

## Saucedo, Portia

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**From:** Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>  
**Sent:** Thursday, June 22, 2023 10:21 AM  
**To:** Saucedo, Portia  
**Cc:** Johnson, Cliff  
**Subject:** PLN-2020-16866-MOD01

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Hi Portia,  
Please see CDFW's comments below regarding this project.

PLN-2020-16866-MOD01  
Peaksview  
APN: 216-082-002 & 216-082-006

### PROJECT DESCRIPTION:

A Modification to the approved Special Permit (PLN-2020-16866) to relocate the cultivation area on APN 216-082-002 to an existing natural flat area. The Special Permit was for the operation of up to 43,560 square feet of new mixed-light cannabis cultivation on two contiguous parcels (APN 216-082-002 and APN 216-082-006) with ancillary propagation facilities. Cultivation takes place in one cultivation area consisting of four mixed-light greenhouses. A 12,960-square-foot immature plant propagation area is adjacent to the greenhouses. The project further proposed relocation of the 9,600-square-foot wholesale nursery from APN 216-082-002 to APN 216-082-006 and repurposing the 4,440 square-foot immature plant propagation nursery and 8,640 square-foot mixed-light greenhouse on APN 216-082-002 for immature plant propagation or wholesale nursery activities. Existing available water storage is a 1-million-gallon rainwater catchment pond located in the southeast corner of APN 216-082-006 and additional proposed water storage consists of ten (10) 5,000-gallon rainwater catchment storage tanks adjacent to the cultivation areas for a total available water storage of 1.05 million gallons. Estimated annual water usage is approximately 600,000 gallons (13.9 gal/SF). Processing, including drying, curing and trimming, occurs onsite in an existing barn on APN 216-082-006. Post-processing activities would occur in a proposed 2,500 SF commercial building on APN 216-082-006. Up to 12 employees may be utilized during peak operations. Power is provided by four generators, two on each parcel. PG&E improvements are proposed to move to grid power. The approved project included a Special Permit for development within the SMA for the use of 8,640 square-foot mixed-light greenhouse on APN 216-082-002.

### CDFW COMMENTS:

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

On June 1, 2023, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Numbers (APNs) 216-082-002 and 216-082-006. During the site visit staff walked the property to observe current cultivation activities, grading that has occurred on the parcel and the location of the proposed cannabis cultivation. The following comments are intended to assist the Lead Agency in making informed decisions in the planning process.

- An unauthorized Oak Woodland conversion occurred sometime after 2016 on APN 216-082-006 (2.24 acres). The Oak Woodland conversion was graded without authorization and did not follow approved grading plans. During the site visit, CDFW observed obvious signs of failure due to grading, including stress cracks and slope failure from over-steepened banks. If the Humboldt County Planning Department (HCPD) elects to move this project forward, the banks

should be laid back to slopes that are stable. CDFW requests that a qualified professional geologist assess the graded site and provide specific prescriptions to fix the failures associated with the grading at this conversion site. Because this site has been converted, graded, and compacted, CDFW prefers that any additional cultivation activities (acre of approved new cultivation) be located to this site to avoid the need for further grading and site conversion. If this conversion site is unable to be used due to restrictions in the ordinance, CDFW requests that the oak woodland conversion site is fully recontoured and restocked back to pre-conversion natural conditions.

- CDFW conducted an aerial imagery analysis of the property which suggests that grading of a mid-slope cultivation site for phase 1 of the proposed project occurred sometime between December 3, 2021 and July 19, 2022. The applicant stated that the site was naturally flat and that no significant grading has occurred at the site location. During the site visit, CDFW noted that significant grading far in excess of 50 cubic yards has occurred. Additionally, there were eight (8) greenhouses (~16,000 sq ft.) on site. Stress fractures and bank failure due to grading from over-steepened and uncompacted fill have caused soil erosion to discharge to the SMA and channel of a Class III stream. If HCPD elects to move this project forward, CDFW requests the graded area be fully removed outside the SMA, and the slopes be laid back to a stable slope. CDFW requests that a qualified professional geologist assess the graded site and provide prescriptions to abate the bank failures and discharges to the stream.

- The project plan states that, as part of phase 2 of the project, the cultivation will be relocated to a naturally flat area within a meadow adjacent to an existing pond. The grading plans indicate an area of 0.82 acres will be required for grading with cut slopes as large as 40 vertical feet. The project plan also states that the meadow site is considered an environmentally superior site, as it will allow PG&E to provide power to the cultivation site located on APN 216-082-006. However, it is unclear if the proposed project intends to connect to PG&E. No letters from PG&E stating that they will be able to supply the power nor has a timeline been provided on when this will take place. The relocation of cannabis cultivation to the meadow site does not appear to offer an environmentally superior location to cultivate cannabis and has the potential to modify the natural hydrology by increasing storm runoff to headwater streams. To minimize disturbance to the surrounding environment, CDFW recommends that the project remain on the graded site that was proposed as the phase 1 site of the project. If HCPD elects to allow the project to relocate to the meadow, management of stormwater should require runoff be routed into settling basins or bioswales, where the runoff can be incorporated into groundwater, and away from streams where increases in runoff would cause increases in peak flows to headwater streams.

- The proposed project states that 12,960 square feet of immature plant propagation is proposed, which is ~30% of the proposed 43,560 square feet (1 acre) of cannabis cultivation. The amount of immature plant propagation appears to be an overallocation of the allowed ancillary nursery for the project. If HCPD elects to move this project forward, CDFW recommends that the allowed nursery space be reduced to no greater than 10% of the total permitted cannabis cultivation on the parcel.

- A Lake and Streambed Alteration Agreement (LSA) obtained by the applicant in November 2020 includes an agreement to upgrade 15 stream crossings on the project parcels by October 15, 2024. As of the June 1, 2023 site inspection, no stream crossings have been upgraded. CDFW requests that a condition of approval be added to upgrade the stream crossings by October 15, 2024, consistent with the LSA.

Thank you for the opportunity to comment on this project.

David Manthorne  
Senior Environmental Scientist Supervisor  
Habitat Conservation and Planning  
Humboldt/Del Norte LSA Program  
California Department of Fish and Wildlife  
619 Second Street  
Eureka, CA 95501  
(707) 441-5900

