

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		No Response	
County Counsel		No Response	
District Attorney		No Response	
Division Environmental Health	✓	Conditional Approval	Attached
Sheriff	✓	Note	On File
Public Works, Land Use Division	✓	Note	On File
Bureau of Land Management	✓	Comment	Attached
Fire Protection District		No response	
North Coast Unified Air Quality Management District		No Response	
School District		No Response	
CA Division of Water Rights		No Response	
California Department of Fish & Wildlife	✓	Comment	Attached
CalFire	✓	No Comment	On File
CalTrans		No Response	
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

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

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, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, SWRCB - Division of Water Rights, Sheriff, Bridgeville FPD Fire Protection District, Bridgeville School District School District, Fortuna Union School District

Applicant Name Turtle Pond Farms Key Parcel Number 210-061-008-000

Application (APPS#) 12408 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) SP16-514

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) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
- (3) A pit privy was described in the Cultivation and Operations Plan provided. **Discontinue the use of and decommission the pit privy.** Disposal of the end product must be in accordance with HCC § 615-6. Alternatively, obtain approval of pit privy from DEH.

*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: 9/28/2018 Recommendation By: Joey Whittlesey



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Arcata Field Office
1695 Heindon Road
Arcata, CA 95521-4573
www.blm.gov/california



October 17, 2022

Planning Commission Clerk
County of Humboldt County
Planning and Building Department
3015 H Street, Eureka, CA 95501

Dear Sir or Madam:

Thank You for the opportunity to review application APP(S) # PLN-12408-SP APN: 210-061-008 Slow and Steady, LLC.

After careful review our office has the following concerns:

1. The Northern Spotted Owl (NSO) continues to suffer population loss across its range due, in part, to habitat loss and human encroachment. The BLM is concerned about the close proximity of this cannabis operation to NSO critical habitat and a historic NSO activity center.
2. The BLM owns a full exclusive easement on Larabee Buttes Road for the purpose of providing public access to public land on Larabee Buttes. The BLM maintains the entirety of Larabee Butte Road from Highway 36 to its terminus. Larabee Butte Road is experiencing degradation from continual road use and from large, heavy equipment related to industrial operations including soil deposits left from trucks, rutting, and drainage issues. The increase in maintenance is a burden on BLM resources including staff and equipment. We are concerned that approval of the application would increase large vehicle traffic and exacerbate the road degradation.
3. The BLM has no record of any legal right to cross public lands for the purpose of providing legal access to APN 210-061-008. For an individual to maintain a road across public land, they need to either show a deeded right to the road, or they need a right-of-way with the BLM. We recommend that you require the applicant provide documentation of legal access to their property across BLM lands.
4. Any activity or resource damage related to cannabis operations on public land such as the transportation, cultivation, production, or distribution of supplies or product violates the Controlled Substances Act and therefore we cannot issue a right of way for that purpose.

