



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: April 15, 2021

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Promethean Industries, LLC, Conditional Use Permit and Special Permit**
Record Number: PLN-11710-CUP
Assessor's Parcel Number (APN): 217-255-002
28810 Alderpoint Road, Blocksburg area

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Please contact Jasmine Wurlitzer, Assigned Planner, at (916) 414-5831 or by email at jasmine.wurlitzer@aecom.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 15, 2021	Conditional Use Permit and Special Permit	Jasmine Wurlitzer

Project Description: A Conditional Use Permit (CUP) for an existing 43,560 square foot (SF) cannabis cultivation operation of which 21,560 SF is full-sun outdoor and 22,000 SF is mixed light. Ancillary propagation is proposed in two 2,160-square-foot greenhouses, with housing of genetic stock proposed in another three 2,160-square-foot greenhouses. Irrigation water is sourced from a permitted groundwater well. Existing water storage used for cannabis irrigation totals 72,500 gallons. Estimated maximum annual water usage to support three (3) cycles of cultivation is 2,877,000 gallons (22.0 gal/SF). Drying and storage occurs onsite in two existing 3,000-square-foot buildings. A new 10,000-square-foot processing facility is proposed for all drying, storage, and processing activities. Until the applicant can permit an on-site processing building, the applicant will process cannabis at a licensed off-site processing facility. The applicant is also proposing a 6,000-square-foot structure to be used for employee facilities and storage. A maximum of 5 employees may be utilized during peak operations. Power is provided by three generators. P. G. & E. improvements are proposed to move to grid power in the future. The project includes a Special Permit for development within a Streamside Management Area for remediation of a historic cultivation site as initially authorized by an emergency Special Permit issued in 2019.

Project Location: The project is in the Blocksburg area along Alderpoint Road, approximately 1.1 miles northwest of the junction of Alderpoint Road and Cemetery Road, on the property known as 28810 Alderpoint Road, Blocksburg.

Present Plan Land Use Designations: Residential Agriculture (RA40), Agricultural Grazing (AG), and Timberland (T); Density: forty acres per dwelling unit; Slope Stability: High instability (3).

Present Zoning: Agriculture Exclusive and Timber Production Zone (AE;TPZ).

Record Number: PLN-11710-CUP

Assessor's Parcel Number: 217-255-002

Applicant

Promethean Industries, LLC
C/O Jose Deangulo
28810 Alderpoint Road
Blocksburg, CA 95514

Owner

Daniel B. and Kathleen L. Williams
22882 Bear Creek Way
Los Gatos, CA 95033

Agents

Verdant Bridge Enterprises
C/O Fauna Couso
PO Box 249
Fortuna, CA 95540

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

State Appeal Status: Project is NOT appealable to the California Coastal Commission.

Major Issues: None.

Promethean Industries, LLC
Record Number: PLN-11710-CUP
Assessor's Parcel Number: 217-255-002

Recommended Commission Action:

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit and adopt the Resolution approving the Promethean Industries, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: Promethean Industries, LLC, seeks a Conditional Use Permit to allow the continued operation of an existing 43,560 square foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40), Agricultural Grazing (AG), and Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive/Timber Production Zone (AE/TPZ). Cultivation takes place in two separate areas: Cultivation Area 1 contains 21,560 SF of full sun outdoor cultivation grown in above ground smart pots; and Cultivation Area 2 contains 22,000 SF of mixed-light cultivation. Ancillary propagation is proposed in two (2) 2,160 SF greenhouses, with housing of genetic stock proposed in another three (3) 2,160 SF greenhouses, representing a total vegetative space of 25% of the total cultivation area.

Up to five (5) employees may be utilized during peak operations. Three (3) to five (5) harvests are anticipated annually for a growing season that extends from March through November. Drying and storage occurs onsite in two (2) 3,000 SF post-and-pier buildings and a new 10,000 SF drying, storage, and processing facility is proposed. Until the applicant can permit an on-site processing building, the applicant will process cannabis at a licensed off-site processing facility. Up to five (5) employees may be utilized during peak operations. Power is provided by an MQ WhisperWatt 24-kilowatt (kW) generator with sound dampening enclosure trailer and two (2) Doosan diesel 102-kW EPA-rated Tier 4 trailer generators. P. G. & E. improvements are proposed to move to grid power.

Nursery Space

As noted above, ancillary propagation, with housing of genetic stock associated with the operation occurs in five (5) 2,160 SF greenhouses two (2) of which are specifically dedicated to propagation and the remaining three (3) for the housing of genetic stock (mother plants).

The Applicant submitted a letter to the County in November 2019 (Attachment 3) formally requesting additional vegetative space greater than the allotted 10% of the total cultivation area in order to support unique operational methods that include year-round housing of mother genetic stock in addition to seasonal propagation. Per the provided justification letter, the applicant maintains mother plants as a source of cuttings in the ancillary propagation area and maintaining mother plants requires more space. It is further noted that a crowded mother and/or cuttings area leads to more pest development. By devoting additional space to the propagation area, it is noted that the applicant can minimize pest issues and avoid the need for harsh pest treatments. To support 43,560 SF (one full acre) of cultivation, the Applicant will need approximately 500 primary mothers kept solely for taking clones and preserving genetics in house, and another 750 reserve mothers that are kept in a consistent vegetative state to preserve genetics and act as backups in case primary mothers are compromised or die. Beyond the nursery space needed for genetic preservation and maintenance, the Applicant also requires nursery space for the propagation of plants that will be bloomed in each season to create a final product to be sent to market for both mixed light and outdoor production. Immature plants must be protected from the elements and prevented from overcrowding. As calculated in the justification letter,

ideal nursery conditions that would provide adequate space for genetic preservation and maintenance, as well as crop propagation/preparation would be 22,000 SF, or a 50% propagation to flowering ratio. However, the Applicant is willing to sacrifice genetic stock to make a 25% vegetative space work, which is approximately 10,800 SF.

As the current and proposed nursery and mothering space (10,800 SF) is considerably larger than what is typically considered ancillary to an operation and allowed on cannabis cultivation sites in Humboldt County, a recommended condition of approval has been included to require the applicant to reduce the amount of nursery space onsite and revise both the Site Plan and Operations Plan to reflect a maximum of 10% of nursery space, or 4,316 SF.

Timber Conversion

A Timber Conversion Mitigation Report (Attachment 3) was prepared by Natural Resources Management Corporation (NRM) in April 2019 detailing two areas of timber conversion in the project area, totaling 0.84 acre. The Report noted that the parcel consists of a matrix of natural open grassland and Douglas fir/oak forest, with most of the cultivation in natural open areas that have never been forested. However, an approximately 0.56-acre size area (about 30 Douglas fir trees) was cleared between 2016 and 2018 to make space for the construction of two buildings used for mixed-light cultivation purposes. Another small patch of Douglas fir trees and possibly some oak trees (about 0.28 acre) was later cleared following a 2017 meadow fire in another part of the parcel adjacent to an outdoor cultivation site. The Report concluded that both conversion sites are suitable for current uses and recommended that 2,000 Douglas fir seedlings be planted across the 10 acres of land that burned in the 2017 wildfire as mitigation (restocking). The Report also recommended that all untreated slash piles and log decks be treated to be in compliance with the California Forest Practice Act (CFPA).

Since timber conversion occurred after January 1, 2016 (i.e., the established CEQA baseline for CMMLUO), the applicant/owner is responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for CMMLUO, even if the applicant started using the property after the conversion took place. Therefore, the project is conditioned to implement the recommendations of the Timber Conversion Mitigation Report, including restocking the site with 2,000 Douglas fir seedlings and measures to bring the site into compliance with the CFPA.

Grading

According to the Water Resources Protection Plan (WRPP) prepared by NRM for the project in August 2017 (Attachment 3), the California Department of Fish and Wildlife (CDFW) issued a violation in October 2015 for two (2) graded flats on the parcel where previous grading for cultivation resulted in burying wetland features. According to the WRPP, each of the graded flats was approximately 6,000 SF (200-foot by 300-foot) in size, with one located on the eastern side of the parcel (i.e., the lower flat) and the other in the northwestern portion of the parcel (i.e., the upper flat). Recommendations for remediation and restoration of the graded flats were included in the WRPP. NRM also prepared a Remediation Plan for Discontinued Cultivation Sites (Attachment 3) for the property in August 2017, with detailed cut and fill drawings of restoration procedures to regrade and restore the graded flats as well as project-specific best management practices and mitigation measures to fully remediate the illegally graded flats. The WRPP and Remediation Plan also included proposed improvements to an existing rocked ford crossing of a Class III stream and decommissioning of an unused historic spring box. According to the Remediation Report prepared by Omsberg & Preston Engineers in September 2017 (Attachment 3), cultivation activities at the two graded flats were relocated to an environmentally superior location in the parcel in 2017 where they were consolidated into one 21,560 SF outdoor cultivation area in the center of the parcel.

CDFW issued a Streambed Alteration Agreement (SAA) (Notification No. 1600-2017-0518-R1) (Attachment 3) for four encroachments on the subject property on October 03, 2017. Two (2) of these encroachments were to remediate the upper and lower graded flats by recontouring the slopes with graded fill, laying back slopes, and revegetating disturbed areas; the other two (2) encroachments were for improving the rocked ford crossing and removing the historic spring box. A Special Permit Application for Work within the SMA was prepared by NRM Corp on April 26, 2018; and the County issued and

approved an Emergency Special Permit (PLN-2019-15783) for these encroachments on September 17, 2019 (Attachment 3) pursuant to Humboldt County Code Section 312-5 in order to allow the applicant to complete engineered grading of approximately 6,200 yards to restore the two graded flats and to widen the rocked ford crossing. The project is conditioned on the preparation of a Grading, Drainage, and Erosion Control Plan to be prepared by a licensed engineer, for all legacy and proposed grading activities at the site.

Geologic Stability and Soils

An Engineering Geologic (R-2) Soils Exploration Report was prepared for the project site by Lindberg Geologic Consulting (LGC) in February 2018 (Attachment 3) to support relocation of cultivation from the previously graded flats to environmentally superior locations in the parcel. LGC assessed potential soils and geologic hazards associated with the site and made recommendations for planning site developments. To characterize soil and groundwater conditions, LGC conducted three (3) hand-augured test borings extending to a maximum depth of 5.5 feet below ground surface. The soil profile of each was described in the field. Based on the soils analysis, LGC recommended that earthwork be conducted during the dry season (May through September) to avoid saturated soils at foundation bearing depths, and that foundations be embedded in the dense, native brown sand with silt and gravel at approximately 12 inches below existing grade to avoid silty sand with gravel soils at typical foundation depths in the site, which were determined to have a low potential to compress and result in settlement. Furthermore, even though the parcel is located in an area seismically classified as high instability, LGC determined that the potential for ground surface fault rupture to occur within the parcel is minimal due to the distance of the building site to the nearest fault (i.e., 25 miles, to Little Salmon fault). LGC concluded, with adherence to their recommendations, that the project site is suitable for the existing and proposed new developments. Conditions of approval require the applicant to obtain grading permits from the Building Inspection Division for any proposed grading, including any grading required to fully remediate the decommissioned cultivation areas and to reconstruct roads in accordance with the WRPP and Remediation Plan (Attachment 3).

On-Site Relocation

The Remediation Plan (Attachment 3) recommended that two previously graded cultivation areas (i.e., upper and lower graded flats) be immediately remediated due to a high potential for negative impacts to water quality. The two graded terraces were found to have buried and/or encroached upon wetland features and were also connected to Class III drainages with potential for sedimentation and erosion into Streamside Management Areas (SMAs), with receiving waters downstream identified as Larabee Creek. The Plot Plan (Attached) depicts the locations of the two discontinued cultivation areas and shows where cultivation was relocated and consolidated into one (1) 21,560 SF outdoor area in the central portion of the parcel.

According to the Remediation Report prepared for the project by Omsberg & Preston Engineers in 2017 (Attachment 3), the relocation of the cultivation areas to the center of the property is justified in order to remove cultivation from illegally graded areas with failed slopes and to protect the nearby Larabee Creek watershed. The relocation area, as depicted on the Plot Plan, is more centrally located near existing structures. According to the Engineering Geologic Soils Report (Attachment 3), this central area is on slopes ranging from 5% to 10%. According to the requirements of the WRPP and Remediation Plan, the restored graded flats will be seeded with native grasses to fully remediate the recontoured areas. The project is conditioned on the complete restoration of discontinued cultivation areas in accordance with the WRPP and Remediation Plan.

Water Resources

Water for irrigation is provided by a permitted confined-aquifer groundwater well (Permit No. 18/19-1099) (Attachment 3). The well is located in the north central portion of the subject parcel and approximately 200 feet west of the nearest watercourse. Both the well and watercourse appear to be located at approximately 1580 feet in elevation. According to the Well Completion Report (see Attachment 3), the well is 180 feet deep and drilled through top soil, clay, shale and quartz. A blank is installed for all of the 180 feet. Based on the distance from the nearest watercourse and the use of a blank for casing of 180 feet of the well, Planning staff determined the well is likely to be hydrologically disconnected from

surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements.

Irrigation water is administered via drip irrigation governed by timers. Existing water storage used for cannabis irrigation totals 53,000 gallons in eleven (11) hard tanks, five (5) of which are 4,600 gallons and six (6) of which are 5,000 gallons. There are another seven (7) hard tanks in the project site used for mixing and applying nutrients totaling 14,500 gallons (three [3] 3,000-gallon tanks; one [1] 2,500-gallon tank; and three [3] 1,000-gallon tanks). Another 5,000-gallon tank is kept full for fire suppression purposes and is not used for irrigation, bringing the total on-site water storage capacity to 72,500 gallons. According to the 2019 Addendum to the Cultivation and Operations Plan (Attachment 3), estimated maximum annual water usage to support three (3) cycles of cultivation is 2,877,000 gallons (22 gal/SF), with peak demand occurring July through September at approximately 500,000 gallons per month, summarized in the table below. However, it is important to note that these numbers are an estimated maximum for a drought year combined with three (3) cycles of cultivation and propagation. Peak cultivation could produce up to five (5) harvests in a year. At five (5) harvests, the water used for cultivation would be 13.2 gal/SF. The 2019 Addendum included that actual usage in 2018/2019 was 40% of the estimated maximum (or a total of 1,150,800 gallons). Water-saving measures in the project's Cultivation and Operations Plan and Addenda (Attachment 3) include the use of drip irrigation governed by timers, regular monitoring of lines, hoses and connections for leakage and immediate repair as needed, and careful monitoring of water usage by water meters each month from April to October.

Estimated Maximum Water Use by Source (Gallons)													
Cultivation Type	Month												
	Jan.	Feb.	March	April	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	Total
Mixed Light	24k	24k	50k	120k	120k	120k	200k	200k	200k	140k	120k	24k	1,342k
Outdoor	0	0	25k	30k	45k	145k	300k	300k	300k	210k	180k	0	1,535k
TOTAL	24k	24k	75k	150k	165k	185k	500k	500k	500k	350k	300k	24k	2,877k

The Plot Plan shows Larabee Creek, which borders the western boundary of the parcel, with associated 100-foot Streamside Management Area (SMA) buffers and three (3) Class III ephemeral streams with the associated 50-foot buffers. All current cultivation areas are outside of the SMA buffers. To protect water quality and improve site drainage, the WRPP recommended decommissioning approximately 1,000 feet of historic interior access roads connecting the retired graded flats; removing and decommissioning an historic spring box; removing a ford crossing from a Class III drainage; adding rock armoring, water bars, and rolling dips to interior access roads; installing gutters on existing buildings; replacing septic with a functioning permitted septic system; and removing and properly disposing of cultivation-related debris from open areas. A Streambed Alteration Agreement (Notification No. 1600-2017-0518-R1) issued by CDFW in 2017 (Attachment 3) and Emergency Special Permit (PLN-2019-15783) issued by Humboldt County on September 17, 2019 (Attachment 3) allowed for four encroachments on the subject property to remediate the upper and lower graded flats; widen and improve the rockered ford crossing to prevent erosion and sedimentation; and remove the historic spring box. The project is conditioned to comply with all the recommendations of the WRPP.

Biological Resources

A Biological Report (On file and confidential) was prepared by NRM in April 2018 for the project site. During the biological survey no special status species were observed and no habitat features were present. The Report concluded that the proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices for erosion control as described in the WRPP and required by the State Water Board. The project is conditioned to implement the recommendations of the Biological Report by limiting construction work to the dry season, implementing best management practices for erosion control, and restricting all new impacts to the existing disturbed areas and access routes as identified on the Plot Plan. Furthermore, since the generators are portable and moved around the site as needed, as described in the 2020 Addendum to the Cultivation and Operations Plan (Attachment 3), the project is conditioned to ensure that generators are always located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.

There are several NSO activity centers that surround the site at distances from 1.6 miles to 2.0 miles from the parcel boundaries, and lands north of the site are heavily forested; thus, there is high potential for NSO habitat. Until the property can be moved fully to PG&E grid power, three (3) generators are used to provide power to the site from the months of May through August. The MQ WhisperWatt generator produces noise levels of 63 decibels (dB) measured at 23 feet when operating at 100 percent load. Noise is attenuated by 6 dB for every doubling of distance from the source; therefore, this generator produces 51 dB at 92 feet. The two (2) Doosan Tier 4 diesel generators have a sound level reading of 68 dB at 23 feet, which is approximately 56 dB at 92 feet. Thus, all generators used on the site almost meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) which requires noise levels be at or below 50 dB at 100 feet or edge of habitat whichever is closer. According to the 2019 Addendum to the Cultivation and Operations Plan (Attached), all generators are housed in noise-attenuating trailers and are used in locations that are at least 125 feet from any tree line and more than 300 feet from any property line to ensure conformance to sound mitigation requirements. The project is conditioned to ensure the combination of background, generator, greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.

Furthermore, additional recommendations to protect biological resources are included in the Recommended Conditions of Approval which include but are not limited to: ensuring supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps; requiring all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and avoiding heavy equipment operations during NSO critical period (February 1 – July 31) or performing protocol level surveys prior to initiating that work. Additionally, the project is conditioned for remediation of timber conversion through implementation of restocking recommendations included in the Timber Mitigation Conversion Plan. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Access to the site is directly from Alderpoint Road. Alderpoint Road is included on the Approved List of County Maintained Roads that meet Road Category 4 standards for Cannabis Projects. Verdant Bridge Enterprises, the Applicant's Agent, submitted a letter to the County on October 07, 2019, stating that no road evaluation is needed since exclusive access to the site is from Alderpoint Road. The Department of Public Works, Land Use Division project referral requests include that all driveways and road intersections onto the County Road shall be maintained in accordance with the Sight Visibility Ordinance, and that improvements to the driveway apron (encroachment) that connects to the County road (Alderpoint Road) to the site entrance include paving for a minimum width of 20 feet and a length of 50 feet. The project is conditioned to comply with Public Works comment requests.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit and Special Permit.

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated

that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-
Record Number PLN-11710-CUP
Assessor's Parcel Number: 217-255-002**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Promethean Industries, LLC, Conditional Use Permit and Special Permit request.

WHEREAS, Promethean Industries, LLC, submitted an application and evidence in support of approving a Conditional Use Permit (CUP) for an existing 43,560 square foot (SF) cannabis cultivation operation of which 21,560 SF is full-sun outdoor and 22,000 SF is mixed light. Ancillary propagation is proposed in two 2,160-square-foot greenhouses, with housing of genetic stock proposed in another three 2,160-square-foot greenhouses. Irrigation water is sourced from a permitted groundwater well. Existing water storage used for cannabis irrigation totals 72,500 gallons. Estimated maximum annual water usage to support three (3) cycles of cultivation is 2,877,000 gallons (22.0 gal/SF). Drying and storage occurs onsite in two existing 3,000-square-foot buildings. A new 10,000-square-foot processing facility is proposed for all drying, storage, and processing activities. Until the applicant can permit an on-site processing building, the applicant will process cannabis at a licensed off-site processing facility. The applicant is also proposing a 6,000-square-foot structure to be used for employee facilities and storage. A maximum of 5 employees may be utilized during peak operations. Power is provided by three generators. P. G. & E. improvements are proposed to move to grid power in the future. The project includes a Special Permit for development within a Streamside Management Area for remediation of a historic cultivation site as initially authorized by an emergency Special Permit issued in 2019;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on April 15, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

1. FINDING:

Project Description: A Conditional Use Permit (CUP) for an existing 43,560 square foot (SF) cannabis cultivation operation of which 21,560 SF is full-sun outdoor and 22,000 SF is mixed light. Ancillary propagation is proposed in two 2,160-square-foot greenhouses, with housing of genetic stock proposed in another three 2,160-square-foot greenhouses. Irrigation water is sourced from a permitted groundwater well. Existing water storage used for cannabis irrigation totals 72,500 gallons. Estimated maximum annual water usage to support three (3) cycles of cultivation is 2,877,000 gallons (22.0 gal/SF). Drying and storage occurs onsite in two existing 3,000-square-foot buildings. A new 10,000-square-foot processing facility is proposed for all drying, storage, and processing activities. Until the applicant can permit an on-site processing building, the applicant will process cannabis at a licensed off-site processing facility. The applicant is also proposing a 6,000-square-foot structure to be used for employee facilities and storage. A maximum of 5 employees may be utilized during peak operations. Power is provided by three generators. P. G. & E. improvements are proposed to

move to grid power in the future. The project includes a Special Permit for development within a Streamside Management Area for remediation of a historic cultivation site as initially authorized by an emergency Special Permit issued in 2019.

