

App: PLN-11002-CUP, APN: 221-021-003-000

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Good Afternoon,

Please see the comments below regarding the subject project.

Project Number: PLN-11002-CUP**Project Name:** Mikes Farm LLC - CUP 4,100 SF ML and 14,930 SF**APN(s):** 221-021-003-000**Project Description**

Mikes Farm LLC - CUP 4,100 SF ML and 14,930 SF

Applicant seeks Conditional Use Permit for existing 19,030 square foot cannabis cultivation operation. 4,100 SF is mixed light and 14,930 SF is outdoor. Cultivation includes 3-4 harvest cycle per year using light deprivation. Irrigation water is provided by a 200,000 gallon rainwater catchment pond. Applicant proposes an additional 150,000-gallon pond. Water storage totals 18,000 gallons in six (6) hard tanks. Annual water usage estimated to be 151,230-gal. Processing will be done on site in a proposed shop. There will be 3-5 employees during peak operations. Power is provided by PGE and a backup generator.

CDFW COMMENTS:

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

On November 21, 2023, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 221-021-003-000. 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-11002-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- On April 3, 2020, CDFW issued the applicant a Final Lake and Streambed Alteration Agreement (LSAA, 1600-2017-0311-0000-R1) for one Point of Diversion (POD) from an unnamed tributary to Salmon Creek for domestic use, one POD from a pond for irrigation, armoring a pond spillway, upgrading a culvert, and for stream restoration. As of November 30, 2023, the Permittee has completed a portion of the required work notified for in the LSAA, including armoring the pond spillway, upgrading a culvert, and a portion of the required stream restoration. The Permittee is still required to complete the remaining stream restoration work. Additionally, the Permittee is required to submit annual water monitoring reports, a project completion report, an Invasive Species Report, a Water Management Plan and a Wildlife Entrapment Prevention work completion report. As of November 30, 2023, CDFW has not received any of the required reports and while onsite CDFW did not observe an onsite water-use logbook. The failure to submit the required reporting places this Permittee/applicant in non-compliance with the LSAA. CDFW requests, as a condition of project approval, that the Permittee submits all required reporting and achieves compliance with the LSAA.

- While onsite, CDFW observed a Class III drainage that is currently being diverted from its natural water course into a ditch along the access road to the cultivation sites. CDFW requests, as a condition of project approval, that the Permittee/applicant notify for the new culvert within 90 days and amend any site maps as needed.
- The two ponds located onsite have the potential to provide habitat for the invasive American bullfrog (*Lithobates catesbeianus*). CDFW requests, as a condition of project approval, that the applicant provides and implements an Invasive Species Management Plan. The Invasive Species Management Plan shall include, at a minimum, an annual survey for invasive species including the American bullfrog. If invasive aquatic species are identified, a qualified biologist shall coordinate with CDFW to develop necessary eradication measures.
- The project description states that the applicant proposes to use an additional 150,000-gallon pond. While onsite, CDFW observed that there are two ponds currently on the parcel, a 200,000-gallon pond and a 150,000-gallon pond. The applicant disclosed to CDFW that they are planning to only use the 200,000-gallon pond and not use the 150,000-gallon pond. CDFW requests, as a condition of project approval, that the project description be updated to accurately reflect what is proposed onsite. If the applicant elects to use the additional 150,000-gallon pond CDFW requests, as a condition of project approval, that the applicant is required to Notify CDFW prior to diverting water from the 150,000-gallon pond.
- While onsite, CDFW observed monofilament netting that was used 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.

Thank you for the opportunity to comment on this project.

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