

County of Lake
Community Development Department
Planning Department
255 N. Forbes Street, Lakeport Ca 95453

WeGrow UP 20-22
August 26, 2021

Dear Mr. Porter,

Thank you for the opportunity to comment on the new proposal for WeGrow UP 20-22.

Redbud Audubon would like the Commission to deny this project as written. In reviewing the biological studies and proposal, we question many of the findings and have noticed numerous mistakes. Frankly, we question the veracity of these studies. Please note the new biological report contains definitions in the parcel report that departs from protocol used in California Environmental Analysis to describe plant communities.

WeGrow new proposal comments and questions:

The sighting of a Pacific-slope Flycatcher during the biologist's sight visit is a strong reason to call for an in-depth biological study. This sighting is very rare (0.1%) and seen in February makes it even more rare. There has been one other recorded sighting in Dec. 2015. The Emerald Triangle Associate report stated "a spring biological study would offer no different results." We strongly disagree and ask the Community Development Department to require a spring survey on the entire property. This area is nesting habitat for chaparral specific species like the Wrentit, California Thrasher and other species. This was not addressed in the study.

We also disagree strongly with the recent proposal statement that the center area, (where over 130 mature Blue Oak trees grow,) is the most suitable location on the property for the development of cannabis cultivation.

We also question the determination the oaks are "near the end of their lifespan." Oak trees of all species are known to live for decades, surviving fire and drought. While other oaks are resistant to drought, few of them combine all the mechanisms of conservation, tolerance and resiliency that are present in the Blue Oak. Consider "Modeling the Effectiveness of Tree Planting to Mitigate Habitat Loss in Blue Oak Woodlands" data that shows saplings planted have significant decreases in habitat suitability for acorn and cavity dependent species such as various woodpecker species, the western bluebird, and the western gray squirrel all animals seen in the initial study. <https://www.fs.fed.us/> Furthermore, consider the saplings canopy cover after 50 years is projected to range from 7 to 33 percent, with an average DBH ranging from 3.4 to 4.1 inches for a single blue oak.

We have other concerns with this projects report:

1. 1.1 Who were the "qualified professionals" that evaluated the new removal and replanting area? What was the actual on-site date of the second site visit? The first being February 2020 in the initial study. As asked previously, who is the individual that determined the Blue Oaks were at the end of their life span and how was this determination made? Blue Oaks can live to be 500 years old.

The definition used in the parcel description departs from protocol used in California Environmental Analysis to describe plant communities. 3.0 Parcel Description states:

- a. "Oak woodland - An oak woodland is a plant community with a tree canopy dominated by oaks (*Quercus* spp.). In terms of canopy closure, oak woodlands are intermediate between oak savanna, which is more open, and oak forest, which is more closed. Although the community is named for the dominance of oak trees, the understory vegetation is often diverse and includes many species of grasses, sedges, forbs, ferns, shrubs, and other plants." Perhaps they meant to say Blue Oak woodland whose primary species are Blue Oak, Interior Live Oak and Grey Pine, California Buckeye and Redbuds.
- b. "Bunchgrass grassland" – is this referring to native perennials that have large fibrous root systems going sometimes 15' into the soil? Also, what native California bunch grasses are present on this property? They should be named. We saw some *Stipa Pulchra* on neighboring properties, but if there are significant native bunch grasses in this area, it should be considered and mitigated. "Bunchgrass grassland," is an ambiguous term.
- c. "Chamise Chaparral" - Chaparral is a specific type of scrubland that includes Chamise, Manzanita, Yerba Santa, varieties of *Ceanothus*, and other native California shrubs.
- d. "Northern coastal scrub" and then it says "northern coyote brush scrub" – This sounds like the creators of this report are just throwing out every random term they know. Are we Northern Coastal Scrub? We are not "coastal." Again, Coyote Brush Scrub?
- e. "Central Coast riparian scrub" – We are not familiar with this term. Are they referring to willows that live in riparian areas?
- h. The next sentence says, "The property is primarily dominated by mature oak trees" (So maybe not what was mentioned in the first sentence? (50% mixed *Quercus*-*Pinus*)

Did they mean to type *Quercus Prinus*? What is *Quercus-Pinus*? *Quercus Prinus* is Chestnut Oak and not found in Lake County.

