

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following agencies for review and comment. Those agencies that provided a response are listed.

Referral Agency	Response	Recommendation	Location
Ag Commissioner		No Response	
Building Inspection Division	✓	Approval	Attached
County Counsel		No Response	
District Attorney		No Response	
Division Environmental Health	✓	Approval	On file
Sheriff		No Response	
Airport Manager		No Response	
Public Works, Land Use Division	✓	Conditional Approval	Attached
McKinleyville CSD		No Response	
Arcata Fire Protection District	✓	Approval	Attached
School District		No Response	
Division of Water Rights	✓	Approval	Attached
California Department of Fish & Wildlife	✓	Comments	Attached
Division of Water Resources		No Response	
CalFire	✓	Comment	Attached
North Coast Regional Water Quality Control Board		No Response	
Bear River Band	✓	Conditional Approval	On file and confidential
Northwest Information Center	✓	Further Study	On file and confidential
Blue Lake Rancheria		No Response	
Wiyot Tribe		No Response	
PGE		No Response	



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

8/15/2022

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Aviation, Building Inspections, CSD: McKinleyville CSD, FPD: Arcata Fire Protection District, RWQCB, School District: McKinleyville Union School District, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Bear River Band, Blue Lake Rancheria, NWIC, Wiyot Tribe, PGE

Applicant Name Hooven Productions LLC **Key Parcel Number** 511-141-015-000

Application (APPS#) PLN-2022-17880 **Assigned Planner** Steven Santos 707-268-3749

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: 8/30/2022

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: 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:

REVISE PLANS (SITE PLAN) TO SHOW ALL STRUCTURES ON SITE. SMA ON PROPERTY, BUT NOT ON PROJECT

8-15-22

MIKE TOWNSEND

DATE:

PRINT NAME:



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:

Accela Record No: 17880 APN: 511-141-015

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

Site plan appears to be accurate.

Site plan is not accurate, submit revised site plan showing the following items:

All grading including ponds and roads,

Location of any water course including springs,

All structures including size and use and all setbacks from each other, above stated items, and property lines.

APPLICANT SAID HE REVISED SITE PLAN, BUT COULD NOT

BE LOCATED IN ACCELA

Existing operation appears to have expanded as follows: _____

Proposed new operation has already started.

Development is near a wet area. If yes, distance from development: _____

Development is near a Steam side Management Area (SMA). If yes, distance from development: _____

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

Other Comments: _____

Name: MIKE TOWNSEND

Date: 8/15/22



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

ON-LINE
 WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING
 SECOND & L ST., EUREKA
 FAX 445-7409

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

CLARK COMPLEX
 HARRIS & H ST., EUREKA
 FAX 445-7388

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Steven Santos, Senior Planner, Planning & Building Department
 FROM: Kenneth M. Freed, Assistant Engineer *KMF*
 DATE: 08/10/2022

RE:	Applicant Name	HOOVEN PRODUCTIONS LLC
	APN	511-141-015
	APPS#	PLN-2022-17880 CUP

The Department has reviewed the above project and has the following comments:

- The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- Road Evaluation Reports(s)* are required; See **Exhibit "D"**

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 01/23/19, with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

Whether specifically addressed or not within the road evaluation report, per Section 1273.03 of State Fire Safe Regulations, California Code of Regulations (CCR), Title 14 Natural Resources, Division 1.5 Department of Forestry, Chapter 7 - Fire Protection, Subchapter 2 SRA Fire Safe Regulations, which have been established pursuant to California Public Resource Code Section 4290 et seq. (a) *At no point shall the grade for all roads and driveways exceed 16 percent;* (b) *The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect. Mitigation measures other than paving require an exception to be approved per Section 1270.06.* [Note: Fire Safe Regulations set forth in County Code Section 3111-1, et seq. have been superseded by the 01/01/2020 CCR since County Code has not been recertified by the Department of Forestry pursuant to Section 1270.04.]

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

APPS # 17880

(All checked boxes apply)

COUNTY ROADS- PROXIMITY OF FARMS:

Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

COUNTY ROADS- FENCES & ENCROACHMENTS:

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. Applicant must apply for and obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet (or to break in slope) where it intersects the County road.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects the County road.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. Applicant must apply for and obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing intersection culverts; minimum size is typically 18 inches.

