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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

November 22, 2022

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STATE CLEARING HOUSE

Ms. Marina Herrera
Permit and Resource Management Department
Sonoma County
2550 Ventura Avenue
Santa Rosa, CA 95403
Marina.Herrera@sonoma-county.org

Subject: UPC18-0046 Evergreen Acres, Initial Study/Mitigated Negative Declaration,
SCH No. 2022100651, Sonoma County

Dear Ms. Herrera:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to adopt a Final Initial Study/Mitigated Negative Declaration (IS/MND) from Sonoma County (County) for a proposed commercial cannabis cultivation project that includes the construction of a 782,907-gallon water storage reservoir at 6699 Palmer Creek Road, Healdsburg, CA 95448 (Project).

CDFW is submitting comments on the IS/MND to inform the County, 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 (California Environmental Quality Act (CEQA) Guidelines, §§ 15086, 15096 and 15204). On May 13, 2021, CDFW also submitted comments to the County on the Initial Study/Mitigated Negative Declaration (SCH Number 2021040407, UPC18-0046 Evergreen Acres) concerning this Project.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a California Endangered Species Act (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.

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CEQA requires a Mandatory Finding of Significance if a Project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of 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

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 a Lake and Streambed Alteration (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.

CDFW has permitting authority 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. Based on the project notification and other information, CDFW determines whether an LSA Agreement with the applicant is required prior to conducting the proposed activities. 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. The notification process for cannabis cultivation projects is described on CDFW's website at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>.

PROJECT DESCRIPTION SUMMARY

Proponent: Thomas Planson, Evergreen Acres LLC

Description and Location: The Project is located in unincorporated Sonoma County on a 34.04-acre parcel located on Palmer Creek Road and to the west of the City of Healdsburg at 6699 Palmer Creek Road, Healdsburg, Sonoma County (APN 069-040-026).

The Project site contains multiple streams and springs and is located in the northern Russian River watershed. Palmer Creek is located adjacent to the northern property line. The area around the Project site is relatively undeveloped and is characterized by

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mixed conifer and hardwood forested foothills, steeply sloped hills with springs and streams within the Project area.

The Project proposes the development of approximately 29,400 square feet of outdoor cannabis cultivation, 10,000 square feet of canopy mixed light cultivation in (located within 13,740 square feet of greenhouse floor space) and 660 square feet of greenhouse area for propagation. The Project includes a request to convert 1.8 acres of timberland to a non-timber growing use through a Minor Timberland Conversion. All trees within the conversion area were destroyed or heavily damaged by the 2020 Walbridge Fire and were removed under a CAL FIRE Post Fire Recovery Exemption Permit. The site contains one existing barn, which will be remodeled to include an employee restroom and used for non-cannabis storage as part of Project operations. Other new structures and improvements include a 1,710-square-foot farmhouse dwelling, redwood and chain link fencing, vehicle parking areas, roadwork including a driveway improvement, green waste composting area, and a 240-square-foot utility building.

For water storage and cannabis irrigation, the Project includes installation of a 97,000-gallon water storage tank and construction of a 782,907-gallon water storage off-stream reservoir. The water source to the proposed reservoir is described as precipitation with no channelized surface flow. The pond will be lined with an impermeable barrier material and will be the primary water supply for the cultivation operation. Rainwater captured from the roofs of the remodeled barn, greenhouses, and caretaker's residence to be transferred to two water storage tanks: 97,000-gallon tank and a 5,000-gallon tank. Rainwater stored in tanks to be used for cannabis irrigation and fire suppression. Additionally, a domestic well is located at the Project site will not be used for cannabis irrigation and to be equipped with a water meter.

COMMENTS AND RECOMMENDATIONS

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

Comment 1: Scope of Project

Issue: Existing facilities and infrastructure known to occur on the subject parcel may be interrelated to Project but have not been disclosed as such in the IS/MND. Additional information is needed to determine the full range of potentially significant impacts to the environment from Project activities when viewed in combination with those existing facilities. The term "project" refers to the whole of an action and to the underlying physical activity being approved, not to each government approval (CEQA Guidelines Section 15378(c)):

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On March 11, 2022, CDFW observed two surface water diversions exist at the Project parcel that are not described in the IS/MND. CDFW is unclear if an observed stream diversion and spring box may be used directly or indirectly to support Project activities or how their operation may impact downstream aquatic resources.

CDFW understands there are legacy roads and multiple stream crossings at the Project parcel. CDFW is unclear if some or all of those roads and stream crossings will be used to facilitate the Project or if they have been assessed by a qualified professional for proper function and design. Legacy roads and culverts are a common source of sediment pollution and over time can deteriorate such that pollution levels increase from existing conditions, particularly if frequency of use is increased or if use exceed design standards.

Recommendations: The IS/MND should disclose and evaluate all existing facilities and infrastructure that may have a significant impact on the environment if they are directly or indirectly related to the Project. This includes any spring or surface water diversions used to support Project operations (not limited to irrigation), and all roads and stream crossings that may be used for access or other interrelated purpose.

Comment 2: Land Conversion

Issue: The proposed Project includes conversion of woodlands and grasslands to cannabis cultivation facilities adjacent to and within riparian set-backs. Project land conversion activities will result in loss of suitable habitat for a number of special-status wildlife species, increase migration/movement corridor limitations, and increase fragmentation (see for example Butsic and Brenner 2016). Special-status species known to occur in the Project area and that can be impacted by land conversion include but are not limited to:

- California giant salamander (*Dicamptodon ensatus*; SSC)
- California red-legged frog (*Rana draytonii*; FT, SSC)
- Central California Coast distinct population steelhead (*Oncorhynchus mykiss irideus* pop. 8; FT)
- Central California Coast Coho salmon (*Oncorhynchus kisutch* pop. 4; FT, ST)
- Common aquatic and terrestrial species
- Foothill yellow-legged frog (*Rana boylei* pop. 1; SSC)
- Hoary bat (*Lasiurus cinereus*; SSC)

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- North American porcupine (*Lasiurus cinereus*; SSC)
- Northern spotted owl (*Strix occidentalis caurina*; FT, SE)
- Red-bellied newt (*Taricha rivularis*; SSC)
- Sonoma tree vole (*Arborimus pomo*; SSC)
- Townsend's big-eared bat (*Corynorhinus townsendii*; SSC)
- Western pond turtle (*Emys marmorata*; SSC)
- White-tailed kite (*Elanus leucurus*; SFP)

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

Recommendation: CDFW recommends the Project develop a mitigation plan for conversion of upland habitat suitable to special status species referenced above. The plan may include a formal commitment to protect remaining uplands on the Project parcel, decommissioning of existing roads, and/or permanent protection of mitigation lands.

Comment 3: Roads

Issue: The Project may increase use of existing roads and proposes new driveway and parking spaces to increase vehicle capacity. CDFW observed an existing road with multiple interrelated stream crossings at the Project site on March 11, 2022, but it is unclear if those roads are interrelated to the Project or if they require any treatments to be protective of watershed resources.

Evidence of Potential Impacts: Roads can cause soil erosion and surface run-off that can transfer sediment into streams (Beschta, 1978; Seyedbagheri, 1996). Vehicle traffic on roads can have a number of environmental impacts including alteration of the physical and chemical environments such as soil compaction, dust mobilization that limits plants' ability to photosynthesize (Farmer 1993), disruption of surface water flow (King and Tennyson 1984, Wemple et al. 1996), and increase in the spread of invasive species (Brothers and Spingarn 1992, Greenberg et al. 1997, Gelbard and Belnap 2003, Ansong and Pickering 2013). Road use can also result in wildlife mortality, altered abundances and diversity of wildlife, and modification of animal behavior (Trombulak and Frissell 2000). Additionally, wildlife mortality can occur as a result of road construction. Cumulatively, roads can have more significant impacts as increased road

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density may compound the documented effects of roads. Both independently and collectively, these impacts have the potential to affect public trust resources.

Recommendations: All roads that are interrelated to the Project should be assessed by a qualified professional for any necessary treatments or upgrades. Any new Project roads must be constructed or reconstructed using practices that minimize environmental impacts (State Water Resources Control Board (SWRCB) 2019). CDFW recommends all roads be hydrologically disconnected from streams (see, http://www.pacificwatershed.com/sites/default/files/roadsenglishbookapril2015b_0.pdf).

Any existing roads and stream crossings that are not used or unnecessary should be removed or decommissioned when possible (e.g., road/crossings at 38.56951, -122.96377). Mitigation for land conversion impacts can be considered when assessing decommissioning existing road opportunities. CDFW recommends having a qualified professional prepare site plans to decommission road(s) and restoring stream crossing(s) to natural grade. Decommissioning work may also be subject to 1602 notification if work will impact bed, bank, and/or channel (i.e., removing culverts).

Comment 4: Water Sources

Issue: CDFW commends the Project for proposing roof-water rain catchment as the cannabis irrigation water supply. It is unclear however if the proposed reservoir will be filled solely by precipitation (rainwater) without surface flow diversion or channelization. In addition, CDFW is unclear if all Class III streams (as defined in SWRCB, 2019) have been accounted for in the maps prepared by EBA Engineering entitled "Preliminary Site Plan" and "Property Diagram" (Sonoma County, pp. 11-12, 2022). If the proposed reservoir will require fill in any ephemeral or intermittent stream channel, those impacts should be considered significant and disclosed in the IS/MND.

Evidence of Potential Impacts: Cannabis cultivation is often associated with a significant water demand. Cannabis cultivation requires an average of one gallon of water per day per pound of cannabis produced or six gallons per plant per day (Bauer et al., 2015). Increased water uses from well and surface diversions may lower the groundwater table, which could eliminate flows or flow duration in streams, including springs and tributaries of Palmer Creek on the property, and the occurrence and persistence of riparian zones. Lowering of the water table can also take water beyond the root zone for riparian vegetative communities resulting in mortality and decline of vegetation and reductions in wildlife populations. In addition, increased water use may result in diminishing the biological diversity in watersheds. Increased water diversions and alterations to rivers' hydrogeomorphology could affect the riparian corridor, and change sedimentation, nutrient loading, water quality, and water availability.

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Recommendations: The IS/MND should disclose if the Project reservoir will be capable of diverting or obstructing any surface water from any stream. The IS/MND should identify any Class III streams that may be impacted by the Project based on field investigations and detailed topographic imagery (such as LIDAR).

Comment 5: Impervious surfaces and Altered Hillside Drainage Patterns

Issue: The Project could increase impervious surfaces at the Project site with the addition of parking lots and buildings and may concentrate run-off patterns from hillside terracing. Impervious surfaces, stormwater systems, and storm drain outfalls have the potential to significantly affect fish and wildlife resources by altering the hydrograph of natural streamflow patterns via concentrated run-off.

Evidence of Potential Impacts: Urbanization (e.g., impervious surfaces, stormwater systems, storm drain outfalls) can modify natural streamflow patterns by increasing the magnitude and frequency of high flow events and storm flows (Hollis 1975; Konrad and Booth 2005).

Recommendations: CDFW recommends that storm runoff be dispersed rather than concentrated to a stormwater outfall or other receiving waters. CDFW recommends implementation of low impact development (LID) and the use of bioswales and bioretention features to intercept storm runoff. CDFW also recommends incorporating permeable surfaces throughout the Project to allow stormwater to percolate in the ground and prevent stream hydromodification.

CONCLUSION

CDFW appreciates the opportunity to provide comments on the proposed Project to assist the County in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Jason Teichman, Environmental Scientist, at (707) 210-5104 or Jason.Teichman@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
Erin Chappell
Regional Manager
Bay Delta Region

ec: State Clearinghouse

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