



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



August 28, 2020

Governor's Office of Planning & Research

Aug 31 2020

Mr. Conor McKay, City Planner
City of Santa Rosa
100 Santa Rosa Avenue, Room 3
Santa Rosa, California 95404
CTMcKay@srcity.org

STATE CLEARINGHOUSE

Subject: Good Onward/3192 Juniper Avenue Project, Initial Study/Mitigated Negative Declaration, SCH No. 2020070555, City of Santa Rosa, Sonoma County

Dear Mr. McKay:

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 Good Onward/3192 Juniper Avenue Project (Project) pursuant the California Environmental Quality Act (CEQA). The public review period ends on August 31, 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.

The IS/MND Project Description Section 1.4.7 – Storm Drainage indicates that culverts will be replaced connecting to the drainage on-site. The Project applicant should include this information in an LSA notification for further evaluation by CDFW.

PROJECT DESCRIPTION SUMMARY

Proponent: Good Onward, Inc.

Description and Location:

The project site is located at 3192 Juniper Avenue, in the City of Santa Rosa. It is a 2.05-acre site located on APN 134-072-004. It is surrounded by Juniper Avenue to the West, Pacific Coast Drilling company to the North, a multi-tenant building to the East, and a rural residential property to the South.

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The Project proponent proposes to develop a commercial medical cannabis operation on the Project site. The applicant proposes to develop the Project in two phases.

Phase 1 involves utilizing the existing buildings, totaling 4,989 square feet. No changes will be made to the exterior of the buildings. Building improvements include installing a perimeter masonry wall and landscaping required for the previously approved contractor's office. Phase 1 cultivation allows up to 5,000 square feet of canopy.

Phase 2 includes the construction of a 20,925-square-foot building on the southeast portion of the site. This new building will allow for expansion of the existing operations on-site. The Phase 2 construction will allow for several cannabis related operations on the site; including manufacturing (9,836 square feet), distribution and manufacturing (3,644 square feet), and indoor cultivation with nursery (expanded up to 12,434 square feet canopy).

Additional features include constructing a new stormwater basin with a 4-inch diameter storm drainpipe, connecting the Basin to a drainage along Juniper Avenue. Culverts associated with the drainage will be replaced.

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. Several special-status species have the potential to occur on the site and will need to be addressed in order to avoid impacts or mitigate for unavoidable species impacts.

Rare Plants

Full floristics plant surveys for Burke's goldfields, Sonoma sunshine, and Sebastopol meadowfoam, were conducted for the site in 2008 and 2017. The results of each survey should be made available for public review, including review by CDFW.

Migratory and Nesting Birds

Nesting Birds

MM BIO-1 addresses nesting bird survey parameters for raptors and passerine species. It states that a qualified biologist shall conduct a nesting bird survey no sooner than 14 days prior to start of work and must be repeated if work ceases for longer than 14 days.

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

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conducted within 48 hours prior to the start of Project related activities. Surveys following this timing will increase the likelihood of detections and avoidance of nesting birds. 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 confirm that the bird's behavior has normalized, or the young have left the nest.

Tree Removal

MM BIO-7 says that “the applicant shall plant replacement trees required by the permit by the time of project occupancy”.

CDFW recommends that a figure be included showing the location and species of each trees that will be removed in relation to habitat types. Whether a tree is native or non-native/invasive would affect the recommended mitigation ratio for tree replacement. Native trees should be replaced at a greater ratio than nonnative/invasive trees. California native species removed from the site should be replaced at a minimum ratio of 3:1 (replacement: removal), whereas nonnative trees may be replaced at a 1:1 ratio. Large-diameter Heritage Trees found on the site (primarily native oaks) are expected to provide food and shelter for a variety of native species. Additionally, it would take many years for planted oaks to get to a size that could provide the same ecological benefits that old, native trees provide. The Project should use a minimum mitigation ratio of 6:1 for oaks removed from the site.

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

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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>.

Pest Control

As stated on pages 63 and 64 of the IS/MND, "Project construction and operations would involve the minor routine transport and handling of minimal quantities of hazardous substances such as diesel fuels, lubricants, solvents, asphalt, pesticides, and fertilizers."

Use of rodenticides at the construction site and cannabis facility should be prohibited. Use of pesticides or rodenticides is also not recommended in areas where raptors are foraging, breeding, or nesting. Second-generation rodenticides such as brodifacoum are used widely in the United States to kill rats and other rodents. Unfortunately, they also kill many raptors, which are attracted to the poisoned rodents as they are in their final stages of death (O'Hare et al. 2013).

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).

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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

REFERENCES

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.

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Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

PROJECT: Good Onward/3192 Juniper Avenue Project, City of Santa Rosa

SCH No.: 2020070555

RECOMMENDED MITIGATION MEASURES	Responsibility for Implementation
<p>BIO-1</p> <p>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>

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<p>BIO-7</p> <p>Mitigation Measure: Tree Removal and Replacement</p> <ul style="list-style-type: none">• CDFW recommends that a figure be included showing the location and species of each trees that will be removed in relation to habitat types. Whether a tree is native or non-native/ invasive would affect the recommended mitigation ratio for tree replacement. Native trees should be replaced at a greater ratio than nonnative/ invasive trees. California native species removed from the site should be replaced at a minimum ratio of 3:1 (replacement: removal), whereas nonnative trees may be replaced at a 1:1 ratio. Large-diameter Heritage Trees found on the site (primarily native oaks) are expected to provide food and shelter for a variety of native species. Additionally, it would take many years for planted oaks to get to a size that could provide the same ecological benefits that old, native trees provide. The project should use a minimum mitigation ratio of 6:1 for oaks removed from the site.	<p>Project Applicant/Qualified Biologist</p>
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