



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



Governor's Office of Planning & Research

December 9, 2020

DEC 10 2020

STATE CLEARINGHOUSE

Mr. Scott Orr, Deputy Director of Planning
Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403
scott.orr@sonoma-county.org

Subject: UPC18-0050 Sleepy Hollow Farm, Initial Study/Mitigated Negative Declaration, SCH No. 2020110159, City of Annapolis, Sonoma County

Dear Mr. Orr:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration from Permit Sonoma for CEQA UPC18-0050 Sleepy Hollow Farm (Project) pursuant to the California Environmental Quality Act (CEQA). The public review period ends on December 9, 2020.

CDFW is submitting comments on the Initial Study/Mitigated Negative Declaration (IS/MND) to inform Permit Sonoma, 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.

PROJECT DESCRIPTION SUMMARY

Proponent: Sleepy Hollow Farm

Description and Location: The Project site is located at: 41707 Sleepy Hollow Road, in the City of Annapolis, Sonoma County, California 95412; APN: 121-280-006.

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Currently, the Project site contains a residence, garage, studio, a 60,000-gallon capacity reservoir, and 15,000 gallons of water storage tanks. The Project proposes 1-acre total canopy commercial cannabis cultivation operation consisting of outdoor and mixed-light cultivation.

Phase one includes a temporary mixed-light cultivation of 6,563 square feet. Phase two cultivation would have mixed-light cultivation in six greenhouses (10,000 square-feet) and an outdoor cultivation area (25,000 square-feet). Limited processing and storage would occur in the existing residence during cultivation season. The Project also includes the construction of an additional irrigation reservoir with a capacity of 5.3-acre feet to supply water for the cultivation operation. The Project would disturb a total area of approximately 161,173 square feet (3.7 acres).

A total of 2.73 acres area of vegetation, which includes the removal of 950 trees, is required to clear space for the reservoir and spillway, outdoor cultivation area, and mixed-light greenhouses. Tree species to be removed include redwood, Douglas-fir, tanoak, sugar pine, and other hardwood species. Twenty-two (22) of those trees have a diameter at breast height (DBH) ranging from 24 to 40 inches.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand the Project, its alternative's (if applicable), and significant impacts on the environment (CEQA Guidelines, §§15125 and 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). Threatened, endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- California red-legged frog (*Rana draytonii*; FT, SSC)
- Foothill yellow-legged frog (*Rana boylei*; northwest clade SSC)
- Northern spotted owl (*Strix occidentalis caurina*; FT, SE)
- Harlequin lotus (*Hosacka gracilis*; Rank 4.2)
- Swamp harebell (*Campanula californica*; Rank 1B.2)
- Methuselah's beard lichen (*Usnea longissimi*; Rank 4.2)

FE = Federally Endangered; FT = Federally Threatened; SE = State Endangered; SFP = State Fully Protected; SSC = State Species of Special Concern

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CNPS Plant Ranks

- 1B = Rare, Threatened, or Endangered in California and Elsewhere
- 2A = Presumed Extirpated in California, But Common Elsewhere
- 2B = Rare, Threatened, or Endangered in California, But More Common Elsewhere
- 4 = Of limited distribution or infrequent

CNPS Threat Ranks

- 0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- 0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- 0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist Permit Sonoma in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources, including:

Comment 1: Species Surveys

CDFW recommends that prior to Project implementation surveys be conducted for special-status species with potential to occur at the Project location, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>

Comment 2: California Red-Legged Frog and Foothill Yellow-Legged Frog

Issue: The Project has the potential to directly and/or indirectly impact California red-legged frog (*Rana draytonii*; CRLF) and foothill yellow-legged frog (*Rana boylei*; FYLF) and/or their habitat. The CEQA document does not fully analyze Project impacts on CRLF or FYLF and their habitat. Additionally, the IS/MND does not require any compensatory mitigation for the loss of potential habitat on-site.

Evidence impact would be significant: According to Davidson et. al (2001) and U.S. Forest Service 2016, the main risk factors for FYLF and CRLF are water development

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and diversion, climate change, habitat loss (including urbanization and fragmentation), and introduced species. Many post-metamorphic FYLFs move among a variety of stream habitats throughout the year, including perennial mainstem reaches to highly ephemeral headwater streams (Bourque 2008). This species is also documented in uplands near streams (< 300 m; Twitty et al. 1967, Cook et al. 2012). The U.S. Fish and Wildlife Service (USFWS) designates an upper protective buffer limit of one mile for CRLF (USFWS 2010). Therefore, both frog species may be found in upland areas where Project grading impacts would occur.