Sincerely,

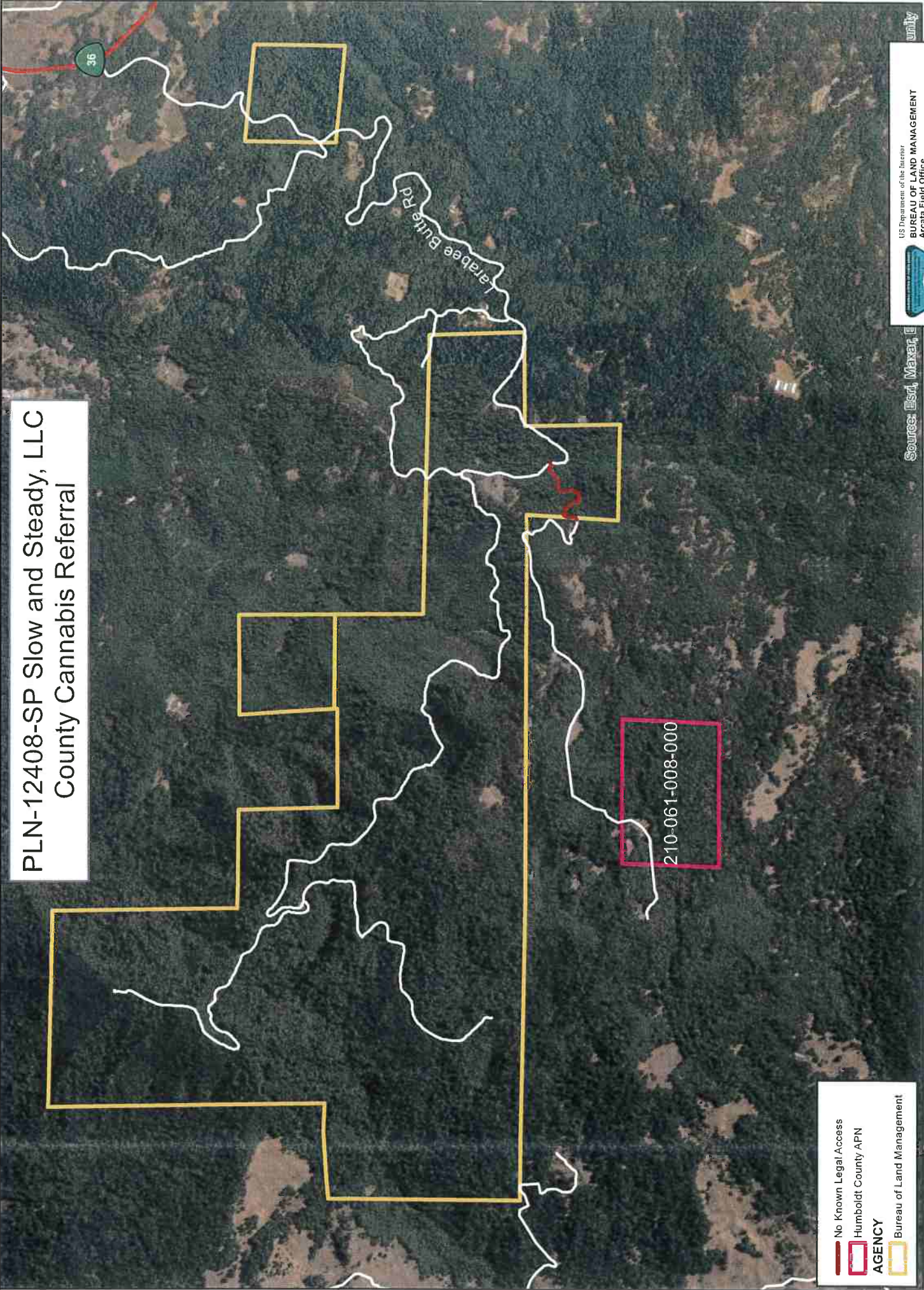
COLLIN EWING

Digitally signed by COLLIN
EWING
Date: 2022.10.17 15:39:14 -07'00'

Collin Ewing
Field Manager

Enclosure: Map of Larabee Butte Road

PLN-12408-SP Slow and Steady, LLC County Cannabis Referral



- No Known Legal Access
- Humboldt County APN
- AGENCY
- Bureau of Land Management



1:20,000



US Department of the Interior
BUREAU OF LAND MANAGEMENT
Arcata Field Office
1000 Broadway
Arcata, CA 95521
www.blm.gov/california
Date Prepared: 10/17/2022
Project: PLN-12408-SP_Slow_Steady10122022.mxd

Source: Esri, Maxar



Santos, Steven A

From: Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>
Sent: Monday, October 30, 2023 7:38 AM
To: Santos, Steven A
Cc: Manthorne, David@Wildlife; Johnson, Cliff
Subject: PLN-12408-SP, APN: 210-061-008-000
Attachments: 1600-2020-0369-R1_HUM_MJ Green_Water Diversion and Stream Crossings_FinalLSAA signed.pdf

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

Good Morning,

Please see the comments below regarding the above-referenced project.

Project Number: PLN-12408-SP
Project Name: Slow & Steady, LLC - SP for 7,400 sq ft existing outdoor
APN(s): 210-061-008-000

Project Description

A Special Permit for 7,400 square feet of existing outdoor commercial cannabis cultivation supported by a 600 square foot ancillary nursery. Annual irrigation water usage is estimated at 35,700 gallons sourced from a point of diversion and supported by proposed storage totaling 55,775 gallons. Processing will occur offsite, energy is provided by a generator, and a maximum of two employees will be present during peak operation.

CDFW COMMENTS:

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

On October 26, 2023, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 210-061-008-000. 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-12408-SP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- A final LSAA (1600-2020-0369-R1) was issued to the applicant for a Point of Diversion (POD) from a well located on an unnamed tributary to Little Burr Creek, and to upgrade two failing and undersized stream crossings. The applicant has completed work on the two stream crossings but work and maintenance is still required to achieve compliance with the LSAA. Specifically, Crossing- 2 (see attached LSAA) still requires armoring to minimize erosion at the inlet and the outlet of the culvert. CDFW requests, as a condition of project approval, that the applicant complies with the conditions of the LSAA.

- As agreed upon in the LSAA, the applicant is required to demonstrate compliance with the LSAA, specifically water diversion and use. To demonstrate compliance with the LSAA, the applicant is required to have appropriate water metering and an onsite water monitoring logbook. The onsite water monitoring logbook must include written records and photo documentation that reports the date, time and quantity of water diverted from the POD. The logbook must also record the amount of water used per day for domestic purposes, and the amount of water used per day for cannabis cultivation separated out from the amount of water used for other water uses. On October 26, 2023, CDFW observed water meters on site, but could not locate or identify a water monitoring logbook. Water monitoring reports have been submitted to CDFW, however, the reports do not contain all the required documentation of water use from the POD. CDFW requests, as a condition of project approval, that the applicant provides all required documentation of water use and achieves compliance with the LSAA.
- As per the LSAA, the permittee is required to adhere to a seasonal forbearance period for Cannabis Irrigation from April 1st through October 31st of each year. Having private landowners increase water storage and participate in a forbearance program is a critical step to improving stream conditions during the dry season. On October 26, 2023, CDFW observed that the applicant had a total of 32,500 gallons of water storage on site. Additionally, CDFW observed that the water tanks were approximately 15% full, holding an estimated 5,000 gallons of water. The applicant is proposing to increase water storage to 55,775 gallons. Until the applicant has 55,775 gallons of water storage on site, CDFW requests, as a condition of project approval, that the allowed square footage of cannabis cultivation is limited to a prorated proportion based on the amount of water storage currently on site.
- At least two known Northern Spotted Owl (*Strix occidentalis caurina*; NSO) Activity Centers occur within one mile of the cultivation site (CDFW 2023). While on site, CDFW observed that the applicant plans to use a golf cart roof as sound containment which does not provide substantive noise containment of the generators used on site. CDFW requests, as a condition of project approval, that the permittee implements substantive containment of all generators on the parcel to minimize noise disturbance when in use.
- On October 26, 2023, CDFW observed monofilament netting that was used during cannabis cultivation operations. 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 cultivation operations and/or erosion control.

Thank you for the opportunity to comment on this project.

Corrina Kamoroff

Environmental Scientist
 Habitat Conservation and Planning
 Humboldt/Del Norte LSA Program
 California Department of Fish and Wildlife
 619 Second Street
 Eureka, CA 95501