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Subject: PLN-12162-SP, APN: 208-241-018
Date: Wednesday, May 15, 2024 9:31:56 AM
Attachments: [NOV_081618_HUM_208-241-018_MJ_Markle Nance Mad River_3rd attempt.pdf](#)
[EPIMS-HUM-10484-R1C_Final_Agreement.pdf](#)

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Good Morning,

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

Project Number: PLN-12162-SP

Project Name: Hogan-Existing cultivation 10,000 sf outdoor

APN(s): 208-241-018

CEQA No: CEQA-2017-0887-0000-R1

Project Description

Hogan - Existing cultivation 10,000 sf outdoor

TRELLIS 2.1 PARTICIPANT Special Permit (SP 16-833) for 9,040 square feet (SF) existing outdoor medical cannabis cultivation area occurring in five (5) sites on the parcel. Water source is a 100,000 gallon rainwater catchment pond. Water storage of 135,000 gallons occurs in a pond and hard tanks. Processing occurs offsite via third-party processing company. A generator serves electricity to the site.

CDFW COMMENTS:

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

On May 9, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 208-241-018. 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-12162-SP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

1. On August 16, 2018, CDFW visited Assessor Parcel Number (APN): 208-241-018. During the site visit, staff observed activities that were in violation of Fish and Game Code (FGC) sections 5650 and 5652. On January 11, 2019, CDFW issued a Notice of Violation (NOV, see attached) to document the FGC violations, and to encourage the applicant to cure these violations. On May 9, 2024, during a subsequent site visit, CDFW observed water pollution from the placement and abandonment of irrigation lines into waters of the state which is a violation of FGC section 5650. As a result, the applicant/permittee has existing FGC violations on APN: 208-241-018. CDFW requests, as a condition of approval, that the applicant removes all

waterline from the watercourse and cures all violations onsite no later than October 1, 2024.

2. On February 16, 2022, CDFW issued the applicant a Final Lake and Streambed Alteration Agreement (LSAA, EPIMS-HUM-10484-R1C) to modify a reservoir spillway and for water diversion from an unnamed tributary to the Mad River. As of May 14, 2024, the Permittee/Applicant is not compliant with all conditions in the LSAA. CDFW requests, as a condition of approval, that the applicant/permittee completes the following items listed below by the requested dates or within two weeks of project approval and achieves and maintains compliance with the LSAA.
 - a. Submit a Reservoir Inspection Report to CDFW by August 31, 2024.
 - b. Submit Water Monitoring Reports for the 2023 water diversion season by June 30, 2024.
 - c. Remove all waterline located in the stream channel and upgrade and maintain the pond spillway by October 1, 2024.
3. While onsite, CDFW observed that the cultivation site was invaded by a non-native Cal-IPC listed thistle. CDFW requests, as a condition of approval, that an invasive species removal and monitoring plan is prepared and implemented to remove the non-native thistle and prevent the continued spread of the invasive species.
4. The onsite lined pond has the potential to provide habitat for the invasive American bullfrog (*Lithobates catesbeianus*). CDFW requests, as a condition of approval, that the applicant provides and implements an Invasive Aquatic Species Management Plan. The Invasive Species Management Plan shall include, at a minimum, an annual survey for invasive species including the American bullfrog. If invasive aquatic species are identified, a qualified biologist shall coordinate with CDFW to develop necessary eradication measures.
5. While onsite, CDFW observed uncontained, uncured cement posing a threat to public trust resources. CDFW requests that the uncured cement is fully contained or is removed and disposed of at a waste management facility by October 1, 2024.
6. While onsite, CDFW staff observed uncontained cannabis cultivation related waste, including fuel containers and a refrigerator. CDFW requests, as a condition of approval, that all waste be removed from the parcel and properly disposed of at a waste management facility.
7. While onsite, CDFW observed sediment discharge to Waters of the State through erosion of a hydrologically connected road (at coordinates 40.505449, -123.561446) that is used to access the cultivation site. CDFW requests, as a condition of approval, that the applicant submit and implement an erosion control plan (site management plan) to deconcentrate surface flow off roads and away from streams.
8. The proposed project may have a potentially significant adverse effect on biological resources, specifically the Northern Spotted Owl (*Strix occidentalis caurina*; NSO). At least one known NSO Activity Center occurs within 1 mile of the cultivation sites (CDFW 2024). 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.

- a. 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.
- b. 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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