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Subject:	PLN-11737-CUP, APN: 208-241-017
Date:	Tuesday, September 3, 2024 2:36:24 PM
Attachments:	EPIMS-HUM-31749-R1C_Final_Standard_Agreement_LSAA (2).pdf

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Good Afternoon,

Please see the comments below regarding the above-referenced project.

Project Number: PLN-11737-CUP
Project Name: Ten Redwoods, LLC
APN(s): 208-241-017
CEQA No: CEQA-2017-0907-0000-R1

Project Description
Conditional Use Permit for 11,700 square feet (SF) of existing outdoor cannabis cultivation, 4,050 SF of mixed light and 7,650 SF of outdoor. Irrigation water is sourced from rainwater catchment and a Class II stream diversion. A 300,000-gallon pond and 125,000-gallons of hard sided tanks store water. Estimated annual water usage is 151,750 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. A maximum of five people may be onsite during peak operations. Power is provided by three diesel generators, the project is conditioned to transition to 100% renewable power by January 1, 2026. The project includes a Special Permit for actions within the Streamside Management Area: use and maintenance of the point of diversion, relocation of existing cultivation and infrastructure outside of required SMA buffers, and associated restoration.

CDFW COMMENTS:
Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.
On August 21, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 208-241-017. 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-11737-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

1. A final Lake and Streambed Alteration Agreement (LSAA, EPIMS-HUM-31749-R1C, see attached) was issued for one water diversion from an unnamed tributary to the Mad River. The applicant/permittee is not in compliance with all conditions outlined in the LSAA. While onsite, CDFW observed that the onsite reservoir used for cannabis irrigation is an onstream pond and should be included in the LSAA as a project. Additionally, while onsite, CDFW observed that a stream crossing on a seasonal road used to access a cultivation site requires

maintenance and rock armoring. CDFW requests, as a condition of approval, that the Applicant/Permittee completes the following items listed below by the specified dates or within two weeks of project approval and achieves and maintains compliance with the LSAA.

a. Install and maintain an adequate measurement device for measuring the instantaneous and cumulative rates of water diversion prior to diverting water, and no later than November 15, 2024.
b. Submit a Water Management Plan by October 31, 2024.
c. Provide documentation that the water intake structure meets the requirements in the LSAA prior to diverting water, and no later than November 15, 2024.
d. Submit an amendment to the LSAA to include water diversion from the on-stream reservoir as a project in the LSAA by December 31, 2024.
e. Submit an amendment to the LSAA to include either upgrading and maintaining a stream crossing or decommissioning the stream crossing (at coordinates 40.512383, -123.562538) as a project in the LSAA by December 31, 2024.

2. While onsite, CDFW observed sediment discharge to Waters of the State through erosion of a hydrologically connected road (at coordinates 40.509587, -123.562521) that is used to access two cultivation sites. CDFW requests, as a condition of approval, that the applicant implement a stormwater plan (site management plan) to direct surface flow away from streams to mitigate the existing threats of sediment delivery.

3. The proposed project includes the relocation and restoration of an existing cultivation site that is currently located within the Streamside Management Area (SMA) of a Class II tributary to the Mad River. The existing cultivation site poses a threat of sediment and nutrient delivery to Waters of the State. CDFW requests, as a condition of approval, that the applicant implement interim mitigation measures to minimize the threat of sediment and nutrient delivery to Waters of the State by October 15, 2024, or within two weeks of project approval. CDFW further requests, as a condition of approval, that the applicant submit and implements a restoration plan to restore and revegetate the cultivation area once it has been relocated outside of the SMA.

4. While onsite, CDFW observed water tanks used for cannabis irrigation located within the SMA (at coordinates 40.510563, -123.561473). CDFW requests, as a condition of approval, that all cannabis related infrastructure is relocated outside of the SMA.

5. While onsite, CDFW observed that a subsurface pipe was installed to drain and direct stormwater and surface water from the cultivation flat into an excavated channel. The excavated channel connects the stormwater drainage to the head of a Class III tributary to the Mad River and had exposed, loose soil posing a threat of sediment delivery to Waters of the State. CDFW requests, as a condition of approval, that the excavated channel be restored,

rocked, and revegetated to disconnect the stormwater runoff from the Class III drainage and to reduce sediment delivery to Waters of the State. CDFW further requests that the cultivation area is drained away from any streams and routed into settling basins or bioswales that discourages channelization and promotes dispersal and infiltration of flows.

6. While onsite, CDFW observed an unstable area (at coordinates at 40.511403, -123.564105) associated with the graded flat used for cannabis cultivation. CDFW requests, as a condition of approval, that the failing toe of slope is stabilized.

7. To minimize the risk of wildlife entrapment, CDFW requests, as a condition of project approval, the prohibition of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of cultivation operations and/or erosion control.

8. While onsite, CDFW observed that the parcel was invaded by a non-native Cal-IPC listed thistle. CDFW requests, as a condition of approval, that an invasive species removal and monitoring plan is prepared and implemented to remove the non-native thistle and prevent the continued spread of the invasive species.

9. While onsite, CDFW observed unused, uncontained cement (at coordinates 40.510611, -123.564222) posing a threat to public trust resources. CDFW requests that the cement is fully contained or is removed and disposed of at a waste management facility by October 15, 2024.

Thank you for the opportunity to comment on this project.

Corrina Kamoroff
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