

APPENDIX C

BIOLOGICAL RESOURCES ASSESSMENT LETTER REPORT



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January 23, 2018

Melanie Halajian, Senior Project Manager
Ericsson-Grant, Inc.
5145 Avenida Encinas, Suite H
Carlsbad, CA 92008

Re: Biological Resources Assessment Letter Report for the Trinity Cannabis Cultivation and Manufacturing Facility, Calexico, California. (Parcel APN).

Ms Halajian:

The purpose of this letter is to provide you with a summary of the biological resource assessment performed for the proposed Trinity Cannabis Cultivation and Manufacturing Facility in Calexico, California. Primrose Biological Services (PBS) Biologist (B. Primrose) completed a general biological survey of the site on December 29, 2017. Mr. Primrose also conducted a California Natural Diversity Database (CNDDDB) review of potential biological resources of the subject property. The results of the survey and biological resources review are discussed below.

PARCEL LOCATION AND ENVIRONMENTAL SETTING

The Project includes five parcels (Assessor's Parcel Number [APN] 059-343-018, 059-343-003, 0589-343-014, 059-343-006, 059-343-016 totaling approximately 8.44 acres) located in an industrial area in southwest Calexico, Imperial County (Figure 1). The parcels are located north of West Cole Road between Sunset Boulevard on the west and Enterprise Boulevard to the east (Figure 2). An existing warehouse has been developed at 2421 Enterprise Boulevard. This structure has a parking lot, loading dock and ornamental landscape. The remaining parcels are vacant and support one disturbed native vegetation community (Big Saltbush Scrub). The vacant parcels appear to be regularly traversed by human foot traffic and used for illegal dumping. Photograph of existing conditions are provided in Attachment A.

SURVEY METHODS

Primrose Biological Services Biologist B. Primrose conducted a general survey of the parcels on December 29, 2017 from 11:00 a.m. to 2:00 p.m. Conditions during the survey consisted of sunny skies, a temperature of 73 degrees Fahrenheit, and light wind (2-3 mph). The survey was conducted by slowly walking the entire site, recording plant and wildlife species observed. The main purpose of the survey was to evaluate whether any sensitive habitats, or sensitive species exist or have the potential to occur on the parcels. A search of the CNDDDB Calexico quadrangle was also conducted to identify special-status species known to occur in the general vicinity of the parcels (Table 1). A map of vegetation communities is provided as Figure 3.

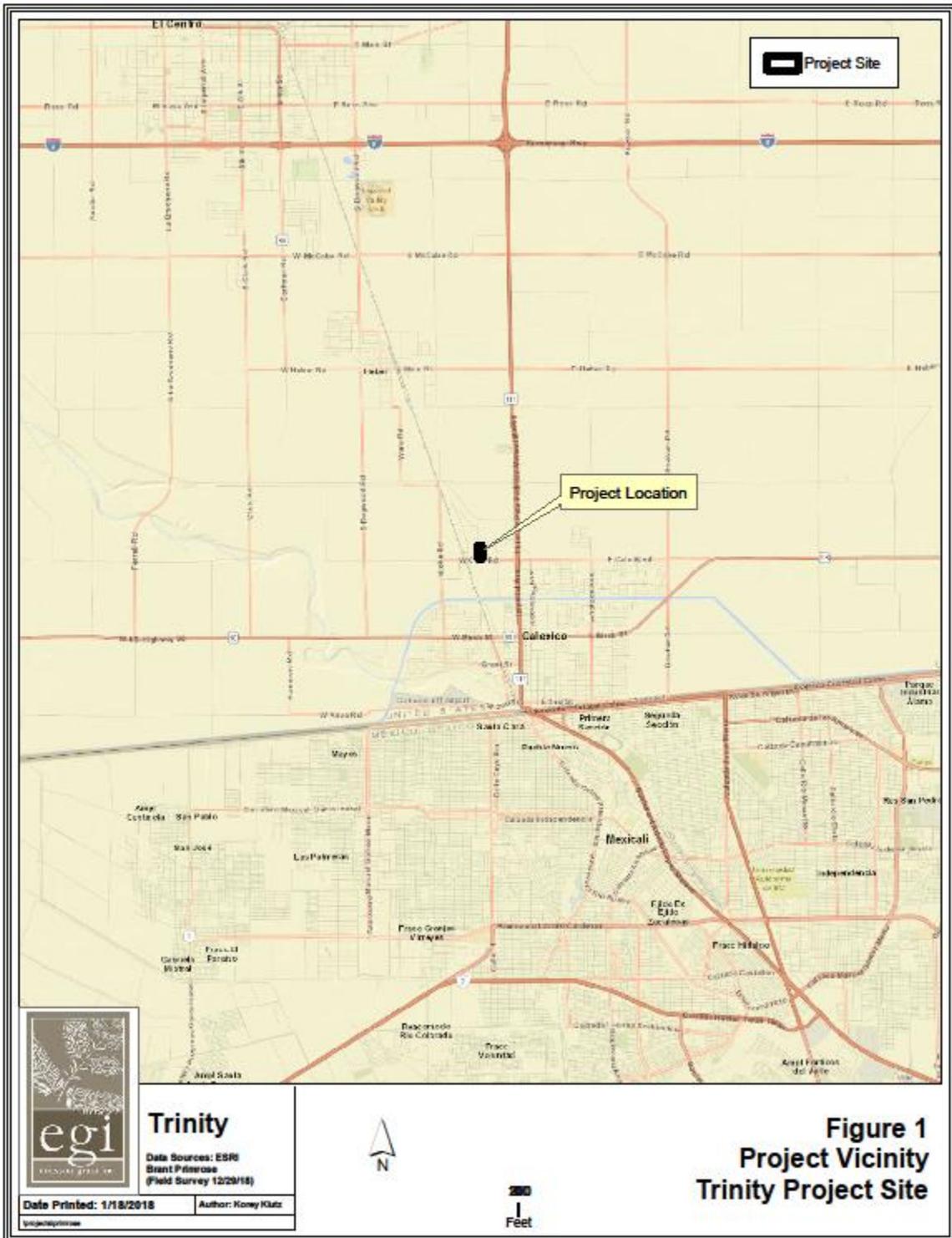


Figure 1
Project Vicinity
Trinity Project Site

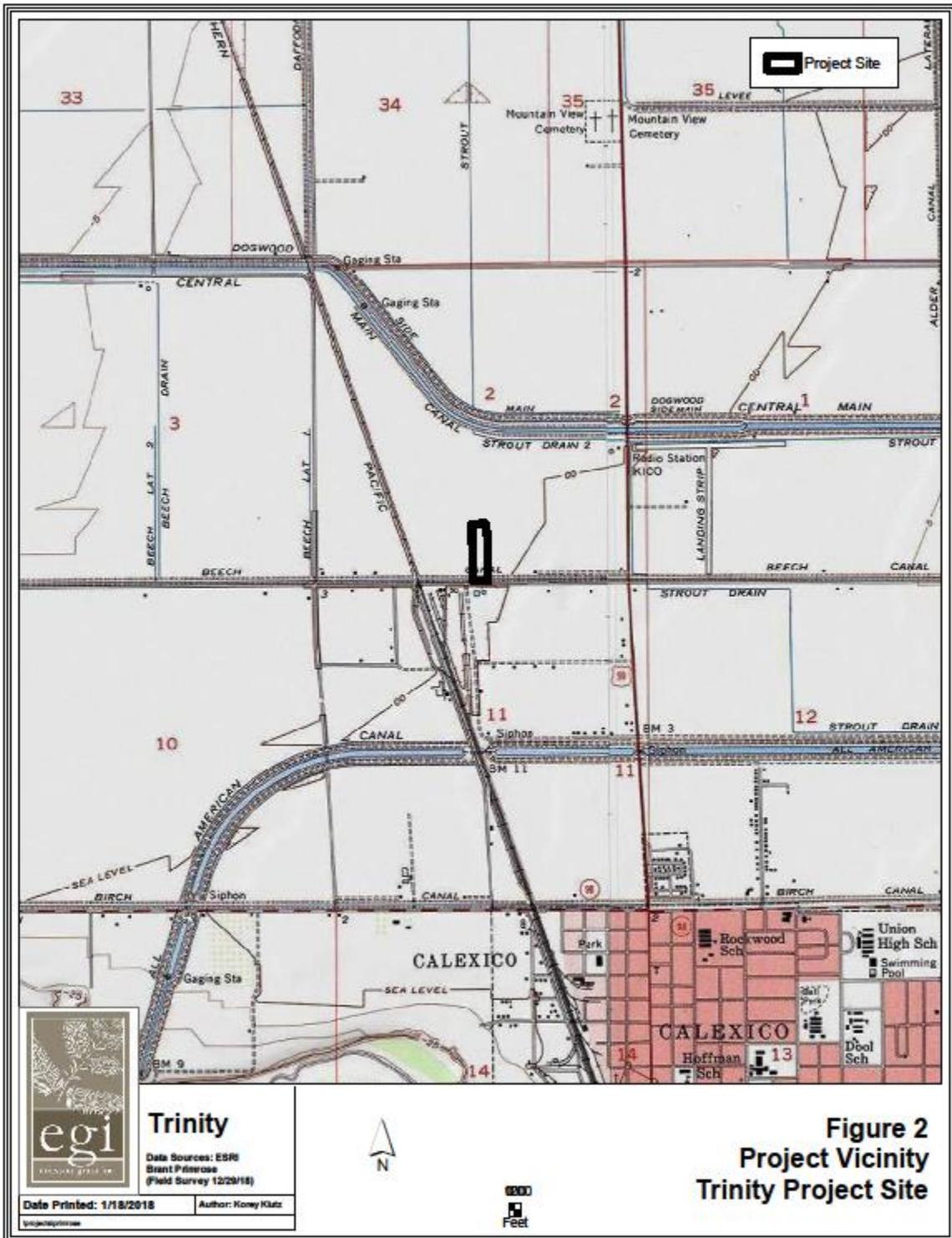


Figure 2
Project Vicinity
Trinity Project Site



Table 1
Special Status Species Known to Occur in the Project Vicinity

Common/Scientific Name	Status	Habitat	Occurrence/Potential
WILDLIFE			
BIRDS			
burrowing owl (<i>Athene cunicularia</i>)	SSC	Disturbed agricultural	Not observed, high potential to occur given adequate nesting and foraging habitat is present on site.
yellow warbler (<i>Setophaga petechia</i>)	SSC	Dense shrubs near marshes and water courses.	Not observed, moderate potential to occur given adequate nesting and foraging habitat is present on site.
REPTILES AND AMPHIBIANS			
flat-tailed horned lizard (<i>Phrynosoma mcallii</i>)	SSC	Open sandy areas with low vegetation.	Not observed, low potential to occur.
MAMMALS			
American badger (<i>Taxidea taxus</i>)	SSC	Desert Scrub	Not observed, moderate potential.
(<i>Phrynosoma mcallii</i>), pocketed-free tailed bat	SSC	Central California to central Mexico; rocky areas within open shrub/ Grassland and cultivated fields, as well as chaparral and chaparral/oak interfaces.	Not observed, moderate potential to occur on property.
western mastiff bat (<i>Eumops perotis californicus</i>)	FSC, SSC	Central California to central Mexico; rocky areas within open shrub/ grassland and cultivated fields, as well as chaparral and chaparral/oak interfaces.	Not observed, not likely to roost on site due to lack of suitable habitat.

Table 1
Special Status Species Known to Occur in the Project Vicinity

Common/Scientific Name	Status	Habitat	Occurrence/Potential
western yellow bat (<i>Lasiurus xanthinus</i>)	SSC	Central California to central Mexico; rocky areas within open shrub/grassland and cultivated fields, as well as chaparral and chaparral/oak interfaces.	Not observed, not expected occur due to a lack of suitable habitat.
PLANTS			
sand-verbena (<i>Abronia villosa</i> var. <i>aurita</i>)	FE, CRPR 1B.1	Creosote scrub	Not observed, not expected occur due to a lack of suitable habitat.
gravel milk-vetch (<i>Astragalus sabulorum</i>)	CRPR 2B.2	Stony washes, pinyon and juniper woodlands	Not observed, not expected occur due to a lack of suitable habitat.
Wiggin's Croton (<i>Croton wigginsii</i>)	CRPR 2B.2	Creosote scrub	Not observed, not expected occur due to a lack of suitable habitat.
Abram's spurge (<i>Euphorbia abramsiana</i>)	CRPR 2B.2	Creosote scrub	Not observed, not expected occur due to a lack of suitable habitat.
California satintail (<i>Imperata brevifolia</i>)	CRPR 2B.1	Creosote scrub	Not observed, not expected occur due to a lack of suitable habitat.
sand food (<i>Pholisma sonora</i>)	CRPR 1B.2	Desert Scrub, Sandy soils	Not observed, not expected occur due to a lack of suitable habitat.
FE= Federally Endangered, FC= Federal Candidate for listing, FT=Federally Threatened, FSC= Federal Species of Concern, FPE= Federally proposed for listing as Endangered, SE= State Endangered, SSC= California Species of Special Concern, CFP= California Fully Protected, BEPA= Bald and Golden Eagle Protection Act, CRPR= California Native Plant Society Rare Plant Rank (1B = Rare throughout their range, and 2 = rare in California but common beyond boundaries of California)			

SURVEY RESULTS

Habitats

The property consists entirely of disturbed Big Saltbush (*Atriplex lentiformis*) Habitat land (approximately 8.44 acres). The rest of the entire property is bare ground with no biological resources found.

Wildlife

Wildlife observed or detected during the survey was limited due to the lack of native vegetation communities. Species observed or detected was limited to mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), American crow (*Corvus corax*), and house finch's (*Carpodacus mexicanus frontalis*). These species are commonly found in and adjacent to developed areas.

Wetlands and Waters

The U.S. Army Corps of Engineers (USACE), through the authority of Section 404 of the Clean Water Act (CWA), is the primary agency involved in wetland regulation. The Environmental Protection Agency (EPA) has the authority to veto any decision by the USACE on 404 permit issuance, as the EPA has the ultimate authority over enforcement of wetland regulations. Prior to the issuance of a Section 404 permit by the USACE, the Regional Water Quality Control Board (RWQCB) must issue a Section 401 water quality certification or waiver. In this way, the RWQCB regulates actions permitted by the USACE under Section 404 of the Clean Water Act (CWA). In addition, the USFWS must be consulted and may also take jurisdiction if any wetland impacts could affect federally endangered species.

The USACE has jurisdiction over "waters of the U.S.," including wetlands, as defined by Section 404 of the CWA. The term "waters of the U.S." covers many types of waters including: waters currently or historically used in interstate or foreign commerce, including all waters subject to the ebb and flow of tides; all interstate waters including interstate wetlands; all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, etc., the use, degradation, or destruction of which could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the U.S.; tributaries of waters of the U.S.; territorial seas; and wetlands adjacent to waters of the U.S.

The California Department of Fish and Wildlife has jurisdiction covering lakes, rivers, and streams. Jurisdiction extends across the bed, banks, and channel of these features and includes areas beneath a riparian canopy, even if the canopy areas are well away from the stream channel.

Special-status Species

The CNDDDB search identified six sensitive plants as having potential to occur in the general property vicinity including chaparral sand-verbena (*Abronia villosa var. aurita*), gravel milk-vetch (*Astragalus sabulonum*), Wiggin's Croton (*Croton wigginsii*), Abram's spurge (*Euphorbia abramsiana*), California satintail (*Imperata brevifolia*), and sand food (*Pholisma sonorae*). None of these plant species were detected during the field survey and none likely to occur. Therefore, the property lacks appropriate habitat for any of these species, and they are unlikely to occur if left unattended.

Seven sensitive wildlife species were identified during the CNDDDB search and are known to occur in the general vicinity including American badger (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), flat-tailed horned lizard (*Phrynosoma mcallii*), pocketed-free tailed bat (*Nyctinomops femorosaccus*), western mastiff bat (*Eumops perotis californicus*), western yellow bat (*Lasiurus xanthinus*), and yellow warbler (*Setophaga petechia*). None of these wildlife species were detected during the field survey. In addition to the above listed special-status species, several special-status bat species have potential to occur in the general property area. No bat roosts were detected during the survey. Although the Industrial buildings to the east of the project site could provide bat roosting habitat, it is unlikely the property provides significant roosting habitat.

POTENTIAL CONSTRAINTS TO DEVELOPMENT

Vegetation Communities, Jurisdictional Resources, Special-status Plant or Wildlife Species

The property does support native vegetation communities but does not have potential jurisdictional resources. The property has potential for appropriate habitat to support special-status plants or wildlife.

Nesting Birds

The mature trees and other landscape/ornamental vegetation, and disturbed lands on site represent potential nesting habitat for raptors and other birds. Several birds protected under the federal Migratory Bird Treaty Act (MBTA) have the potential to nest on site. Because loss of an active nest is considered a violation of the MBTA, vegetation removal, if proposed, should occur outside the migratory bird breeding and raptor breeding season (January 15 – September 15). Alternatively, pre-construction surveys for the presence of nesting raptors or other birds would likely be required to ensure that active nests are not removed.

Please feel free to contact me at (760) 717-8765 if you have any questions or concerns regarding the information presented in this letter.

Sincerely,

Brant Primrose
Senior Biologist

Attachment:
A. Site Photographs

ATTACHMENT A – SITE PHOTOGRAPHS



Site Photo 1: View south across site toward West Cole Road, Calexico California. Looking at Big Saltbush with soil piles.



Photo 2: View northeast from west side looking at Big Saltbush Habitat (Sunset Boulevard).



Photo 3: View east from west side project site looking at Big Saltbush Habitat (Sunset Boulevard).



Photo 4: Looking southeast across the site from Sunset Boulevard. Facing Big Saltbush Habitat and bare ground.