrowing Owl	<i>Athene cunicularia</i>	None	None	Open, dry, or annual or perennial grasslands, deserts, and scrublands characterized by low growing vegetation. Prey most notably on the California ground squirrel. Subterranean nesters dependent on burrowing mammals for nests.	Moderate to low: No Burrowing Owls or signs of burrowing owls were observed within the site or the buffer areas around the site during the survey. Currently the abundance of vegetation at the site would limit nesting. However the site is being grazed by sheep which may expose burrows suitable for the burrowing owl to nest in. Disturbances at the site will reduce the chances of the burrowing owl utilizing the site for nesting. This species is mobile and could possibly utilize the site in the future since we are currently outside of nesting season. This species is documented over 5 miles south of the site in Merced County along the Aqueduct (CNDDDB, 2020).

TABLE 2

## SPECIAL-STATUS WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2</sup>	Habitat	Potential for Occurrence within Project Site
Tricolored blackbird	<i>Agelaius tricolor</i>	None	T	Requires open water and protected nesting substrate, usually cattails, and surrounding foraging habitat of annual grassland with lots of insects. They are a highly colonial species.	None: There is no nesting habitat within the project site (farmed fields) for Tricolored blackbird. They require perennial wet vegetation with vegetation such as cattails and tules for nesting. Tricolored blackbirds may utilize the site for foraging however it has not been documented. It has been documented approximately 0.75 miles east of the site on the east side of Sullivan Road and I-5 (CNDDDB, 2020). Areas off-site but adjacent to the California Aqueduct will be resurveyed just prior to site development to be sure no tricolored black bird colonies have not developed there.
California tiger salamander	<i>Ambystoma californiense</i>	T	T	Seasonal water bodies without fish (i.e., vernal pools and stock ponds) with surrounding grassland/ woodland habitats containing summer refugia (i.e., burrows)	Moderate to low: It is unlikely but possible that CTS would utilize the highly disturbed, prior leveled, farmed fields right on the fence-line to a documented CTS pond for their summer refugia hibernation. According to the CNDDDB 2020, approximately 0.2 miles west of the project site is a 2017 CTS larvae sighting. This was documented while surveying for a pipeline in 2017. Based on prior ground disturbances (cultivation and flood irrigation) CTS would not be expect to take up summer refugia on-site. It does appear that there may be other vernal pools, stock ponds, and/or wet areas in the annual rangeland west of the site deep enough to support CTS breeding. Consultation with the service should begin as soon as possible as CTS surveys take several years to complete.

TABLE 2

## SPECIAL-STATUS WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2</sup>	Habitat	Potential for Occurrence within Project Site
San Joaquin pocket mouse	<i>Perognathus inornatus</i>	None	None	Grassland, oak savannah, and arid scrubland in southern Sacramento valley, San Joaquin valley, and adjacent foothills. Associated with friable fine textured, sandy soils	Low: San Joaquin pocket mouse is not expected to occur within the highly disturbed farmed fields. There is potentially suitable habitat for this species in the annual rangeland west of the site or possibly along Garzas Creek north of the site. The closest documentation of this species is approximately 4.5 miles southwest of the site in Merced county (CNDDDB, 2020).
Swainson's hawk	<i>Buteo swainsoni</i>	None	T	Breeds in grasslands, flats, riparian areas, savannahs, and agricultural lands with trees. They require grasslands or agricultural lands with rodent populations for foraging and large trees for nesting	Low to none: The site does not contain suitable nesting habitat (large trees) for Swainson's hawk. There are a couple of eucalyptus trees by the old homesite but they do not appear large enough for nesting Swainson's hawks and there were no stick nests observed in them. The site would provide suitable foraging habitat, however use of the site has not been documented for foraging. The nearest occurrence of a nesting pair is approximately 3.6 miles southwest of the site. CNDDDB, 2020 does list several nesting pairs within a 5-mile range of the site.
Bald eagle	<i>Haliaeetus leucocephalus</i>	Delisted	E	Ocean shores, lake margins, and rivers for both nesting and wintering. Usually nests within 1 mile of water	None: The site does not contain suitable habitat for Bald eagle nesting. They may fly over the site while foraging. The nearest documented occurrence is approximately 5.5 miles north of the site around Orestimba Creek (CNDDDB, 2020).
Golden Eagle	<i>Aquila chrysaetos</i>	None	FP	Rolling foothills, mountain areas, sage-juniper flats and deserts. Cliff walled canyons provide nesting habitats, also large trees in open areas	None: The site does not contain suitable nesting habitat for this species. A Golden Eagle may occasionally fly over the site however the closest documented occurrence in the CNDDDB 2020 is about 5 miles north.