EVIDENCE: a) Project File: PLN-11710-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE:

- a) CEQA Addendum prepared for the proposed project (Attachment 2).
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resources Protection Plan was prepared by Natural Resources Management Corporation (NRM) to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A Biological Report was prepared by NRM in April 2018. The report methods included a search of the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) database, and a habitat assessment survey was conducted in the project area. No Special Status Species were observed during the biological survey. Northern Spotted Owl (NSO) habitat exists in the vicinity and the nearest NSO Activity Centers are within 1.6 miles of the parcel boundary. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) A Timber Conversion Mitigation Report dated April 2019 was prepared by NRM which demonstrates how previously unauthorized timber conversion is consistent with the Forest Practices Act and how the project can be implemented with no net loss of timberland after the environmental baseline of December 31, 2015. Conditions of approval require the applicant to adhere to and implement the recommendations of the Timber Conversion Mitigation Report.
- f) A Cultural Resources Inventory Report was carried out by DZC Archeology & Cultural Resource Management in August 2020 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- g) The project site is directly accessed from a paved, two-lane road maintained by Humboldt County. This road is suitable for safe access to and from the project site.
- h) An Engineering Geologic (R-2) Soils Report prepared by Lindberg Geologic Consulting in December 2016 concluded the project site is suitable for the existing and proposed developments.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes (Residential Agriculture [RA-40] and Agricultural Grazing [AG] land use designations), consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The proposed development is consistent with the purposes of the existing AE and TPZ zones in which the site is located.
- EVIDENCE**
- a) The AE (Agriculture Exclusive) Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and is meant to ensure compatibility with adjacent resource production and open space uses.
 - b) The TPZ (Timber Production Zone) is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis cultivation and up to 22,000 square feet of existing mixed-light cannabis on a parcel zoned AE or TPZ over 1 acre in size, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 21,560 square feet (SF) of outdoor and 22,000 SF of mixed light cultivation on a 102-acre parcel zoned AE and TPZ is consistent with this and with the cultivation area verification prepared by the County.
- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE and TPZ (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as a building permit was issued for development on the subject parcel (Permit #91-0582OB4).
 - c) The project will obtain water from a non-diversionary water source. Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department (Permit No. 18/19-1099). The well is located in the north central portion of the subject parcel and approximately 200 feet west of the nearest watercourse. Both the well and watercourse appear to be located at approximately 1580 feet in elevation. According to the Well Completion Report (see Attachment 3), the well is 180 feet deep and drilled through top soil, clay, shale and quartz. A blank is installed for all of the 180 feet. Based on the distance from the nearest watercourse and

the use of a blank for casing of 180 feet of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements.

- d) The project site is accessed directly from Alderpoint Road, which is a Category 4 County-maintained road.
- e) The slope of the land where cannabis will be cultivated is less than 15% as verified by Engineering Geologic (R-2) Soils Exploration Report prepared for the project site by Lindberg Geologic Consulting (LGC) in February 2018.
- f) The cultivation of cannabis will not result in the net conversion of timberland. A Timber Conversion Mitigation Report was completed by NRM in April 2019. The Report found that the site had been converted primarily before the environmental baseline established in the CMMLUO but that approximately 0.84 acres of timberland was converted post-baseline, in two areas. The Report includes requirements to ensure that an equivalent area will be restocked with timber and that there will therefore be no net loss of timberland as a result of the cultivation operation.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 43,560 square feet of cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on a road that has been certified by the applicant to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department (Permit No. 18/19-1099).
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community

Development in determining compliance with housing element law.

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Adopted Housing Element Inventory. However, the parcel is developed with a single-family residence and the approval of cannabis cultivation on this parcel will not conflict with the ability of the existing residence onsite to continue to be utilized.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Promethean Industries, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

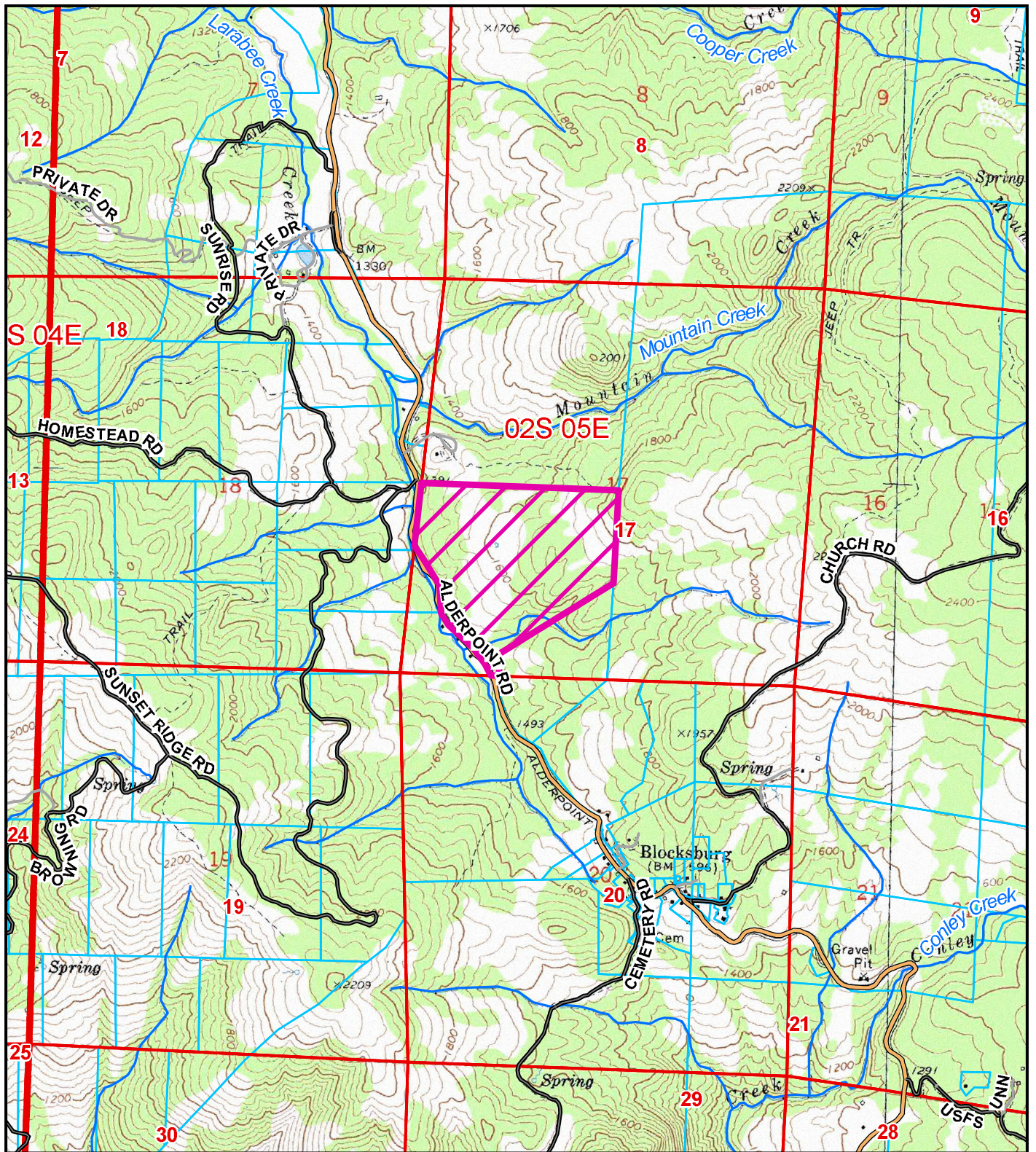
Adopted after review and consideration of all the evidence on April 15, 2021.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department



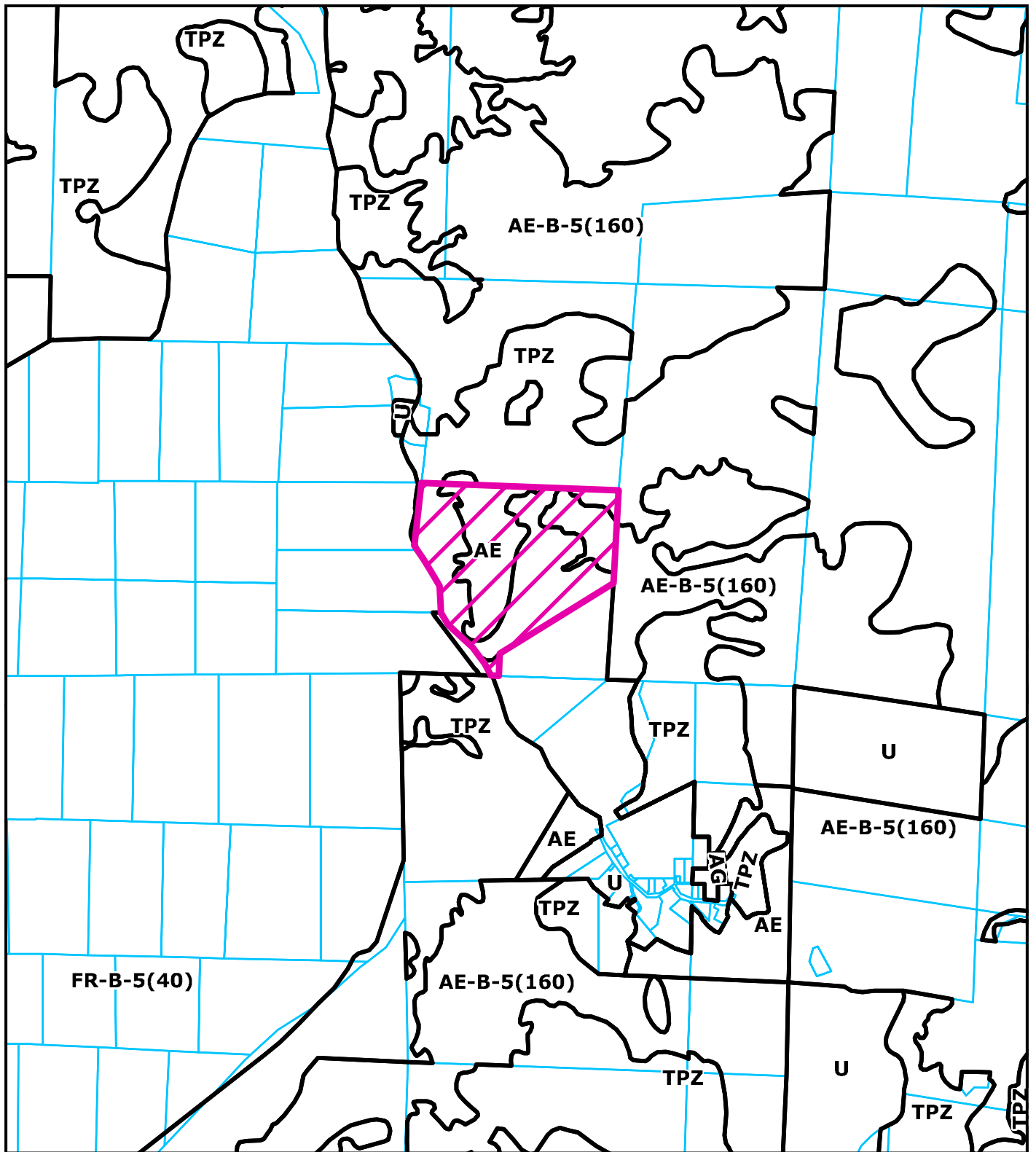
TOPO MAP
PROPOSED HUMBOLDT HOLLOW FARMS, LLC
BLOCKSBURG AREA
CUP-16-352
APN: 217-255-002
T02S R05E S17 HB&M (BLOCKSBURG)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 1,000 2,000 4,000
 Feet



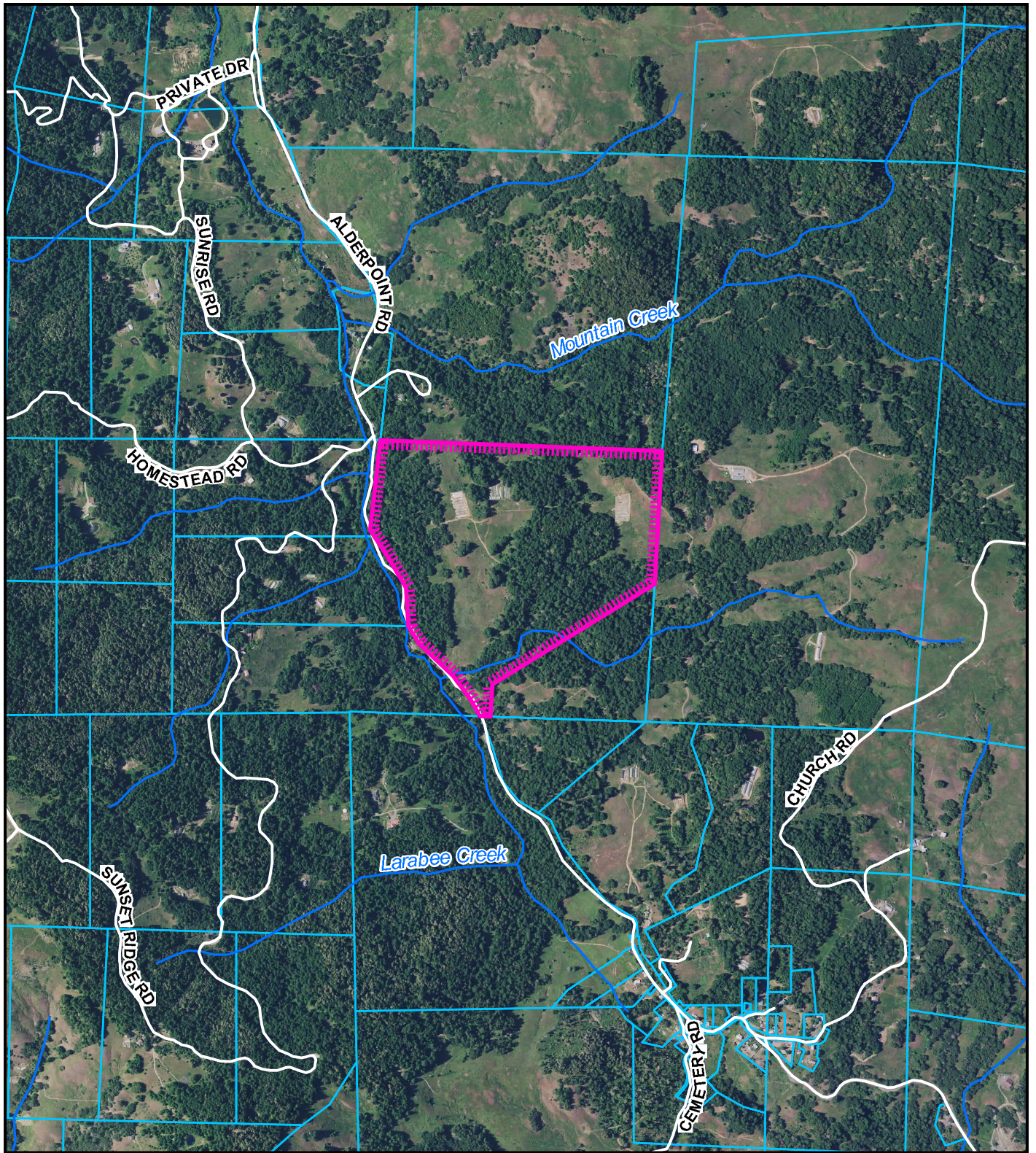


Project Area =

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

ZONING MAP
PROPOSED HUMBOLDT HOLLOW FARMS, LLC
BLOCKSBURG AREA
CUP-16-352
APN: 217-255-002
T02S R05E S17 HB&M (BLOCKSBURG)

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Feet



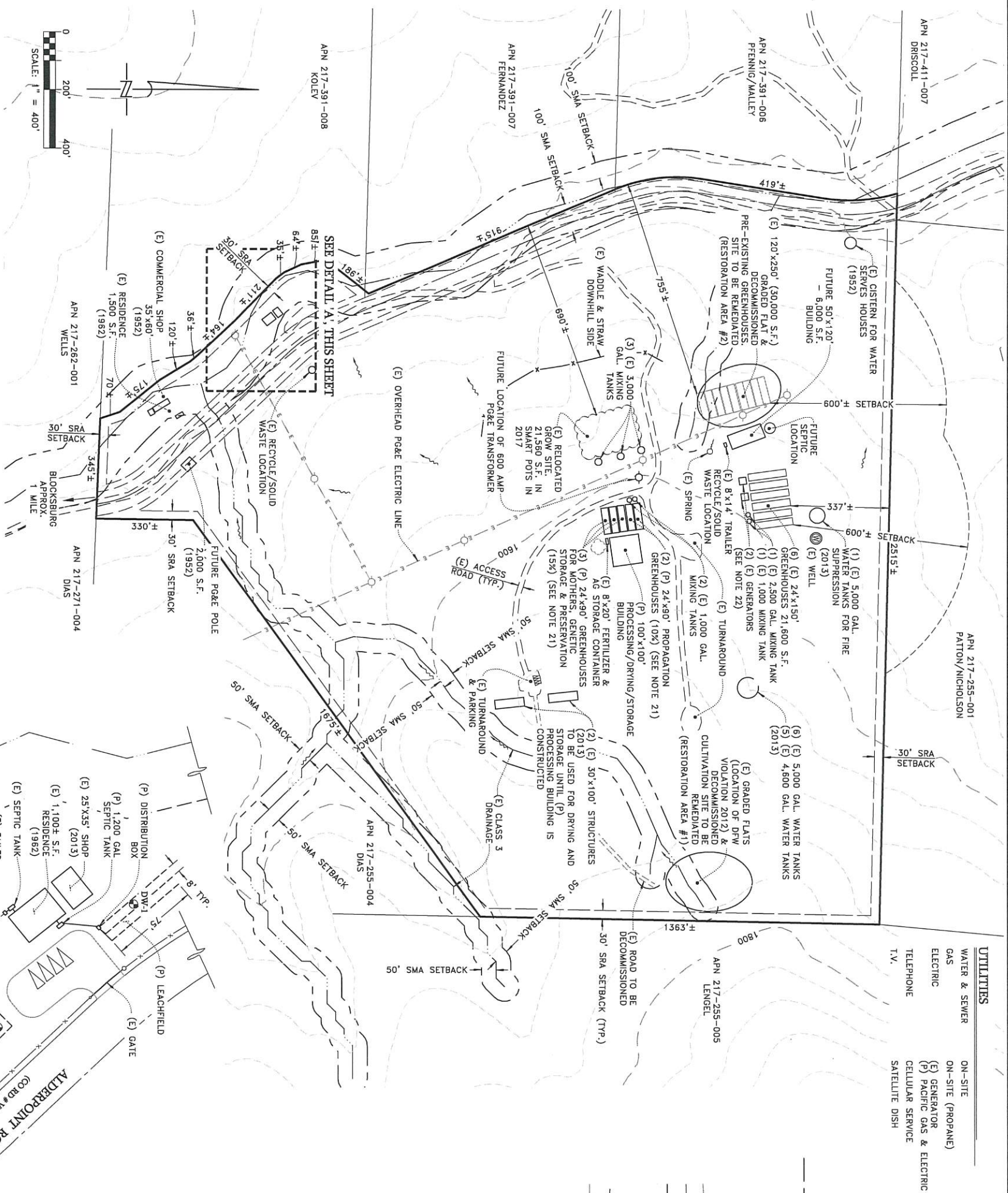
**AERIAL MAP
PROPOSED HUMBOLDT HOLLOW FARMS, LLC
BLOCKSBURG AREA
CUP-16-352
APN: 217-255-002
T02S R05E S17 HB&M (BLOCKSBURG)**

Project Area = 



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

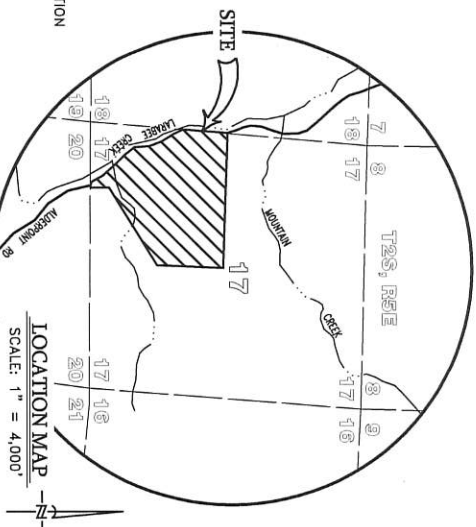


0 1,000 2,000 Feet



UTILITIES	
WATER & SEWER	ON-SITE
GAS	ON-SITE (PROPANE)
ELECTRIC	(E) GENERATOR
TELEPHONE	(P) PACIFIC GAS & ELECTRIC (PG&E)
	CELLULAR SERVICE
V.	SATELLITE DISH

LEGEND	
SYMBOL	INDICATES
	PARKING SPACE
	DIRECTION OF SURFACE WATER RUNOFF
(P)	PROPOSED



-
- WADDLE & STRAW FENCE
 SEWAGE DISPOSAL TEST HOLE LOCATION
 WELL
 STREAM
 EXISTING PG&E POWER POLES AND LINE
 APPROX. LOCATION
 LOC. LOCATION

NOTES

1. THIS PLOT PLAN, OR AMULU 217-255-002, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMULU) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. RI-2015-0023.
2. THE PROPERTY HAS A GENERAL PLAIN DESIGNATION OF 1AG6(FRWK) AND IS CURRENTLY SPLIT-ZONED BETWEEN AGRICULTURAL EXCLUSIVE (AE) AND TIMBER PRODUCTION ZONE (TPZ).
3. THIS PLAN MAY BE BASED ON RECORD INFORMATION ONLY, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON MAY HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS ASSessor's MAP, DEEDS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
4. THE SITES EXISTING AND PROPOSED IMPROVEMENTS, COMMERCIAL AGRICULTURAL OPERATIONS/ACTIVITIES, SETBACKS AND EASEMENTS/ENCUMBRANCES AFFECTING THE PROPERTY ARE APPROXIMATE.
5. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF THE CULTIVATION SITES.
6. CONTOURS SHOWN HEREON ARE AT 40 FOOT INTERVALS AND ARE BASED ON USGS 7½ MIN BLOCKS/SECTION QUAD MAPPING.
7. THE APPROXIMATE LOCATION OF LABABEE CREEK, TOGETHER WITH THE STREAMSIDE MANAGEMENT AREA (SMA), IS AS SHOWN HEREON.
8. THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
9. A TOTAL OF APPROXIMATELY 8,100± CUBIC YARDS OF GRADING IS PROPOSED, AND A GRADING PERMIT IS BEING APPLIED FOR IN CONJUNCTION WITH THIS PROJECT.
10. SEWAGE DISPOSAL REPAIR FOR THE SITE'S AGRICULTURAL OPERATIONS SHALL BE ON-SITE. A SEPTIC TESTING, DESIGN AND REPORT HAS BEEN PREPARED BY OMSBERG & PRESTON, DATED JUNE 12, 2017.
11. WATER FOR THE PARCEL IS FROM ON-SITE WELL, AS SHOWN HEREON. ALL WATER SOURCES ARE/MAY BE PROPERLY PERMITTED. WATER STORAGE REQUIRED FOR THE SITE'S AGRICULTURAL OPERATIONS WILL BE EXPANDED OVER THE NEXT YEAR TO PROVIDE FOR IRRIGATION THROUGHOUT THE FORBEARANCE PERIOD. ALL EXISTING/PLANNED STORAGE WILL BE IN TANKS.
12. A SOILS REPORT HAS BEEN PREPARED BY LUNDBERG GEOLOGIC CONSULTING, DATED DECEMBER 20, 2016, WHICH DETAILS THE SITE'S SPECIFIC ENGINEERING GEOLOGIC RECOMMENDATIONS.
13. INFORMATION REGARDING PROPERTY LINE LOCATION AND LENGTH IS FROM BOOK 1 OF PARCEL MAPS, PAGES 95-14, BOOK 49 OF SURVEYS, PAGES 53-60, AND BOOK 49 OF SURVEYS, PAGE 118 HUMBOLDT COUNTY RECORDS.
14. ACCESS TO THE SITE IS FROM ALDERPOINT ROAD (COUNTY ROAD NO. V054), OFF OF HIGHWAY 36.
15. THIS PROJECT IS IN THE STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC., SHALL BE ADHERED TO.
16. NO CRITICAL HABITAT OR ENDANGERED SPECIES ARE KNOWN TO EXIST ON-SITE.
17. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.
18. BUILDING SETBACKS ARE:
AE ZONE : FRONT - 20'
 REAR - 20'
 SIDE - 20'
TPZ ZONE : FRONT - 20'
 REAR - 30'
 SIDE - 50'
19. NO CURRENT PROCESSING OR EMPLOYEE HOUSING ON SITE.
20. POWER FOR CULTIVATION ACTIVITIES IS CURRENTLY FROM GENERATORS, PG&E POWER SOURCE IS PROPOSED.
21. PER THE LETTER TO THE COUNTY BY PROMETHEAN INDUSTRIES, LLC, DATED 11/24/19, AN INCREASE FROM 10% TO 25% PROPAGATION SPACE IS BEING REQUESTED TO PROVIDE ENOUGH STORAGE SPACE FOR MOTHERS AND PROPAGATION TO MAINTAIN GENOMIC PRESERVATION.

REVISSED: 12/30/20
12/10/19

CMMLUO APPS #11710
APN 217-255-002

DMSERE & PRESTON

PLOT PLAN

402 E Street
Eureka, California
95501

Telephone
(707) 443-8651

PROMETHEAN INDUSTRIES LLC

SURVEYORS
PLANNERS
ENGINEERS

In the unincorporated area of Humboldt County
SW/4 of Section 17, T.2S., R.5E. H.B.&M.

SCALE	
AS SHOWN	
JOB NO.	
16-1911	
SHEET	OF
1	1

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. The applicant shall abide by the recommendations of the Archeological Report prepared by DZC Consultants for the property, which require the following procedures in cases of inadvertent (unplanned) discovery of cultural resources or human remains:
 - a. If buried cultural materials are encountered during construction, it is required that work stop in that area until a qualified archaeologist can evaluate the nature and significance of the find [CCR 15064.5(f)].
 - b. A qualified archaeologist local to the project may be reached at DZC Archaeology & Cultural Resource Consulting, LLC; (707) 599-9842.
 - c. If human remains are encountered during future construction, it is required that work stop immediately in that area and notification be made to the Humboldt County Coroner [CCR 15064.5(e)(1)(A); HSC Sec. 7050.5].
 - d. Contact information for the Chief Deputy Coroner office at the time of this report: Humboldt County Coroner; Ernest Stewart - Chief Deputy Coroner 3012 I Street, Eureka, CA. 95501; Phone: 707-445-7242
 - e. If the coroner determines the remains to Native American, the Coroner shall contact the NAHC within 24 hours and collaboratively determine the Most Likely Descendant [CCR 15064.5(e)(1)(B)]

6. Within 90 days of the effective date of permit approval, the applicant shall reduce the amount of nursery space onsite and submit a revised Cultivation and Operations Plan detailing the revised propagation areas being reduced to reflect a maximum of 10% of nursery space, or 4,316 SF. A sign-off from the Planning Department will satisfy this condition.
7. Within 5 years, the transfer of onsite power from generator use, to onsite Pacific Gas and Electric (P. G. & E.) as proposed by the applicant in the supporting Operations Plan, must be completed by Dec 31, 2025. A bill or written communication from P. G. & E. submitted to the Humboldt County Planning Department shall satisfy this condition.
8. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #9 - #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
9. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying, processing and storage or any activity with a nexus to cannabis, any noise containment structures and all graded flats and restoration areas, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project Plot Plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
10. The applicant shall pave their entrance access road for a minimum width of 20 feet and length of 50 feet where it intersects with the County road (Alderpoint Road). An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
11. The applicant shall implement all corrective actions detailed in the Water Resources Protection Plan developed for the parcel, prepared by Natural Resources Management Corporation pursuant to enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) in congruence with Order No. R1-2015-0023 (Tier 2). A letter or similar communication from the NCRWQCB verifying that all their requirements have been met will satisfy this condition.
12. The applicant shall fully remediate the discontinued cultivation areas and implement all mitigation measures as detailed in the Remediation Plan for Discontinued Cultivation Sites (Appendix D, submitted to the NCRWQCB), prepared by Natural Resources Management Corporation in August 2017. Remediation activities include seeding and plantings areas that were restored pursuant to the final Streambed Alteration Agreement issued by CDFW in 2019. A qualified biologist shall be retained during the first five (5) spring seasons following project completion to assess the site for survival of planted shrub species and establishment of native grasses (where applicable) in accordance with the Remediation Plan's monitoring and success criteria. An annual report shall be submitted to the Regional Water Board and the Planning Department by December 31st of each monitoring year.
13. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

14. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
15. The applicant shall secure permits and install an on-site sewage disposal systems and restroom facilities prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
16. The applicant shall implement recommendations in the Timber Conversion Mitigation Report dated April 03, 2019 and prepared by Natural Resources Management Corporation. These include restocking the site by planting 2,000 Douglas-fir seedlings across 10 acres that were previously burned by a wildfire with a minimum spacing of 12 by 12 feet and proper treatment of slash material on site. Permits must first be obtained from CalFire and the Air Resources Board for any burn piles. Within 2 years following restocking, the landowner shall have an RPF certify that the restocked areas meet the stocking standards of 14CCR 912.7. A letter or similar communication from an RPF will satisfy this condition.
17. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
18. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
19. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
20. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouses. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be

enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall 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.

3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary
4. The applicant shall abide by the recommendations of the Biological Report for APN 217-255-002 prepared by Natural Resources Management Corporation by limiting construction work to the dry season, implementing best management practices for erosion control, and restricting all new impacts to the existing disturbed areas and access routes as identified on the Plot Plan.
5. The applicant shall avoid heavy equipment operations during NSO critical period (February 1 – July 31) or shall perform protocol level surveys prior to initiating that work.
6. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
7. The use of synthetic netting is prohibited. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
8. All refuse shall be contained in wildlife proof storage containers, always, and disposed of at an authorized waste management facility.
9. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
10. The use of anticoagulant rodenticide is prohibited.
11. The applicant shall abide by the recommendations of the Archeological Report prepared by DZC Consultants for the property, which require the following procedures in cases of inadvertent (unplanned) discovery of cultural resources or human remains:
 - If buried cultural materials are encountered during construction, it is required that work stop in that area until a qualified archaeologist can evaluate the nature and significance of the find [CCR 15064.5(f)].
 - A qualified archaeologist local to the project may be reached at DZC Archaeology & Cultural Resource Consulting, LLC; (707) 599-9842.
 - If human remains are encountered during future construction, it is required that work stop immediately in that area and notification be made to the Humboldt County Coroner [CCR 15064.5(e)(1)(A); HSC Sec. 7050.5].
 - Contact information for the Chief Deputy Coroner office at the time of this report: Humboldt County Coroner; Ernest Stewart - Chief Deputy Coroner 3012 I Street, Eureka, CA. 95501; Phone: 707-445-7242
 - If the coroner determines the remains to Native American, the Coroner shall contact the NAHC within 24 hours and collaboratively determine the Most Likely Descendant [CCR 15064.5(e)(1)(B)]

12. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
13. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Plot Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
14. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
15. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
16. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
17. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
18. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved Plot Plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
19. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
20. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
21. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
22. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
23. Show continual use of portable bathroom facilities prior to the annual inspection of the permit.

24. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
25. Pay all applicable application, review for conformance with conditions and annual inspection fees.
26. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
27. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
28. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

29. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
30. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
31. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
32. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and

(3) Poison control contacts.

- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

33. All cultivators shall comply with the approved processing plan as to the following:

- a. Processing practices
- b. Location where processing will occur
- c. Number of employees, if any
- d. Employee Safety Practices
- e. Toilet and handwashing facilities
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. On-site housing, if any

34. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

35. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

36. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

37. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

38. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- a. Identifying information for the new owner(s) and management as required in an initial permit application;

- b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

39. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #9 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #34 through 36 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

ATTACHMENT 2

**CEQA ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICINAL MARIJUANA LAND USE
ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)
(State Clearinghouse # 2015102005), January 2016**

APN 217-255-002; 28810 Alderpoint Road, Blocksburg, County of Humboldt

**Prepared By
Humboldt County Planning and Building Department
3015 H Street, Eureka, CA 95501**

March 2021

Background

Modified Project Description and Project History – The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit (PLN-11710-CUP) for an existing 43,560 square foot (SF) cannabis cultivation operation consisting of 21,560 SF of full sun outdoor cultivation grown in above ground smart pots; and 22,000 SF of mixed-light cultivation. Ancillary propagation is proposed in two (2) 2,160 SF greenhouses, with housing of genetic stock proposed in another three (3) 2,160 SF greenhouses. Irrigation water is sourced from a permitted groundwater well (Permit No. 18/19-1099) administered via drip irrigation governed by timers. Existing water storage used for cannabis irrigation totals 53,000 gallons in eleven (11) hard tanks, five (5) of which are 4,600 gallons and six (6) of which are 5,000 gallons. There are another seven (7) hard tanks in the project site used for mixing and applying nutrients totaling 14,500 gallons (three [3] 3,000-gallon tanks; one [1] 2,500-gallon tank; and three ([3] 1,000-gallon tanks). Another 5,000-gallon tank is kept full for fire suppression purposes and is not used for irrigation, bringing the total on-site water storage capacity to 72,500 gallons. Estimated maximum annual water usage to support three (3) cycles of cultivation is 2,877,000 gallons (22 gal/SF). Drying and bucking occurs onsite, and a new 10,000 SF on-site processing facility is proposed as part of the project. Up to five (5) employees may be utilized during peak operations. Power is provided by an MQ WhisperWatt 24kWatt generator with sound dampening enclosure trailer and two (2) 102kW Doosan diesel Tier 4 trailer generators. PG&E improvements are proposed to move to grid power.

Per the referral response from the Northwest Information Center (NWIC), dated April 15, 2018, the proposed project is in an area that should be considered as potentially containing unrecorded archeological sites and further study was recommended. It was also recommended by NWIC that the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. A referral request was sent to the Tribal Historic Preservation Officer (THPO) for the Bear River Band of the Rohnerville Rancheria on June 17, 2019; the THPO responded to the County's referral request on June 18, 2019 and recommended a cultural resources survey for the project. A Cultural Resources Investigation was prepared in August 2020 by DZC Archaeology and Cultural Resource Management which concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended implementation of Inadvertent Discoveries Protocol. Cannabis activity is more than 600 feet from cultural resources. Additionally, all development currently meets, or will meet as a condition of approval, all setback requirements.

A Biological Report was prepared in April 2018 by Natural Resources Management Corporation. The report methods included a search of the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) database, and a site survey was conducted by an NRM wildlife biologist and botanist for the entire project area. No special status species were observed during the biological survey. The only suitable habitat for special-status species determined to be present in the project area is for Howell's montia, a California Rare Plant Rank List 2B.2 plant, which would have been identifiable at the time of the survey and was not found in the project area. Northern Spotted Owl (NSO) habitat exists in the vicinity and the nearest NSO Activity Centers are within 1.6 miles of the parcel boundary. The project is conditioned to adhere to recommendations of the Biological Report, which include requiring

all construction work to take place in the dry season and implementation of best management practices to control erosion. The project is also conditioned to limit impacts to biological resources, including ensuring that any supplemental lighting used for cultivation and security lighting adheres to Dark Sky Association standards and that project related noise does not harass nearby wildlife.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include relocating cultivation to an environmentally superior location and restocking 0.84 acre with timber to mitigate for conversion after the CEQA baseline was established. In addition, the project includes water conservation techniques to avoid excess evaporation, and site drainage, erosion, and runoff control measures will be implemented in accordance with the project's Water Resources Protection Plan to protect water quality. Moreover, all development currently meets appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 43,560 square feet of cultivation with ancillary propagation, storage, and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 3 for a complete listing):

- Plot Plan for Promethean Industries LLC prepared by Omsberg & Preston dated 12/30/2020;
- Cultivation and Operations Plan received September 13, 2017; Addendum to Cultivation and Operations Plan, dated 12/10/2019; and Addendum to Cultivation and Operations Plan, dated 12/17/2020;
- Well Completion Report [WCR2019-009840] and Humboldt County Department of Health and Human Services Land Use Program Well Permit [18/19-1099].
- Water Resources Protection Plan prepared by Natural Resources Management Corporation dated 08/01/2017;
- Remediation Plan prepared by Natural Resources Management Corporation dated 08/02/2017;
- Remediation Report for APN 217-255-002 (App. #11710) prepared by Omsberg & Preston engineers dated 09/12/2017;
- Streambed Alteration Agreement obtained from the California Department of Fish and Wildlife, Notification No. 1600-2017-0518-R1 effective 03/22/18;
- Timber Conversion Mitigation Report prepared by Natural Resources Management Corporation, dated 04/03/2019;
- Cultural Resources Inventory Report for APN 217-255-002, Humboldt County, California prepared by Dimitra Zalarvis-Chase, M.A., RPA, Principal Investigator, DZC Archaeology & Cultural Resource Management, dated 08/2020 and received 08/04/2020.
- Biological Report for APN 217-255-002 prepared by Natural Resources Management Corporation dated 04/05/2018; and
- Engineering Geologic (R-2) Soils Exploration Report for APN 217-255-002 dated 02/28/18.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file).
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Plot Plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The Plot Plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the Plot Plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached - Plot Plan for Promethean Industries LLC prepared by Omsberg & Preston stamped by Licensed Land Surveyor 12/30/2020)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached- Cultivation and Operations Plan received 09/13/2017; Addendum to Cultivation and Operations Plan, dated 12/10/2019; and Addendum to Cultivation and Operations Plan, dated 12/17/2020)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Addenda [Item 4. above]).
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by Natural Resources Management Corporation dated 8/1/2017 and Notice of Applicability; Condition of Approval – Provide Site Management Plan and annual reporting documents)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Attached - Final Streambed Alteration Agreement Notification No. 1600-2017-0518-R1 effective 03/22/18)

9. If the source of water is a well, a copy of the County well permit, if available. (Attached - Department of Water Resources Well Completion Report Map Application Results (WCR2019-009840); Permit Number 18/19-1099).
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Attached - *Timber Conversion Mitigation Report* dated 04/03/2019 prepared by Natural Resources Management Corporation).
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file).
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable).
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file).
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file).
15. *Cultural Resources Inventory Report for APN 217-255-002, Humboldt County, California*, prepared Dimitra Zalarvis-Chase, M.A., RPA, Principal Investigator, DZC Archaeology & Cultural Resource Management, received 08/04/2020 (On file and confidential).
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
17. Onsite Wastewater Treatment System Permit Application signed 06/23/2017. (On file)
18. *Nursery and Propagation Area Justification Letter* dated 11/24/2019. (Attached)
19. *Biological Report for APN 217-255-002* prepared by Natural Resources Management Corporation, received 04/27/2019. (Attached)

20. *Engineering Geologic (R-2) Soils Exploration Report for APN 217-255-002* prepared by Lindberg Geologic Consulting dated 02/28/18. (Attached)
21. *Appendix D Remediation Plan* prepared by Natural Resources Management Corporation 08/02/2017. (Attached)
22. *Remediation Report for APN 217-255-002 (App. #11710)* prepared by Omsberg & Preston 09/12/2017. (Attached)
23. Doosan Tier 4 Generator Specification and Noise calculation for various models (Attached).
24. California Natural Diversity Database records of special-status plants and wildlife within two (2) miles of the boundaries of APN-217-255-002 (On file and confidential).

Received
9/13/17

COPS Plan for Humboldt Hollow Farms LLC

APN: 217-255-002

APPS# 11710

Project Overview:

This application concerns a cultivation operation which has been in existence since prior to January 1st, 2016. We seek a Type 3 permit for 21,780 sq. ft and a Type 3B permit for 22,000 sq. ft - totalling one full acre of cultivation.

* The application that was submitted in December of 2016 was for a total of 38,000 sq. ft. of cultivation, in error. The total pre-existing cultivation area prior to 2016 was nearly two acres, and at the time of initial application submittal, there was confusion regarding whether or not space used only for clones and mothers had to be removed from the footprint being applied for, and the square footage was adjusted down to account for the 6000 square feet of ag exempt buildings in which genetics maintenance would take place. Now that there is better understanding of the county's standpoint on the topic, we request to be allowed our full acre of cultivation space, and have submitted a revised application reflecting such.

Prior to 2016, there were nearly two acres of cultivation area, and the property was sold in the fall of 2016 to the current landowner. Since then, the land has been in a state of development due to orders from CDFW and NCRQCB, and two flats have been decommissioned and are being remediated back into natural land. The landowner has enlisted NRM Corporation and Omsberg & Preston, Civil Engineers to oversee the restoration efforts. Of the three previous areas, the only cultivation site that has not been decommissioned by order of CDFW and State Water Board is a half-acre flat with seven greenhouses next to the well. The other two pre-existing sites are under remediation and not in use. (See Plot Plan for details.)

In 2017, after asking permission from Humboldt County Planning Department, we created a temporary space for cultivation while seeking guidance for a permanent location moving forward. No ground was disturbed and no structures were constructed. (See page 4, section 5 for more information). We are seeking a CUP permit for 22,000 square feet of mixed light cultivation and 21,560 square feet of outdoor, for a total of one acre of cultivation.

There are three structures used as ag-exempt for mothers/clones/vegging (two 30x100 foot ag-exempt post & pier buildings as well as the garage by the house on the southwestern edge of the property. There is a commercial shop near the old, unused residence that is already on the PG&E grid which also may be used for genetics maintenance and propagation in the future. (See Plot Plan for location.) We are planning on purchasing two cargo containers to put at the garden site that will store fertilizers, pesticides, etc.

1.) Description of water source, storage, irrigation plan, and projected water usage

Water Source & Storage:

The farm has filed a 1600 permit with Fish & Wildlife for use of a groundwater well near the cultivation sites even though it is non-jurisdictional, because the well was dug by Bushnell Enterprises without a permit before the current landowner had purchased the property. According to the agreement and site inspections from CDFW and NCRQCB, we are able to pull water year-round from the well for agricultural irrigation without forbearance.

Upon application approval, NRM and Omsberg & Preston will design a rainwater pond, which will add approx. 600,000 gallons of water storage from rainwater collection to the current irrigation supply. There is a total of 20,000 gallons of water storage in the form of four 5,000 gallon hard tanks. Another 25,000 gallons in hard tanks will be added in 2018. Please see plot plan for details and locations of tanks. NRM has details of the water use compliance and restoration process, and is in active communication with CDFW and the State Water Board concerning these topics.

The property is currently registered as Tier 2 with the NCRWB and meets all the standards thereof laid out in Order No. R1-2015-0023. NRM has the WRPP and associated water use permits on file, and is in active communication with CDFW and the State Water Board concerning this project.

