

Appendix B

Biological Technical Report

September 30, 2022

Biological Technical Report


for –

Sierra High Farms

Prepared For:

Mono County
Community Development Department
PO Box 347
Mammoth Lakes, CA 93546

Prepared By:

 Resource Concepts, Inc.
340 N. Minnesota Street
Carson City, NV 89703-4152

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(RCI # 21-627.1)

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Summary of Acronyms

ACOE	Army Corps of Engineers
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNDDDB	California Natural Diversity Database
CWA	Clean Water Act
DPS	Distinct Population Segment
EIR	Environmental Impact Report
ESA	Endangered Species Act
LCT	Lahontan Cutthroat Trout
LRWQCB	Lahontan Regional Water Quality Control Board
MBTA	Migratory Bird Treaty Act
NPDES	National Pollution Discharge Elimination System
NPPA	California Native Plant Protection Act
SNYLF	Sierra Nevada Yellow Legged Frog
SWPPP	Stormwater Pollution Prevention Plan
USFWS	U.S. Fish & Wildlife Service

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1.0 Introduction

1.1 Introduction

At the request of Sierra High Farms, Resource Concepts, Inc (RCI) conducted a biological assessment within the proposed Sierra High Project Area. This report evaluates the potential impacts from the project to special status wildlife, vegetation, vegetation communities, and jurisdictional waters and will be used to complete the environmental impact review pursuant to the California Environmental Quality Act (CEQA).

1.2 Project Location

The 15- acre Project Area is located approximately 4.25 miles east of Coleville, Mono County, within the western edge of Antelope Valley on a 123-acre parcel (APN 001-150-004-000). The Project Area is bordered by the Nevada state line along its northeast boundary and Highland Ditch along its western. US Highway 395 is located three miles to the west. Reference Figure 1.

1.3 Project Description

Sierra High Farms is proposing a ten (10) acre outdoor and 24,000 square-foot (SF) indoor commercial greenhouse cannabis cultivation operation. The project is located within a 123-acre parcel (APN 001-150-004-000) that is owned by the project proponent. The General Plan land use designation of the parcel is Agriculture (AG) with a 10-acre parcel size minimum. The Location Map (Figure 1) and Site Plan (Figure 2) are provided in Attachment A.

1.3.1 Proposed Building and Ancillary Structures

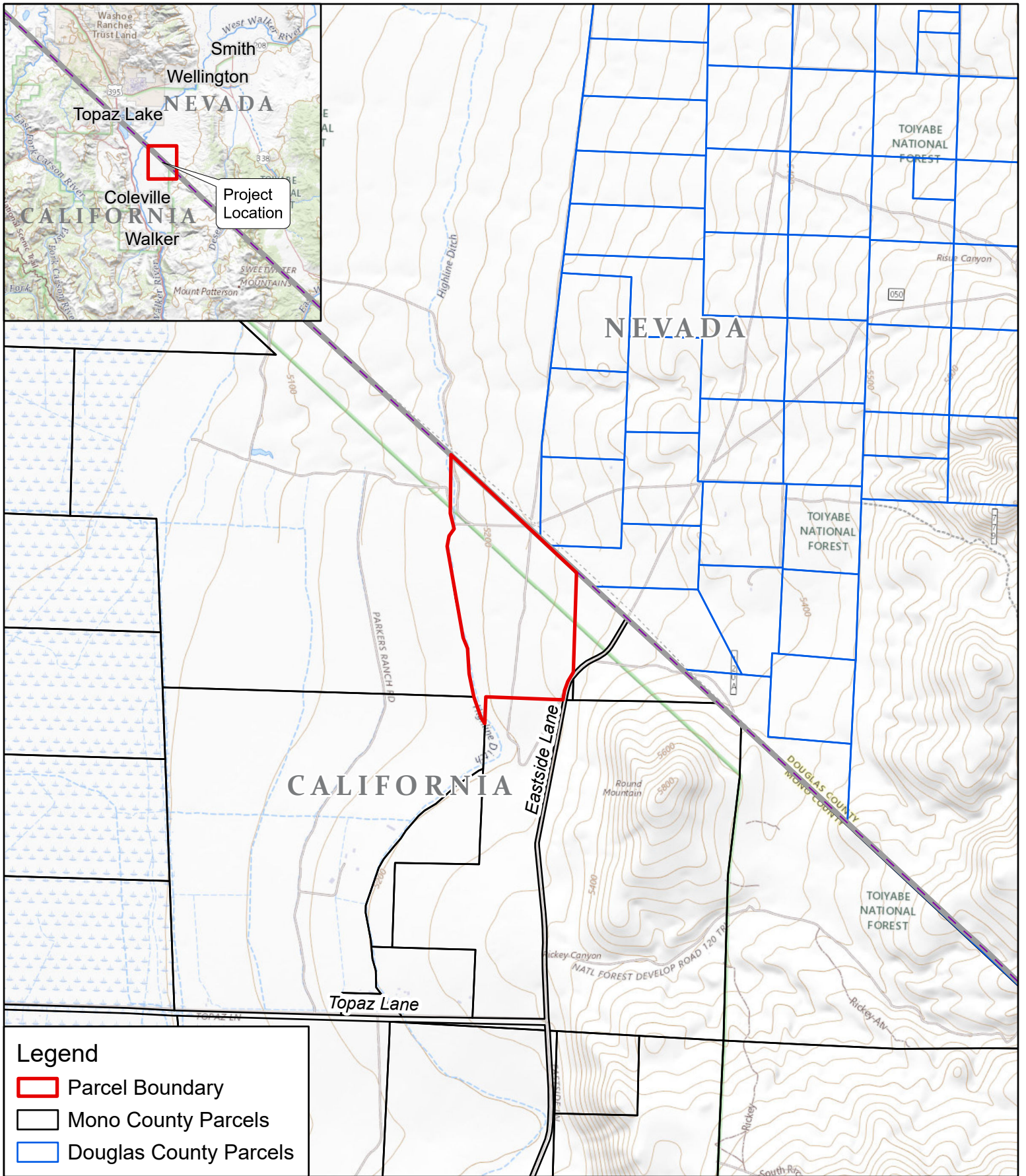
The project proposes to construct an adult/medical cannabis production facility that includes both indoor and outdoor cannabis cultivation (Figure 2). The project includes construction and operation of the following project components:

Indoor Cultivation

- Four 12,312 square-foot greenhouses (108' by 114') \ (up to 10,500 sq ft indoor mature plant canopy)
- One cultivation lab (4,200 sq ft, 60' by 70')
- One maintenance shop (2,400 sq ft, 40' by 60')

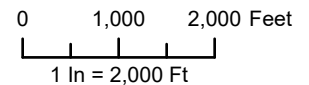
Outdoor Cultivation

- Ten acres of outdoor cannabis cultivation area including hoop house structures
- One nursery and processing building (5,000 sq ft, 50' by 100')
- One drying shed building (2,100 sq ft, 35' by 60')
- Four storage containers of approximately 8' by 40' for outdoor cultivation tools and storage use



County: Mono County, CA
 Date: 6/20/2022
 Source: USGS The National Map, 2021

Figure 1
 Sierra High Farms - Use Permit
 Location Map



*Project Area footprint is within the Parcel Boundary.

Supporting Facilities and Utilities

- One well pump building (169 sq ft ,13’ by 13’)
- One water tank building containing three 5,000 gallon tanks (700 sq ft, 17’ by 35’)
- One septic system (1,500 gallon holding tank, 190’ leach line)
- Propane generators for primary power supply (located within indoor cultivation buildings)
- Central propane tank (30,000 gallon)
- Access road improvements from project site to East Side Lane – widening from one to two lanes (10’ by 3,000’)
- Parking and loading areas
 - Indoor cultivation area – Parking for twelve (12) vehicles
 - Nursery parking area- Parking for three (3) vehicles
- Above ground electrical power service connection to Liberty Utilities (1.6 miles)

1.3.2 Project Phasing

The project is proposed to be implemented incrementally with the following phased improvements based on market conditions.

Table 1. Project Phasing

Phase 1
One (1) indoor cultivation building, maintenance shop, cultivation lab, access improvements, water tank, parking for indoor cultivation
Phase 2
Three (3) indoor cultivation buildings, central propane tank
Phase 3
Outdoor cultivation, drying shed, nursery, electrical service connection

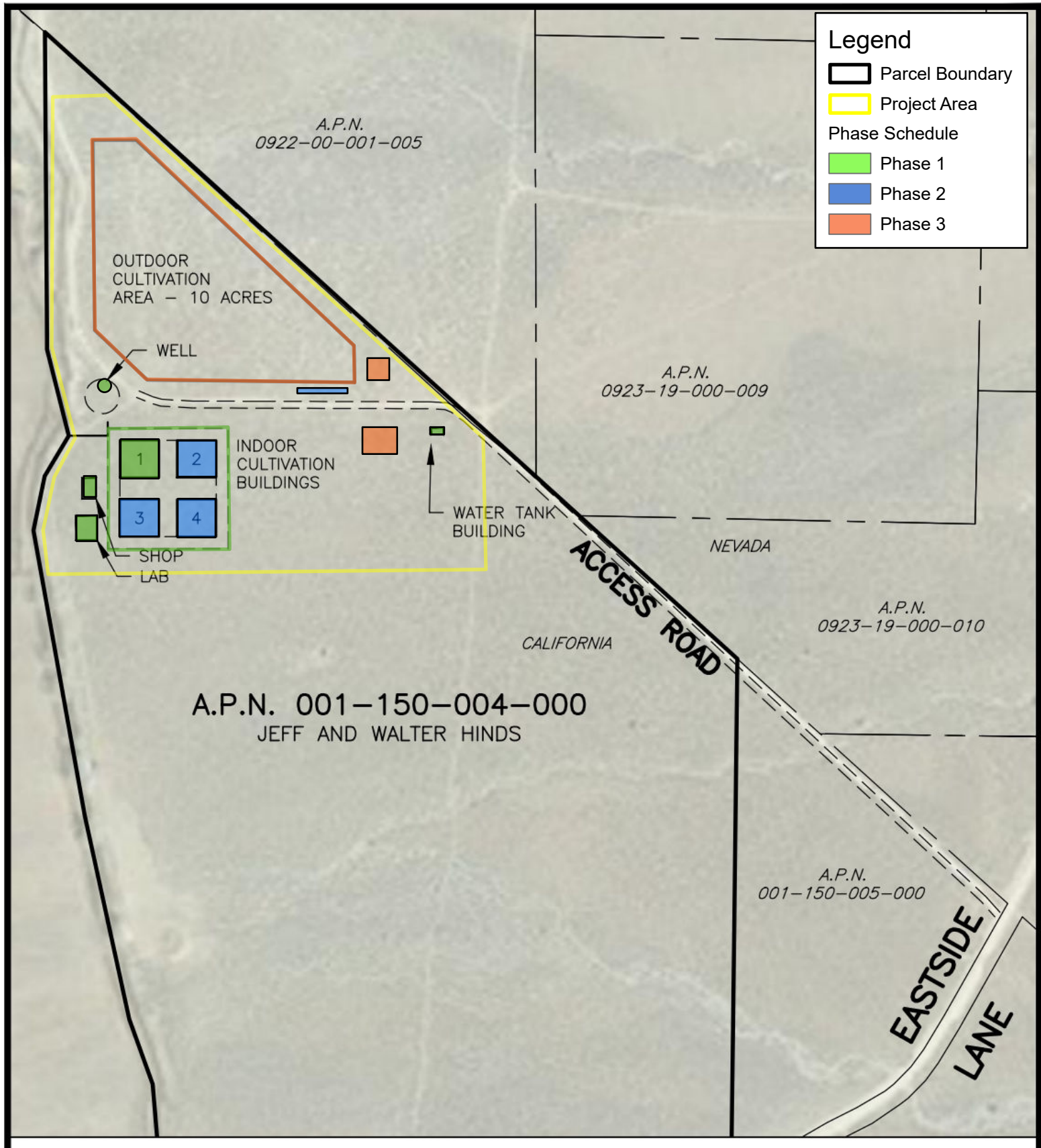
1.3.3 Construction

Project construction would take place for approximately 3 years (2 years for Phases 1 & 2, 1 year for Phase 3). The project may not be constructed continuously. Construction timing of successive Phases 2 and 3 would ultimately be determined by market conditions. Construction equipment would be variable based on activity and would include graders, backhoes, compactors, bulldozers, trenchers, water trucks, excavators, scrapers, tractors, forklifts generators, rollers, welders, and air compressors.

Table 2. Construction Phasing and Duration

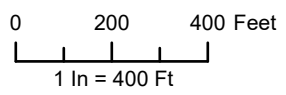
Construction Phase	Duration
Site grading – Phases 1 &2	60 days
Phase 1 – Indoor cultivation building #1, shop, and lab	6 months
Phase 2 – (3) Indoor cultivation buildings, propane tank	12 months
Phase 3 – Outdoor cultivation, drying shed, nursery, electrical service connection	12 months

Construction activities generally are clearing and grubbing of building footprints and the outdoor cultivation area. Grading activities of building pad construction with a cut and fill of approximately 13,000 cubic yards. At the completion of site grading development of the cannabis cultivation facilities would start. Indoor cultivation buildings and ancillary buildings are expected to be concrete slab and prefabricated metal buildings with grouted masonry walls. Installation of approximately 1.6 miles of above ground electricity and telecommunications would occur during Phase 3.



County: Mono County, CA
 Date: 6/20/2022
 Source: ESRI Imagery Services
 Vivid Maxar 5/15/2021

Figure 2
 Sierra High Farms - Use Permit
 Site Plan



*Project Area footprint is within the Parcel Boundary.

2.0 Regulatory Framework

The biological resources evaluated in this report are regulated by several federal, state, and local laws and regulations. Key regulations applicable to the proposed project are discussed below.

2.1 Federal

2.1.1 Federal Endangered Species Act. - U.S. Fish and Wildlife Service (USFWS)

The US Fish and Wildlife Service (USFWS) regulates the taking of a species listed as threatened or endangered under the Endangered Species Act (ESA). Section 9 of the ESA (16 U.S.C. 1538(a)(1)(B)) prohibits the take of any endangered species and defines take as follows: “the term ‘take’ means to harass, harm, pursue, hunt, shoot, kill, trap, capture, collect or to attempt to engage in any such conduct” (16 U.S.C. 1532 (19)). USFWS has further defined “harm” to mean “an act which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 CFR 17.3). If a proposed project would result in take of a federally listed species, either the project applicant must acquire an incidental-take permit, under Section 10(a) of the ESA, or if a federal discretionary action is involved, the federal agency would consult with the USFWS under Section 7 of the ESA.

2.1.2 Migratory Bird Treaty Act

Migratory birds are protected and managed under the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703 et. seq.) and Executive Order 13186. Specific provisions in the statute include the establishment of a federal prohibition, unless permitted by regulation, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention...for the protection of migratory birds or any part, nest, or egg of any such bird." Because forestlands provide a substantial portion of breeding habitat, land management activities within the Amador Ranger District can have an impact on local populations.

2.1.3 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act prohibits any form of possession or taking of either bald eagles or golden eagles. In 1962, the act was amended to create a specific exemption for possession of an eagle or eagle parts (e.g., feathers) for religious purposes of Indian tribes. Rule changes made in September 2009 finalized permit regulations to authorize limited take of these species associated with otherwise lawful activities. These new regulations establish permit provisions for intentional take of eagle nests under particular limited circumstances (USFWS, 2009).

2.1.4 Clean Water Act

Waters of the US and adjacent wetlands are defined within Section 404 of the federal Clean Water Act (CWA) and are under the jurisdiction of the ACOE. Section 401 of the CWA requires that waters regulated under Section 404 obtain a State Water Quality Certification to ensure that discharges into waters of the US meet state water quality standards. Water Quality Certification is administered by the State of California for any activities that may result in any discharges into waters of the US.

2.2 State of California

2.2.1 California Endangered Species Act

The California Endangered Species Act (CESA) prohibits the taking of state-listed endangered or threatened species, as well as candidate species being considered for listing. A “take” of species is defined as an activity that would directly or indirectly kill an individual of a species. If a proposed project would result in a take of a California state listed species, the project proponent must obtain a Section 2081 incidental take permit if the impacts of the take are minimized and fully mitigated, and the take would not jeopardize the continued existence of the species.

2.2.2 California Department of Fish and Game Code

Section 1602 requires that all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources are subject to regulation by the California Department of Fish and Game under Section 1600 et seq. of the California Fish and Game Code. Under Section 1602, it is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the Department of Fish and Game, without first notifying the department of such activity and obtaining a final agreement authorizing such activity.

Sections 3511, 4700 5050, and 5515 of the California Fish and Game Code prohibits the take or possession of fully protected species and does not provide for authorization of incidental take. The Department of Fish and Game has informed non-federal agencies and private parties that their actions must avoid take of any fully protected species.

Section 3503 of the California Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, including raptors (e.g., hawks, owls, eagles, and falcons). Section 3513 of the California Fish and Game Code codifies the federal Migratory Bird Treaty Act.

2.2.3 California Native Plant Protection Act of 1977

The California Native Plant Protection Act (NPPA) of 1977 (Fish and Game code §1900-1913) prohibits the importation of rare and endangered plants into California, take of rare and endangered plants, and sale of rare and endangered plants. The NPPA requires that state-listed plant species are protected and evaluated under CEQA.

2.2.4 Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) is California’s statutory authority for water quality protection. The act sets forth the obligations of the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) under the CWA to adopt and periodically update water quality control plans, or basin plans. The act provides for waste discharge requirements and a permitting system for discharges to land or water. Certification is required by the RWQCB for activities that can affect water quality.

2.2.5 California Food and Agriculture Code

The California Food and Agriculture Code Section 403 designates the California Department of Food and Agriculture as the lead state agency in preventing the introduction and spread of injurious insects or

animal pests, plant diseases, and noxious weeds. Food and Agriculture Code Section 7271 designates the Department of Food and Agriculture as the lead department in noxious weed management responsible for implementing state laws concerning noxious weeds. Representing a statewide program, noxious weed management laws and regulations are enforced locally in cooperation with the County Agricultural Commissioner (California Department of Food and Agriculture, 2010b).

Under state law, noxious weeds include any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate, which the director, by regulation, designates to be a noxious weed (FAC Section 5004). The current designation of noxious weeds in California can be found under California Administrative Code, Title 3, Section 4500 or at www.cdfa.ca.gov/phpps/ipc/weedinfo/winfo_list-pestrating.htm.

2.3 Non-Governmental Agency

2.3.1 California Native Plant Society

The California Native Plant Society (CNPS) maintains a list of plant species native to California that are found in low numbers, have limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review.

2.4 Local

2.4.1 Mono County General Plan

The Mono County General Plan and Conservation/Open Space Element contain several policies with objectives to maintain and restore biological resources through avoidance of impacts or mitigation to reduce impacts to a level of non-significance. These policies were reviewed with respect to proposed project activities and found to be consistent; however, final determination of the project's consistency with the General Plan rests with Mono County Community Development Department. A few of the policies that pertain to this project and that were incorporated into project design and mitigation are listed below:

- Policy 2.A.1. Completing site specific resource assessments prior to project approvals
- Policy 2.A.2. Protect and restore threatened and endangered species and their habitats
- Policy 2.A.3. Protect and restore sensitive plants, wildlife, and their habitat
- Policy 2.A.4. Participate in the Bi State Local Area Working Group on sage-grouse conservation and assist with the implementation of the Bi-State Action Plan
- Policy 2.A.5. Prohibit construction activities such as grading in sensitive habitats prior to environmental review in compliance with CEQA and the Mono County Grading Ordinance
- Policy 2.A.6. During construction, utilize soil conservation practices and management techniques to conserve naturally occurring soils

3.0 Methods

3.1 Literature and Databases

Several sources of information were consulted and reviewed prior to the field reconnaissance. These included: USGS topographic map (Figure 1), soil survey data (Figure 3), National Wetland Inventory map (Figure 4), and California Natural Diversity Database occurrence data (Figure 5).

The following listed databases were queried, and results reviewed. Results of the database searches are included in Appendix C.

- USFWS's Information Planning and Conservation (IPAC) System (2022a)
- USFWS's Critical Habitat Portal (2022b)
- California Natural Diversity Database (CNDDDB) search for nine quad (CDFW 2022)
- Nevada Department of Wildlife (NDOW 2022)
- Nevada Natural Heritage Program (NNHP 2022)

3.2 Field Reconnaissance and Surveys

Preliminary reconnaissance surveys of the site were conducted on February 11, 2021 to assess the on-site vegetative communities and species habitat potential. On September 1, 2022 a qualified biologist from Resource Concepts, Inc. conducted plant surveys on foot using meandering transects. The survey was timed so that target plant species could be located and positively identified in the field. Plant species that were not easily identified in the field were collected for identification using taxonomic keys. Every plant species encountered was identified to a sufficient level to determine if it was a species of concern.

4.0 Results

4.1 Existing Conditions

The following section describes the existing site conditions.

4.1.1 Physical Characteristics and Topography

The project site is relatively flat, ranging in elevation from approximately 5,180 to 5,235 feet, sloping at 2-4 percent east to west. (Reference Figure 1).

4.1.2 Soils and Geology

The soils of the proposed Project Area are mapped by the USGS Web Soil Survey for the Coleville-Bridgeport area, parts of Alpine and Mono Counties, California primarily as Mimentor fine sandy loam, and the Indian Creek Heyborne association (reference Figure 3).

Mimentor fine sandy loam soils, 0 to 2 percent slopes, consist of sandy loam soils over clay loam soils and are derived from mixed alluvium. They are classified as well drained with a depth to water table of more than 80 inches.

A typical soil profile of Mimentor fine sandy loam soils consists of:

- 0 to 9 inches: fine sandy loam
- 9 to 24 inches: clay loam
- 24 to 36 inches: gravelly fine sandy loam
- 36 to 60 inches: gravelly sandy loam

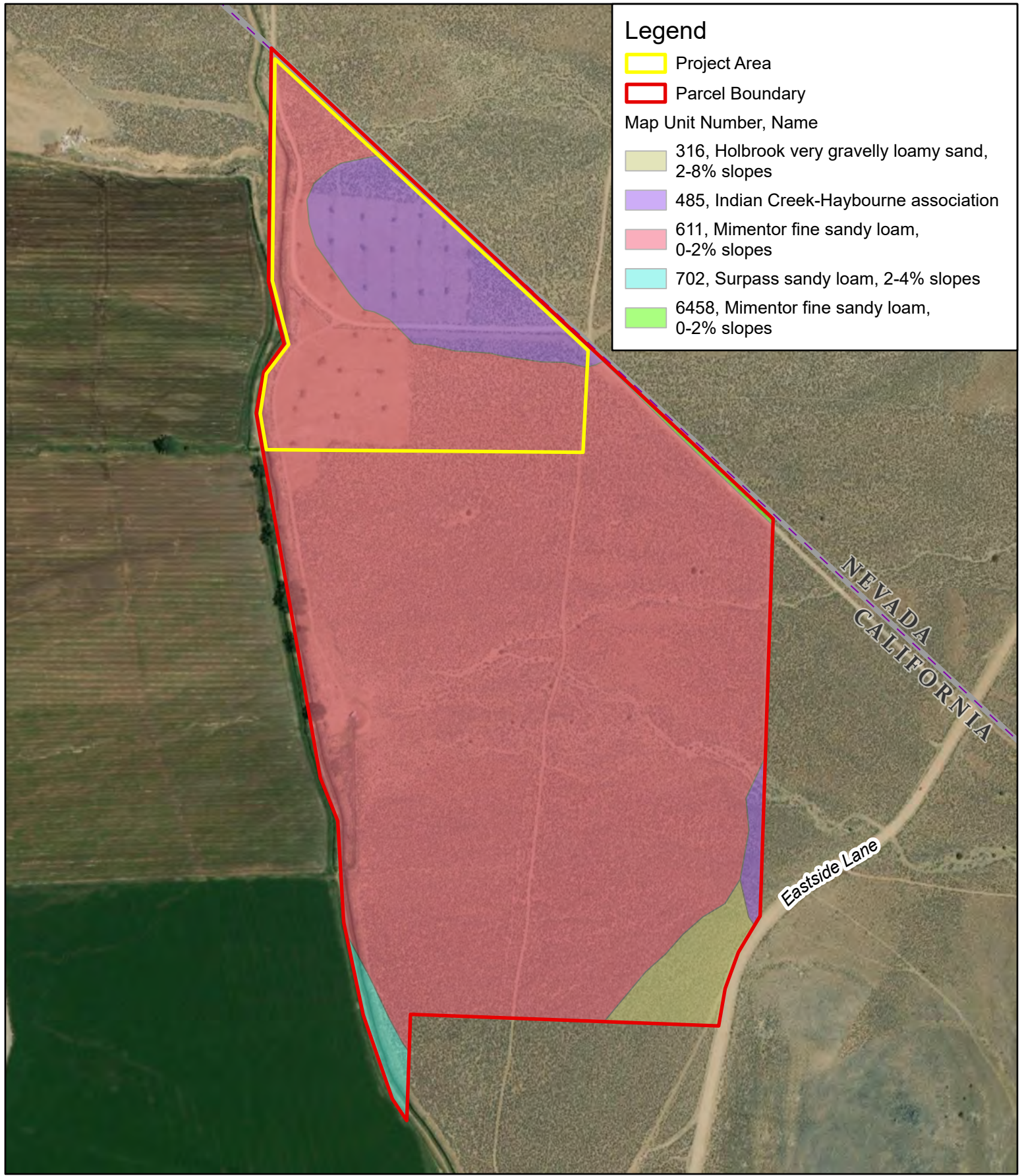
Indian Creek - Heyborne association is formed of alluvium derived from mixed rocks. The soils consist of shallow loam over gravelly clay, with a cemented layer at 20 to 25 inches. These soils are classified as well drained and depth to the water table is more than 80 inches.

A typical soil profile of Mimentor fine sandy loam soils consists of:

- 0 to 9 inches: fine sandy loam
- 9 to 24 inches: clay loam
- 24 to 36 inches: gravelly fine sandy loam
- 36 to 60 inches: gravelly sandy loam

4.1.3 Hydrology

The mean annual precipitation for the Project Area is 8 to 12 inches. The west side of the property borders Highline Ditch, which irrigates the off-site pastures to the west. There is one ephemeral stream channel that originates in the mountains to the east that flows west through the proposed outdoor cultivation area. There are no wetlands, riparian habitat, or other sensitive natural communities on-site.

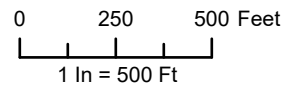


Legend

- Project Area
- Parcel Boundary
- Map Unit Number, Name
- 316, Holbrook very gravelly loamy sand, 2-8% slopes
- 485, Indian Creek-Haybourne association
- 611, Mimentor fine sandy loam, 0-2% slopes
- 702, Surpass sandy loam, 2-4% slopes
- 6458, Mimentor fine sandy loam, 0-2% slopes

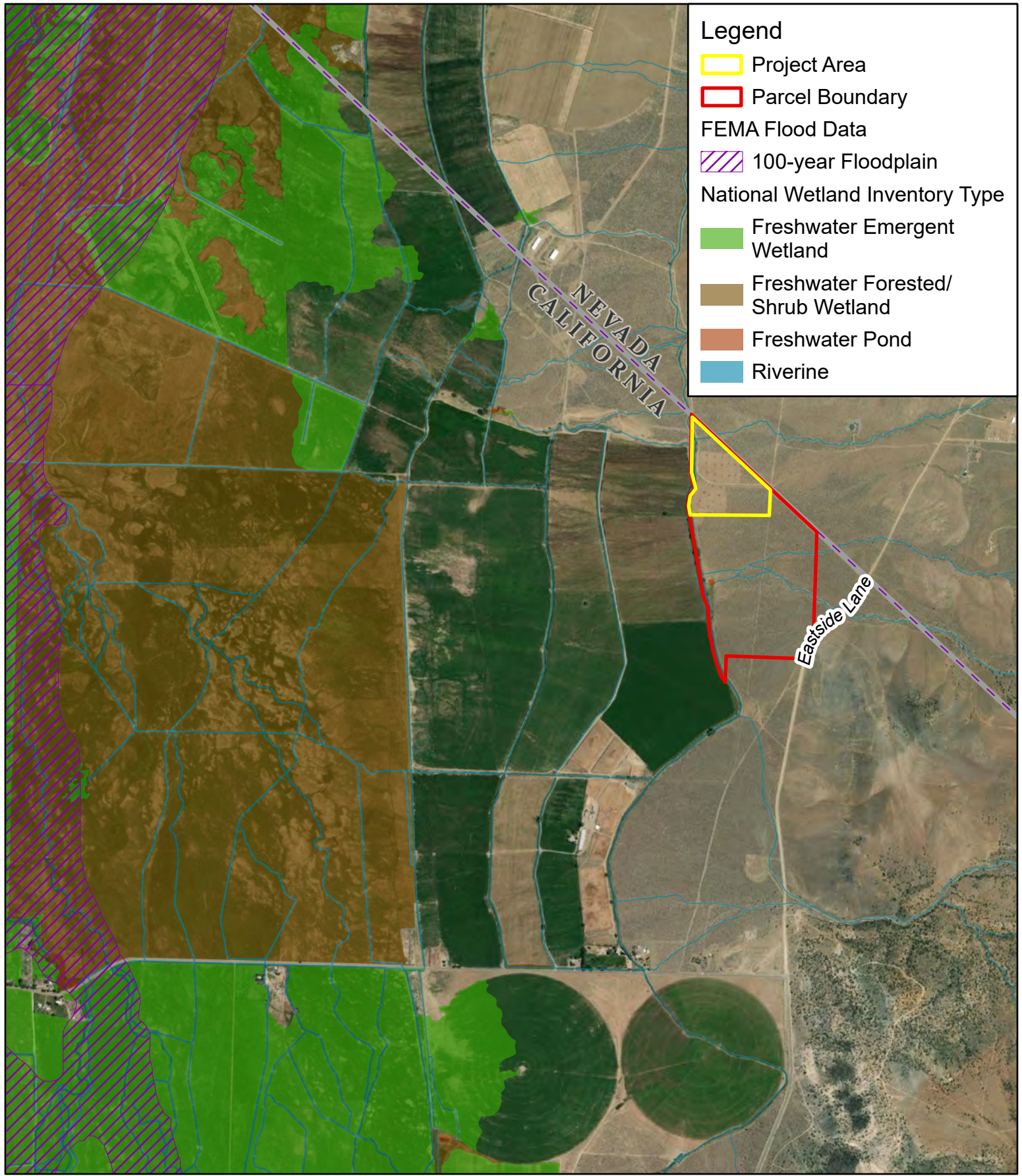
County: Mono County, CA
 Date: 6/20/2022
 Source: Web Soil Survey, 2021

Figure 3
 Sierra High Farms - Use Permit
 Web Soil Survey



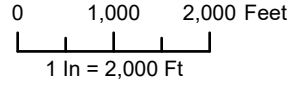
*Project Area footprint is within the Parcel Boundary.

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County: Mono County, CA
 Date: 6/20/2022
 Source: National Wetland Inventory, 2021

Figure 4
 Sierra High Farms - Use Permit
 National Wetland Inventory



*Project Area footprint is within the Parcel Boundary.

