



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Northern Region  
 601 Locust Street  
 Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



September 14, 2020

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Governor's Office of Planning & Research

**Sep 14 2020**

**STATE CLEARINGHOUSE**

**Subject: Review of the Mitigated Negative Declaration for Use Permit 19-01 Ashby Cannabis Campus, State Clearinghouse Number 2020080262, City of Shasta Lake, Shasta County**

Dear Peter Bird:

The California Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration (MND) dated August 13, 2020, for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act, California Public Resources Code section 21000 et seq. The Department commented on this Project January 21, 2020, during the early consultation period.

### **Project Description**

The Project as proposed is *"to develop a commercial cannabis cultivation, distribution, and manufacturing operation (Project) at the site, identified as Shasta County APNs 006-020-056 and 006-020-057, located off of Ashby Road in the City of Shasta Lake, California. The proposed project will consist of two, Type 3, Tier 2 "Medium Mixed-Light" cultivation areas, an up to 10,080 square foot distribution facility, and an up to 20,000 square foot non-volatile manufacturing facility. Access roads will be installed providing vehicular access to the project area at the site, entering the site off of Ashby Road near the southeastern portion of the site. Each proposed cultivation area will be comprised of six 5,040 square foot cultivation facilities on concrete slabs with metal and polycarbonate roofing and walls. One proposed cultivation area will be located on each parcel comprising the site. The proposed distribution facility will be comprised of two, 5,040 square foot buildings on a concrete slab with insulated metal roofs and walls. One of the 5,040 square foot buildings of the distribution facility will be primarily used for processing raw cannabis material (drying, curing, trimming, grading, and packaging cannabis into large batches for testing), and the other will be primarily used for cannabis product distribution activities (storing, testing, packaging, labeling, transferring, and transporting). The proposed manufacturing facility will consist of an up to 20,000 square foot metal building on a concrete slab, and will be primarily used for non-volatile cannabis manufacturing activities (extraction, infusion, testing, packaging, and labeling). MRE plans to develop the proposed cannabis cultivation, distribution, and manufacturing operation in two phases. Phase one will be*

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*preparation and construction of the proposed cultivation and distribute on facilities on APN 006-020-056; phase two will be the preparation and construction of the proposed cultivation and manufacturing facilities on APN 006-020-057".*

## **Comments and Recommendations**

The Department has the following recommendations and comments as they pertain to biological resources.

### Lighting

Although the drainage locally referred to as Churn Creek North Branch will not be directly impacted, the Biological Assessment dated September 26, 2019, and prepared by Wiemeyer Ecological Sciences, as well as the arborist report dated December 2019, and prepared by Real Engineering, both had observations of birds which are California Species of Special Concern; yellow-breasted chat (*Icteria virens*) and yellow warbler (*Setophaga petechia*) respectively. Because these species may be impacted by lighting, the Department recommends that motion sensor lights be placed on the west and/or southwest side of the buildings depending upon the side of the building facing the creek. This will decrease the impacts to special-status bird species as well as other nesting birds in the riparian area.

### Mitigation Measures

Mitigation Measure BR-4 states, *"To more effectively identify active nests and to facilitate project scheduling, it is recommended that initial nesting surveys begin as early as February when the foliage on the trees are at a minimum and the nest building activity is high."* Raptors tend to nest earlier than most passerine birds, which is why the nesting period begins early. Most nesting will take place in April, May and June; however, some raptors nest earlier, some migratory birds arrive late in the season, and some birds have more than one brood, thus extending the nesting season. Stating that nest building activity is high is not correct for all birds, and would be more specific to those raptors that nest earlier. If tree removal occurs during the nesting period, a nest survey will need to be conducted.

Mitigation Measure BR-5 states that a qualified biologist may relocate western pond turtles. Pond turtles have high site fidelity meaning that they often return to the same area after being relocated. If western pond turtles are found during the pre-construction survey, a biological monitor will need to remain onsite during the remainder of the construction.

Mitigation Measure BR-13 should state, "The results of all required surveys shall be submitted to the City and the Department of Fish and Wildlife at [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov).

### Oak Woodlands

This Project is removing ecologically functioning and intact oak woodland habitat. As such, the mitigation measures proposed allow the Project applicant to plant trees in a park or elsewhere, as approved by the City. Planting within park areas does not replace the loss of oak woodland's ecological function and habitat value due to the highly pressured and level of management done in these areas. Significant and unmitigated vegetation removal has recently occurred on City owned properties, such as Margaret Polf Park, lessening the habitat value of the parks by removing entire vegetation communities. Planting additional trees in such parks appears contrary to the City's current goal of removing forest fuel loading in publicly owned properties.

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The Department recommends that trees planted for mitigation purposes be planted in areas where they will not be removed prior to reaching maturity when they will begin to achieve the same ecological function as the trees being removed by the Project. Ideally, these trees will be planted in areas where they will be protected in perpetuity, such as within a designated conservation easement, or within an open space area managed for its natural attributes and habitat value. If mitigation trees are ultimately planted within parks, the Department recommends that trees be planted at higher mitigation ratios, due to the lessened ecological value, and in areas designated within those parks as appropriate for long-term conservation of the mitigation trees.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist, at (530) 225-2779, or by e-mail at [Amy.Henderson@wildlife.ca.gov](mailto:Amy.Henderson@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
*Curt Babcock*  
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**Curt Babcock**

Habitat Conservation Program Manager

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CHRON