On page 32 of the IS/MND, the document indicates that there is a moderate potential for CRLF upland occurrence on the site. According to the California Natural Diversity Database (CNDDDB), there are several observations of FYLF surrounding the Project site, including the nearest known observation located approximately 2 miles to the west of the Project and two adjacent observations located approximately 1.9 miles southeast (CNDDDB accessed December 2020).

Recommendations: The IS/MND should analyze all groundwork activities, such as grading and filling, that may potentially impact FYLF and CRLF. It should also discuss all potentially significant impacts to the species. For any permanent Project impacts to CRLF, FYLF or their habitat, CDFW recommends the IS/MND include appropriate and effective compensatory mitigation by preserving like habitat of equal or greater habitat value. If the mitigation lands will be on-site, the draft IS/MND should include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a conservation easement or deed restriction.

MM BIO-2 states that a nocturnal pre-construction survey should be conducted for CRLF. CDFW recommends a qualified biologist experienced in the identification and life history of FYLF and CRLF be on-site during all Project activities. Additionally, for CRLF, CDFW recommends early consultation with CDFW and USFWS to develop appropriate avoidance, minimization and mitigation measures. Those measures should be specified in the IS/MND to reduce any potentially significant impacts to less-than-significant.

Comment 3: Northern spotted owl

Issue: The CEQA document does not fully analyze Project impacts on northern spotted owl (*Strix occidentalis caurina*; NSO). Although the IS/MND states that the Project proponent has completed year one of NSO protocol surveys, it is not clear which methodology has been followed. Additionally, the IS/MND does not require any compensatory mitigation for the loss of potential habitat from the Project.

Evidence impact would be significant: NSO populations have declined significantly in California primarily as a result of destruction of forest habitat from logging, development, and wildfire (CDFW 2016). NSO are primarily threatened by further loss, fragmentation,

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and degradation of their forest habitats, which is further complicated by their low reproductive rate and limited ability to disperse (Shuford and Gardali 2008). A more recent serious threat is invasion of their range by barred owls (*Strix varia*) which can out-complete and potential kill NSO as well as hybridize with them (CDFW 2016).

Tree removal may impact NSO as they require perches for foraging and roosting cover (Zeiner et al. 1990), and NSO is forest-obligate requiring access to large trees for nesting (Shuford and Gardali 2008). In the California Coast Province, young redwood forests along the coast have structural complexity similar to that of older forests elsewhere in the NSO's range, thus providing nesting and roosting habitat within these younger forests (Thomas et al. 1990).

Recommendations: CDFW recommends including the following Mitigation Measures to reduce potential impacts to NSO to less-than-significant:

1. Prior to Project activities, a Qualified Biologist shall conduct NSO surveys following the USFWS *Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls* (2012)¹ within 1.3 miles of the Project area. This may entail two years of six-visit surveys. If breeding NSO are detected during surveys, a Qualified Biologist should prepare an avoidance and minimization plan in consultation with CDFW that includes suitable buffer distances from all active nest sites. If suitable buffer distances from Project activities cannot be established in order to avoid disturbance, the Project should either wait until August 1 or until a Qualified Biologist has determined 1) NSO young have fledged or 2) the nest is no longer active, whichever comes first. Alternatively, the Project proponent can get a CESA Incidental Take Permit (ITP) from CDFW prior to the start of Project activities. *The applicant should provide the NSO protocol survey results to CDFW for review and acceptance.*
2. No Project activities shall occur during NSO nesting season (February 1 to July 31), except as provided in number 1 above. If Project activities must occur during NSO nesting season, a CESA ITP may be warranted. CDFW recommends applying for a CESA ITP at least six months prior to the commencement of Project activities. A Qualified Biologist should be familiar with NSO ecology, have proven success identifying NSO aurally and visually, and have at least two seasons of experience surveying for NSO using the USFWS protocol.
3. If NSO are detected on-site, the Project shall mitigate for any permanently removed NSO habitat by preserving like habitat of equal or greater habitat value. If the mitigation lands will be on-site, the draft IS/MND should include a detailed map

