State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

May 13, 2021

Ms. Lauren Scott
Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403

Subject: UPC18-0046 Evergreen Acres, Mitigated Negative Declaration, SCH No. 2021040407, City of Healdsburg, Sonoma County

Dear Ms. Scott:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration from the County of Sonoma for UPC18-0046 Evergreen Acres (Project) pursuant the California Environmental Quality Act (CEQA).

CDFW is submitting comments on the Initial Study/Mitigated Negative Declaration (IS/MND) to inform the County of Sonoma (County), as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project. CDFW is providing these comments and recommendations regarding those activities involved in the Project that are within CDFW's area of expertise and relevant to its statutory responsibilities (Fish and Game Code, § 1802), and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096 and 15204).

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on Projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a Project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Evergreen Acres, LLC. - Thomas Planson

Description and Location: The Project site is located at: 6699 Palmer Creek Road, in the City of Healdsburg, Sonoma County, California 95448; APNs: 069-040-026.

The Project proposes the development of approximately 29,400 square feet of outdoor cannabis cultivation,10,000 square feet of canopy mixed light cultivation in four greenhouses (located within 13,740 square feet of greenhouse floor space) and 660 square feet of greenhouse area for propagation. The Project includes a request to convert 1.8 acres of timberland to a non-timber growing use through a Minor Timberland Conversion. All trees within the conversion area were destroyed or heavily damaged by the 2020 Walbridge Fire and were removed under a CAL FIRE Post Fire Recovery Exemption Permit. The site contains one existing barn, which will be remodeled to include an employee restroom and used for non-cannabis storage as part of Project operations. Other new structures include fencing, vehicle parking areas, and a 240 square-foot utility building.

For water storage, the Project includes installation of a 97,000-gallon water storage tank and construction of a 782,907-gallon water storage off-stream reservoir. Rainwater will be captured from roofs of barn, greenhouses and caretake residence and transferred to 2 water storage tanks: 97,000-gallon tank and a 5,000-gallon tank.

CDFW is currently processing an LSA Agreement (1600-2019-0101-R3). Activities including replacing two onsite stream crossing culverts. These culverts would be upsized to meet the 100-year flow event.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand the Project, applicable alternatives, and significant impacts on the environment (CEQA Guidelines, §§15125 and 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish, and wildlife species potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). Threatened, endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- Foothill yellow-legged frog (*Rana boylii*; northwest clade SSC)
- California red-legged frog (*Rana draytonii*; FT, SSC)
- California giant salamander (*Dicamptodon ensatus*; SSC)
- Central California Coast distinct population steelhead (*Oncorhynchus mykiss irideus*; FT)
- Central California Coast Coho salmon (*Oncorhynchus kisutch* pop. 4; FT, ST)
- Hoary bat (*Lasiurus cinereus*; SSC)

- Townsend's big-eared bat (*Corynorhinus townsendii*; SSC)
- North American porcupine (*Lasiurus cinereus*; SSC)
- White-tailed kite (*Elanus leucurus*; SFP)
- Northern spotted owl (*Strix occidentalis caurina*; FT, SE)
- Sonoma tree vole (*Arborimus pomo*; SSC)
- Small ground cone (*Kopsiopsis hookeri*; 4.2)
- The cedars manzanita (*Arctostaphylos bakeri ssp. sublaevis*; 1B.2)
- Methuselah's bear lichen (*Usnea longissimi*; 4.2)

FE = Federally Endangered; FT = Federally Threatened; SE = State Endangered; SFP = State Fully Protected; SSC = State Species of Special Concern

CNPS Plant Ranks

- 1B = Rare, Threatened, or Endangered in California and Elsewhere
- 2A = Presumed Extirpated in California, But Common Elsewhere
- 2B = Rare, Threatened, or Endangered in California, But More Common Elsewhere
- 4 = Of limited distribution or infrequent

CNPS Threat Ranks

- 0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- 0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- 0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

COMMENTS AND RECOMMENDATIONS

CDFW has provided the comments below and recommendations to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources, including:

Comment 1: Rainwater Catchment

CDFW appreciates and supports the use of rooftop rainwater collection to water tank storage. CDFW recognizes this water source as environmentally responsible.