TABLE 2

## SPECIAL-STATUS WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2</sup>	Habitat	Potential for Occurrence within Project Site
California horned lark	<i>Eremophila alpestris actia</i>	None	WL	Short grass prairie, bald hills, mountain meadows, open coastal plains, fallow grain fields, alkali flats for nesting and foraging	Low to none: The project site does not contain suitable nesting habitat for this species however it could forage for food over the site. California horned lark was not a bird species observed while surveying the site. It has been documented approximately 3.1 miles north of the site (CNDDDB, 2020).
Western pond turtle	<i>Emys marmorata</i>	None	SSC	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Below 6000 ft elevation. Need upland habitat up to 0.5 Km from water for egg-laying.	None: There is no habitat within the project site for Western pond turtle. This species is documented north of the site by about 5 miles around Orestimba Creek (CNDDDB, 2020).
Western spadefoot	<i>Spea hammondi</i>	None	SSC	Habitats consist of grassland, valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg laying.	None: the highly disturbed prior leveled farmed fields do not provide suitable habitat for this species. This species was not observed during the survey. Western spadefoot has been documented about 1.1 mile north of the site (CNDDDB, 2020).
California red-legged frog	<i>Rana draytonii</i>	T	SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Require 11-20 weeks of permanent water for larval development. Require access to estivation habitat	None: The prior leveled and farmed fields do not provide suitable habitat for California red-legged frog. Habitats required by this species may be found in places off-site; however, the long farming history at the site greatly reduces any chances for this species. CNDDDB 2020 documents this species approximately 2.4 miles north of the site.

TABLE 2

## SPECIAL-STATUS WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2</sup>	Habitat	Potential for Occurrence within Project Site
Foothill yellow-legged frog	<i>Rana boylei</i>	None	E	Partially shaded gravelly or sandy shallow streams and riffles, close to woody areas. Needs cobble sizes substrate for egg-laying	None: The prior leveled and farmed fields do not provide suitable habitat for Foothill yellow-legged frog. Habitats for this species may exist in the vicinity of Garzas Creek. CNDDDB 2020 list the closest occurrence of this species 6 plus miles northwest of the site around Orestimba Creek.
San Joaquin roach	<i>Lavinia symmetricus</i> ssp. 1	None	SSC	Tributaries to the San Joaquin River from the Cosumnes river south.	None: There is no habitat for the San Joaquin roach at the site. Closest occurrence in CNDDDB 2020 is about 7 plus miles north of the site in Nature Conservancy Lands
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	E	T	Annual grasslands or grassy open stages with scattered shrubby vegetation. Require loose textured sandy soils for burrowing, and suitable prey base.	Low: The prior leveled and farmed fields would not be isolated enough for the San Joaquin Kit Fox to den. They may forage and sun-bath in the vicinity of the site or possibly catch ground squirrels around the site, however burrows along the westside of the field area close to the annual range land did not appear to be sufficient in size for San Joaquin Kit fox dens. It has been documented in 1992 in a pipe yard along I-5 and Sullivan Road approximately 1.1 miles east of the site and in the annual rangeland approximately 1 mile west of the site (CNDDDB, 2020).
Crotch Bumble bee	<i>Bombus crotchii</i>	None	CE	Grasslands and upland scrub with small mammal burrows. Nests from February to October in underground in burrows or under bunch grasses	Low: The prior farmed fields do not provide suitable habitat for this species. Crotch Bumble bee is not listed close to the site (CNDDDB, 2020) however CDFW did list this species in the MMRP.

