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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

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November 6, 2026
Sent via email

Todd Carpenter
Planning Division Manager
Riverside County Planning Department
4080 Lemon Street, 12th Floor (PO Box 1409)
Riverside, CA 92502
TCarpenter@Rivco.org

Dear Todd Carpenter:

Sage Valley Reserve CUP190046 (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2026100566

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from County of Riverside (County) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW issued Natural Community Conservation Plan approval and take authorization in 2004 for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), as per Section 2800, et seq., of the California Fish and Game Code. The MSHCP established a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. CDFW is providing the following comments as they relate to the Project's consistency with the MSHCP and CEQA.

PROJECT DESCRIPTION SUMMARY

Proponent: Glen Aery

Objective: The County of Riverside (County; Lead Agency) and the Project Applicant (Glen Aery) are requesting approval of a Development Agreement (DA190037) and Conditional Use Permit (CUP190046) for the development and operation of a Cannabis Cultivation and Distribution facility on approximately 4.52 acres of the 9.85-acre Project site. The Project site has an existing one-story, 2,086-square-foot residence, septic system, domestic well and water storage tank which will remain in place. The Project includes a Tentative Parcel Map to subdivide the property into two parcels and includes the construction of three 3,472 square foot buildings, each featuring grow rooms and storage facilities. Additionally, there will be a 1,542 square-foot building with a grow room, storage, and area for logistics. Two of the buildings will each have an additional 1,853 square foot covered patio along with two 348 square foot storage containers. The total building coverage will amount to 15,864 square feet, supported by four 5,000-gallon water tanks. Furthermore, the project proposes two retention basins, a new septic system, a new well, and security fencing. A 5.33-acre section of the eastern portion of the Project Site will be conveyed for inclusion in the Multiple Species Habitat Conservation Plan Reserve Assembly as Additional Reserve Land.

Location: The Project Site is located at 38455 East Benton Road in an unincorporated area of Riverside County, about one mile southwest of the intersection of East Benton Road and Sage Road, California; Assessor's Parcel Number (APN) 915-330-040 on approximately 9.85 acres; GPS coordinates 33.56748 N, -116.94113 W. The Project site has an existing single-family home on the southwest corner of the property and is bound by rural residential properties to the north and south, and active agriculture to the east.

Timeframe: The MND does not provide a specific start date or timeframe for Project construction.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County of Riverside in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

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Western Riverside County Multiple Species Habitat Conservation Plan

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP.

To be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP, the Permits, and the Implementing Agreement. The County is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. To demonstrate consistency with the MSHCP, as part of the CEQA review, the County shall ensure the Project implements the following:

1) Pays Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the MSHCP.

2) Demonstrates compliance with the HANS process (MSHCP Section 6.1.1) or equivalent process to ensure application of the Criteria and thus, satisfaction of the local acquisition obligation.

3) Demonstrates compliance with the policies for 1) the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP); 2) the Urban/Wildlands Interface Guidelines (Section 6.1.4 of the MSHCP); and 3) the policies set forth in Additional Survey Needs and Procedures Section 6.3.2.

Comment #1: MSHCP Criteria Area

The Project is located within the MSHCP Criteria Area (Criteria Cell 6056 within Cell Group R, in the REMAP Area Plan in Subunit 2) and therefore, pursuant to the Implementing Agreement public and private projects are expected to be designed and implemented in accordance with the Criteria for each Area Plan and all other MSHCP requirements as set forth in the MSHCP and in Section 13.0 of the Implementing Agreement. Section 13.2 of the Implementing Agreement requires that the County of Riverside, among other obligations under the MSHCP: implement the requirements and fulfill the purposes of the Permits, the MSHCP, and the Implementing Agreement for private and public development projects (including siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP); and take all necessary and appropriate actions, following applicable land use permit enforcement procedures and practices, to enforce the terms of the project approvals for public and private projects, including compliance with the MSHCP, the Permits, and the Implementing Agreement.

The County of Riverside is also obligated to notify the Western Riverside County Regional Conservation Authority (RCA), through the Joint Project/Acquisition Review Process (JPR) set forth in Section 6.6.2, item E of the MSHCP for proposed discretionary Projects within the Criteria Area and participate in any further requirements imposed by MSHCP Section 6.6.2. Thus, CDFW recommends that the County of Riverside notify the RCA of the project for areas within Criteria Cell 6056 and if necessary complete the JPR process prior to adoption of the MND. Thus, CDFW recommends that the County of Riverside notify the RCA of the project for areas within Criteria Cell 6056 and complete the JPR process prior to adoption of the MND.

