

ATTACHMENT 5

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	Approval	Attached
Public Works, Land Use Division	✓	Comments	Attached
CAL FIRE	✓	Comments	Attached
Kneeland Fire Response Fire Protection District		No Response	
California Department of Fish & Wildlife	✓	Comments	Attached – Planning staff email dated October 2022 providing Wetland Delineation Report
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Blue Lake Rancheria	✓	Comments	On file and confidential
Kneeland School District		No Response	
Humboldt County Sheriff	✓	Comments	Attached
Humboldt County Agricultural Commissioner		No Response	
Humboldt Bay Municipal Water District	✓	Comments	Attached
Army Corps of Engineers		No Response	
Supervising Planner		No Response	



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



7/14/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Blue Lake Rancheria, Humboldt County Agriculture Commissioner, Sheriff's Department, Kneeland School District School District, Kneeland Fire Response Fire Protection District

Applicant Name Jesse Carnes **Key Parcel Number** 314-191-014-000

Application (APPS#) 11919 **Assigned Planner** Elanah Adler (707) 268-3736 **Case Number(s)** CUP16-448

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 7/29/2017

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 (please check one):

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

Applicant needs to submit additional information. List of items attached.

Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: 7-21-17

PRINT NAME: Gustin Dumlauer



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11919 APN 314-191-014
Case# CUP 16-448

The following comments apply to the proposed project, (check all that apply).

Site/plot plan appears to be accurate.

Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.

Existing operation appears to have expanded, see comments: _____

Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.

Proposed new operation has already started.

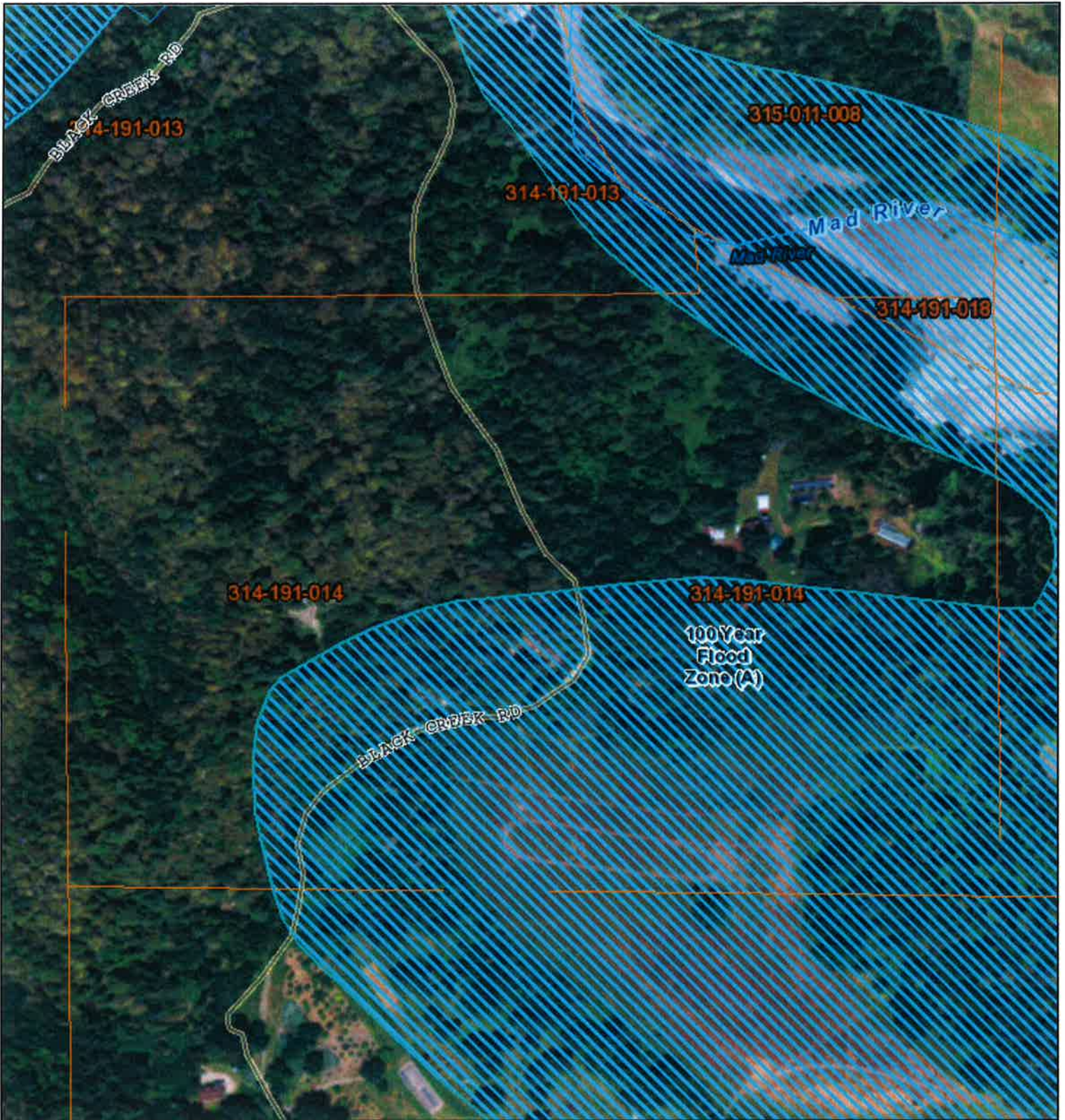
Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

Other Comments: See photos @ J-Current Planning - Projects -
CUP 16-448 - folder 314-191-014
- Greenhouses & Residence are out of Flood Zone per FIRM 900
- CA 2 is in Flood Zone per FIRM 900

Name: Justin Dumber

Date: 7-21-17

Note: Remember to take photographs and then save them to the Planning's application number.

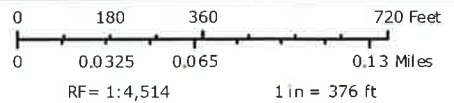


314-191-014

Humboldt County Planning and Building Department

Firm 900

- | | | | |
|---------------------------|---------------------------|--------------------------|-----------------|
| Highways and Roads | — Local Roads | Blue Line Streams | — Subsurface |
| — Principal Arterials | — Private or Unclassified | — Perennial 1-3 | — City Boundary |
| — Minor Arterials | — Major River or Stream | — Perennial >4 | — Counties |
| — Major Collectors | | — Intermittent | |
| — Minor Collectors | | | |



Printed: July 21, 2017

Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:
 While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.
 Source: NRCS, Humboldt County GIS, Healthy Rural Roads, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS



Domestic Use Storage 500 gal



7-21-17 314-191-014



500 gal

3000 gal storage

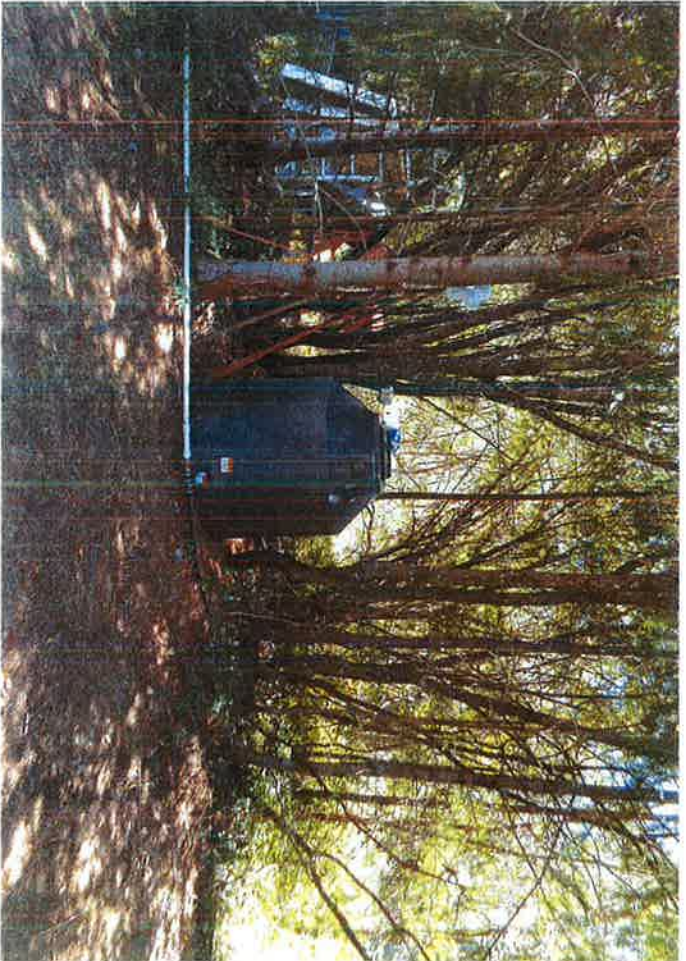
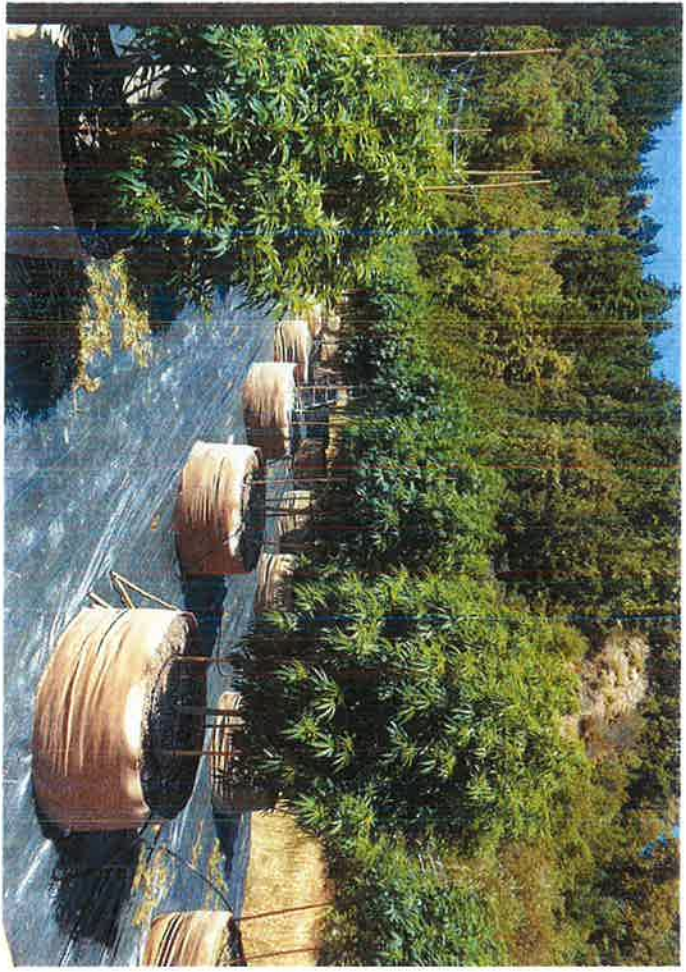
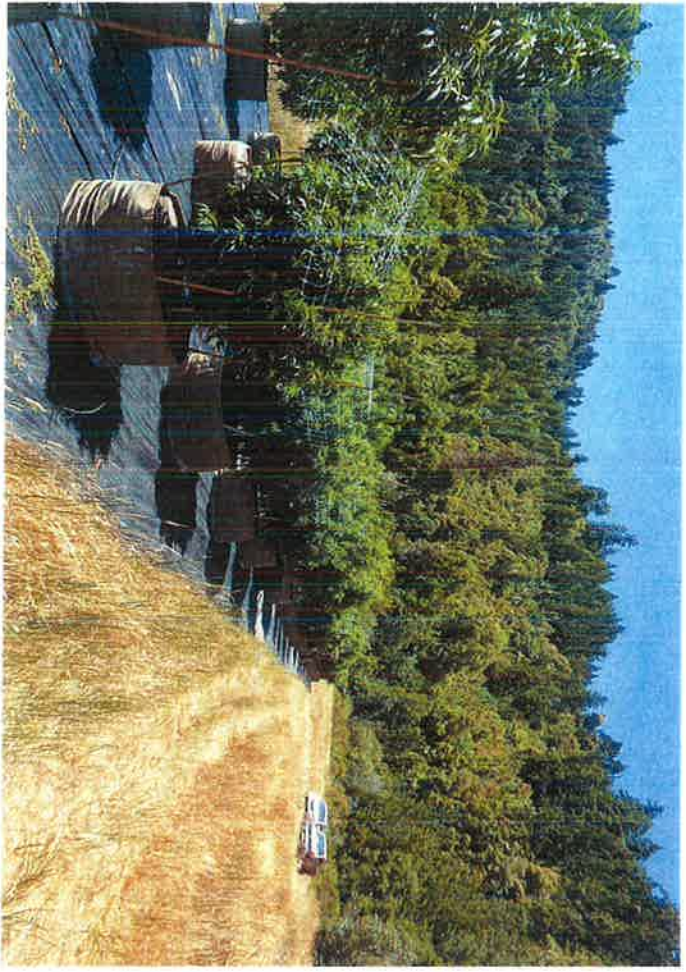
Pond Point of Division 2 (Summer)



7-21-17 314-191-014

POND

CA 2



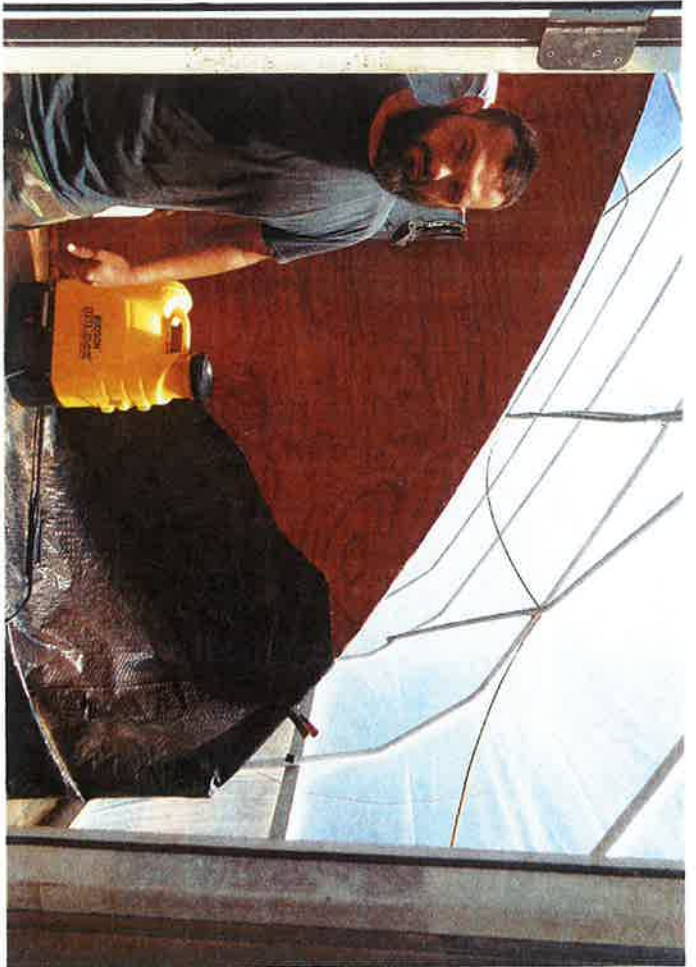
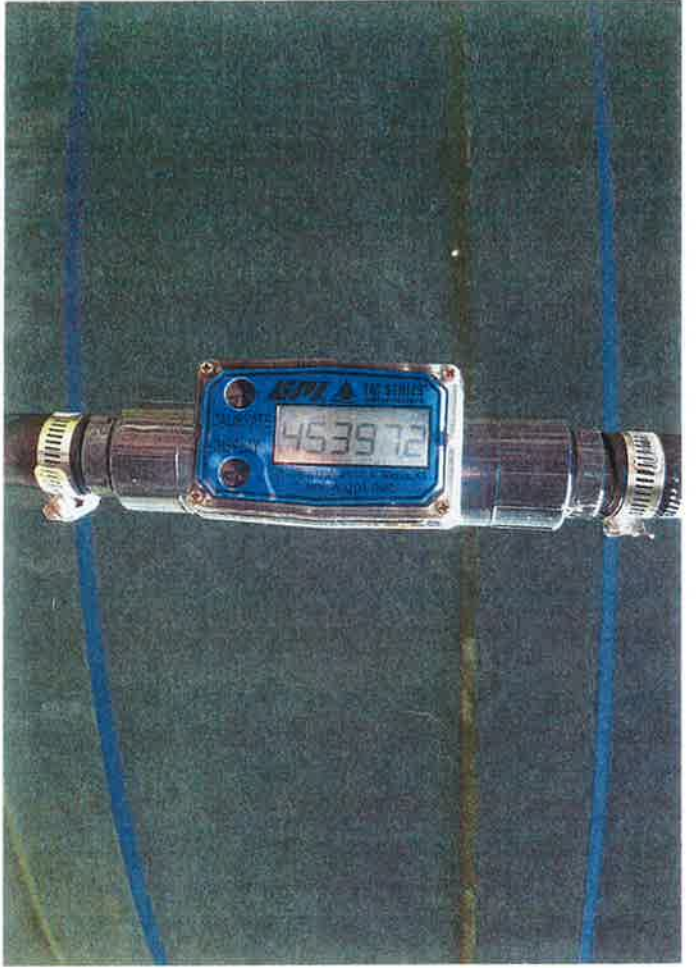
300 gal Nutrient tank

