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**Subject:** PLN-11393-CUP, APN: 524-112-002  
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Good Afternoon,

Please see the comments below regarding the above referenced project.

**Project Number:** PLN-11393-CUP

**Project Name:** Grouse Mountain Green, LLC-CUP for existing 10,000 SF outdoor and 22,000 SF mixed light

**APN(s):** 524-112-002

**CEQA No:** CEQA-2018-0166-0000-R1

#### **Project Description**

Grouse Mountain Green, LLC - CUP for existing 10,000 sf outdoor and 22,000 sf mixed light medical cannabis cultivation

A Conditional Use Permit for 10,000 square foot outdoor and 22,000 square foot mixed light existing cannabis cultivation. Irrigation water sources are two permitted wells and rainwater catchment. Water storage onsite consists of a 675,000- gallon rainwater catchment pond and 11,500 gallons in hard tanks totaling 686,500 gallons. Processing will be performed offsite. Power is provided by an onsite diesel generator. Onsite relocation and remediation of cultivation area number 3 within a Streamside Management Area (SMA) is proposed which requires a Special Permit for work within the SMA. Also, a Special Permit is requested for a setback reduction to less than 600-feet to Six Rivers National Forest.

#### **CDFW COMMENTS:**

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

On May 1, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 524-112-002. 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-11393-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- On August 17, 2018, CDFW issued the applicant a Final Lake and Streambed Alteration Agreement (LSAA, 1600-2017-0463-0000-R1) for the use and maintenance of two Points of Diversion (PODs). The LSAA expired on August 17, 2023, and as of May 3, 2024, the applicant does not have a valid LSAA. On May 1, 2024, CDFW observed that the PODs on the parcel were in place and the

applicant was actively diverting water without a valid LSAA, which is a violation of Fish and Game Code (FGC) 1602. Additionally, when the applicant did have a valid LSAA, they failed to upgrade the PODs, install appropriate water meters, submit water monitoring reports, or a Water Management Plan as required in the LSAA. As a result, the applicant has not demonstrated compliance with the LSAA. CDFW requests, as a condition of approval, that the applicant ceases to use the PODs and obtain a final LSAA to either remove or upgrade and maintain the two PODS prior to the initiation of cannabis cultivation.

- While onsite, CDFW observed that a water tank, associated infrastructure, and debris was located within the SMA of waters of the state. CDFW requests, as a condition of approval, that all water tanks, associated infrastructure, and debris are removed from the SMA and are relocated to an appropriate location.
- Water for cannabis irrigation for the proposed project is partially sourced from a plastic lined pond. The pond was constructed with steep embankments that pose a significant threat to wildlife. CDFW requests, as a condition of approval, that the applicant modifies the pond by October 15, 2024, to include a graded slope no steeper than 2:1 ratio to allow wildlife to safely exit the pond.
- The onsite lined pond has the potential to provide habitat for the invasive American bullfrog (*Lithobates catesbeianus*). CDFW requests, as a condition of approval, that the applicant provides and implements an Invasive Aquatic Species Management Plan. The Invasive Species Management Plan shall include, at a minimum, an annual survey for invasive species including the American bullfrog. If invasive aquatic species are identified, a qualified biologist shall coordinate with CDFW to develop necessary eradication measures.
- While onsite, CDFW staff observed a substantial quantity of cannabis cultivation related waste uncontained and scattered throughout the property. Fertilizers, pesticides, petroleum, and other chemicals were improperly stored posing potentially significant effects to biological resources. CDFW requests, as a condition of approval, that all cannabis cultivation associated waste be removed from the site and properly disposed of prior to authorization to cultivate cannabis. CDFW further requests, as a condition of approval, that all fertilizers, pesticides, petroleum, and other chemicals are properly stored in compliance with local and state laws.
- While onsite, CDFW observed that a diesel generator has leaked oil into the surrounding soil, posing a significant threat to public trust resources. CDFW requests, as a condition of approval, that the applicant promptly clean up the hazardous spill, remove all contaminated soil and dispose of it at a waste management facility. CDFW further requests, as a condition of approval, that the applicant implements secondary containment for any hazardous material storage, generators, and water pumps to prevent any future spillage.
- While onsite, CDFW observed monofilament netting (trellis) used for cannabis cultivation. To minimize the risk of wildlife entrapment, CDFW requests, as a condition of 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. CDFW further requests

that all monofilament netting is removed from the parcel, and properly stored or disposed of at a waste management facility.

- While onsite, CDFW observed uncontained compost and imported soil associated with cannabis cultivation. CDFW requests, as a condition of approval, that the applicant fully contains compost piles and any imported soils on site.
- While onsite, CDFW observed wire cages associated with a decommissioned cultivation site. CDFW requests, as a condition of approval, that the wire cages are either removed and disposed of at a waste management facility or are properly stored so that they do not pose a threat to wildlife.
- While onsite, CDFW observed that the cultivation sites are highly invaded by a non-native Cal-IPC listed thistle. Additionally, uncontained soil and compost on site is currently contributing to the uncontrolled propagation of the 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.
- The proposed project may have a potentially significant adverse effect on biological resources, specifically the Northern Spotted Owl (*Strix occidentalis caurina*; NSO). At least two known NSO Activity Centers occur within 1.3 miles of the cultivation sites (CDFW 2024), and the parcel is located adjacent to designated Critical Habitat for the NSO (CDFW 2024). The project proposes 22,000 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 that the applicant assume presence of NSO and avoid impacts as determined by a qualified biologist. CDFW recommends that cannabis cultivation at this location be limited to full sun outdoor methods with no mixed light. Additionally, CDFW requests the succeeding measures, as conditions of approval.
  - The construction of noise containment/dampening structures for all operation related generators, water pumps and fans. Additionally, CDFW requests that the use of generators is phased out after 2024 and only used as a backup energy source.
  - That artificial light used for cannabis cultivation operations (i.e., ancillary nurseries) 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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