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Subject: PLN-12302-CUP, APN: 220-292-015
Date: Wednesday, July 10, 2024 4:55:03 PM
Attachments: [EPIMS-HUM-40358-R1C_Final_Standard_Agreement_LSAA\(1\).pdf](#)

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Good Afternoon,

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

Project Number: PLN-12302-CUP

Project Name: Paradise Valley LLC

APN(s): 220-292-015

CDFW CEQA No: CEQA-2019-0441-0000-R1

Project Description: PLN-12492-CUP

Paradise Valley LLC - 19,920 sq ft Existing Outdoor Cannabis Cultivation

The applicant is seeking a Conditional Use Permit for 19,920 square feet of pre-existing outdoor commercial cannabis cultivation. The project will be supported by 6,000 square foot propagation nursery. Water for irrigation is sourced from three registered surface water diversions and two rainwater catchment ponds. Projected annual water usage totals XXX,XXX gallons annually and existing available water storage totals 606,500 gallons. All processing will occur (onsite/off site). Energy for the project will be supplied by two generators. Up to five employees may be onsite assisting with the operation.

CDFW COMMENTS:

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment. The following background and comments on the proposed project are intended to assist the Lead Agency in making informed decisions on the proposed project (PLN-12302-CUP). The following comments shall supersede prior comments submitted by CDFW regarding PLN-12302-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

Comments:

1. On November 18, 2015, CDFW visited APN 220-292-015 to inspect a proposed pond construction project referred to CDFW by Humboldt County. While onsite CDFW observed unauthorized surface water diversion from a stream and the need to notify for a pond spillway that connects to a stream. The applicant notified CDFW on November

15, 2015, and on February 9, 2016, was issued a Lake or Streambed Alteration Agreement (LSAA, 1600-2015-0475-R1) for one Point of Diversion (POD) and to engineer a pond spillway at the head of a Class III stream.

2. On September 8, 2017, CDFW conducted a site visit and observed unpermitted grading, unpermitted timber conversion, substantial alteration of streams, and sediment discharge to Waters of the State. As a result on November 22, 2017, CDFW issued the applicant a Notice of Violation (NOV) to document Fish and Game Code (FGC) violations, and to encourage the applicant to cure these violations.
3. On July 24, 2018, CDFW staff visited APNs: 220-292-015, 220-292-017 and 220-292-018. While onsite CDFW observed activities that are in violation of Fish and Game Code section 1602 and 5650. On September 7, 2018, CDFW issued the applicant a second NOV to document Fish and Game Code (FGC) violations, and to encourage the applicant to cure these violations.
4. On June 24, 2021, CDFW issued an LSAA (1600-2018-0740-0000-R1) to upgrade or remove three existing water diversion for domestic use and irrigation, to upgrade nine stream crossings, to decommission and remediate seven unpermitted crossings or stream alteration work.
5. On May 19, 2022, while onsite, CDFW observed activities that were in violation with FGC 1602 due to non-compliance with measures of the LSAA. As a result, on June 3, 2022, CDFW issued the applicant a third NOV of FGC Section 1602 in conjunction with Cannabis cultivation and Notice of Intent to Suspend Streambed Alteration Agreement 1600-2018-0740-0000-R1. On November 29, 2022, CDFW issued a Notice of Suspension for failure to cure the violations on site. On March 22, 2023, after not receiving a response in 30 days as required, the LSAA (1600-2018-0740-0000-R1) was revoked.
6. On December 4, 2023, the applicant was issued a final LSAA (EPIMS-HUM-40358-R1C) to upgrade 13 existing culverts or decommission roads or crossings, to decommission and/or remediate four stream crossings and to remove all water diversion infrastructure. As of July 2, 2024, the diversion infrastructure has been removed, but none of the other projects have been completed. CDFW requests the applicant resolve all documented FGC violations prior to authorization to cultivate cannabis.
7. On July 1, 2024, the applicant received a Draft Cleanup and Abatement Order (COA) issued by the California North Coast Regional Water Quality Control Board (Regional Water Board). CDFW requests, that the applicant complies with the Draft Cleanup and Abatement Order and cures all water quality violations prior to authorization to cultivate cannabis.

8. CDFW requests that cannabis cultivation is not permitted for this project (PLN-12302-CUP) until the NOV's/CAO is resolved through implementation of stream remediation at the locations outlined and permitted in the LSAA (EPIMS-HUM-40358-R1C).
9. Water for cannabis irrigation is proposed to be sourced from three unpermitted surface water diversions and two ponds. The applicant does not have an LSAA to divert surface water for irrigation. Additionally, one of the ponds on site appears to have been constructed after 2016 without the benefit of appropriate permits or environmental review. The pond was constructed with steep embankments that pose a significant threat to wildlife. If the pond is permitted for use, CDFW requests the applicant work with CDFW to install appropriate wildlife escapement within 90 days of permit approval. Additionally, CDFW requests, prior to the authorization to cultivate cannabis, that the applicant provides a Water Management Plan that clearly identifies viable permitted water source(s) for the proposed project.
10. 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.
11. While onsite, CDFW observed uncontained imported soil associated with cannabis cultivation. CDFW requests, as a condition of approval, that the applicant either fully contain all imported soil onsite or remove and dispose of at a waste management facility.
12. While onsite, CDFW observed unused water line scattered throughout the parcel. CDFW requests, as a condition of approval, that all unused waterline is properly stored and/or removed and disposed of at a waste management facility.

Thank you for the opportunity to comment on this project.

Corrina Kamoroff

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