¹ The Spotted Owl Observations Database is governed by the California Natural Diversity Database (CNDDDB) license agreement, but is maintained as a separate database. Reviewing CNDDDB alone excludes all NSO data. More information is available online: www.wildlife.ca.gov/Data/CNDDDB/Spotted-Owl-Info

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showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a conservation easement or deed restriction. The applicant should submit a Restoration and Mitigation Plan to CDFW for review and acceptance. This plan will identify the specific on-site and/or off-site locations for tree planting and verify the aforementioned Mitigation Measure.

Comment 4: Tree Removal

Issue: The IS/MND states that 950 trees will be removed from the site, including 22 trees identified with a DBH between 24 and 40 inches. Tree removal will result in conversion of timber lands to agriculture lands. Both native and non-native trees provide nesting habitat for birds, and habitat value for other wildlife. Removal of large trees in particular without adequate mitigation should be considered a substantial adverse change in the physical conditions within the area affected by the Project.

Recommendation: The IS/MND should include appropriate and effective mitigation to offset permanent impacts of removing trees from the Project area and conversion of timber lands to agricultural lands. CDFW recommends the Project avoid large diameter tree removal to the greatest extent feasible. On-site tree planning should be considered as a potential impact minimization measure, but not sufficient to completely offset temporal impacts from loss of large mature trees. CDFW recommends Project mitigation include in-kind preservation of timber land in perpetuity for loss of large trees and/or conversion of timber land.

Comment 5: Special Status Plants

Issue: The IS/MND states that there is likelihood for multiple special-status plant species to occur on the Project site. The harlequin lotus (*Hosacka gracilis*; Rank 4.2), is known to be on the Project site, according to the IS/MND. Harlequin lotus has limited or infrequent distribution and is considered-moderately threatened in California. The plant may become endangered if its environment worsens, therefore meets rare plant criteria pursuant to CEQA §15380.

The CNDDDB database contains positive detections of several special-status plant species near the site. According to CNDDDB, swamp harebell (*Campanula californica*, Rank 1B.2) is observed approximately 1.1 miles South of the site. Another two observations of swamp harebell and one observation of Methuselah's beard lichen (*Usnea longissimi*, Rank 4.2) were observed approximately one mile Northwest of the site (CNDDDB Accessed December 2020). This species may occur in forest floors, which occur on the Project site. Project grading impacts may directly cause species take. It is unclear whether protocol-level surveys have been completed to determine the scope of all potential impacts to special-status plant species.

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Recommendations: CDFW recommends including the following Mitigation Measures to reduce potential impacts to special-status plants to less-than-significant:

1. A Qualified Biologist shall conduct a survey during the appropriate blooming period for all special-status plants that have the potential to occur on the Project site prior to the start of construction. Surveys should be conducted following *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities*, prepared by CDFW, dated March 20, 2018. The protocol can be found here: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>. If special-status plants are found during surveys, the IS/MND should outline how the Project would be re-designed to avoid impacts to special-status plants to the greatest extent feasible. If impacts to special-status plants cannot be avoided completely during construction, the IS/MND should outline on-site and/or off-site mitigation if impacts may still occur.
2. A Qualified Biologist in this context should be knowledgeable about plant taxonomy, familiar with plants of the region, and have experience conducting botanical field surveys according to vetted protocols.
3. The applicant should provide a copy of the special-status plant survey results to CDFW for review and acceptance.

Comment 6: Project Reservoir

Reservoir Construction/Use of Artificial Water Sources

Issue: The Project involves constructing a new reservoir with the capacity to hold up to 5.3 acres of water. It is unclear from information in the Project IS/MND if, or where perennial, ephemeral and intermittent stream channels occur within the Project. It is also unclear if the reservoir will affect any stream channel from reservoir development, operations or placement.

Evidence the impact would be significant: If reservoirs are not constructed with proper engineering and appropriate placement, they can alter or affect complex and inter-related stream processes that include hydrology, geomorphology, biology, water quality, and connectivity (see for example, Instream Flow Council, 2004).