4.1.4 Vegetation

The site is uniformly dominated by big sagebrush (*Artemisia tridentata* var. *wyomingensis*) with occasional four-winged saltbrush (*Atriplex canescens*), antelope bitterbrush (*Purshia tridentata*), rabbitbrush (*Ericameria nauseosa*), and Mormon tea (*Ephedra nevadensis*). There was one western juniper trees. The six acres of native vegetation that were previously cleared from the Project Area have become revegetated with native grasses intermixed with a non-native, invasive tumble mustard (*Sisymbrium altissimum*). This area will be graded and developed areas as part of the indoor grow operations.

Existing developments surrounding the project area include annual cropping systems and irrigated pastures in the areas between generally scattered housing. Long-standing pastures and agricultural fields in rotation have lost much of their former habitat value for native vegetation and wildlife in Mono County (2015 RTP/GPU).

4.2 Special Status Species

Special-status species are plants and animals that are legally protected under the CESA (Fish and Game Code, §2050 et seq.), the ESA, or other regulations. For the purposes of this study, special-status species are defined as:

- Species listed or proposed for listing as threatened or endangered under the ESA;
- Species that are candidates for possible future listing as threatened or endangered under the ESA;
- Species that are listed or proposed for listing by the State of California as threatened or endangered under the CESA;
- Plants considered by CDFW and CNPS to be “rare, threatened, or endangered in California” (Rare Plants Ranks as 1B and 2; California Department of Fish and Game, 2015a), and California Native Plant Society, (2015);
- Species that meet the definition of rare or endangered under the State CEQA Guidelines, Section 15380; and
- Animals fully protected in California (Fish and Game Code, §3511 for birds, §4700 for mammals, and §5050 for reptiles) and amphibians; or animal species of special concern to the CDFG (California Department of Fish and Game, 2011).

Additionally, protection of migratory birds and their nests is regulated by the Migratory Bird Treaty Act (MBTA). Birds may forage and nest in multiple habitats and pass through a site in route to either. Therefore, there are numerous migratory bird species that have the potential to nest within the Project Area.

Another species of concern but is not listed at the state or federal level is the Bi-State Distinct Population Segment (DPS) of Greater Sage-Grouse (*Centrocercus urophasianus*). Mono County, in cooperation with other public agencies and private stakeholders, is committed to implementation of the *Bi-State Action Plan for Conservation of the Greater Sage-Grouse Bi-State Distinct Population Segment* and implementation of the plans polices to maintain the existence of high-quality sage-grouse habitat where it occurs.

Mule deer (*Odocoileus hemionus*), although not designated as a species of concern by CDFW, are also treated as sensitive in this analysis. A decline in mule deer numbers in the mid- to late 1960s prompted CDFW to formulate a statewide management plan, followed by specific deer herd management plans.

Seven of these management plans apply to the resident and migratory deer of Mono County, including the West Walker herd located within the vicinity of the Project Area.

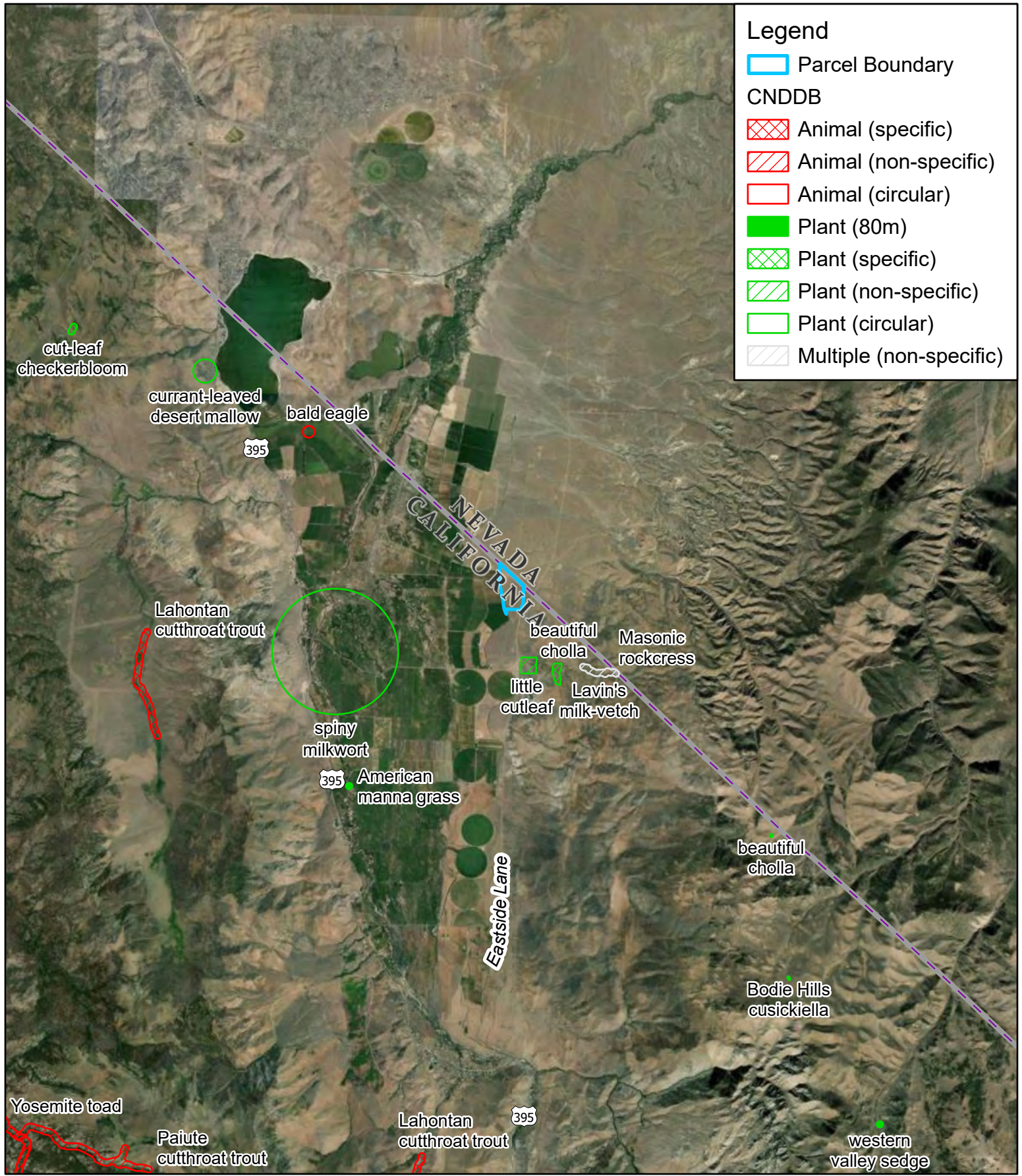
4.2.1 Special Status Plants

Based on review of the CNDDDB (Figure 5) and U.S. Fish and Wildlife Species List (reference Attachment C) and evaluation of specific habitat requirements, two special status plant species were determined to have potential to occur within the Project Area. These species are beautiful cholla (*Grusonia pulchella*) and Masonic rockcress (*Boechea cobrensis*).

Table 3. Special Status Plant Species with Potential to Occur on Site or Within Vicinity of the Project Area

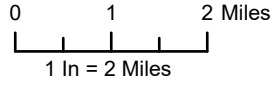
Common Name / Scientific Name	USFWS	State Status	CNPS	Habitat Description	Potential Habitat within Project Area / Potential to Impact
Lavin’s milk-vetch -- <i>Astragalus oophorus</i> var. <i>lavinii</i>	--	--	1B.2	Open, dry, relatively barren gravelly clay slopes, knolls, badlands, or outcrops, derived from volcanic ash or carbonate, usually on northeast to southeast aspects, in openings in the pinyon-juniper or sagebrush zones. 6,560 ft + elevation.	None. The Project Area does not contain gravelly clay slopes, knolls, or outcrops on volcanic or carbonate soils. Site located below documented elevation range.
Masonic rockcress -- <i>Boechea cobrensis</i>	--	--	2B.3	Sandy soils under shrubs in sagebrush scrub, northern juniper woodlands, Pinyon-juniper woodlands. 4,420-11,155 ft.	May occur, not likely to occur. Potential habitat present within sandy soils within sagebrush community; no individuals present during previous site surveys. One occurrence documented 2.2 miles to the southeast.
Liddon’s sedge - <i>Carex petasata</i>				Broadleaf upland forest, lower montane coniferous forest, meadows and seeps, pinyon and juniper woodland. 2740 – 3030 ft.	None. There are no broadleaf upland forest, lower montane coniferous forest, meadows and seeps, pinyon and juniper woodland.
Western Valley Sedge -- <i>Carex vallicola</i>	--	--	2B.3	Moist to dry slopes, montane. 5,900-10,170 ft.	None. No moist to dry slopes. Project Area located below documented elevation range.
Bodie Hills cusickiella -- <i>Cusickiella quadricostata</i>	--	--	1B.2	Rocky flats within sagebrush scrub, slopes, and PJ Woodlands. 7,545-9,185 ft.	None. There are no rocky flats within Project Area. Site elevation is below known occurrence of species.
Beautiful cholla -- <i>Grusonia pulchella</i>	--	CY	2B.2	Dry, open, loose, mostly sandy soils, sometimes gravelly or rocky (especially carbonate) soils of valley floors and gentle slopes in the shadscale, mixed shrub, sagebrush, and lower pinyon-juniper zones. 4,920-5,580 ft.	May occur, not likely to occur. Potential habitat present in sandy flats within sagebrush; no individuals present during previous site surveys. Two occurrences documented at 1.5 and 5.8 miles away.

Little cutleaf -- <i>Hymenopappus filifolius</i> var. <i>nanus</i>	--	--	2B.3	Pinyon and juniper woodland, subalpine coniferous forest. 4920 ft – 10,000 ft	None. There are no pinyon/juniper woodlands or subalpine coniferous forest within the Project Area.
Spiny milkwort -- <i>Polygala subspinos</i>	--	--	2B.2	Desert scrub, volcanic mesas. 4,430-7,496 ft.	None. No volcanic soils within Project Area.
Cut-leaf checkerbloom -- <i>Sidalcea multifida</i>	--	--	2B.3	Dry places in sagebrush scrub and pine forest. 6,560-9,185 ft.	None. The Project Area is located approx. 1,000 feet below in elevation than any documented occurrences.
Currant-leaved desert mallow -- <i>Sphaeralcea grossulariifolia</i>	--	--	2B.3	Dry volcanic soils.	None. The on-site soils are not derived from volcanics.



County: Mono County, CA
 Date: 6/20/2022
 Source: CNDDDB June, 2022

Figure 5
 Sierra High Farms
 California Natural Diversity Database Map



*Project Area footprint is within the Parcel Boundary.

4.2.2 Special Status Wildlife Species

Review of the CNDDDB and U.S. Fish and Wildlife Species List identified 14 special status wildlife that are known or expected to occur near the Project Area. The table below lists the special status wildlife species with potential to occur on-site and the likelihood of occurrence based on the availability of suitable habitat. There were no proposed or designated critical habitats located within the Project Area.