Comment 2: Species Surveys and Reports

CDFW recommends that prior to Project implementation surveys be conducted for special-status species with potential to occur at the Project location, following recommended survey protocols. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocols

The IS/MND references a habitat assessment conducted for Northern Spotted Owl, titled "Northern Spotted Owl Habitat Assessment and Survey – 6699 Palmer Creek Road, Healdsburg, CA", prepared by Wiemeyer Ecological Sciences, dated June 25, 2020. Please submit a copy of this report to CDFW for review and acceptance.

Comment 3: Lake and Streambed Alteration

Issue: CDFW is currently processing an LSA notification (1600-2019-0101-R3) covering two culvert replacement activities on the Project site. The culvert work is not discussed in the IS/MND.

Recommendations: The IS/MND should disclose all Project activity work occurring on the Project site, including proposed culvert replacement work. The document should address potential impacts to fish and wildlife species as a result of this work.

Please note LSA Agreement may not be finalized until CDFW has complied with CEQA (Public Res. Code, § 21000 et seq.). Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the Project. When acting as a CEQA responsible agency, CDFW must first receive the following: 1) a certified or approved environmental document prepared in accordance with CEQA; 2) Notice of Determination, if one is filed; 3) CEQA Findings, if applicable; and 4) proof that the environmental filing fee required under Fish and Game Code section 711.4 has been paid.

Comment 4: Tree Removal

Issue: Page 14 of the IS/MND states that "construction will involve tree removal and grading". However, the Project description contradictorily states that "all trees within the conversion area were destroyed or heavily damaged by the Walbridge Fire in 2020 and were removed under a CAL FIRE Post Fire Recovery Exemption Permit in the fall of 2020. It is unclear whether trees still need to be removed from the site.

According to site visits conducted by Pinecrest Environmental Inc., the property consists of open abandoned pastureland with mixed annual and perennial grassland and closed-canopy Douglas-fir, California bay, Coast live oak forest. Both native and non-native trees provide nesting habitat for birds, and habitat value for other wildlife, such as bats. Removal of large trees without adequate mitigation should be considered a substantial adverse change in the physical conditions within the area affected by the Project. Although it is understood that the site experienced extensive fire damage, burned trees still may provide suitable habitat for species, including roosting bats. A study conducted in Eastern Arizona concluded that some bat species preferentially chose roosting in open burn zones as opposed to intact habitat. Bats were observed roosting in dead, burned trees and snags (Northern Arizona University, 2015).

Evidence Impact Would be Significant: Due to rapid and extensive land conversions in oak woodlands and an apparent lack of regeneration of certain species, CDFW is concerned about the long-term survival of native oaks. Fragmentation of oak habitats reduces their ability to provide the full range of ecological benefits, including maintenance of species diversity, as well as soil and watershed protection. Coast live oak (*Quercus agrifolia*) and old-growth oak trees (i.e., native oak tree that is greater than 15 inches in diameter) are of particular importance due to increased biological values and increased temporal loss. Due to these issues, CDFW considers the loss of oak woodland habitat a significant impact. If the Project is going to result in the removal of oak woodland habitat, mitigation is necessary to reduce the Project's impacts to a level of less-than-significant. The IS/MND does not clearly inventory all tree species to be removed. Therefore, it is unclear how many oak trees will be lost as a result of the Project.

Recommendation: The IS/MND should include appropriate and effective mitigation to offset permanent impacts of removing trees from the Project area and conversion of timber lands to agricultural lands. CDFW recommends the Project avoid large diameter tree removal to the greatest extent feasible. On-site tree planning should be considered as a potential impact minimization measure, but not sufficient to completely off-set temporal impacts from loss of large mature trees. CDFW recommends Project mitigation include in-kind preservation of timber land and mixed-oak woodland in perpetuity for loss of large trees and/or conversion of timber land.

Comment 5: Special Status Bat Species

Issue: The IS/MND indicates that the Project has the potential to impact bat species. Page 30 of the IS/MND states that, "there is still a potential for disturbance of nesting birds on or near the project site as a result of construction related activities and site disturbance." Additionally, as stated in Comment 2, it is unclear whether there is additional tree removal work proposed. According to the Biogeographic Information and Observation System (BIOS), Townsend's big-eared bat is observed approximately 1.1

miles South and 1.5 miles East of the Project site. Hoary bat is observed approximately 4.8 miles to the South of the Project site.

