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**Subject:** PLN-11165-CUP, APN: 211-151-017  
**Date:** Wednesday, April 17, 2024 12:02:21 PM  
**Attachments:** [1600-2017-0547-R1 HUM MJ Egan Happy Dreams Farm Water Diversion Stream Crossing FinalLSAA.pdf](#)

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Good Afternoon,

Please see the comments below regarding the above referenced project.

**Project Number:** PLN-11165-CUP

**Project Name:** Eel River Family Farms, LLC - Existing 19050 Mixed Light and 600sf ancillary propagation

**APN(s):** 211-151-017

**CEQA No:** CEQA-2017-0540-0000-R1

### **Project Description**

Eel River Family Farms, LLC - Existing 19050 Mixed Light and 600sf ancillary propagation CUP for existing mixed-light cultivation of 19,050 square feet (sf) with an ancillary propagation facility of 600 sf. Water source is currently an unpermitted well; in process of permitting a new well. There are two (2) 3,000 gallon existing storage tanks and two (2) proposed 50,000 gallon water tanks, providing a total water storage of 106,000 gallons. Cultivation irrigation will be applied by hand watering and the total estimated need for irrigation is approximately 144,000 gallons annually. Applicant plans to conduct on-site processing in proposed (ADA compliant) new structure. Power for this cultivation is from PGE.

### **CDFW COMMENTS:**

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

On January 19, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 211-151-017. 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-11165-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- On April 17, 2017, CDFW visited APN 211-151-017. While onsite, CDFW observed activities on the property that were in violation with Fish and Game Code (FGC) 1602

and 5650. On May 11, 2017, CDFW issued a Notice of Violation (NOV) to document FGC violations, and to encourage the landowner to cure these violations. The violations on APN 211-151-017 have been addressed and rectified.

- On February 26, 2018, CDFW issued a Final Lake and Streambed Alteration Agreement (LSAA, 1600-2017-0547-0000-R1) to modify and maintain a POD, to upgrade two existing stream crossings and to remediate an altered section of stream bank and riparian zone. The LSAA expired on February 26, 2023. As of April 4, 2024, the applicant does not have a valid LSAA and CDFW does not have a submittal for an LSAA on file. CDFW requests, as a condition of approval, that the applicant receives a final LSAA and maintains compliance with the LSAA.
- On January 19, 2024, CDFW visited APN 211-151-017. While onsite, CDFW observed that work and maintenance on STX-1 and STX-2 is still required (see attached expired LSAA). CDFW requests, as a condition of approval, that the applicant receives a Final LSAA prior to the initiation of cannabis cultivation. CDFW further requests, as a condition of approval, that the applicant completes the following items listed below by the requested dates, or within two weeks of project approval.
  - Notify for a LSAA from CDFW by June 15, 2024.
  - Rock armor STX-1 and STX-2 (see attached expired LSAA) and hydrologically disconnect road approaches by October 15, 2024.
- While onsite, CDFW observed that the area surrounding the cultivation sites are characterized by steep topography and are susceptible to mass wasting (i.e. landslides and erosion). Additionally, CDFW observed sediment discharge to Waters of the State through the erosion of hydrologically connected roads. CDFW requests, as a condition of approval, that the applicant obtain and comply with an Erosion Control Plan (site management plan). The Erosion Control Plan shall include both cultivation sites and the roads on the parcel. Additionally, the plan shall provide a detailed drainage design that will deconcentrate surface flow and direct storm water runoff away from highly sensitive slopes that have the potential to deliver sediment to tributaries to the Eel River. CDFW further requests that the Erosion Control Plan is implemented no later than October 15, 2024.
- On January 19, 2024, CDFW staff observed that no water meters were in use. Additionally, the Project Description states that the water source is currently an unpermitted well. CDFW requests, as a condition of approval, that the applicant is required to have a permitted water source with appropriate water monitoring prior to cultivating cannabis.
- The project proposes to have a total of 106,000 gallons of water storage onsite. Additionally, the estimated annual water usage of 144,000 gallons appears to underestimate the total amount of water needed for 19,050 sf of cannabis cultivation. CDFW requests, as a condition of approval, that the applicant store no less than 130,000 gallons of water on site. CDFW further requests, as a condition of approval,

that the applicant obtains all required water storage within one year of project approval.

- While onsite, CDFW observed uncontained compost associated with cannabis cultivation. CDFW requests, as a condition of project approval, that the applicant fully contains compost piles on site.
- The proposed project may have a potentially significant adverse effect on the Northern Spotted Owl (*Strix occidentalis caurina*; NSO). At least two known NSO Activity Centers occur within 0.75 miles of the cultivation sites (CDFW 2024). The project proposes 19050 sq ft of mixed light cultivation within NSO habitat. Cultivation methods that utilize artificial light allow for an extension of the growing season which increases the period of overlap between cultivation operations and the NSO breeding season (February 1 to July 9). CDFW requests, as a condition of approval, that the succeeding measures are implemented:
  - That the permittee implements substantive containment of all operation related generators, water pumps and fans.
  - That artificial light used for cannabis cultivation operations be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. CDFW further requests a light attenuation monitoring and management plan for this activity within thirty days, following execution of the final permit.

Thank you for the opportunity to comment on this project.

**Corrina Kamoroff**

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