



Reference: 017062

May 12, 2021

Rodney Yandell  
Humboldt County Planning Department  
825 5<sup>th</sup> Street  
Eureka, CA 95501

**Subject: Response to Notice of Appeal of Planning Commission Approval of  
Arcata Land Company, LLC Conditional Use Permit (PLN-12255-CUP)  
Dated May 4, 2021, Comment #3**

Dear Rodney Yandell:

The Biological Resources Assessment of a 30-acre parcel owned by Arcata Land Co., LLC, prepared by SHN dated June 2020, followed CDFW-approved methods and guidelines as described in the cannabis permitting requirements from the Humboldt County Cannabis Program Final EIR:

*Prior to approval of any application for commercial cannabis operations, a biological reconnaissance survey shall be conducted within the proposed development area by a qualified biologist. The qualified biologist shall assess the habitat suitability of the proposed development area for all 35 special-status wildlife species identified as having potential to occur in the County.*

The Biological Resources Assessment was conducted by Senior Wildlife Biologist, Gretchen O'Brien, with 23 years of professional wildlife biology experience in Humboldt County and by Staff Botanist, Sean Rowe, with 7 years of professional botanical, wetlands, and restoration experience in Humboldt County.

The CDFW California Natural Diversity Database, RareFind database, and USFWS Information for Planning and Consultation were used to compile a list of animal species known to occur within and adjacent to the project site, as is standard methodology for scoping prior to a Biological Resources Assessment site visit. For plants, the site visits were within the appropriate time to identify any special-status species with the potential to occur onsite. For wildlife, site visits were to evaluate habitat availability to then determine potential presence of special-status species. There is no determination of absence of any species, only absence of available habitat, which then determined the potential for any of these species to occur on site.



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A focused bat roost survey was not conducted due to the lack of available habitat for supporting bat roosts or maternity colonies within the study area (see attached "Figure 2" from the Biological Resources Assessment), and because the project is not proposing tree removal or modification or removal of buildings.

For CEQA review, impacts to special-status species that have a potential to occur, based on the available habitat, are analyzed. Special-status species include birds protected under the Migratory Bird Treaty Act and therefore pre-construction nesting bird surveys were incorporated into the Biological Resources section of the CEQA document as a Mitigation Measure to protect any actively nesting birds if construction occurs within the nesting season.

Therefore, using CDFW-approved methods, providing a list of special-status species with their potential to occur on the site, and including mitigation measures for potential impacts to special-status species, the Biological Resources Assessment for the defined study area should be considered adequate and complete.

Sincerely,

**SHN**



Gretchen O'Brien  
Senior Certified Wildlife Biologist

GAO:cet

Attachment: Figure 2 from the Arcata Land Co., LLC Biological Resources Assessment

c. w/Attach.: Jordan Main, Compass Land Group.



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Arcata Land Co  
Biological Resources Assessment  
Arcata, California

Study Area & Special Status Species  
Parcel D  
SHN 017062

July 2019

BIO\_D\_Fig2\_StudyAreaAndSpecialStatus

Figure 2