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COMMENT #2: Protection of Riparian/Riverine and Vernal Pool Resources (MSHCP Section 6.1.2)

The procedures described in the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools section of the MSHCP Plan (MSHCP Section 6.1.2) are to ensure that the biological functions and values of these areas are maintained throughout the MSHCP Plan Area (including all areas of the Plan located outside the Criteria Area). Additionally, this process helps identify areas to consider for priority acquisition, as well as those functions that may affect downstream values related to Conservation of Covered Species within the MSHCP Conservation Area. The assessment of riparian/riverine and vernal pool resources may be completed as part of the CEQA review process as set forth in Article V of the State CEQA Guidelines. However, the MSHCP identifies that CDFW shall be notified in advance of approval of public or private projects of draft determinations for the biologically equivalent or superior determination findings associated with the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policies presented in Section 6.1.2 of the MSHCP (MSHCP Section 6.11). As required by the MSHCP Plan, its Implementation Agreement, and the County's associated take permits from CDFW, completion of the DBESP process prior to adoption of the environmental document helps to ensure that the Project will be consistent with the MSHCP Plan, and provides public disclosure and transparency during the CEQA process by identifying the Project impacts and mitigation for wetland habitats and species, a requirement of CEQA Guidelines, §§ 15071, subds.(a)-(e).

The MSHCP identifies that assessment of these areas include identification and mapping of riparian/riverine areas and vernal pools. The assessment shall consider species composition, topography/ hydrology, and soil analysis, where appropriate. The documentation for the assessment shall include mapping and a description of the functions and values of the mapped areas with respect to the species identified in Section 6.1.2 of the MSHCP. Factors to be considered include hydrologic regime, flood storage and flood-flow modification, nutrient retention and transformation, sediment trapping and transport, toxicant trapping, public use, wildlife habitat, and aquatic habitat.

The MSHCP identifies that for mapped riparian/riverine and vernal pool resources that are not included in the MSHCP conservation area, applicable mitigation under CEQA, shall be imposed by the Permittee (in this case the Lead Agency). Furthermore, the MSHCP identifies that to ensure the standards in Section 6.1.2 are met, the Permittee shall ensure that, through the CEQA process, project applicants develop project alternatives demonstrating efforts that first avoid, and then minimize direct and indirect effects to the wetlands mapped pursuant to Section 6.1.2. If an avoidance alternative is not feasible, a practicable alternative that minimizes direct and indirect effects to riparian/riverine areas and vernal pools and associated functions and values to the greatest extent possible shall be selected. Those impacts that are unavoidable shall be mitigated such that the lost functions and values as they relate to Covered Species are replaced as through the Determination of Biologically Equivalent or Superior Preservation (DBESP) process.

If the Project cannot completely avoid impacts to riparian/riverine resources, the County is required to ensure the Applicant completes the DBESP process prior to completion of the MND to demonstrate implementation of MSHCP requirements in the CEQA documentation. It is unclear to CDFW, that complete avoidance of riparian/riverine resources will be feasible due to MM BIO-2 states that work within streambed will be completed in accordance with Best Management Practices and from the construction of retention basin, including the stagging area, could result in impacts to riparian/riverine resources. Since work will be completed within the streambed, a detailed analysis of impacts is needed and a DBESP may be needed. The County should not adopt the MND until it is confirmed that a DBESP is

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not needed, because the County is required to notify CDFW in advance of approval of public and private projects for identified MSHCP activities, such as completion of the DBESP for the riparian/riverine policy (Section 6.11 of the MSHCP).

CDFW requests that the County of Riverside review the Projects potential impacts to riparian/riverine resources and complete the DBESP process if needed. If a DBESP is needed and completed, then update the MND with the riparian/riverine mitigation measures identified in the DBESP. This process would demonstrate the Project's consistency with and the County's implementation of the MSHCP.

COMMENT #3: Lake and Streambed Alteration Agreement (LSAA)

IS/MND- pages 1,4, and 26

Issue: The Project has the potential to impact fish and wildlife resources subject to Fish and Game Code section 1600 et seq. The IS/MND does not provide information that demonstrates how the Project proponent intends to avoid impacts to stream resources. While MM BI0-2 states that work within streambeds will be completed in accordance with Best Management Practices, it does not specifically require Notification to CDFW to determine if Project activities are subject to CDFW's regulatory authority.

