



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: February 4, 2021

To: Humboldt County Zoning Administrator

From: David J. R. Mack, AICP, Senior Planner (Contract)

Subject: **Maromo, LLC Special Permit**  
Application Number 11431  
Case Numbers PLN-11431-SP  
Assessor's Parcel Numbers (APN) 104-131-007 and 105-044-006  
2054 Lighthouse Road, Petrolia

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Please contact David J. R. Mack, AICP, Senior Planner (Harris & Associates) at 831-320-0413 or by email at [david.mack@weareharris.com](mailto:david.mack@weareharris.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 4, 2021	Special Permit	David J. R. Mack, AICP

**Project Description:** Maromo, LLC seeks a Special Permit for an existing 8,033 square foot (SF) cannabis cultivation operation, of which 3,083 SF is full-sun outdoor and 4,950 SF is mixed light in three (3) deprivation greenhouses, ranging in size from 850 SF to 1,581 SF. Ancillary propagation (Nursery) occurs in an 800 SF greenhouse onsite. The primary water source for both irrigation and domestic use consists of a point of diversion (POD) located on APN 104-131-007 from a spring (Certificate H100341). The applicant has obtained a Small Irrigation Use Registration (SIUR) for irrigation purposes. Existing water storage is approximately 61,400 gallons in nine (9) 5,000 gallon hard tanks, two (2) 2,700 gallon hard tanks, one (1) 1,000 gallon hard tank, and one (1) 10,000 gallon water bladder. The applicant proposes to install seven (7) additional 5,000 gallon hard tanks to add an additional 35,000 gallons of water storage. Existing and proposed water storage will result in 96,400 gallons of total storage. Estimated annual water usage is 91,000 gallons (11.3 gal/SF). Drying and bucking occurs onsite, and all other processing will occur off site at a licensed processing or manufacturing facility. Up to four (4) employees may be utilized during peak operations. Power is provided by existing onsite solar (2000 watts). The use of two (2) Honda generator (2500 watts each) may be utilized for supplemental power when needed.

**Project Location:** The project is located at 2054 Lighthouse Road, approximately 5 miles south-west of the unincorporated community of Petrolia.

**Present Plan Land Use Designations:** Residential Agriculture (RA40) Density: forty acres per dwelling unit, and Timber (T)

**Present Zoning:** Agricultural Exclusive (AE) and Timber Production Zone (TPZ)

**Record Number:** 11431

**Case Numbers:** PLN-11431-SP

**Assessor's Parcel Number:** 105-044-006 (43.26 acres) and 104-131-007 (33 acres).

Applicant	Owner	Agents
Maromo LLC PO Box 93 Honeydew, CA 95545	Maureen Catalina PO Box 93 Honeydew, CA 95545	Northpoint Consulting Group 1117 Samoa Blvd. Arcata, CA 95521

**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:** One greenhouse is located within the 50-ft riparian buffer of a class III watercourse. To remedy this issue, the applicant has updated the Cultivation and Operations Plan and prepared a Remediation Plan for this specific area. The remediation plan requires the relocation of one 1,560 SF greenhouse and the relocation of one 803 SF greenhouse away from the class III watercourse.

**Maromo LLC**  
Record Number: 11431  
Assessor's Parcel Number: 105-044-006 and 104-131-007

**Recommended Zoning Administrator 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 Zoning Administrator 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 Special Permit and adopt the Resolution approving the Maromo, LLC Special Permit as recommended by staff subject to the recommended conditions*

**Executive Summary:** Maromo, LLC seeks a Special Permit to allow the continued operation of an existing 8,033 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 (CMLUO). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive (AE) and Timber Production Zone (TPZ).

The parcels, APN 105-004-006 (43.26 acres) and APN 104-131-007 (33 acres), comprise one legal parcel based on building permit No. 74-1653B3 issued in November 1974. Originally, separate applications were submitted for 3,700 SF of outdoor cultivation on APN 105-004-006 (Application No. 11430 – Zoning Clearance Certificate) and for 4,950 SF of mixed light cultivation on APN 104-131-007 (Application No. 11431 – Zoning Clearance Certificate). In June 2019, the County verified 3,083 SF of outdoor cultivation (not 3,700 SF) and 4,950 SF mixed light cultivation on the associated parcels. Because the maximum amount of cultivation allowed on one legal lot under a Zoning Clearance Certificate is limited to 5,000 SF (Humboldt County Code 55.4.9.2), and because the two parcels comprise one legal lot, the two initial applications were combined to create one Special Permit application under Application 11431.

