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**Subject:** App: PLN-10558-CUP, APN: 522-025-006-000  
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Good Afternoon,

Please see the comments below regarding the above referenced project.

**Project Number:** PLN-10558-CUP

**Project Name:** Neva Peterson, CUP Commercial Cannabis-Mix lighting/outdoor 24,640 sq ft.

**APN(s):** 522-025-006-000

### **Project Description**

Kush Creek Organics seeks a Conditional Use Permit for an existing 22,276-square-foot (SF) cannabis cultivation operation consisting of 7,340 SF of mixed-light greenhouse cultivation and 14,936 SF of outdoor cultivation on the 160-acre parcel. Irrigation water is diverted during winter months from a hydrologically-connected unnamed spring permitted by a Streambed Alteration Agreement (1600-2016-0103-R1), a domestic water right (S025410) and a Cannabis Small Irrigation Use Registration (SIUR H506356). Existing available water storage includes 55,500 gallons of hard tank storage and one 25,000-gallon bladder located within an engineered berm for a total of 77,500 gallons of water storage. Design for the installation of a 550,000-gallon pond has been completed and a groundwater well is planned for 2021. Estimated annual water usage is 46,650 gallons (1.9 gallons/SF/year), drawn entirely during the month of April, is low due to water-saving trench-cultivation methods designed to only require drip irrigation from storage a few times a week during summer months. Drying is conducted in two buildings with a combined area of 1,400 SF by two permanent employees and up to three additional temporary staff. All processing and packing will occur off-site. Continued use of portable toilets are conditioned until a planned onsite wastewater septic system can be constructed. Solar panels provide most electricity (85 percent) and two Honda EU 3000iS generators provide the remainder. There are three locked metal security gates at each entry point of the property and each entrance has a solar light, security signs, and camera installed.

### **CDFW COMMENTS:**

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

On August 2, 2023, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Numbers (APNs) 522-025-006-000. 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-10558-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- The applicant has a Lake and Streambed Alteration Agreement (LSAA, EPIMS-HUM-24385-R1). As part of the LSAA, the permittee is required to forbear using a Point of Diversion (POD) from a hydrologically connected spring for cannabis irrigation. During the site inspection, CDFW was unable to determine if the applicant is complying with the forbearance requirements. The current water storage on-site (35,000-gallons) does not appear to be adequate to support 22,276 square feet (SF) of cannabis cultivation while adhering to the required forbearance period. Additionally, the estimated annual water usage of 46,650 gallons appears to underestimate the total amount of water needed for the proposed project. CDFW requests, as a condition of project approval, that the applicant store no less than 167,000 gallons of water on site and the applicant remains in compliance with the LSAA.
- The Project Description states that the design for the installation of a 550,000-gallon pond has been completed and a groundwater well is planned for 2021. During the site visit on August 2, 2023, CDFW observed that the applicant has not constructed a well or a rainwater catchment pond on site. It is unclear if the applicant is still proposing to construct a well and a rainwater catchment pond to use for irrigation. Additionally, CDFW has not received a pond design to review and incorporate into our comments for the proposed pond. CDFW requests to review the proposed pond design and that the project description is updated to accurately reflect what is proposed onsite to ensure that the applicant will have enough water to support the proposed cannabis cultivation.
- 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.
- While onsite, CDFW observed an uncontained soil pile. CDFW requests, as a condition of project approval, that the applicant fully contain all imported soil onsite and that all discarded soil is removed and properly disposed of at a waste management facility.
- As a condition of the LSAA, the permittee has agreed to allow CDFW access to inspect and/or monitor the proposed work permitted in the agreement. The proposed project (PLN-10558-CUP) is located behind a locked community gate on Three Creeks Road that only landowners have access to. CDFW does not currently have access through the locked community gate without being escorted by the permittee. CDFW requests, as a condition of project approval, that reliable access through the community gate on Three

Creeks Road be made available by the lead agency to CDFW that need access for inspections for unresponsive Permittees.

Thank you for the opportunity to comment on this project.

**Corrina Kamoroff**

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