TABLE 2

## SPECIAL-STATUS WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2</sup>	Habitat	Potential for Occurrence within Project Site
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<sup>1</sup> T = Threatened; E = Endangered.

<sup>2</sup> T = Threatened; SSC= State of California Species of Special Concern; CT = Candidate Threatened; CE = Candidacy Endangered; WL = Watch List; FP = Fully Protected.



# DEPARTMENT OF FISH AND WILDLIFE

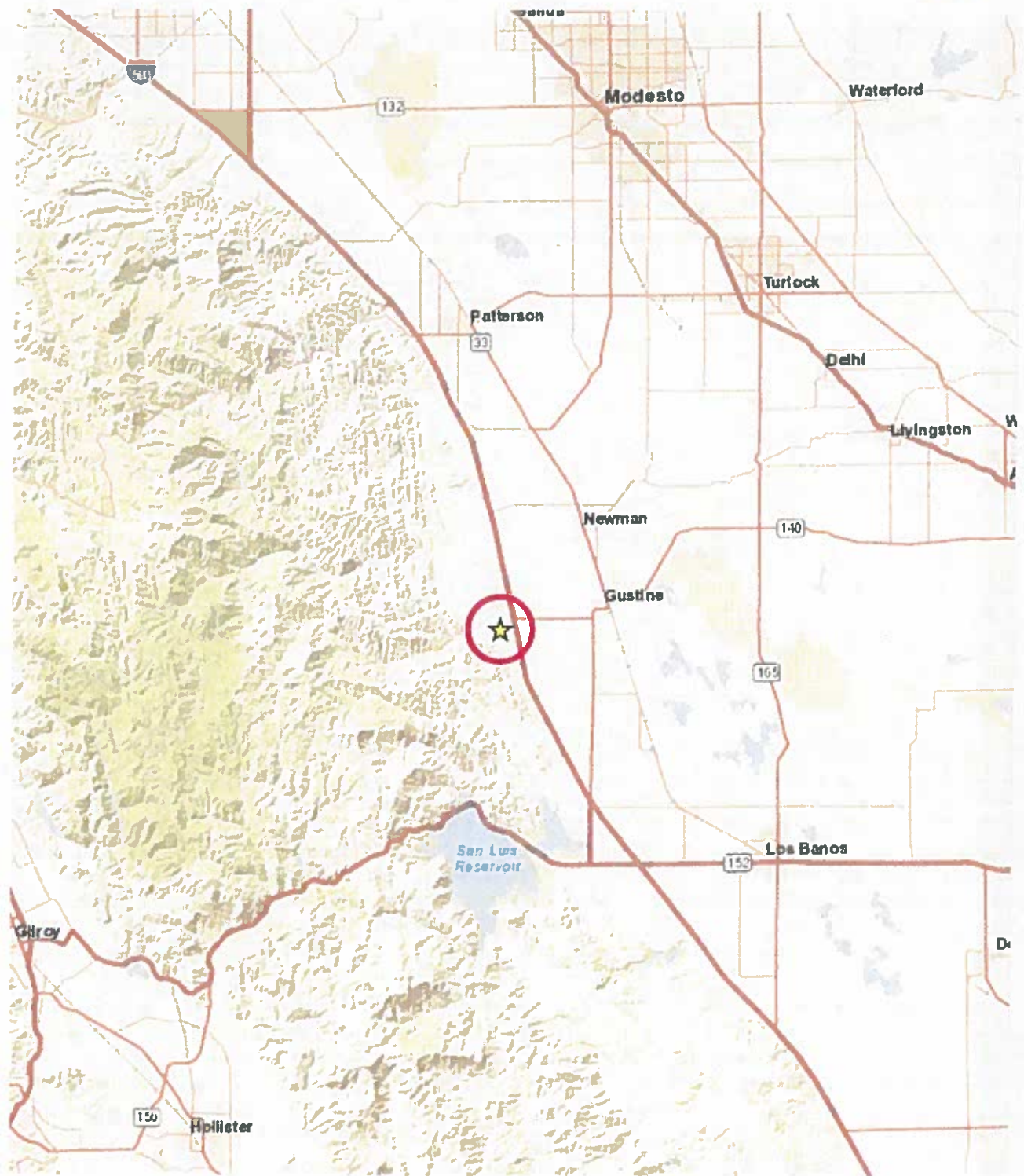
## Recommended Mitigation Measures

Mitigation Measure Numbers	Species	Site	Recommendations
1-3	CTS - California tiger salamander	The highly disturbed farmed site should not be suitable for over summer refugia for CTS; however it is documented right off-site.	Due to the CTS documentation within the dispersal range of a known pond consultation with the service should start as soon as possible. Salamander exclusion fencing may need to be installed.
4-7	SWHA - Swainson's Hawk	The Project site does provide suitable SWHA foraging ground. Marginal nest trees may be located around the old house. No stick nests were observed in the trees.	10 days prior to any ground disturbance trees within and around the site will be resurveyed for any active nest sites. If active nests are identified a ½ mile no disturbance buffer will be incorporated until the young have fledged. There are several sightings within 5 miles of the site therefore consultation on loss of foraging habitat should start.
8-10	SJKF - San Joaquin kit fox	Burrows at the site were limited and not suitable for SJKF dens.	30 days prior to ground disturbances the area will be resurveyed for potential SJKF Dens. If any dens are found a 50 foot no-disturbance buffers will be incorporated and agency notification will occur.