Irrigation Plan and Projected Water Usage:

The primary irrigation system for the cultivation site is drip line for both the mixed light and outdoor cultivation that is all governed by timers. Nutrient mixes and/or compost teas are administered by hand, after being mixed in one of two 5000 gallon tanks that are used primarily for that purpose during the season. There are also (Please see Plot Plan for location.) Our water sources are metered and recordings are taken monthly. The residence is metered separately.

Water usage is carefully monitored each month from May to October. Water meters were installed at the end of last year and monthly readings are documented and kept on-site. Water usage estimate is roughly 400,000 gallons per season, based on approximations from 2016. At the end of 2017, we will have more accurate records based on meter readings. Monthly reports will be kept onsite as well as on file with NRM. We monitor all lines, hoses, and connections carefully to ensure there is no leakage or waste of water.

2.) Description of site drainage, including runoff and erosion control measures.

Site Drainage & Erosion Control:

The two current sites are in the best possible location for low environmental impact. Both active cultivation areas are naturally flat and have not been graded. Both flats are surrounded on the

sloped sides with straw wattles to ensure no sediment or nutrients escape the area. The two natural flats have no erosion issues, water disperses evenly. The roads are in process of further development, overseen by NRM and Omsberg & Preston. As mentioned above, we use drip irrigation to prevent overwatering, which in turn prevents runoff and erosion problems.

The ground surrounding both cultivation areas is vegetated with native grass that is kept short and neat in order to act as a filtration system in the event of heavy rain.

3.) Detail of measures taken to ensure protection of watershed and nearby habitat.

Watershed and Habitat Protection:

The cultivation site is centrally located more than 100 feet away from the various Class II and III watercourses on the property, with natural wooded areas between the garden and these waterways. The garden, as well as our cultivation practices, do not pose a danger to any sensitive areas.

Previously, the cultivators used a generator, but we are currently in the process of installing PG&E on the parcel near the cultivation sites, as we are developing the land into the ideal conditions for an environmentally friendly operation. We do not wish to cause undue noise disruption for local birds and other species, or use generators long-term because of the atmospheric implications. Currently, we are using a 24k watt generator that is being used temporarily while PG&E is being installed. It is housed in containment by the two ag-exempt buildings (see Plot Plan for location) and we do not store large quantities of fuel onsite, but purchase fuel as needed. (See Page 9, Section C below for more details on fuel.)

Neither of the two remaining cultivation areas impinge on regulation setbacks regarding watercourses on the property. They also do not pose any danger to sensitive habitat areas. See Plot Plan for details. As mentioned previously, any bare soil near the cultivation areas will be re-seeded with native vegetation each year to keep sediment from leaving the garden site or being discharged into surface waters. Our soil is amended with biochar as well, which encapsulates nutrients and keeps them at the root site, preventing leaching into the surrounding areas in the event of heavy rains.

As explained in detail in Section C, we take care to ensure that any regulated compounds are stored correctly and provide no threat to surface waters or the land itself. We have done much work and made great progress on cleaning up previous issues on the property, and will continue to work with the various professionals involved to guide us in proper land stewardship.

We are currently in open dialogue with CDFW and NCRWQCB regarding historic issues on the parcel and we will work closely with Natural Resource Management Corp. and Omsberg & Preston, Engineers on the design and development of the features that need improvement (such as culverts, road crossings, and retroactive structure permitting).

Our greenhouses are covered carefully and inspected daily to ensure that no light escapes after sunset. We take special care to make sure that our supplemental light does not disrupt any nearby wildlife, or neighboring property between sundown and sunrise.

We are familiar with the local endangered species, which we have never found on our property. We care very much for the environment and feel that our dedication to proper land stewardship is evident with our agricultural practices.

We are currently in good standing with all state environmental agencies and we will work closely with Natural Resource Management Corp. and Omsberg & Preston, Engineers on the design and replacement of the remediation work that is necessary on this property. (See Plot Plan for locations of decommissioned flats.) We are familiar with the local endangered species, which we have never found on our property.

4.) Protocols for proper storage and use of fertilizers, pesticides, and other regulated products utilized.

Fertilizer Use & Storage:

Fertilizer and amendments will be kept in the two cargo containers near the garden sites. The metal floors are impermeable and will not allow seepage in the event of any spills. We keep spill kits on hand.

Before fertilizer application, operators are required to evaluate weather conditions, equipment, the site to be treated as well as the surrounding area in order to determine the likelihood of substantial drift or harm to non-target areas, cross-contamination, equipment malfunctions, or creation of any health hazards.

Based on approximations from previous years, our total fertilizer use for the year is approximately 475 gallons of concentrated liquid fertilizer, and 475 gallons of dry amendments. The concentrate is mixed with water in one of two 5000 gallon tanks used for this purpose and applied with a garden hose from the holding tank. Plants are given a nutrient mix usually every third watering, and based on previous approximations, around 9000 gallons of diluted mix is applied during one season. Top dressing of dry amendments is applied every 14 days, when necessary.

We keep a farm log of all products used in cultivation and follow labels and feeding charts as well as standard safety protocols when administering these compounds.

Material Safety Data Sheets for all products used are included with our application in lieu of listing them all here. MSDS are also kept onsite with our farm log and compliance paperwork. As farming

is a dynamic undertaking, our nutrient regimen may also change. Any changes in nutrient use or amendment type will be documented in our farm log and all MSDS will be kept current.

Pesticide Use & Storage:

We are educated on the Department of Pesticide Regulations' guidelines for products that are acceptable to use on cannabis, and follow these regulations strictly. Products are either purchased for complete and immediate use, or they will be stored in one cargo containers with the other amendments. Pesticides are kept in their original containers with clear labelling.

All operators are provided with safety gear such as Tyvek suits, respirators, and gloves as needed when applying any pesticides or fungicides. Before pesticide application, operators are required to evaluate weather conditions, equipment, the site to be treated as well as the surrounding area in order to determine the likelihood of substantial drift or harm to non-target areas, equipment malfunctions, cross-contamination, or creation of any health hazards.

Any other regulated substances, such as cleaning compounds like bleach, are kept in the residence with the other household supplies. For information regarding fuel, please see Page 9, Section C below.

As stated above, as opposed to listing all compounds currently used in this document, Material Safety Data Sheets for all products used are included with our application, as well as kept onsite with our farm log and compliance paperwork.

We do not keep large amounts of fuel or any hazardous materials on the premises. (See Page 9, Section C below.)

5. Description of cultivation activities (e.g outdoor, indoor, mixed-light.)

Outdoor Cultivation Activities:

As stated in the Project Overview, we have both mixed light and outdoor practices in our cultivation operation. During this transitional time, the project is under development. On the northern flat, the mixed-light plants are in 3 cu. ft. soil bags within seven hoophouses. The southwestern temporary flat is a near half-acre of full term, outdoor plants in fabric pots on the natural ground. No structures have been erected and no ground disturbance has been created on the southwestern site, as it is temporary in nature, pending approval from the county to make it permanent. Please see Plot Plan for site locations.

Upon application approval, if this site satisfies the governing agencies, we will develop the outdoor area (see Plot Plan for details) to be more permanent in nature, installing privacy fencing as well as

planting in the ground or in beds to best ensure that no runoff or leaching of nutrients can occur. We keep both sites immaculate and all soil contained properly when not in use.

The majority of the supplies used for our operation are reusable and we strive to create very little waste. We are a small, close knit company and we care about both best management practices as well as maintaining a high performance standard. We wear gloves, clean clothing, and safety gear as necessary. We keep detailed records of our production and agricultural practices.

We intend to follow all regulations, performance standards, and best management practices as outlined in Humboldt County's CMMLUO as well as all other governing agency requirements. As this industry becomes more defined and new information becomes available, we will educate ourselves and our operators as to the various departmental directives. As we develop our project, we are dedicated to implementing important guidelines such as the following: 1) Emergency Action Response Plan; 2) Spill Prevention Protocols; 3) Fire Prevention Policies; 4) Materials Handling Procedures; 5) Product Purity and Quality Control Standards; and 6) Recordkeeping and Operations Documentation.

6. Processing Plan

Processing Techniques:

All processing will take place off-site. In the past, all product was machine trimmed on-site, but in light of the new regulations we are currently seeking a licensed, local facility to provide this service. If no such facility exists at the time the permit is issued, we will begin plans for development of compliant on-site mechanical processing facilities, overseen by engineers at Omsberg & Preston and constructed by licensed contractors.

7. Schedule of activities during each month of the growing and harvesting season.

Farming Season (subject to weather conditions):

March

- Season begins as weather permits: site preparation, property upkeep and development as needed, maintenance of water lines, amending of soil for the season
- Propagation and crop preparation
- Property maintenance as the weather permits

April

- Propagation and crop preparation
- Transplanting of first crop into mixed light area

May

- First crop hardened off, initial bloom cycle begins
- Water, fertilizer, and pesticide use monitoring and recording

June

- Blooming cycle continues; general crop maintenance
- Full term plants are transplanted and flipped into bloom cycle
- Mother stock maintenance, propagation of second crop
- Water, fertilizer, and pesticide use monitoring and recording

July

- First stage of harvest begins
- Drying and curing of first round ensues
- Crop maintenance
- Water, fertilizer, and pesticide use monitoring and recording

August

- Second mixed light crop planted and hardened off
- Water, fertilizer, and pesticide use monitoring and recording

September

- Blooming cycle continues; general crop maintenance
- Water, fertilizer, and pesticide use monitoring and recording

October

- Second stage of harvest begins
- Drying and curing of second round ensues
- Water, fertilizer, and pesticide use monitoring and recording

November

- Farming season conclusion, harvest completion
- Soil tilled and covered or planted with winter crop to secure during the rainy season
- Winterization procedures: water lines disconnected and capped as needed, supplies stored

December-February

- Property maintenance as needed, weather permitting
- Genetic upkeep of mother stock

8. Security Plan

Security Measures

The parcel where this operation is located is in a remote rural location with few neighbors in what is primarily grazing land for cattle. It is isolated from view and cannot be easily accessed from any public road or location. There is no foot traffic through or near the parcel except by the property owner and operator(s), and the only access to the site is from the private road off of Alderpoint Road through a locked gate.

Upon approval of application, and once PG&E is installed, a professional security system will be installed with multiple cameras that record in real time and store footage for playback.

We are willing to employ any additional security measures that the governing agencies deem necessary for permit approval. To ensure the non-diversion of product, we will enroll in a track and trace program upon implementation of those programs at the local and/or state level. We will comply with SB 420, Humboldt County's CMMLUO, CDFA and BMC guidelines, and other governing agency's requirements and regulations as they become actualized.

For DHHS, Division of Environmental Health:

A) Onsite Wastewater:

- Please refer to the Plot Plan for structures and manmade features on the property.
- We are currently in discussion with our lawyers about the status of workers, whether they will be payroll employees or company officers. At this time, there are a total of five workers who may work at this location on a weekly basis through most of the season.
- The current wastewater disposal is handled by: The current septic at the house has failed completely and is an emergency state. A new septic system is necessary. All relevant work on permitting and perc testing is in process by Omsberg & Preston, Civil Engineers. Emergency permit request documentation has already been submitted with the county.
- There are two portable toilets on the property while the septic at the residence is being replaced. One is next to the residence at the southwestern corner of the property, and the other is in a central location to the two cultivation sites. (See Plot Plan for locations.) The portable toilets are maintained and cleaned every 10 days by Six Rivers Portable Toilets.
- If required, there can also be a handwashing/eyewash station put in place near the cultivation sites upon approval of application (also provided and maintained by Six Rivers Portable Toilets).
- Because our processing will not be done onsite, there is no additional wastewater flow during harvest.
- Bottled water is purchased and available for consumption for the workers.
- The residence on the parcel is also available during work hours for kitchen and bathroom usage. There are two restrooms in the house as well as a fully furnished kitchen. As mentioned above, the septic is undergoing emergency repair/reconstruction measures, overseen by Omsberg & Preston. Once that is complete, the amenities will be available for workers to use.

B) Water Production/Well Construction:

- The water source for the commercial cultivation operation is currently an unpermitted, non-jurisdictional groundwater well, with a rainwater pond being designed and slated to be put in next year. Please refer to Section 1 above for more details.

C) Hazardous Materials:

- Fuel is kept in 5 gallon gas jugs in the garage near the residence. No more than 20 gallons of gasoline is stored on the property at any given time. Both gasoline and diesel are kept, in the garage which has a concrete floor. Spill kits are kept onsite.
- Machinery kept on the property for the operation is as follows:
 - For temporary use until PG&E is installed, there is a 24k watt enclosed generator within proper containment near the two ag-exempt buildings. (See Plot Plan for location) The generator uses 2 gallons of oil, which is changed every 10,000 hours. It is changed in containment using proper safety protocols for removal and the old oil goes immediately to Eel River Resource Recovery for recycling. We keep a spill kit at that site.
 - For drying, we use fans and dehumidifiers. These items are mobile electrical units and require no oil, fuel, or fluid changes.
 - For property maintenance, there is a string trimmer, mower, and chainsaw kept in the garage at the residence. They are maintained off-site.
- Any cleaning supplies, compressed gasses (such as hornet spray, or disinfectants) are kept in the residence and not stored at the garden site as they are primarily used for the usual domestic purposes. They are kept in small amounts and remain in their original packaging with readable labels. Any compound of this nature needed for the operation is brought to the site for and immediately removed after any activity requiring such substances. Everything is clearly labelled and kept in their original store-bought containers.
- We keep MSDS records in a binder on location as dictated by proper safety protocol, and our officers observe safe handling practices and follow label instructions during use of amendments and agricultural compounds. As stated previously, proper safety equipment such as gloves, safety glasses, Tyvek suits, and respirators are provided for handling and application of any hazardous materials or compounds.

D) Solid Waste/Recycling:

- Upon application approval, we will rent a dumpster from Eel River Disposal on the property for garbage/recycling. (Please see Plot Plan for proposed dumpster location.) All refuse will be kept cleanly in the containers provided by Eel River Resource and is removed by that company weekly or biweekly depending on refuse generation rates. The garden creates very little waste, as we generally reuse our supplies and try to be as sustainable as possible in practice.
- All refuse, including recycling, is removed once a week and taken to Eel River Resource Recovery in Fortuna.

E) Consumer Protection:

- Our product is never handled by a bare human hand. We take great precaution to ensure the highest level of purity and sterility of our product. Each batch is lab tested locally and our product meets current state regulations for both cannabis consumption standards as well as organic best practices. Lab test results are kept on file at the cultivation site. There is no food production in our commercial operation.



REQUESTED ADDENDUM TO CULTIVATION & OPERATIONS PLAN

prepared for:

Humboldt County Planning Department

Application Submitted under Ordinance No. 2559

•REVISION DATE: 12/10/19•

STATEMENT OF RELEVANCE AND COHESION TO PREVIOUS VERSION(S):

Please be advised that as this is a living document, operational changes may have occurred since the initial Cultivation & Operations Plan was submitted. As such, and because the requirements from multiple governing agencies have evolved over time, there may be inconsistencies in format and content of the Cultivation & Operations Plan on file when compared to other submitted documents. Because this application was initially submitted under a previous version of the Ordinance, the cultivation plan is constantly being updated to accurately encompass all aspects as required by the current County Ordinance and will be submitted as necessary.

Cultivation and Operations Plan

Addendum #1: Greenhouse Construction

As shown on the Plot Plan, this application concerns using 21,600 sq. ft. of existing greenhouse frames, that are constructed out of lumber and metal piping. The skins (plastic sheeting) is removable and only used during certain parts of the season as needed. The greenhouse frames have unimproved flooring and the footpaths are bare ground covered with weed fabric.

Addendum #2: Irrigation Plan & Projected Water Use

Water usage is carefully monitored each month from April to October using in-line meters at the source - a non-jurisdictional ground water well. Our total water usage per year will be, at most, approximately 2,797,000 gallons in years with short winters and long, dry summers, based on the table below. Our recent usage (2018 & 2019) has been 40% of the amounts listed below (an approx. total of 1,118,000 gallons) because the project was not running at maximum capacity (we used less than half of our allotted cultivation area) due to the budgetary hardships of making it through this regulatory process and other financial setbacks.

The following chart shows the **total maximum predicted** water usage for the entire operation **running at max capacity** in gallons per month:

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Mixed Light	24k	24k	50k	120k	120k	120k	200k	200k	200k	140k	120k	24k
Outdoor	0	0	25k	30k	45k	145k	300k	300k	300k	210k	180k	0
TOTAL USAGE	24k	24k	75k	150k	165k	185k	500k	500k	500k	350k	300k	24k

Addendum #3: Energy and Generator Usage

Electricity for the processing activities is currently provided by a MQ WhisperWatt 24k watt generator within a sound dampening enclosure that is moved around the property on a trailer. The generator is not a permanent fixture at the garden site, and is NOT used from the months of May to August, being run approximately 18 hours a day during the other months of the year. When not in use it is stored in an off-storage unit that houses equipment during the winter months. The generator is a temporary solution to provide power for the operation while the permit is still in the approval process.

We have an application submitted with PG&E for a power drop on the property, which is waiting on HCPB permit approval of this application to proceed. This will drastically reduce, if not completely alleviate the need to use generators in our operation in the future.

Cultivation and Operations Plan

Addendum #4: Lighting & International Dark Sky Standards

All greenhouses are covered carefully with blackout tarps and inspected daily to ensure that no light escapes the structures. We take special care to make sure that both our operational lights within the greenhouses as well as ancillary operational lights (work lights, security/motion lights, etc) do not disrupt any nearby wildlife, or neighboring properties from one hour before sunset until one hour after sunrise.

We use the lowest wattage feasible for our operations to conserve energy as well as to prevent unnecessary glow, and ancillary lighting is angled downward and/or shielded so that it focuses directly on the needed areas and doesn't spill into surrounding areas.

MQ Power Super-Silent WhisperWatt 25 to 150 kVA - Single / Three Phase

MODEL	DCA-25SSIU4F	DCA-40SSKU4F	DCA-45SSIU4F	DCA-70SSJU4i	DCA-125SSJU4i	DCA-150SSJU4F
Generator						
Design	Revolving Field Self - Ventilated Drip-Proof Single Bearing					
No. of Poles	4-poles					
Excitation	Brushless with AVR					
Standby Output (kW)	22kW (27kVA)	28.8kW (36kVA)	40kW (50kVA)	62kW (77kVA)	110kW (137kVA)	132 kW(165kVA)
Prime Output (kW)	20 kW (25kVA)	39.7kW (37 kVA)	36kW (45kVA)	56kW (70kVA)	100kW (125kVA)	120kW (150kVA)
Generator RPM	1800					
Voltage- 3 Phase	208, 220, 240, 416, 440, 460, 480V Switchable					
Voltage- 1 Phase*	120, 127, 139, 240, 254, 277V Switchable					
Armature Connection	Star with Neutra; / ZigZag					
Voltage Regulation (No Load to Full Load)	± 0.5%					
Frequency	60 Hz					
Frequency Regulation (No Load to Full Load)	±0.25% Electronic Governor					
Power Factor	0.8					
Sound Level dB(A) Full Load at 23 feet	65	61	66	65	70	66
DIESEL ENGINE						
Make / Model	Isuzu 4LE2T	Kubota V2403-CR-T	Isuzu 4LE2x	John Deere 4045HFG92	John Deere 4045HFG93	John Deere 6068HFG08
Emissions	Tier 4 Final	Tier 4 Final	Tier 4 Final	Tier 4i	Tier 4i	Tier 4 Final
Starting System	Electric					
Design	4-cycle Water cooled Direct injection Turbocharged EGR, DOC	4-cycle Water cooled Direct injection Turbocharged EGR, DOC, DPF	4-cycle Water cooled Direct injection Turbocharged Charge air Cooled EGR, DOC	4-cycle Water cooled Direct injection Turbocharged Charge Air cooled EGR		
Displacement	2179 cc	2434 cc	2179 cc	4500 cc	4500 cc	6800 cc
No. Cylinders	4	4	4	4	4	6
Bore x Stroke (mm)	85 x 96	87 x 102	85 x 96	106 x 127	106 x 127	106 x 127
Gross Engine	40.2	48.3	65.7	107	166	240
Power Output						
Fuel Tank Capacity gal. (liters)	41.7 (158)	26 (100)	79.2 (300)	103 (390)	168 (640)	69 (260)
Fuel Consumption full load gph(lph)	1.66 (6.3)	2.2 (8.5)	2.7 (10.4)	4.3 (16.2)	7.3 (27.5)	8.4 (31.9)
3/4 load gph(lph)	1.21 (4.6)	1.7 (6.4)	2.1 (8)	3.4 (12.7)	5.6 (21.2)	6.5 (24.7)
1/2 load gph(lph)	0.85 (3.2)	1.2 (4.4)	1.5 (5.6)	2.7 (10.1)	4.0 (15.1)	4.9 (18.4)
1/4 load gph(lph)	0.58 (2.2)	0.8 (2.9)	0.9 (3.4)	2.0 (7.4)	2.5 (9.6)	3.2 (12.1)
DEF Tank Capacity gal. (liters)	N/A	N/A	N/A	N/A	N/A	14 (55)
Coolant Capacity gal. (liters)	2.3 (8.8)	2.77 (10.5)	4.44 (16.8)	5.92 (22.4)	6.55 (24.8)	10.3 (39.0)
Oil Capacity gal. (liters)	2.8 (10.5)	3.4 (12.7)	3.2 (12.2)	3.88 (14.7)	5.42 (20.5)	8.18 (31.0)
Battery	12V 53Ah x 1	12V 53Ah x 11	12V 72Ah x 1	12V 75Ah x 1	12V 75Ah x 1	12V 150Ah x 2
SIZE						
LxWxH in (cm)	72 x31 x 50 (182 x 79 x 126)	76 x 37 x 53 (194 x 95 x 135)	84 x 35 x 61 (213 x 95 x 155)	105 x 38 x 69 (267x95x173.5)	120 x 49 x 73 (305x124x185)	138 x 52 x 69 (350x130x175)
Approx Net Wt lb (kg)	1,797 (815)	2250 (1020)	2,337 (1,060)	3594 (1630)	5137 (2330)	6615 (3000)
AMP						
Single Phase 120V	55.6A (4 wire)	80A (4 wire)	100A (4 wire)	155.5A (4wired)	277.8A (4wire)	333.3A (4wire)
	60Ax2 (zigzag)	108A x 2 (zigzag)	108A x 2 (zigzag)	168Ax2 (zigzag)	301Ax2 (zigzag)	361Ax2 (zigzag)
Single Phase 240V	27.8A (4 wire) 60A (zigzag)	40A (4 wire) 108A (zigzag)	50A (4wire) 108A (zigzag)	77.8A (4wire) 168A (zigzag)	138.9 (4wire) 301A (zigzag)	166.7A (4 wire) 361A (zigzag)
Three Phase 240V	60A	86A	108A	168A	301A	361A
Three Phase 480V	30A	43A	54A	84A	150A	180A

Special voltage outputs are available (Special order)

Features and specifications are subject to change without notice
Units manufactured by Denyo Manufacturing Corp.
Copyright 2014, Multiquip Inc. DW1114



Promethean Industries LLC

APN: 217-255-002, HCPB APPS# 11710, WDID: 1B161088CHUM

REQUESTED ADDENDUM TO CULTIVATION & OPERATIONS PLAN

prepared for:

Humboldt County Planning Department

Application Submitted under Ordinance No. 2559

•REVISION DATE: 12/17/20•

STATEMENT OF RELEVANCE AND COHESION TO PREVIOUS VERSION(S):

Please be advised that as this is a living document, operational changes may have occurred since the initial Cultivation & Operations Plan was submitted. As such, and because the requirements from multiple governing agencies have evolved over time, there may be inconsistencies in format and content of the Cultivation & Operations Plan on file when compared to other submitted documents. Because this application was initially submitted under a previous version of the Ordinance, the cultivation plan is constantly being updated to accurately encompass all aspects as required by the current County Ordinance and will be submitted as necessary.

