



Humboldt County Fish & Game Advisory Commission MINUTES August 18, 2020

The Commission meets the THIRD Tuesday each month from 6:30pm through 8:30pm. Agenda items and supporting info should be mailed to HCF&GAC; PO Box 922; Ferndale, CA 95536; Phone 707.786.4902 or 707.407.5747 email: nkaytis4@gmail.com up to two weeks following previous meeting. Online meeting via ZOOM.

Attendance: James Clark, John Clark, (ab)Loren Furber, Phil Grunert, Hollie Hall, (ab)Yadao B. Inong, Rhiannon Lewis-Stephenson, Denver Nelson, (ab)Kenny Priest, Ted Romo, Brad Smith, Jeff Stackhouse, Harry Vaughn, Mike Zamboni, Nancy Kaytis-Slocum. (ab)=absent. Guest: Alicia Hamann, Friends of the Eel.

Meeting called to order by Vice-Chairman Ted Romo (Chairman John Clark having difficulty with his internet connection) at 6:36 pm.

The minutes from the July 21, 2020 meeting were accepted.

Area River Updates: Commissioner Denver Nelson reported that the Board of Supervisors approved \$1,450,000 for the Department of Water Resources to set up a plan for the Eel River Basin. Klamath dams: Hoffman had a forum today regarding six dams that have been there since 1903. Four should be removed, which leaves two blocking fish passage up the river. Dam removal has been studied for several years. FERC is more concerned with making electricity. PacificCorps is the co-owner of the dams and are responsible for them. The Upper Klamath River is full of algae, and the four dam removal won't clear that. The Two Basin solution is going through FERC including the Potter Valley Project for 2022 to divert part of the Eel River water in winter when there is high water. This is complicated. The Two Basin solution is still up in the air.

Humboldt Bay National Wildlife Refuge: Secretary Kaytis-Slocum will attempt to invite the refuge manager to talk with us. Her name is Cashell Villa 733-5406.

PFMC: Commissioner Mike Zamboni reported that the Halibut Season is shut down for the rest of the calendar year. The quota was 39,000 lbs. Salmon season was closed, too, but that was expected.

Wolves: Commissioner Zamboni reported that over in Modoc County, the ranch where he hunts is having beef killed; a doe and two fauns were completely eaten overnight. They are blaming wolves for it.

Elk Herd: Commissioner Zamboni advised that the season opens up shortly. Citizens of Modoc and Lassen County have reported to Commissioner Jeff Stackhouse that they are seeing tons of wolves over there. Commissioner Brad Smith reported that he has studied Elk for over 30 years, and they will migrate a tremendous distance. He started observing the Klamath Elk last weekend, and they haven't herded up yet.

Mountain Lions: Commissioner Jeff Stackhouse reported a sighting two days ago in Eureka. Commissioner Zamboni said he didn't think DFW was issuing depredation permits any more.

Humboldt County Fish & Game Advisory Commission MINUTES

August 18, 2020

The reporting party had to submit mountain lion scat with beef hair in it before they could even apply for a permit.

Cannabis: Commissioner Hollie Hall reported that this month or so she has come to realize that the HC Planning and Building Department has a narrow interpretation of the HC Commercial Cannabis Cultivation Ordinance to mean that only groundwater and rain water sources are allowable for irrigation. She has concern that summertime groundwater use will have a negative impact on receding rivers and creeks and streams. “Groundwater isn’t always hydrologically disconnected from surface waters and often it is often hydrologically connected to surface waters. This time of year, the water is approximately 68 degrees down where the groundwater is seeping into that water body, and you will see fish there just kind of hanging out in the hot, warm water. I know that there is a process for having an analysis of the groundwater well to determine if it is or is not hydrologically connected to surface water. However, I don’t think that that process is particularly rigorous, as we are not looking under the ground, we do not see the size of the groundwater pocket that would be feeding the irrigation supply in the summer, nor do we see whether or not it is hydrologically connected to river water. So my concern is that the focus of the use of groundwater to supply cannabis irrigation moving forward in HC for any applicants under this ordinance will lead to a Negative Impact, not only on the summertime water supply as far as temperatures in the river, but also if we do have true groundwater issues, what we know what happens when we use unlimited supplies of groundwater, that those groundwater spaces collapse, and no longer store as much water as they have historically, so that may become problematic because we have less underground aquifer space every season. Apparently the director of the Planning and Building Department currently declared his intention on January 1st, in a non-public, and non-publically available communication to CDFW staff within the ordinance itself it does clearly state that surface water would be available with a special permit, and to supply irrigation water for propagation and dry farming. So I have some concern with that. Not only potential environmental impacts but all things are related maybe not directly with fish and wildlife habitat, but we also see a system of state water rights, but we also have a system in California, that landowner cannot use any surface waters in accordance with state water rights laws for their private enterprise, and I think that could lead to devaluation of property, which in turn could lead to property abandonment, and that’s where we get into negative impacts on environment, is when we have big areas of land without forest management. I don’t know how this is going to resolve, and I don’t know how much energy I have to deal with it. We have potential problems coming our way due to local regulations regarding the use of groundwater during the summertime.” Commissioner John Clark: is anything being done to police this, to be sure water is being used properly? Commissioner Hall: “In general, cannabis operators have to personally monitor their water use, and that is reported in several places in the government. There is some vague language about adaptive management of groundwater in the ordinance, but as far as I can tell, that is not being implemented. If you have a commercial farm, you are getting a minimum of one inspection a year from the California Department of Food and Ag, and one inspection per year from the Humboldt County Agricultural Department. In my mind I think of policing as law enforcement, and I’m more involved with those that are compliant with rules and regulations, and so they are getting compliance inspections, but maybe that’s the same a policing. One is not allowed to place tarps on the ground to capture rain water. In Cannabis Ordinance 2.0, it was understood that farmers could

Humboldt County Fish & Game Advisory Commission MINUTES

August 18, 2020

legally use surface water, legally use groundwater, legally use rain water as is appropriate to their place, but as of January 1st, the director of the Planning and Building Department declared the intention of the ordinance to be that no surface water would be used to support cannabis irrigation in Humboldt County.” Commissioner Jeff Stackhouse: Rainwater is part of the water system, and any use of it, or groundwater, or surface water is going to affect that system. He thinks that we may be over-using water. Commissioner Hall: “I do know that the State Water Board developed a fairly rigorous cannabis water rights program that was designed to protect the environment. A diversion period was set by the State of California that said that if you are a cannabis farmer, and you want to use surface water, then you can divert water to storage between November 1st and the end of March. And within that window of time, you can divert surface water to storage to supply your irrigation. You are also supposed to log on to the State Water Board website, where they have monitoring maps and they tell you when you are allowed to divert in your area. I have a feeling that part of the system can be improved upon, but that takes time.”

Cleanup of Grow Sites and transparency: Commissioner Jim Clark reported he had submitted a public information request for the 86 illegal sites that had been abated for the 2019 season. “And out of the 86 cases, I got a 54 case spreadsheet showing the parcel number and the date of the abatement activity. I got 33 combined cases that included pretty much everything: names, dates, violations, field reports. Other agencies as well and all 33 were in the 64, so there was some consistency there. Of the combined cases, 13 had creekside management issues. I did some cross checking, and only three notices of violation were sent. That’s not a very good percentage. The information is not in an easy to manage system. So I don’t think much is going on, and I don’t think the County knows, as far as follow up stuff. I believe a public agency should be doing this follow up. So my thought is the first agency to go to would be our Planning Department and ask them what we’d like to know. And I have seven issues here just to throw out for your consideration. What percentage of the site has been fully abated, total area of non-permitted grading, total area of non-permitted clearing, number of non-permitted dwellings, total cubic yards of solid waste and garbage, a prioritization plan of follow up enforcement, what are the fines and penalties actually collected? A fine of \$3000/day doesn’t really mean much if you don’t follow through and collect it. I suggest we invite Mr. Ford to one of our meetings and ask the questions.” Commissioner Brad Smith: I don’t think he is the right person to ask. There are two parts of law enforcement: one is the criminal aspect, and that’s what the sheriff and marijuana eradication people are looking for, penal violations, health and safety code violations; that’s what their primary purpose is. They have not evolved into the current environment in which we live. So you are talking about a specific type of enforcement, code enforcement, which they haven’t put enough money into. Law enforcement gets money from everywhere. Unless code enforcement gets money and personnel, you are not going to get good information or good compliance. Commissioner Hall: I have to ask what is the specific question that links to cannabis. Unpermitted buildings and dwellings are not cannabis specific issues that have a negative impact on fish and wildlife. Are we looking at county wide issues, or cannabis specific issues? I still have the public information request out CDFW regarding public lands. What lands have had cannabis eradication, and what portion of those lands have been restored with funds generated from Prop 64. This does seem like a specific cannabis-related question.

Humboldt County Fish & Game Advisory Commission MINUTES

August 18, 2020

Sustainable Groundwater Management Act (SGMA): Commissioner Hollie Hall reported the county has hired GHD to develop the SGM Plan. Money has come in from the Department of Water Resources. Now there is an opportunity for a non-profit or a local government agency to write a grant for a Watershed Coordinator. September 15 is the deadline.

AB 3030, there was much discussion on this item. The most recent version of the bill is the August 12th version. Discussion included a definition in F&G Code 1571. MOTION (Zamboni/Grunert) Oppose bill completely. Motion failed: yea Zamboni, Grunert. Nay: Smith, Jim Clark, Hall, Romo, John Clark, Lewis-Stephenson. Want more information: Vaughn; Abstained, Nelson. Commissioner Smith: I'd like to see this on the next agenda, I think it is an important issue. The secretary will send out the actual wording of the bill to all members.

Migratory Bird Act: The Environmental Impact Draft failed.

Legislative update: Commissioner Zamboni brought AB88 to the Commission's attention. He will research it further and bring it back to the next meeting as a discussion item. The secretary will send out the wording on AB88 as well as AB3030, and include both on the next agenda.

Announcements: Commissioner Phil Grunert gave the secretary the name of a woman who may be interested in taking over the secretarial position. Kaytis-Slocum will contact her in a couple of weeks. Commissioner Hall announced that HC has about \$3,000,000 to give away to businesses in the form of a grant to help recover economically as the result of COVID.

Next meeting September 15, 2020.

The meeting was closed at 8:31pm.

Respectfully Submitted:

Nancy Kaytis-Slocum, Secretary