11-14	TRBL - Tricolored blackbird	No habitat exists within the site for nesting Tricolored blackbird. They may forage at the site for insects.	The off-site ditch along the California Aqueduct will be surveyed 10 days prior to any ground disturbances to determine if a nesting colony has developed since the last survey. If a colony has developed a 300 foot no disturbance buffer will be incorporated and the agency will be contacted.
15-18	CBB - Crotch bumble bee	Tilled agricultural fields are not suitable habitat for nesting. Crotch bumble bee may forage over the site.	The area will be resurveyed just prior to any ground disturbances that will occur during the nesting season from October to February.

19-21	CRLF - California red-legged Frog	The agricultural fields may be within dispersal range of CRLF breeding habitat; however, No habitat exists within the project site for California red-legged Frog.	Garza Creek and the ditch along the California Aqueduct could potentially provide suitable habitat for California red-legged frog. The site will be resurveyed just prior to any ground disturbances. If CRLF are observed then the agency will be contacted and any ground disturbances from November to March will be monitored.
22-24	American Badger & WSF - Western spadefoot	The site does not provide suitable habitat for these species of special concern.	These species will be resurveyed for just prior to ground disturbances. It is not expected to find these species at the highly disturbed site.
25	Pesticides	Currently no pesticides are registered for use on Cannabis.	Pesticides that may be used at the site to control rodents and/or nescience vegetation would be closely monitored and site applications will be less that the existing crops that were grown at the site in the past.

If any sensitive species are detected during the preconstruction surveys or during site development consultation with CDFW will take place immediately.

