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Subject: PLN-12018-CUP, APN: 217-244-008

Good Morning,

Please see the comments below regarding the above-referenced project.

Project Number: PLN-12018-CUP

Project Name: Mystic Mountain Farms LLC - Existing 6,599 sf light dep & 8,499 sf outdoor

APN(s): 217-244-008

CEQA No: CEQA-2024-0012-R1

Project Description

Mystic Mountain Farms LLC - Existing 6,599 sf light dep & 8,499 sf outdoor

A Conditional Use Permit for 15,098 square feet of existing outdoor cannabis cultivation (8499 sf will be full sun outdoor and 6,599 square feet will utilize light deprivation techniques).

Irrigation water will be sourced from a well (18/19 1171; WCR2019-011314). Water is stored in 10 5,000 gallon water tanks and 20,000 gallon water bladder for a total of 70,000 gallons of water storage. Annual estimated water usage is 124,870 gallons. Processing will include drying and trimming inside of a proposed 40x60 metal building. A maximum of three employees are being requested for the proposed cannabis operations. Energy is sourced from generators.

CDFW COMMENTS:

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

On January 18, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 217-244-008. During the site visit, staff walked the property to observe current and historic cultivation activities. The following comments are intended to assist the Lead Agency in making informed decisions in the planning process. The following comments shall supersede prior comments submitted by CDFW regarding PLN-12018-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- A final Lake and Streambed Alteration Agreement (LSAA, 1600-2018-0125-0000-R1) was issued to maintain and use two points of diversion (PODs), to upgrade and maintain four stream crossings, to upgrade a pond spillway and to decommission and remediate an onstream stock-pond. While onsite, CDFW observed that the applicant initiated work to decommission the on-stream stock pond prior to providing CDFW with a Stream Restoration and Remediation Plan for review and approval. The applicant attempted to

drain the on-stream pond, resulting in sediment discharge to a class III drainage and the placement of fill in a location that pose a threat of sediment delivery to waters of the state, a violation of Fish and Game Code (FGC) 5650. Additionally, while onsite, CDFW observed a Class III stream that is currently being diverted from its natural water course into a separate drainage, significantly altering the natural hydrology on the parcel. The applicant is out of compliance with the LSAA and will be required to submit a minor amendment to the LSAA. CDFW requests, as a condition of approval, that the applicant/permittee completes the following items listed below within the specified deadlines, or within two weeks of project approval, and achieves and maintains compliance with the LSAA.

- Submit a minor amendment to the LSAA to realign the Class III stream back to its natural water course and to update the work completion dates by March 31, 2024.
 - Submit a Stream Restoration and Remediation Plan for CDFW review and approval by March 31, 2024.
 - Submit a Site Management Plan for CDFW review and approval by March 31, 2024.
 - Complete the stream restoration of the on-stream stock pond by October 15, 2025.
- While onsite, CDFW observed that the Cannabis processing and drying facilities are located within the Streamside Management Area (SMA) of an on-stream pond. During the winter season the pond has the potential to flood the flat where the processing and drying facilities are located. CDFW requests, as a condition of approval, that the applicant lowers the spillway of the onstream pond at least four feet to minimize the risk of flooding and impacts to the stream from the cannabis processing and drying facilities.
 - While onsite, CDFW observed that water for irrigation will be stored in two 50,000 gallon water bladders for a total of 100,000 gallons of water storage. If the water bladders fail, a substantial amount of water will be lost in a short amount of time and have the potential to cause substantial erosion below the water storage location. Additionally, the estimated annual water usage of 124,870 gallons appears to be a low estimate the total amount of water needed for 15,098 sf of cannabis cultivation. CDFW requests, as a condition of approval, that the water bladders are retired and replaced with at least 70,000 gallons of approved water storage facilities no later than November 1, 2024.
 - While onsite, CDFW observed unused waterline scattered throughout the parcel, posing a threat to sensitive wildlife species and public trust resources. CDFW requests, as a

condition of project approval, that all unused waterline is cleaned up and properly disposed of at a waste management facility.

- The project, as proposed, has the potential to impact the Northern Spotted Owl (NSO), a Threatened species pursuant to the California Endangered Species Act. At least one known NSO Activity Center occurs within 1.4 miles of the cultivation sites and within 0.5 miles of Designated Critical Habitat for the NSO (CDFW 2024). CDFW requests, as a condition of project approval, that the permittee implements substantive containment of all generators on site to minimize noise disturbance when in use.

Thank you for the opportunity to comment on this project.

Corrina Kamoroff

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