Specific impact: Based on aerial imagery provided in the IS/MND, a stream transects the Project site. Page 26 of the MND states that "The upland swales on the property will be included in the 5.33-acre Additional Reserve Land area. No Riparian/Riverine Area mitigation is required". CDFW is concerned that Project activities including the installation of fencing and the construction of retention basin could result in impacts to stream resources. Additionally, MM BIO 2 states "When stream flows must be diverted, the diversions shall be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing of other sediment trapping materials shall be installed at the downstream end of construction activity to minimize the transport of sediments off-site." These Project activities have the potential to impact fish and wildlife resources through the diversion of the stream, along with the deposition of debris, waste or other materials that could pass into any river, stream, or lake.

Why impact would occur: Project-related activities could potentially alter drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project runoff from the Project site.

Evidence impact would be significant: California places great value on streams and the resources they provide. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife

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resources. CDFW may suggest ways to modify the project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code, § 21065). To facilitate issuance of an LSA Agreement, if necessary, the MND should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to https://www.wildlife.ca.gov/Conservation/LSA/Forms.

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: CDFW recommends the inclusion of the following measure in the MND:

(New) Biological Resources Mitigation Measure 4 (MM BIO-4)

Prior to grading the Project site and prior to the start of Project activities, the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources and obtain one of the following: a CDFW-executed Streambed Alteration Agreement (SAA) authorizing impacts to Fish and Game Code section 1602 resources associated with the Project, written documentation from CDFW that notification is not required, or written documentation that a Streamed Alteration Agreement is not required .
The notification to CDFW should provide the following information:

1. **A stream delineation including the bed, bank and channel;**

2. **Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (Sawyer et al 2009);**
   A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and

3. **A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. If an SAA is required, the Applicant shall provide compensatory mitigation at no less than 3:1 for impacts to streams and associated natural communities, or at a ratio acceptable to CDFW per a LSA Agreement. Mitigation should occur within the Western Riverside County. On-site mitigation measures may include the enhancement of existing streams. A conceptual Habitat Mitigation and Monitoring Plan shall be prepared, if necessary, to describe proposed enhancement activities, which may include non-native species removal and revegetation followed by periodic monitoring. The plan shall specify the criteria and standards by which the enhancement actions will compensate for impacts of the project on streams.**

<u>Role of Lake and Streambed Alteration Agreement Program in Cannabis Licensing:</u>
The California Department of Cannabis Control (DCC) requires cannabis cultivators

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to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from DCC, cultivators must have a Lake or Streambed Alteration Agreement (LSA) Agreement or written verification from CDFW that one is not needed. CDFW requires an LSA Agreement when a project activity may substantially adversely affect fish and wildlife resources. LSA Agreements provide actions to avoid and minimize adverse impacts and provide protections to California's fish and wildlife resources. Cannabis cultivators may apply online for an LSA Agreement through the Environmental Permit Information Management System . Cannabis cultivators may learn more about cannabis cultivation permitting at: Cannabis Cultivation Permitting.

- **Self-Certification: Cannabis cultivation projects that will not substantially modify any river, stream, or lake, can complete the online self-certification. CDFW will review the information and determine whether a notification is required. If a notification is not required, CDFW will provide the applicant with a written verification that an LSA Agreement is not required. Please note that if any part of the cultivation is located outdoors, the Project will not qualify for self-certification. To qualify for self-certification, cultivation projects must be in a permanent structure with walls and a roof, and impervious floor.**

COMMENT #4: Crotch's Bumble Bee (*Bombus crotchii*)

Issue: The Project site is within the range of the candidate CESA-threatened Crotch's bumble bee, and the Project has the potential to result in permanent loss, degradation, and impacts to Crotch's bumble bee habitat.

Specific impact: The MND does not consider Crotch's bumble bee, in its evaluation nor does it provide any avoidance, or mitigation measures specific to Crotch's bumble bee. The Project has the potential for take of Crotch's bumble bee from collapsing burrows, entombment, displacement, dust from Project operations, and vegetation removal that reduces foraging and nesting habitat and habitat quality.

Why impact would occur: Crotch's bumble bee occurs primarily in California, including the Mediterranean region, Pacific Coast, Western Desert, Great Valley and adjacent to foothills through most of southwestern California (Williams et. al 2014). Crotch's bumble bee are generalist foragers and have been reported visiting a wide variety of flower plants. The plant families most commonly associated with Crotch's bumble bee observations or collections from California include *Fabaceae*, *Apocynaceae*, *Asteraceae*, *Lamiaceae*, *Boraginaceae* and *Asclepiadaceae*.

