



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
601 Locust Street  
Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



December 19, 2022

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**SUBJECT: HUMSUN 3, LLC CANNABIS CULTIVATION PROJECT  
(PLN-12856-CUP) NOTICE OF PREPARATION (SCH# 2022110427)**

Dear Desmond Johnston:

Conditional Use Permit Number 12856

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) for the HumSun 3, LLC Cannabis Cultivation Project (Project) dated November 22, 2022. CDFW appreciates the opportunity to comment on the Project and looks forward to reviewing additional details provided in the DEIR.

CDFW is a Trustee Agency pursuant to the California Environmental Quality Act (CEQA). As the Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (Fish and Game Code (FGC), §§ 1801 & 1802). As the Trustee Agency for fish and wildlife resources, CDFW provides requisite biological expertise to review and comment on CEQA documents and makes recommendations regarding those resources held in trust for the people of California.

CDFW may also assume the role of Responsible Agency when it has a legal responsibility for carrying out or approving a project. A Responsible Agency actively participates in the Lead Agency's CEQA process, reviews the Lead Agency's CEQA document, and uses that document when exercising discretion. CDFW most often becomes a Responsible Agency when a Lake or Streambed Alteration Agreement (FGC § 1600 *et. seq.*) or a California Endangered Species Act (CESA) Incidental Take Permit (FGC § 2081(b)) is needed for a project. It is important that the Lead Agency's Environmental Impact Report (EIR) consider CDFW's role as a Responsible Agency. For example, CEQA requires CDFW to include additional feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or

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avoid any significant effect a project would have on the environment (CEQA Guidelines § 15096(g)(2)).

### **Project Description and Location**

The Project proposes a total of 3.5 acres (152,460 square feet (sf)) of mixed-light cannabis cultivation, 8.5 acres (370,260 sf) of outdoor cannabis cultivation, and 1.17 acres (51,060 sf) of nursery. Cultivation would occur in two areas of the property, the "Lower Field Site" and the "Ridge Site." Water would be supplied by four proposed rain catchment ponds, existing wells, existing and proposed water storage tanks, and surface water diversion under the California State Water Resources Control Board's Small Irrigation Use Registration (SIUR) program. The Project also entails several ancillary infrastructure modifications, such as driveway and parking improvements, stormwater management, and security infrastructure.

The Lower Field Site would consist of 3.5 acres of mixed light cannabis grown in 60 hoop houses, with four additional nursery hoop houses. Plants would be planted directly in native soil. All mixed-light and nursery hoop houses would have automated blackout tarps. The Lower Field site already includes a residence with a permitted septic system and domestic well, two sheds, and a 5,000-gallon hard-sided water tank. New infrastructure at the Lower Field Site would include 128 gable fans, 322 Quiet Breeze fans, two drying and processing buildings (6,000 sf and 1,625 sf respectively) with septic systems and employee bathrooms, a 1,000-sf compost area, parking, and 12 hard-sided water tanks.

The Ridge Site would consist of 8.5 acres of outdoor cultivation on graded terraces. Existing infrastructure at the Ridge Site includes internal ranch roads, permitted irrigation wells, and two 5,000- hard-sided water tanks. New infrastructure would include three processing and drying buildings (5,500 sf, 7,200 sf, and 9,000 sf respectively) with septic systems and employee bathrooms, three solar arrays (4,400 sf, 9,000 sf, and 16,600 sf respectively), a 1,000-sf compost area, parking, and 35 hard-sided water tanks. An additional 0.93 acre (40,680 sf) of nursery in 15 hoop houses outfitted with automated blackout tarps would be located just south of the Ridge Site. The Ridge Site would initially rely on solar power, switching exclusively to PG&E in 2026 via subsurface infrastructure.

The Project Site is located on the west side of and adjacent to Alderpoint Road, approximately 3.75 miles south from the intersection of Gold Ridge Lane and Alderpoint Road, on the properties known as 30855 and 31215 Alderpoint Road, and further described as being located on portions of T1S R4E Sections 35 and 36, T2S R4E Sections 1, 2, 10, 11, 12, and 14, and T2S R5E Sections 6 and 7 (collectively the "Property"). The Property in its entirety is 3,368 acres. The Project will occur on approximately 15 acres within the Property.

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## Comments and Recommendations

CDFW is familiar with the project location and attended two pre-consultation site visits of the Project area with Project representatives on February 25, 2021, and March 23, 2021. Additionally, CDFW has reviewed drafts of biological reports for the Project and understands the proposed Project proposes to impact 4.95 acres of Sensitive Natural Communities (including native grasslands), three rare plant species, and 0.8 acres of wetlands. Biological reports also document the presence of 11 reptile and amphibian species, 64 bird species, nine bat species, and 16 mammal species within the project area. The site contains suitable habitat for other wildlife not detected during initial surveys, including several special status species.

