



**California Department of Fish and Wildlife
CEQA Referral Checklist**

Applicant: Kevin Bourque		Date: 9/25/18	
APPS No.: 10841	APN: 214-234-006	DFW CEQA No.: 2017-0463	Case No.: CUP16-089
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF):22,000	<input type="checkbox"/> Outdoor (SF): <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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.

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions below.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

The project transmittal does not reflect the same information provided in the operations plan. The Operations Plan indicates that the project is outdoor with light deprivation techniques and includes an alternative cultivation size. CDFW requests clarification on the scope of the project, prior to project approval. Given that the applicant has identified the use of outdoor cultivation with light deprivation techniques, CDFW requests that this be reflected. CDFW does not support the use of mixed-light cultivation methods at this location as it does not appear to have been used prior to 2016 and is in Northern Spotted Owl Habitat.

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

- It has come to the Department’s attention that the project may have changed significantly in scope since the receipt of the initial referral. If modifications to the project have been considered, CDFW requests a revised Project Transmittal and appropriate supplemental information, to assess the full scope of the project as currently proposed.
- If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification.
- Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.

- b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
 - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.
- Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- Identify all energy sources for project.
 - a. If generator, identify the size and location of the generator and describe measures that will be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment. Generators and associated fuels should be located outside of the floodplain and a minimum of 200 feet from Class I streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
 - b. If micro hydropower, provide detailed information regarding the existing or proposed system. CDFW requires that the applicant notify CDFW, pursuant to Fish and Game Code Section 1602, of all micro-hydropower systems located on the parcel.
- Aerial imagery and referral materials suggest that significant grading has taken place on the parcel. Please provide evidence of one or more of the following prior to consideration of Project approval: a valid grading permit or a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.
- If the Project requires fill disposal, include the disposal location on the site plan/map.
- If CDFW has issued a Notice of Violation (NOV) associated with the Project parcel(s), please provide a copy of the NOV.
- The Project proposes to utilize mixed-light cultivation within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) occupied habitat. CDFW requests that no mixed-light cultivation methods be permitted at this site. CDFW further requests that project scoping be conducted by an experienced qualified professional for the potential for presence/absence of NSO nesting/roosting habitat, prior to project approval. Prior to scoping completion, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50db measured at 100ft.
- Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 5,000 square feet. 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.

Please note the following information:

- ☒ Water for this Project is sourced from a groundwater well. It is estimated that water use may be as high as 170,000 gallons per year. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Coastal Rainbow Trout (*O. mykiss irideus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*) and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to kalyn.bocast@wildlife.ca.gov.

Please confirm that you have received this email.

Sincerely,

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