

ATTACHMENT 5
PLN-11025-CUP

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was sent to the following referral agencies for review and comment. Those agencies that provided a response are listed in the table below.

Referral Agency	Response	Recommendation	Location
Ag Commissioner			
Building Inspection Division	✓	Comment	On File
County Counsel			
District Attorney			
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Comment	On File
Sheriff	✓	Comment	On File
CA Department of Fish & Wildlife	✓	Comment	Attached
CalFire	✓	No Comment	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comment	On file and confidential
Intertribal Sinkyone Wilderness Council			



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

RECEIVED

MAR 29 2018

Humboldt County
Planning Dept.

DEH received

1-29-18

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

17/18-1397

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Sinkyone, Intertribal Sinkyone, Southern Humboldt Joint Unified School District, SWRCB - Division of Water Rights

Applicant Name Sunny West, LLC **Key Parcel Number** 214-233-008-000

Application (APPS#) 11025 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-130

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Tier 0 - Existing Cultivation/Processing Operation- Resident (aka Family) staffing (e)SFD

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

DISTRIBUTED

3-28-18

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Response Date: 3/23/2018 **Recommendation By:** Benjamin Dolf

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Attachments:

1600-2019-0750-R1_Extension Conditioned.pdf

On January 4, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 212-041-005. 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-11025-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

1. A final LSAA (1600-2019-0750-0000-R1, see attached) was issued to upgrade nine existing stream crossings. The applicant has completed work on the nine stream crossings, but culvert maintenance and reporting measures are still required to achieve compliance with the LSAA. On April 11, 2024, the permittee was issued a minor amendment to the LSAA to upgrade an existing dirt ford. CDFW requests, as a condition of approval, that the applicant/permittee completes the following items listed below by October 1, 2024, or within two weeks of project approval, and achieves and maintains compliance with the LSAA.
 - a. Maintain Crossing-9 and add rock to outboard edge to minimize surface erosion.
 - b. Maintain Crossing-5 by clearing out sediment from the culvert.
 - c. Submit a Work Completion Report.

*CDFW issued the Permittee an extension in December of 2025 that requests this work be completed by the end of this years work season, October 31, 2026, see attached. CDFW will conduct a site visit at the end of 2026 to evaluate compliance with these conditions.

2. An Addendum to the Cultivation & Operations Plan dated June 20, 2024, proposes the relocation of two cultivation sites on the parcel due to excess surface water impacting the access roads. As a result, the relocation of the cultivation sites would be an environmental improvement for site access. If approved, CDFW requests that the applicant decommissions the lower access road and/or block access to the retired sites and remove and dispose of all unused infrastructure and debris at a waste management facility.
3. The relocation of the two cultivation sites will involve grading and/or ground disturbance and will likely require a grading permit. CDFW requests clarification regarding the extent of grading or ground disturbance that will be required for the proposed relocation. CDFW further requests, as a condition of approval, that the grading permit is referred to CDFW for review and comment. CDFW further requests, as a condition of approval, that the applicant implement a stormwater plan (site management plan) to ensure runoff is routed into settling basins or bioswales, where the runoff can be incorporated into groundwater, and away from streams.

*CDFW does not have a copy of a grading permit referral in the file for this project. CDFW also does not have a copy of a site management plan/stormwater plan on file.

4. Prior to the relocation of the two cultivation sites, CDFW requests, as a condition of approval, that the applicant completes all work included in the amendment to the LSAA issued on April 11, 2024, to upgrade the existing dirt ford on the access road (at coordinates 40.190908, -123.8090908).

*See response to 1.

5. CDFW observed substantial erosion and sediment discharge on roads used to access the cultivation sites. CDFW requests, as a condition of approval, that the applicant implement a site management plan to direct surface flow away from streams to mitigate the existing threats of sediment delivery.
6. The project description states that irrigation water is sourced from a permitted onsite well and that water from the well is stored in 16 hard tanks (shared with adjacent parcel, APN: 212-041-005) for a total capacity of 42,000 gallons. Due to the project's high projected water needs, CDFW requests, as a condition of approval, either a certified hydrogeologist assess the potential long-term yield of the well with the proposed usage and verify adequate water storage, or the applicant is required to increase water storage to 175,000 gallons.
7. The proposed project may have a potentially significant adverse effect on biological resources, specifically the Northern Spotted Owl (*Strix occidentalis caurina*; NSO). At least one known NSO Activity Center occurs within 0.3 miles of the cultivation sites (CDFW 2024) and the cultivation sites are surrounded by nesting/roosting NSO habitat. The Project proposes 6000 sq ft of mixed light cultivation and to utilize artificial light in an ancillary nursery structure 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, in consultation with CDFW. 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.
 - a. All ground-disturbing activities should be limited to occur outside of the breeding season for the NSO (February 1 through July 9).
 - b. 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.
 - c. Ancillary nursery shall be limited to occur within the existing building/barn on site (at coordinates 40.198874, -123.807671).
 - d. 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.

8. While onsite, CDFW observed monofilament netting that was used during cannabis cultivation operations. 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.
9. While onsite, CDFW observed water tanks without lids properly fastened to the tanks. CDFW requests, as a condition of project approval, that the applicant affix lids to all water tanks to prevent potential entry and entrapment of wildlife.

Georgia Hamer

Environmental Scientist
Habitat Conservation and Planning
Humboldt/Del Norte LSA Program
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501



From: Titus, Lucas@CALFIRE
To: [Planning Clerk](#); HUU.CEOA@CALFIRE
Subject: APN# 214-233-008 Sunny West LLC APPS# 11025
Date: Thursday, February 08, 2018 9:02:55 AM

Resource Management has no comments regarding this project at this time.

Lucas Titus
Forester I, Bridgeville Resource Management
Department of Forestry and Fire Protection
CAL FIRE
Humboldt-Del Norte Unit
Office (707)777-1720
Cellular (707)599-6893

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