CDFW is primarily concerned about (a) siting Project activities in an assemblage of diverse habitat types that contain numerous special status species and habitats; and (b) Project effects on wildlife behavior and movement at the Ridge Site, a location with a baseline of very low human presence. Furthermore, CDFW would like to reiterate that impact avoidance and minimization are the preferred form of mitigation over habitat enhancement or replacement. Mitigation ratios for unavoidable significant impacts should be 3:1 per unit area unless discussed further with CDFW.

CDFW offers the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency pursuant to CEQA (California Public Resource Code § 21000 *et seq.*).

**Biological Studies.** A complete assessment of the flora and fauna within and adjacent to the Project area should be conducted, with particular emphasis upon identifying special status species including rare, threatened, and endangered species. In addition to fish, wildlife, reptile, and amphibian species, consider special-status invertebrates with the potential to occur in the Project area, such as Western Bumble Bee (*Bombus occidentalis*; State Candidate for Listing) and Obscure Bumble Bee (*Bombus caliginosus*; Species of Special Concern). Appropriately timed habitat assessments and/or focused, species-specific surveys are recommended to adequately evaluate presence within the Project area as well as potential Project impacts. Rare plants and Sensitive Natural Communities should be assessed following CDFW's March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. A thorough assessment of biological resources should also address locally unique species, wetlands, and other aquatic habitats. If the project is not implemented within five years of initial biological field studies, updated botanical and raptor surveys should occur. Some sensitive taxa may warrant more frequent surveys.

**Direct, Indirect and Cumulative Impacts.** The DEIR should also include a thorough discussion of direct, indirect, and cumulative impacts, with specific measures to offset such impacts. The DEIR should also address effects

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associated with Project implementation as well as long-term operation and maintenance (CEQA Guidelines §15126.2(a)), considering both direct and reasonably foreseeable indirect physical changes in the environment. A thorough evaluation should quantify anticipated impacts (e.g., acres, linear feet, volume of water usage, etc.) and analyze potential effects to off-site habitats and species, such as public lands, open space, adjacent vegetation communities, and downstream aquatic habitat. The Lead Agency should also provide a thorough discussion of impacts to wildlife corridors or movement areas and other key seasonal sites (CEQA Guidelines Appendix G). In addition to supporting numerous sensitive wildlife species, the Project Site provides a diverse suite of high-quality wildlife habitat and falls within an area modeled as California Essential Habitat Connectivity (Spencer et al. 2010; Figure 1). Other potential impacts to consider include increased lighting, noise, human activity, conflict with domestic animals, and changes in hydrology and water quality. A cumulative effects analysis shall be developed for species and habitats potentially affected by the Project (CEQA Guidelines § 15130), accounting for impacts associated with general and specific plans, as well as past, present, and anticipated future projects.

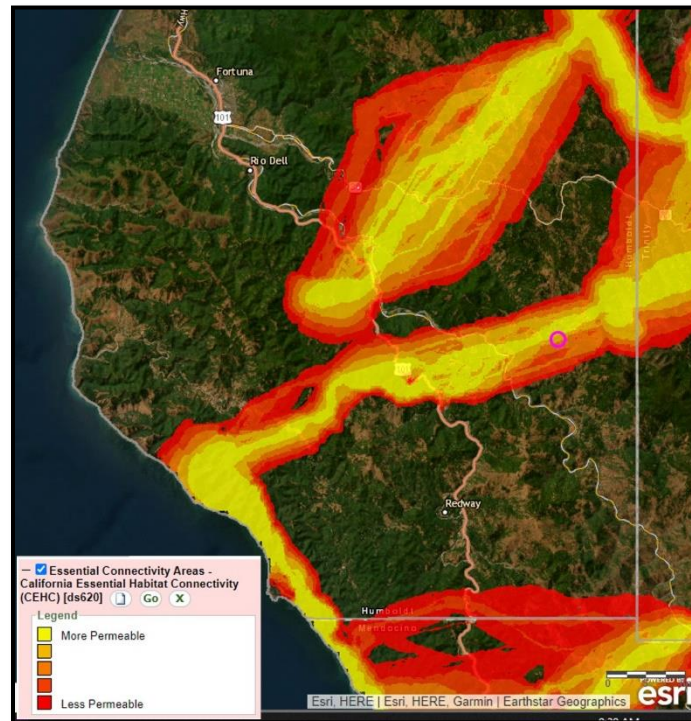


Figure 1. Project location (pink circle) relative to modeled essential habitat connectivity, which identifies large, relatively intact habitat that supports native biodiversity and the areas essential for connectivity between them (Spencer et al. 2010).

