



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

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4/12/2022

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

Dear Sir or Madam:

In response to Application APP(S) PLN-2021-17162, APN# 107-106-006-000

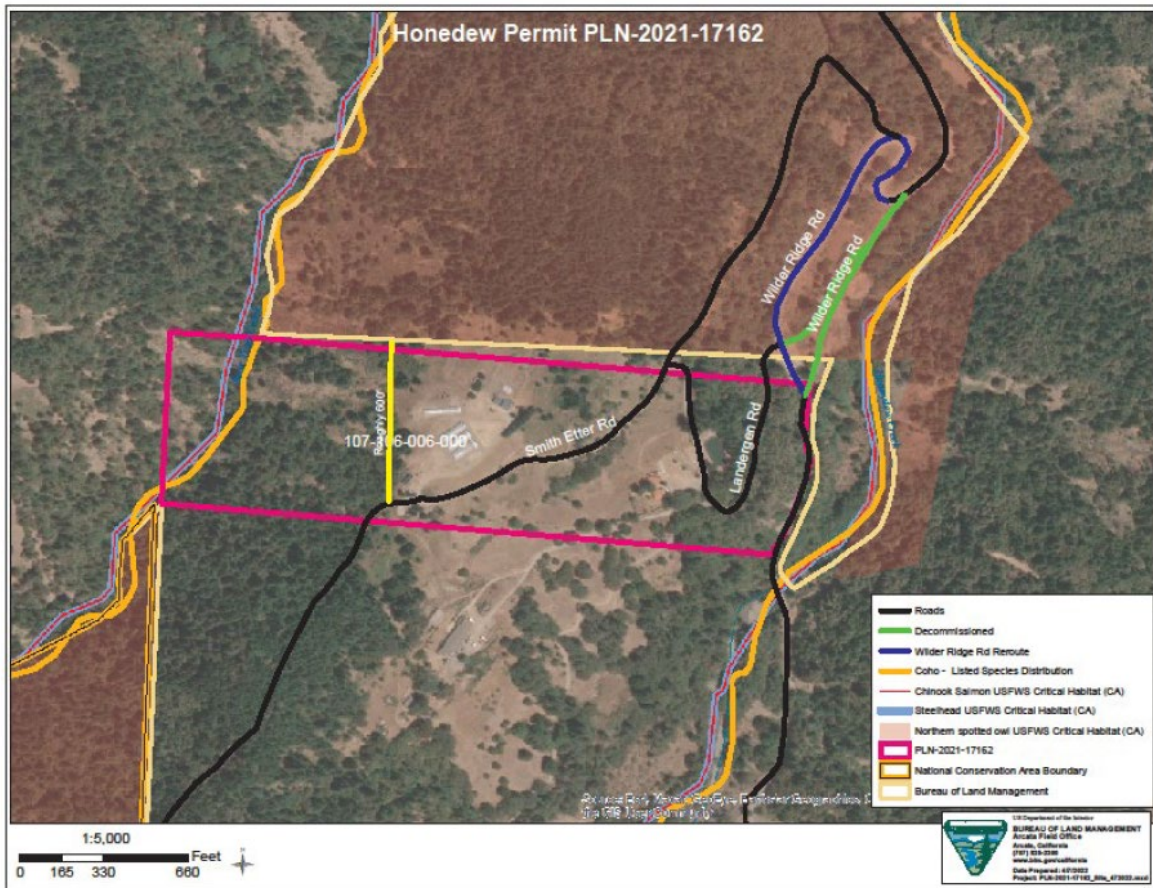
The BLM is submitting this letter with concerns about the proposed cannabis expansion PLN-2021-17162. The proposed cannabis cultivation site is contiguous with BLM lands near the King Range National Conservation Area (NCA) and Honeydew Creek Day Use Area. The applicants permit site is bisected by the Smith-Etter Road, which is a primary access point to several recreation trail heads for the north end of the NCA (see map below). County ordinance 2599 requires a six-hundred-foot setback from ‘Public Parks’. The definition in 55.4.6.4.4 further explains that this definition shall be applied to “developed recreational facilities such as picnic areas and campgrounds, trails, river and fishing access points, *and like facilities* under public ownership.” BLM considers the primary access to the north end NCA backcountry to be a public access point.

Site plans show access from Wilder Ridge Road via Landergen or Smith-Etter Roads that originate on BLM lands. The applicant does not have a ROW through BLM for access. Any application for commercial use access related to PLN #2021-17162 would not be authorized. Any activity or resource damage related to cannabis operations on public land such as the *cultivation, production, transportation or distribution of supplies or product* will violate the Controlled Substances Act and may be subject to federal criminal and/or civil action.

The applicant has a point of diversion water right, POD S027312_01 (a spring). This POD is registered for domestic use only. The applicant’s site plan includes thirty-four (34) 5,000-gallon tanks and a 300,000-gallon pond totaling 470,000 gallons of water storage. This volume of water storage is inconsistent with ‘domestic use’, and the actual ability of this small parcel to capture or otherwise supply the quantity of water required to support this operation is questionable. Waterlines reaching from Bear Trap Creek to the site have been reported as recently as July 2021 and were the subject of BLM law enforcement investigations in the past. Internal staff observations have noted that Bear Trap Creek now regularly dries up prior to reaching Honeydew Creek. Clearly a meter should be installed at POD S027312_01 with resulting data reported back to the State on a regular basis.

Bear Trap Creek in the western portion of the application site is habitat for the listed Coho and Chinook salmon and steelhead species. The neighboring Honeydew Creek to the east side of the parcel is eligible for inclusion into the national Wild and Scenic Rivers System due to the quality of its spawning and rearing habitat for Coho and Chinook salmon, and steelhead. For these reasons, BLM lands are managed to conserve and protect these species and their habitats. The Mattole River and its tributaries are listed as sediment-impaired under the Clean Water Act. The proximity of the proposed project area has the potential to deliver nutrients and other pollutants to both Bear Trap and Honeydew Creeks.

Adjacent BLM lands are designated as Critical Habitat for northern spotted owl (NSO) by the U.S. Fish and Wildlife Service (USFWS). There is a potential for light, generator noise, runoff, and rodenticide use from the applicant's operation to impact BLM land and sensitive wildlife species such as the NSO. The NSO continues to suffer population loss across its range due, in part, to habitat loss and human encroachment. The BLM is concerned about the proximity of this proposed cannabis operation to NSO critical habitat and a historic NSO activity center.



Sincerely,

Dan Wooden
Field Manager, Detailed