Cultivation and Operations Plan

Addendum #1: Water Storage and Tank Details

Existing water storage for the cultivation operation consists of eleven (11) hard tanks (five of which are 4600 gallon and six of which are 5000 gallon) for a total of 53,000 gallons of storage availability as shown on the revised Plot Plan dated 12/17/20, which is included with this submittal. There are also hard tanks used specifically for mixing and applying nutrients to the cultivation areas totalling 14,500 gallons (not used as storage). The mixing tanks are sized as follows: three 3000 gallon tanks, one 2500 gallon tank, and three 1000 gallon tanks. There is an additional 5000 gallon tank near the well that is kept full for SRA purposes and not used for crop irrigation.

Addendum #2: Energy and Generator Usage Update

Electricity for the processing activities is currently provided by a MQ WhisperWatt 24k watt generator within a sound dampening enclosure that is moved around the property on a trailer. We have recently acquired two new 102kW Doosan diesel Tier 4 Final-Compliant trailer generators (125kVa Model # G125WCU-3A-T4F) also within a sound dampening enclosure which provides full containment. Tier 4 compliant engines significantly reduce emissions of particulate matter (PM) and oxides of nitrogen (NOx) to near zero levels. Relative to previous emissions standards, Tier 4 Final compliant engines reduce emissions by over 95 percent for most agricultural and construction equipment and adhere to the strictest EPA guidelines for off-road diesel engines. Noise levels for the Doosan generators are 68 decibels at 23 feet and are located at least 125 feet from any tree line and hundreds of feet from any property line, which ensures conformance to sound mitigation requirements at property lines and sensitive habitat. A pdf with details and specifications (including noise levels) for the new Doosan generators is included with this submittal as a separate attachment.

The generators listed above are not permanent fixtures at the garden site, and are generally not used from the months of May to August, being run approximately 18 hours a day during the other months of the year (September through April). When not in use they are stored in an off-site storage unit that houses various other equipment. All generators are a temporary solution to provide power for the operation while the permit is still in the approval process. We have an application submitted with PG&E for a power drop on the property, which is waiting on HCPB permit approval of this application to proceed. This will drastically reduce, if not completely alleviate the need to use generators in our operation in the future, except during power outages and other emergency situations.

Addendum #3: Processing Facility and Future Infrastructure Modifications

As stated in previously submitted documents, processing took place off-site. However, to reduce costs and promote efficiency of the operation, we intend to upgrade our infrastructure in the future as our business grows. This includes constructing a new building that meets ADA/commercial standards in order to be able to do our processing and packaging on-site. See the Revised Plot Plan that is included with this submittal for proposed location and dimensions. Other upgrades may or may not include modifications to greenhouse construction to better withstand inclement weather as well as enable us to produce more crop cycles during the calendar year. All required permits will be attained through the relevant regulatory departments before new ground disturbance or construction takes place.

North Coast Regional Water Quality Control Board

September 24, 2019

WDID:1_12CC417094

JOSE ANGULO
28810 ALDER POINT ROAD
BLOCKSBURG, CA 95404

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,


On Behalf Of
Water Boards

2019.09.25 10:17:46 PDT

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

190924_2L_1_12CC417094_1B161088CHUM_Hill_Top_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, JOSE ANGULO, HUMBOLDT COUNTY APN(s) 217-255-002

Jose Angulo (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 11, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC417094**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B161088CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

1. FACILITY AND DISCHARGE DESCRIPTION

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Currently, the direct link to that application is as follows:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by September 08, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$1,000, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Cliff Johnson, Humboldt County Planning and Building,
cjohnson@co.humboldt.ca.us
Dan Williams 21882 Bear Creek Way Los Gatos, CA 95033

RECEIVED

OCT 03 2017

CDFW - EUREKA

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501

**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION No. 1600-2017-0518-R1

Unnamed Tributaries to Larabee Creek, Tributary to the Eel River and
the Pacific Ocean

Mr. Dan Williams
Williams Stream Crossing and Remediation Project
4 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into between the
California Department of Fish and Wildlife (CDFW) and Mr. Dan Williams (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee
initially notified CDFW on August 3, 2017, that the Permittee intends to complete the
project described herein.

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, on June 9, 2015,
CDFW staff identified substantial alteration of the bed, bank and channel of Unnamed
Tributaries to Larabee Creek located at latitude 40.289 N and longitude 123.645 W.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project
could substantially adversely affect existing fish or wildlife resources and has included
measures in the Agreement necessary to protect those resources.

WHEREAS, pursuant to FGC sections 1603 and 1614, CDFW has determined the
unauthorized impacts have substantially adversely affected fish or wildlife resources
and has included measures in this Agreement to remedy and mitigate the unauthorized
impacts to protect fish and wildlife resources. The measures in this Agreement are not
subject to Arbitration.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with
the Agreement.

PROJECT LOCATION

The project to be completed is located within the Larabee Creek watershed,
approximately 1 mile northwest of the town of Blocksburg, County of Humboldt, State of
California. The project is located in Section 17, T2S, R5E, Humboldt Base and Meridian;
in the Blocksburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel
Number 217-255-02; latitude 40.29 N and longitude 123.64 W.

PROJECT DESCRIPTION

The project is limited to four encroachments (Table 1). Two encroachments will remediate unpermitted grading at seep/wetland locations associated with Class III streams. A third encroachment will improve a Class II rocked ford. The fourth encroachment will remove a spring box and associated debris. Work for these encroachments will include excavation, construction of stream channels, rock armoring, and revegetation.

Table 1. Project encroachments with description

ID	Latitude/Longitude	Description
Crossing-1	40.2881, -123.6430	Improve rocked ford crossing on Class II stream
Remediation-1 (Upper Flat)	40.2895, -123.6410	Recontour slope with graded fill, establish stream channels, lay back slopes, and revegetate
Remediation-2 (Lower Flat)	40.2896, -123.6470	Recontour slope with graded fill, establish stream channels, lay back slopes, and revegetate
POD Removal	40.2902, -123.6470	Remove POD and associated infrastructure/debris

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Tailed Frog (*Ascaphus Truei*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

Impacts to water quality:

- increased water temperature;
- reduced instream flow;
- temporary increase in fine sediment transport;

Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:

- loss or decline of riparian habitat;
- direct impacts on benthic organisms;

Impacts to natural flow and effects on habitat structure and process:

- cumulative effect when other diversions on the same stream are considered;
- diversion of flow from activity site;
- direct and/or incidental take;
- indirect impacts;
- impediment of up- or down-stream migration;

water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 7 days after the project is fully completed.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on August 3, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Work Period. All work, not including water diversion, shall be confined to the period June 15 through October 1 of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.3 Work Completion. The proposed work shall be completed by no later than **October 1, 2018**. A notice of completed work shall be submitted to CDFW within 7 days of project completion.
- 2.4 Stream Restoration. The Permittee shall submit a Stream Restoration Plan to CDFW prior to conducting remediation activities. The Stream Restoration Plan (SRP) shall detail the dimensions and slopes of the stream channel to be remediated. The SRP shall describe any material utilized to restore the channel to a natural condition. The SRP shall include a revegetation plan for remediation of the impacted channel reach.
- 2.5 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.6 Stream Diversion. When work in a flowing stream is unavoidable, Permittee shall divert the stream flow around or through the work area during construction operations.

- 2.7 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Coffers shall be constructed of a non-erodible material which does not contain soil or fine sediment. Coffers and the stream diversion system shall remain in place and functional throughout the construction period. Coffers or stream diversions that fail for any reason shall be repaired immediately.
- 2.8 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.9 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.10 Submittal of a Revegetation Plan. A revegetation plan shall be submitted with the SRP to CDFW for review and approval prior to implementation of riparian habitat restoration activities.

Revegetation Plan Contents. The Revegetation Plan shall at a minimum include the following elements:

- a. The identification of the area and vegetation types that will be restored.
- b. A planting design and palette appropriate to the vegetation type, cover, stratum, and level of biodiversity (i.e., species richness and composition). Use of a reference site is recommended.
- c. Use regionally appropriate native plants for a riparian vegetation type. The derivation of plant material such as containers, plugs, cuttings, divisions, or seeds from coastal areas of Humboldt, Del Norte and Mendocino Counties within 30 miles of the coast. All native seed material shall be from the North Coast ecoregion (Humboldt, Mendocino, Sonoma or Del Norte Counties), if practical. If quantities are not able to be satisfied from these collection sites, propagules may be obtained from other counties in Northern California with pending approval from a restoration ecologist or botanist.

- d. Cuttings of willows, cottonwoods conducted when dormant. Collection of cuttings within an area dispersed to maintain genetic and sexual diversity, and to avoid adversely impact existing riparian vegetation. Cuttings hydrated between harvesting and planting (e.g., soak cuttings in water several days to a week to stimulate rooting prior to planting). Cuttings planted to depth of 75 percent of their length with buds pointing up and bottom of cutting in moist soil or water.
- e. Planting conducted after the first seasonal rains have saturated soils beyond the first several inches (November/December) and before April.
- f. No application of fertilizer on plants or chemical controls on weeds.
- g. Measurable success criteria based on plant survival, density, or cover.
- h. Monitoring conducted for a minimum of five years to determine whether the revegetation goals and objectives have been met. Remedial measures if revegetation goals and objectives are not met.
- i. Annual status reports on the revegetation efforts shall be submitted to CDFW in the by October 31 of each year following initial planting for the length of the monitoring period.

2.11 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.

2.12 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

2.13 Rock Armor Placement.

2.13.1 No heavy equipment shall enter the wetted stream channel.

2.13.2 No fill material, other than clean rock, shall be placed in the stream channel.

2.13.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.

2.13.4 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

2.14 Project Inspection. The Project shall be inspected by NRM Corp. or a licensed engineer to ensure that the remediation was conducted as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

3. Reporting Measures

3.1 Work Completion. A notice of **Work Completion** shall be submitted to CDFW within 7 days of project completion (Condition 2.3). The report shall be submitted to CDFW LSA Program at 619 Second Street, Eureka, CA 95501.

3.2 Stream Restoration Plan. The Permittee shall submit a **Stream Restoration Plan** to CDFW prior to conducting remediation activities (Condition 2.4). The report shall be submitted to CDFW LSA Program at 619 Second Street, Eureka, CA 95501.

3.3 Submittal of a Revegetation Plan. A **Revegetation Plan** shall be submitted with the SRP to CDFW for review and approval prior to implementation of the remediation activities (Condition 2.10). The Revegetation Plan shall be submitted to CDFW LSA Program at 619 Second Street, Eureka, CA 95501.

3.4 Project Inspection. The Permittee shall submit the **Project Inspection Report** (Condition 2.14) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

To Permittee:

Mr. Dan Williams
21882 Bear Creek Way
Los Gatos, California 95033
408-590-9193
dankathy@wildblue.net

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0518-R1

LIABILITY

The Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall **expire two years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of the Permittee, the signatory hereby acknowledges that he or she is doing so on the Permittee's behalf and represents and warrants that he or she has the authority to legally bind the Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR Mr. Dan Williams



Dan Williams



Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer

Senior Environmental Scientist Supervisor



Date

State of California
Well Completion Report
Form DWR 188 Auto-Completed 9/16/2019
WCR2019-009840

Owner's Well Number _____ Date Work Began 06/07/2019 Date Work Ended 06/07/2019
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
Secondary Permit Agency _____ Permit Number 18/19-1099 Permit Date 05/16/2019

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity	
Name <u>XXXXXXXXXXXXXXXXXXXX</u>		Activity <u>New Well</u>	
Mailing Address <u>XXXXXXXXXXXXXXXXXXXX</u> <u>XXXXXXXXXXXXXXXXXXXX</u>		Planned Use <u>Water Supply Irrigation - Agriculture</u>	
City <u>XXXXXXXXXXXXXXXXXXXX</u>	State <u>XX</u> Zip <u>XXXXX</u>		

Well Location									
Address <u>28810 alderpoint RD</u>						APN <u>217-255-002</u>			
City <u>blocksburg</u>		Zip <u>95514</u>		County <u>Humboldt</u>		Township <u>02 S</u>			
Latitude <u>40</u> <u>17</u> <u>18.2111</u> <u>N</u>		Longitude <u>-123</u> <u>38</u> <u>38.0508</u> <u>W</u>				Range <u>05 E</u>			
Deg. Min. Sec.		Deg. Min. Sec.				Section <u>17</u>			
Dec. Lat. <u>40.288392</u>		Dec. Long. <u>-123.643903</u>				Baseline Meridian <u>Humboldt</u>			
Vertical Datum _____		Horizontal Datum <u>WGS84</u>				Ground Surface Elevation _____			
Location Accuracy _____		Location Determination Method _____				Elevation Accuracy _____			
						Elevation Determination Method _____			

Borehole Information				Water Level and Yield of Completed Well			
Orientation <u>Vertical</u>		Specify _____		Depth to first water <u>157</u> (Feet below surface)			
Drilling Method <u>Direct Rotary</u>		Drilling Fluid <u>Air</u>		Depth to Static _____			
Total Depth of Boring <u>180</u> Feet				Water Level <u>150</u> (Feet)		Date Measured <u>06/07/2019</u>	
Total Depth of Completed Well <u>180</u> Feet				Estimated Yield* <u>15</u> (GPM)		Test Type <u>Air Lift</u>	
				Test Length <u>1</u> (Hours)		Total Drawdown <u>15</u> (feet)	
				*May not be representative of a well's long term yield.			

Geologic Log - Free Form		
Depth from Surface Feet to Feet	Description	
0 20	top soil	
20 60	clay	
60 120	shale	
120 180	blue rock, streaks of quartz	

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	180	Blank	PVC	OD: 5.563 in. Thickness: 0.375 in.	0.375	5.563	Milled Slots		0-160 blank pvc 160-180 .032 perf. pipe

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	21	Bentonite	Non Hydrated Bentonite	3/8	
21	180	Filter Pack	Other Gravel Pack	3/8s pea gravel	

Other Observations:

Borehole Specifications

**Depth from
Surface**
Feet to Feet

Borehole Diameter (inches)

0	180
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Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief

Name	BUSHNELL ENTERPRISES
------	----------------------

Person, Firm or Corporation

649 BEAR CREEK ROAD

GARBERVILLE

CA

95542

Address

City

State

Zip

Signed *electronic signature received*

C-57 Licensed Water Well Contractor

07/18/2019

403708

C-57 Licensed Water Well Contractor

Date Signed

C-57 License Number

DWR Use Only

CSG #	

State Well Number

Site Code

Local Well Number	

			N
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TRS:

APN:



Well Completion Report Map Application

Well Completion Report PDFs for Amador County are temporarily no

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(2 of 2)

28810 alderpoint road hinc X O

←

WCR2019-009840

WCR Number

Legacy Log Number

Well Location

City

County Name

Local Permit Agency

Permit Date

Permit Number

DWR Region Office

Owner Assigned Well Number

Record Type

Planned Use/Former Use

Driller Name

WCR2019-009840

28810 alderpoint RD

blocksburg

Humboldt

Humboldt County Department of Health & Human Services - Land Use Program

5/16/2019

18/19-1099

DWR Northern Region Office

WellCompletion/New/Production or Monitoring/NA

Water Supply Irrigation - Agriculture

BUSHNELL ENTERPRISES

WCR2019-00

Well Completion Reports

Options		Filter by map extent	Zoom to	Clear selection	Refresh				
WCR Number	Legacy Log Number	Owner Assigned Well Number	Well Location	City	County Name	Local Permit Agency	Permit Date	Permit Number	Region Of
WCR2019-009840			28810 alderpoint RD	blocksburg	Humboldt	Humboldt County Department of Health & Human Services - Land Use Program	5/16/2019	18/19-1099	DWR North Region Of

1 features 1 selected

April 3, 2019



Dan and Kathleen Williams
21882 Bear Creek Way
Los Gatos, CA 95033
(408) 590-9193

**Dan Williams Conversion Mitigation Report
for Humboldt APN #217-255-002
SW ¼, Section 17, T2S, R5E HB&M**

Dan Williams have applied for a Humboldt County cannabis cultivation permit under Ordinance 2544. Within the Ordinance under Section 55.4.10 (j), is the requirement "Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a Registered Professional Forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance, applications for Commercial Cannabis Activity occupying sites created through prior unauthorized conversion of timberland. The document evaluates site conditions and conversion history for the parcel and contains a RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act. On April 1, 2019, Ethan Coonen of Natural Resources Management visited the property and inspected the converted areas. The clearing efforts that occurred during the current ownership are considered conversion of timberland and were performed without a proper permit from CalFire. Very few trees have been cut since 2009. The current outdoor and greenhouse cultivation areas have never been forested. Ten acres of Douglas-fir forest between the conversion sites burned in 2017.

I. Contact Information

a. Timberland/Timber Owner of Record:

Dan and Kathleen Williams
21882 Bear Creek Way
Los Gatos, CA 95033
(408) 590-9193

b. Registered Professional Forester Preparing Report:

Merritt Lindgren RPF # 2522
1434 Third Street
Eureka, CA 95501
442-1735



- a. Site Address: 28810 Alderpoint Ed, Blocksburg, Ca, 95514, SW ¼ of Sec. 17, T2S, R5E HB&M
- b. Community Area: Blocksburg
- c. Assessor's Parcel No(s): 217-255-002
- d. Parcel Size(s): ~114 acres

3. Project Description

- a. Timber stand characteristics including species composition and age class.

The property is within a matrix of Douglas-fir/oak forest and grassland. The surrounding forest composition consists primarily of less than uneven aged second growth Douglas-fir and oak with a minor amount of other hardwood species. All species combined basal areas between 60 to 220 square feet per acre with 40% to 100% closed canopy. The property is zoned partially Forest Recreation with Building Site (FR-B-5(40)) and Timber Production Zone (TPZ).

- b. Watercourse and Lake Protection Zones (WLPZ) which exist within the boundaries of the parcel or immediate vicinity of the project (Section 916.4)

RIPARIAN BUFFER WIDTHS:

Class II standard watercourse 14CCR 916.9(g): (within the Coastal Anadromy Zone)

Channel Zone = channel between the WTL.

<30% = 15' Core Zone and 50' Inner Zone

30%-50% = 15' Core Zone and 75' Inner Zone

>50% = 15' Core Zone and 100' Inner Zone

Class III watercourse 14CCR 916.9(h): (within the Coastal Anadromy Zone)

30 ft. for side slopes <30%.

50 ft. for side slopes >30%.

There are several class II and class III watercourses on the parcel. One of the conversion areas is within 100 feet of a class II watercourse but not within the WLPZ.

- c. Describe the timber harvest history, including timber operations within the parcel prior to the unauthorized conversion.

Nearly all the conifer forests in the area were harvested in the late 60's and early 70's; Large diameter Douglas-fir trees were tractor yarded.

- d. Identify and describe any portions of the parcel that are part of the unauthorized conversion of timberland. Calculate the total acreage of all areas converted. Differentiate between discrete (non-contiguous) areas of conversion and provide relevant sub-totals of these acreages.

Two illegal conversions occurred on this parcel, totaling **0.84 acres**.

Conversion Site A

A portion of timberland was cleared between 2016 and 2018 (Photos 1, 2, 3, & 4). Two 90' X 26' buildings were constructed for cannabis cultivation, see Figure 3. The area is accessed with a well rocked road with adequate drain. The conversion area is 52' from of a class II watercourse with 20% slope in between. About 30 Douglas-fir trees were cleared from a 100' by 250' area, totaling approximately 24,200 **square feet (0.56 acres)**. Ownership at time of conversion was Dan and Kathleen Williams. Minor grading has occurred here.