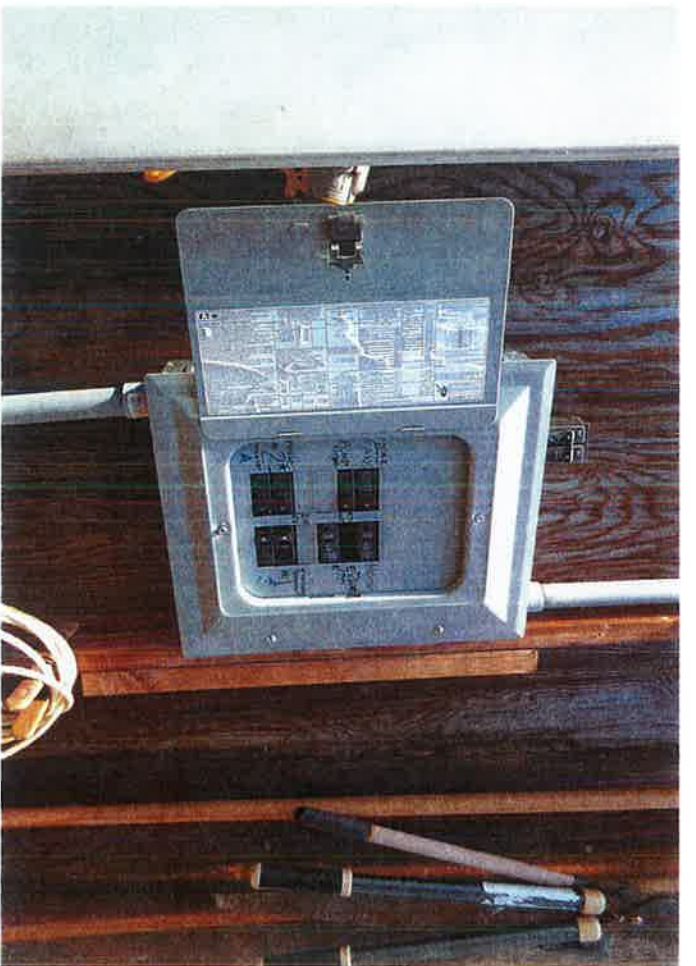
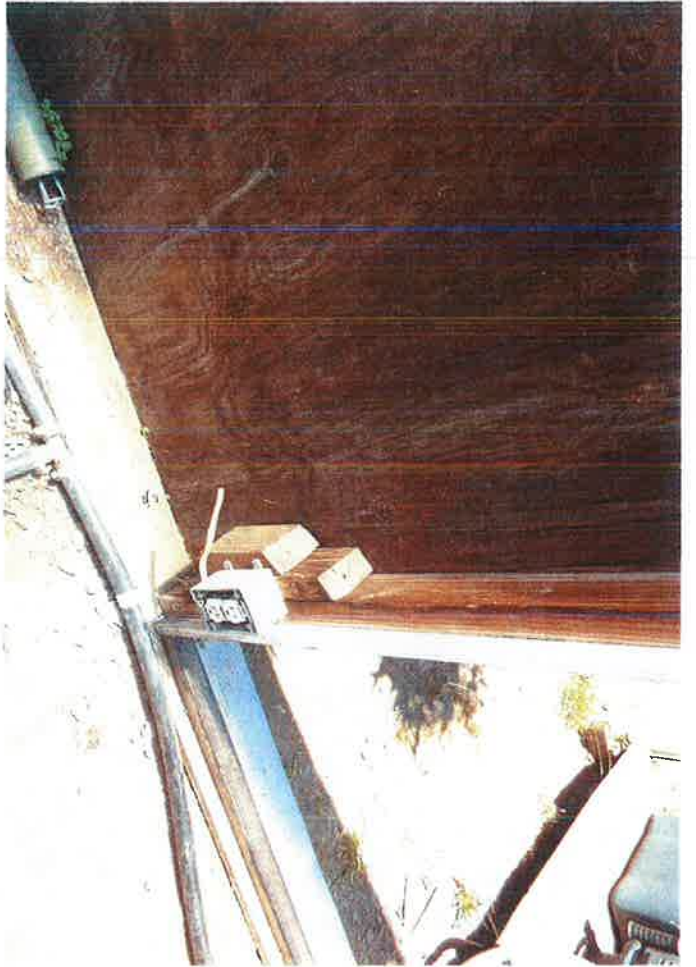
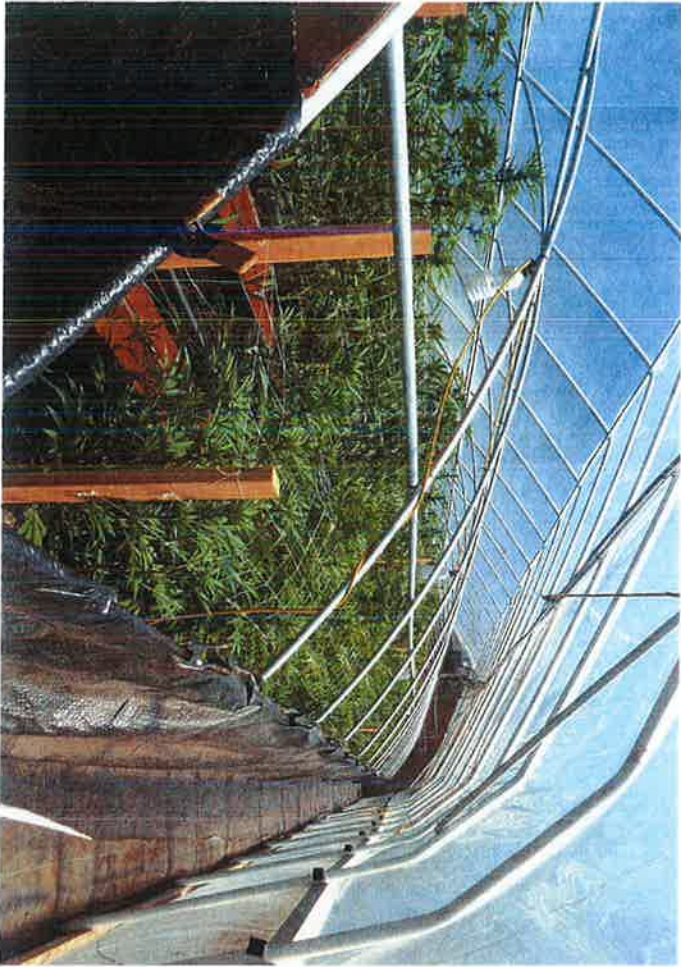
4100 gal
Madison Twp