Bats have been documented roosting in culvert structures and special-status bat species may potentially be located onsite. Therefore, construction impacts, including culvert replacement and construction on existing structures, would be considered significant under CEQA. The IS/MND does not fully address impacts to the species as a result of Project activities.

Evidence Impact would be Significant: Townsend's big-eared bats and Hoary bats are protected by CDFW as California Species of Special Concern. These bats may roost in snags, crevices, cavities, and foliage of mature trees (typically greater than 12-inch diameter at breast height [dbh]) on and within 100 feet of the Project site. Construction activities may result in the disturbance of hibernation or maternal roost sites, which may result in the harm, death, displacement of individual bats and/or the disruption of reproductive success of nursery colony roosts.

Bats also often roost in buildings and other structures; especially as human development has encroached on wildland habitat. The Project Construction section says that Project activities include remodeling a historic era on-site barn to be used for non-cannabis storage as part of the Project. Remodeling activities proposed on-site may result in the disturbance and/or loss of hibernation or maternal roost sites, which may result in the harm, death, displacement of individual bats and/or the disruption of reproductive success of nursery colony roosts. Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code §4150, CCR §251.1).

Recommendations: To evaluate and avoid potential impacts to bat species, CDFW recommends incorporating the following mitigation measures into the Project's draft IS/MND, and that these measures be made conditions of approval for the Project:

Recommendation 1: Bat Habitat Assessment

To evaluate Project impacts to bats, a qualified bat biologist should conduct a habitat assessment for bats at the site seven (7) days prior to the start of Project activities. The habitat assessment shall include a visual inspection of features within 50 feet of the work area for potential roosting features (bats need not be present). Habitat features found during the survey shall be flagged or marked.

Recommendation 2: Bat Habitat Monitoring

If any habitat features identified in the habitat assessment will be altered or disturbed by Project construction, the qualified bat biologist should monitor the feature daily to ensure bats are not disturbed, impacted, or fatalities are caused by the Project.

Recommendation 3: Bat Project Avoidance

If bat colonies are observed at the Project site, at any time, all Project activities should stop until the qualified bat biologist develops a bat avoidance plan to be implemented at the Project site. Once the plan is implemented, Project activities may recommence.

CDFW should review and accept resumes of biologists proposing to conduct surveys for special-status bats to ensure each biologist possesses the appropriate qualifications; such as 1) at least 2 years of experience conducting bat surveys that resulted in detections for the relevant species including the Project name, dates, and person who can verify the experience, and 2) the types of equipment used to conduct surveys.

Recommendation 4: Tree Removal Methodology

For all unavoidable tree removal, a survey methodology should be provided in the CEQA Document. Any trees containing suitable bat roosting habitat (e.g., cavities, crevices, deep bark fissures) shall be marked and removed using a two-day phased method as follows: On day 1, under the supervision of a qualified biologist, all limbs not containing suitable bat roosting habitat shall be removed using chainsaws only. The next day, the rest of the tree shall be removed.

All trees shall be removed during seasonal periods of bat activity: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin). If tree removal must occur outside of these timeframes, a qualified biologist should survey the trees to the extent feasible to determine if maternity colonies are winter torpor bats are present. If present, the tree should not be removed until females have given birth to young and when young bats are self-sufficiently volant, as determined by a qualified biologist.

Comment 6: Amphibians (Foothill Yellow-Legged Frog, California Red-Legged Frog, Red-Bellied Newt, and California Giant Salamander)

Issue: Project activities have the potential to directly and/or indirectly impact foothill yellow-legged frog (FYLF), California red-legged frog (CRLF) red-bellied newt, California giant salamander and/or their habitat. As examples, California Natural Diversity Database (CNDDB) shows one observation of California giant salamander approximately 0.25 miles to the west of the Project site, one observation of red-bellied newt approximately 1.1 miles to the northeast of the site, one observation of CRLF 2.4 miles to the southwest of the site, and two adjacent observations of FYLF approximately 2.7 miles to the Southeast of the site (CNDDB Accessed May 2021). The IS/MND does

not require any compensatory mitigation for the loss of potential upland or aquatic habitat on-site for any of these species.

