SUPPLEMENTAL INFORMATION
No. 2

For Zoning Administrator Agenda of:
November 7, 2019

Re:	Applicant	Canyon Farms, LLC	**Item No.: C-1**
	Case Number	SP16-102	
	Assessor Parcel Number	221-161-012	

The following documents are attached: Emails with CDFW regarding project conditions and a timeline of correspondence with the agency.

10899 – Timeline

- Referred – 9/27/2017
- Re-referred 1/9/2019
- CDFW Comments received 1/24/2019
- Legal parcel established 8/14/2019
- Drafted Staff Report – September 2019
- Responded to CDFW Comments with additional information 10/10/2019
- Responded to CDFW with additional information 10/25/2019 stating that we don't have a WRPP, just a SMP
- Received comments 10/29/2019 with concerns about culverts
- Contacted agent and received additional info about the culverts. Subsequently, drafted supplemental requiring CDFW notification (LSA), Updated Site Map, and relocation of water tanks that may be in a SMA. Responded to CDFW to notify of updated conditions - 11/6/2019.
- Received comments from CDFW requesting changes to condition language 11/6/2019.

Welsh, Liza

From: Ryan, Meghan
Sent: Thursday, January 24, 2019 11:56 AM
To: Welsh, Liza
Subject: FW: CDFW Referral Comments: Canyon Farms LLC (APPS: 10899), CEQA-2019-0031, APN: 221-161-012
Attachments: CEQA Referral_APPS-10899_CEQA-2019-0031_Canyonfarms.pdf

From: Manthorne, David@Wildlife [mailto:David.Manthorne@wildlife.ca.gov]
Sent: Thursday, January 24, 2019 11:54 AM
To: Planning Clerk <planningclerk@co.humboldt.ca.us>
Cc: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Ryan, Meghan <mryan2@co.humboldt.ca.us>
Subject: CDFW Referral Comments: Canyon Farms LLC (APPS: 10899), CEQA-2019-0031, APN: 221-161-012

To Whom it May Concern:

Please see the attached comments regarding the subject application, Canyon Farms LLC (APPS: 10899), CEQA-2019-0031, APN: 221-161-012.

Thank you for the opportunity to comment on this project.

Sincerely,

David Manthorne
Senior Environmental Scientist Specialist
Habitat Conservation and Planning (WET)
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501
(707) 441-5900

California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Canyon Farms LLC		Date: 1-24-19	
APPS No.: 10899	APN: 221-161-012	DFW CEQA No.: 2019-0031	Case No.: SP16-102
☐ New ☒Existing	☒ Outdoor (SF): 9,000		

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

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

☐ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested conditions below.

☒ Applicant needs to submit additional information. Please see the list of items below.

☐ Recommend Denial. See comments below.

The site plan does not include topographic lines or any information on streams or sensitive areas that may be located within the subject parcel. CDFW requests a map that includes any streams located on the property. CDFW further requests disclosure and assessment of any stream crossings on the parcel they may be used as part of this project. If stream crossings do exist, Notification to CDFW may be required.

Please provide the following information <u>prior to Project Approval</u>: *(All supplemental information requested shall be provided to the Department concurrently)*

☒ Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.

☒ If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.

☒ CDFW requests an assessment of the access road leading to the project site, prior to Project approval to identify nonpoint source pollution that may affect fish and wildlife.

☒ All or part of the Project is located within the CDFW recommended minimum setback area. CDFW recommends that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft from perennial streams/wetlands and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers. CDFW requests confirmation of this setback prior to Project approval.

Please note the following information and/or requested standard conditions of Project approval:

☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or

nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.

☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.

☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylii*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei),* Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata),* and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to david.manthorne@wildlife.ca.gov .

