

## Acevedo, Megan

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**From:** Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>  
**Sent:** Thursday, June 22, 2023 11:08 AM  
**To:** Acevedo, Megan  
**Cc:** Johnson, Cliff  
**Subject:** PROJECT: PLN-2022-18049  
**Attachments:** 1600-2019-0376-R1\_HUM\_MJ Bobillot New Earth Farms\_Water Diversion Stream Crossings\_Final.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Hi Megan,  
Please see the comments below for the above referenced project.

PROJECT: PLN-2022-18049

### PROJECT DESCRIPTION

The applicant is seeking a Special Permit for 32,500 square feet (SF) of new mixed-light commercial cannabis cultivation, and a Special Permit for a setback reduction to Public Lands, the Six Rivers National Forest. There is an existing approved permit on-site for 10,000 square feet of mixed-light cultivation. The total area of mixed-light cultivation on-site is proposed to be 42,500 square feet. A total 3,000 SF ancillary nursery is proposed to support cultivation activities. The applicant projects up to three (3) harvests annually. Water for irrigation will be supplied by an existing and proposed rainwater catchment system from roof tops with a total capture area of 52,599 square feet. Existing available water storage totals 17,500 gallons and the total water storage proposed is 600,000. Estimated annual water use for the 42,500 SF of cultivation and 3,000 SF of nursery, is approximately 595,000 gallons (13 gal/SF/yr). The applicant is proposing to conduct all trimming and packaging off-site at a licensed processing facility. Drying and curing is proposed to occur in a proposed 2,400 square foot ag-exempt structure. Energy for the operation will be supplied by PG&E renewable sources. There will be up to 7 employees on-site during peak operations.

### CDFW COMMENTS:

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

On June 16, 2023, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 524-072-010. During the site visit staff walked the property to observe current cultivation activities, grading that has occurred on the parcel and the location of the proposed cannabis cultivation. The following comments are intended to assist the Lead Agency in making informed decisions in the planning process.

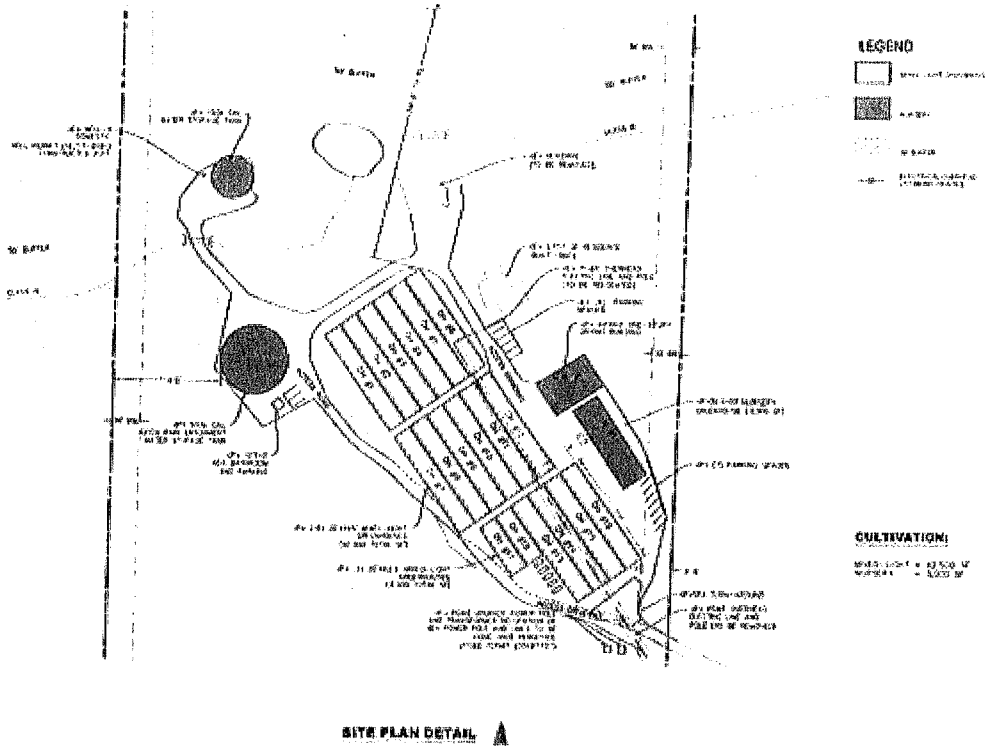
- The project as proposed has the potential to impact the Northern Spotted Owl (NSO), a Threatened species pursuant to the California Endangered Species Act. The proposed project is located adjacent to potential Nesting/Roosting NSO habitat on Six Rivers National Forest (SRNF). The proposed cultivation will be located ~115 ft. from SRNF ownership and the project will require a Special Permit for a setback reduction. At least one known NSO Activity Center occurs within 0.75 miles of the cultivation site (CDFW 2023). While the Knob Fire (2021) has impacted NSO habitat adjacent to the parcel, NSO habitat is still present in the area and potential disturbance to the NSO is still a concern. Additionally, CDFW has not seen a biological assessment nor any Northern Spotted Owl survey data to assess if

the proposed project will impact NSO. If the Humboldt County Planning Department (HCPD) elects to move this project forward, CDFW requests that either NSO surveys are conducted prior to project implementation to ensure no NSO Activity Centers or active observations are present near the site. Additionally, if the proposed plan is approved and implemented, any ground-breaking or construction activities should be limited to occur outside of breeding season for the NSO (March 1 through July 10).

- The proposed expansion of this project will require substantial grading to fit the cultivation and associated new water storage on the project parcel. CDFW is not aware that a grading plan has been produced for this project. CDFW recommends that projects that will require grading have grading plans developed prior to project decision so that impacts to fish and wildlife can be fully analyzed. For this project, if HCPD elects to move this project forward, CDFW requests management of stormwater be routed into settling basins or bioswales, where the runoff can be incorporated into groundwater, and away from streams where increases in storm runoff could cause increases in peak flows and sediment discharges to headwater streams. The current condition of the site has storm water routed to the head of a stream. Observations of this stream channel indicated erosion associated with storm runoff. Additionally, trash and debris were located in this stream on the project parcel. CDFW requests that a condition of approval includes a requirement to remove the refuse from the stream channel as soon as possible.
- The operations plan submitted with this project indicates a 100,000-gallon water storage tank will be constructed on the other side of a road/stream crossing (crossing-1) near an existing groundwater well. The existing culvert is failing and requires replacement. CDFW requests that the stream crossing be replaced prior to allowing construction of the 100,000-gallon water tank.
- The Lake and Streambed Alteration Agreement (LSA) for this project (1600-2019-0376-R1) required work completion of the failing pond spillway no later than October 15, 2021. This project has not been completed, nor has the applicant completed any of the requested reporting. CDFW requests that the applicant completes the projects and submit all the required reporting prior to conducting development activities to expand this cultivation area.
- CDFW generally believes this project is inconsistent with the intention of the ordinances to minimize new development and cultivation in remote forested areas. CDFW has concern that new cultivation be approved in locations within the setbacks of public lands.

# SPECIAL PERMIT

APN: 524-072-010



**NORTHPOINT**  
CONSULTING GROUP, INC.  
1111 LAMAR STREET, EUREKA, CA 95501

NEW EARTH FARMS, LLC - SPECIAL PERMIT  
AND STATIONER WELLS, CA 95501 / APRIL 2012  
SPECIAL PERMIT - SITE PLAN DETAIL (OPTION D)

Thank you for the opportunity to provide comments on this project.

David Manthorne  
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Habitat Conservation and Planning  
Humboldt/Del Norte LSA Program  
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