Evidence Impact would be Significant: Foothill yellow-legged frog was advanced as a candidate species under CESA by the Fish and Game Commission in 2017 due to growing concerns over the species' decline in a significant portion of its range. The northwest clade was not listed under CESA in 2019; however, populations to the south and east were listed. Foothill yellow-legged frogs have been extirpated from about two-thirds of their historical range since 1970 (U.S. Forest Service 2016). Many post-metamorphic FYLFs move among a variety of stream habitats throughout the year, including perennial mainstem reaches to highly ephemeral headwater streams (Bourque 2008). This species is also documented in uplands near streams (< 300 m; Twitty et al. 1967, Cook et al. 2012).

Agriculture presents a threat to all of these species' habitats and lifecycles, because of the alteration and degradation of streams that serve as deposited egg and larval habitat (Lannoo 2005). According to Davidson et. al (2001) and U.S. Forest Service 2016, the main risk factors for FYLF and CRLF are water development and diversion, climate change, habitat loss (including urbanization and fragmentation), and introduced species.

Recommendations: The IS/MND should analyze all groundwork activities, such as grading and filling, that may potentially impact foothill yellow-legged frog and/or red-bellied newt terrestrial and aquatic habitat. It should also discuss all potentially significant impacts to the species. For any permanent Project impacts to foothill yellow-legged frog, California giant salamander, or their habitat, CDFW recommends the IS/MND include appropriate and effective compensatory mitigation by preserving like habitat of equal or greater habitat value. If the mitigation lands will be on-site, the draft IS/MND should include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a conservation easement or deed restriction. CDFW recommends a qualified biologist experienced in the identification and life history of be onsite during all construction and ground disturbance activities.

Additionally, for CRLF, CDFW recommends early consultation with CDFW and the U.S. Fish and Wildlife Service (USFWS) to develop appropriate avoidance, minimization and mitigation measures. Those measures should be specified in the IS/MND to reduce any potentially significant impacts to less-than-significant.

Comment 7: Special-Status Plant Surveys

Issue: Page 30 of the IS/MND indicates that there is likelihood for multiple special-status plant species to occur on the Project site. Including but not limited to, Methuselah's beard lichen (Rank 4.2), located approximately 1.5 miles northeast of the

site (CNDDB Accessed, April 2021). CDFW strongly recommends that California Rare Plant Rank 4 plants be evaluated for impact significance during preparation of environmental documents relating to CEQA, or those considered to be functionally equivalent to CEQA, based on CEQA Guidelines §15125 (c) and/or §15380. Rank 4 plant species are considered significant locally. Additionally, one observation of the Cedar's manzanita (Rank 1B.2) 0.25 miles from the Project site (CNDDB Accessed May 2021). Additionally, page 30 of the IS/MND indicates "of the special-status plant species identified during site visits conducted by Pinecrest Environmental, Inc, three were determined to have a medium potential to occur on-site: small groundcone (*Kopsiopsis hookeri*), Angel's hair lichen (*Ramalina thraustra*) and Methuselah's beard lichen (*Dolichousnea longissimi*)." According to the IS/MND, two on-site plant surveys were conducted in April 2018 and February 2019, but it is not clear which survey methodology was followed. The IS/MND states that the Property site was heavily damaged during the 2020 Walbridge Fire; however, time has elapsed providing potential for regeneration of special-status species on the site. The IS/MND does not indicate that plant surveys were conducted post-fire.

Recommendations: A Qualified Biologist should conduct surveys during the appropriate blooming period for all special-status plants that have the potential to occur on the Project site prior to the start of construction. Surveys should be conducted following *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities*, prepared by CDFW, dated March 20, 2018. The protocol can be found here: https://www.wildlife.ca.gov/Conservation/SurveyProtocols#377281280-plants. If special-status plants are found during surveys, the IS/MND should outline which species of special-status plants will be impacted how the Project would be re-designed to avoid, minimize and/or mitigate impacts to those special-status plants.

Riparian areas onsite should be included in the survey area as there is moderate potential for special-status plant species occurrences. Indirect Project impacts could affect adjoining properties if the Project includes fuel reduction from vegetation modification, herbicide application, invasive species management, and/or altered hydrology. The applicant should provide a copy of the special-status plant survey results to CDFW for review and acceptance.

Comment 8: Reservoir Construction/Water Sources

Issue: The Project involves constructing a new reservoir with the capacity to hold up to 782,907 gallons of water. It is unclear if the reservoir will affect any stream channels from reservoir development, operations, or placement. The IS/MND does not evaluate impacts of reservoir development. Additionally, it is unclear all of the water sources that will be used to fill the reservoir.

