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Subject: PLN-12030-CUP, APN: 208-221-006
Date: Thursday, August 1, 2024 8:29:59 AM
Attachments: [1600-2018-0754-R1 HUM MJ Petrov Kurnishon Water Diversion Pond and Stream Crossings FinalLSAA signed.pdf](#)

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Good Morning,

Please see the comments below regarding the above referenced project.

Project Number: PLN-12030-CUP

Project Name: Kurnishon, LLC

APN(s): 208-221-006

CDFW CEQA No: 2024-0213-R1

Project Description: PLN-12492-CUP

Kurnishon, LLC - Existing 19,335 OD

The applicant is seeking a Conditional Use Permit for 21,515 square feet (SF) of existing outdoor commercial cannabis cultivation. Light deprivation techniques are utilized to achieve two harvests annually. Water for irrigation will be provided by an existing well. The applicant projects an annual water use of 193,000 gallons and there is 55,500 gallons of available water storage in hard sided tanks. Processing such as drying and curing will occur onsite in an existing structure 1,100 SF structure. Energy for the project will be supplied by three 7kW generators which also serve power for domestic purposes. The applicant is also seeking a Special Permit for remediation within the Streamside Management Area.

CDFW COMMENTS:

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

On June 12, 2024, CDFW staff conducted a site inspection at the subject property on Assessor's Parcel Number (APN) 208-221-006. 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-12030-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

1. On June 12, 2020, CDFW issued a Lake and Streambed Alteration Agreement (LSAA,

1600-2018-0754-0000-R1) for a water diversion from an unnamed tributary to the Mad River for domestic use, decommissioning an onstream pond, restoring a stream and associated Streamside Management Area (SMA), and upgrading three failing and undersized stream crossings. As part of the stream restoration project, the permittee was required to decommission the pond, restore the Class III watercourse, and revegetate the SMA to stabilize and restore the area to its pre-disturbance condition. While onsite, CDFW observed that while the onstream pond had been decommissioned, the watercourse was buried in a 120 ft culvert instead of being restored and the SMA had not been revegetated resulting in sediment discharge to Waters of the State, which is out of compliance with the LSAA, the Stream Restoration and Revegetation Plan, and is a violation of Fish and Game Code (FGC) 1602. Additionally, water diversion infrastructure onsite was determined to be out of compliance with the LSAA, and the applicant has not complied with all required reporting measures in the LSAA. CDFW requests, as a condition of approval, that the Applicant/Permittee completes the following items listed below by the specified dates or within two weeks of project approval and achieves and maintains compliance with the LSAA.

- a. Remove all water diversion infrastructure from the stream channel and spring site by August 31, 2024.
 - b. Remove and relocate all water storage facilities located within the SMA by October 1, 2024.
 - c. Submit and implement an interim erosion control plan to stabilize all exposed soil within the pond restoration area to mitigate the existing threats sediment delivery into Waters of the State by October 1, 2024.
 - d. Submit a major amendment to the LSAA to include all work required to remove the culvert and restore the stream channel at the decommissioned pond site by August 31, 2024.
 - e. Complete all restoration work associated with the stream restoration project by October 1, 2025.
2. While onsite, CDFW observed a travel trailer, equipment storage, water storage tanks, a chicken coop, and debris within the SMAs on the property. CDFW requests, as a condition of approval, that all equipment and debris are located outside of the SMAs on the property. The following items listed below with associated coordinates should be removed from the SMAs on the parcel.
 - a. Travel trailer (40.528291, -123.608168)
 - b. Equipment storage (40.528107, -123.608209)
 - c. Water storage tanks and water pump (40.528944, -123.609043)
 - d. Chicken coop (40.528232, -123.608110)
 - e. Debris (40.528710, -123.607863 & 40.528703, -123.607977)
3. The project description states that irrigation water is sourced from a permitted onsite well. The estimated annual water usage of 193,000 gallons appears to underestimate the total amount of water needed to support 21,515 square feet of cannabis cultivation.

Due to the project's high projected water needs, CDFW requests, as a condition of approval, either a certified hydrogeologist assess the potential long-term yield of the well with the proposed usage and verify adequate water storage, or the applicant is required to increase water storage to 100,000 gallons.

4. CDFW observed grow bags and infrastructure associated with a historic cultivation site on the parcel. CDFW requests, as a condition of approval, that all infrastructure and debris from decommissioned cultivation areas be removed and properly disposed of at a waste management facility.
5. To minimize the risk of wildlife entrapment, CDFW requests, as a condition of approval, the prohibition of synthetic netting (e.g., plastic or nylon), including photo or biodegradable plastic netting, for cultivation operations and/or erosion control.
6. The proposed project may have a potentially significant adverse effect on biological resources, specifically the Northern Spotted Owl (*Strix occidentalis caurina*; NSO). At least one known NSO Activity Center occurs within 0.6 miles of the cultivation sites (CDFW 2024). CDFW requests the succeeding measures, as conditions of approval.
 - a. All ground-disturbing activities should be limited to occur outside of the breeding season for the NSO (February 1 through July 9).
 - b. The construction of noise containment/dampening structures for all operation related back-up generators, water pumps and fans.
 - c. That artificial light used for cannabis cultivation operations (i.e., ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. CDFW further requests a light attenuation monitoring and management plan for this activity within thirty days, following execution of the final permit.

Thank you for the opportunity to comment on this project.

Corrina Kamoroff
Environmental Scientist

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