



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Inland Deserts Region
 3602 Inland Empire Blvd c220
 Ontario, CA 91764
 www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



February 23, 2023

Sent via email

Yaneli Hernandez, Associate Planner
 City of San Jacinto
 595 South San Jacinto Avenue
 San Jacinto, CA 92583
yhernandez@sanjacintoca.gov



Subject: Mitigated Negative Declaration (MND)
 TS Farms San Jacinto Outdoor Cultivation (Project)
 State Clearing House No 2023010647

Dear Ms. Hernandez:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of San Jacinto for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Dawn Williams, TS Farms

Objective: The objective of the Project is to finish the development of an outdoor cannabis cultivation site that started in 2021, but that was paused pending CEQA. Project activities will include finishing the installation of 800 hoop houses for cannabis cultivation. Additional onsite development will include installation of a modular building for security, a fire road, paved gutters, curbs, driveways, a parking lot, gravel access roads, and installation of security lighting.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Location: The Project is located within the City of San Jacinto, California, in Riverside County on Assessor's Parcels Numbers 432-130-001, 432-130-008, and 432-130-009; approximate Global Positioning System coordinates are Latitude: 33.79372 N and Longitude: -117.01163 W. The Project is bounded to the east by North Sanderson Avenue, to the northwest by the Casa Loma Canal Aqueduct, and to the south and west by agricultural lands that include additional cannabis cultivation, dairy land, and open agricultural fields.

Timeframe: The Project started in 2021 but was paused pending CEQA. The MND states that construction will continue in January 2023 and last two months.

COMMENTS AND RECOMMENDATIONS

CDFW reviewed the MND and appreciates the opportunity to assist the City of San Jacinto in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additionally, CDFW appreciates the inclusion of mitigation measures BIO 1 through BIO 5 and the Project proponent's compliance with the Western Riverside County Multiple Species Habitat Conservation Plan. No further comments are offered at this time.

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 the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City of San Jacinto in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kevin Francis, Environmental Scientist at kevin.francis@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Alisa Ellsworth,
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov.