



November 5, 2024

Rodney Yandell, Senior Planner
County of Humboldt Planning and Building
3015 H Street
Eureka, CA 95501
(707) 268-3732
ryandell@co.humboldt.ca.us

Re: Initial Study/Mitigated Negative Declaration (SCH No. 2024100851) – Conditional Use
Permit and Special Permit for HumSun 3, LLC Commercial Cannabis Project

Dear Mr. Yandell:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by Humboldt County for the proposed HumSun 3, LLC Commercial Cannabis Project (Proposed Project).

DCC has jurisdiction over the issuance of licenses to commercial cannabis businesses. DCC may issue a cultivation license to a business that meets all licensing requirements, and where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain one or more annual cultivation licenses from DCC. In order to ensure that the amended IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the document, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Project, but to all future CEQA documents related to cannabis business applications in Humboldt County.

DCC offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Acknowledgement of DCC Regulations

The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cannabis business activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations

related to cannabis cultivation and distribution (Bus. & Prof. Code, § 26012(a)). In particular, the analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation and distribution regulations. The impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See 4 California Code of Regulations §16304(a).)
- Air Quality and Greenhouse Gas Emissions (See §§ 15020(e); 16304(a)(4); 16305; 16306.)
- Biological Resources (See §§ 15006(i); 15011(a)(11); 16304(a).)
- Cultural Resources (See § 16304(a)(3).)
- Energy (See §§ 15006(h)(6); 15011(a)(5); 15020(e); 16305; 16306.)
- Hazards and Hazardous Materials (See §§ 15006(h)(5)(c); 15011(a)(4); 15011(a)(12); 16304(a)(5)); 16307; 16310.)
- Hydrology and Water Quality (See §§ 15006(h); 15011(a)(3); 15011(a)(7); 15011(a)(11); 16304(a)(1); 16307; 16311.)
- Noise (See §§ 16304(a)(4); 16306.)
- Public Services (See §§15011(a)(10); 15036; 15042.)
- Utilities and Service Systems (See §§ 16311; 17223.)
- Wildfire (See § 15011(a)(10).)
- Cumulative Impacts (related to the above topics)

Specific Comments and Recommendations

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

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Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
1	3.2.1 d	26	Aesthetics	The IS/MND would be improved if it referenced DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 4 §§ 16304 (6) and (7)).

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Kevin Ponce
Licensing Program Manager (Acting)

From: [Kamoroff, Corrina@Wildlife](mailto:Kamoroff,Corrina@Wildlife)
To: [Yandell, Rodney; Rian, Kathryn\(Katie\)@Wildlife](mailto:Yandell,Rodney;Rian,Kathryn(Katie)@Wildlife)
Cc: [Lia Nelson; Praj White; Annie Dodd, PhD P.E.](mailto:Lia.Nelson;Praj.White;Annie.Dodd,PhD.P.E.)
Subject: RE: HumSun3 MND questions
Date: Thursday, November 14, 2024 3:15:42 PM
Attachments: [image001.png](#)

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

Good Afternoon,

Thank you for the clarification, for answering our questions, and for your willingness to address our concerns. Please see our responses below (in blue).

1. Which ranch roads will be used to access and maintain the well sites? I ask because the draft LSAA for the original, much larger project identified multiple stream crossings, some of which may be en route to the wells.
 - a. Yes, the main existing ranch road will be used to access and maintain the well sites. See attached image of the LSAA Notification with the route highlighted in yellow. This overlaps with 14 of the stream crossings in the executed LSAA that was completed for the original project (CV-1, CV-2, CV-3, CV-4, CV-5, CV-6, CV-7, CV-8, CV-9, CV-15, CV-16, CV-17, CV-18, and CV-19). The executed LSAA would continue to be implemented as permitted, unless an amendment was required by the CDFW.
 - b. Visiting the site has helped us better understand which roads will be used to access the well sites.
2. Will water conveyance pipes need to cross Larabee Creek or other streams? The IS/MND mentions placing them along existing ranch roads, but I couldn't find a map or description of the route. If stream crossings are necessary, how would that be accomplished (e.g., HDD, aerial lines, etc.)?
 - a. Yes, water conveyance pipe will be placed along existing ranch roads (attached is a concept map of the location along existing roads). The only stream crossing would be crossing over Larabee Creek. Per discussion with CDFW staff onsite, the most appropriate conveyance would be an aerial conveyance pipe over Larabee Creek. An amendment to the LSAA would be submitted if required by CDFW.
 - b. An amendment to the LSAA will not be required if an aerial conveyance pipe is used to cross over Larabee Creek.
3. The project description details three existing wells and mentions the possibility of using a fourth well "if proven to be hydrologically disconnected from surface waters." Is that a reference to the Meadow Well, in the Lower Field, or a potential future well at a different location? Who will make the final determination as to whether that fourth well is hydrologically disconnected?
 - a. That is a reference to a potential future well, if the applicant chose to drill a well closer to the site to reduce length of conveyance. We assume that the County

