



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 26, 2023

Steven Lazar, Senior Planner
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501
slazar@co.humboldt.ca.us

SUBJECT: WOOD RANCH CANNABIS CULTIVATION PROJECT
(SCH [2023080682](#))

Dear Steven Lazar:

On August 29, 2023, the California Department of Fish and Wildlife (CDFW) received Humboldt County Planning and Building Department's (Lead Agency) Initial Study and Draft Mitigated Negative Declaration (IS/MND) for the Wood Ranch Cannabis Cultivation Project (Project). CDFW understands the Lead Agency will accept comments on the Project through September 29, 2023.

As the Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary to sustain their populations (Fish and Game Code, §§ 1801 and 1802). As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). These comments are intended to minimize Project impacts on public trust resources.

Project Description

The Project is located on a 361-acre parcel in the Wood Ranch area approximately three miles north of Redway, in unincorporated Humboldt County, California. The Project involves two components: 1) remediation and restoration of approximately 6.7 acres of land disturbance associated with unauthorized cannabis cultivation, and 2) development and operation of new outdoor cannabis cultivation. The North Coast Regional Water Quality Control Board (Water Board) issued a Cleanup and Abatement Order (R1-2021-0003) for unauthorized dredge and fill of watercourses and wetlands. The remediation and restoration work is designed to correct outstanding violations and will include the following elements: 1) removing all development-related material from the sites; 2) recontouring graded areas to conform to pre-development topography; 3) implementing erosion control measures; 4) revegetation; and 5) removing drainage structures and/or restoring stream channels. Satisfying the compensatory mitigation requirements of the Cleanup and

Conserving California's Wildlife Since 1870

Steven Lazar, Senior Planner
Humboldt County Planning & Building Department
September 26, 2023
Page 2

Abatement Order is also likely to require on- or off-site wetland creation or enhancement (to be determined).

The new cannabis cultivation would occur in an undeveloped grassland in the northern portion of the parcel, which was previously used as a motocross track. Project elements include the construction of forty-four 2,000 square foot greenhouses and a 12,500 square foot drying barn. The greenhouses will not initially use artificial lighting (apart from the nursery/propagation greenhouse), but supplemental lighting would resume as part of mixed-light cultivation when grid power or on-site renewable energy is available. The primary water source consists of three existing ponds authorized by CDFW for use in irrigation (Notification #1600-2020-0303-R1), totaling approximately 2.2 million gallons of stored water. Existing and proposed water tanks provide additional water storage, and a permitted well serves as a back-up water source. The IS/MND and associated Water Management Plan indicate there is adequate water to meet irrigation needs.

CDFW Consultation History

CDFW has been involved in permitting and compliance on the subject parcel since 2016. A Notice of Violation was issued in 2018 for unauthorized impacts to streams (Fish and Game Code §1602) in conjunction with the cultivation of cannabis. In 2021, CDFW executed a Lake and Streambed Alteration Agreement (Notification #1600-2020-0303-R1) authorizing encroachments to decommission or improve road/stream crossings, restore natural hydrology, and armor existing pond outlets.

CDFW Recommendations

Wetlands, streams, and associated floodplains and riparian areas are vital to over half of the listed species in California and provide essential benefits and habitat for a myriad of terrestrial and aquatic life. Unauthorized grading and site development resulted in fill and disturbance to at least 0.94 acres of wetland and 700 linear feet of streambed. These areas could have provided habitat for several special status wildlife species documented within five miles of the Project, including western pond turtle (*Actinemys marmorata*; CDFW Species of Special Concern [SSC]), northern red-legged frog (*Rana aurora*; SSC), and obscure bumble bee (*Bombus caliginosus*; S1S2). In addition to the direct loss of habitat, grading and fill resulted in the discharge of sediment and other waste into tributaries and associated wetlands of the South Fork Eel River, which is listed as an impaired water body under Section 303(d) of the Clean Water Act. Impacts to water quality could adversely affect fish and wildlife in downstream reaches of the South Fork Eel River, such as foothill yellow-legged frog (*R. boylei*; SSC) and northern California summer steelhead (*Oncorhynchus mykiss irideus*; federally Threatened, state Endangered). Due to the extent and severity of impacts, CDFW recommends the Project be conditioned to require the completion of remediation and restoration activities prior to the expansion of cannabis cultivation at the new site (**Recommendation 1**). To account for heat stress and other variables that affect planting success, vegetation monitoring should extend to the industry standard of five years (**Recommendation 2**) rather than the proposed three. While CDFW appreciates the inclusion of a mitigation measure to avoid or minimize impacts to resident and migratory birds (BIO-2), the measure should be revised to provide more effective protection, requiring nesting bird surveys within seven days of project

Steven Lazar, Senior Planner
Humboldt County Planning & Building Department
September 26, 2023
Page 3

initiation and larger avoidance buffers (**Recommendation 3**). The proposed 14-day window between nest surveys and disturbance leaves too much time for nest construction and incubation, which can be as short as 14 days in some species (e.g., Anna's hummingbird, *Calypte anna*; house finch, *Haemorhous mexicanus*). If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes. Finally, to reduce the risk of take associated with noise and visual disturbance, CDFW recommends implementing avoidance buffers of at least 100 feet for non-raptor species and 300 feet for raptors. Buffer distances may be adjusted at the discretion of the biologist and in consultation with CDFW.

Summary of Recommendations

1. To ensure sufficient, timely restoration of impacted wetlands and streams, the Lead Agency should condition the Project to require the completion of remediation and restoration activities prior to the expansion of cannabis cultivation at the new site.
2. To account for heat stress and other variables that affect planting success, vegetation monitoring should extend to the industry standard of five years rather than the proposed three.
3. The mitigation measure to avoid or minimize impacts to migratory birds should be revised to provide more effective protection, requiring nesting bird surveys within seven days of project initiation (or a lapse in construction) and larger avoidance buffers of at least 100 feet for non-raptor species and 300 feet for raptors.

We appreciate the opportunity to comment on this proposed Project. If you have any questions, please contact Environmental Scientist Kathryn Rian by email at Kathryn.Rian@wildlife.ca.gov.

Sincerely,

DocuSigned by:

1D82ADE7303A474...

Tina Bartlett, Regional Manager
Northern Region

ec: State Clearinghouse, Office of Planning and Research
State.Clearinghouse@opr.ca.gov

North Coast Regional Water Quality Control Board
Brian Fuller, Brian.Fuller@waterboards.ca.gov

California Department of Fish and Wildlife
Rebecca Garwood, Michael van Hattem, David Manthorne, Kathryn Rian