Cultivation takes place in two (2) separate areas. Cultivation Area 1 (upper area – APN 105-044-006) contains 3,083 SF of full sun outdoor cultivation. Cultivation Area 2 (lower area – APN 104-131-007) contains 4,950 SF of mixed-light cultivation in three (3) deprivation greenhouses, ranging in size from 850 SF to 1,581 SF utilizing light deprivation and no more than 6 watts per SF of supplemental lighting.

Ancillary propagation (Nursery) occurs in a 800 SF greenhouse in Cultivation Area 1. One harvest is anticipated annually in the outdoor area and up to three harvests for the mixed-light greenhouses for a growing season that extends from May through October.

Drying and bucking occurs onsite, and all other processing occurs off site at a licensed processing or manufacturing facility. Up to four (4) employees may be utilized during peak operations. Power is provided by existing onsite solar. The use of one Honda generator (2500 watts each) may be utilized for supplemental power when needed.

The primary water source for both irrigation and domestic use consists of a point of diversion (POD) located on APN 104-131-007 on a spring (Certificate H100341). The applicant has obtained a Small Irrigation Use Registration (SIUR) for irrigation purposes. Existing water storage is approximately 61,400 gallons in nine (9) 5,000 gallon hard tanks, two (2) 2,700 gallon hard tanks, one (1) 1,000 gallon hard tank, and one (1) 10,000 gallon water bladder. The applicant proposes to install seven (7) additional 5,000 gallon hard tanks to add an additional 35,000 gallons of water storage. Existing and proposed water storage will result in 96,400 gallons of total storage. Estimated annual water usage is 91,000 gallons (11.3 gal/SF).

### **Timber Conversion**

A Timberland Conversion Report (**Attachment 3b**) was prepared by Mad River Properties, Inc. (Stephen Hohman, RPF No. 2652) in August 2018 which indicated the initial conversion to create the cultivation areas occurred prior to 2004. The report details three separate areas of conversion (Site A – 2.22 acres; Site B – 1.33 acres, and Site C – 0.02 acres) totaling approximately 3.57 acres. Site A was converted for cannabis cultivation before 2004, and expanded slightly with the removal of several trees in 2012; however, no timber harvesting has occurred in or around the site since 2010. Site B was originally converted for cannabis cultivation before 2004, and expanded slightly with the removal of one tree between 2009 and 2015. Site C is a historic logging road catchment, which was converted for cannabis cultivation by 2009 when it was cleared of trees. For this application, only Site A and Site B are proposed for active use of cannabis cultivation. The Timber Conversion Report recommend all slash piles and log decks be treated, in order to be in compliance with the California Forest Practice Act, which is included in the Conditions of Approval. All conversion occurred prior to January 1, 2016, the established CEQA baseline for CMMLUO. Therefore, it can be assumed that all conversion was considered and mitigated identified in the environmental document prepared for CMMLUO.

### **Remediation Plan**

One greenhouse is located within the 50-ft riparian buffer of a class III watercourse. To remedy this issue, the applicant has updated the Cultivation and Operations Plan (**Attachment 3a**) and prepared a Remediation Plan (**Attachment 3f**) for this specific area. The remediation plan requires the relocation of one 1,560 SF greenhouse and the relocation of one 803 SF greenhouse away from the class III watercourse. Additionally, the slope near the relocated greenhouses will be stabilized with native seed mix and a mulch/straw mixture. Replacement vegetation/seeding will be monitored for success and replanted if necessary. Monitoring details and requirements are located within the Remediation Plan. Success will be achieved if the following performance criteria is achieved: 90% regrowth in year 1, 80% during year 2, and 70% during year 3. A monitoring report is required to be prepared by a qualified biologist (or their designee) each year, by September 15<sup>th</sup>, for a minimum of three (3) years or until success criteria is satisfied (**Condition 10**).