Constructed reservoirs have been shown to be breeding habitat for invasive species such as the American bullfrog (Kiesecker et al. 2001, Fuller et al. 2011), which prey on native anurans including northern red-legged frogs and foothill yellow-legged frogs (Moyle 1973, Kiesecker and Blaustein 1997, 1998, Kupferberg 1997). Also, the presence of artificial water sources can increase the spread of other invasive species

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such as Argentine ants which displace native invertebrates (Human and Gordon 1997, Holway et al. 2002).

Recommendations: CDFW recommends the following measures:

1. The IS/MND should include a delineation of all streams and wetlands on a map based on a field assessment by a qualified professional. Reservoir placement should avoid any streams, wetlands, and any sensitive botanical resources.
 - a. The reservoir shall meet setback requirements from stream channels, riparian habitat, aquatic habitat, wetlands and springs consistent with the Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation (State Water Resources Control Board, 2019).
2. The water supply for the reservoir shall avoid diverting streamflow from any river, lake or stream. In addition, the reservoir shall be designed to be capable of being drained completely without discharging water to any river, lake or stream.
3. The reservoir, dam, plumbing and spillway shall be designed by a qualified professional. The design should account for 1) hydrological stability, 2) erosion prevention, and 3) any necessary infrastructure such as spillway design to account for overflow. Reservoir plans including water supply and spillway details shall be included in the IS/MND.
4. A qualified biologist shall develop an invasive species management plan in consultation with CDFW. The invasive species management plan shall be implemented for the life of the reservoir.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit 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 Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA section 21001(c), 21083, and CEQA Guidelines section 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of

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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 Program

Notification is required, pursuant to CDFW's LSA Program (Fish and Game Code, section 1600 et. seq.) for any Project-related activities that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code section 21000 et seq.) as the responsible agency.

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.

Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory raptors are also protected under the federal Migratory Bird Treaty Act.

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, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>. The types of

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information reported to CNDDDB can be found at the following link:
<https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

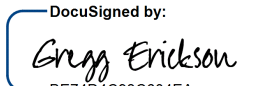
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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 Permit Sonoma 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) 210-4531 or mia.bianchi@wildlife.ca.gov; or Mr. Wes Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or wesley.stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:

BE74D4C93C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

REFERENCES

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ATTACHMENT 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: Sleepy Hollow Farm, County of Sonoma

SCH No.: 2020110159

RECOMMENDED MITIGATION MEASURES	Responsibility for Implementation
<p><u>Mitigation Measure: Special-Status Species Surveys</u></p> <p>CDFW recommends that prior to Project implementation surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocols.</p>	Project Applicant/Qualified Biologist(s)
<p><u>Mitigation Measure: CRLF and FYLF</u></p> <p>The IS/MND should analyze all groundwork activities, such as grading and filling, that may potentially impact FYLF and CRLF. It should also discuss all potentially significant impacts to the species. MM BIO-2 states that a nocturnal preconstruction survey should be conducted for CRLF. CDFW recommends a qualified biologist experienced in the identification and life history of FYLF and CRLF be on-site during all project activities.</p> <p>Additionally, for California red-legged frog, CDFW recommends early consultation with CDFW and the Fish and Wildlife Service (FWS) to develop appropriate avoidance, minimization and mitigation measures. Those measures should be specified in the IS/MND to reduce any potentially significant impacts to less-than-significant.</p>	Project Applicant/Qualified Biologist
<p><u>Mitigation Measures: NSO</u></p> <ol style="list-style-type: none"> 1. Prior to Project activities, a Qualified Biologist shall conduct NSO surveys following the USFWS' <i>Protocol for Surveying Proposed Management Activities that May Impact Northern</i> 	Project Applicant/Qualified Biologist

