

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Ag Commissioner		No Response	
Building Inspection Division	✓	Comment	
County Counsel		No Response	
District Attorney		No Response	
Division Environmental Health	✓	Conditional Approval	Attached
Sheriff	✓	Comment	On File
Public Works, Land Use Division	✓	Comment	On File
Ruth Lake CSD	✓	Comment	On File
School District		No Response	
California Department of Fish & Wildlife	✓	Comment	Attached
CalFire	✓	Conditional Approval	Attached
North Coast Regional Water Quality Control Board		No Response	
Bear River Band	✓	Conditional Approval	On file and confidential
Northwest Information Center	✓	Further Study	On file and confidential



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

DEH received
10-20-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

17/18-0943

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Ruth Lake Community Services District, Southern Trinity JT Unified School District School District

Applicant Name Michael Drosihn **Key Parcel Number** 208-221-013-000

Application (APPS#) 10863 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** AA16-343 SP16-147

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

(1) Prior to reissuance of annual permit **provide an invoice, or equivalent documentation to DEH** to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

Response Date: 6/28/2018 **Recommendation By:** Adam Molofsky

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2746



California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Michael Drosihn		Date: 10/31/2019	
APPS No.: 10863	APN: 208-211-013	DFW CEQA No.: 2017-0937	Case No.: PLN-10863-SP
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed Light (SF): 5,300	<input checked="" type="checkbox"/> Outdoor (SF): 1,200

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

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

Please provide the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- Aerial Imagery analysis suggests the cultivation area(s) have been expanded following the CEQA baseline. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.

If the County elects to move this Project forward to hearing, CDFW requests the following items be incorporated as conditions of Project approval:

- All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. CDFW further requests a light attenuation plan and monitoring report, demonstrating compliance with this condition within sixty-days following Project approval.
- Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and greenhouse fans on parcel; noise released shall be no more than 50 decibels measured from 100ft, effective immediately. CDFW further requests a noise attenuation plan and monitoring report, demonstrating compliance with this condition within sixty-days following Project approval.
- To minimize the risk of wildlife entrapment, CDFW requests, as a condition of Project approval, the prohibition of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of erosion control and/or cultivation operations. CDFW recommends that

alternatives such as geotextiles, fiber rolls, and other erosion control measures be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
- ☒ CDFW requests, as a condition of Project approval, all generators and associated fluids be relocated to stable surfaces with a minimum 200ft buffer from Class I streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
- ☒ A Final Lake or Streambed Alteration Agreement (1600-2016-0342-R1) has been issued to the applicant.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Oregon Goldthread (*Coptis laciniata*), Tracy's Sanicle (*Sanicula tracyi*), Grasshopper Sparrow (*Ammodramus savannarum*), Coastal Rainbow Trout (*O. mykiss irideus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Rough-skinned Newt (*Taricha granulosa*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

Santos, Steven A

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Thursday, June 22, 2023 12:48 PM
To: Santos, Steven A
Cc: Johnson, Cliff
Subject: PLN-10863-SP
Attachments: NOV_062420_HUM_208-221-013_MJ_Drosihn_Mad River.pdf; EPIMS-HUM-14664-R1_HUM_Meenan_Remediation_Final_and_NOE.pdf; NOV_080619_HUM_208-221-009_MJ_Fleming_Meenan_Mad River.pdf

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

Hi Steven,
Please see the comments below regarding this project.

PLN-10863-SP
CaliDro LLC
APN: 208-221-013

PROJECT DESCRIPTION

A Special Permit for 5,000 square feet of existing mixed light and 1,500 square feet of existing outdoor commercial cannabis cultivation supported by a 600 square foot ancillary nursery. Irrigation water is provided by a well located on adjacent parcel 208-221-009. Estimated annual water usage is 55,000 gallons supported by 57,000 gallons of water storage consisting of 12,000 gallons of existing hard tanks plus an additional **proposed** 45,000 gallons of hard tanks. Processing including trimming or packaging is proposed to occur on adjacent parcel 208-221-014. Electricity is sourced from one generator. The Special Permit includes **restoration of a stream channel**.

CDFW COMMENTS

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

The following comments are intended to assist the Lead Agency in making informed decisions in the planning process.

- The Project Description states that irrigation water will be provided by a well located on APN 208-221-009. Irrigation water for PLN-10656-CUP on the neighboring parcel (APN 208-221-014) is also proposed to be sourced from a well on APN 208-221-009 (well parcel) plus the addition of 45,000 gallons of new water storage.
- This parcel was visited under a search warrant inspection on June 24, 2020 for unauthorized cannabis cultivation. During the project inspection, the applicant was found diverting surface water during the forbearance period. CDFW requests that the applicant demonstrate that adequate water storage is in place prior to the allowance to cultivate cannabis.

- The well parcel (208-221-009) was inspected by CDFW staff on August 6, 2019 as part of a search warrant inspection to abate unauthorized cannabis cultivation. During the search warrant, CDFW staff identified 10 violations of Fish and Game Code (FGC) on the parcel. Following the search warrant and issuance of the Notice of Violation (NOV, see attached), the property owner notified CDFW to obtain an LSA (HUM-14664) to remediate the site. To date, no remediation has occurred. CDFW is concerned that sourcing water from the groundwater well on this parcel will further disincentivize the Permittee to remediate the violations of FGC. Further, appurtenant roads to access the groundwater well require crossing streams with inadequate infrastructure and stream diversions. Use of these roads will further degrade the unimproved stream crossings, increasing sediment discharges to streams. CDFW requests that the prior to allowance of water sourcing from the well on the well property, that the site be remediated consistent with the LSA. To date, the Permittee has not complied with the LSA and has not submitted any of the required reporting.
- The project transmittal indicates the special permit will cover restoration of a stream channel. CDFW is unclear on what stream remediation is proposed.

Thank you for the opportunity to comment on this project.

David Manthorne
Senior Environmental Scientist Supervisor
Habitat Conservation and Planning
Humboldt/Del Norte LSA Program
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501
(707) 441-5900



From: [Lee, Bo@CALFIRE](mailto:Lee,Bo@CALFIRE)
To: [Planning Clerk; HUU_CEQQA@CALFIRE](mailto:Planning_Clerk;HUU_CEQQA@CALFIRE)
Subject: 208-221-013, Thirty-Six Highway, Humboldt Inc., application # 10863
Date: Wednesday, October 25, 2017 1:35:02 PM

Reviewed by B1213.

Recommend:

- Emergency Access
 - Turnarounds
- Signing and building numbers
- Emergency water standards
 - Designated water storage for fire
- Fuel modification standards

Bo Lee
Battalion Chief
CAL FIRE
Humboldt-Del Norte Unit
707-499-2244