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**Alternatives Analysis.** The DEIR should include a range of Project alternatives which would avoid or substantially lessen the Project's potentially significant effects (CEQA Guidelines § 15126.6(a)). The analysis should evaluate a "no project" alternative (CEQA Guidelines § 15126.6(e)) in addition to feasible options that would attain most of the basic objectives of the Project. CDFW recommends the Project proponent consider reducing the scope of operations on the Ridge Site, which provides relatively undisturbed wildlife habitat relative to the Lower Field Site. New infrastructure could be limited to the minimum required to support outdoor cultivation, relocating processing facilities, parking, and nursery hoop houses to the Lower Field Site. Fans and the use of night lighting are strongly discouraged at the Ridge Site to reduce impacts to wildlife behavior and movement. Also, the Department recommends that security fencing be minimized, and all fencing incorporate wildlife-friendly placement and design.

**Mitigation.** Mitigation measures to reduce Project-related impacts to sensitive plants, animals, and habitats should be developed and thoroughly discussed. Mitigation measures should first emphasize avoidance and reduction of Project impacts. For unavoidable impacts, the feasibility of on-site habitat restoration or enhancement should be discussed. Given the Project's environmental setting and potential footprint, particular attention should be given to wetlands and grassland communities. Impacts that cannot be avoided and cannot be restored to baseline conditions within one year should be mitigated at a 3:1 ratio per unit area. Mitigation measures should, at minimum, commit to performance standards such as revegetation ratios and success criteria, and should provide location(s) of off-site revegetation areas, including information regarding land ownership and future proposed management plans. Areas reserved for mitigation shall be legally protected from future direct and indirect development impacts. Land stewardship options for similar projects have included conservation easements, wildlife monitoring, invasive species management, and habitat restoration.

**Stream Setbacks.** The Lower Field Site is flanked by Larabee Creek and Cooper Creek on three sides. These streams are habitat for Steelhead (*Oncorhynchus mykiss irideus*), foothill yellow-legged frog (*Rana boylei*), and other aquatic species. Humboldt County's Streamside Management Areas Ordinance (SMAO; 314-61) requires specific setbacks from stream and wetland habitat. For streams, setback distance measurements start at the top of bank or edge of riparian drip-line, whichever is a greater distance from the stream. The DEIR should evaluate adherence to these setbacks, including use of publicly available Lidar data to assess potential stream migration zones. CDFW requests consultation if setback reductions are proposed. The DEIR should also consider impacts to water quality and downstream habitat, including, but not limited to, sediment runoff and increased nutrient loads.

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**Hydrological Connectivity.** In light of the Project's potential volume of water use and its proximity to wetlands and important waterways, CDFW recommends the applicant retain a qualified professional (e.g., geologist or engineer with hydrogeology background) licensed to practice in California to conduct a preliminary evaluation of the Project's potential impacts to local surface water flows. Water usage under the current proposal should be estimated and recommendations to minimize or eliminate impacts to aquatic resources provided.

**Rainwater Catchment Ponds.** In addition to using existing wells, the Project proposes to construct four rainwater catchment ponds. CDFW recommends that a licensed geologist or engineer (see above) evaluate the geologic stability of proposed locations, considering alternative placements that would not require wetland fill. The DEIR should describe in detail the construction and maintenance of these ponds, particularly with reference to wildlife entrapment, human-wildlife conflict, and invasive species management, namely American bullfrog (*Lithobates catesbeianus*).

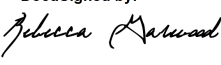
**Post-project Reclamation and Restoration.** The Project will occur in a remote area of the County that supports numerous special status species and habitats. The Project's proposed 13 acres of cannabis cultivation in addition to associated infrastructure will have lasting effects on the landscape if the Project permanently ceases operations at some point in the future. Like other industries with this spatial magnitude of ground disturbance (e.g., mining) it is appropriate to decommission facilities and restore the area at the end of a project's life. CDFW recommends a mitigation measure or condition of approval to require a Post-project Reclamation and Restoration Plan. That plan should be implemented if project activities cease for five years.

**Submittal of Biological Data to CNDDDB.** CEQA requires that information developed in Environmental Impact Reports and Negative Declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Public Resources Code § 21003(e)). Please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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If you have any questions, please contact Kathryn Rian, Environmental Scientist,  
by e-mail at [Kathryn.Rian@Wildlife.ca.gov](mailto:Kathryn.Rian@Wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Rebecca Garwood  
Northern Region Coastal Habitat Conservation Program Manager

ec:

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California Department of Fish and Wildlife  
Kathryn Rian, Michael van Hattem, Jonathan Hollis, Rebecca Garwood

## References

Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. (2010). Essential Connectivity Areas - California Essential Habitat Connectivity (CEHC) [ds620]. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration. Biogeographic Information and Observation System (BIOS). Retrieved December 14, 2022 from <http://bios.dfg.ca.gov>.