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**Subject:** PLN-11543-CUP, APN: 221-021-026  
**Date:** Friday, August 16, 2024 4:14:47 PM  
**Attachments:** [1600-2018-0753-R1\\_HUM\\_MJ Karagio Water Diverisons Pond and Stream Crossingss FinalLSAA.pdf](#)

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Good Afternoon,

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

**Project Number:** PLN-11543-CUP

**Project Name:** MIB 2, LLC.

**APN(s):** 221-021-026

**CEQA No:** CEQA-2017-0906-0000-R1

### **Project Description**

MIB 2, LLC.- Existing 23,250 outdoor & 10k sf mixed-light

A Conditional Use Permit for existing medical cannabis cultivation operation totaling 28,900 square feet (sf) in size, of which 10,000 sf is mixed light and 18,900 sf is outdoor. Water source is from a surface water diversion from an unnamed spring and water storage totals 202,800 gallons. Estimated water use for irrigation is approximately 170,000 gallons per growing season. Drying, curing and trimming occurs on-site in the 1,800 sf processing facility. Up to 5 employees will be hired during peak operations. PG&E provides electricity for domestic uses. The on-site generator is limited to power outage events.

### **CDFW COMMENTS:**

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

On August 8, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 221-021-026. 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-11543-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

1. On June 6, 2021, CDFW issued a final Lake and Streambed Alteration Agreement (LSAA No. 1600-2018-0753-R1, see attached) to the applicant for a Point of Diversion (POD) for domestic use, to upgrade a pond spill way, to decommission three stream crossings, and to decommission/remediate a graded flat. While onsite CDFW observed that the

applicant has not completed all the required work and is not in compliance with all measures in the LSAA. CDFW requests, as a condition of approval, that the applicant/permittee completes the following items listed below by October 1, 2024, or within two weeks of project approval, and achieves and maintains compliance with the LSAA.

- a. Complete all work required on Crossing-1 and Crossing-2.
  - b. Install exit ramps in onsite reservoir to prevent wildlife entrapment.
  - c. Submit a Water Management Plan for CDFW.
2. While onsite, CDFW observed that water storage tanks were located within the Streamside Management Area (SMA) of two stream channels (at coordinates 40.23402, -123.965586). CDFW requests, as a condition of approval, that the water storage tanks are removed and relocated outside of the SMA.
  3. While onsite, CDFW observed uncontained imported soil associated with cannabis cultivation (at coordinates 40.234202, -123.966602). CDFW requests, as a condition of approval, that the applicant fully contains all imported soil onsite no later than October 15, 2024.
  4. While onsite, CDFW observed unused water line scattered throughout the parcel including water line located within a stream channel (at coordinates 40.235212, -123.969449). CDFW requests, as a condition of approval, that all unused waterline is removed and disposed of at a waste management facility.
  5. The permittee/applicant has a spring Point of Diversion (POD) that is no longer in use, does not have a water meter, and is out of compliance with measures in the LSAA. CDFW requests, as a condition of approval, that the permittee/applicant either install a water meter and submit annual water monitoring reports as required in the LSAA or remove all infrastructure associated with the POD and restore the spring its natural condition to the extent feasible.
  6. The project description states that water use is estimated at 170,000 gallons per growing season, sourced from a rain catchment pond. The estimated annual water usage of 170,000 gallons appears to significantly underestimate the total amount of water needed to support 33,250 square feet of cannabis cultivation. CDFW requests, as a condition of approval, that the applicant provide a revised operations plan and project description that reflect the proposed project including an accurate water use estimate.
  7. 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 0.9 miles of the cultivation sites and within 500 ft of Designated Northern Spotted Owl Final Critical Habitat (CDFW 2024). The project proposes 10,000 sq ft of mixed light cultivation and to utilize artificial light in

an ancillary nursery structure. Cultivation methods that utilize artificial light allow for an extension of the growing season which increases the period of overlap between cultivation operations and the NSO breeding season (February 1 to July 9). CDFW requests that the applicant assume presence of NSO and avoid impacts as determined by a qualified biologist, in consultation with CDFW. CDFW recommends that cannabis cultivation at this location be limited to full sun outdoor methods with no mixed light. Additionally, 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 generators, water pumps and fans. Additionally, CDFW requests that the use of generators is phased out after 2024 and only used as a backup energy source.
  - 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.
8. 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 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.

**Corrina Kamoroff**

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