7-21-17

314-191-014

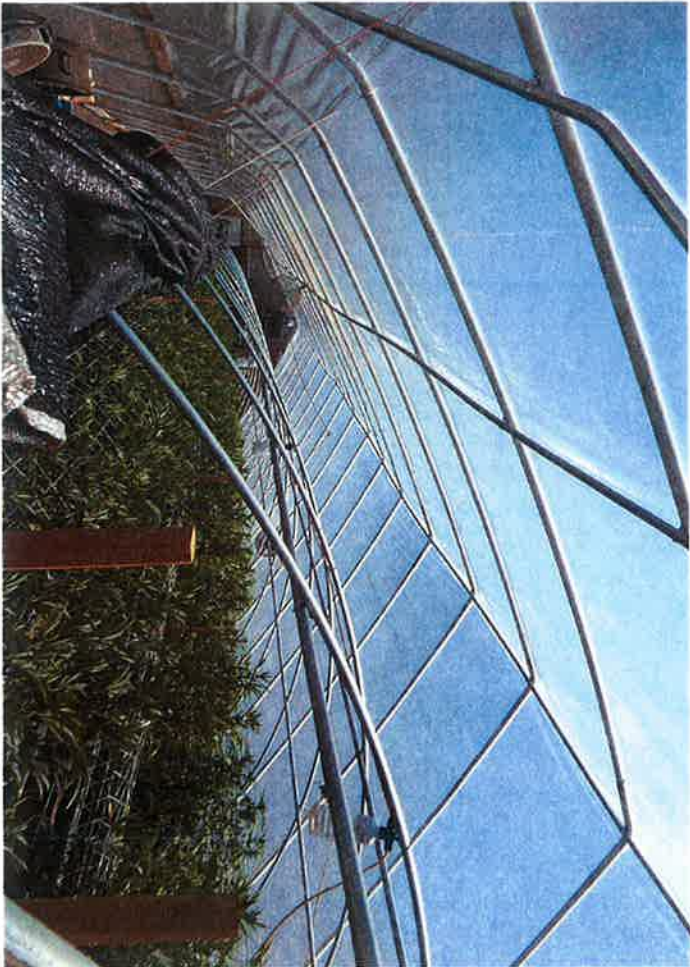
GHA



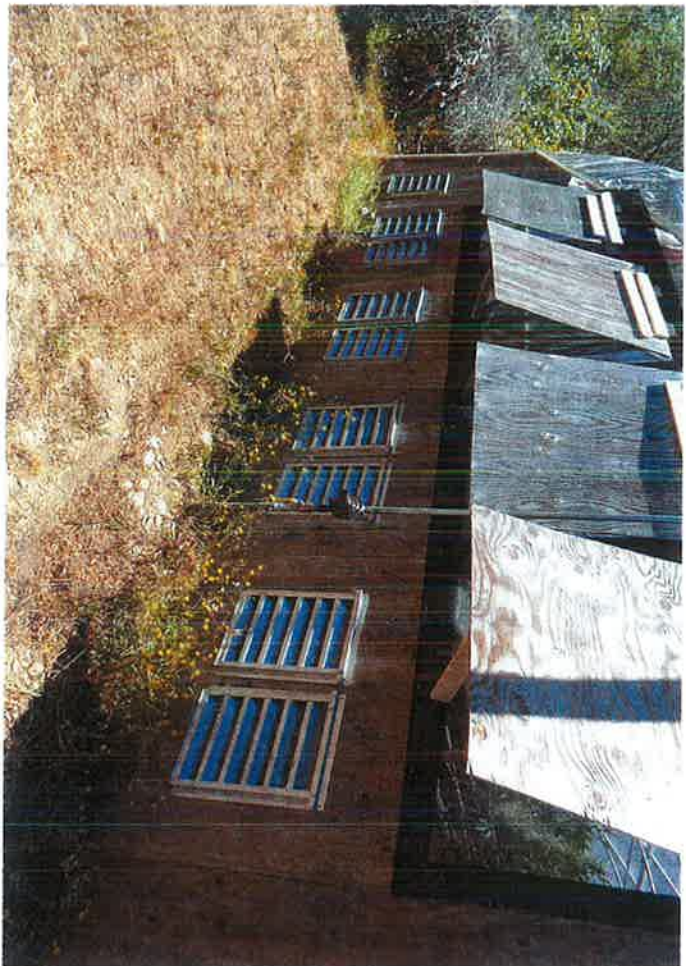


GH A

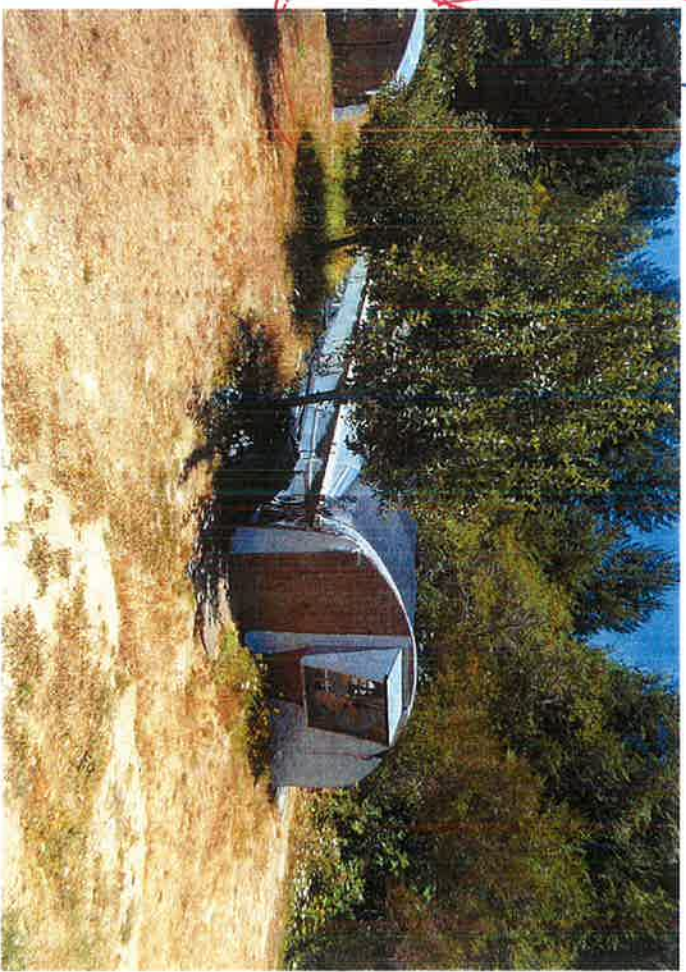
7-21-17 314-191-014 GHA



GH A