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

Welsh, Liza

From: Welsh, Liza
Sent: Thursday, October 10, 2019 1:23 PM
To: Manthorne, David@Wildlife; Bocast, Kalyn@Wildlife
Cc: Ryan, Meghan
Subject: Response to CDFW Comments - App#10899 / Canyon Farms, LLC
Attachments: 10899_ref_CDFW.pdf; Topo.pdf; 10899 Site Plan 09.13.19.pdf; 10899 Cult Ops 09.13.19.pdf; 10899 - LSAA 6.14.17.pdf; 10899_RoadEval.pdf; 10899 Site Mangement Plan 10.03.19.pdf

Greetings Dave and Kalyn,

Thank you for your comments on App# 10899 / Canyon Farms, LLC on APN 212-051-003 (See attached).

Attached, please find additional information as requested.

1. Topo Map
2. Revised Site Map and Revised Cult/Ops Plan
3. Streambed Alteration Agreement
4. Road Evaluation
5. Site Management Plan

All suggested conditions have been added to the Staff Report as ongoing requirements. Please let us know if you have any additional comments or questions on this project.

Best wishes,

Liza

Liza Welsh
Planner / Cannabis Services Division
Planning and Building Department
lwelsh@co.humboldt.ca.us
707.445.7541

New Redway Office Hours
Monday and Wednesday, 9:30 am to 3:30 pm
3156 Redwood Dr, Redway (707) 383-4100
Mondays – Building, Current Planning and Code Enforcement
Wednesdays – Building, Cannabis Planning and Long Range Planning

Welsh, Liza

From: Ryan, Meghan
Sent: Thursday, November 07, 2019 8:08 AM
To: Welsh, Liza
Cc: Johnson, Cliff
Subject: RE: Response to CDFW Comments - App#10899 / Canyon Farms, LLC

I think the condition does not need to be modified as it includes the language: Unless altered through a future Streambed Alteration Agreement

Operations Plan page 3 addresses how they plan to attenuate light and noise. Black out tarps and the generator is enclosed.

I will let Cliff weigh in as it appears you were both working on addressing these concerns yesterday.

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Thursday, November 07, 2019 7:54 AM
To: Welsh, Liza <lwelsh@co.humboldt.ca.us>
Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: Response to CDFW Comments - App#10899 / Canyon Farms, LLC

Liza,
Item 12, page 25 should also be modified. Since the water diversion LSA has expired, new terms are likely to request forbearance of at least May 15 – November 15. I believe the County ordinance requires a similar forbearance period. The State Waterboard requires a forbearance period beginning April 1, unless a Local Cooperative Solution is obtained for specific sites. This expired LSA is out of date with current policy. Item 13 describes noise restrictions. CDFW strongly believes that a plan to attenuate noise or light (Noise and Light Attenuation Plan), as applicable, is a far superior condition than a simple noise limit that will be more difficult to validate.
Thank you

From: Welsh, Liza <lwelsh@co.humboldt.ca.us>
Sent: Wednesday, November 6, 2019 4:04 PM
To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: Response to CDFW Comments - App#10899 / Canyon Farms, LLC

Hi Dave,

Good catch! I reached out to the agent to ask about this and she sent me the attached map, which is from a Draft Technical Memorandum looking at Road Erosion and Remediation. Per the map, it looks like those are stream crossings on Class II watercourses, which were not pictured on the applicant's Site Map. There are also additional culverts that were not pictured. After consultation with my supervisor, we have drafted a Supplemental for the project's hearing tomorrow to add the following condition:

4. **Within 60 days of the effective date of project approval, the applicant shall submit an updated Site Map showing all culverts, watercourses, and Streamside Management Areas on the subject parcel. The Plan should include relocation of any water tanks within SMA buffers. Upon approval of the updated Site Map, any water tanks in the SMA buffer shall be relocated and the footprints restored, if necessary.**

Welsh, Liza

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Thursday, November 07, 2019 7:39 AM
To: Welsh, Liza
Cc: Ryan, Meghan; Johnson, Cliff
Subject: RE: Response to CDFW Comments - App#10899 / Canyon Farms, LLC