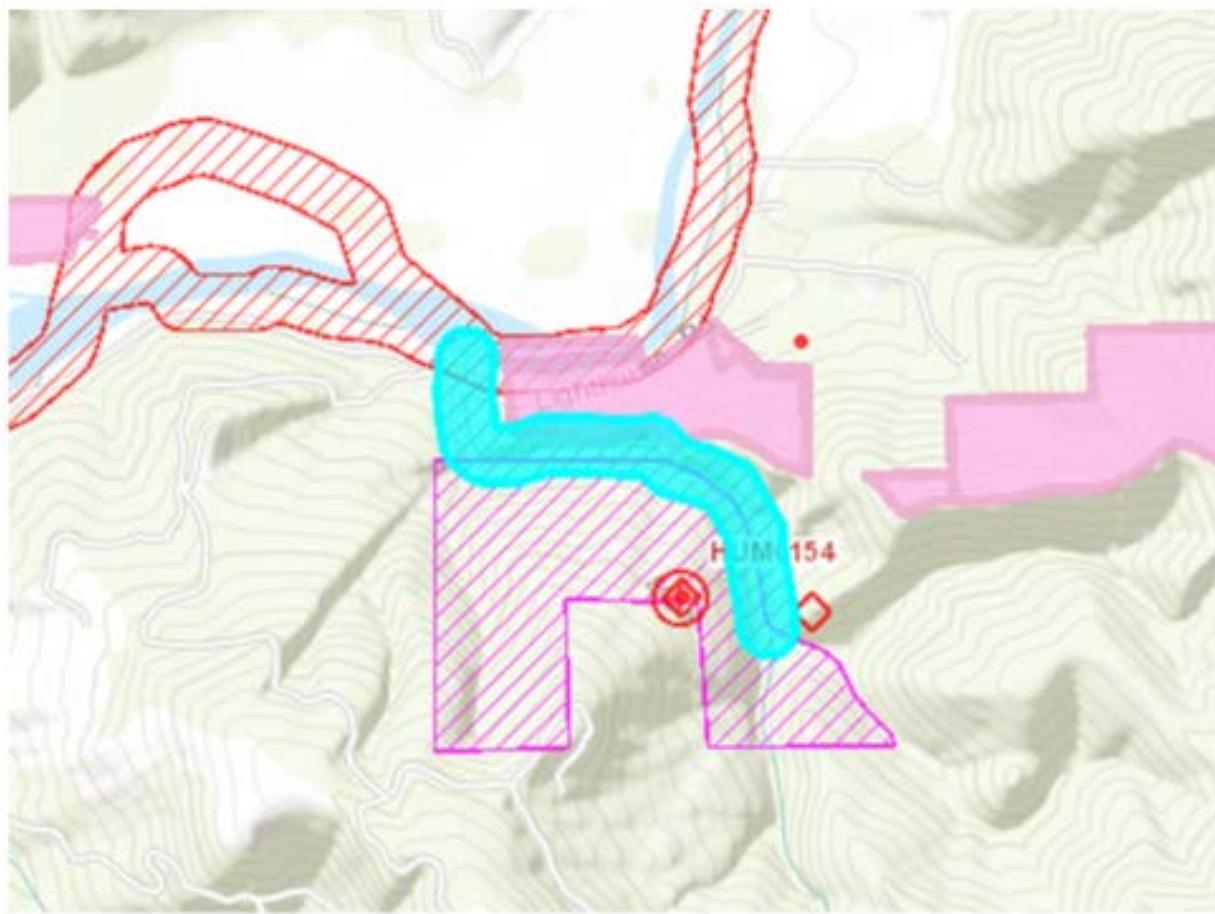
### **Water Resources**

As stated above, the primary water source for both irrigation and domestic use consists of a point of diversion (POD) located on APN 104-131-007 on a spring (Certificate H100341) (**Attachment 3d**). The applicant has obtained a Small Irrigation Use Registration (SIUR) for irrigation purposes. Existing water storage is approximately 61,400 gallons in nine (9) 5,000 gallon hard tanks, two (2) 2,700 gallon hard tanks, one (1) 1,000 gallon hard tank, and one (1) 10,000 gallon water bladder. The applicant proposes to install seven (7) additional 5,000 gallon hard tanks to add an additional 35,000 gallons of water storage. Existing and proposed water storage will result in 96,400 gallons of total storage. Estimated annual water usage is 91,000 gallons (11.3 gal/SF) with peak demand occurring in July at approximately 20,000 gallons per month. The Appropriate Right allows up 0.27 acre-feet to be diverted and no more than 0.3 acre-feet of total storage. A Final Streambed Alteration Agreement (SAA 1600-2017-0794-R1) with the California Department of Fish and Wildlife (CDFW) (**Attachment 3c**) was also obtained in December 2017 allowing the “water diversion from a Class II watercourse through a 2-inch poly pipe to storage for domestic household and cannabis cultivation use”.

### **Biological Resources**

A biological assessment was not prepared for this project. However, a review of the California Natural Diversity Data Base (CNDDB) was conducted in 2018 and identified four (4) rare, threatened, or endangered species have historically been present within 1,000 feet of the northern parcel boundary (APN: 105-044-006). Refer to Figure 15 of the Timber Conversion Report prepared by Mad River Properties, Inc (copied below). These findings were confirmed by Harris & Associates staff, who conducted a CNDDB search in December 2020. The northern parcel (APN: 105-044-006) is bordered to the west, north and east by Coastal Douglas fir Western Hemlock forest (purple hatched lines). There is one occurrence of Northern Spotted Owl (NSO) (circled diamond) to the north of the site. However, the occurrence is not dated, and it is not clear if any recent NSO activity has occurred within the general area of the subject parcels. There are four (4) terrestrial species (blue highlight) which have occurred to the north of the

subject property: foothill yellow-legged frog, coho salmon, steelhead, and Pacific tailed frog. Again, these occurrences are undated, and it is unclear if recent activity has occurred in these areas.



Cannabis cultivation activities have been occurring on the subject property(ies) since prior to 2009, which is well before the January 1, 2016, established CEQA baseline for CMMLUO. Therefore, it can be assumed that potential impacts to biological resources and required mitigation was identified in the environmental document prepared for CMMLUO 1.0. 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 would not negatively impact NSO or other sensitive species.

#### **Tribal Cultural Resource Coordination**

The project is located within the traditional territory of the Mattole tribe. The project was referred to the Northwest Information Center, Yurok Tribe and Bear River Band of the Rohnerville Rancheria in October 2017. A Cultural Resources Investigation was prepared in April 2019 by Nick Angeloff, MA and Saige Heuer, BA of Archaeological Research and Supply Company (ARSC), Rio Dell, CA. Per the ARSC report, background research by the Bear River Band of Rohnerville Rancheria resulted in comments regarding the subject properties. The Bear River Tribal Historic Preservation Officer (THPO) recommended proceeding with a survey given the sensitivity of the general area. The Sinkyone Intertribal Wilderness Council was also contact for information, and they declined any input or comment. The ARSC report concluded that the proposed project would not result in any adverse changes to historical or archaeological resources, recommended Inadvertent Discoveries Protocol, and noted that ARSC should be contacted for further information if plans change or additional ground disturbing activities were necessary. The ARSC report was submitted for Tribal Review, and the Humboldt County records do

not indicate any formal comments being submitted upon receipt and review. Measures regarding the Inadvertent Discoveries Protocol to protect cultural resources have been incorporated into the Conditions of Approval.

#### **Access**

Access to the site is via a private driveway off Mill Creek Road, approximately two mile south of the intersection of Mill Creek Road and Lighthouse Road, in the Petrolia area. Per the review referral from Humboldt County Department of Public Works (DPW), the entire road segment is developed to the equivalent of a road category 4 standard and thus is adequate for the proposed use without further review. Nonetheless DPW recommended standard conditions pertaining to driveway and private road intersection visibility (**Condition 16**) and private road intersections (**Condition 17**).

#### **CEQA**

Environmental review for this project was conducted. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) that was adopted for the CMLLUO and thus has prepared an addendum to the MND for consideration by the Zoning Administrator (See **Attachment 2** for more information).

#### **RECOMMENDATION:**

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda; survey the audience to see if any person would like to discuss the application; if no one requests discussion, make all the required findings based on the evidence in the record; and approve the application subject to the recommended conditions.

**Alternatives:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT**

Resolution Number 20-

Record Number PLN-11431-SP

Assessor's Parcel Numbers: 105-044-006 and 104-131-007

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Maromo, LLC, Special Permit.**

**WHEREAS**, Maromo, LLC, submitted an application and evidence in support of approving a Special Permit for an existing 8,033 square foot (SF) cannabis cultivation operation comprised of 3,083 SF full-sun outdoor cultivation and 4,950 SF mixed light cultivation in three (3) deprivation greenhouses, ranging in size from 850 SF to 1,581 SF. Ancillary propagation (Nursery) occurs in an 800 SF greenhouse.

**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 (CMLLUO) 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 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; and

**WHEREAS**, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **February 4, 2021**; reviewed, considered, and discussed the application for a Special Permit; and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Special Permit for an existing 8,033 square foot (SF) cannabis cultivation operation of which 3,083 SF is full-sun outdoor and 4,950 SF is mixed light in three (3) deprivation greenhouses, ranging in size from 850 SF to 1,581 SF. Ancillary propagation (Nursery) occurs in an 800 SF greenhouse.  
**EVIDENCE:** a) Project File: PLN-11431-SP
- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. 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 (CMLLUO), adopted by the Humboldt County Board of Supervisors on January 26, 2016.  
**EVIDENCE:** a) Addendum Prepared for the proposed project.  
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 biological assessment was not prepared for this project. A review of the California Natural Diversity Data Base (CNDDDB) was conducted in 2018 (as shown in Figure 15 of the Conversion Plan prepared by Mad River Properties, Inc, copied above), which identified that four (4) rare, threatened, or endangered species have historically been present within 1,000 -feet of the northern parcel boundary (APN: 105-044-006). These findings were confirmed by Harris & Associates staff, who conducted a CNDDDB search in December 2020. The northern parcel (APN: 105-044-006) is bordered to the west, north and east by Coastal Douglas fir Western Hemlock forest (purple hatched lines). There is one occurrence of Northern Spotted Owl (NSO) (circled diamond) to the north of the site, but the occurrence is not dated, and it is not clear if any recent NSO activity has occurred within the general area of the subject parcels. There are four (4) terrestrial species (blue highlight) which have occurred to the north of the subject property: foothill yellow-legged frog, coho salmon, steelhead, and Pacific tailed frog. Cannabis cultivation activities have been occurring on the subject property(ies) since prior to 2009, which is well before the January 1, 2016, established CEQA baseline for CMMLUO. Therefore, it can be assumed that potential impacts to biological resources species and required mitigation was identified in the environmental document prepared for CMMLUO 1.0. 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 would not negatively impact NSO or other sensitive species.
- d) A Timberland Conversion Report dated August 2018 was prepared by Mad River Properties, LLC. The report details previously unauthorized timber conversion, consistency with the Forest Practices Act, and how the project can be implemented with no net loss of timberland after the environmental baseline of January 1, 2016. In this particular case, the 3.57 acres of unauthorized timber conversion was done prior to 2004, with de minimus tree removal occurring on two separate occasions in 2009 and 2015. All conversion occurred prior to the established CEQA baseline for CMMLUO. Therefore, potential impacts and required mitigation was identified in the environmental document prepared for CMMLUO.
- e) A Cultural Resources Investigation Report was prepared by Archaeological Research and Supply Company in April 2019, and concluded that the proposed project would not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.

f) Humboldt County Department of Public Works (DPW) reviewed and inspected the access roadways in October of 2019, concluded that the entire road segment is developed to the equivalent of a road category 4 standard, and therefore is adequate for the proposed use without further review. Nonetheless, DPW recommended standard conditions pertaining to driveway and private road intersection visibility (**Condition 16**) and private road intersections (**Condition 17**).

## FINDINGS FOR 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) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, 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 Agricultural Exclusive (AE) and Timber Production Zone (TPZ) in which the site is located.

**EVIDENCE**

- a) Agricultural Exclusive (AE) is intended to be applied to areas of the County where general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the Agricultural Exclusive (AE).
- c) Timber Production Zones are intended to be applied to areas of the County where timber production is the desirable predominant uses.
- d) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acre, subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 3,083 square feet of outdoor cultivation and 4,950 square feet of mixed light cultivation (8,033-square feet total) on a 66-acre parcel 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 CMLLUO Provisions of the Zoning Ordinance.

**EVIDENCE**

- a) The CMLLUO allows existing cannabis cultivation to be permitted in

areas zoned AE (HCC 314-55.4.8.2.2).

- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded September 2, 1950, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) The primary water source for both irrigation and domestic use consists of a point of diversion (POD) located on APN 104-131-007 from a spring (Certificate H100341). The applicant has obtained a Small Irrigation Use Registration (SIUR) for irrigation purposes. Existing water storage is approximately 61,400 gallons in nine (9) 5,000 gallon hard tanks, two (2) 2,700 gallon hard tanks, one (1) 1,000 gallon hard tank, and one (1) 10,000 gallon water bladder. The applicant proposes to install seven (7) additional 5,000 gallon hard tanks to add an additional 35,000 gallons of water storage. Existing and proposed water storage will result in 96,400 gallons of total storage. Estimated annual water usage is 91,000 gallons (11.3 gal/SF).
- d) Humboldt County Department of Public Works (DPW) reviewed and inspected the access roadways in October of 2019, concluded that the entire road segment is developed to the equivalent of a road category 4 standard, and thus is adequate for the proposed use without further review.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) A Timberland Conversion Report dated August 2018 was prepared by Mad River Properties, LLC. It details previously unauthorized timber conversion, consistency with the Forest Practices Act, and how the project can be implemented with no net loss of timberland after the environmental baseline of January 1, 2016. In this particular case, the 3.57 acres of unauthorized timber conversion was done prior to 2004, with de minimus tree removal occurring on two separate occasions in 2009 and 2015. All conversion occurred prior to the established CEQA baseline for CMLLUO. Therefore, all conversion was considered and mitigated for in the environmental document prepared for CMLLUO.
- 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, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

## 6. FINDING

The cultivation of 8,033 square feet of cannabis cultivation 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 road that has been certified by a licensed engineer 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, as well as 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) The primary water source for both irrigation and domestic use consists of a point of diversion (POD) located on APN 104-131-007 on a spring (Certificate H100341). The applicant has obtained a Small Irrigation Use Registration (SIUR) for irrigation purposes. Existing water storage is approximately 61,400 gallons in nine (9) 5,000 gallon hard tanks, two (2) 2,700 gallon hard tanks, one (1) 1,000 gallon hard tank, and one (1) 10,000 gallon water bladder. The applicant proposes to install seven (7) additional 5,000 gallon hard tanks to add an additional 35,000 gallons of water storage. Existing and proposed water storage will result in 96,400 gallons of total storage. Estimated annual water usage is 91,000 gallons (11.3 gal/SF).
- 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 Housing Element, but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Maromo LLC (11431), based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

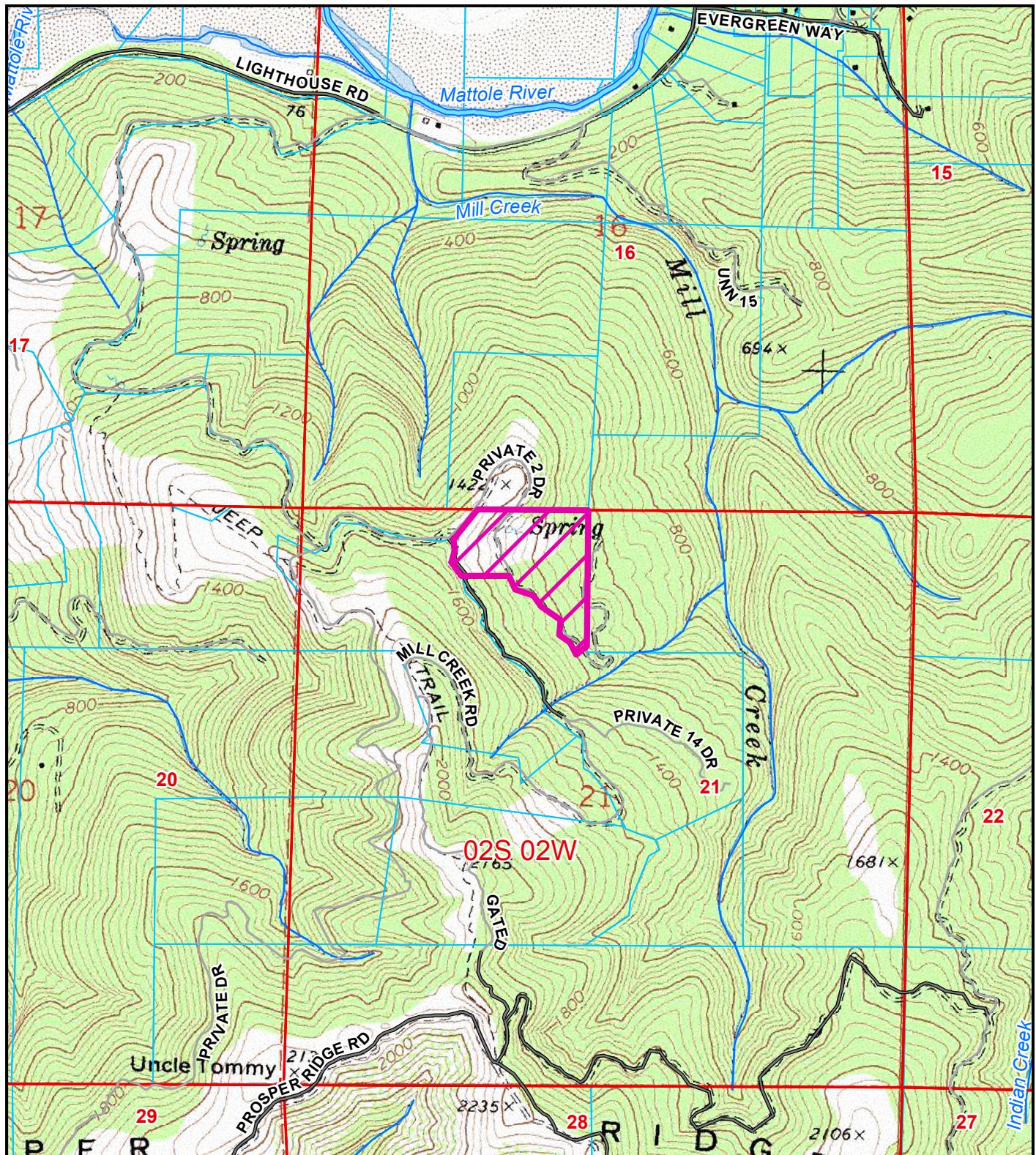
Adopted after review and consideration of all the evidence on February 4, 2021

I, John Ford, Zoning Administrator 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

Zoning Administrator at a meeting held on the date noted above.

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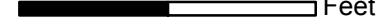
John H. Ford  
Zoning Administrator, Planning and Building Department



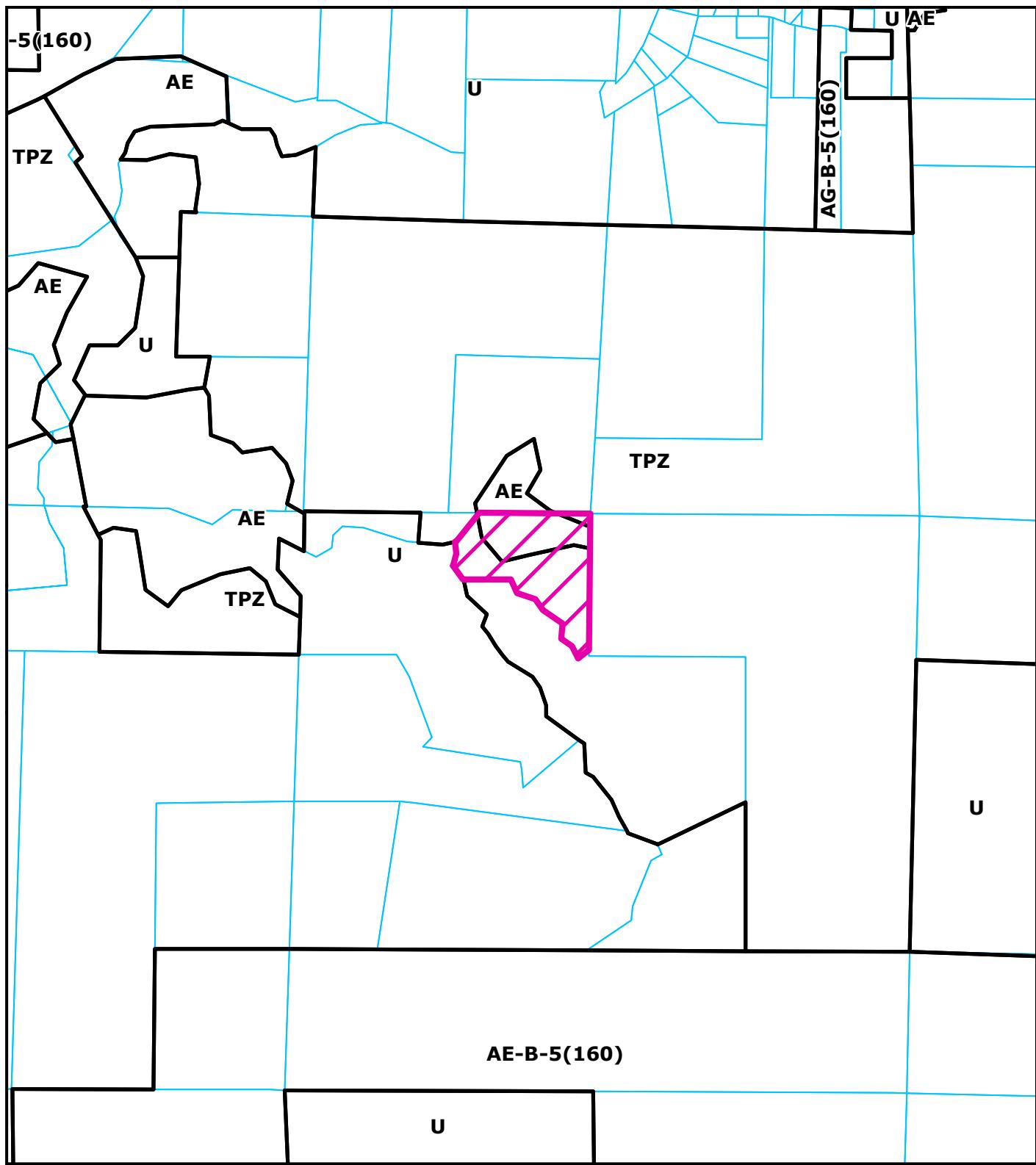
**TOPO MAP**  
**PROPOSED MAROMO, LLC**  
**PETROLIA AREA**  
**ZCC-16-138**  
**APN: 104-131-007**  
**T02S R02W S21 HB&M (PETROLIA)**

