Haggerty, Nicole@Wildlife

From: Ramirez, Richard@Wildlife
Sent: Friday, September 22, 2023 10:03 AM
To: Andrew Amelung
Cc: Wildlife R2 CEQA; Sheridan, Kursten@Wildlife; Garcia, Jennifer@Wildlife; Wilson, Billie@Wildlife
Subject: UP 22-07 Dezel Ranch: CDFW CEQA Comments
Attachments: CEQA_PT2023-0012-0000-R2_CmntRef.docx

Hello,

My name is Richard Ramirez, I am an Environmental Scientist contacting you on behalf of the California Department of Fish and Wildlife, North Central Region Cannabis Program (CDFW). CDFW received and reviewed the Initial Study (IS) from Lake County regarding the Notice of Intent (NOI) to file for a Mitigated Negative Declaration (MND) for the Dezel Ranch Cultivation Project (Project). This email is in regard to the request for CEQA comments, received by CDFW Staff on August 25, 2023. The following comments have been provided:

Mitigation Measure BIO-5

Mitigation Measures BIO-5 (MM BIO-5) acknowledges the potential presence of active bird nests and the need for inspections before any tree felling or ground clearing, however it states that the nesting bird season occurs during March to September. CDFW recognizes the nesting bird season occurring from approximately February 15th to August 31st and recommends a similar time frame for any potential surveys.

Bat Roosting Sites

The IS for the project does not recognize the potential for the occurrence of bat species in the surrounding area and does not disclose concern for bat roosting sites. Roosting sites for bats are considered by CDFW to be a significant biological resource. Based on review of Project materials the Project site contains potential habitat for structure and tree roosting bats. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). CDFW recommends bat preconstruction surveys are conducted for suitable roosts (i.e. hollows or crevices) prior to any tree felling or ground disturbing activities, and incorporating a new measure to construct replacement roost structures (bat houses or other structures) if the removal of a bat roost (inactive or active) is necessary for the Project.

Northern Spotted Owl

Issue: The CEQA document does not adequately analyze Project impacts on northern spotted owl (*Strix occidentalis caurina*).

Evidence impact would be significant: Consistent with CEQA Guidelines, Section 15380, the status of the northern spotted owl (NSO) as a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and under the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA.

Northern spotted owl populations have declined significantly in California primarily as a result of destruction of forest habitat from logging, development, and wildfire (CDFW 2016). As a habitat specialist, NSO are primarily threatened by further loss, fragmentation, and degradation of their forest habitats, which is further complicated by their low reproductive rate and limited ability to disperse (Shuford and Gardali 2008). A more recent but also serious threat is invasion of their range by barred owls (*Strix varia*) which can out-complete and potential kill

NSO as well as hybridize with them (CDFW 2016). Additionally, contaminants such as rodenticides from cannabis cultivation is a growing threat to NSO (Gabriel et al. 2018).

Based on the foregoing, Project impacts would potentially substantially reduce the number and restrict the range of the northern spotted owl.

The following are potential impacts of cannabis cultivation on northern spotted owl.

Pesticides used at cannabis cultivation sites may impact NSO by:

- Secondary poisoning through ingestion of prey that ingested rodenticides (Pimentel 2005, Gabriel et al. 2018)
- Starvation from decreased prey availability (Wengert 2015)
- Alterations of the thyroid gland that negatively impacts thyroid homeostasis and metabolism (Pandey and Mohanty 2015)
- Reduction in egg production and reduced clutch sizes (Pimentel 2005, Berny 2007)
- Decreased ability to thermoregulate and short-term hypothermia (Grue et al. 1997)
- Reduction in clotting ability causing mortality from excessive bleeding as a result of minor wounds from prey (Erickson and Urban 2004)

Forest conversion from vegetation clearing are often results of cannabis site development (NDIC 2007, Mallery 2010, Burns-Edel 2016, Wang et al. 2017), and the impacts of cannabis cultivation are often equal to or greater than those of timber harvest (Wang et al. 2017). This may impact NSO as they require perches for foraging and roosting cover (Zeiner et al. 1990), and NSO is forest-obligate requiring access to large trees for nesting (Shuford and Gardali 2008).

Mortality from road use has been well documented in owls (Loos and Kerlinger 1993, Varland et al. 1993, Newton et al. 1997).

Noise from road use, generators, and other equipment may disrupt hunting of NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011).

Artificial light may disrupt nocturnal foraging and nesting NSO through disorientation as well as decreased activity of prey species (Brown et al. 1988, Longcore and Rich 2004, 2016).

Therefore, Project impacts on northern spotted owl would be **potentially significant**.

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the Project to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Please direct any questions or action items to my email or phone number, provided below.

Thank you,

Richard Ramirez, Environmental Scientist

North Central Region
Habitat Conservation – Cannabis Program

1701 Nimbus Rd.
Rancho Cordova, CA 95670
Cell: (916) 932-3201
richard.ramirez@wildlife.ca.gov

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