

From: [Kamoroff, Corrina@Wildlife](mailto:Kamoroff,Corrina@Wildlife)
To: [Whitney, Andrew](mailto:Whitney,Andrew)
Cc: [Manthorne, David@Wildlife](mailto:Manthorne,David@Wildlife); [Johnson, Cliff](mailto:Johnson,Cliff)
Subject: PLN-11066-CUP, APN; 221-011-021
Date: Friday, April 5, 2024 3:08:33 PM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hi Andrew,

Thank you for forwarding the site map and providing additional information regarding the proposed project. Without examining a complete updated plan, it's challenging for us to thoroughly evaluate all potential impacts of the proposed project. We have a few questions about approving projects before there is a finalized project plan, site map, and operations plan. If the applicant is allowed 180 days after the effective date of permit approval to submit a revised site plan and operations plan, does the county have a method to either approve or reject the revised documents? Also, is there a mechanism for CDFW to assess the proposed plan and offer further recommendations if necessary? Additionally, is the applicant permitted to commence cannabis cultivation prior submitting an updated site plan and operations details? I have added our comments below for PLN-11066 CUP that can be revised with additional information.

Please see the comments below regarding the above referenced project.

Project Number: PLN-11066-CUP

Project Name: Mattole Valley Farms Business Support Services, LLC

APN(s): 221-011-021

CEQA: CEQA-2017-0650-R1

Project Description

Mattole Valley Farms Business Support Services, LLC - CUP for 18,300 of Existing Outdoor Cannabis

A Conditional Use Permit for 18,300 square feet existing outdoor commercial cultivation with 1,800 square feet of nursery space. Estimated annual irrigation water usage is 200,000 gallons. Rainwater catchment will provide 11,000 gallons and a point of diversion will provide 190,000 gallons. Water storage is 71,000 gallons of existing tanks, with an additional 130,000 gallons proposed for a total of 201,000 gallons of storage. Power is provided by solar with no generator. Drying and curing will occur onsite and additional processing such as trimming will occur offsite. The project includes a Special Permit for the point of diversion.

CDFW COMMENTS:

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

On March 21, 2024, CDFW staff conducted a site inspection at the subject property on Assessor Parcel Number (APN) 221-011-021. During the site visit, staff walked the property to observe current, historic, and proposed cultivation activities. The following comments are intended to assist the Lead Agency in making informed decisions in the planning process. The following comments shall supersede prior comments submitted by CDFW regarding PLN-11066-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- On December 28, 2021, CDFW issued Chester Clark a final Lake and Streambed Alteration Agreement (LSAA, EPIMS-HUM-21027-R1C) for a water diversion from an unnamed tributary to Salmon Creek, to relocate or remove a cultivation area located within the Streamside Management Area (SMA), to restore the impacted area within the SMA, and to upgrade four failing or undersized stream crossings. On January 19, 2024, CDFW received an Amendment Request to Transfer the LSAA from Chester Clark to Virgil Willner. The Request to Transfer is still pending, and Virgil Willner currently does not have coverage under EPIMS-HUM-21027-R1C.
- While onsite CDFW observed that the applicant (Virgil Willner) was actively diverting water without coverage under the LSAA (EPIMS-HUM-21027-R1C). Additionally, a work completion date was set in the LSAA for October 15, 2023. As of April 2, 2024, work is still required to restore the impacted area within the SMA, and to upgrade the four stream crossings on the parcel. Additionally, no monitoring reports have been submitted to CDFW as required. As a result, the applicant has not demonstrated compliance with the LSAA. CDFW requests, as a condition of approval, that the applicant/permittee completes the following items listed below by the requested date, or within two weeks of project approval, and achieves and maintains compliance with the LSAA.
 - Receives a valid LSAA prior to the initiation of cannabis cultivation.
 - Submit Water Monitoring reports to CDFW for the 2023 season by May 15, 2024.
 - Submit a minor amendment to update the work completion date on the LSAA by May 31, 2024.
- The project description, site plan, and operations plan that were provided to CDFW for review are inconsistent and confusing. It is unclear if or where cultivation will be relocated from the SMA set-back area and where the additional proposed water storage will be located. The site map provided to CDFW appears to be inaccurate and does not meet minimum mapping standards. CDFW requests, prior to project approval, the project documents are revised to accurately depict the proposed activities on site. CDFW further requests, prior to approval, to have the opportunity to review the revised documents and to provide any necessary additional comments.

- While onsite, CDFW observed that the applicant has 118,500 gallons of water storage in water tanks and 50,000 gallons of water storage in a bladder. A failure of the bladder could result in rapid water loss, potentially causing substantial erosion and discharge into a Class II drainage located within 100 ft of the bladder. CDFW requests, as a condition of approval, that the water bladder is retired as soon as possible, but no later than August 1, 2024.
- The applicant is required to forbear for cannabis irrigation from April 1st through November 15th of each year. The applicant currently lacks sufficient on-site water storage to support 18,300 sq ft of cannabis cultivation. The observed amount of water storage onsite is substantially below the required amount (201,000 gallons) of water storage needed to both irrigate and to adhere to the forbearance requirements. Until the applicant has 201,000 gallons of water storage on site, CDFW requests, as a condition of approval, that the allowable square footage of cannabis cultivation is restricted to a prorated proportion based on the amount of appropriate water storage currently on site.
- The Botanical Survey Report completed in 2021 documented areas being populated by invasive and non-native Himalayan blackberry (*Rubus armeniacus*) and French broom (*Genista monspessulana*). CDFW requests, as a condition of approval, that the recommendations in the Botanical Report are implemented to mitigate all occurrences of non-native and invasive plant species no later than October 15, 2025.
- While onsite, CDFW observed poly pipe used to transport water from the Point of Diversion (POD) located within the channel of a tributary to Salmon Creek. CDFW requests, as a condition of approval, that the pipe is removed and relocated outside of the stream channel.
- While onsite, CDFW observed a failing Ditch Relief Culvert (DRC) draining into a Class II stream. CDFW requests, as a condition of approval, that the applicant remove and relocate the DRC from the SMA of the stream. CDFW further requests, as a condition of approval, that the applicant submit and implement an erosion control plan (site management plan) to relocate the DRC and deconcentrate surface flow off roads and away from streams.

Thank you for the opportunity to comment on this project.

Corrina Kamoroff

Environmental Scientist

Habitat Conservation and Planning

Humboldt/Del Norte LSA Program

California Department of Fish and Wildlife

619 Second Street
Eureka, CA 95501