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**Subject:** PLN-12269-CUP, APN: 316-086-017  
**Date:** Monday, July 1, 2024 3:16:30 PM  
**Attachments:** [1600-2019-0096-R1 HUM MJ Armstrong Redtail Ranch Water Diversions Pond & Crossings Final.pdf](#)

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Good Afternoon,

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

**Project Number:** PLN-12269-CUP

**Project Name:** Redtail Ranch MBC

**APN(s):** 316-086-017

**CEQA No:** CEQA-2024-0178-R1

### **Project Description**

Redtail Ranch MBC | April Armstrong 43,550 sf of existing outdoor and 5,121 sf of existing mixed-light cultivation.

An application for a Conditional Use Permit for 43,550 sf of existing outdoor cultivation and 5,121 sf of existing mixed-light cultivation. Cultivation is being relocated from APN's 316-086-011 and 316-086-023 to 316-086-017. Cultivation on APN 316-086-017 is also being further consolidated into one central cultivation area to comprise the totality of proposed cultivation. Proposed water use is 480,000 gallons sourced from a groundwater well, a diversion, and a rainwater catchment pond. A total of 579,800 gallons of water storage exists on the property. As part of the consolidation four points of diversion will be eliminated. Power is primarily provided by a solar system with a backup propane generator. Processing occurs on-site in existing barn structures, with two additional proposed to be near the consolidated cultivation area. A lot line adjustment is also proposed between APN 316-086-017 and 316-086-025 resulting in two parcels of approximately 49 acres and 23 acres.

### **CDFW COMMENTS:**

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

On April 17,2024 and on June 13, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Numbers (APNs) 316-086-017 and 316-086-011. During the site visits, 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-12269-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

1. On September 13, 2019, CDFW issued a Lake and Streambed Alteration Agreement (LSAA, 1600-2019-0096-0000-R1) for five Points of Diversion for Domestic and Irrigation use and to upgrade or decommission 12 failing/undersized stream crossings. On January 6, 2022, the Permittee received an amendment to the LSAA to extend the work completion date for six crossings and to change the treatment description for Crossing-7. As of June 28, 2024, the applicant/permittee has not submitted all reporting measures required in the LSAA and as a result is out of compliance with the LSAA. CDFW requests, as a condition of approval, that the Applicant/Permittee completes the following items listed below by August 1, 2024, or within two weeks of project approval, and achieves and maintains compliance with the LSAA.
  - a. Submit water diversion records for the 2019, 2020, 2021, 2022 and 2023 water diversion seasons.
  - b. Submit a Water Management Plan.
  - c. Submit a Diversion Infrastructure Plan.
  - d. Submit and implement an Invasive Species Management Plan.
2. The project proposes to relocate cannabis cultivation from APNs 316-086-011, 316-086-023 and 316-086-017 to a centralized location on APN 316-086-017. CDFW requests, as a condition of approval, that the applicant submits and implements a Restoration and Revegetation Plan to restore the cultivation flats that are proposed to be decommissioned and relocated, to the extent feasible, to their natural conditions.
3. The proposed cultivation relocation site will require grading/terracing to expand the cultivation area to support 43,550 square feet of cultivation space. CDFW requests, as a condition of approval, that a grading plan for the cultivation site is submitted for CDFW review. CDFW further requests, as a condition of approval, that the applicant implements a stormwater plan (site management plan) to ensure runoff is routed into settling basins or bioswales, where runoff can be incorporated into groundwater, and away from streams.
4. While onsite, CDFW observed vegetation indicative of wetland habitat adjacent to a proposed storage barn/nursery site. CDFW requests, as a condition of approval, prior to any ground-disturbing activities in this area, that protocol-level surveys are conducted by a qualified botanist, to identify any potential wetlands and California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site.
5. The proposed project has the potential to impact nesting bird species. CDFW requests, as a condition of approval, that any ground-breaking activities including, but not limited to, the expansion of the cultivation area are prohibited during the nesting bird season (March 1<sup>st</sup>- August 15<sup>th</sup>). Alternatively, ground-breaking activities may occur during the nesting bird season if protocol level surveys for nesting bird species are completed prior to the initiation of any ground-breaking activities.
6. While onsite, CDFW observed monofilament netting that was used during cannabis cultivation operations. 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.

7. While onsite, CDFW observed water pollution from the placement and abandonment of irrigation lines (at coordinates 40.905931, -123.784216) and tarps and cannabis related waste (at coordinates 40.90382, -123.78376) into waters of the state which is a violation of Fish and Game Code (FGC) Section 5650. CDFW requests, as a condition of approval, that all waterline and debris located in the bed, bank, or channel are removed and properly disposed of at a waste management facility.
8. While onsite, CDFW observed cultivation infrastructure and refuse associated with a historic cultivation site on APN 316-086-011, including wire cages that pose a threat to wildlife. CDFW requests, as a condition of approval, that all infrastructure and debris associated with historic cultivation areas are removed and properly disposed of at a waste management facility.
9. While onsite, CDFW observed that the cultivation sites were invaded by a non-native Cal-IPC listed Himalayan Blackberry (*Rosaceae rubus*). CDFW requests, as a condition of approval, the Invasive Species Control Plan included in the Operations Plan is implemented to remove and prevent the continued spread of the invasive species.
10. 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 0.6 miles of the cultivation sites (CDFW 2024). CDFW requests the succeeding measures, as conditions of approval.
  - a. All ground-disturbing activities should be limited to occur outside of the breeding season for the NSO (February 1 through July 9).
  - b. The construction of noise containment/dampening structures for all operation related back-up generators, water pumps and fans.
  - c. 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.

**Corrina Kamoroff**

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California Department of Fish and Wildlife

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