



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 601 Locust Street
 Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 27, 2021

Governor's Office of Planning & Research

Kim Hunter, Director of Building & Planning
 Trinity County
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May 27 2021

STATE CLEARINGHOUSE

SUBJECT: REVIEW OF THE MITIGATED NEGATIVE DECLARATION FOR GREEN BEACH VENTURES CONDITIONAL USE PERMIT, (PROJECT), STATE CLEARINGHOUSE NUMBER 2021040649, TRINITY COUNTY APN 017-010-80

Dear Kim Hunter:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study/Mitigated Negative Declaration (MND) dated April 2021, 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 (CESA) and other provisions of the Fish and Game Code (FGC) 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 (CEQA), California Public Resources Code section 21000 et seq.

Project Description

The Project as proposed will develop the property to accommodate five licensed operations:

- 1) Small mixed-light Tier 1 commercial cannabis cultivation operation
- 2) Non-storefront retail business
- 3) Nursery operation
- 4) Distribution business
- 5) Type 6 (non-volatile) manufacturing operation

Proposed activities include infrastructure development in the southwestern section and a rainwater catchment pond in the northeast section of the property. Ten shipping containers will be delivered to the property and equipped with permitted electricity. The manufacturing container will also have permitted plumbing. A new septic system will be installed to accommodate waste from this facility. Electrical lines will be extended

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underground to the new shipping containers and greenhouses. An excavator will be used to construct the pond. Heavy equipment will be operated by a licensed contractor and construction will occur during the dry season (April 15 to October 15). The pond will be constructed with less than a 1.5:1 slope, which will be compacted to a firm and unyielding surface. The pond will be lined with a clay liner. An emergency spillway and wildlife escape ramp will be included in the pond design. A grading permit will be obtained prior to construction of the pond. Five Oregon White Oak are proposed to be removed to make room for Project facilities.

Comments and Recommendations

The Department has the following comments and recommendations:

Western pond turtle (*Emys marmorata*)

The western pond turtle is a species of special concern (SSC) that occurs in a broad range of aquatic water bodies, including manmade ponds, and exhibits high site fidelity. It is likely that the pond turtle would be found near the construction site. Furthermore, if found and relocated, the likelihood of the pond turtle returning to the construction site is high. The Department recommends a biologist inspect the work area daily before work begins and during construction. If western pond turtles are observed at any time during Project construction, work shall halt and the Department should be contacted.

Lake and Streambed Alteration

Cannabis cultivators applying for an Annual License from the California Department of Food and Agriculture must have a Lake and Streambed Alteration (LSA) Agreement or written verification that one is not needed. No record of a LSA Notification was found for the Project parcel including for the stream diversion or ponds described in the MND. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which includes associated riparian resources) of a river or stream, or use material from a streambed, the Department will require a LSA Notification, pursuant to section 1600 et seq. of the FGC, from the applicant. Project activities, which would be subject to LSA Notification requirements, include construction of stormwater features that discharge on or over the streambank and modification of associated riparian resources growing on the bank. Work within ephemeral streams, washes, watercourses with subsurface flow, and floodplains are also subject to notification requirements. Issuance of an LSA Agreement is subject to CEQA. The Department, as a responsible agency under CEQA, will consider the CEQA document for the Project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for completion of the agreement. To obtain information about the LSA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>.

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Nesting Birds

If the Project has the potential to directly impact nesting bird habitat or indirectly disturb nesting birds through audio or visual disturbance, the Department recommends the following measures be implemented to protect nesting birds and raptors protected under FGC sections 3503 and 3503.5:

- a) Conduct vegetation removal and other ground-disturbance activities associated with construction from September 1 through January 31, when birds are not nesting; or
- b) Conduct pre-construction surveys for nesting birds if vegetation removal or ground disturbing activities are to take place during the nesting season (February 1 through August 31). These surveys shall be conducted by a qualified biologist no more than one week prior to vegetation removal or construction activities during the nesting season. If an active nest is located during the pre-construction surveys, a non-disturbance buffer shall be established around the nest by a qualified biologist in consultation with the Department. No vegetation removal or construction activities shall occur within this non-disturbance buffer until the young have fledged, as determined through additional monitoring by the qualified biologist. The results of the pre-construction surveys shall be sent electronically to the Department at R1CEQARedding@wildlife.ca.gov.

Bats

Trees that contain cavities, crevices and/or exfoliated bark have high potential to be used by various bat species. If the Project will impact trees with the above-referenced characteristics, a thorough survey of the large trees should be conducted by a qualified biologist or arborist familiar with these features to determine if tree features and habitat elements are present. Trees with features potentially suitable for bat roosting should be clearly marked prior to removal.

If removal or disturbance of trees identified to have roost structure will occur during the bat maternity season, when young are non-volant (March 1 – Aug 31), or during the bat hibernacula (November 1 – March 1), when bats have limited ability to safely relocate roosts, it could cause a significant impact to bats through direct mortality during the roost removal. Impacts to roosts are usually accompanied by high mortality of bats, which is a significant impact because a single colony could consist of the entire local population of a species. The availability of suitable roosting habitat is considered a limiting factor in almost all bat species. Roost site suitability is often based on a narrow range of suitable temperatures, relative humidity, physical dimensions, etc., and many species exhibit high roost site fidelity. Depending on the impact, if any, to the roosting habitat, additional mitigation may be necessary and could include providing replacement or alternate roost habitat. If necessary, humane evictions should be conducted during seasonal periods of bat activity, which may vary by year, location, or species and must

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be conducted by or under the supervision of a biologist with specific experience conducting exclusions. Humane exclusions could consist of a two-day tree removal process whereby the non-habitat trees and brush are removed along with certain tree limbs on the first day and the remainder of the tree on the second day. This two-step process changes the microhabitat of the area causing the bats to vacate the area under their own volition, therefore minimizing mortality and other impacts to bat species.

Lighting

The Department recognizes the adverse effects that artificial lighting has on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that lighting fixtures associated with the Project be downward facing, fully shielded, and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat.

Trenching

If trenching will occur as a result of Project activities, it should be covered securely prior to stopping work each day, or a ramp should be provided in the trench to prevent wildlife entrapment. If pipes are left out onsite, they should be inspected for animals prior to burying, capping, moving, or filling. The Department recommends a mitigation measure be developed and included in the final environmental document or project approval.

Survey Results

If any special status species are found during surveys, the Department requests that California Natural Diversity Data Base (CNDDDB) forms be filled out and sent to Sacramento and a copy of the form be sent to the Regional office at the above address. Instructions for providing data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

If you have any questions, please contact Helen Bowman, Environmental Scientist, at (530) 225-0223, or by e-mail at helen.bowman@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Donna L. Cobb
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Curt Babcock
Habitat Conservation Program Manager

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ec: State Clearinghouse
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