Table 4. Special Status Wildlife Species with Potential to Occur On-Site or Within Vicinity of the Project Area

Common Name / Scientific Name	Status		Habitat Description	Potential Habitat within Project Area / Potential to Impact
	ESA	State Status		
Amphibians				
Yosemite Toad -- <i>Anaxyrus canorus</i>	FT	SSC S2S3	Always in vicinity of wet meadow, also in seasonal ponds associated with lodgepole pine and subalpine conifer forest. 6,400-11,300 ft in elevation.	None. There are no wet meadow or ponds on-site. Project area is not located within known elevation range of species habitat. The project would not impact the Yosemite toad.
Sierra Nevada Yellow-legged Frog -- <i>Rana sierrae</i>	FE		High elevation low-gradient streams and small ponds that are either intermittent or perennial. Always encountered within a few feet of water.	None. There are no streams or ponds on-site. The project would not impact Sierra Nevada Yellow-legged Frog or potential habitat.
Fish				
Lahontan Cutthroat trout -- <i>Oncorhynchus clarkii henshawi</i>	FT	none	Occurs in cool flowing water with available cover of well-vegetated and stable stream banks, in areas where there are stream velocity breaks, and in relatively silt free, rocky riffle-run areas. Lahontan cutthroat trout (LCT) are known to occur in the Middle West Walter River (NDOW 2022).	None. There are no well-vegetated and stable streambanks with rock riffle run areas on-site. The project would not impact LCT or potential habitat.
Mountain whitefish -- <i>Prosopium williamsoni</i>	none	SSC	Commonly found in mountain streams and lakes, favoring cold water and large deep pools.	None. There are no mountain streams or lakes within the project area. The project would not impact Mountain whitefish
Lahontan mountain sucker -- <i>Catostomus lahontan</i>	None	SSC	Found in shallow (<2m), clear, low-gradient streams; associated with diverse substrates, in areas with dense cover.	None. There are no streams within the Project Area. The project will not impact Lahontan mountain sucker.
Birds				
Golden Eagle -- <i>Aquila chrysaetos</i>	FP	S3 BCC	Annual grassland to above timberline; generally, inhabit open and semi-open country such as sagebrush, surrounded by hills and cliffs for nesting.	May occur. May use site for foraging. No suitable nesting habitat available.

Common Name / Scientific Name	Status		Habitat Description	Potential Habitat within Project Area / Potential to Impact
	ESA	State Status		
Long-eared owl -- <i>Asio otus</i>	None	S2 SSC	Deciduous and evergreen forests, orchards, wooded parks, desert oases. Wooded areas with dense vegetation needed for roosting and nesting; open areas for hunting.	None. No forested or wooded habitat present.
Swainson’s hawk -- <i>Buteo swainsoni</i>	None	S2	Large riparian nesting trees, agricultural fields and open shrublands. Occupy juniper/sagebrush communities. Adapted to agricultural landscapes.	May occur. May use site for foraging. No suitable nesting habitat available.
Greater Sage-grouse -- <i>Centrocercus urophasianus</i> Bi-State DPS	None	SSC	Foothills, plains, and mountain slopes where sagebrush is present, often with a mixture of sagebrush, meadows, and aspen, in close proximity.	May occur, not likely to occur. Suitable sagebrush habitat present but lacks the meadow component. Per NDOW, no known leks or tracking locations in the vicinity of the Project Area.
Northern Harrier -- <i>Circus cyaneus</i>	None	S3 SSC	Wet meadows and grasslands with low, thick vegetation. May utilize dry upland areas. Roosts on ground.	May occur, not likely to occur. May use site for foraging. No wet meadow or grasslands present for nesting.
Yellow warbler -- <i>Setophaga petechia</i>	none	S3 SSC	Habitat includes open scrub, second-growth woodland, thickets, farmlands, and gardens, especially near water; riparian woodlands, especially of willows are typical habitat in the West.	None. No dense woodlands or thickets on-site. No impact to yellow warblers.
Southwestern Willow Flycatcher -- <i>Empidonax traillii extimus</i>	FE	S1	Utilizes relatively dense riparian tree and shrub communities associated with rivers, swamps, and other wetlands. Habitat patches must be at least 0.25 acres in size and at least 30 feet wide.	None. There is no riparian habitat on-site. The project would not impact SW willow flycatcher or potential habitat.
Prairie Falcon -- <i>Falco mexicanus</i>		S3 BCC	Open areas, steppe, plains or prairie. Typically nests in pothole or well sheltered ledge on rocky cliff or steep embankment.	May occur. May use site for foraging. No suitable nesting habitat available.
Bald Eagle -- <i>Haliaeetus leucocephalus</i>	D FP	S2 SE	Nest near river and large lakes, utilizing old growth trees, snags, and cliffs.	None. There are no rivers, lakes or nesting habitat. The project would not impact the bald eagle.
Brewer’s sparrow -- <i>Spizella breweri</i>	None	S3 BCC	Strongly associated with sagebrush. Nests low in sagebrush, other shrub, or cactus.	May occur. May use site for foraging and nesting.
Yellow-headed blackbird -- <i>Xanthocephalus</i>	None	S3, S4 SSC	Fresh-water marshes of cattail, tule or bulrushes.	None. No fresh-water marshes in vicinity of the project area.

Common Name / Scientific Name	Status		Habitat Description	Potential Habitat within Project Area / Potential to Impact
	ESA	State Status		
Yellow-billed Cuckoo -- <i>Coccyzus americanus</i>	FT		Breeds in low to moderate elevation in native forests lining rivers and streams. Requires relatively large (>20 hectares) contiguous patches of multilayered riparian habitat for nesting.	None. There are no forests lining streams and rivers on-site. The project would not impact the yellow-billed cuckoo or potential habitat.
Mammals				
Pallid bat -- <i>Antrozous pallidus</i>	--	S3 SSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting.	May occur. May use site for foraging. No suitable roosting habitat available.
Townsend's big-eared bat -- <i>Corynorhinus townsendii</i>	None	S2	Most common in mesic sites; roost in the open, hanging from walls and ceilings.	May occur. May use site for foraging. No suitable roosting habitat available.
Wolverine -- <i>Gulo gulo</i>	None	Threatened FP	Wide variety of high elevation habitat. Uses caves, logs, burrows for cover and den area. Hunts in open areas	None. No suitable denning habitat.
Silver-haired bat -- <i>Lasionycteris noctivagans</i>	None	S3S4	Montane forest dweller, feeding over streams, ponds and open brushy areas. Roosts in hollow trees, beneath bark, abandoned woodpecker holes.	May occur. May use site for foraging. No suitable roosting habitat available.
Hoary bat -- <i>Lasiurus cinereus</i>	None	S4	Open habitats or habitat mosaics, with access to trees for cover and open area or habitat edges for feeding; roosts in dense foliage of medium to large trees.	May occur. May use site for foraging. No suitable roosting habitat available.
Western white-tailed jackrabbit -- <i>Lepus townsendii townsendii</i>	None	S2 SSC	Open grassy fields, desert scrubland and farmland.	May occur, not likely to occur. Habitat present, but species considered uncommon to rare on the eastern slopes of Sierra Nevada (CDFW 2022).
Western small-footed myotis (bat) -- <i>Myotis ciliolabrum</i>	None	S2S3	Wide range of habitats, mostly arid wooded and brushy uplands near water. Cover in caves, buildings, mines, and crevices.	May occur. May use site for foraging. No suitable roosting habitat available.
Long-eared myotis -- <i>Myotis evotis</i>	None	S4	Brush, woodland, and forest habitat; prefers woodlands and forests. Nursery colonies in buildings, crevices, spaces under bark, snags.	None. No forest or woodlands present. No suitable roosting habitat available.
Fringed myotis -- <i>Myotis thysanodes</i>	None	S4	Uses a wide variety of habitats. Pinyon-juniper, uses caves, mines, buildings, or crevices for maternity colonies.	May occur. May use site for foraging. No suitable roosting habitat available.
Yuma myotis -- <i>Myotis yumanensis</i>	None	S4	Open forests and woodlands; closely tied to bodies of water. Maternity colonies in caves, mines, buildings, or crevices.	None. No forest or woodlands present; no water bodies or roosting habitat.

Common Name / Scientific Name	Status		Habitat Description	Potential Habitat within Project Area / Potential to Impact
	ESA	State Status		
American badger -- <i>Taxidea taxus</i>	None	S4 SSC	Prefers open areas, brushlands with little groundcover. Can include parklands, farms and treeless area with friable soil.	None. Site soils not friable or suitable for burrows.
Insects				
Morrison bumble bee -- <i>Bombus morrisoni</i>	None	S1S2	From the Sierra-Cascade Range eastward across intermountain west. Food plant genera include <i>Cirsium</i> , <i>Cleome</i> , <i>Helianthus</i> , <i>Lupinus</i> , <i>Ericameria</i> , and <i>Melilotus</i> .	None. Site is dominated primarily by sagebrush scrub with few forbs present.
Monarch Butterfly -- <i>Danaus plexippus</i>	C	none	open fields and meadows with milkweed.	None. No milkweeds observed within the Project Area.

State Ranking – CNDDDB State Conservation Ranking (CDFW 2014)

- S1 is Critically imperiled: often 5 or fewer populations, or steep rate of decline,
- S2 is Imperiled: Often 20 or fewer populations, steep decline or very restricted in range,
- S3 is Vulnerable: often 80 or fewer populations, declining or restricted range,
- S4 is Apparently Secure: uncommon but not rare in California

SSC – CDFW Species of Special Concern

BCC – USFWS Birds of Conservation Concern

- ESA ST – State Threatened
- SE – State Endangered
- FT – Federally Threatened
- FE – Federally Endangered

Other Species of Special Concern

Greater Sage-Grouse

The Bi-State Distinct Population Segment (DPS) of Greater Sage-Grouse (*Centrocercus urophasianus*) is another species of concern to Mono County but is not listed at the state or federal level. There is relatively marginal potential for presence of sage-grouse in the remaining sagebrush-dominated uplands surrounding Coleville during the normal brood-rearing period (March 1 – Sept 30) (2015 RTP/GPU). Based on consultation with the Nevada Department of Wildlife, there are no known Greater Sage-Grouse lek sites in the vicinity of the Project Area (NDOW 2022).

Mule Deer

There are no known migration corridors through the Project Area, but Mule deer may potentially use the on-site shrub habitat for overwintering (NDOW 2022, BIOS 2022).

