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Subject: PLN-11971-CUP, APN: 033-120-009
Date: Thursday, December 12, 2024 1:52:20 PM
Attachments: [EPIMS-HUM-50755-R1C_Final_Standard_Agreement_LSAA.pdf](#)

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Good Afternoon,

Please see the comments below regarding the above-referenced project

Project Number: PLN-11971-CUP

Project Name: MMF Land V LLC

APN(s): 033-120-009

CEQA No: CEQA-2017-0407-0000-R1

Project Description:

MMF Land V LLC - Existing 19,780 OD

An application for a Conditional Use Permit for 33,699 square feet of outdoor and 650 square feet of mixed light commercial cannabis cultivation activities. Water source is three (3) existing rainwater catchment ponds totaling 771,500 gallons. Water storage totaling 26,500 gallons occurs in a series of eight (8) tanks. Processing occurs onsite in existing outbuildings with two (2) family members and no employees. Power for ventilation fans is provided by solar panels and battery storage. A backup generator is also used if energy needs exceed solar input.

CDFW COMMENTS:

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment. On December 5, 2024, CDFW staff conducted a site inspection at the subject property on Assessor's Parcel Number (APN) 033-120-009. 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-1971-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

1. On November 4, 2024, a final Lake and Streambed Alteration Agreement (LSAA, EPIMS-50755-R1C, see attached) was issued to the applicant for two points of water diversion and to upgrade eight existing stream crossings. The permittee/applicant has not installed an adequate measuring device (i.e., flow totalizer) and as a result the permittee/applicant is out of compliance with 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. Install adequate measure devices for both water diversions by January 31, 2025, and prior to diverting any water.
2. The Project Description states that water will be sourced from three existing rainwater catchment ponds. Two of three ponds are on-stream ponds. The applicant/permittee has an LSAA to divert water from one of the on-stream ponds (at coordinates 40.052437, -123.760807) for irrigation use. However, diversion from the second on-stream pond (at coordinates 40.05122, -123.760624) is not permitted. CDFW requests that the applicant clarifies what the water source(s) will be for the proposed project.
3. The three ponds on the parcel are currently providing habitat for the American bullfrog (*Lithobates catesbeianus*). On June 5, 2024, CDFW observed adult bullfrogs at the ponds on site. CDFW requests, as a condition of project approval, that the applicant provides and implements a Bullfrog Management plan to mitigate the proliferation of the invasive bullfrog population on site.
4. While onsite, CDFW observed cannabis cultivation and cultivation related infrastructure located within the Streamside Management Area (SMA) of an onstream pond (at coordinates 40.052274, -123.760891), water storage used for cannabis cultivation within the SMA of a Class III stream (at coordinates 40.051916, -123.760110), and a cultivation site located within the SMA of a Class III stream (at coordinates 40.053508, -123.760208). CDFW requests, as a condition of approval, that all cultivation and cultivation related infrastructure are removed from all SMAs on the parcel.
5. While onsite, CDFW observed a graded flat (at coordinates 40.05335, -123.760208), where a ~75 ft culvert was installed to construct the flat over a Class III drainage sometime after 2006. The graded flat is currently being used for cannabis cultivation and is located within the SMA of the stream channel. The cultivation site drains towards the stream channel, posing a threat to Waters of the State. CDFW requests, as a condition of approval, that the applicant implements a stormwater plan (site management plan) to ensure runoff is routed away from the stream channel and into settling basins or bioswales, where runoff can be incorporated into groundwater, and away from streams.
6. While onsite, CDFW observed sediment discharge to Waters of the State through erosion of a hydrologically connected road (at coordinates 40.052893, -123.760535). CDFW requests, as a condition of approval, that the applicant submit and implement an erosion control plan (site management plan) to deconcentrate surface flow off roads and away from streams.
7. While onsite, CDFW observed waterline and debris related to cannabis cultivation located in a stream channel (at coordinates 40.051763, -123.760322) which is a

violation of Fish and Game Code (FGC) 5652. CDFW requests, as a condition of approval, that the applicant remove all debris from the stream channel and cures all violations on site prior to cultivating cannabis in the 2025 season.

8. While onsite, CDFW observed uncontained compost (at coordinates 40.05356, -123.760673 and at 40.052432, -123.760575). CDFW requests, as a condition of approval, that all compost fully contained at a designated composting location on the parcel.
9. To minimize the risk of wildlife entrapment, CDFW requests, as a condition of approval, either the prohibition of synthetic netting (e.g., plastic or nylon), including photo or biodegradable plastic netting, for use in cultivation operations and/or erosion control, or, if the applicant uses synthetic netting, that the applicant is required to follow Best Management Practices (BMPs) that provides requirements on responsible storage, disposal, and use.

Thank you for the opportunity to comment on this project.

Corrina Kamoroff

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Humboldt/Del Norte LSA Program

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