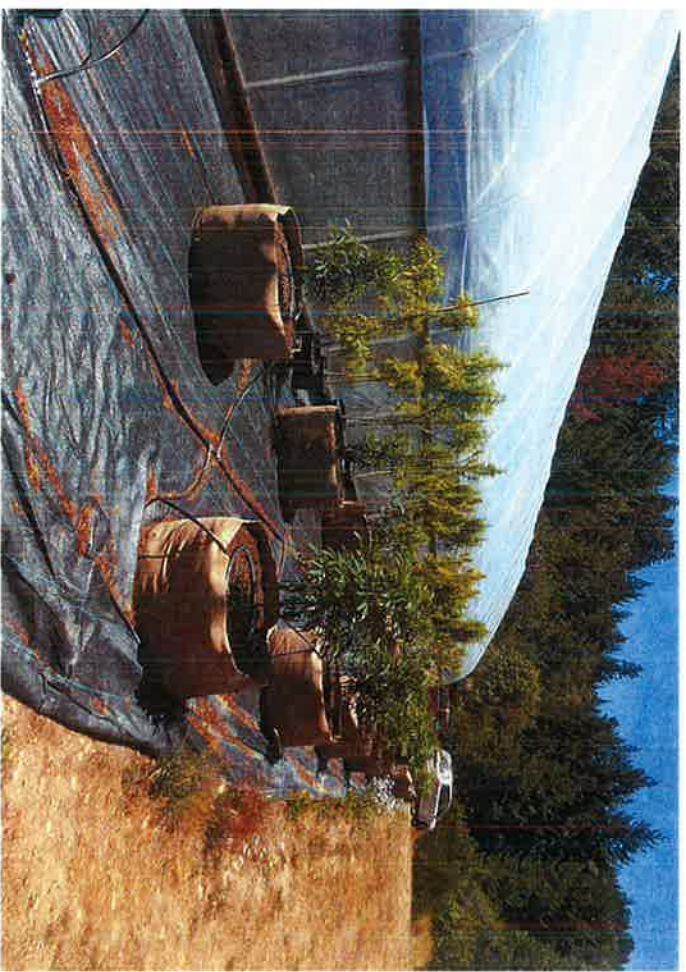


GH C



GH B

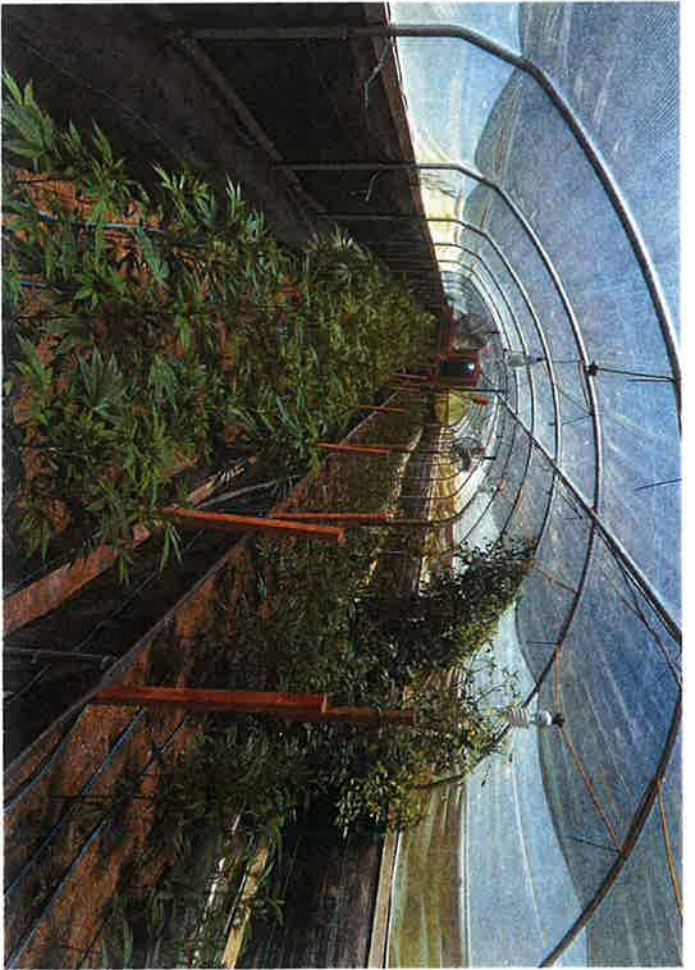
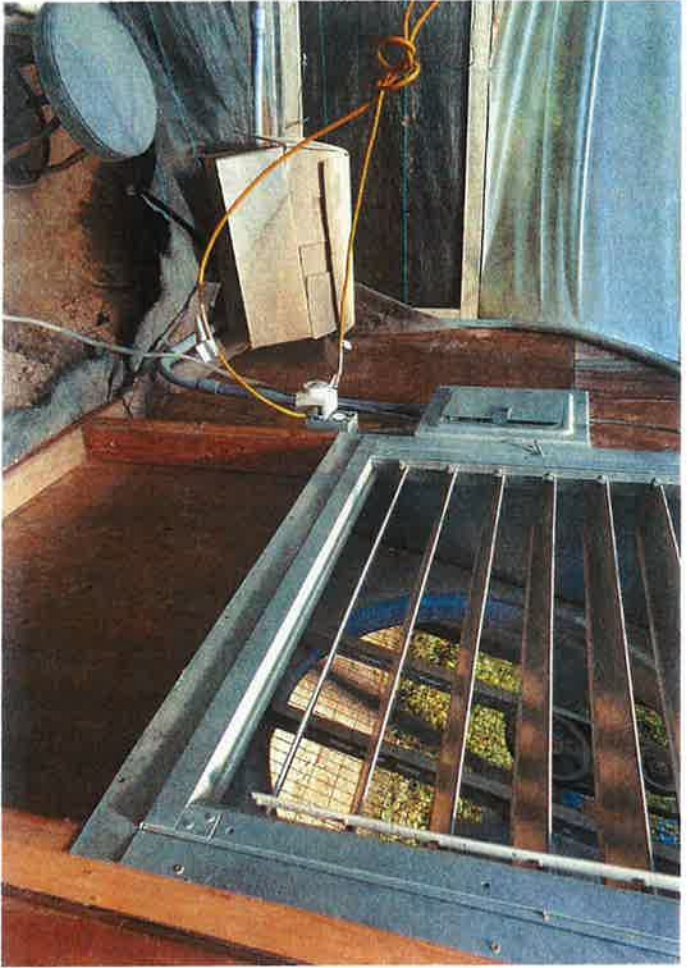
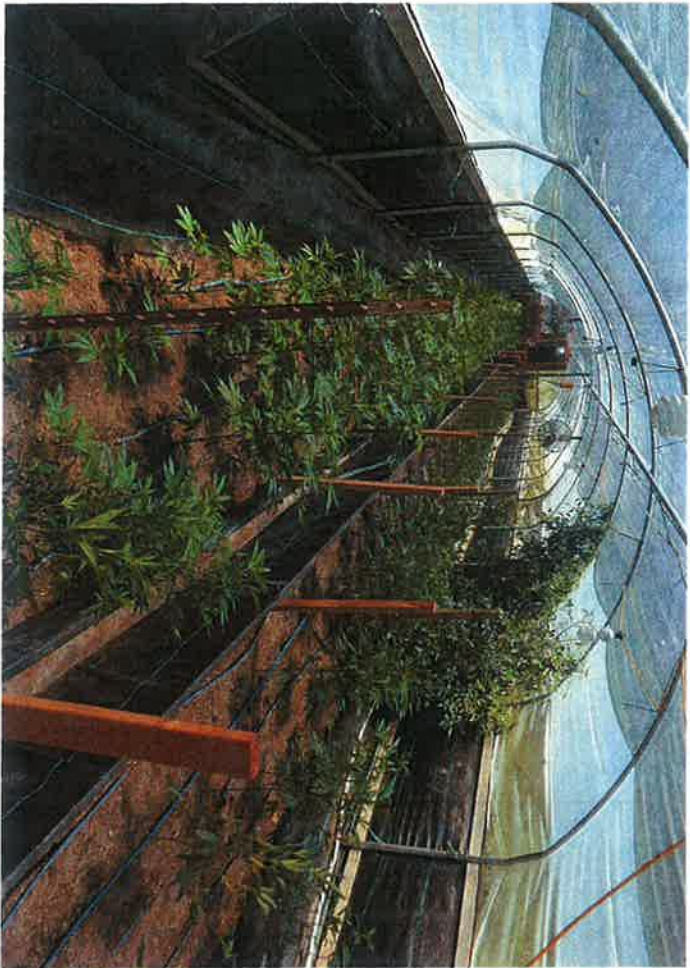
GH B