Conversion Site B

A small patch of Douglas-fir trees and possible some oak within a meadow burned in 2017 during a wildfire (Photos 5 & 6). By 2018 the trees had been all cut down. The site is 160' by 60', totaling approximately **12,200 square feet or 0.28 acres** see Figure 4. Ownership at time of conversion was Dan and Kathleen Williams. No grading has occurred here. Four of the felled trees have stump diameter greater than 48". Slopes are 20% within the site, 30% below the site, and flat above the site. Several log rounds rolled down hill and are currently in a class III watercourse (Photo 7). Some slash still needs to be treated, see recommendations below.

4. Analysis of Consistency Between Unauthorized Conversion and Applicable Forest Practice Rules (CFPR)

a. Harvest Practices and Erosion Control (CFPR Section 914)

Approximately 30 trees at conversion A and 6 trees at Conversion B were cleared from areas (see conversion on Figure 2) shown as timberland on the 1967 Blocksburg 7.5' Quad Map. No permits were obtained prior to conversion operations. No erosion issues associated with timber clearing present at either conversion site.

b. Logging Roads, Landings, and Logging Road Watercourse Crossings (CFPR Section 923)

The access roads from Alderpoint Road to the conversion sites are the appurtenant roads for the conversion operations that have occurred. At the entrance gate where the access road leaves Alderpoint Road a seep is present and flowing along the access road and across Alderpoint Road (Photo 8). See recommendations below.

c. Watercourse and Lake Protection Zones (CFPR Section 916)

Several tree rounds have rolled into a class III watercourse (Photo 7), see recommendation below. No other watercourse protection issues present at the conversion sites or with their access.

d. Hazard Reduction (CFPR Section 917 and 1104.1(a) (2)(D) 4.

A small amount of Douglas-fir slash and woody debris is present by Conversion B, see recommendation below.

e. Rare, Threatened or Endangered Plants or Animals (CFPR Section 919)

No Rare, Threatened or Endangered Plants or Animals were observed during the site visit.

f. Significant Historical or Archeological Sites (CFPR Section 929)

No evidence of historical or archaeological sites were observed at or near conversion sites.

5. Summary and Recommendations

Both conversion sites are suitable for current uses. Conversion Site A accommodates indoor cannabis production/processing facilities. The forest surrounding the north half of Site A is fully loaded with fuels. A structure protection clearing would reduce chances of losing the buildings to another wildfire. If buildings are permitted than a structure protection permit can likely obtained to sell the timber.

Site B was cleared to provide more sunlight to an outdoor *Cannabis* garden. Four stumps with at least 50-inche diameters were present; conversion rules prohibit clearing Douglas-fir trees greater than 48-

inche stump diameter. The area had burned in the 2017 wildfire and the trees may have been dead or dying and cleared for safety concerns. To mitigate this arbitration of the rules the burned area, not including the conversions, shall be replanted with Douglas-fir seedlings. Plant 2000 seedling across the 10 acres of the main burned area with minimum spacing of 12 by 12 feet. Seedlings will not necessarily be spaced equally but shall be arranged to maximize site occupancy with Douglas-fir trees.

Disclosure: Aerial photos show a 30' by 30' area north of the current greenhouses was cleared between 2016 and 2018. However, only shrubs, no trees, were cleared.

Three recommendations are given to bring the conversion sites and their access into compliance with the Forest Practice Rules. Locations of recommendations can be found, labeled as Map Points, on Figure 2 and Figure 4.

#1) Untreated slash creating fire hazard and pest habitat (Photo 6). Pile and burn, chip and spread, or bury to reduce fire potential, fire severity, and pest habitat. Permits must first be obtained from CalFire and Air Resource Board for burn piles.

#2) Woody debris in class III watercourse (Photo 7). Log rounds from conversion have rolled into watercourse channel. Remove log rounds from channel. Pile and burn, use for firewood, or leave scattered beyond channel banks.

#3) Surface flow along rocked road (Photo 8). Flow coming from seep at entrance gate. An inboard ditch would connect road drainage to watercourse, do not construct inboard ditch. Construct rocked rolling dip or French drain to divert water across road to inboard ditch of Alderpoint road on right side of access road.

6. Photos, Figures, Map



Photo 1. Southwest corner of Site A looking north. East edge of area burned in wildfire in photo left. Stump less than 48" diameter.



Photo 2. Northwest corner of Site A looking southeast.



Photo 3. South edge of Site A looking west at area burned in 2017 wildfire.



Photo 4. Northeast edge of Site A. Suitable area for structure protection clearing.



Photo 5. East edge of Site B looking southwest.



Photo 6. Center of Site B looking northeast at two of the stumps greater than 48".



Photo 7. West of Site B looking at log rounds from Site B clearing that landed in watercourse channel.



Photo 8. Seep at entrance gate. Construct rolling dip or French drain to diver surface flow to road-right.

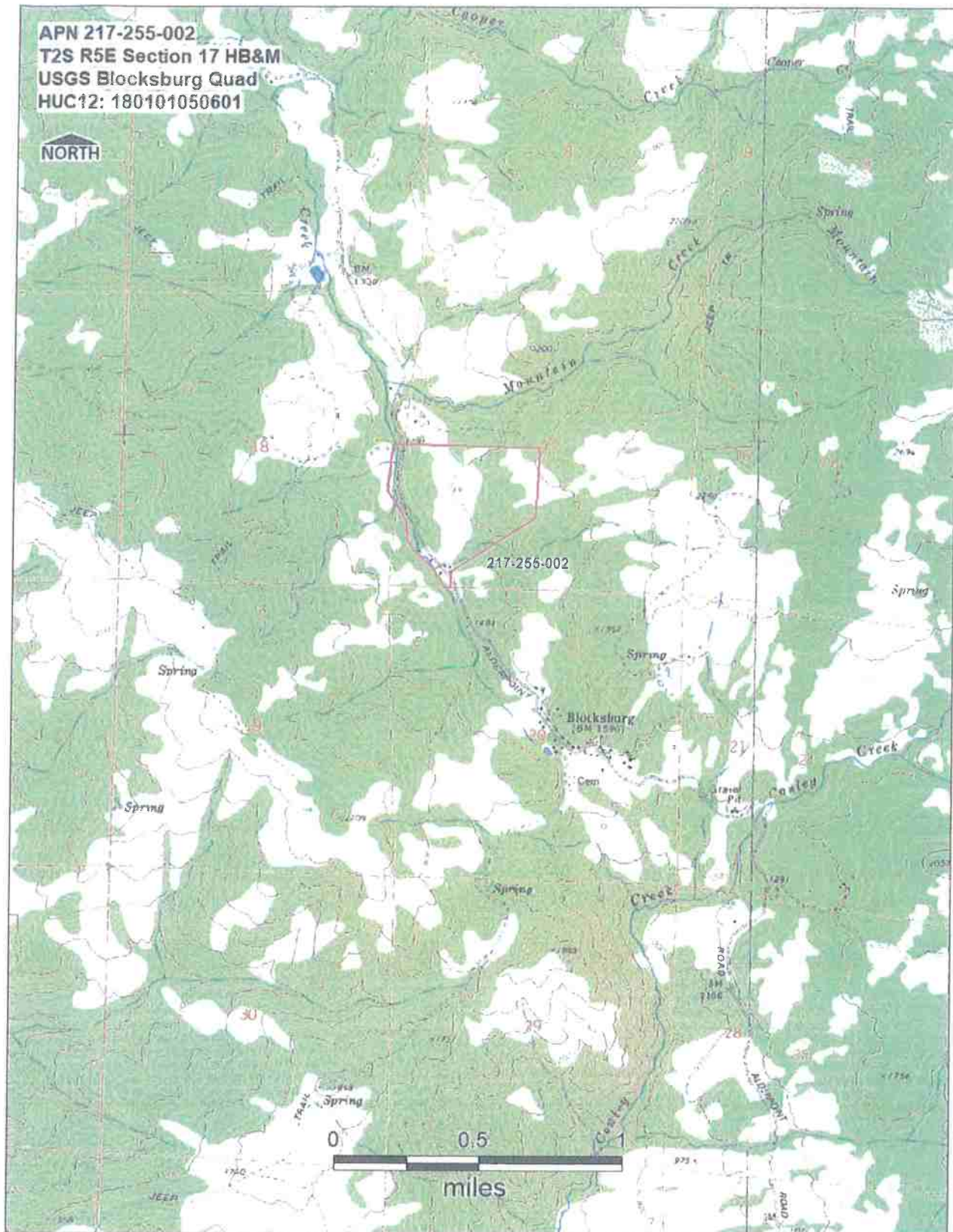


Figure 1. Vicinity Map

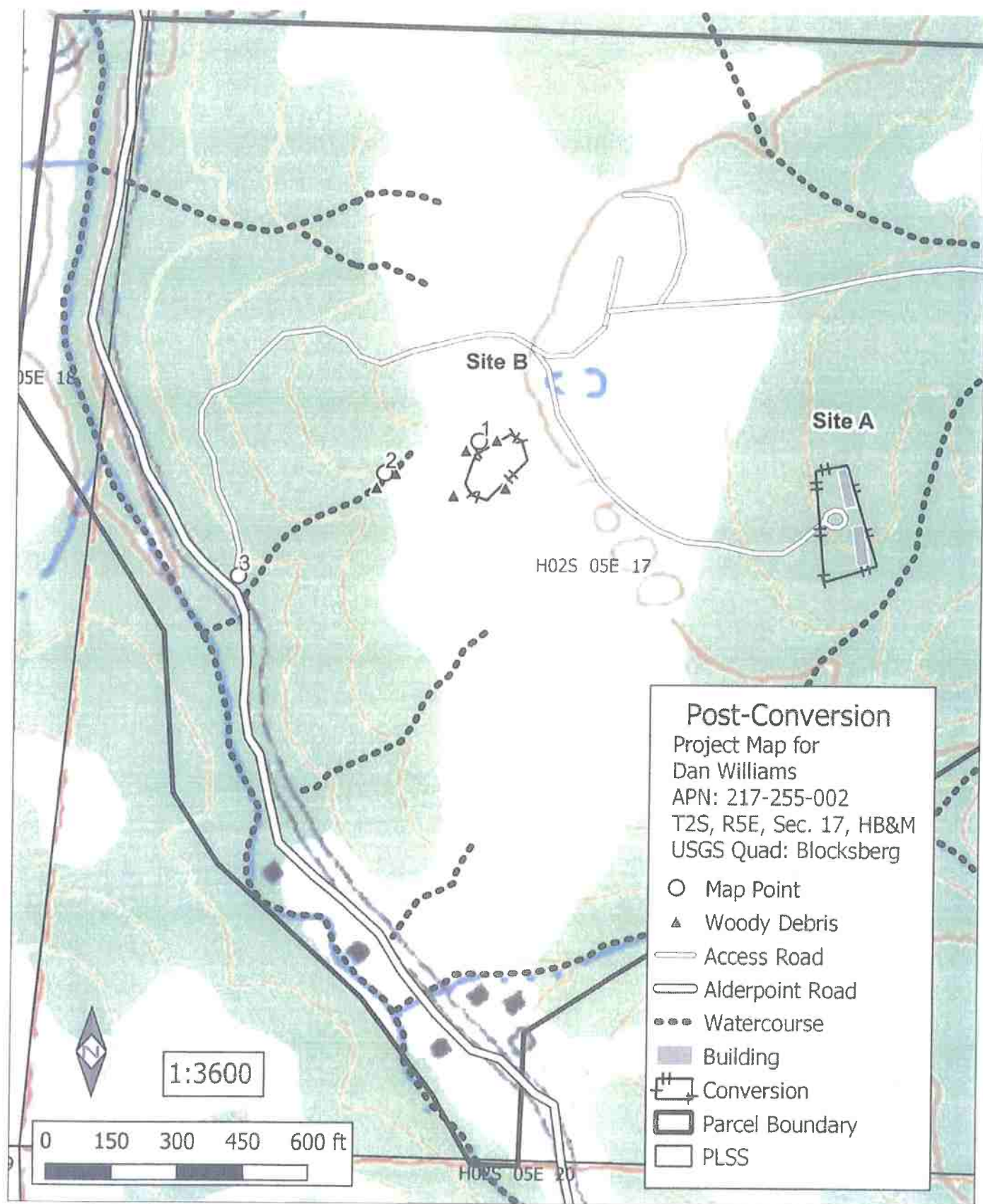


Figure 2. Project Map

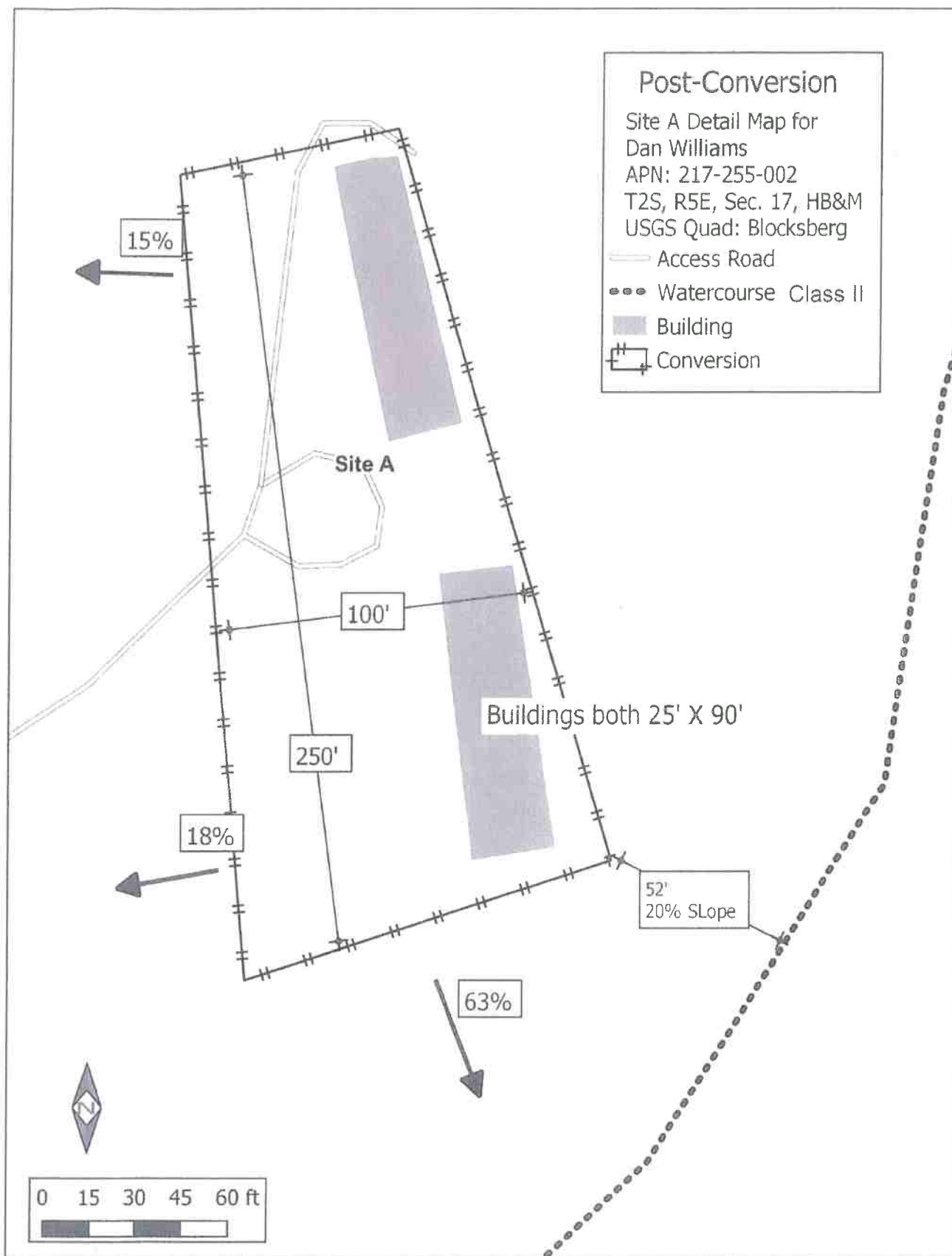


Figure 3. Conversion A Detail Map.

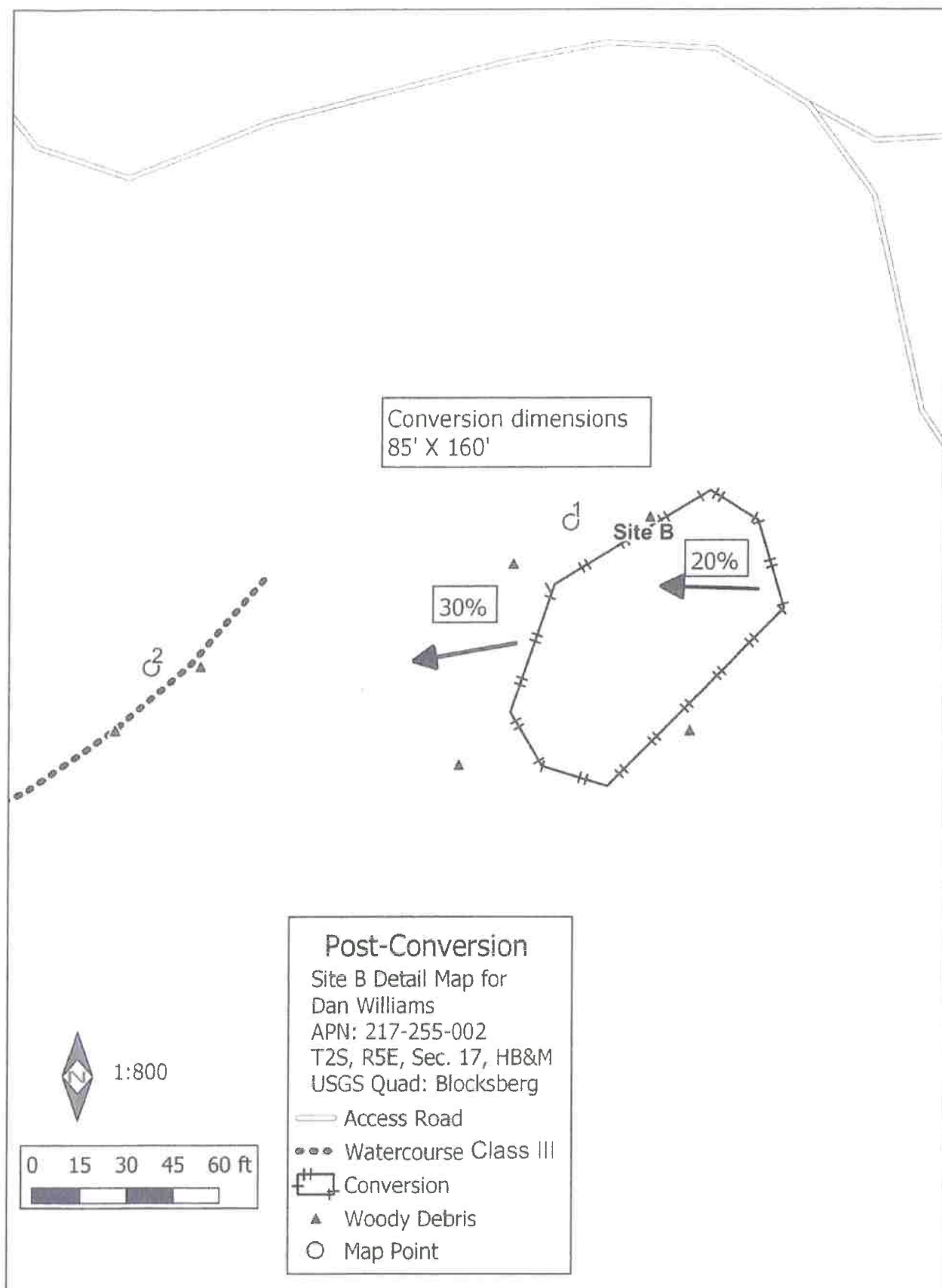


Figure 4. Conversion B Detail Map.