Evidence Impact would be Significant: If reservoirs are not constructed with proper engineering and appropriate placement, they can alter or affect complex and inter-related stream processes that include hydrology, geomorphology, biology, water quality, and connectivity (See for example, Instream Flow Council, 2004).

Recommendations: CDFW recommends the following measures:

- The IS/MND should include a delineation of all streams and wetlands on a map based on a field assessment by a qualified professional. Reservoir placement should avoid any streams, wetlands, and any sensitive botanical resources.
    - The reservoir shall meet setback requirements from stream channels, riparian habitat, aquatic habitat, wetlands and springs consistent with the Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation (State Water Resources Control Board, 2019).
- The water supply for the reservoir shall avoid diverting streamflow from any river, lake or stream. In addition, the reservoir shall be designed to be capable of being drained completely without discharging water to any river, lake or stream.
- The reservoir, dam, plumbing and spillway shall be designed by a qualified professional. The design should account for 1) hydrological stability, 2) erosion prevention, and 3) any necessary infrastructure such as spillway design to account for overflow. Reservoir plans including water supply and spillway details shall be included in the IS/MND.

Comment 9: Light Pollution

Issue: The Project has the potential to generate sources of light pollution in rural areas, near wildlands, and near sensitive natural vegetation communities, including permanent lighting from additional buildings or greenhouses and security lighting. The draft IS/MND does not discuss the type of lighting, i.e., LED (Light Emitting Diode), the color spectrum of lighting that will be used, i.e., white light, blue light, etc. or the intensity of lighting on the kelvin scale.

CDFW acknowledges and agrees with the requirement for shielded, downward facing nighttime lighting to reduce lighting spillover onto adjacent properties on page 16 of the IS/MND. In addition to lighting impacts on neighboring areas, artificial lighting and light pollution may cause significant impacts to rare, threatened, endangered, and nocturnal wildlife and migratory birds. Light pollution impacts can disrupt routine behavior of the species life cycle, degrade the quality of the environment utilized by said species and can substantially reduce the number of individuals. The MND does not fully analyze the biological impacts of lighting on wildlife species.

Evidence Impact would be Significant: Sensitive species, wildlife, and their habitats may be adversely affected by increased and artificial night lighting, even temporarily due to night construction activities. Light plays a vital role in ecosystems by functioning as both an energy and an information source (Gaston et al. 2012, 2013). The addition of artificial light into a landscape disrupts this role, altering the natural circadian, lunar, and seasonal cycles under which species have evolved. Artificial lights result in direct illumination, altering the natural patterns of light and dark, and sky glow (i.e., scattered light in the atmosphere), which can extend the ecological impacts of light far beyond the light source (Longcore and Rich 2004). On cloudy nights in urban areas, for example, the sky glow effect can be of an equivalent or greater magnitude than high-elevation summer moonlight (Kyba et al. 2013). The addition of artificial light into a landscape can impact a broad range of system processes, including:

- Activity patterns
- Availability and detectability of food resources
- Movement, navigation and migration
- The timing of phenological events
- Physiological functions
- Foraging behavior and predator-prey interactions
- Phototaxis (attraction and movement towards light)
- Circadian rhythms (both physiological and behavioral)
- Causing disorientation, entrapment, and temporary blindness

Recommendations: CDFW recommends the following set of criteria of types of lighting that may be used on-site:

- Mixed-light grow facilities that use lighting (e.g., light deprivation) should be required to be completely covered at night from sunset to sunrise.
- Lights with wildlife-friendly spectral composition (i.e., minimize light avoidance/attraction) should be used (Gaston et al. 2012, 2013). LED lights are well suited for operating at variable brightness and being switched off or dimmed during certain times of the year or during times of low demand, as they operate at full efficiency and have no “warm-up” time (Gaston et al., 2012, 2013).
    - Vegetation may also be used to shield sensitive areas against light, and light-absorbent surfaces can be used in in place of reflective surfaces (Gaston et al., 2012, 2013).

- All lights should be disposed of properly, as many contain mercury and other toxins.

Comment 10: Fencing Hazards

Issue: The Project may result in the use of open pipes used as fence posts, property line stakes, signs, etc. These structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality.

