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Subject: PLN-10854-CUP, APN: 317-182-019
Date: Tuesday, May 7, 2024 2:51:51 PM

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Good Afternoon,

Please see the comments below regarding the above referenced project.

Project Number: PLN-10854-CUP

Project Name: Showers Pass Farms LLC- CUP

APN(s): 317-182-019

CEQA No: CEQA-2017-0602-000-R1

Project Description

Showers Pass Farms LLC - 12200 sf Outdoor, Existing Conditional Use Permit for 12,200 square feet (SF) existing outdoor medical cannabis cultivation. Cultivation occurs in two (2) greenhouses and a full-sun area. Cultivation activities also include 1,200 SF ancillary nursery and 200 SF indoor propagation room. Water source is from a permitted well. Water storage of 9,000 gallons occurs in tanks. Annual water budget is approximately 225,000 gallons. Processing is proposed onsite, but will utilize offsite processing until appropriate facility is constructed onsite. Power is sourced by generators.

CDFW COMMENTS:

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

On April 15, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 317-182-019. During the site visit, staff walked the property to observe current and historic 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-10854-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- On August 2, 2019, CDFW received a Notification for a Lake and Streambed Alteration Agreement (LSAA, 1600-2019-0643-0000-R1) for a Self-Certification with no projects. On January 14, 2020, the application was approved by Operation of Law (OpLaw).
- To access the cultivation site, personnel are required to drive through (ford) Showers Creek, a Class I stream, because no conveyance structure is in place (ex. bridge). Fording Showers Creek poses a significant threat to sensitive wildlife species, public trust resources. CDFW requests, as a condition of approval, that no cultivation should occur until a proper conveyance to cross Showers

Creek is installed.

- The proposed project states that water will be sourced from an existing groundwater well which is also the water source for PLN- 11989-CUP on the adjacent parcel (APN: 317-182-020). CDFW requests, as a condition of approval, that the applicant store no less than 75,000 gallons of water on site to be used if the well does not produce for a full cultivation season.
- While onsite, CDFW observed monofilament netting (trellis) used for cannabis cultivation. To minimize the risk of wildlife entrapment, CDFW requests, as a condition of approval, the prohibition of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of cultivation operations and/or erosion control. CDFW further requests that all monofilament netting is removed from the parcel, and properly stored or disposed of at a waste management facility.
- The proposed project may have a potentially significant adverse effect on biological resources, specifically the Northern Spotted Owl (*Strix occidentalis caurina*; NSO). At least three known NSO Activity Centers occur within 0.75 miles of the cultivation sites (CDFW 2024). Cultivation methods that utilize artificial light allow for an extension of the growing season which increases the period of overlap between cultivation operations and the NSO breeding season. Artificial light may disrupt nocturnal foraging and nesting of NSO through disorientation as well as decreased activity of prey species (Brown al. 1988, Longcore and Rich 2004, 2016). Noise from road use, fans, and other equipment may disrupt hunting of NSO, which primarily uses hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011). CDFW requests that the applicant assume presence of NSO and avoid impacts as determined by a qualified biologist. CDFW recommends that cannabis cultivation at this location be limited to full sun outdoor methods with no mixed light. Additionally, CDFW requests the succeeding measures, as conditions of approval.
 - The construction of noise containment/dampening structures for all operation related generators, water pumps and fans. Additionally, CDFW requests that the use of generators is phased out after 2024 and only used as a backup energy source.
 - That artificial light used for cannabis cultivation operations (i.e., ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting 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 monitoring and management plan for this activity within thirty days, following execution of the final permit.

Thank you for the opportunity to comment on this project.

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