GH B

7-21-17

3N-191-014



GH B

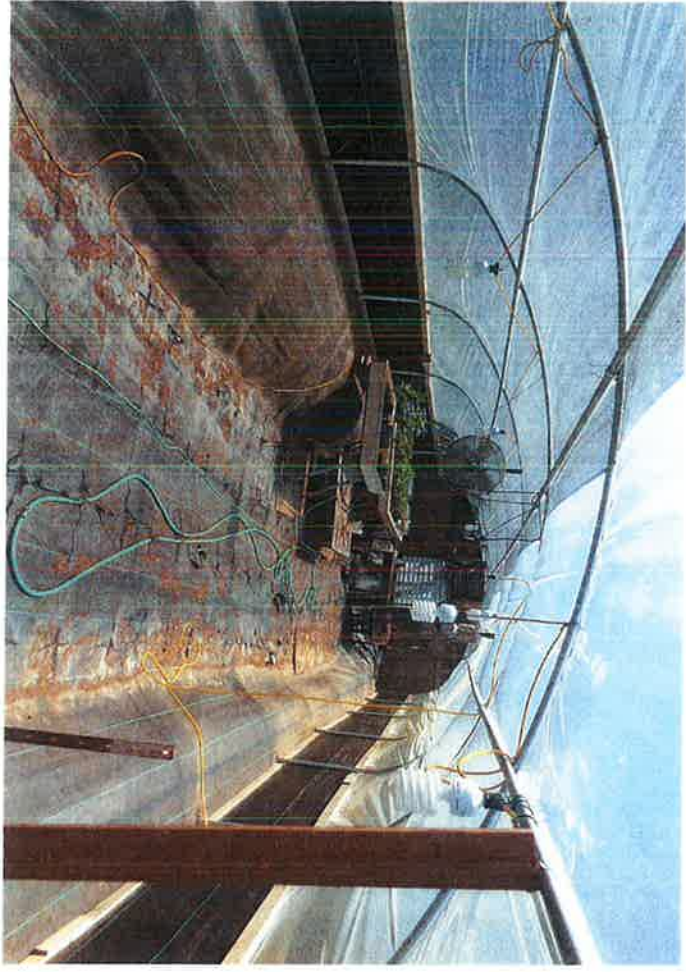
GH C



POD river (winter) 1



GH A



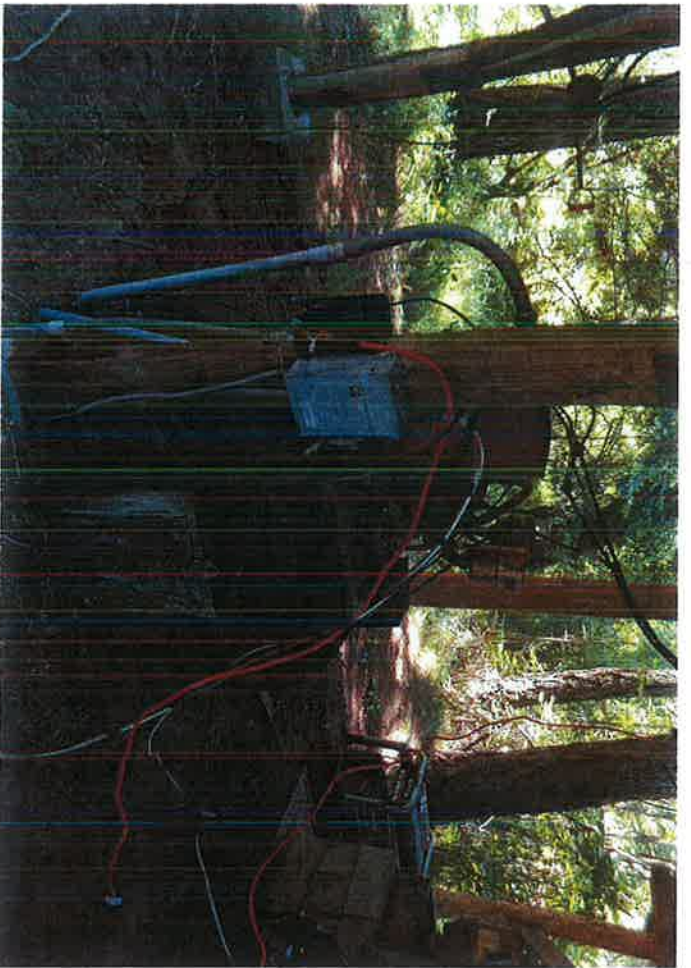
Ke Residence



Proposed Processing Bldg.



7-21-17 314-191-014



Generator Shed

Solar panels



7-21-17 314-191-014



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



RECEIVED

7/14/2017

JUL 14 2017

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH

Project Referred To The Following Agencies:

1718-0055

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Blue Lake Rancheria, Humboldt County Agriculture Commissioner, Sheriff's Department, Kneeland School District School District, Kneeland Fire Response Fire Protection District

Applicant Name Jesse Carnes **Key Parcel Number** 314-191-014-000

Application (APPS#) 11919 **Assigned Planner** Elanah Adler (707) 268-3736 **Case Number(s)** CUP16-448

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.

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

Return Response No Later Than 7/29/2017

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 (please check one):

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

Applicant needs to submit additional information. List of items attached.

Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: 09/06/17

PRINT NAME: MARIO KASSAN



2746

From: [Freed, Ken](#)
To: [Odry, Zsafia](#)
Subject: RE: 11919 Road Eval Form - Butler Valley Rd - Black Creek Rd
Date: Tuesday, May 14, 2019 8:37:46 AM
Attachments: [image001.png](#)

Zsafia,

Since 2017 the Department evaluated Butler Valley Road and placed on the approved list “Green List”. The private road Black Creek Road is already paved at the intersection with Butler Valley Road. The only condition I would place:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

From: Odry, Zsafia <zodry1@co.humboldt.ca.us>
Sent: Monday, May 13, 2019 3:03 PM
To: Freed, Ken <KFreed@co.humboldt.ca.us>
Subject: 11919 Road Eval Form - Butler Valley Rd - Black Creek Rd

Hi Ken,

I’m not certain if these road evals ever made it to PW for App 11919, Jesse Carnes.

Cheers,



Zsafia Odry
Planner
Cannabis Services Division
Planning and Building Department
Direct: 707.268.3727
Main: 707.445.7541
zodry1@co.humboldt.ca.us

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for

high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

Cannabis

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However, CALFIRE provides comment as an emergency response expert agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's minimum input.

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

Lippre, Suzanne

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Friday, September 01, 2017 5:01 PM
To: Adler, Elanah
Cc: Planning Clerk; Bauer, Scott@Wildlife
Subject: Jesse Carnes Conditional Use Permit application-APPS 11919
Attachments: Exhibit A_Bullfrog Management Plan-CEQA_2017_0273.pdf

Follow Up Flag: Follow up
Flag Status: Completed

To Whom It May Concern,

Thank you for referring the Jesse Carnes Conditional Use Permit application (APPS 11919, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The Project consists of a CUP for 18,200SF of existing outdoor and 3,800SF of existing Mixed-light cannabis cultivation on APN: 314-191-014.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code section 21000 et seq.). These are comments intended to assist the Lead Agency in making informed decisions early in the planning process.

- A Final Lake or Streambed Alteration Agreement (LSA#: 1600-2016-0517) was issued to the applicant on 1/30/2017.
- The project referral did not indicate whether a biological survey had been conducted on the property to determine whether rare species or sensitive natural communities are present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should conduct appropriate surveys in all areas that would potentially be impacted by the project, and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts.
- The referral materials show that the applicant will be utilizing generators for mixed-light cultivation methods. Noise and light pollution have the potential to impact sensitive species such as the Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species). Human induced noise and light pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, interference to predation, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. It has been identified that Northern Spotted Owl (NSO) activity is present less than one mile from cultivation area. CDFW recommends protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR assume presence and modify project to exclude mixed-light cultivation to avoid disturbance of habitat.
- The referral materials state that there is a constructed pond onsite for the use of cannabis cultivation. CDFW requires as a condition of Project approval, that the applicant provide a Bullfrog Management Plan to CDFW (see-attached Exhibit A).
- Referral materials suggest that the pond is fed by groundwater. CDFW recommends, as a condition of Project approval, that the cultivation site be relocated a minimum of 150ft from the pond.

Thank you for the opportunity to comment on this Project. Please contact me at kalyn.bocast@wildlife.ca.gov if you need additional information.

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0273-R1

GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California that poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result, bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey efforts must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

*Day time monitoring can also be conducted to aid detection but is not required under this plan.

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successful if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

OPTIONS FOR MANAGEMENT

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by phone at (707) 441-2077 or via email at kalyn.bocast@wildlife.ca.gov.

Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **five** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: July 18, 2017

John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Elanah Adler
Applicant: Carnes, Jesse
APN: 314-191-014-000
Area: Korbel
Case Numbers: CUP16-448

Humboldt County Application #: 11919
Type of Application: Conditional Use Permit
Date Received: 7/17/2017
Due Date: 7/29/2017

Project Description: A Conditional Use Permit for an existing 18,200 square foot outdoor and 3,800 square foot mixed-light cannabis cultivation operation. Cultivation activities extend from March to November with up to three (3) harvest occurring during that time. Water for irrigation is provided by two (2) points of diversion, one (1) in the Mad River and one (1) in a rainwater catchment pond. The water storage capacity of the pond is approximately 400,000 - 800,000 gallons of water storage in tanks. Processing includes drying, curing and trimming and occurs in an existing barn and residence. There are approximately four (4) employees required for the operation. Power is provided by generators.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

From: [Meghan Ryan](#)
To: [Max C. Hilken](#)
Subject: FW: PLN-11919
Date: Tuesday, December 27, 2022 9:22:00 AM
Attachments: [1600-2016-0517-R1_HUM_Carnes_Water_Diversions_FinalLSAA.PDF](#)

FYI



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443-5054
<http://www.lacoassociates.com>

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From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Wednesday, December 14, 2022 2:18 PM
To: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: PLN-11919

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hi Cliff,

Project app# 11919 located on APN 314-191-014 has an expired LSA, which is referenced in sections 3 (conditions of approval #13) and 11 of the attachments listed below. The expired LSA is no longer valid, therefore the conditions that reference this document are no longer valid. CDFW cannot locate any request to extend the previous LSA or obtain a new LSA. I recommend adding a condition that the applicant would need to get an LSA from CDFW if surface water diversions will be continued.

Thank you

File #:	22-1671	Version:	Name:
Type:	Zoning Item	Status:	Consent Agenda
File created:	12/8/2022	In control:	Planning Commission
On agenda:	12/15/2022	Final action:	
Title:	Jesse Carnes Conditional Use Permit Record Number: PLN-11919-CUP (filed 12/15/2016); Assessor's Parcel Number: 314-191-014 Maple Creek area A Conditional Use Permit for the continued cultivation of 22,000 square feet (SF) of existing outdoor cannabis cultivation and 1,170 SF of ancillary propagation. Irrigation water is sourced from a 700,000-gallon rainwater		

catchment pond. Existing available water storage is 715,000 gallons. Estimated annual water usage is 175,000 gallons. Processing with a trim machine occurs onsite. Power is provided by two (2) generators and the applicant has long-term plans to switch to solar power.

Sponsors:

[Trip Giannini](#)

Attachments:

1. [11919 Jesse Carnes Staff Report 12.15.22](#), 2. [Attachment 1 - Draft Resolution](#), 3. [Attachment 1A - Conditions of Approval](#), 4. [Attachment 1B - Cultivation and Operations Plan](#), 5. [Attachment 1C - Site Plan](#), 6. [Attachment 2 - Location Maps](#), 7. [Attachment 2A - Watershed Map](#), 8. [Attachment 3 - CEQA Addendum](#), 9. [Attachment 4 - Applicant's Evidence in Support of the Required Findings](#), 10. [Attachment 4A - Water Resource Protection Plan](#), 11. [Attachment 4B - Final Lake and Streambed Alteration Agreement](#), 12. [Attachment 4C - Road Evaluation](#), 13. [Attachment 4D - Aquatic Resources Delineation](#), 14. [Attachment 5 - Referral Agency Comments and Recommendations](#)

David Manthorne
Senior Environmental Scientist Specialist
Habitat Conservation and Planning (WET)
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501
(707) 441-5900

Pond Dewatering

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.



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



7/14/2017

PROJECT REFERRAL TO: Sheriff's Department

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Blue Lake Rancheria, Humboldt County Agriculture Commissioner, Sheriff's Department, Kneeland School District School District, Kneeland Fire Response Fire Protection District

Applicant Name Jesse Carnes **Key Parcel Number** 314-191-014-000

Application (APPS#) 11919 **Assigned Planner** Elanah Adler (707) 268-3736 **Case Number(s)** CUP16-448

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 7/29/2017 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 (please check one):

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: NOT NEAR SCHOOL, NO CRIMINAL CONTACTS FOR LISTED NAMES IN RMS

DATE: 08-21-17

PRINT NAME: MICHAEL NIJUNEN



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO Box 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

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GENERAL MANAGER

JOHN FRIEDENBACH

October 26, 2018

Planning and Building Department

Humboldt County

3015 H Street

Eureka, CA 95501

RE: Case Number CUP16-448, Key Parcel Number 314-191-014-000

Humboldt Bay Municipal Water District (District) submits this letter to express concerns regarding Conditional Use Permit 16-448 submitted by Jesse Carnes (Applicant) because the operation poses a potential risk to fish and wildlife, and may threaten water quality of the Mad River Watershed. There are a number of impacts from these projects that need to be considered including water quality and impacts on protected species. The pond appears to be a potential species problem. Section 55.4.12.8 of the Cannabis Land Use regulations require that ponds and reservoirs be set back from streams, springs, and other hydrologic features. They also have to be designed so that they can be drained. Further, we believe the project is not exempt from the California Environmental Quality Act (Pub. Resources Codes, § 21000 et seq., "CEQA

The Applicant seeks a conditional use permit for an existing operation of a new mixed-light commercial cannabis facility (project) that includes irrigation systems and a water distribution network including ponds.

The District requests the County require a full environmental review. The project is proposed in TPZ where new or expanded cultivation activities are prohibited. The Cannabis Land Use ordinance section 55.4.11 allows the County to require additional information from the applicant. Given the size of these operations, their adjacency to the river, the water storage pond, and their intention to store riparian water, we encourage the County to request a number of these materials including: an Irrigation Plan, Hazardous Materials Site Assessment, Surveys for Biological Resources and Sensitive Habitat, documentation of water use, source, and storage.

I. The Project May Harm Mad River Water Flows and Fish

The application states that water for irrigation is provided by a diversion on the Mad River.

Mad River is a waterway subject to the protections of the public trust doctrine which establishes a local government responsibility to maintain the flows of the waterway for public use. (*Cal. ex rel. State Lands Com v. Superior Court* (1995) 11 Cal.4th 50, 63 [the beds of navigable rivers are owned by the state in trust for the public.]). The project may consequentially influence the flow and volume of the Mad River, interfering with water impounded by the District at Ruth Lake for delivery to the District's municipal customers. In addition, storm water runoff from the project could carry chemicals and debris into the Mad River contaminating not only the drinking water source, but also fish and other species in the water bodies.

It is the District's understanding and belief that the State Water Board has determined that the Mad River is fully appropriated and there are no more water rights available for appropriation. (See State Water Board Order 98-08; Water Code, § 1206.) Therefore, we respectfully request that the County verify the water rights at the Water Board claimed to be owned and permitted (including the proposed increased diversions) by the applicant prior to issuing a CUP.

II. The Project Is Subject to CEQA Review

There is a reasonable possibility that the activity will have a significant effect on the environment. Therefore, a full environmental review should be conducted for this project. Reliance on a prior environmental document or an exemption will not adequately capture the likely environmental impacts, especially given the cumulative impacts of this project, in conjunction with other projects in the Mad River area.

Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts... The individual effects may be changes resulting from a single project or a number of separate projects. (CEQA Guidelines, § 15355, subd. (a).) Essentially, an agency cannot forego environmental review if, "taking into consideration the effects of past, current, and probable future projects, the environmental effect is significant." (*Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 226, 285.)

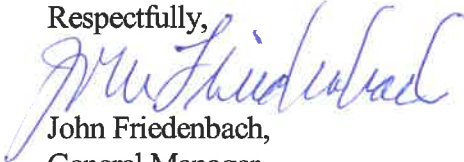
There are a number of cannabis operations occurring in the Mad River area, drawing on limited water and posing a potential threat to the drinking water source and sensitive habitats. This is only one of many similar operations in the area. While the County may find reason to conclude each project individually is exempt, a point not conceded by the District, permitting each of these operations based on an exemption avoids adequate analysis of impacts of the cumulative impact on the river.

* * *

For the above reasons, the District requests the Planning Department require full environmental review of Conditional Use Permit application 16-448 for Cannabis Cultivation Sites. Additionally, we request that the District be notified when the level of environmental review is determined and when the draft environmental document is available for review by the public.

In closing, we respectfully request all referral comments be included in the Planning Commission Packets. This will allow the Commissioners to have a full understanding of the agencies/public concerns.

Respectfully,



John Friedenbach,
General Manager

Cc: Mona Dougherty, NCRWQCB
Gordon Leppig, CDFW