



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Region 1 – Northern
 601 Locust Street
 Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 27, 2021

Kim Hunter
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 Trinity County
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Governor's Office of Planning & Research

May 27 2021

STATE CLEARINGHOUSE

SUBJECT: REVIEW OF THE MITIGATED NEGATIVE DECLARATION FOR TRINITY EQUIPMENT AND MATERIALS, LLC ("T.E.A.M.") COMMERCIAL CANNABIS CONDITIONAL USE PERMIT (PROJECT) STATE CLEARINGHOUSE NUMBER 2021040656, TRINITY COUNTY APN 024-220-56

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 with facilities and infrastructure to accommodate cannabis cultivation, processing, distribution, Type 6 (non-volatile) manufacturing, as well as testing operations. Primary Project activities include the construction and operation of propagation chambers of up to 2,000 square feet and enclosed greenhouses of up to 20,000 square feet, an enclosed steel processing building of up to 5,000 square feet, an enclosed steel non-volatile manufacturing building of up to 5,000 square feet, 1-2 enclosed steel distribution buildings, each up to 5,000 square feet, and an enclosed steel testing building of up to 2,000 square feet. The operations will employ up to 44 individuals and utilize fans, air filtration systems, artificial grow lights, and security lights. The Project location is a previously highly disturbed, former concrete aggregate operation.

Conserving California's Wildlife Since 1870

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The Project will occur at 311 Industrial Park Way near Highway 299 in Weaverville, Trinity County, CA, APN 024-220-56.

Comments and Recommendations

The Department has the following comments and recommendations:

Setbacks

Figure 2.0-2, Site Plan shows a single riparian setback from Weaver Creek. It is unclear how the setback was measured and whether minimum setbacks are being met all along the segment of channel that flows parallel to the western boundary of the Project parcel. All construction activities should take place at least 150 feet from Weaver Creek, measured from the 2-year high water mark of the creek or from the top edge of the creek bank if the channel is incised, whichever is more conservative (adapted from State Water Resources Control Board's *Cannabis Cultivation Policy*, 2019).

Species of Special Concern

The following species of special concern (SSC) have a high likelihood of occurring in the riparian habitat of the Project parcel and are sensitive to anthropogenic disturbance. Setbacks should be flagged or fenced to prevent encroachment to minimize significant impacts to:

- Foothill yellow-legged frog (*Rana boylei*)
Foothill yellow-legged frog is an SSC that dwells in streams and requires flowing water. Foothill yellow-legged frogs have been observed to occur in Weaver Creek. During exceptionally dry periods, foothill yellow-legged frogs may seek refuge in any surface water. If surface water is present during the work period, the Department recommends a biologist inspect the work area daily before work begins and during construction. If foothill yellow-legged frogs are observed at any time during Project construction, work shall halt, and the Department should be contacted.
- Coastal tailed frog (*Ascaphus truei*)
Coastal tailed frog is an SSC that dwells primarily in streams and requires cold, swiftly flowing water. Coastal tailed frogs are sensitive to temperature increases caused by sedimentation, vegetation removal, and shifts in algal communities. Appropriate setbacks must be met, and special care should be employed to ensure that no runoff from the cannabis waste area enters Weaver Creek. The Department recommends a biologist inspect the work area daily before work begins and during construction. If coastal tailed frogs are observed at any time during Project construction, work shall halt, and the Department should be contacted.

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- Western pond turtle (*Emys marmorata*)

Western pond turtle is an SSC that occurs in a broad range of aquatic water bodies, including flowing streams and wetlands, and exhibits high site fidelity. It is not unlikely that the pond turtle would use the Project site to move between habitats. 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.

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.

Native Vegetation in Landscaping

The Department recommends utilizing vegetation native to the local area in landscaping whenever possible. Benefits of utilizing native vegetation in landscaping include providing resources for native wildlife such as hummingbirds and beneficial pollinators, conserving water, reducing pesticide use, and reducing landscaping maintenance. The California Native Plant Society (CNPS) website (<https://www.cnps.org>) includes a variety of useful information and tools to help determine which native species occur in a particular area, information on care and maintenance of native species, and contacts for purchasing native plants or seeds. The CNPS tool Calscape generates a list of native plants that grow in an area based on a specific address. A search of Calscape returned a wide variety of plants native to the Project site and surrounding landscapes (<https://calscape.org/>).

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For more information regarding the importance of using native species in landscaping, please see the *CNPS Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation* at: <https://www.cnps.org/wp-content/uploads/2018/04/landscaping.pdf>.

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:
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Curt Babcock
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