Evidence impact would be significant: Crotch's bumble bee is a candidate species for listing under CESA; therefore, it receives the same legal protection afforded to endangered or threatened species under CESA pursuant to Fish & G. Code §§ 2074.2 & 2085. If found on-site, the Project could result in crushing or killing Crotch's bumble bees, reduction in sufficient food resources such as nectar and pollen, and/or removal of nesting and overwintering sites. Many bumble bees are threatened with extinction due primarily to reductions in habitat from urbanization, intensive agriculture, and invasive species introductions. If Crotch's bumble bee occurs at the Project site and Project impacts to Crotch's bumble bee occur, this could result in a substantial reduction in the species' population, which would be a mandatory finding of significance (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: CDFW offers the following Mitigation Measure:

(New) Biological Resources Mitigation Measure 5 (MM BIO-5):

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Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for CESA Candidate Bumble Bees.pdf. If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch's bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by an approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground disturbing activities. If the species is identified on site, Project Proponent shall fully avoid the species absent take authorization. If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.

COMMENT 5: Pesticides, Including Fungicides, Herbicides, Insecticides, and Rodenticides and recommended Mitigation Measure BIO-6

Issue: Cannabis cultivation sites often use substantial quantities of pesticides, including insecticides, and rodenticides.

Specific Impact: CDFW is concerned that the analysis does not include a measure to avoid, minimize, and mitigate the impacts of pesticides used in cannabis cultivation.

Why impact would occur: Anticoagulant rodenticides and rodenticides that incorporate "flavorizers" that make the pesticides appetizing to a variety of species should not be used at cultivation sites. (Note that with the passage of AB 1788, signed by the governor on September 29, 2020, the general use of second-generation anticoagulants is now banned in California.) Alternatives to toxic rodenticides may be used to control pest populations at and around cultivation sites, including sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers (e.g., sealing holes in roofs/walls). Snap traps should not be used outdoors as they pose a hazard to nontarget wildlife. Sticky or glue traps should be avoided altogether; these pose a hazard to nontarget wildlife and result in prolonged/inhumane death. California Department of Pesticide Regulation stipulates that pesticides must meet certain criteria to be legal for use on cannabis. For details, visit: Legal Pest Management Practices for Cannabis Growers in California.

Evidence impact would be significant: Wildlife, including beneficial arthropods, birds, mammals, amphibians, reptiles, and fish can be poisoned by pesticides after exposure to a toxic dose through ingestion, inhalation, or dermal contact (Fleischli et al. 2004, Pimentel 2005, Berny 2007). They can also experience secondary poisoning through feeding on animals that have been directly exposed to pesticides. Even if used indoors, rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals disposed of outside. Nonlethal doses of pesticides can negatively affect wildlife; pesticides can compromise immune systems, cause hormone imbalances, affect reproduction, and alter growth rates of many wildlife

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species (Pimentel 2005, Li and Kawada 2006, Relyea and Diecks 2008, Baldwin et al. 2009). Raptors (e.g., hawks and owls) and mammalian carnivores (e.g., coyotes, foxes, etc.) are some of the common victims of secondary poisonings by anticoagulant rodenticides (Mendelssohn and Paz 1977, Gabriel et al. 2018).

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: CDFW recommends minimizing the use of synthetic pesticides, and, if they are used, to always use them as directed by the manufacturer, including proper storage and disposal. Toxic pesticides should not be used where they may pass into waters of the state, including ephemeral streams, in violation of Fish and Game Code section 5650(6). CDFW recommends that the County include a mitigation measure conditioning the Project to develop a plan to avoid, minimize, and mitigate the impacts of pesticides used in cannabis cultivation. CDFW recommends inclusion of the following mitigation measure to reduce impacts to less than significant:

> **(New) Biological Resources Mitigation Measure 6 (MM BIO-6)**
>
> **Prior to construction and issuance of any grading permit, the County of Riverside should develop a plan with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot legally be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers." (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.**

COMMENT #6: Artificial Light and recommended Mitigation Measure BIO-7

Issue: Cannabis cultivation operations often use artificial lighting or "mixed-light" techniques in indoor operations to increase yields.

Specific Impact: The MND lacks discussion on whether the Project's cultivation activities will involve artificial lighting.

Evidence impact would be significant: If not disposed of properly, these lighting materials pose significant environmental risks because they contain mercury and other toxins (O'Hare et al. 2013). In addition to containing toxic substances, artificial lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., birdsong; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavioral thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon that results in attraction and movement toward light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: The MNDs do not address light usage on the Project, but typical cannabis projects include use of artificial light for nighttime function and security lighting. CDFW recommends inclusion of the following mitigation measure:

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(New) Biological Resources Mitigation Measure 7 (MM BIO-7)

Light shall not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk, as these windows of time are when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see DarkSky International). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database 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 can be filled out and submitted online 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://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Lydia Rodriguez, Senior Environmental Scientist Specialist lydia.rodriguez@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Alisa Ellsworth
84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

ec: **Office of Planning and Research, State Clearinghouse, Sacramento**
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California Department of Fish and Wildlife
Carly Beck carly.beck@wildlife.ca.gov

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Western Riverside County Regional Conservation Authority
Harry Sandoval hsandoval@rctc.org
Aaron Gabbe agabbe@rctc.org

ATTACHMENTS
Attachment A: MMRP for CDFW-Proposed Mitigation Measures

REFERENCES

Baldwin, D. H., J. A. Spromberg, T. K. Collier, and N. L. Scholz. 2009. A fish of many scales: Extrapolating sublethal pesticide exposures to the productivity of wild salmon populations. Ecological Applications 19:2004–2015.

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Attachment A
Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) Description	**Implementation Schedule**	**Responsible Party**
MM BIO-4 Prior to grading the Project site and prior to the start of Project activities, the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources and obtain one of the following: a CDFW-executed Streambed Alteration Agreement (SAA) authorizing impacts to Fish and Game Code section 1602 resources associated with the Project, written documentation from CDFW that notification is not required, or written documentation that a Streamed Alteration Agreement is not required . The notification to CDFW should provide the following information: 1. A stream delineation including the bed, bank and channel; 2. Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (Sawyer et al 2009);A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and 3. A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. If an SAA is required, the Applicant shall provide compensatory mitigation at no less than 3:1 for impacts to streams and associated natural communities, or at a ratio acceptable to CDFW per a LSA Agreement. Mitigation should occur within the Western Riverside County. On-site mitigation measures may include the enhancement of existing streams. A conceptual Habitat Mitigation and Monitoring Plan shall be prepared, if necessary, to describe proposed enhancement activities, which may include non-native species removal and revegetation followed by periodic monitoring. The plan shall specify the criteria	Prior to commencing ground or vegetation disturbing activities	Project Proponent

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and standards by which the enhancement actions will compensate for impacts of the project on streams. Role of Lake and Streambed Alteration Agreement Program in Cannabis Licensing: The California Department of Cannabis Control (DCC) requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from DCC, cultivators must have a Lake or Streambed Alteration Agreement (LSA) Agreement or written verification from CDFW that one is not needed. CDFW requires an LSA Agreement when a project activity may substantially adversely affect fish and wildlife resources. LSA Agreements provide actions to avoid and minimize adverse impacts and provide protections to California's fish and wildlife resources. Cannabis cultivators may apply online for an LSA Agreement through the Environmental Permit Information Management System . Cannabis cultivators may learn more about cannabis cultivation permitting at: Cannabis Cultivation Permitting. • Self-Certification: Cannabis cultivation projects that will not substantially modify any river, stream, or lake, can complete the online self-certification. CDFW will review the information and determine whether a notification is required. If a notification is not required, CDFW will provide the applicant with a written verification that an LSA Agreement is not required. Please note that if any part of the cultivation is located outdoors, the Project will not qualify for self-certification. To qualify for self-certification, cultivation projects must be in a permanent structure with walls and a roof, and impervious floor.		
MM BIO-5: Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for CESA Candidate Bumble Bees.pdf. If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch's bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by an approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted	Prior to commencing ground or vegetation disturbing activities	Project Proponent

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to CDFW at least 30 days prior to Project-related vegetation removal and/or ground disturbing activities. If the species is identified on site, Project Proponent shall fully avoid the species absent take authorization. If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.		
MM BIO-6: Prior to construction and issuance of any grading permit, the County of Riverside should develop a plan with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot legally be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers." (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.	Prior to commencing ground or vegetation disturbing activities	Project Proponent
MM BIO-7: Light shall not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk, as these windows of time are when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see DarkSky International). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.	Prior to commencing ground or vegetation disturbing activities	Project Proponent