



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

August 4, 2020

Aug 05 2020

STATE CLEARINGHOUSE

Mr. Andrew Trippel, Planner
City of Santa Rosa
100 Santa Rosa Avenue, Room 3
Santa Rosa, California 95404
atrippel@srcity.org

Subject: The Santa Rosa Farm Group Cannabis Cultivation, Manufacture, and Distribution Facility, Initial Study/Mitigated Negative Declaration, SCH No. 2020060603, City of Santa Rosa, Sonoma County

Dear Mr. Trippel:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration from the City of Santa Rosa for The Santa Rosa Farm Group Cannabis Cultivation, Manufacture, and Distribution Facility (Project) pursuant to the California Environmental Quality Act (CEQA). The public review period ended on July 30, 2020.

CDFW is therefore submitting comments on the Initial Study/Mitigated Negative Declaration (IS/MND) to inform the City of Santa Rosa, 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.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either

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during construction or over the life of the Project. Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code section 2080.

Lake and Streambed Alteration

Pursuant to Business and Professions Code 26060 1(b)(3), every license for cultivation issued by the California Department of Food and Agriculture (CDFA) must comply with Section 1602 of the Fish and Game Code or receive written verification from CDFW that an LSA Agreement is not required. Therefore, for any such activities (including construction for the purpose of cannabis cultivation), the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow; change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; or use or deposit material from a streambed. Based on this notification and other information, CDFW determines whether an LSA Agreement with the applicant is required prior to conducting the proposed activities.

PROJECT DESCRIPTION SUMMARY

Proponent: 800 Yolanda, LLC

Description and Location

The Project site is located at the address: 800 Yolanda Avenue, Santa Rosa, Sonoma County, CA. The site bound to the north by Yolanda Avenue, with commercial and industrial properties including Wyatt Irrigation at 747 Yolanda Avenue, Goodwill at 651 Yolanda Avenue, and Marlo's RV Service at 467 Yolanda Avenue. The Project site is bound to the east by Petaluma Hill Road. South of the Project site is vacant land. Cunningham Dairy at 3018 Petaluma Hill Road is southeast of the Project site along Petaluma Hill Road. The Project site is bound to the west by commercial and industrial uses including Hensley's Auto Smog and Repair. Southwest of the Project site are single-family residences along Summercreek Drive and Teaberry Street.

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The Project consists of the redevelopment of an industrial zoned parcel by constructing a 120,000-square-foot cannabis facility. This Project also includes the demolition of existing residential and ancillary buildings, including a garage and shed, on the site. The Project would be limited to the developed portion of the Project on-site. Additional Project site modifications involve installing a perimeter wall around the Project site, tree and shrub removal, and utility trenching.

Trees will be planted along the southern and western portions of the Project site within planter boxes. Public street, sidewalk and utility improvements will be installed along the parcel's Petaluma Hill Road in a manner that is consistent with the City of Santa Rosa's General Plan, Design, and Construction Standards, and Chapters 8-12 of the Santa Rosa City Code.

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the City of Santa Rosa in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. California tiger salamander (CTS; *Ambystoma californiense*) has potential to occur on the site and will need to be addressed in order to avoid species impacts or mitigate for unavoidable species impacts.

Amphibians

California tiger salamander

The Project site is located within U.S. Fish and Wildlife Service (USFWS) designated critical habitat for CTS, and the Project site contains potentially suitable aestivation and migration habitat. The document titled, *Site Assessment for California Tiger Salamander 800 Yolanda Avenue, Santa Rosa, Sonoma County*, prepared by Michael Fawcett, states that "a few burrows and mounds made by Botta's pocket gopher (*Thomomys bottae*) were observed in the grassland areas" during site visits. CTS are known to be able to travel 1.3 miles from upland burrow habitat to breeding ponds. The nearest known breeding pond detection is located approximately 1.8 miles south of the site at the Horn Mitigation Bank; however, based on reviewing aerial imagery of the site and surrounding landscape features, the farm landscape between surrounding the Project site contains livestock ponds that CTS may use as breeding habitat (California Natural Diversity Database (CNDDDB) accessed July 2020). One property located approximately 0.3 miles south of the Project site at APN 044-091-007-000 contains several small stock ponds. Additionally, upon aerial analysis, there are potential wetland signatures that could possibly function as breeding habitat located at APN: 044-190-022-000, which is approximately 0.61 miles from the Project site. Also, if there is burrow habitat within the open landscape and CTS inhabits any of the stock ponds within 1.3 miles of the Project site, the Project site may be used as aestivation habitat.

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CNDDDB BIOS is a positive detection database and does not include a full distribution of species across the landscape. Although there is a large building and housing development south of the Project site, there is potential for CTS migration across a segment of Old Petaluma Hill Road (the parcel south of 800 Yolanda Avenue) to access open landscape containing stock ponds that may serve as breeding habitat for CTS.

CTS spend a majority of their lives underground in burrows created by fossorial mammals. Burrow systems can be complex and extend laterally underground beyond the burrow observed at the surface. Based on their life history, it is unlikely a salamander would be found during pre-construction monitoring and surveys unless the surveys included actions such as burrow excavation, pitfall traps and drift fencing. Grading and filling of habitat during construction can crush or trap CTS in underground burrows, and can reduce or fragment available breeding or non-breeding habitat (Trenham et al. 2000).

CDFW recommends that a mitigation measure is included requiring a buffer of at least 30 feet around all small mammal burrow openings to avoid impacts to CTS residing in underground burrows. Although most construction will occur on compacted hardscape, construction equipment accessing the Project site may crush burrows when traveling on and off the hardscape. Additionally, it is noted that several site improvements adhering to the City of Santa Rosa General Plan, such as utility improvements, will occur outside of the hardscape and occur adjacent to Petaluma Hill Road. Therefore, burrows should be flagged, and equipment must avoid burrows at all times, including when entering and exiting the site. If impacts to burrows are unavoidable and/or the 30-foot buffer is infeasible, the Project applicant should contact CDFW staff Mia Bianchi, Environmental Scientist, at mia.bianchi@wildlife.ca.gov to discuss appropriate actions.

Migratory Birds and Nesting Raptors

Tree Removal

On page 65 of the IS/MND, it states that 58 trees will be removed from the site, including 3 heritage trees, and that these will be replaced with 78 trees. CDFW recommends that a figure be included showing the location and species of each tree that will be removed in relation to habitat types. It is unclear how many trees planned for removal are native or nonnative, which would affect the recommended mitigation ratio for tree replacement. Native trees should be replaced at a greater ratio than nonnative/invasive trees. Native coast redwood trees removed from the site should be replaced at a minimum ratio of 3:1, whereas nonnative trees may be replaced at a 1:1 ratio. The old-growth heritage trees provide food and shelter for a variety of native species. And because old-growth trees have slow growth rates, it would take many years for planted oaks to get to a size that could provide the same ecological benefits that old-growth, native trees provide. The Project should mitigate for impacts at a minimum ratio of 6:1 for the three old-growth redwoods removed from the site.

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Nesting Birds

Mitigation Measure Bio-1 addresses nesting bird survey parameters for raptors and passerine species. It states that a pre-construction survey will be conducted within 14 days prior to ground-breaking at the Project site if construction activities will take place between February 1 and August 31.

Nesting bird surveys for passerines should include two surveys (draft IS/MND states only one survey will be conducted). The first survey should be conducted at least within 7 days prior to the beginning of Project related activities, and an additional survey conducted within 48 hours prior to the start of Project related activities. If there is a lapse of 7 days or longer in Project related activities, another focused survey should be conducted. Additional surveys for raptors may be necessary especially surveys earlier in the nesting season to document early signs of nesting when raptors are more conspicuous.