4.2.3 Migratory Birds – Breeding and Nesting Habitat

Protection of migratory birds and their nests is regulated by the MBTA. Birds may forage and nest in multiple habitats and pass through a site in route to either. Nesting season in the Coleville area extends

from March 1 through September 30. Therefore, there are numerous migratory bird species that have the potential to nest within the Project Area.

4.3 Potentially Jurisdictional Water Resources

Based on field surveys by RCI Biologist (February 2021 and September 2022) and review of the National Wetlands Inventory, it was determined that there are no wetlands within the Project Area. There is one ephemeral stream that originates in the steeper mountain slopes to the east and flows dissipate within the Project Area. There is no channelized flow into the Highline Ditch.

The Highline Ditch conveys water from the East Slough, a canal off the West Walker River, north approximately 6.7 miles through pastures and agricultural fields, and discharges back to the West Walker River approximately 4.7 miles north of the Project Area. The ditch borders the west side of the Project Area. There are dirt access roads that run along both sides of the ditch as it parallels the site. Vegetation along the banks is primarily sagebrush and invasive weeds. The vegetation below the top of has small patches of riparian vegetation. There are no trees along the banks of the ditch through the project area

5.0 Project Impacts and Mitigation Measures

5.1 Potential Impacts and Standards of Significance

Potential direct and indirect impacts to biological resources are discussed in the following sections. Direct effects to a sensitive species or potential habitat occur from physical impacts caused by activities associated with the proposed project. Direct impacts from this project include those impacts caused by disturbance from construction equipment, trenching, grading activities, or long-term operation of the cannabis farm.

Potential indirect effects on sensitive species or their potential habitat are effects that are separated from an action in either time or space. Indirect effects resulting from project implementation may affect the quantity, quality, and distribution of habitats and may have positive or negative effects on sensitive resources. Indirect effects may also be caused by temporary construction activities that increase air pollution, noise, or human presence in such a way that temporarily disrupts nearby species and habitat vitality. Erosion or increased surface runoffs that may affect down gradient waters is an example. With respect to the latter, all project grading will be subject to the typical restrictions and requirements that address erosion and runoff, including National Pollution Discharge Elimination System (NPDES) and California's General Construction Permit, which requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP).

The impact analysis below is based on the State CEQA Guidelines Appendix G thresholds of significance. The project is considered to have a significant impact to vegetation and wildlife if it would:

1. Have a substantial adverse effect, either directly or through habitat modifications on any species identified as candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
4. 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.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. Conflict with any provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.
7. Reduce the number or restrict the range of an endangered, rare, or threatened plant or animal species or biotic community, thereby causing the species or community to drop below self-sustaining levels.

5.2 Impact Analysis and Mitigation

The following sections analyze the potential permanent and temporary direct and indirect impacts to sensitive biological resources from project activities specific to the proposed Sierra High Farm project. The mitigation measures proposed below are incorporated to minimize and avoid project impacts.

5.2.1 Special Status Plants

Suitable habitat for two (2) listed plant species occurs on-site and would be affected by the proposed activities. The species status plant species beautiful cholla (State protect cactus, CNPS 2B.2) and masonic rockcress (CNPS 2B.3) are typically associated with sandy soils in sagebrush scrub (reference Table 4 above). A field survey for special status plant species was completed on September 1, 2022 by RCI Sr. Biologist. All plant species encountered were identified to a sufficient level to determine if it was a species of concern. Based on survey results from September 1, 2022, these two species were not identified on-site and no direct effects to these special status species is anticipated.

Direct effects from the proposed project to potential habitat for special status species would occur from removal of approximately 15 acres of upland sagebrush shrub habitat during grading and construction of the four indoor cultivation buildings, associated support buildings (e.g., water tank, shop, and lab), and widening of the existing access road. Additionally, approximately ten acres of upland shrub habitat will be impacted during phase 3 of the project through removal of vegetation for outdoor cultivation. These actions would result in permanent, direct impacts to potential habitat for beautiful cholla and masonic rockcress. However, based on the abundance of similar potential habitat surrounding the project area, direct effects to potential habitat for the two special status species was determined to be less than significant.

Significance after Mitigation

There would be no significant impacts to special status plants and no mitigation is proposed.

5.2.2 Special Status Wildlife

Federally and State Protected Species

Based on initial observations of on-site habitat, there is no potential habitat for federally or state listed wildlife species. No federally or state ESA listed wildlife species have potential to occur within the Project Area.

There are 12 special status wildlife species that may occur within the Project Area. These include seven state protected bat species and five special status bird species.

There is suitable foraging habitat for bats on-site but no suitable roosting habitat present. Because of the abundance of similar foraging habitat surrounding the Project Area and the bats ability to avoid construction activities, it is determined there will be no significant impacts to the seven bat species.

There is potential for five species of special status bird species. Four of these species (Golden Eagle, Swainson's Hawk, Northern Harrier, and Prairie Falcon) may utilize the site for foraging, but there is

no suitable nesting habitat for these species within the Project Area. Similar to the bat species, the proposed project will have no significant impact on these four species.

The Brewer's sparrow is identified as having potential to nest on-site. The Brewer's sparrow is listed as a USFWS Bird of Conservation Concern and has been given a S3 ranking by the State due to its declining population. Brewer's sparrow tend to nest in low sagebrush and other shrubs. Therefore, Brewer's sparrow, along with other nesting birds, have the potential to be impacted by clearing and grading activities that remove potential nesting habitat. If clearing occurs during the nesting season, the project could result in direct impacts to the Brewer's sparrow and other nesting birds should they be present. Indirect effects from elevated noise and increased human activity may result in nest abandonment if nesting birds are present within 200 feet. These impacts are less than significant when the following mitigation is implemented.

Mitigation Measure BIO-1- Nesting Birds Surveys

The project applicant would implement the following practices for protection of bird species with the potential to nest within the Project Area.

- Pre-project surveys for nesting birds and raptors will be conducted in suitable nesting habitat within 500 feet of vegetation removal, construction, and development activities, and will be reviewed and accepted by the Mono County Community Development Department prior to site disturbance or construction activity. Determination of habitat suitability, and whether a pre-project survey is required should be based on a reconnaissance field assessment of habitat conditions before initiating projects in these areas

Survey Timing: March 1 to August 31

- If an active bird nest is located during the pre-project surveys, the project proponent will notify Mono County and the CDFW. To avoid disturbances to or loss of active nest sites, between March 1 and August 31, project activities would be delayed within 0.25 mile of (or at a distance directed by the appropriate regulatory agency) the nest to avoid disturbance until the nest is no longer active. Project activities include vegetation removal, earth moving, and construction. The 0.25-mile buffer may be reduced through consultation with Mono County and/or the CDFW Biologist.

Significance after Mitigation

Implementation of the mitigation measures BIO-1 described above would ensure potential impacts to nesting birds would be **less than significant** by avoiding the species.

Other Species of Special Concern

Greater Sage-grouse

The proposed project may remove up to 15 sagebrush communities that provide marginal sage-grouse habitat. Potential impacts from the proposed project include loss of habitat, increased vehicular traffic and potential for roadkill, trampling of nests or activities that cause nest abandonment, and introduction/expansion of invasive species that modifies habitat quality. Additionally, the construction of

aboveground transmission pole lines contributes to the fragmentation of sage-grouse habitat and increases the risk of predation by providing predator perches in sagebrush habitat.

Although potential habitat exists within the Project Area, likelihood of sage-grouse currently using the low-quality sagebrush habitat surrounding Coleville is low (2015 RTP/GPU) and there are no known lek locations within the vicinity of the Project Area (NDOW 2022). Due to the size of the Project Area and location within marginal habitat with no known occurrences of sage-grouse, the impact to sage-grouse from the proposed project is determined to be less than significant.

Mule Deer

There are no known mule deer migration corridors through the Project Area (NDOW 2022, BIOS 2022), but mule deer may potentially use the on-site shrub habitat for overwintering. Site development and increase in human activities have the potential to impact survivorship and fecundity of mule deer due to the reduction of critical browse and vehicle collisions (2015 RTP/GPU). However, based on the minimal size of impact to potential habitat relative to the surrounding availability of suitable wintering habitat and the minimal increase in traffic from the proposed project, potential impact to mule deer is determined to be less than significant.

Significance after Mitigation

There would be no significant impacts to greater sage-grouse or mule deer and no mitigation is proposed.

5.2.3 Special Status Bird Species – Migratory Birds

The Project Area provides suitable habitat for nesting and/or foraging migratory birds and other special status bird species as described above. Additionally, raptors that may be nesting within proximity to the Project Area (not anticipated to be nesting on-site) may be indirectly impacted by construction activities. The project would potentially remove 15 acres of upland shrub vegetation from clearing and grading activities. If clearing occurs during the nesting season, the project could result in direct impacts to nesting birds should they be present. Indirect effects from elevated noise and increased human activity may result in nest abandonment if nesting birds are present within 200 feet (or 500 feet for raptors). Construction activities may result in adverse impacts on breeding and nesting special status bird species should they be present.

To avoid impacts to breeding or nesting birds or minimize potential affect to less than significant levels, Mitigation Measure BIO-1 would be implemented as described above.

Significance after Mitigation

Implementation of the mitigation measure BIO-1 described above would ensure potential impacts to migratory birds and raptors would be **less than significant** by avoiding the species.

5.2.4 Invasive and Noxious weeds

Vegetation removal and soil disturbance construction of the indoor cultivation facility, road widening, and disturbance associated with power line construction could create conditions for the establishment of undesirable weed species. Once established, invasive and noxious weeds could negatively and indirectly affect native species by competing for resources such as water and light, production, and release of chemical compounds that inhibit the growth of other plants. In turn, this effect can change the community

composition through elimination or reduction of native plant species or by changing the vegetation structure. The changes in community composition or vegetation structure could affect fire regimes and can also negatively affect habitat for wildlife.

To avoid direct and indirect impacts to special status plant and wildlife species or their habitat or to minimize potential affect to less than significant levels, the following mitigation measures are proposed.

Mitigation Measure BIO-2 – Weed Surveys

Prior to construction, the entire Project Area would be surveyed for noxious weeds. All occurrences of noxious weeds would be flagged and avoided.

Mitigation Measure BIO-3 - Weed Free Certification

Straw, mulch, or gravels used for erosion control would be certified weed-free.

Significance after Mitigation

Implementation of the mitigation measures BIO-2 and BIO-3 described above would ensure potential impacts to biological resources from invasive and noxious weed species would be reduced to less than significant levels.