2. 390 oaks are proposed as mitigation for the Blue Oak loss. If approved We suggest more than the 390 be planted for the expected loss within the first year.

6.. Will each sapling and tree have a tree shelter for protection from deer that inhabit the area? And how will these be watered and monitored? For replanting of Oaks to be successful they must be watered on a regular basis for the first several years, they must be protected from deer and other mammals that browse them.

7. The Emerald Triangle Assoc. report regarding oak re-planting quotes Lake County code cultivation regulations: "shall be 5' tall (or taller) at the time of planting and shall be maintained for the life of the project" Yet Emerald Triangle Assoc. in 4.1 Proposed cultivation Area states that they will plant "90 5" tall Blue Oak immature trees" not 5 foot as mentioned earlier in the document. Which is it?

8. Section 4.3 states: "40 Blue Oaks will be planted along the driveway"– what will the size be and how will they be watered? And the 50 Blue Oaks behind the processing facility – what is the size and how will they be watered? The report does not state the establishment period must be seven years. Public

Resources Code Section 21083.4 applies to mitigation for the removal of oaks that are not commercial species, which are five inches or more in diameter as measured at a point 4.5 feet (breast height) above natural grade level. Senate Bill 1334 (Kuehl), which brought the conversion of oak woodlands under California Environmental Quality Act (CEQA) states: The requirement to maintain trees in compliance with this paragraph shall terminate seven years after the trees are planted. This requirement should be clearly stated in the DEIR's discussion of mitigation.

9. Note the inconsistency of the wording: "any trees that die during the life of the project shall be immediately replaced." In another section, it states: "replanting success rate will be 85% over three years." Again, which is it?

10. Cultural/Archaeological Report: It was stated that "Dr. John Parker had walked land near this site in 2020." Has a visit of this actual site (especially in light of the entire new proposed site where the oaks are to be removed, new seedlings area and the 5 ft. oaks area) been completed and what was the date? What were the new findings? Is it an important site?

11. The new report mentions Dr. Parker did a "visit February 6th" - was it this year? (Report does not say). It is interesting to note that two neighbors' property does have cultural artifacts that were seen on our visits 6/10 & 8/22/2021.

12. Dr. Parker's report states "no evidence of prehistoric cultural activity was discovered during the inspection" and recommends that the proposed project "be approved" - were the new areas to be planted surveyed by Dr. Parker?

13. The report also says: "The cultivation and processing area included in the Cultural Study Area". This an incomplete sentence – what did the consultant mean?

14. Please note Section 5.1 states the access driveway...minimum will be 20 ft. wide with 14 ft. of unobstructed horizontal clearance and 15' of unobstructed vertical clearance. With the proposed planting of the 40 new Blue Oaks how much grading needs to be considered and will the clearance be the same with the long-term growing?

15. Seeding the site: We question the decision of seeding with Saturn Bearded Rye, a non-native cereal crop. Please note the following correspondences, the first is from Larner Seed Co. We inquired if Bearded Barley or the Golden State Native Grass Erosion Control mix was the best choice. *"November is a good time to sow seed. Like all seeds, native grass seeds require sufficient moisture to germinate and make early growth. They are vulnerable to drying out when young, but drought-tolerant when established. It will establish if it makes good 'seed-soil contact' so that it does not roll down the hill, (it might need jute netting) has consistent moisture, and little competition from weedy grasses. Hope this is helpful. Judith Lowry Larnerseeds www.larnerseeds.com 415-868-9407."* And more on the Bearded Barley from Keith Berns at greencoverseeds.com. We inquired what the Saturn Bearded Barley was and his reply. . . I am pretty sure it is *Hordeum vulgare*. . . Nothing will grow without some moisture but the barley will be decently drought tolerant. . . cereal rye will be the most drought hardy of all of the cereal plants. If you are broadcasting this then you would want to do 120-150 pounds per acre – 80 – 100 with a drill." Why are they planting Barley? It is a non-native annual grass that dries out.

With so many dubious statements and mistakes in this study and the current drought situation in the State and Lake County, we ask that the approval of this project be denied and that a full, Environmental Impact Report (EIR) created by a reliable and reputable company be completed.

Sincerely,

Roberta Lyons

Donna Mackiewicz

Redbud Audubon Society, Conservation Committee