would assess and make a determination regarding if the well is diversionary of surface water, based on a qualified professional's report of the well. If CDFW would also like to review the well for hydrologic connectivity, perhaps the County could include that as a Condition of Approval.

b. Incorporating a review to assess hydrological connectivity as a Condition of Approval would be helpful.

4. The Biological Resources section of Appendix G indicates that impacts to dense sedge (*Carex densa*) marshes would be reduced to less than significant through wetland mitigation. However, Mitigation Measure Bio-7 only refers to the 2024 Wetland Mitigation Summary, which doesn't discuss dense sedge at all. The only description of mitigation that I could find was in the 2020 NRM report, which briefly mentions creating a minimum of 0.09 acres of dense sedge marsh. Is that recommendation incorporated by reference?

a. You are correct regarding the 2020 NRM report. The intent was to mitigate for dense sedge impacts through wetland mitigation. The applicant would include a minimum of 0.09 acres of dense sedge marsh plantings to ensure the 1:1 sensitive natural community mitigation. To make sure this is clear, this could be included as a Condition of Approval (see below).

b. Thank you, we agree that this clarification should be included as a Condition of Approval to ensure implementation.

5. Is there a draft MMRP where I can find more details about mitigation success criteria and monitoring? I was able to find some of those details for the *Danthonia* SNC, but not for wetlands.

a. Great catch. BIO-7 references a more recent Wetland Mitigation Summary by J. Regan Consulting (2024) which revised the total amount of wetland impacts and mitigation areas to update prior NRM reports for the original 12-acre project. The attached NRM document (2022), developed for the original project, references wetland mitigation 5-year monitoring and success criteria. The intent is to still use the 5-year monitoring and success criteria from the 2022 NRM document while using the more recent wetland impact and mitigation areas based on the 2024 J. Regan report, but this is unclear in the Mitigation Measure. To resolve any confusion with regard to BIO-7, the project could be conditioned. Potential language could include, "The Project shall implement Mitigation Measure BIO-7, which states that wetland mitigation shall follow the guidelines and recommendations in the Wetland Mitigation Summary (J. Regan, 2024), and shall follow the monitoring and success criteria outlined in the Wetland Impacts Resulting from Proposed Development Project (NRM, 2022). By Monitoring Year 5, the wetland mitigation will be considered successful if it includes the following: (1) of 85% survival of native plantings, (2) less than 10% total absolute cover of invasive species, (3) favorable site hydrology for development of wetland soils, and (4) at least 0.09 acres of dense sedge marsh."

b. We approve of conditioning the project to address any confusion regarding the scope of Mitigation Measure Bio-7.

6. Will livestock be excluded from wetland mitigation areas? The IS/MND mentions fencing off *Danthonia* mitigation on the ridge site and constructing a fence around the Proposed Project Area in the Lower Field, but that fence is discussed in the section about security and public services, so it's unclear whether it would extend beyond the cultivation site to include riparian and wetland areas.

- a. The intent was to fence out livestock from the mitigation areas, this could be incorporated more clearly as a condition of approval.
- b. Clearly incorporating fencing as a Condition of Approval would be helpful.

Thank you,

From: Yandell, Rodney <RYandell@co.humboldt.ca.us>

Sent: Wednesday, November 6, 2024 10:05 AM

To: Rian, Kathryn(Katie)@Wildlife <Kathryn.Rian@Wildlife.ca.gov>

Cc: Lia Nelson <Lia@northpointeureka.com>; Praj White <Praj@northpointeureka.com>; Annje Dodd, PhD P.E. <Annje@northpointeureka.com>; Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>

Subject: RE: HumSun3 MND questions

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Katie,

Please see answers to your questions below and associated attachments.

1. Which ranch roads will be used to access and maintain the well sites? I ask because the draft LSAA for the original, much larger project identified multiple stream crossings, some of which may be en route to the wells.
 - a. Yes, the main existing ranch road will be used to access and maintain the well sites. See attached image of the LSAA Notification with the route highlighted in yellow. This overlaps with 14 of the stream crossings in the executed LSAA that was completed for the original project (CV-1, CV-2, CV-3, CV-4, CV-5, CV-6, CV-7, CV-8, CV-9, CV-15, CV-16, CV-17, CV-18, and CV-19). The executed LSAA would continue to be implemented as permitted, unless an amendment was required by the CDFW.
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most appropriate conveyance would be an aerial conveyance pipe over Larabee Creek. An amendment to the LSAA would be submitted if required by CDFW.

3. The project description details three existing wells and mentions the possibility of using a fourth well “if proven to be hydrologically disconnected from surface waters.” Is that a reference to the Meadow Well, in the Lower Field, or a potential future well at a different location? Who will make the final determination as to whether that fourth well is hydrologically disconnected?
 - a. That is a reference to a potential future well, if the applicant chose to drill a well closer to the site to reduce length of conveyance. We assume that the County would assess and make a determination regarding if the well is diversionary of surface water, based on a qualified professional’s report of the well. If CDFW would also like to review the well for hydrologic connectivity, perhaps the County could include that as a Condition of Approval.
4. The Biological Resources section of Appendix G indicates that impacts to dense sedge (*Carex densa*) marshes would be reduced to less than significant through wetland mitigation. However, Mitigation Measure Bio-7 only refers to the 2024 Wetland Mitigation Summary, which doesn’t discuss dense sedge at all. The only description of mitigation that I could find was in the 2020 NRM report, which briefly mentions creating a minimum of 0.09 acres of dense sedge marsh. Is that recommendation incorporated by reference?
 - a. You are correct regarding the 2020 NRM report. The intent was to mitigate for dense sedge impacts through wetland mitigation. The applicant would include a minimum of 0.09 acres of dense sedge marsh plantings to ensure the 1:1 sensitive natural community mitigation. To make sure this is clear, this could be included as a Condition of Approval (see below).
5. Is there a draft MMRP where I can find more details about mitigation success criteria and monitoring? I was able to find some of those details for the *Danthonia* SNC, but not for wetlands.
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a. The intent was to fence out livestock from the mitigation areas, this could be incorporated more clearly as a condition of approval.

Please let me know if you have any questions.

Thank you,



Rodney Yandell
Senior Planner
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707.268.3732

From: Rian, Kathryn(Katie)@Wildlife <Kathryn.Rian@Wildlife.ca.gov>
Sent: Tuesday, October 29, 2024 12:07 PM
To: Yandell, Rodney <RYandell@co.humboldt.ca.us>
Cc: Lia Nelson <Lia@northpointeureka.com>; Praj White <Praj@northpointeureka.com>; Annje Dodd, PhD P.E. <Annje@northpointeureka.com>; Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>
Subject: HumSun3 MND questions

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

Hi Rodney,

Corrina and I are reviewing the IS/MND for the HumSun 3, LLC Commercial Cannabis Project (SCH No. 2024100851) and seek clarification on a few issues. We’re also coordinating a site visit with NorthPoint.

1. Which ranch roads will be used to access and maintain the well sites? I ask because the

draft LSAA for the original, much larger project identified multiple stream crossings, some of which may be en route to the wells.

2. Will water conveyance pipes need to cross Larabee Creek or other streams? The IS/MND mentions placing them along existing ranch roads, but I couldn't find a map or description of the route. If stream crossings are necessary, how would that be accomplished (e.g., HDD, aerial lines, etc.)?
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If it would be easier, we can schedule a meeting or phone call to discuss these questions. Let me know what works best for you.

Thanks,
Katie

Kathryn M. Rian

Environmental Scientist

Coastal Conservation Humboldt/Del Norte

California Department of Fish and Wildlife

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