5.2.5 Jurisdictional Waters

The SWRCB has developed a policy for water quality control to establish principles and guidelines for cannabis cultivation, as well as the Cannabis General Order (SWRCB Order WQ 2019-0001-DWQ). The General Order includes enforceable requirements for cannabis cultivators to ensure their operations do not impact water resources. Enrollment in the Statewide Cannabis General Order is required for all legal cannabis cultivation facilities and is a required step to obtaining a CalCannabis license for cannabis cultivation. Attachment A of the General Order includes a list of Best Management Practices. To obtain coverage under the waiver or enroll under the general order, the discharger is required to submit an online application and application fee and relevant technical reports. At a minimum, the applicant would be required to provide a site management plan, nitrogen management plan, and site closure report.

Because applicable state and local regulations require water quality control measures for construction and operation of the project, this impact would be less than significant.

6.0 References

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- Zeiner, D.C., W.F.Laudenslayer, Jr., K.E. Mayer, and M. White, eds. 1988-1990. *California's Wildlife. Vol. I-III. California Department of Fish and Game, Sacramento, California*. Updates are noted in accounts that have been added or edited since original publication.

Attachment A

Biological Data



Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad (Topaz Lake (3811965) OR Coleville (3811955) OR Risue Canyon (3811954) OR Long Dry Canyon (3811964)) AND CNPS List IS (1A OR 1B OR 1B.1 OR 1B.2 OR 1B.3 OR 2A OR 2B OR 2B.1 OR 2B.2 OR 2B.3)

Table with 7 columns: Species, Element Code, Federal Status, State Status, Global Rank, State Rank, Rare Plant Rank/CDFW SSC or FP. Rows include Astragalus oophorus var. lavinii, Boechea cobrensis, Carex petasata, Carex vallicola, Cusickiella quadricostata, Glyceria grandis, Grusonia pulchella, Hymenopappus filifolius var. nanus, Polygala subspinosa, Sidalcea multifida, and Sphaeralcea grossulariifolia.

Record Count: 11



Selected Elements by Element Code
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: Quad IS (Topaz Lake (3811965) OR Coleville (3811955) OR Risue Canyon (3811954) OR Long Dry Canyon (3811964))
 AND Taxonomic Group IS (Fish OR Amphibians OR Reptiles OR Birds OR Mammals OR Mollusks OR Arachnids OR Crustaceans OR Insects)
 AND (Federal Listing Status IS (Endangered OR Threatened OR Proposed Endangered OR Proposed Threatened) OR State Listing Status IS (Endangered OR Threatened OR Rare))

Element Code	Species	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
AAABB01040	<i>Anaxyrus canorus</i> Yosemite toad	Threatened	None	G2G3	S2S3	SSC
ABNKC10010	<i>Haliaeetus leucocephalus</i> bald eagle	Delisted	Endangered	G5	S3	FP
AFCHA02081	<i>Oncorhynchus clarkii henshawi</i> Lahontan cutthroat trout	Threatened	None	G5T3	S1	
AMAJF03010	<i>Gulo gulo</i> wolverine	None	Threatened	G4	S1	FP

Record Count: 4

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Mono County, California



Local office

Reno Fish And Wildlife Office

☎ (775) 861-6300

📠 (775) 861-6301

1340 Financial Boulevard, Suite 234

Reno, NV 89502-7147

<http://www.fws.gov/reno/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
 2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/6749	Endangered
Yellow-billed Cuckoo <i>Coccyzus americanus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Sierra Nevada Yellow-legged Frog <i>Rana sierrae</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/9529	Endangered
Yosemite Toad <i>Anaxyrus canorus</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/7255	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE

WHICH THE BIRD BREEDS
ACROSS ITS ENTIRE RANGE.
"BREEDS ELSEWHERE" INDICATES
THAT THE BIRD DOES NOT LIKELY
BREED IN YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

Breeds Dec 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Pinyon Jay *Gymnorhinus cyanocephalus*

Breeds Feb 15 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9420>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

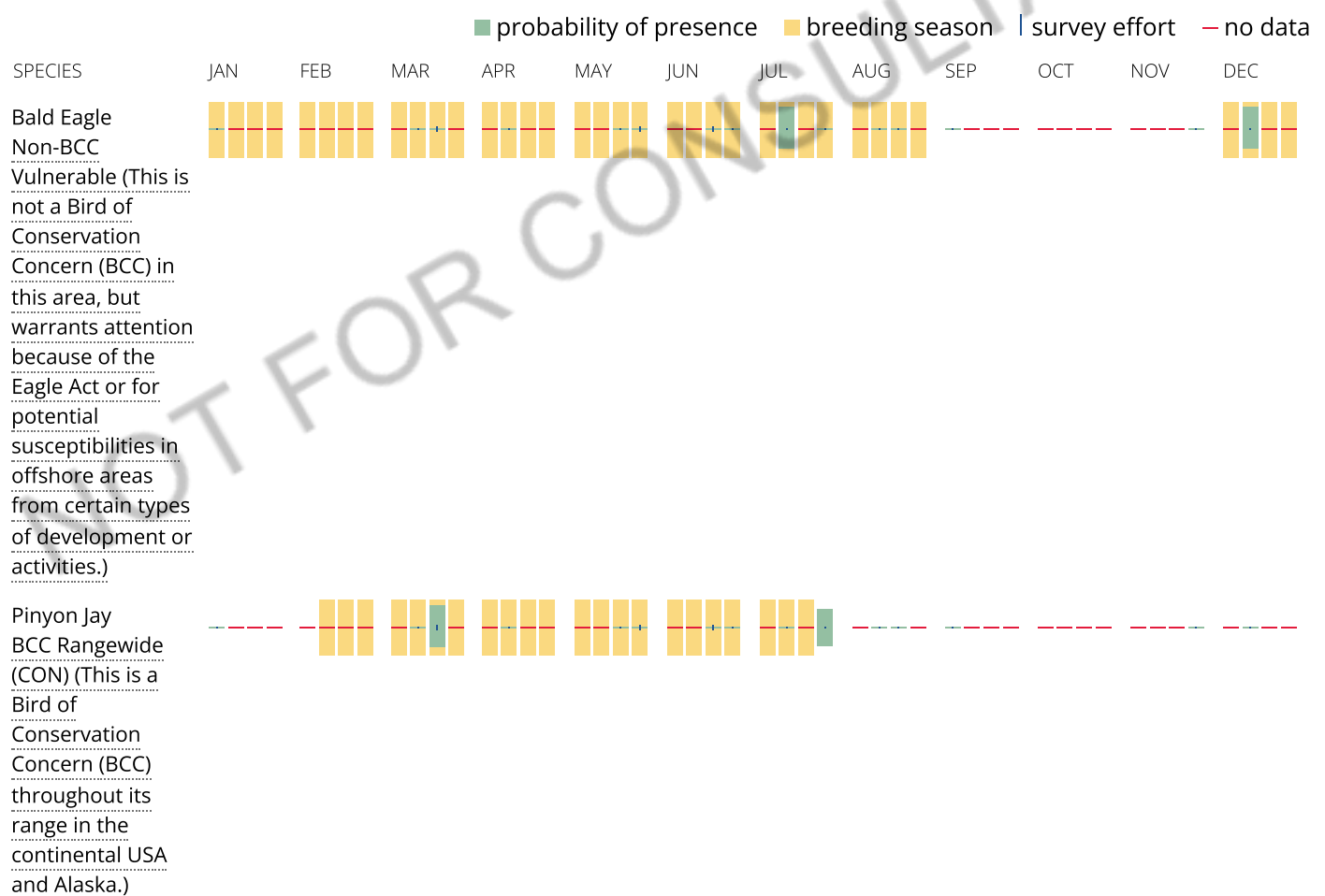
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and

avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

Wildlife refuges and fish hatcheries

REFUGE AND FISH HATCHERY INFORMATION IS NOT AVAILABLE AT THIS TIME

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER POND

[PUSC](#)

RIVERINE

[R4SBCx](#)

[R4SBJ](#)

[R4SBA](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this

inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION



STEVE SISOLAK
Governor

STATE OF NEVADA

DEPARTMENT OF WILDLIFE

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Alaina Russky
GIS Technician
Resource Concepts INC
340 N Minnesota St
Carson City, Nevada 89703

March 1, 2022

Re: Sierra High Farms

Dear Alaina Russky:

I am responding to your request for information from the Nevada Department of Wildlife (NDOW) on the known or potential occurrence of wildlife resources in the vicinity of the Sierra High Farms located in Douglas County, Nevada. In order to fulfill your request, an analysis was performed using the best available data from the NDOW's wildlife occurrences, raptor nest sites and ranges, greater sage-grouse leks and habitat, and big game distributions databases. No warranty is made by the NDOW as to the accuracy, reliability, or completeness of the data for individual use or aggregate use with other data. These data should be considered **sensitive** and may contain information regarding the location of sensitive wildlife species or resources. All appropriate measures should be taken to ensure that the use of this data is strictly limited to serve the needs of the project described on your GIS Data Request Form. Abuse of this information has the potential to adversely affect the existing ecological status of Nevada's wildlife resources and could be cause for the denial of future data requests.

To adequately provide wildlife resource information in the vicinity of the proposed project the NDOW delineated an area of interest that included a four-mile buffer around the project area provided by you on Monday, March 28, 2022. Wildlife resource data was queried from the NDOW databases based on this area of interest. The results of this analysis are summarized below.

Big Game - Occupied mule deer distribution exists within portions of the project area and four-mile buffer area. No known occupied bighorn sheep, elk, or pronghorn antelope distributions exist in the vicinity of the project area. Please refer to the attached maps for details regarding big game distributions relative to the proposed project area.

Greater Sage-Grouse - Habitat for the greater sage-grouse Bi-State distinct population segment exists throughout the entire project area and portions of the four-mile buffer area. Please refer to the attached map for details regarding greater sage-grouse habitat relative to the proposed project area. There are no known radio-marked greater sage-grouse tracking locations in the vicinity of the project area. There are no known greater sage-grouse lek sites in the vicinity of the project area.

Lahontan Cutthroat Trout - are known to exist in the vicinity of the project area in the Middle West Walker River watershed.

Raptors - Various species of raptors, which use diverse habitat types, may reside in the vicinity of the project area. American kestrel, bald eagle, barn owl, burrowing owl, Cooper's hawk, ferruginous hawk, flammulated owl, golden eagle, great horned owl, long-eared owl, merlin, northern goshawk, northern harrier, northern pygmy owl, northern saw-whet owl, osprey, peregrine falcon, red-tailed hawk, rough-legged hawk, sharp-shinned hawk, short-eared owl, Swainson's hawk, turkey vulture, and western screech owl have distribution ranges that include the project area and four-mile buffer area. Furthermore, bald eagle, Cooper's hawk, and prairie falcon have been directly observed in the vicinity of the project

area.