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<p><i>Spotted Owls (2012)</i>² within 1.3 miles of the Project area. This may entail two years of six-visit surveys. If breeding NSO are detected during surveys, a Qualified Biologist should prepare an avoidance and minimization plan in consultation with CDFW that includes suitable buffer distances from all active nest sites. If suitable buffer distances from Project activities cannot be established in order to avoid disturbance, the Project should either wait until August 1 or until a Qualified Biologist has determined 1) NSO young have fledged or 2) the nest is no longer active, whichever comes first. Alternatively, the Project proponent can get a CESA ITP from CDFW prior to the start of Project activities. <i>The applicant should provide the NSO protocol survey results to CDFW for review and acceptance.</i></p> <p>2. No Project activities shall occur during NSO nesting season (February 1 to July 31), except as provided in number 1 above. If Project activities must occur during NSO nesting season, a CESA ITP may be warranted. CDFW recommends applying for a CESA ITP at least six months prior to the commencement of Project activities. A Qualified Biologist should be familiar with NSO ecology, have proven success identifying NSO aurally and visually, and have at least two seasons of experience surveying for NSO using the USFWS protocol.</p> <p>3. If NSO are detected on-site, the Project shall mitigate for any permanently removed NSO habitat by preserving like habitat of equal or greater habitat value. If the mitigation lands will be on-site, the draft IS/MND should include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a conservation easement or deed restriction. The applicant should submit a Restoration and Mitigation Plan to CDFW for review and acceptance. This plan will identify the specific onsite and/or offsite locations for tree planting and verify the aforementioned Mitigation Measure.</p>	
<p><u>Mitigation Measure: Tree Removal</u></p> <p>The IS/MND should include appropriate and effective compensatory mitigation to completely offset any permanent impacts of removing trees from the Project area. CDFW</p>	<p>Project Applicant/Qualified Biologist</p>

² The Spotted Owl Observations Database is governed by the California Natural Diversity Database (CNDDDB) license agreement, but is maintained as a separate database. Reviewing CNDDDB alone excludes all NSO data. More information is available online: www.wildlife.ca.gov/Data/CNDDDB/Spotted-Owl-Info

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<p>recommends the Project avoid large diameter tree removal to the greatest extent feasible. On-site tree planning should be considered as a potential impact minimization measure, but not sufficient to completely off-set temporal impacts from loss of heritage trees. CDFW recommends Project mitigation from conversion of timber land include in-kind preservation of timber land in perpetuity.</p>	
<p><u>Mitigation Measure: Special-Status Plants</u></p> <ol style="list-style-type: none"> 1. A Qualified Biologist shall conduct a survey during the appropriate blooming period for all special-status plants that have the potential to occur on the Project site prior to the start of construction. Surveys should be conducted following <i>Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities</i>, prepared by CDFW, dated March 20, 2018. The protocol can be found here: https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants. If special-status plants are found during surveys, the IS/MND should outline how the Project would be re-designed to avoid impacts to special-status plants to the greatest extent feasible. If impacts to special-status plants cannot be avoided completely during construction, the IS/MND should outline mitigation if impacts may still occur. <p>A Qualified Biologist in this context should be knowledgeable about plant taxonomy, familiar with plants of the region, and have experience conducting botanical field surveys according to vetted protocols.</p> <ol style="list-style-type: none"> 2. The applicant should provide a copy of the special status plant survey results to CDFW for review and acceptance. 	<p>Project Applicant/Qualified Biologist</p>
<p><u>Mitigation Measure: Reservoir Construction/Use of Water</u></p> <p>CDFW recommends the follow measures when constructing and using the reservoir:</p> <ol style="list-style-type: none"> 1. The IS/MND should include a delineation of all streams and wetlands on a map based on a field assessment by a qualified professional. Reservoir placement should avoid any streams, wetlands, and any sensitive botanical resources. 2. The reservoir shall meet setback requirements from stream channels, riparian habitat, aquatic habitat, wetlands and springs consistent with the Cannabis Cultivation Policy, 	<p>Project Applicant/Qualified Biologist</p>

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<p>Principles and Guidelines for Cannabis Cultivation (State Water Resources Control Board, 2019).</p> <ol style="list-style-type: none">3. The water supply for the reservoir shall avoid diverting streamflow from any river, lake or stream. In addition, the reservoir shall be designed to be capable of being drained completely without discharging water to any river, lake or stream.4. The reservoir, dam, plumbing and spillway shall be designed by a qualified professional. The design should account for 1) hydrological stability, 2) erosion prevention, and 3) any necessary infrastructure such as spillway design to account for overflow. Reservoir plans including water supply and spillway details shall be included in the IS/MND.5. A qualified biologist shall develop an invasive species management plan in consultation with CDFW. The invasive species management plan shall be implemented for the life of the reservoir.	
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