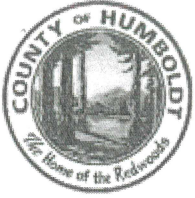
- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet (or break in slope) where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

8/9/2022

Project Referred To The Following Agencies:

Arcata FPD

Applicant Name Hooven Productions LLC Key Parcel Number 511-141-015-000

Application (APPS#) PLN-2022-17880 Assigned Planner Steven Santos 707-268-3749

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: 8/24/2022

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: 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: _____

Aug 10, 2022

Ed Lardlaw

DATE:

PRINT NAME:



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

8/9/2022

Project Referred To The Following Agencies:

Applicant Name Hooven Productions LLC **Key Parcel Number** 511-141-015-000

Application (APPS#) PLN-2022-17880 **Assigned Planner** Steven Santos 707-268-3749

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Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

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- 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: Cultivator has a Cannabis SIUR water right, but will be transitioning to a groundwater well and rain catchment/recycled water.
No further comments. These new sources do not require a water right.

8/11/2022

Jonathan Pham
Environmental Scientist
Registrations Unit
Division of Water Rights

DATE:

PRINT NAME:

Santos, Steven A

From: Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>
Sent: Friday, February 02, 2024 3:22 PM
To: Santos, Steven A
Cc: Johnson, Cliff; Manthorne, David@Wildlife
Subject: PLN-2022-17880, APN:511-141-015

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

Good Afternoon,

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

Project Number: PLN-2022-17880

Project Name: ECD Holdings, Inc - CUP 33,560 SF New ML and Mod

APN(s): 511-141-015

CEQA No: CEQA-2022-0292-0000-R1

Project Description

ECD Holdings, Inc - CUP 33,560 SF New ML and Mod

A Conditional Use Permit to add 33,560 square feet of new mixed light commercial cannabis cultivation to an approved project in the McKinleyville Community Planning Area. If approved, the total cultivation will be 43,560 square feet of mixed light cultivation. Accessory nursery space will increase to 4,350 square feet. The site will be reconfigured to consolidate operations. The proposed irrigation sources are a well, rainwater catchment, and water recapture. The previously approved spring will no longer be used for cannabis irrigation. Annual water usage will increase from 120,000 gallons to a total of 610,000 gallons. Existing water storage is 110,000 gallons. Previously approved onsite processing will continue. Electricity is sourced from PGE through an eligible renewable energy program with a generator for emergencies only.

CDFW COMMENTS:

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

On February 1, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 511-141-015. 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-2022-17880. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- On December 13, 2016, CDFW issued the applicant a final Lake and Streambed Alteration Agreement (LSAA, 1600-2016-0442-0000-R1) for one Point of Diversion (POD) from an unnamed tributary to Duke Creek for domestic use and irrigation.

- The LSAA (1600-2016-0442-0000-R1) expired on December 13, 2021. As of February 1, 2024, the applicant does not have a valid LSAA to divert water from the POD. Additionally, the applicant did not submit all required water monitoring reports and continued to use the POD after the LSAA lapsed without extending or notifying CDFW. As a result, the applicant has not demonstrated compliance with the required measures of the LSAA and is in violation of Fish and Game Code (FGC) 1602. CDFW requests, as a condition of approval, that the applicant notify CDFW by February 29, 2024, and receives a final LSAA. CDFW further requests, as a condition of approval, that the applicant achieves and maintains compliance with the LSAA, which includes metering water use, maintaining a logbook of use, and taking monthly photographs of the water meter to demonstrate compliance.
- The proposed cultivation expansion would increase annual water use to 610,000 gallons, an increase of 490,000 gallons compared to the existing water demand (120,000 gallons). The proposed irrigation water sources are a combination of reclaimed water, rainwater collection, and an existing groundwater well. The Groundwater Well Evaluation completed by NorthPoint Consulting Group, Inc. stated that reclaimed water and rainwater collection would supply the majority (approximately 72%-79%) of the projected irrigation demand, and the remaining water needs, up to 171,800 gallons, will be sourced from an onsite well. To ensure the proposed project has sufficient water for irrigation, it is estimated that the proposed project could require up to 438,200 gallons of water sourced from rainwater catchment and water recapture. CDFW requests, as a condition of approval, that the applicant submits, prior to the expansion of cultivation on the parcel, a Water Storage and Use Plan that demonstrates that the proposed projects irrigation needs are met with the necessary water storage for both rainwater and reclaimed water.