Raptor species are protected by State and Federal laws. In addition, bald eagle, burrowing owl, California spotted owl, ferruginous hawk, flammulated owl, golden eagle, northern goshawk, peregrine falcon, prairie falcon, and short-eared owl are NDOW species of special concern and are target species for conservation as outlined by the Nevada Wildlife Action Plan. Per the *Interim Golden Eagle Technical Guidance: Inventory and Monitoring Protocols; and Other Recommendations in Support of Golden Eagle Management and Permit Issuance* (United States Fish and Wildlife Service 2010) we have queried our raptor nest database to include raptor nest sites within ten miles of the proposed project area. There are two known raptor nest sites within ten miles of the project area:

Last Active	Last Check	Township/Range/Section	Probable Use
	4/22/1976		eagle
	5/10/1977		eagle

Other Wildlife Resources

There are no water developments in the vicinity of the project area. The following species have also been observed in the vicinity of the project area:

Common Name	ESA	State	SWAP SoCP
mountain lion			

ESA: Endangered Species Act Status

State: State of Nevada Special Status

SWAP SoCP: Nevada State Wildlife Action Plan (2012) Species of Conservation Priority

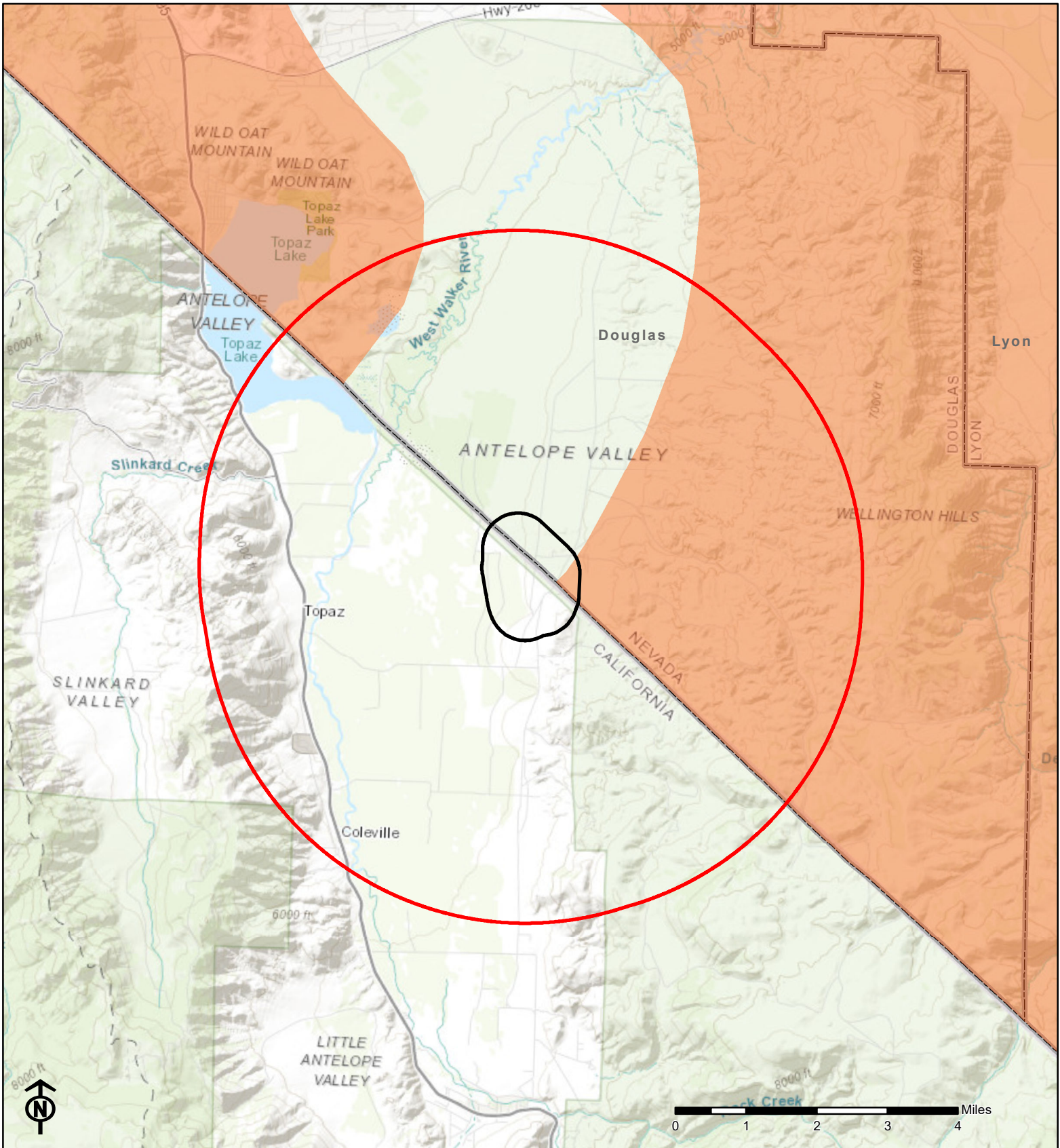
The proposed project area may also be in the vicinity of abandoned mine workings, which often provide habitat for state and federally protected wildlife, especially bat species, many of which are protected under NAC 503.030. To request data regarding known abandoned mine workings in the vicinity of the project area please contact the Nevada Division of Minerals (<http://minerals.state.nv.us/>).




The above information is based on data stored at our Reno Headquarters Office and does not necessarily incorporate the most up to date wildlife resource information collected in the field. Please contact the Habitat Division Supervising Biologist at our to discuss the current environmental conditions for your project area and the interpretation of our analysis. Furthermore, it should be noted that the information detailed above is preliminary in nature and not necessarily an identification of every wildlife resource concern associated with the proposed project. Consultation with the Supervising Habitat biologist will facilitate the development of appropriate survey protocols and avoidance or mitigation measures that may be required to address potential impacts to wildlife resources.

Katie Andrie - Western Region Supervising Habitat Biologist (775.688.1145)

Federally listed Threatened and Endangered species are also under the jurisdiction of the United States Fish and Wildlife Service. Please contact them for more information regarding these species.

If you have any questions regarding the results or methodology of this analysis, please do not hesitate to contact Jinna Larkin at (775) 688-1580.



-  Project Area
-  Four Mile Buffer Area Boundary
-  Mule Deer Distribution

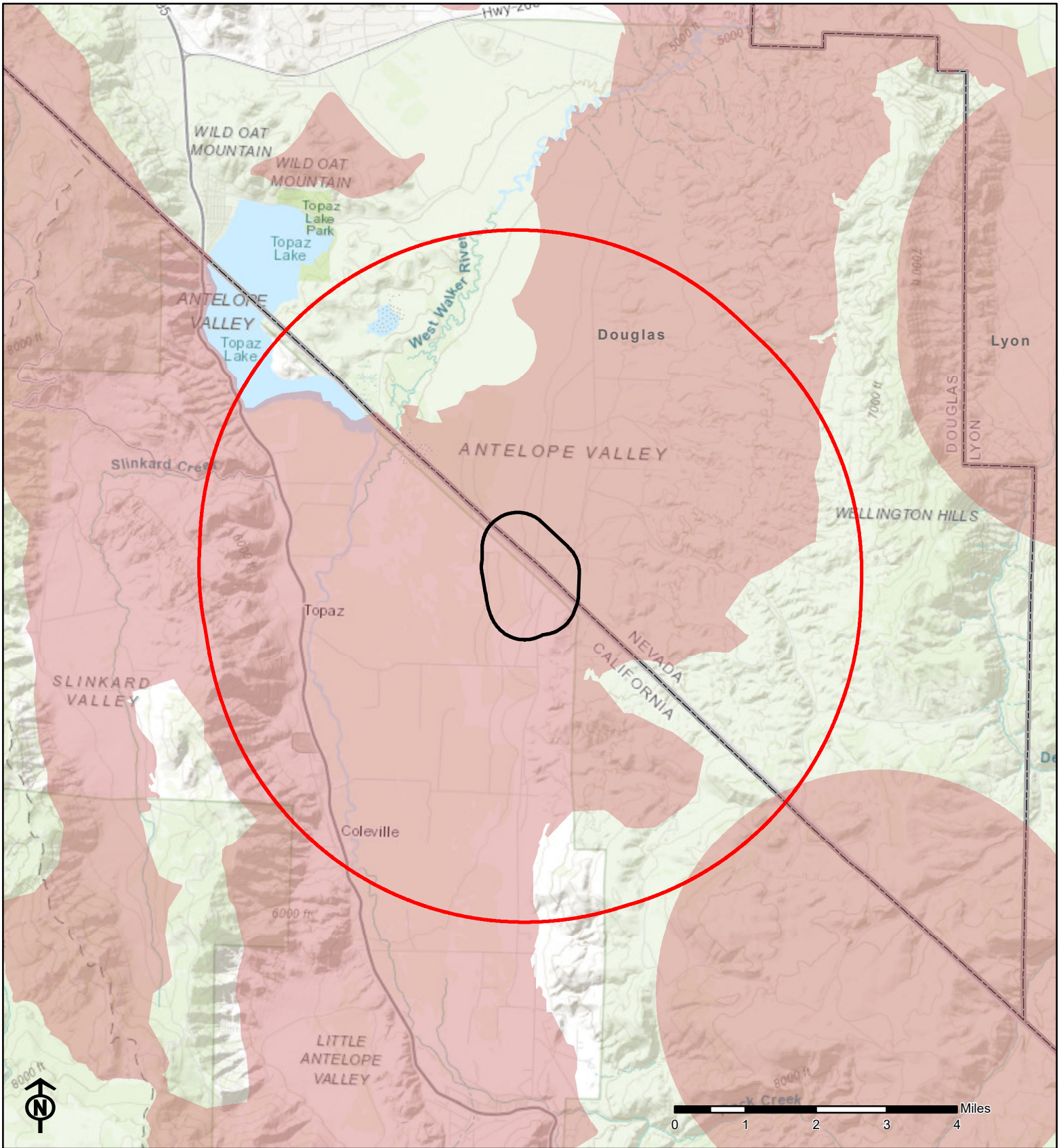
Sierra High Farms Mule Deer Distribution







March 01, 2022

Projection: UTM Zone 11 North, NAD83

No warranty is made by the Nevada Department of Wildlife as to the accuracy, reliability, or completeness of the data for individual use or aggregate use with other data.





-  Project Area
-  Four Mile Buffer Area Boundary
-  Priority Habitat
-  General Habitat
-  Other Habitat
-  Bi-State Habitat

Sierra High Farms Greater Sage-Grouse Habitat

March 01, 2022

Projection: UTM Zone 11 North, NAD83

No warranty is made by the Nevada Department of Wildlife as to the accuracy, reliability, or completeness of the data for individual use or aggregate use with other data.