Recommendations: CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. Further information on this subject may be found at: https://ca.audubon.org/conservation/protect-birds-danger-open-pipes.

REGULATORY REQUIREMENTS

Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code Sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory raptors are also protected under the federal Migratory Bird Treaty Act.

ENVIRONMENTAL DATA

CEQA requires that information developed in draft environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form, online field survey form, and contact information for CNDDB staff can be found at the following link: https://wildlife.ca.gov/data/CNDDB/submitting-data. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Mia Bianchi, Environmental Scientist, at (707) 210-4531 or mia.bianchi@wildlife.ca.gov; or Mr. Wes Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 wesley.stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Gregg Erickson
BE74D4C93C604EA...

Gregg Erickson
Regional Manager
Bay Delta Region

REFERENCES

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ATTACHMENT 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: UPC18-0046 Evergreen Acres LLC

SCH No.: 2021040407

RECOMMENDED MITIGATION MEASURES	Responsibility for Implementation
Mitigation Measure: Species Surveys and Reports CDFW recommends that prior to Project implementation surveys be conducted for special-status species with potential to occur at the Project location, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocols The IS/MND references a habitat assessment conducted for Northern Spotted Owl, titled "Northern Spotted Owl Habitat Assessment and Survey – 6699 Palmer Creek Road, Healdsburg, CA", prepared by Wiemeyer Ecological Sciences, dated June 25, 2020. Please submit a copy of this report to CDFW for review and acceptance.	Project Applicant/ Qualified Biologists
Mitigation Measure: Lake and Streambed Alteration (LSA) The IS/MND should disclose all Project activity work occurring on the Project site, including proposed culvert replacement work. The document should address potential impacts to fish and wildlife species as a result of this work. Please note LSA Agreement may not be finalized until CDFW has complied with CEQA (Public Res. Code, § 21000 et seq.). Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the project. When acting as a CEQA responsible agency, CDFW must first receive the following: 1) a certified or approved environmental document prepared in accordance with CEQA; 2) Notice of Determination, if one is filed; 3) CEQA Findings, if applicable; and 4) proof that the environmental filing fee required under Fish and Game Code section 711.4 has been paid.	Project Applicant
Mitigation Measures: Special-Status Bat Species *Measure 1: Bat Habitat Assessment* To evaluate Project impacts to bats, a qualified bat biologist should conduct a habitat assessment for bats at the site seven (7) days prior to the start of	Project Applicant/ Qualified Biologist(s)

Project activities. The habitat assessment shall include a visual inspection of features within 50 feet of the work area for potential roosting features (bats need not be present). Habitat features found during the survey shall be flagged or marked. *Measure 2: Bat Habitat Monitoring* If any habitat features identified in the habitat assessment will be altered or disturbed by Project construction, the qualified bat biologist should monitor the feature daily to ensure bats are not disturbed, impacted, or fatalities are caused by the Project. *Measure 3: Bat Project Avoidance* If bat colonies are observed at the Project site, at any time, all Project activities should stop until the qualified bat biologist develops a bat avoidance plan to be implemented at the Project site. Once the plan is implemented, Project activities may recommence. CDFW should review and accept resumes of biologists proposing to conduct surveys for special-status bats to ensure each biologist possesses the appropriate specialized qualifications; such as 1) at least 2 years of experience conducting bat surveys that resulted in detections for the relevant species including the Project name, dates, and person who can verify the experience, and 2) the types of equipment used to conduct surveys. *Measure 4: Tree Removal Methodology* For all unavoidable tree removal, survey methodology should be provided in the CEQA Document. Any trees containing suitable bat roosting habitat (e.g., cavities, crevices, deep bark fissures) shall be marked and removed using a two-day phased method as follows: On day 1, under the supervision of a qualified biologist, all limbs not containing suitable bat roosting habitat shall be removed using chainsaws only. The next day, the rest of the tree shall be removed. All trees shall be removed during seasonal periods of bat activity: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin). If tree removal must occur outside of these timeframes, a qualified biologist should survey the trees to the extent feasible to determine if maternity colonies are winter torpor bats are present. If present, the tree should not be removed until females have given birth to young and when young bats are self-sufficiently volant, as determined by a qualified biologist.	
Mitigation Measure: Tree Removal The IS/MND should include appropriate and effective mitigation to offset permanent impacts of removing trees from the Project area and conversion of timber lands to agricultural lands. CDFW recommends the Project avoid	Project Applicant/Qualified Biologists