# Cali Consulting



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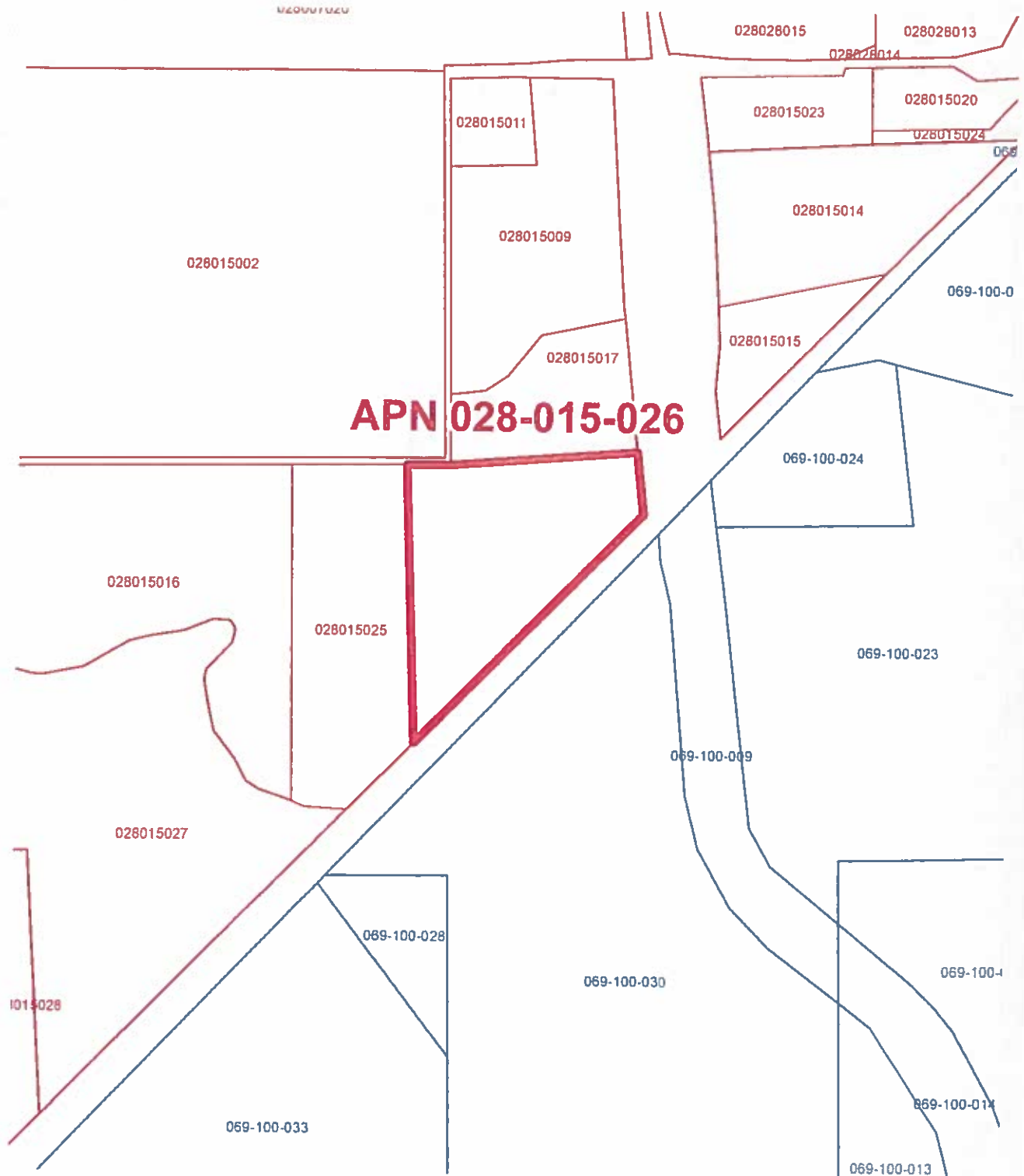