Hi Liza,
Is it possible to modify #8, to request Notification to CDFW within 60 days of Project Approval, with proof of submission to be submitted to the Planning Department? Since there is no required timeline for submission under #8, it is ambiguous as to the required timeline. If CDFW was to require submission without HumCo or CDFA, we would first have to request a site visit through the County or CDFA, since the LSA is expired, and then issue a Notice of Violation for unpermitted water diversion or issues with any of the stream crossings. This seems less efficient than HumCo Planning requesting Notification within a reasonable period of time. Technically, the applicant should have to demonstrate compliance with CDFW to obtain or maintain a state license. Please let me know if modification of the terms is possible. Thank you

From: Welsh, Liza <lwelsh@co.humboldt.ca.us>
Sent: Wednesday, November 6, 2019 4:04 PM
To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: Response to CDFW Comments - App#10899 / Canyon Farms, LLC

Hi Dave,

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We have also revised this condition as follows:

8. The applicant's Streambed Alteration Agreement covering their point of water diversion has expired (1600-2014-0045). ~~If any stream diversion is to continue, t~~ The applicant shall re-notify CDFW through the 1600 permitting process (Lake or Streambed Alteration) and shall obtain a Final Streambed Alteration Agreement to cover the diversion, **all culverts on the parcel, and all other activities affecting the bed, bank, or channel of any river, stream, or lake** for the next five years, to be submitted to the Planning Department.

Please let us know if you have any further questions or comments.

Thank you and best wishes,

We have also revised this condition as follows:

8. The applicant's Streambed Alteration Agreement covering their point of water diversion has expired (1600-2014-0045). ~~If any stream diversion is to continue, t~~ The applicant shall re-notify CDFW through the 1600 permitting process (Lake or Streambed Alteration) and shall obtain a Final Streambed Alteration Agreement to cover the diversion, **all culverts on the parcel, and all other activities affecting the bed, bank, or channel of any river, stream, or lake** for the next five years, to be submitted to the Planning Department.

Please let us know if you have any further questions or comments.

Thank you and best wishes,

Liza

Liza Welsh
Planner / Cannabis Services Division
Planning and Building Department
lwelsh@co.humboldt.ca.us
707.445.7541

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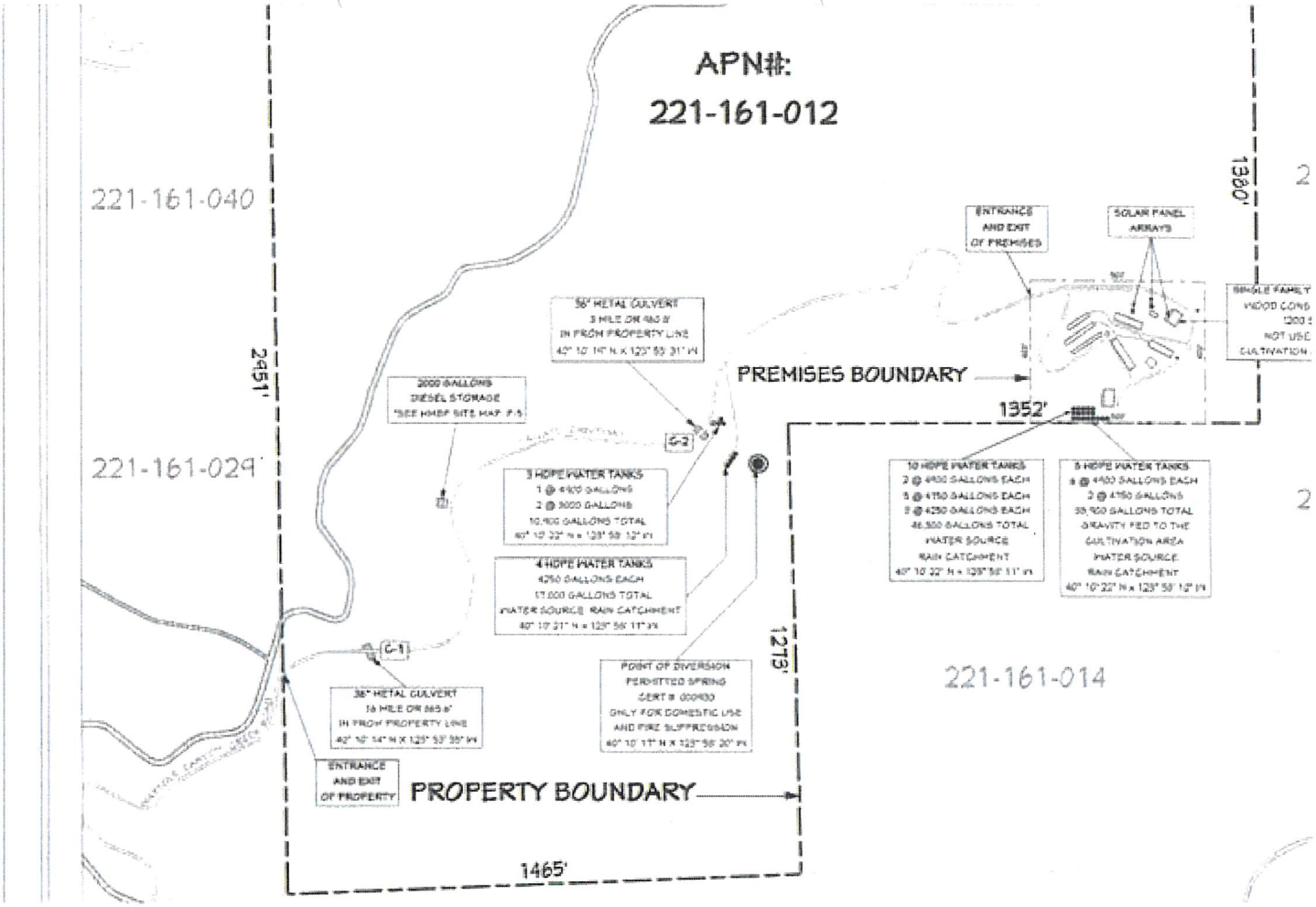
From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Tuesday, October 29, 2019 9:40 AM
To: Welsh, Liza <lwelsh@co.humboldt.ca.us>
Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: Response to CDFW Comments - App#10899 / Canyon Farms, LLC

Hi Liza,
I can find no information in any of the documents that describes why C1 and C2 (both 36" culverts) exist. These culverts are not likely to be ditch relief, and must be stream crossings, but no streams are described and no information on stream location, classification, or buffer exists. Could we request this specific information from the consultant? I am unable to provide specific recommendations without this information.
Thank you



From: Welsh, Liza <lwelsh@co.humboldt.ca.us>
Sent: Friday, October 25, 2019 4:50 PM
To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: Response to CDFW Comments - App#10899 / Canyon Farms, LLC

Hi David,

Unfortunately, we never received a WRPP for this parcel. We only received the Site Management Plan that I attached previously. We will add a Condition of Approval requiring renotification for an LSA if any diversion of surface water is to continue.

Thank you and best wishes,

Liza

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Planner / Cannabis Services Division
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lwelsh@co.humboldt.ca.us
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From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Thursday, October 10, 2019 4:46 PM
To: Welsh, Liza <lwelsh@co.humboldt.ca.us>
Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>
Subject: RE: Response to CDFW Comments - App#10899 / Canyon Farms, LLC

Hi Liza,
Thank you for the information. Is it possible to get a WRPP so that I can get some more detailed information on the stream crossings? Also, LSA 1600-2014-0045-R1 attached to your email has expired (5 year term, expired in April 2019). If the applicant continues to divert surface water, they will need to renotify CDFW for an LSA.

David Manthorne
Senior Environmental Scientist Specialist
Habitat Conservation and Planning (WET)
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501
(707) 441-5900

From: Welsh, Liza <lwelsh@co.humboldt.ca.us>
Sent: Thursday, October 10, 2019 1:23 PM
To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
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