Property Detail Report

For Property Located At :
28810 ALDERPOINT RD, BLOCKSBURG, CA 95514



Owner Information

Owner Name: WILLIAMS DANIEL B / WILLIAMS KATHLEEN L
Mailing Address: 22802 BEAR CREEK WAY, LOS GATOS CA 95033
Vesting Codes: // TR

Location Information

Legal Description: T 2S R 5E SEC 17
County: HUMBOLDT, CA APN: 217-255-002-000
Census Tract / Block: 116.00 / 1 Alternate APN: 217-255-02
Township-Range-Sect: 2S-5E-17 Subdivision:
Legal Book/Page: Map Reference:
Legal Lot: 2 Tract #: /
Legal Block: 5 School District: SOUTHERN HUMBOLDT
Market Area: School District Name: SOUTHERN HUMBOLDT
Neighbor Code: 217 Munic/Township:

Owner Transfer Information

Recording/Sale Date: / Deed Type:
Sale Price: 1st Mtg Document #:
Document #:

Last Market Sale Information

Recording/Sale Date: 09/20/2016 / 08/31/2016 1st Mtg Amount/Type: \$200,000 / PRIVATE PARTY
Sale Price: \$230,000 1st Mtg Int. Rate/Type: /
Sale Type: FULL 1st Mtg Document #: 18000
Document #: 17907 2nd Mtg Amount/Type: /
Deed Type: GRANT DEED 2nd Mtg Int. Rate/Type: /
Transfer Document #: Price Per SqFt:
New Construction: Multi-Split Sale:
Title Company: KP TITLE
Lender: PRIVATE INDIVIDUAL
Seller Name: RODE VOGEL HOUT LLC

Prior Sale Information

Prior Rec/Sale Date: 12/17/2012 / 11/13/2012 Prior Lender:
Prior Sale Price: \$430,000 Prior 1st Mtg Amt/Type: \$100,000 / PRIVATE PARTY
Prior Doc Number: 30357 Prior 1st Mtg Rate/Type: /
Prior Deed Type: GRANT DEED

Property Characteristics

Year Built / Eff: / Total Rooms/Offices:
Gross Area: Total Restrooms:
Building Area: Roof Type:
Tot Adj Area: Roof Material:
Above Grade: Construction:
of Stories: Foundation:
Other Improvements: Building Permit: Exterior wall:
Basement Area:

Garage Area:
Garage Capacity:
Parking Spaces:
Heat Type:
Air Cond:
Pool:
Quality:
Condition:

Site Information

Zoning: TPZ Acres: 102.00 County Use: PARTION TPZ, WHITE WOOD IMPROVED (7005)
Lot Area: 4,443,120 Lot Width/Depth: * State Use:
Land Use: FOREST Commercial Units: Water Type:
Site Influence: Sewer Type: Building Class:

Tax Information

Total Value: \$323,460 Assessed Year: 2018 Property Tax: \$3,585.66
Land Value: \$175,550 Improved %: 46% Tax Area: 156001
Improvement Value: \$147,900 Tax Year: 2017 Tax Exemption:
Total Taxable Value: \$323,460

Figure 5. Deed report for APN: 217-255-002 accessed from Realquest.com

7. References and Conditions

California Forest Practice rules, 2019; Title 14, California Code of Regulations

Humboldt County Web GIS; <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>

Real Quest Data – County Assessor information; <http://pro.realquest.com/servlet/workflow/main#/report/apn>

STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE PREPARATION AND USE OF THE LESS THAN 3 AC CONVERSION MITIGATION PLAN


1. This information has been prepared for the sole use of the **Landowner of Record**, for the express purpose of submitting the document to CAL Fire and or the local county planning department.
2. Natural Resources Management Corporation does not assume any liability for use of this information by any party other than the owner or their agent.
3. The assessment presented in this report should be viewed and considered in light of the time spent observing the property and the methodologies used. The assessment may differ from those made by others or from the results of interpretation and assessment protocols.
4. Natural Resources Management Corporation did not conduct an investigation on a legal survey of the property.
5. The information is based upon conditions apparent to Natural Resources Management Corporation at the time the work was done. This report is time sensitive and provides current conditions as per the date of this document. No further clearing of trees, grading or construction of structures shall occur on site until the approval of this document by CAL Fire and/or the local county planning department.
6. All future work on site shall be through **approved permits** with local state or county agencies.
7. Natural Resources Management Corporation shall not be responsible for the supervision of mitigation operations following approval of this conversion plan.

Signature Page

Landowner of Record: Dan Williams

Signature:  Date: April 24, 2019

Registered Professional Forester: Merritt Lindgren # 2522

Signature:  Date: 4/3/2019

Promethean Industries LLC



Date: 11/24/19

RE: APPS# 11710; APN 217-255-002

To Humboldt County Planning Department,

We are formally requesting for an increase in the allotted vegging and propagation space. As of now, your department is allowing cultivators to have a non-taxed vegging/propagation footprint of 10% of the total cultivation area that has been granted. This letter is an explanation as to how we cultivate and why we are asking for extra square footage for propagation. We are a bit unorthodox in our operational methods in that we continually hunt different strains from seed and we have hundreds of phenotypes that we have collected and maintained both in seeds and as "mothers" in order to preserve the genetics that we have amassed. No two strains are alike, and it is difficult to find clean, uncompromised specimens that will become a product able to meet current white-market demand. In order to operate at max efficiency, we keep 25 mothers of the strains we are using each season and we have found that it is best to keep five mothers of every other strain that we are not using for that specific run. This ensures strong healthy cuts.

Firstly, a "primary" mother kept in a consistent vegetative state is about 6ft tall and 4-6 ft in diameter. Crowding mothers into greenhouses leads to many problems such as mildews and molds, not to mention diseases and pest infestations and it also creates the issue of easy transference of pathogens from one cultivar to the next. In a 24'x100' greenhouse we can keep 100 healthy, vigorous mothers and that is at max capacity. We have the best success in the white market when we run 10-20 varieties a year. At peak production, this formula means that for our full acre of cultivation we need approximately 500 primary mothers, housed in five 24'x100' greenhouses, for a total of 12,000 sq. ft. These plants are kept solely for taking clones and preserving genetics in-house. Primary mother housing space as shown above comprises nearly 28% of our total allotted blooming footprint (taxed cultivation area).

Secondly, a "reserve" mother kept in a consistent vegetative state is 3-4 feet tall and about 3 feet in diameter. We have close to 150 strain varieties that are kept to either preserve genetics not currently being cultivated or as backups in case primary mothers are compromised or die. Keeping five of each strain, with 150 strains equals 750 plants in a 3 ft by 3 ft spacing for a total of 3600 sq. ft. Reserve mother housing space as shown above comprises almost 8.5% of our total allotted blooming footprint (taxed cultivation area).

Thirdly, we must address the needs for actual propagation of plants that will be bloomed during that season to create the final product which will be sent to market (income crop). We have learned over many years of experimenting that to be successful in Mixed Light cultivation, we must create 5 to 6 foot

Promethean Industries LLC

tall plants before they are switched into the flowering stage. We can put 600 plants in each 24'x150' greenhouse, for a total of 3600 plants in our Mixed Light area (six 24'x150' greenhouses). Allotting a 2'x2' area for each plant we would need 7200 sq. ft. of propagation for our flowering Mixed Light area which when moved they will get double the space as we spread them out and let them veg another two weeks to fill in.

Preparing the full-sun outdoor crop for flowering is where it really gets challenging to comply with current regulatory definitions regarding "propagation areas." The outdoor crop requires approx. 650 plants to be started in February of each year in order to be ready to be planted in the open air in June. The immature full-term plants must be protected from the elements in order to grow to the size (minimum 5 feet tall) that will be viable to plant in June. This takes up a large footprint so it's quite a conundrum to figure out where to shelter the full-term immature plants before they are ready to be planted while still complying with the current County regulations. They need sheltered space to breathe and thrive without danger of overcrowding which, as previously stated, causes branch die-off, and then pests, disease, and mold spread rampant. If we use our Mixed Light greenhouses to veg any of the immature plants for either the Mixed Light or Full-Term crops, we will realistically only get one run/harvest per season. At the current state tax rate to market value and the cost of running one of these farms through the season we need to be able to have three successful "runs" per year.

Finally, as we have demonstrated here, having adequate space for genetic preservation and maintenance, as well as crop propagation/preparation is critical to our success. The following is a total breakdown of ideal conditions regarding vegetative space based on the math shown previously:

- 12,000 sq. ft. for primary mothers
- 3600 sq. ft. for reserve mothers and genetic storage/preservation
- 7200 sq. ft. for Mixed Light crop propagation & preparation
- 4800 sq. ft. for Outdoor full-term propagation & preparation
- 21,600 sq foot total.

This reflects a 50% propagation to flowering ratio in optimum, ideal circumstances.

We understand that it is probably not feasible to ask for the entire 50% footprint of vegetative space, but if we are granted 25% (11,000 sq. ft.) we are willing to make the necessary sacrifices of genetic stock (primary and reserve mothers) in order to make it work. We will also have to figure out how to handle the propagation and preparation of each income crop without assigned vegetative space for those plants during the season, but are willing to change our operation to comply with what we are granted, so long as it doesn't put us out of business.

Ultimately, the current general standard of 10% being allowed for vegetative space may work for some, but we know that many, many farmers buy clones for each run and lose a lot of their crop to issues that arise from poor genetics and/or contaminated plants, as well as over-crowding and less than optimal


Promethean Industries LLC

operational techniques. If granted the extra space, we will be able to preserve our genetics and propagate the plants we need in-house to ensure healthy, strong cultivars for each upcoming season.

We ask that you consider the importance and validity of the proposed space we are asking for. Please remember that the market value of outdoor and greenhouse-grown cannabis yields a much smaller market price compared to a good quality indoor crop but yet is taxed the same by the state, making it vital that we hit the mark on both trending strains and product quality. We are family-run and have every bit of our resources completely invested in this farm. We have overcome obstacle after obstacle in the legalization process, and it only seems to get more difficult to balance compliance versus profit as the laws continue to evolve, both on a local and state level. We don't want to go under and we know that if this request is granted it will give us what we need to continue being self-sufficient with our operation, giving us a fighting chance to be successful in today's fluctuating market.

Please see the Plot Plan submitted with this package for the proposed layout of vegetative greenhouses at 25% of our total, taxable cultivation area. We hope that you find our request acceptable and that we will be allowed to optimize our operation in order to become a shining example of what a self-sufficient, legal Humboldt farm can be. We would like to extend the invitation for inspection of our farm in the spring if it will help the Planning Department understand more about the information in this letter and why this request is so important to us. Thank you for your consideration of this proposal.

Sincerely,


Jose DeAngulo

Managing Member

Biological Report

Blocksburg, Humboldt County, California

APN 217-255-002

***Prepared for:**
Williams Brothers*



***Prepared by:**
Michelle McKenzie and Claire Brown
Natural Resources Management Corporation
1434 Third Street
Eureka, CA 95501*

April 5, 2018



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I. Summary of Findings and Conclusions

No special status species were observed, and no habitat features suggesting the potential presence of any additional special status herpetofauna or plant species were found in the project vicinity. Given these findings and the scale of the project area, the potential impacts to biological resources are minimal.

II. Introduction, Background, and Project Understanding

The purpose of this Biological Report is to review the project in sufficient detail to determine to what extent any species currently listed or formally proposed for listing as endangered or threatened under the federal Endangered Species Act or designated as sensitive by the California Department of Fish and Wildlife, may be affected.

Project Description

The proposed project entails the restoration of two stream channels significantly impacted by the deposit of large volumes of soil fill, the removal of a fill crossing from a third channel, and the removal of an old spring box from a wetland area. This project will entail significant soil disturbance within the bed and bank of the impacted channels and within the Streamside Management Area (SMA). All project sites have undergone previous heavy disturbance.

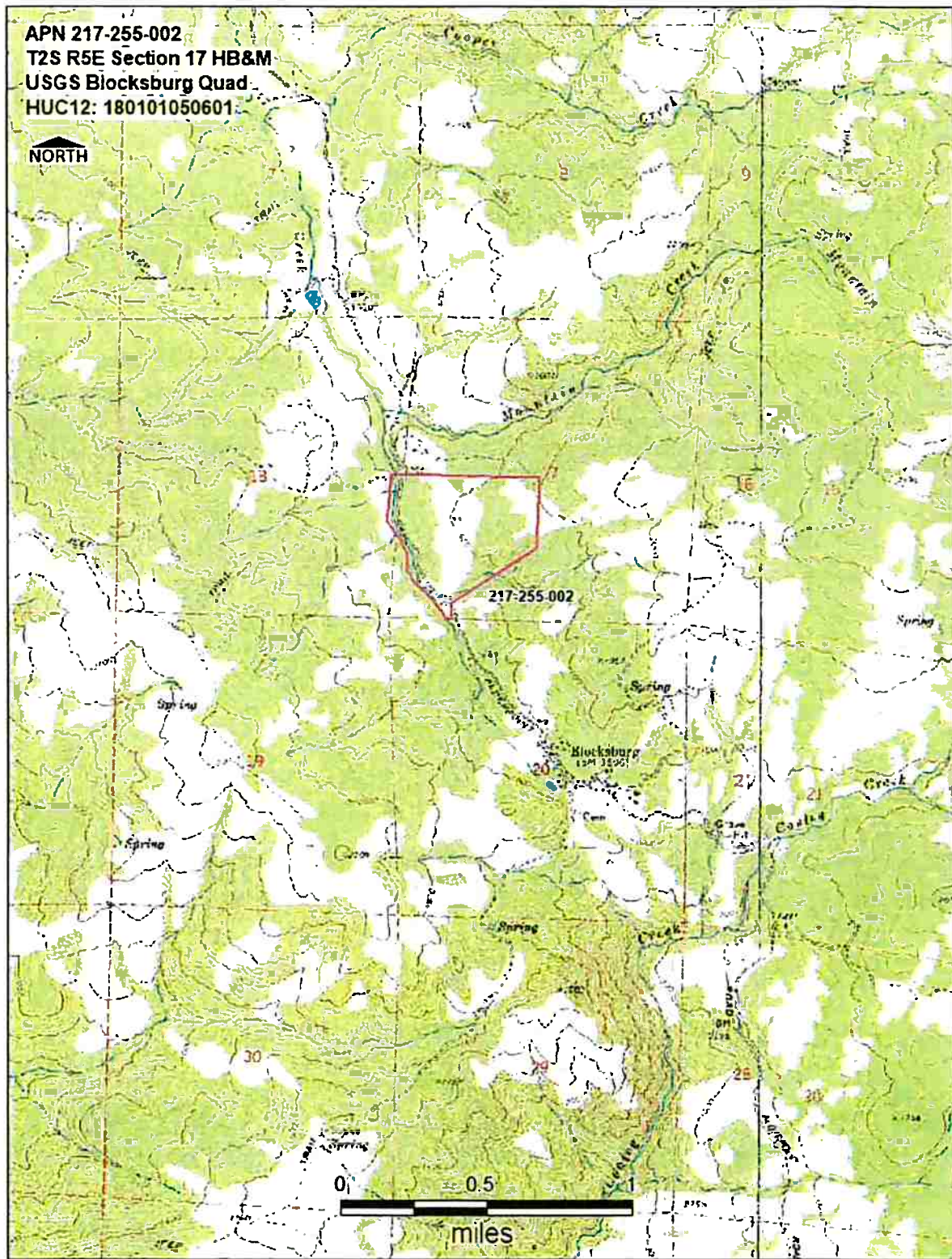


Figure 1. Vicinity map for APN 217-255-002

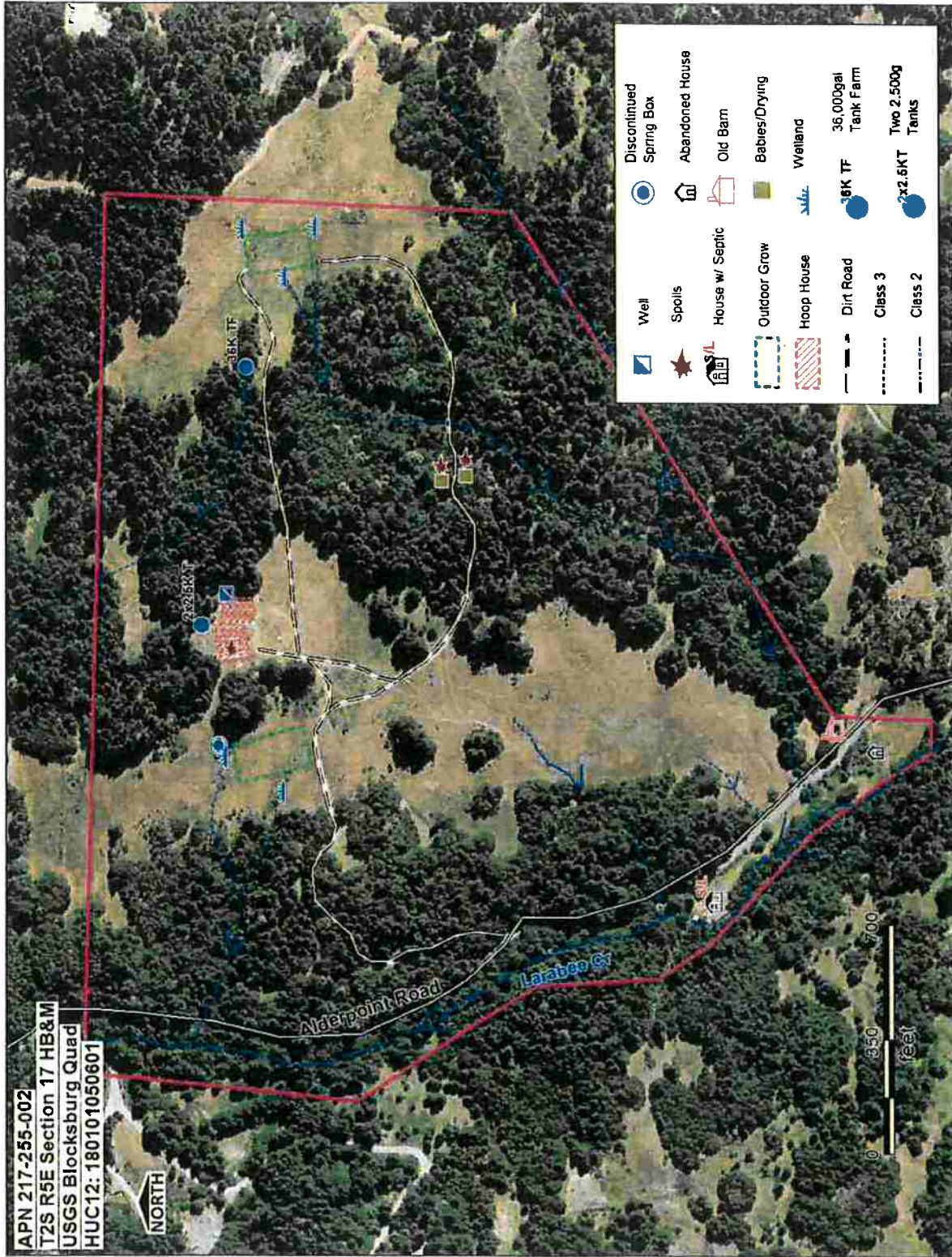


Figure 2. Property map for APN 217-255-002

Natural Resources Management Corporation
April 5, 2018

III. Methods

Pre-Field Review

Prior to the survey, the CDFW California Natural Diversity Data Base (CNDDDB 2018) record of wildlife and plant species occurrences for Humboldt County was queried for a nine-quad area around Blocksburg to determine if there were any known locations for special status species on the site. Wildlife results are shown in Table 1, and plant results are shown in Table 2.

Field Survey

On March 28th, 2018, NRM wildlife biologist Michelle McKenzie, and botanist Claire Brown conducted a site visit to survey the project areas for all terrestrial and aquatic species present. The survey was conducted for approximately 3 hours on a warm (70°F/21°C), sunny afternoon. During the survey the entire area traversed was scanned for wildlife sign (tracks, scat, burrows, nests). A list of plant species observed within the project areas was kept. The approximate areas surveyed are shown as corrective actions 1, 2, 6-9, and 13 on the Project map below (Figure 3).

Table 1. CNDDDB list of potential special status wildlife species in the Blocksburg nine-quad area.

Common Name	Scientific Name	Federal / State Listing
Cooper's hawk	<i>Accipiter cooperii</i>	Watch List
northern goshawk	<i>Accipiter gentilis</i>	State Special Concern (SSC)
golden eagle	<i>Aquila chrysaetos</i>	Fully Protected
osprey	<i>Pandion haliaetus</i>	Watch List
American peregrine falcon	<i>Falco peregrinus anatum</i>	Fully Protected
northern spotted owl	<i>Strix occidentalis caurina</i>	Federal and State Threatened
little willow flycatcher	<i>Epidonax traillii brewsteri</i>	State Endangered
fisher – West Coast DPS	<i>Pekania pennanti</i>	Federal Proposed, State Candidate Threatened
Sonoma tree vole	<i>Arborimus pomo</i>	SSC
western pond turtle	<i>Emys marmota</i>	SSC
southern torrent salamander	<i>Rhyacotriton variegatus</i>	SSC
Pacific tailed frog	<i>Ascaphus truei</i>	SSC
northern red-legged frog	<i>Rana aurora</i>	SSC
foothill yellow-legged frog	<i>Rana boylei</i>	State Candidate Threatened
summer-run steelhead trout	<i>Oncorhynchus mykiss irideus</i>	SSC

Table 2. CNDDDB list of potential special status plant species in the Blocksburg nine-quad area.

Common name	Species Name	Federal Status	CNPS Rank	State Rank
Humboldt County milk-vetch	<i>Astragalus agnicidus</i>	Endangered	1B.1	S2
two-flowered pea	<i>Lathyrus biflorus</i>	None	1B.1	S1
The Lassics lupine	<i>Lupinus constancei</i>	Candidate Endangered	1B.1	S1
Oregon fireweed	<i>Epilobium oreganum</i>	None	1B.2	S2
Mad River fleabane daisy	<i>Erigeron maniopotamicus</i>	None	1B.2	S2?

Pacific gilia	<i>Gilia capitata ssp. pacifica</i>	None	1B.2	S2
Yolla Bolly Mtns. bird's-foot trefoil	<i>Hosackia yollabollensis</i>	None	1B.2	S2
white-flowered rein orchid	<i>Piperia candida</i>	None	1B.2	S3
The Lassics sandwort	<i>Sabulina decumbens</i>	None	1B.2	S1
Siskiyou checkerbloom	<i>Sidalcea malviflora ssp. patula</i>	None	1B.2	S2
beaked tracyina	<i>Tracyina rostrata</i>	None	1B.2	S2
scabrid alpine tarplant	<i>Anisocarpus scabridus</i>	None	1B.3	S3
Konocti manzanita	<i>Arctostaphylos manzanita ssp. elegans</i>	None	1B.3	S3
northern meadow sedge	<i>Carex praticola</i>	None	2B.2	S2
giant fawn lily	<i>Erythronium oregonum</i>	None	2B.2	S2
coast fawn lily	<i>Erythronium revolutum</i>	None	2B.2	S3
water howellia	<i>Howellia aquatilis</i>	None	2B.2	S2
Howell's montia	<i>Montia howellii</i>	None	2B.2	S2
seacoast ragwort	<i>Packera bolanderi var. bolanderi</i>	None	2B.2	S2S3
small groundcone	<i>Kopsiopsis hookeri</i>	None	2B.3	S1S2
running-pine	<i>Lycopodium clavatum</i>	None	4.1	S3
Oregon goldthread	<i>Coptis laciniata</i>	None	4.2	S3?
three-ranked hump moss	<i>Meesia triquetra</i>	None	4.2	S4
Tracy's sanicle	<i>Sanicula tracyi</i>	None	4.2	S4
maple-leaved checkerbloom	<i>Sidalcea malachroides</i>	None	4.2	S3
Methuselah's beard lichen	<i>Usnea longissima</i>	None	4.2	S4
Pacific fuzzwort	<i>Ptilidium californicum</i>	None	4.3	S3S4
pale yellow stonecrop	<i>Sedum laxum ssp. flavidum</i>	None	4.3	S4

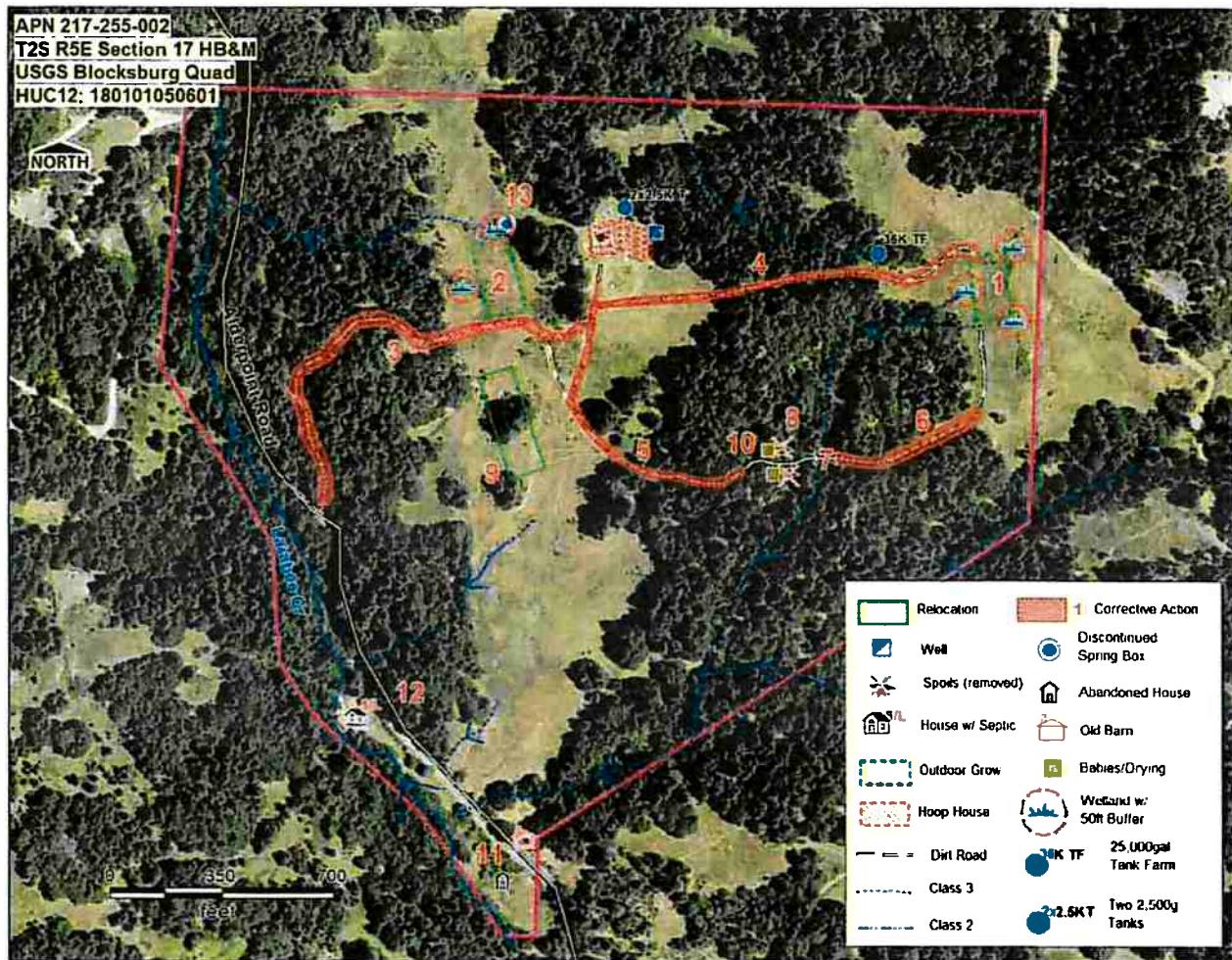


Figure 3. Project Map APN 217-255-002

IV. Results and Discussion

During the survey no special status species were observed and no habitat features were present to suggest any additional special status herpetofauna or plant species are in the project vicinity. In the standing water on the two flats to be removed, a single adult northern Pacific treefrog was found in the upper (or eastern) flat. (Appendix, Picture 1) and a subadult in the lower, or western, flat. Suspected tadpoles and egg masses in the spring box and surrounding water were also observed (Appendix, Pictures 2, 3).

Wildlife

In addition to the treefrogs, the following species were seen or heard in the vicinity of the parcel, none of which are special status species.

Table 3. Species detected during site visit, March 28, 2018.

Common Name	Scientific Name	Federal / State Listing	Detection Type
red-tailed hawk	<i>Buteo jamaicensis</i>	No	Visual
red shouldered hawk	<i>Buteo lineatus</i>	No	Visual
turkey vulture	<i>Cathartes aura</i>	No	Visual
downy woodpecker	<i>Picoides pubescens</i>	No	Visual
northern flicker	<i>Colaptes auratus</i>	No	Auditory, Visual
common raven	<i>Corvus corax</i>	No	Auditory, Visual
American robin	<i>Turdus migratorius</i>	No	Visual
Hutton's vireo	<i>Vireo huttoni</i>	No	Auditory
orange-crowned warbler	<i>Vermivora celata</i>	No	Auditory
golden-crowned kinglet	<i>Regulus satrapa</i>	No	Auditory
chestnut-backed chickadee	<i>Poecile rufescens</i>	No	Visual
purple finch	<i>Haemorhous purpureus</i>	No	Auditory
American goldfinch	<i>Spinus tristis</i>	No	Auditory, Visual
song sparrow	<i>Melospiza melodia</i>	No	Auditory
brown creeper	<i>Certhia americana</i>	No	Auditory
winter wren	<i>Troglodytes hiemalis</i>	No	Auditory
Oregon junco	<i>Junco hyemalis</i>	No	Auditory, Visual
spotted towhee	<i>Pipilo maculatus</i>	No	Auditory, Visual
northern Pacific chorus frog	<i>Pseudacris regilla</i>	No	Visual
black tailed deer	<i>Odocoileus hemionus columbianus</i>	No	Scat

Vegetation

The highly-disturbed project areas lie within a grassland and Douglas-fir forest mosaic. The survey timing was early, meaning it is possible that all species present may not have been detectable. However, no habitat suitable for any sensitive or special status species was present within the project footprints. The exception is Howell's Montia (*Montia howellii*), which would have been detectable and was not found.

The area identified as number 1 in Figure 3 (above) is a terrace created across the headwaters of a Class III stream channel (Picture 4). At the time of the site visit, water was actively seeping from the upslope cut onto and across the flat and into the channel below the fillslope. The undisturbed portion of this channel is vegetated with a 10-15-foot-wide swath of rush species (*Juncus patens* and *Juncus effuses*) and pennyroyal (*Mentha pulegium*) with an overstory of dog rose (*Rosa canina*). Surrounding the channel is open grassland vegetated by a mix of grasses, graminoids and forbs. Species present include natives such as California oatgrass (*Danthonia californica*), rushes (*Juncus sp.*) and yampah (*Perideridia kelloggii*) and non-natives such as medusahead (*Elymus caput-medusea*), pennyroyal (*Mentha pulegium*), and plantain (*Plantago lanceolata*). Not all species in the area were identifiable due to seasonal timing (early) and grazing (presumably by deer). Soils in this area were saturated at the time of the site visit.

The terrace fill itself has been vegetated by a mix of wetland, facultative and upland plant species such as pennyroyal, tall flatsedge (*Cyperis eragrostis*), Horsetail (*Equisetum arvense*), willow seedlings (*Salix sp.*), California oatgrass, tall oatgrass (*Arrhenatherum elatius*), vernal sweet grass (*Anthoxanthum odoratum*), tall

fescue (*Festuca arundinaceae*), clovers (*Trifolium sp.*), fiddle dock (*Rumex asper*), St. John's wort (*Hypericum perforatum*), thistle (*Carduus pycnocephalus*) and bon-fire moss (*Funaria sp.*). This area was characterized by standing water pooled on the compacted soils of the terrace surface. The entire area was intensively surveyed for Howell's montia (*Montia howellii*).

The area identified as number 2 in Figure 3 (above) is a second terrace, again built across the headwaters of a Class III stream channel (Picture 5). Water was actively seeping from the upslope cut onto and across the flat but was not connecting to the channel below the fillslope. The undisturbed portion of this channel is also vegetated with rush species (*Juncus patens* and *Juncus effusus*) and pennyroyal (*Mentha pulegium*) with an overstory of dog rose (*Rosa canina*) and poison oak (*Toxicodendron diversilobum*). Surrounding the channel is open grassland vegetated by a mix of grasses, graminoids and forbs including similar species to those described above.

The terrace fill is sparsely vegetated with many of the same species occupying the first terrace. This area was also extensively surveyed for Howell's Montia.

The spring north of this terrace, identified as area 13 on the map, was a small area impounded by an earthen berm, with two spring boxes, one cement and one wooden set into the soil (Picture 6). There was standing water at the time of the site visit. The impounded area was vegetated with rushes, (*Juncus effusus*), American brooklime (*Veronica americana*), Himalayan blackberry (*Rubus armeniacus*), Dog rose (*Rosa Canina*). A mix of non-native grasses such as tall fescue (*Festuca arundinaceae*) and medusa head (*Elymus caput-medusea*) were the dominant vegetation on and below the earthen berm.

The area identified as number 7 on the map above is a fill crossing on a Class III channel. This area is under partial Douglas-fir canopy (Picture 7). The fill itself was vegetated with weedy grasses and Himalayan blackberry (*Rubus armeniacus*). The surrounding stream channel area was vegetated with sword fern (*Polystichum munitum*), woodland strawberry (*Fragaria vesca*), lady fern (*Athyrium filix-femina*), miners lettuce (*Claytonia perfoliata*), and tree moss (*Leucolepis sp.*).

Cumulative Effects

For all species, direct effects are those which are caused by the action (project) and occur at the same time and place. Indirect effects are defined as those effects that are caused by the proposed action and are later in time, but still reasonably certain to occur. The proposed project will impact a combined 64,125 square feet. There was nothing found during the survey to indicate that the project footprint threatens sensitive or special status species with either direct or indirect effects.

Management Recommendations

All construction work should take place during the dry season, when all herpetofauna have terminated their use of seasonal surface water resources within the project areas. Best management practices regarding erosion control should be utilized, and impacts should be restricted to the project sites and access routes.

V. Appendix (Pictures taken March 28, 2018)



Picture 1. Northern Pacific treefrog basking on vegetation over standing water of upper flat.



Picture 2. Northern Pacific treefrog tadpoles and egg masses in spring box.



Picture 3. Suspected northern Pacific treefrog egg mass in water surrounding spring box.



Picture 4. Upper, eastern terrace, looking southeast.



Picture 5. Lower, western terrace, looking northwest.



Picture 6. Spring impoundment, looking north.



Picture 7. Fill crossing, looking south.



OMSBERG & PRESTON

Surveyors • Engineers • Planners

434 7th Street, Suite B
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(707) 443-8651
www.omsberg.com
kpreston@omsberg.com



REMEDIATION REPORT

for

APN 217-255-002 (APPS. #11710)

Prepared for:

HUMBOLDT HALLOW FARMS, LLC
c/o Dan Williams

(Job No. 16-1911)

Prepared by:

OMSBERG & PRESTON
434 7th Street, Suite B
Eureka, CA 95501
(707) 443-8651

September 12, 2017


Stephen G. Nesvold, P.E.
R.C.E. 25681



This report is to detail the remediation and relocation of two pre-January 1, 2016 cultivation areas located on APN 217-255-002, in the Larabee Creek area of Humboldt County. The parcel is split-zoned AE/TPZ, and has split General Plan designations of T/AG. Water for the site's agricultural operations is from an existing well, which is in the process of being permitted.

Both cultivation areas to be remediated have graded flats approximately 200' by 300' in size that were constructed within wetland areas. The cultivation activities at both sites have already been relocated due to Natural Resource Management Corporation, Inc. (NRM) following a Department of Fish and Wildlife (DFW) violation (Certified Mail #7011-3500-0002-2331-9997, dated December 7, 2015) for the easterly cultivation area; however, the areas have not been remediated.

As shown on the Plot Plan prepared by this office, the two relocated cultivation areas were consolidated into one 22,000 square foot area located at an environmentally suitable portion of the property. The new site consists of smart pots (for the 2017 season), with straw wattles and silt fencing permanently placed and maintained downhill of the flat to prevent sediment from the cultivation activities from entering Larabee Creek. Following project approval and issuance of appropriate building permits, the Applicant proposes to construct greenhouses in lieu of the smart pots at this location.

During the dry season, the areas to be remediated shall be regraded to preexisting contours and planted with native wetland vegetation per the planting plan to be provided by NRM. Appropriate erosion and sediment control measures, such as straw wattles or silt fencing, shall be placed and maintained until all disturbed areas have stabilized and native ground cover re-established. Vehicular traffic shall be prevented from accessing these areas at all times.

A Grading, Drainage & Erosion Control Plan will be prepared by Omsberg & Preston, detailing the remediation and restoration of these existing cultivation areas, as well as legacy and proposed grading activities at the site.

As this is a newly regulated industry, the Applicant requests assistance from the County in restoring and remediating these sites so that the expectations of the governing agencies will be met. The remediation of the cultivation areas on APN 217-255-002 will meet all requirements of Humboldt County's Commercial Medical Marijuana Land Use Ordinance, and other governing agency requirements.



25 — 150 kVA | Diesel Rental Generators



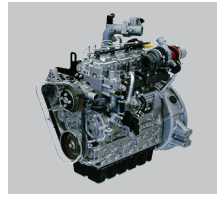
Portable Power

Doosan Portable Power's new range of small diesel rental generators features five models covering power nodes from 25 to 150 kVA. Powered by tier 4 final-compliant engines from Doosan and Cummins, these new models are engineered to provide the highest reliability while lowering the total cost of ownership. These innovative new models are the quietest generators we've ever offered so you can be confident these units will provide the power and performance you demand, even in noise-sensitive applications.



Designed with you in mind

Easy-to-use operator interface features digital display of key engine and generator parameters. Redesigned connection panel provides safe and easy power wiring installation.



Powerful, compliant diesel engines

State of the art engines from Doosan and Cummins provide leading fuel economy and performance while ensuring the compliance with the latest emissions standards.



Unmatched versatility to support any application

Standard units feature multi-voltage and 50/60Hz capability to meet a broad range of applications. Optional 240V-3Ø delta and 600V-3Ø capability are also available.



Ultimate reliability you can depend on

Components have been selected to ensure maximum uptime and reliability. The packages have been tested to meet the challenge of the harshest conditions and applications.

Model	G25WDO-3A-T4F			G50WDO-3A-T4F			G70WDO-3A-T4F			G125WCU-3A-T4F			G150WCU-3A-T4F		
PRIME POWER RATING															
	Amps	kW	kVA	Amps	kW	kVA	Amps	kW	kVA	Amps	kW	kVA	Amps	kW	kVA
@ 480V-3Ø, 0.8PF, 60Hz	30	20	25	61	41	51	91	61	76	154	102	128	184	122	153
@ 240V-3Ø, 0.8PF, 60Hz	60	20	25	123	41	51	183	61	76	307	102	128	367	122	153
@ 208V-3Ø, 0.8PF, 60Hz	61	18	22	125	36	45	189	54	68	336	97	121	411	118	148
@ 240V-3Ø, 1.0PF, 60Hz	58	14	14	130	31	31	192	46	46	329	79	79	396	95	95
@ 120V-1Ø, 1.0PF, 60Hz	58 x 2	14	14	130 x 2	31	31	192 x 2	46	46	329 x 2	79	79	396 x 2	95	95
Voltage Configuration	3-Position Switch			3-Position Switch			3-Position Switch			3-Position Switch			3-Position Switch		
Frequency Capability	50Hz/60Hz Switchable			50Hz/60Hz Switchable			50Hz/60Hz Switchable			50Hz/60Hz Switchable			50Hz/60Hz Switchable		
ENGINE															
Engine Make / Model	Doosan D18			Doosan D24			Doosan D34			Cummins QSB5-G11			Cummins QSB5-G12		
Power Output @ 1800RPM - HP (kWm)	38 (30)			65 (51)			94 (73)			169 (126)			206 (154)		
Emissions Tier Level	Tier 4 Final			Tier 4 Final			Tier 4 Final			Tier 4 Final			Tier 4 Final		
Fuel Tank Capacity - Gal (L)	47 (177)			102 (386)			102 (386)			177 (668)			177 (668)		
Runtime @ 100% Load - Hr	24.6			39.2			24.0			24.5			20.1		
DIMENSIONS WITH RUNNING GEAR															
Length - in (mm)	130.6 (3317)			130.6 (3317)			165 (4190)			171(4342)			171 (4342)		
Width - in (mm)	72.8 (1849)			72.8 (1849)			71.3 (1810)			71.3 (1810)			71.3 (1810)		
Height - in (mm)	76.3 (1938)			78.1 (1984)			90.3 (2296)			94.7 (2405)			94.7 (2405)		
Weight (Ready to Run) - lb (kg)	3140 (1424)			3870 (1755)			5600 (2540)			6990 (3171)			7040 (3193)		
Sound Level @ 23 ft (7m) and 100% Load - dB(A)	63			65			65			68			69		



Customer Commitment

Doosan Portable Power is committed to making durable, rugged and versatile products for almost every application and environment. We constantly strive to update our product line with thoughtful and cost effective innovations. We are dedicated to providing exceptional customer service. We want to power your success.



Doosan Portable Power
1293 Glenway Drive
Statesville, NC 28625
DoosanPortablePower.com

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Submit Additional Information; Comments	Attached
Division Environmental Health	✓	Comments	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CAL FIRE	✓	No comments	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Recommend Survey	On file and confidential
California Department of Fish & Wildlife		No Response	Attached – Planning staff request for comments
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
United States Army Corps of Engineers		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



In Acceler

10/11

**HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**

7/31/2018

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Army Corps of Engineers, California Water Resources Control Board, Division of Water Rights, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Promethean Industries LLC **Key Parcel Number** 217-255-002-000

Application (APPS#) 11710 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-352

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than 8/15/2018

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following (please check one):

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☒ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.
- ☐ Other Comments: _____

DATE: 10/16/18

PRINT NAME: Rudy Marenghi

217-255-002



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11710
Parcel No.: 217-255-002
Case No.: CUP16-352

The following comments apply to the proposed project, (check all that apply).

- ☐ Site/plot plan appears to be accurate.
- ☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____

- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: Revise plot plan to show generators, proposed generator sheds, proposed GH over Westmost 22k sqft CA, actual setback from power-lines, no power poles (future) crossing Alderpoint Rd, no proposed pond, proposed GHS east of 22k sqft CA, proposed GH over 22k CA, all propagation GHS, and all OD CA.

Name: Rudy Marengi

Date: 10/11/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.

From: [Moredo, John](#)
To: [Paul, Gayle](#)
Subject: 11710 referral response from DEH
Date: Friday, November 13, 2020 11:41:20 AM
Attachments: [image001.png](#)

DEH

DEH has no record of the well proposed as the source of water. Owner shall either provide evidence of permit, destroy the well, legalize the well through installation of a new sanitary surface seal, or provide compelling evidence that the well was installed prior to February, 1973.



John Moredo-Burich
[Planning & Building Department](#)
3015 H Street Eureka, CA 95501
jmoredo2@co.humboldt.ca.us



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7851
ROADS & EQUIPMENT MAINTENANCE 445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cliff Johnson, Supervising Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 10-04-2018

RE:

Applicant Name	Promethean Industries LLC
APN	217-255-002
APPS#	11710
CASE#	CUP16-352

The Department has reviewed the above project and has the following comments:

- ☒ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. Please re-refer the project to the Department when all of the requested information has been provided.
- ☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. No re-refer is required.
- ☐ *Road Evaluation Reports(s)* are required; See **Exhibit "D"**. No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11710

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

• If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

7/31/2018

PROJECT REFERRAL TO: CalFire

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Army Corps of Engineers, California Water Resources Control Board, Division of Water Rights, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Promethean Industries LLC Key Parcel Number 217-255-002-000

Application (APPS#) 11710 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) CUP16-352

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than 8/15/2018

Planning Commission Clerk

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

E-mail: PlanningClerk@co.humboldt.ca.us Fax: (707) 268-3792

We have reviewed the above application and recommend the following (please check one):

☐ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: _____

PRINT NAME: _____

We have reviewed the above application and recommend the following (please check one):

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary: