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Subject: PLN-2023-18695, APN: 217-391-0112
Date: Wednesday, July 10, 2024 3:44:11 PM
Attachments: [1600-2018-0038-R1 HUM MJ Anderson Water Diversion FinalLSAA.pdf](#)

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Good Afternoon,

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

Project Number: PLN-2023-18695

Project Name: Whipsawasons SP

APN(s): 217-391-012

CEQA No: CEQA-2017-1056-0000-R1

Project Description

Whipsawasons SP

A Special Permit to add 8,400sf of cannabis cultivation to an approved Conditional Use Permit (CUP) for 12,000sf, for a total cultivation area of 20,400sf of cultivation. The proposed expansion would add (12) 10' x 70' light deprivation hoop houses to a preexisting graded flat on the parcel. The expansion would also include 840sf additional ancillary nursery space for a total of 2,000sf of nursery. Water is sourced from a preexisting 550,000 gallon rain catchment pond. Domestic water is supplied from a ground water well. Power is sourced from a preexisting solar system with a backup 7000KW Honda generator.

CDFW COMMENTS:

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

On May 29, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 217-391-012. 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-2023-18695-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

1. On April 22, 2020, CDFW issued a Lake and Streambed Alteration Agreement (LSAA, 1600-2018-0038-0000-R1) for work that occurred on five encroachments in violation of Fish and Game Code (FGC) section 1602. The Permittee notified CDFW to remedy the FGC 1602 violations and retroactively permit the encroachments. One of the permitted

stream crossings (Stream Crossing 1, see attached LSAA) requires maintenance to minimize erosion that is occurring at the inlet. Additionally, as of July 10, 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 the specified dates, or within two weeks of project approval, and achieves and maintains compliance with the LSAA.

- a. Submit an Invasive Species Management Plan by September 1, 2024.
 - b. Submit a Site Management Plan by September 1, 2024
 - c. Apply erosion control measures to Stream Crossing 1 to minimize surface erosion and ensure drainage structures, streambed and banks remain sufficiently armored and stable by October 15, 2024.
2. While onsite, CDFW observed sediment discharge to Waters of the State through erosion of hydrologically connected roads. CDFW requests, as a condition of approval, that the applicant implement a stormwater plan (site management plan) to direct surface flow away from streams to mitigate the existing threats of sediment delivery.
3. The proposed cultivation expansion will require grading and/or ground disturbance. CDFW requests, as a condition of approval, prior to any ground-disturbing activities 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. If a grading permit is required, CDFW requests, as a condition of approval, that a grading plan for the cultivation site is submitted for 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. 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 1st- August 15th). 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.
5. While onsite, CDFW observed the head of a Class III drainage near the proposed cultivation expansion site. CDFW requests, as a condition of approval, that all watercourses in the area are mapped and that all cannabis cultivation and cultivation related infrastructure is located outside of the Streamside Management Area (SMA).
6. The project description states that water will be sourced from an existing 550,000-gallon rainwater catchment pond. CDFW requests, as a condition of approval, that the applicant/permittee completes an analysis to determine/verify the pond's water holding capacity. CDFW further requests, as a condition of approval, that the applicant submit a Water management Plan. The Water Management plan should include a water use estimate to support 20,400 square feet of cultivation and demonstrate that the rainwater catchment pond can support the proposed cultivation.

7. While onsite, CDFW observed poly pipe either abandoned or used to transport water located within a stream channel. CDFW requests, as a condition of approval, that the pipe is removed and relocated outside of the stream channel or disposed of at a waste management facility.
8. While onsite, CDFW observed debris (at coordinates 40.286209, -123.671384) located in the stream channel and SMA of a Class II drainage. CDFW requests, as a condition of approval, that the applicant remove all debris from the SMA and dispose of at a waste management facility.
9. While onsite, CDFW observed uncontained compost piles located within the SMA of a Class II drainage. CDFW requests, as a condition of approval, that all compost piles are relocated outside of the SMA. CDFW further requests, as a condition of approval, that the applicant fully contains all compost piles onsite.
10. While onsite, CDFW observed that parcel was 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.
11. 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.

Thank you for the opportunity to comment on this project.

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