



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

APR 23 2019

STATE CLEARINGHOUSE

April 22, 2019

Bella Hedtke
Associate Planner
Trinity County Planning Department
PO Box 2819
Weaverville, CA 96093

Subject: Mitigated Negative Declaration for Trinity Sungrown Cannabis Conditional Use Permit Project (CCUPT3-18-07 and CCUPN-19-03); Assessor Parcel Number 008-210-10-00, State Clearinghouse Number 2019039141, Trinity County

Dear Ms. Hedtke:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) 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 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 2100 et seq.

Project Description

The Project is to issue a conditional use permit to expand existing cannabis cultivation activities through the addition of up to 33,560 square feet of cannabis canopy from the existing 10,000 square feet of canopy allowed under a Type-2 license, as well as the construction of a 10,000 square foot nursery for the propagation of cannabis through clones, immature plants, and seeds under a Type-4 license. The increase of capacity will include six additional greenhouses (20'x74' each), two additional hoop houses (96'x30' each), two nursery greenhouses (30'x96' each), and 22,800 square feet of new outdoor cultivation.

Comments and Recommendations

Wetlands

The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. As discussed in our early consultation letter dated March 20, 2019 (enclosed),

the Department recommends wetland delineations be conducted prior to Project approval to determine the boundaries of wetlands to ensure the Project will fully avoid and will not have a substantial adverse effect on any wetland habitats. Without a formal delineation, the statement that "*no wetlands will be disturbed by the proposed project*" could be problematic if it is unknown where the wetlands begin. Additionally, the Biological Report included with the IS/MND discusses a potential future pond or other future development on the eastern edge of the parcel, but there are no assurances wetland habitat is protected through this potential development. This development is not disclosed in the IS/MND, and although "*suspected wetlands*" are mapped in Figure 3, these are not definitive boundaries. The Department recommends a Condition of Approval or mitigation measure that is enforceable to ensure the Project will not impact the wetland habitat on this property.

Irrigation Supply and Storage

It is unclear if the pond intended to be used as irrigation storage needs to be modified or maintained differently in order to meet the requirements of the State Water Resources Control Board's Principles and Guidelines for Cannabis Cultivation (as amended February 5, 2019). The applicant has a current Streambed Alteration Agreement (Agreement) for two diversion sources with seasonal restrictions, but the onstream pond is not a permitted water storage feature. The Department recommends the applicant amend his current Agreement to include the 750,000-gallon water storage pond. Ponds have been shown to become breeding habitat for invasive species such as the American bullfrog (*Lithobates catesbeianus*), which prey on native wildlife including State Candidate foothill yellow-legged frog (*Rana boylei*). Since one of the ponds on this parcel will now be managed for water storage as part of this Project, the Department recommends a mitigation measure to adopt a site-specific invasive species management plan, prepared by a qualified biologist, to minimize the risk of colonization by invasive species, including bullfrogs.

Impacts of Night Lighting on Wildlife

This Project is surrounded on three sides by National Forest lands designated as critical habitat for northern spotted owl (*Strix occidentalis caurina*) with known occurrences on this parcel, as well as the adjacent parcel. These forested areas contain habitat for many other organisms that are negatively impacted by light pollution, such as neotropical migratory birds and bats (many species of which are assumed present in the Biological Report); therefore, cultivation using artificial light on a commercial or industrial scale could have a significant impact on wildlife. Many species use photoperiod cues for communication, determining when to begin foraging, behavior thermoregulation, and migration. Cannabis cultivation increasingly uses artificial lighting in greenhouses, and so-called "*mixed-light*" techniques to increase yields. While the applicant may intend to use light deprivation to force the flowering of cannabis, this technique also often requires the use of artificial lights at some point in the cultivation season. The IS/MND explicitly states the applicant "*will not use artificial lights on the cultivation site at any*

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time." It is assumed this statement applies to the Project as a whole, including the nursery greenhouses as well as the mature canopy greenhouses and hoopouses. Between that statement and Trinity County's standard requirements in the Cultivation Ordinance preventing light from escaping greenhouses, the IS/MND concludes light pollution impacts are less than significant. The Department is concerned this Conditional Use Permit may be transferred to future owners and there is no explicit and enforceable measure speaking to lights radiating from the hoopouses or greenhouses during dusk, dawn, or nighttime. The Department recommends a mitigation measure or Condition of Approval that is enforceable and actively monitored for compliance related to the use of artificial lights on the Project.

The IS/MND does not discuss the level of security lighting that is present or proposed on the Project. In addition to the requirements in the Cultivation Ordinance that light generated by a project be downcast and prevented from escaping greenhouses, another mitigation strategy for security lighting on the Project may include the use of LED lighting with a correlated color temperature of 3,000 Kelvins or less.

The Department appreciates the opportunity to comment on this Project. If you have any questions, please contact Senior Environmental Scientist (Specialist) Kate Blanchard at (530) 225-2239 or by e-mail at Katherine.Blanchard@wildlife.ca.gov.

Sincerely,



Curt Babcock
Habitat Conservation Program Manager

Enclosure

cc: Bella Hedtke, Leslie Hubbard
Trinity County Planning Department
bhedtke@trinitycounty.org, lhubbard@trinitycounty.org

Cannabis Cultivation Regulatory Program
North Coast Regional Water Quality Control Board
NorthCoast.Cannabis@Waterboards.ca.gov

State Clearinghouse
state.clearinghouse@opr.ca.gov

Adam McKannay, Kate Blanchard
California Department of Fish and Wildlife
Adam.McKannay@wildlife.ca.gov, Katherine.Blanchard@wildlife.ca.gov