



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



December 7, 2020  
*Sent via email*

Mary Blais  
 Contract Planner  
 City of Perris Planning Division  
 135 North “D” St.  
 Perris, CA 92570

Governor’s Office of Planning & Research

**DEC 07 2020**

**STATE CLEARINGHOUSE**

Perris Regional Compassionate Center (Project)  
 Initial Study and Draft Mitigated Negative Declaration (IS/MND)  
 SCH# 2020110106

Dear Ms. Blais:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Perris for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

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<sup>1</sup> 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.

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 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.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Kevin Fox

**Objective:** The Project proposes to construct a facility for indoor cultivation and distribution of marijuana on approximately 2.61 acres. The facility in total will consist of three buildings totaling 33,006 square feet (S.F.). The two cultivation buildings each consist of 15,003 S.F., and the retail/office space consists of a dispensary facility and office, totaling 3,000 S.F. Each of the three buildings will be 24 feet tall. Surface parking will provide a total of 90 parking spaces on the property. The site has water and sewer services provided by the City of Perris Public Works Department.

**Location:** Malbert St. and Goetz Rd. Perris, CA in Riverside County. 33°46'3.10" N 117°13'44.58" W. APN: 330-040-062. The parcel involved in the Project is located West of Goetz Rd. on the North side of Malbert St. To the East and the North of the parcel are industrial buildings. To the West of the parcel are a boat storage yard, train tracks, and a housing development. Major highways (Interstate 215 and Highway 74) are north of the parcel, and the San Jacinto River is in proximity south of the parcel. North of Interstate 215, the Perris Valley Channel drains to the San Jacinto River, and the San Jacinto River drains to Canyon Lake and Lake Elsinore southwest of the parcel. The Project lies within the Perris South subbasin of the San Jacinto Groundwater Basin and is located within the West San Jacinto Groundwater Management Area.

**Timeframe:** No timeframe given in the Draft IS/MND.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the City of Perris in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW is also concerned that potential cannabis related biological impacts were not identified and mitigated for. In addition to the sections below, CDFW is concerned that no timeline for construction and implementation of the Project was given in the Draft IS/MND. If the start date for Project activities is delayed, the biological assessment and surveys (e.g., burrowing owl) provided could be outdated when the Project begins. CDFW generally considers survey results valid for one year. Please also address and correct the mention of a proposed mitigation measure BR-4 (Draft IS/MND Biological Resources section, Discussion (a), p. 34), when only mitigation measures BR-1, BR-2, and BR-3 are provided.

## Assessment of Impacts on Biological Sources

### Burrowing Owl

The Project area falls within the Western Riverside County Multiple Species Habitat Conservation Plan survey area for burrowing owl, and the Draft IS/MND concludes, based on the Biological Constraints and Burrowing Owl Survey (Appendix B), that the parcel provides suitable burrowing owl habitat. CDFW recommends that focused surveys be conducted again as the surveys completed in late July 2019 are not adequate to assess current burrowing owl presence on the parcel. The previous surveys did not follow the protocol established by the CDFW *Staff Report on Burrowing Owl Mitigation* (2012); they were done outside the recommended peak breeding season window (April 15 through July 15) for breeding season surveys; they were not conducted at least three weeks apart (Table 2, Appendix B shows all survey dates were only 1-3 days apart); and they were conducted more than a year ago (Table 2, Appendix B gives a final survey date of July 26, 2019). Because the surveys confirmed suitable burrowing owl habitat, preconstruction surveys are also required. Preconstruction surveys should be conducted using the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version; <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>). CDFW recommends that mitigation measure BR-2 (p. 15) in the Draft IS/MND be revised as follows:

**MM BR-2: Suitable burrowing owl habitat has been confirmed on the site, therefore focused burrowing owl surveys shall be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). If the focused burrowing owl surveys detect active burrowing owl burrows outside the breeding season (September 1 through January 31), or within the breeding season (February 1 through August 31) but owls are not nesting or in the process of nesting, active and/or passive relocation may be conducted following consultation with CDFW, U.S. Fish and Wildlife Service (USFWS), and the Western Riverside County Regional Conservation Authority (RCA). A relocation plan will be required by CDFW, USFWS, and RCA if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provide options for avoidance and mitigation, identify short- and long-term habitat management needs of the receiver site, and identify the entity responsible for all financial costs associated with the relocation plan and long-term management of the receiver site.**

**Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with USFWS, CDFW, and RCA to conduct an impact assessment to develop avoidance,**

**minimization, and mitigation measures to be approved by CDFW prior to commencing Project activities.**

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for proposed MM BR-2. The draft MMRP with MM BR-2 through MM BR-7 is enclosed as Attachment 1 at the end of this letter.

Nesting Birds

The Draft IS/MND proposes BR-3 to mitigate potentially significant Project impacts to nesting birds. CDFW is concerned that no timing is specified for preconstruction surveys; that is not adequate to avoid impacts to nesting birds. CDFW recommends that mitigation measure BR-3 (p. 15) in the Draft IS/MND be revised as follows:

**MM BR-3: Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside peak breeding season (February 1 through September 15).**

Special Status Species

The Draft IS/MND provided mitigation measures for potential significant impacts to burrowing owl and nesting birds (BR-2 and BR-3) but did not identify potential impacts to other special status species. The California Natural Diversity Database (CNDDDB) is a positive-detection database only, meaning that the absence of species data reported by CNDDDB does not indicate absence of the species from a project site. A CNDDDB/BIOS query of species within a 1-mile buffer of the Project parcel returned 10 special status species: smooth tarplant (*Centromadia pungens* ssp. *laevis*; California Rare Plant Rank 1B.1), San Jacinto Valley crownscale (*Atriplex coronata* var. *notatior*; federal endangered species and California Rare Plant Rank 1B.1), Crotch bumble bee (*Bombus crotchii*; state candidate endangered species), Stephens' kangaroo rat (*Dipodomys stephensi*; federal endangered species and state threatened species), southern grasshopper mouse (*Onychomys torridus ramona*; SSC), thread-leaved brodiaea (*Brodiaea filifolia*; federal

threatened species, state endangered species, and California Rare Plant Rank 1B.1), coast horned lizard (*Phrynosoma blainvillii*; SSC), orange-throated whiptail (*Aspidoscelis hyperythra*; CDFW Watch List), western pond turtle (*Emys marmorata*; SSC), and California glossy snake (*Arizona elegans occidentalis*; SSC).

### **Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)**

Within the Inland Deserts Region, CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the WRC MSHCP per section 2800, et seq., of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit. 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. To obtain additional information regarding the MSHCP please visit: <http://rctlma.org/epd/WRMSHCP>.

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 must demonstrate that proposed actions are consistent with the MSHCP and its associated Implementing Agreement. The City of Perris is the Lead Agency and is a signatory to the Implementing Agreement of the MSHCP. The Project does not fall within a Criteria Cell; however, it is located in proximity to several Criteria Cells with conservation lands and areas described for conservation, and the following MSHCP policies and procedures apply to the proposed Project (<https://rctlma.org/Portals/0/mshcp/volume1/index.html>). After review of the Biological Constraints and Burrowing Owl Survey, MSHCP Consistency section (Draft IS/MND, Appendix B), CDFW has the following recommendations:

- Additional Survey Needs and Procedures (MSHCP, vol. 1, sect. 6.1.2): The Project is adjacent to a possible vernal pool which may provide habitat for protected species including Riverside fairy shrimp (*Streptocephalus woottoni*) and vernal pool fairy shrimp (*Branchinecta lynchi*). For Riverside fairy shrimp and vernal pool fairy shrimp, mapping of stock ponds, ephemeral pools and other features should be undertaken as determined appropriate by a qualified biologist.
- Additional Survey Needs and Procedures (MSHCP, vol. 1, sect. 6.3.2): The Project is within the required survey area for burrowing owls, and a habitat suitability assessment should have been conducted according to the specifications of the WRC MSHCP. See the “Burrowing Owl (*Athene cunicularia*)” section above for recommendations.
- Appendix C Standard Best Management Practices: The Project should follow the best management practices set forth in Appendix C of the MSHCP, Volume 1. This includes water quality best management practices to prevent runoff of toxic

materials such as sediment, pesticides, fertilizers, and petroleum products.

If biological resources included in Section 6 of the MSHCP are found on-site, the City should complete a Determination of Biologically Equivalent or Superior Preservation (DBESP). All surveys required by the MSHCP policies and procedures to determine consistency with the MSHCP should be conducted and results included in the Draft IS/MND so that CDFW can adequately assess whether the Project will impact the MSHCP. The Draft IS/MND should also include an analysis of impacts to conservation lands in Criteria Cells adjacent to the Project site, which are groundwater dependent, especially during drought years. Potential drawdown or pollution of groundwater resulting from the Project should be analyzed and mitigation proposed. In addition to mitigation measure BR-1 (p. 15) in the Draft IS/MND, CDFW recommends inclusion of mitigation measure BR-4 to demonstrate compliance with the MSHCP and its associated Implementing Agreement:

**MM BR-4: Prior to construction and issuance of any grading permit, the City of Perris shall demonstrate compliance with the MSHCP and its associated Implementing Agreement via the completion of an MSHCP Consistency Analysis and if needed a Determination of Biologically Equivalent or Superior Preservation process that shall be submitted for review and approval by the Western Riverside County Regional Conservation Authority, the U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife.**

#### Pesticides, Including Fungicides, Herbicides, Insecticides, and Rodenticides

Cannabis cultivation sites (whether indoor or outdoor) often use substantial quantities of pesticides, including fungicides, herbicides, insecticides, and rodenticides. 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 the pesticides. (Even if used indoors, pesticides such as rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals that are disposed of outside.) Even 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 species (Pimentel 2005, Li and Kawada 2006, Relyea and Diecks 2008, Baldwin et al. 2009).

CDFW recommends minimizing 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). Anticoagulant rodenticides and rodenticides that incorporate “flavorizers” that make the pesticides appetizing to a variety of species should not be used at cultivation sites. Alternatives to toxic rodenticides may be used to control pest populations at and around

cultivation sites, including sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers (e.g., sealing holes in roofs and walls). Snap traps should not be used outdoors as they pose a hazard to nontarget wildlife. Sticky or glue traps should be avoided altogether as these pose a hazard to nontarget wildlife and result in a prolonged/inhumane death. In addition, the California Department of Pesticide Regulation (CDPR) stipulates that pesticides must certain criteria to be legal for use on cannabis. For details, visit:

<https://www.cdpr.ca.gov/docs/cannabis/questions.htm> and

<https://www.cdpr.ca.gov/docs/county/cacltrs/penfltrs/penf2015/2015atch/attach1502.pdf>.

The Draft IS/MND indicates that the Project “would involve the use of hazardous materials common to all urban development that are labeled hazardous (e.g., solvents and commercial cleansers; petroleum products; and pesticides, fertilizers, and other landscape maintenance materials)” (p. 56). Additionally, organic pesticides, fungicides, and fertilizers will be used in the cultivation of cannabis onsite. CDFW recommends inclusion of a mitigation measure conditioning the Project to develop a plan to avoid, minimize, and mitigate the impacts of pesticides. CDFW recommends the following mitigation measure:

**MM BR-5: Prior to construction and issuance of any grading permit, Kevin Fox shall develop a plan, to be approved by the City of Perris, 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 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 such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers.**

### Artificial Light

Cannabis cultivation operations often use artificial lighting or “mixed-light” techniques in indoor operations to increase yields. 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). According to the Draft IS/MND, Project activities include use of artificial light for nighttime function and security lighting. CDFW recommends the following mitigation measure:

**MM BR-6: 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 the International Dark-Sky Association standards at <http://darksky.org/>). 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.**

#### Role of Lake and Streambed Alteration (LSA) Program in Cannabis Licensing

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may adversely impact any river, stream, or lake. The California Department of Food and Agriculture (CDFA) 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 CDFA, cultivators must have an LSA Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through the Environmental Permit Information Management System (EPIMS; <https://epims.wildlife.ca.gov>). Cannabis cultivators may learn more about cannabis cultivation permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>. CDFW recommends the following mitigation measure:

**MM BR-7: Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.**

#### **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 (CNDDDB). The CNDDDB field survey form can be found at the following link:

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[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

## **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 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 for the Cal Grow Farms Project to assist the City of Perris in identifying and mitigating Project impacts on biological resources. CDFW has assessed the Draft IS/MND and found that it does not adequately identify or mitigate for all of this Project's impacts on biological resources. CDFW recommends that prior to the adoption of this MND, the City of Perris revise the document to include a complete assessment of impacts to biological resources on the Project parcel and adjacent parcels, as well as appropriate avoidance, minimization, and mitigation measures.

Questions regarding this letter or further coordination should be directed to Kevin Francis, Environmental Scientist at (909) 239-0895 or [Kevin.Francis@wildlife.ca.gov](mailto:Kevin.Francis@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
8091B1A9242F49C...

Scott Wilson  
Environmental Program Manager

### **Attachment 1: MMRP for CDFW-Proposed Mitigation Measures**

ec: Office of Planning and Research  
State Clearinghouse, Sacramento  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Kevin Francis, Environmental Scientist  
California Department of Fish and Wildlife  
[kevin.francis@wildlife.ca.gov](mailto:kevin.francis@wildlife.ca.gov)

**ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

Mitigation Measures	Schedule	Responsible Party
<p><b>MM BR-2: Burrowing owl surveys.</b>            Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with USFWS, CDFW, and RCA to conduct an impact assessment to develop avoidance, minimization, and mitigation measures to be approved by CDFW prior to commencing Project activities.</p>	<p><b>Pre-construction surveys:</b>            No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance.</p>	<p>Kevin Fox</p>
<p><b>MM BR-3: Nesting bird surveys</b> shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside peak breeding season (typically February 1 through September 15).</p>	<p>No more than three (3) days prior to vegetation clearing or ground disturbance activities.</p>	<p>Kevin Fox</p>
<p><b>MM BR-4: MSHCP Compliance:</b> Prior to construction and issuance of any grading permit, the City of Perris shall demonstrate compliance with the MSHCP and its associated Implementing Agreement via the completion of an MSHCP Consistency Analysis and if needed a Determination of Biologically Equivalent or Superior Preservation process that shall be submitted for review and approval by the Western Riverside County Regional Conservation Authority, the U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>City of Perris</p>

<p><b>MM BR-5: Pesticide Management Plan.</b> Prior to construction and issuance of any grading permit, Kevin Fox shall develop a plan, to be approved by the City of Perris, 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 such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>Kevin Fox</p>
<p><b>MM BR-6: Artificial Light Management:</b> 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 the International Dark-Sky Association standards at <a href="http://darksky.org/">http://darksky.org/</a>). 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.</p>	<p>During Project activities.</p>	<p>Kevin Fox</p>
<p><b>MM BR-7: Compliance with CDFW LSA Program:</b> Prior to construction and issuance of any grading permit, the Applicant shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Applicant should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>Kevin Fox</p>

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