The Water Storage and Use Plan shall include the following:

- A water use and collection schedule that details when and how much reclaimed water will be used for irrigation.
- The amount of water storage required for the proposed project, separated by water source type, i.e., reclaimed water, rainwater catchment and well. Water storage should include, but is not limited to, at least 116,000 gallons of water storage exclusively dedicated to rainwater catchment.
- The location(s) of water storage on site.
- A timeline outlining when water storage installation will be complete.
- While onsite, CDFW observed uncontained compost and discarded soil associated with cannabis cultivation. CDFW requests, as a condition of approval, that the applicant fully contains compost piles and all imported soil and/or and properly disposed of at a waste management facility.
- While onsite, CDFW observed monofilament netting that was used for erosion control measures during cannabis cultivation operations. To minimize the risk of wildlife entrapment, CDFW requests, as a condition of project approval, the prohibition of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of cultivation operations and/or erosion control.
- While onsite, the applicant disclosed that heaters may be used on site for the proposed mixed light cultivation. The use of heaters as well as dehumidifiers in uninsulated greenhouses will significantly

increase the energy demand for the proposed project. CDFW requests, as a condition of approval, that the applicant limits the use of heaters to the nurseries or insulated structures.

Thank you for the opportunity to comment on this project.

Corrina Kamoroff

Environmental Scientist

Habitat Conservation and Planning

Humboldt/Del Norte LSA Program

California Department of Fish and Wildlife

619 Second Street

Eureka, CA 95501

Santos, Steven A

To: Santos, Steven A
Subject: RE: PLN-2022-17880, APN: 511-141-015

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Friday, February 02, 2024 10:06 AM
To: Santos, Steven A <santos@co.humboldt.ca.us>
Subject: RE: PLN-2022-17880, APN: 511-141-015

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

Hi Steven,

I agree with you and support the use of energy so that plants do not die. I think cultivating in cold conditions outside the growing season (May-November) using lights and heaters in uninsulated greenhouses should not be permitted, although this is mostly a personal opinion. I have observed this many times and it just seems like it is not good for the environment and should be limited to the nurseries.

From: Santos, Steven A <santos@co.humboldt.ca.us>
Sent: Friday, February 2, 2024 9:58 AM
To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Subject: RE: PLN-2022-17880, APN: 511-141-015

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

Thanks David. There is language regarding energy usage in the ordinance regarding generators and requiring electricity be sourced from renewable sources. There is a difference between conditioning space so plants don't die and conditioning space for the comfort of humans. There is more energy used to condition space for humans. If conditioning space for people, a building permit subject to all the current energy efficiency requirements of the building code is required.

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Friday, February 02, 2024 9:51 AM
To: Santos, Steven A <santos@co.humboldt.ca.us>
Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>
Subject: RE: PLN-2022-17880, APN: 511-141-015

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

Hi Steven,

We will revise our comment to reflect the requested change for a water storage plan for reclaimed water and submit it today. It seems like heating uninsulated greenhouses should have some limits beyond the bills with climate change and the nexus to human induced energy use, since there will be lots of additional energy use already associated with the

dehumidifiers, regardless of whether it is sourced from renewables. Is there any language in the ordinance that discusses limiting energy use per the climate?

Thanks

From: Santos, Steven A <sasantos@co.humboldt.ca.us>

Sent: Friday, February 2, 2024 9:29 AM

To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>

Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>

Subject: RE: PLN-2022-17880, APN: 511-141-015

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

Good Morning, David

Perhaps for water storage the condition should specifically call out 116,000 gallons of storage exclusively dedicated for rainwater catchment AND, prior to commencing cultivation, the applicant must provide a water storage and use plan for the reclaimed water that describes the schedule water is collected and used.

For heaters, we typically see use in the colder months. The project is using a PGE renewable energy and generators or prohibited, except for emergencies. The cannabis land use program does not cap the amount of renewable energy usage. I would expect that utility bills would encourage efficiency and cost/use containment just like with any other business or household.

Steven A. Santos
Senior Planner
Planning and Building Department
707.268.3749

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>

Sent: Friday, February 02, 2024 8:00 AM

To: Santos, Steven A <sasantos@co.humboldt.ca.us>

Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>

Subject: RE: PLN-2022-17880, APN: 511-141-015

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

Hi Stephen,

Perhaps that water storage number can be amended based on the amount of water that will be generated by the dehumidifiers when there is water storage available. It seems that the water use is most likely to occur from May to November. Where would the water be put from November – June when there is no available water storage to put the dehumidified water. I guess CDFW doesn't fully understand how the timing of this sourced water and how it could be stored in the wet season. Is it that the applicant will source 323,000 gallons of water from dehumidifiers from June-October and then directly apply that to the plants? Also, will heaters be permitted in greenhouses, and do we expect this to be a year round activity? If so, this project would seem to require lots of energy use. Please advise.

Thank you

From: Santos, Steven A <sasantos@co.humboldt.ca.us>

Sent: Thursday, February 1, 2024 5:33 PM

To: Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>

Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>

Subject: RE: PLN-2022-17880, APN: 511-141-015

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

Hi Corrina, thanks for getting the comments to us quickly. I have some follow up questions and comments. Maybe we can go over these when we chat tomorrow morning.

- 1) I will include the requested condition for the LSAA and for monitoring and logs so water resources can be monitored
- 2) I need some help understanding the justification for the request for 438,200 (439,200) gallons of water storage. I understand the need for 115,900 gallons of storage for rainwater catchment because all of that should be collected in advance since it is seasonal. But the remaining 323,300 is coming from reclaimed water from dehumidifiers and air conditioning units which operate year round and by its nature would be recycled into the operation virtually in real time. Why would one year's worth of reclaimed water from equipment need to be stored? Constructing that much water storage would have ground disturbance impacts.
- 3) I will add a condition regarding soil management and storage to protect water quality
- 4) I will add a condition regarding prohibition of synthetic netting to protect wildlife
- 5) I need some help understanding the justification for the request for no heaters. The proposed cultivation will take place in an enclosed space. Such a prohibition would prevent the operator for managing the interior climate for the plants within the enclosed space. Electricity for the project comes from PGE through a renewable energy program. What is the reason for the prohibition on heaters?

Steven A. Santos
Senior Planner
Planning and Building Department
707.268.3749

6)

From: Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>

Sent: Thursday, February 01, 2024 3:28 PM

To: Santos, Steven A <sasantos@co.humboldt.ca.us>

Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>

Subject: PLN-2022-17880, APN: 511-141-015

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

Good Afternoon,

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

Project Number: PLN-2022-17880

Project Name: ECD Holdings, Inc - CUP 33,560 SF New ML and Mod

APN(s): 511-141-015

CEQA No: CEQA-2022-0292-0000-R1

Project Description

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CDFW COMMENTS:

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

On February 1, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 511-141-015. 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-2022-17880. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- On December 13, 2016, CDFW issued the applicant a final Lake and Streambed Alteration Agreement (LSAA, 1600-2016-0442-0000-R1) for one Point of Diversion (POD) from an unnamed tributary to Duke Creek for domestic use and irrigation.
- The LSAA (1600-2016-0442-0000-R1) expired on December 13, 2021. As of February 1, 2024, the applicant does not have a valid LSAA to divert water from the POD. Additionally, the applicant did not submit all required water monitoring reports and continued to use the POD after the LSAA lapsed without extending or notifying CDFW. As a result, the applicant has not demonstrated compliance with the required measures of the LSAA and is in violation of Fish and Game Code (FGC) 1602. CDFW requests, as a condition of approval, that the applicant notify CDFW by February 29, 2024, and receives a final LSAA. CDFW further requests, as a condition of approval, that the applicant achieves and maintains compliance with the LSAA, which includes metering water use, maintaining a logbook of use, and taking monthly photographs of the water meter to demonstrate compliance.
- The proposed cultivation expansion would increase annual water use to 610,000 gallons, an increase of 490,000 gallons compared to the existing water demand (120,000 gallons). The proposed irrigation water sources are a combination of reclaimed water, rainwater collection, and an existing groundwater well. The Groundwater Well Evaluation completed by NorthPoint Consulting Group, Inc. stated that reclaimed water and rainwater collection would supply the majority (approximately 72%-79%) of the projected irrigation demand, and the remaining water needs, up to 171,800 gallons, will be sourced

from an onsite well. To ensure the proposed project has sufficient water for irrigation, it is estimated that the proposed project will require a minimum of 438,200 gallons of water storage to hold water sourced from rainwater catchment and water recapture. CDFW requests, as a condition of approval, that the applicant submits a Water Storage Plan that demonstrates that the proposed project irrigation needs are met. The Water Storage Plan shall include the installation of at least 438,200 gallons of water storage, water storage location(s), and a timeline outlining when water storage installation will be complete.

- While onsite, CDFW observed uncontained compost and discarded soil associated with cannabis cultivation. CDFW requests, as a condition of approval, that the applicant fully contains compost piles and all imported soil and/or and properly disposed of at a waste management facility.
- While onsite, CDFW observed monofilament netting that was used for erosion control measures during cannabis cultivation operations. To minimize the risk of wildlife entrapment, CDFW requests, as a condition of project approval, the prohibition of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of cultivation operations and/or erosion control.
- While onsite, the applicant disclosed that heaters may be used on site for the proposed mixed light cultivation. CDFW requests, as a condition of approval, the prohibition of the use of heaters for cannabis cultivation operations.

Thank you for the opportunity to comment on this project.

Corrina Kamoroff

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Habitat Conservation and Planning
Humboldt/Del Norte LSA Program
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501

Application Number

Key APN

We have reviewed the above application and recommend the following (please check one):

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary: