



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



December 2, 2022

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

Subject: UPC17-0031, 4233 Browns Lane, Petaluma, Initial Study/Mitigated Negative Declaration, SCH No. 2022110069, City of Petaluma, Sonoma County

Dear Haleigh Frye:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to adopt an Initial Study/Mitigated Negative Declaration (IS/MND) from Sonoma County (County) for continued operation of an existing commercial cannabis cultivation project including outdoor cultivation, mixed light greenhouse cultivation, and on-site processing, currently operating under the County's Penalty Relief Program at 4233 Browns Lane Petaluma, CA 95954 (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 G. Code, § 1802), and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096 and 15204).

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.

Haleigh Frye
Sonoma County
December 2, 2022
Page 2

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: Joseph Riccardo, LIG Remedies

Description and Location: The Project is located in unincorporated Sonoma County on a leased 2.6 acres (113,500 square feet) of a 100-acre parcel comprised of mostly grazing land (approximately 91-acres), located off Browns Lane (public road) and Periera Road (private road) via 800-foot gravel driveway at 4233 Browns Lane, Petaluma, Sonoma County (APN 068-010-016).

The Project site is located on a parcel used for grazing and agricultural and contains rolling hills dominated by non-native annual grassland used for grazing, multiple riparian vegetation corridors, and at least four unnamed tributaries including an intermittent stream in the southern corner of the parcel. The Project site generally drains to south

Haleigh Frye
Sonoma County
December 2, 2022
Page 3

into Ellis Creek located within the Petaluma River watershed. Ellis Creek is a tributary to the Petaluma River and is located approximately 1.23 miles southwest of the Project site.

The Project site also contains two manmade reservoirs filled with City of Petaluma reclaimed water to irrigate cannabis plants. The Project will use recycled water for all cannabis irrigation from the City of Petaluma's Ellis Creek Plant through the City of Petaluma recycled water program. One City of Petaluma recycled water hydrant is located near the western property line adjacent to the existing cultivation area, and a second hydrant to be installed exclusively for emergency fire suppression.

Cannabis cultivation is currently occurring at the Project site within a fenced 36,410-square-foot area in 45 cultivation beds. The proposed Project will result in grading at 0.6 acres of soil disturbance and 26,984 square feet of new impervious surfaces. The Project proposes construction of new structures and related facilities no closer than 175 feet from the nearest unnamed tributary.

COMMENTS AND RECOMMENDATIONS

Comment 1: Scope of Project:

Issue: CDFW received notification no. EPIMS-07749-R3 on July 22, 2019 for - LIG Remedies 4233 Browns Lane Petaluma, CA 95954 – 2020 that did not include ponds described in the IS/MND. CDFW issued a no agreement needed letter on August 9, 2019, based on a different scope of work. The July 2019 notification included the following statement: "The project will not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel or bank of any river, stream, or lake." According to topographic imagery, the ponds are on-stream reservoirs because they are located on defined stream channels. On-stream reservoirs are subject to Fish and G. Code section 1602 notification requirements because they can divert and/or obstruct natural streamflow.

Recommendation: The Project proponent should notify CDFW for a LSA Agreement that includes both on-stream reservoirs.

Comment 2: Rodenticides

Issue: It is unclear from the IS/MND if rodenticide use will be restricted.

Evidence of Potential Impacts: Wildlife, including beneficial arthropods, birds, mammals, amphibians, reptiles, and fish, can be poisoned by rodenticides after exposure to a toxic dose through ingestion, inhalation, or dermal contact (CDFW 2018). They can also experience secondary poisoning through feeding on animals that have been directly exposed to the pesticides (CDFW 2018). Raptors and mammalian carnivores are some of the common victims of secondary poisonings by anticoagulant rodenticides (Erickson and

Haleigh Frye
Sonoma County
December 2, 2022
Page 4


Urban, 2004). Even non-lethal doses of pesticides can negatively affect wildlife; pesticides can comprise immune systems, cause hormone imbalances, affect reproduction, and alter growth rates of many wildlife species (CDFW 2018).

Recommendations: Use of anticoagulant rodenticides at the Project site should be strictly prohibited.

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 Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

ec: State Clearinghouse

REFERENCES

- California Department of Fish and Wildlife (CDFW). 2018. A review of the potential impacts of cannabis cultivation on fish and wildlife resources. CDFW Habitat Conservation Planning Branch. July 2018.
- CDFW. 2022. California Natural Diversity Database (CNDDDB). Sacramento, CA. Accessed November 2022.
- Erickson, W., and D. Urban. 2004. Potential risks of nine rodenticides to birds and non-target mammals: a comparative approach. U.S. Environmental Protection Agency, Washington, D.C., USA.
- Sonoma County. 2022. Mitigated Negative Declaration/IS, Permit Sonoma File Number: UPC17-0031, Sonoma County Permit and Resource Management Department.
- State Water Resource Control Board. 2019. Cannabis cultivation policy principles and guidelines for cannabis cultivation.