

Laney, Megan

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Monday, August 07, 2017 12:55 PM
To: Dorris, Joshua
Cc: Planning Clerk
Subject: The Hills LLC Conditional Use Permit and Special Permit Application-APPS 11638

Hello Joshua,

Thank you for referring The Hills LLC Conditional Use Permit and Special Permit application (APPS 11638, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The project consists of 43,560 ft² of existing outdoor cannabis cultivation and a Special Permit for a wholesale commercial medical cannabis nursery on APN: 223-061-043. This project is associated with APPS 11642 and 11643.

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

- The referral materials suggest that the applicant submitted a Notification of Lake or Streambed Alteration (LSA) to the Department of Fish and Wildlife. CDFW has no record of a LSA Notification associated with the project parcel. CDFW recommends as a condition of project approval, that the applicant obtain a Final Lake or Streambed Alteration Agreement (LSAA).
- Aerial imagery and application materials suggest that the some of the designated cultivation may be located within the CDFW and State Water Board recommended minimum setback area. CDFW recommends, as a condition of project approval, that the applicant:
 - Have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft from perennial streams and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers and future development within these areas should be prohibited.
- The referral materials state that the applicant contains 43,560 square feet of existing outdoor cannabis cultivation. Aerial Imagery suggests that the existing cultivation area, prior to January 1, 2016, is approximately 20,000 square feet. CDFW recommends that the applicant provide proof of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval.
- Sensitive fish or wildlife resources that exist within the project vicinity include Townsend Big-eared Bat (*Corynorhinus townsendi*), Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), Pacific lamprey (*Entosphenus tridentata*), western pond Turtle (*Actinemys marmorata marmorata*), northern red-legged frog (*Rana aurora*), foothill yellow-legged frog (*Rana boylei*), along with other amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please contact me at kalyn.bocast@wildlife.ca.gov if you need additional information.

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team

Laney, Megan

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Monday, August 07, 2017 12:47 PM
To: Dorris, Joshua
Cc: Planning Clerk; Bauer, Scott@Wildlife
Subject: The Hills LLC Conditional Use Permit Application-APPS 11643 Project

Hello Joshua,

Thank you for referring The Hills LLC Conditional Use Permit application (APPS 11643 Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The project consists of 43,560ft² of existing outdoor and 12,000ft² of mixed-light cannabis cultivation on APN: 223-061-038. This project is associated with APPS 11642 and 11638.

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

- The referral materials suggest that the applicant submitted a Notification of Lake or Streambed Alteration (LSA) to the Department of Fish and Wildlife. CDFW has no record of a LSA Notification associated with the project parcel. CDFW recommends as a condition of project approval, that the applicant obtain a Final Lake or Streambed Alteration Agreement (LSAA).
- The referral materials state that the applicant proposes to build a pond to store water for the use of cannabis cultivation on parcel 223-061-038. Aerial imagery suggests that the area for the proposed pond may be hydrologically connected located in a wetland. CDFW recommends a biological assessment of the property by a qualified person, particularly the area next to the existing pond, to determine whether the area has wetland characteristics and warrants wetland delineation.
- Aerial imagery and application materials suggest that the existing pond on parcel 223-061-038 is hydrologically connected to surface waters. Surface water sources (streams, springs, and hydrologically connected wells and ponds) are generally jurisdictional for CDFW, and their use, for domestic purposes or otherwise, generally requires notification pursuant to Fish and Game Code 1602.
- The referral materials state that the applicant contains 43,560 square feet of existing outdoor and 12,000 square feet of existing mixed-light cannabis cultivation. Aerial Imagery suggests that the parcel contained no existing cannabis cultivation, prior to January 1, 2016. CDFW recommends that the applicant provide proof of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval.
- The referral materials show that the applicant will be utilizing mixed-light cultivation methods. CDFW recommends that the county require, as a condition of Project approval, that the applicant provide a lighting plan demonstrating that the proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunrise to sunset, which may affect fish and/or wildlife directly, or from a distance.
- Sensitive fish or wildlife resources that exist within the project vicinity include Townsend Big-eared Bat (*Corynorhinus townsendi*), Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), Pacific lamprey (*Entosphenus tridentata*), western pond Turtle (*Actinemys marmorata marmorata*), northern red-legged frog (*Rana Aurora*), foothill yellow-legged frog (*Rana boylei*), along with other amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please contact me at kalyn.bocast@wildlife.ca.gov if you need additional information.

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077