Additionally, CDFW recommends that a qualified biologist, experienced in raptor behavior, be required to monitor the behavior of any raptors nesting within disturbance distance of Project activities. The qualified biologist should have authority to order the cessation of all Project activities within disturbance distance of any raptor nest if the birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Abnormal nesting behaviors which may cause reproductive harm include but are not limited to: defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, interrupted feeding patterns, and flying away from the nest. Project activities within line of sight of the nest should not resume until the qualified biologist has consulted with CDFW and both the qualified biologist and CDFW concur that the bird's behavior has normalized, or the young have left the nest.

Other Considerations

Fencing Hazards

The Project may result in the use of open pipes used as fence posts, property line stakes, signs, etc. CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality because 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. 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>.

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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 CNDDDB. The CNDDDB field survey form can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data#44524420-pdf-field-survey-form>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

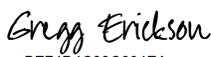
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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 City of Santa Rosa 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) 428-2068 or mia.bianchi@wildlife.ca.gov; or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at (707) 576-2786 or randi.adair@wildlife.ca.gov.

Sincerely,

DocuSigned by:

BE74D4C93C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

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REFERENCES

California Department of Fish & Wildlife (CDFW). 2020. California Natural Diversity Database (CNDDDB) Rarefind Electronic database. Sacramento, CA. Search of U.S. Geological Survey 7.5-minute quadrangles Santa Rosa. Accessed July 2020.

O'Hare, M., Sanchez, D. L., & Alstone, P. (2013). Environmental risks and opportunities in cannabis cultivation. BOETC Analysis Corp. University of California, Berkeley, CA, USA.

Trenham, P. C., H. B. Shaffer, W. D. Koenig, and M. R. Stromberg. 2000. Life history and demographic variation in the California tiger salamander (*Ambystoma californiense*). *Copeia* 2:365–377.

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Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

**RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
 (MMRP)**

PROJECT: The Santa Rosa Farm Group Cannabis Cultivation Operation,
 City of Santa Rosa

SCH No.: 2020060603

RECOMMENDED MITIGATION MEASURES	Responsibility for Implementation
<p>BIO-1 Breeding bird pre-construction surveys</p> <ul style="list-style-type: none"> Nesting bird surveys for passerines should include two surveys (draft IS/MND states only one survey will be conducted). The first survey should be conducted at least within 7 days prior to the beginning of Project related activities, and an additional survey conducted within 48 hours prior to the start of Project related activities. If there is a lapse of 7 days or longer in Project related activities, another focused survey should be conducted. Additional surveys for raptors may be necessary especially surveys earlier in the nesting season to document early signs of nesting when raptors are more conspicuous. A qualified biologist, experienced in raptor behavior, should be required to monitor the behavior of any raptors nesting within disturbance distance of Project activities. The qualified biologist should have authority to order the cessation of all Project activities within disturbance distance of any raptor nest if the birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young). 	<p>Project Applicant/Qualified Biologist</p>
<p>BIO-3 Mitigation Measure: California tiger salamander avoidance/mitigation</p> <ul style="list-style-type: none"> The Project applicant shall avoid all small mammal burrows by at least 30 feet and the place exclusion fencing around the construction site. 	<p>Project Applicant/Qualified Biologist</p>

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<ul style="list-style-type: none">• If impacts to burrows are unavoidable and/or the 30-foot buffer is infeasible, the Project applicant should contact CDFW staff Mia Bianchi, Environmental Scientist, at mia.bianchi@wildlife.ca.gov to discuss appropriate actions.	
<p>BIO-4 Mitigation Measure: Tree Removal and Replacement</p> <ul style="list-style-type: none">• Native trees should be replaced at a greater ratio than nonnative/ invasive trees. Native coast redwood trees removed from the site should be replaced at a minimum ratio of 3:1, whereas nonnative trees may be replaced at a 1:1 ratio. The old-growth Heritage Trees provide food and shelter for a variety of native species. And because old-growth trees have slow growth rates, it would take many years for planted oaks to get to a size that could provide the same ecological benefits that old-growth, native trees provide. The project should mitigate for impacts at a minimum ratio of 6:1 for the three old-growth redwoods removed from the site.	Project Applicant/Qualified Biologist