large diameter tree removal to the greatest extent feasible. On-site tree planning should be considered as a potential impact minimization measure, but not sufficient to completely off-set temporal impacts from loss of large mature trees. CDFW recommends Project mitigation include in-kind preservation of timber land and mixed oak woodland in perpetuity for loss of large trees and/or conversion of timber land.	
Mitigation Measure: Amphibians (Foothill Yellow-Legged Frog, California Red-Legged Frog, Red-Bellied Newt, and California Giant Salamander) The IS/MND should analyze all groundwork activities, such as grading and filling, that may potentially impact foothill yellow-legged frog and/or red-bellied newt terrestrial and aquatic habitat. It should also discuss all potentially significant impacts to the species. For any permanent Project impacts to foothill yellow-legged frog, California giant salamander, or their habitat, CDFW recommends the IS/MND include appropriate and effective compensatory mitigation by preserving like habitat of equal or greater habitat value. If the mitigation lands will be onsite, the draft IS/MND should include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a conservation easement or deed restriction. CDFW recommends a qualified biologist experienced in the identification and life history of be onsite during all construction and ground disturbance activities. Additionally, for CRLF, CDFW recommends early consultation with CDFW and the U.S. Fish and Wildlife Service (USFWS) to develop appropriate avoidance, minimization and mitigation measures. Those measures should be specified in the IS/MND to reduce any potentially significant impacts to less-than-significant.	Project Applicant/ Qualified Biologist(s)
Mitigation Measure: Special-Status Plant Surveys A Qualified Biologist should conduct surveys during the appropriate blooming period for all special-status plants that have the potential to occur on the Project site prior to the start of construction. Surveys should be conducted following *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities*, prepared by CDFW, dated March 20, 2018. The protocol can be found here: https://www.wildlife.ca.gov/Conservation/SurveyProtocols#377281280-plants. If special-status plants are found during surveys, the IS/MND should outline which species of special-status plants will be impacted how the Project would be re-designed to avoid, minimize and/or mitigate impacts to those special-status plants. Riparian areas on-site should be included in the survey area as there is moderate potential for special status plant species occurrences. Indirect Project impacts could affect adjoining properties if the Project includes fuel reduction from vegetation modification, herbicide application, invasive species management, and/or altered hydrology. The applicant should	Project Applicant/ Qualified Biologist(s)

provide a copy of the special-status plant survey results to CDFW for review and acceptance.	
Mitigation Measure: Reservoir Construction/Water Sources The IS/MND should include a delineation of all streams and wetlands on a map based on a field assessment by a qualified professional. Reservoir placement should avoid any streams, wetlands, and any sensitive botanical resources. • The reservoir shall meet setback requirements from stream channels, riparian habitat, aquatic habitat, wetlands and springs consistent with the Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation (State Water Resources Control Board, 2019). The water supply for the reservoir shall avoid diverting streamflow from any river, lake or stream. In addition, the reservoir shall be designed to be capable of being drained completely without discharging water to any river, lake or stream. The reservoir, dam, plumbing and spillway shall be designed by a qualified professional. The design should account for 1) hydrological stability, 2) erosion prevention, and 3) any necessary infrastructure such as spillway design to account for overflow. Reservoir plans including water supply and spillway details shall be included in the IS/MND.	Project Applicant/ Qualified Professional
Mitigation Measure: Light Pollution Mixed-light grow facilities that use lighting (e.g., light deprivation) should be required to be completely covered at night from sunset to sunrise. Lights with wildlife-friendly spectral composition (i.e., minimize light avoidance/attraction) should be used (Gaston et al. 2012, 2013). LED lights are well suited for operating at variable brightness and being switched off or dimmed during certain times of the year or during times of low demand, as they operate at full efficiency and have no “warm-up” time (Gaston et al., 2012, 2013). • Vegetation may also be used to shield sensitive areas against light, and light-absorbent surfaces can be used in in place of reflective surfaces (Gaston et al., 2012, 2013). All lights should be disposed of properly, as many contain mercury and other toxins.	Project Applicant
Mitigation Measure: Fencing Hazards CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. Further information on this subject may be found at: https://ca.audubon.org/conservation/protect-birds-danger-open-pipes.	Project Applicant/ Qualified Biologist