Scale: 1 inch = 8 miles

Source: ESRI Online Basemap, World Street Map, 2020

**Figure 1**  
**Project Vicinity**

# Cali Consulting

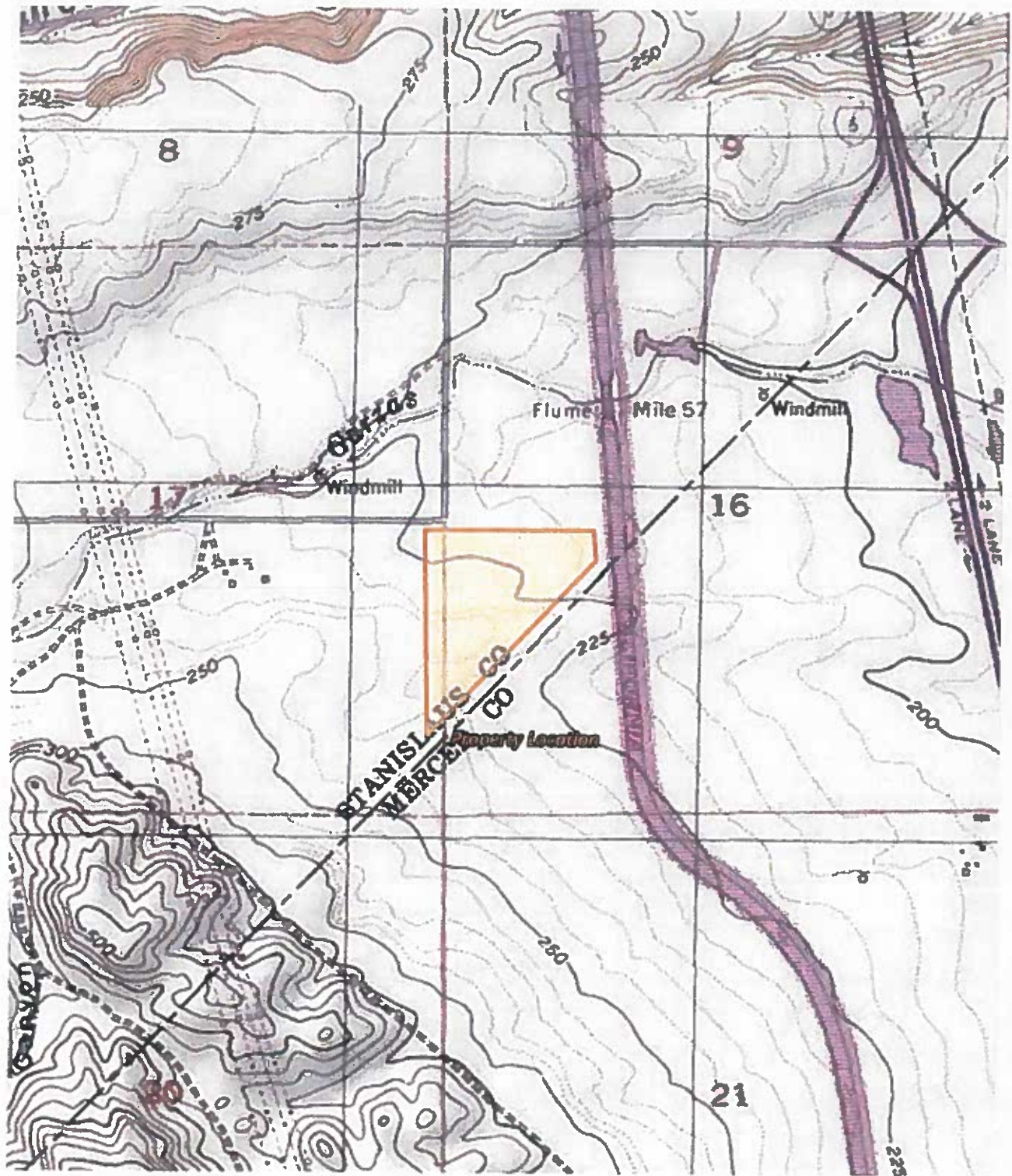


Scale: 1 inch = 1,200 feet  
Source: Stanislaus County & Merced County  
Assessor's Parcel Maps

**Figure 2**  
**Assessor's Parcel Maps**



# Cali Consulting



Scale: 1 inch = 1,400 feet  
Source: USGS 7.5-minute Howard Ranch  
Topographic Quadrangle Map

Figure 3  
Project Location



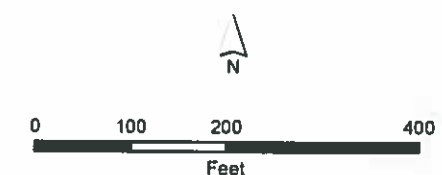


**APN 028-015-026**  
Newman, CA

**Delineated Wetlands  
& Waters of the U.S.**

Survey Date: September 29, 2020

Sections 16 & 17, Township 8 South, Range 8 East  
Howard Ranch, CA USGS Topo Quad



Imagery Source  
*Maxar*  
Imagery Date:  
*April 2019*

Surveyed by



Cali Consulting Service, Inc.  
(209) 810-2538

Map Prepared by GeoAssist

**Figure 4**



# Cali Consulting



Scale: Not to Scale  
Source: California Department of Fish and Wildlife (CDFW)  
California Natural Diversity Database (CNDDDB)

Figure 5  
CNDDDB, 2020