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  






Project Area =

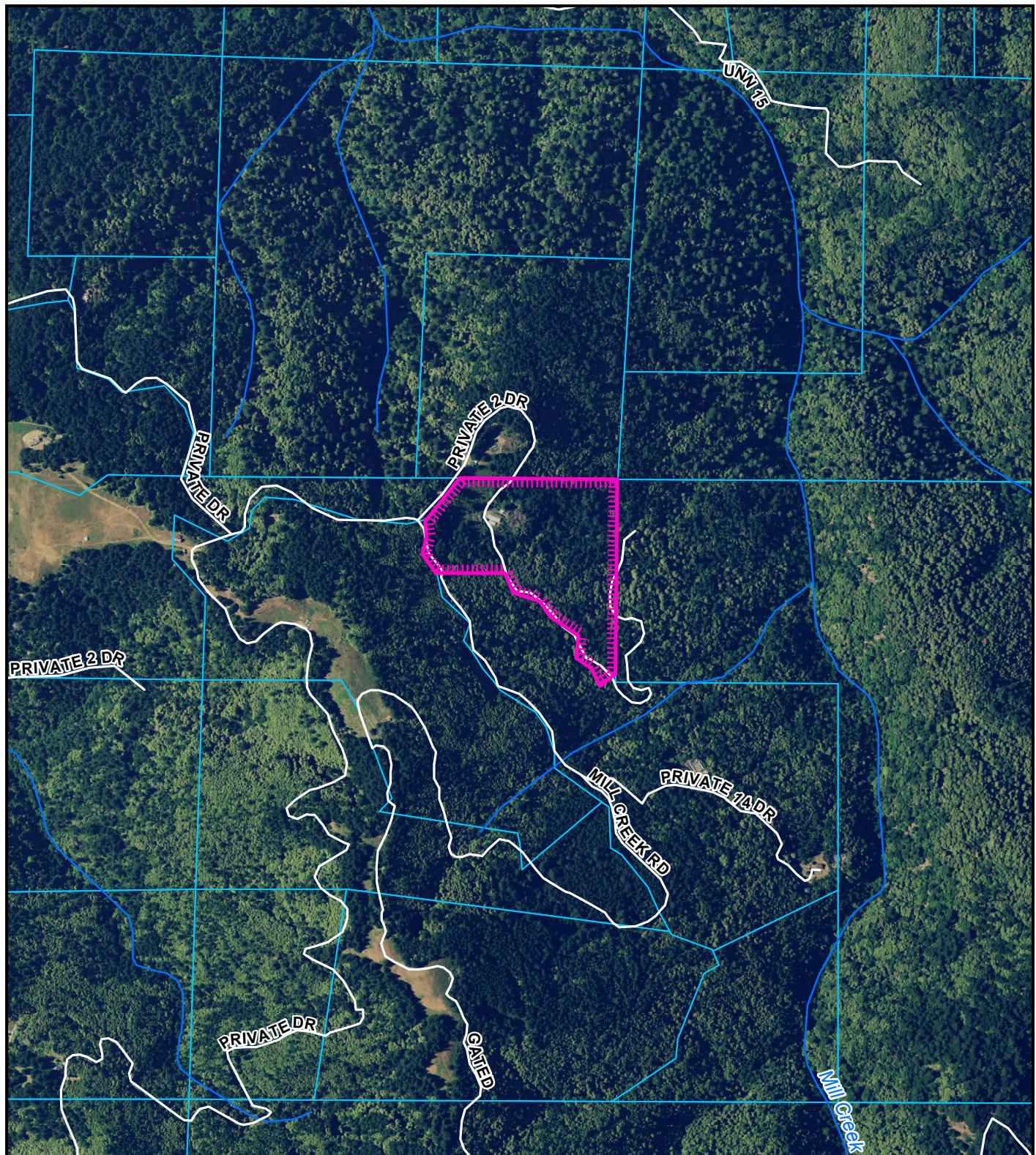
**ZONING MAP  
PROPOSED MAROMO, LLC  
PETROLIA AREA**

**ZCC-16-138  
APN: 104-131-007  
T02S R02W S21 HB&M (PETROLIA)**

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0 1,000 2,000  
Feet

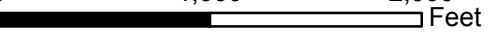




**AERIAL MAP  
PROPOSED MAROMO, LLC  
PETROLIA AREA  
ZCC-16-138  
APN: 104-131-007  
T02S R02W S21 HB&M (PETROLIA)**

**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 





**VICINITY MAP**  
NOT TO SCALE

**DIRECTIONS TO SITE:**  
FROM EUREKA, CA  
-FOLLOW US-101 SOUTH  
(APPROX. 19.7 MI)  
-TAKE EXIT 692 FOR CA-211  
TOWARD FERNDALE  
(APPROX. 4.8 MI)  
-TURN RIGHT ONTO BLUFF ST.  
-TURN LEFT ONTO WILDCAT AVE.  
-CONTINUE ONTO MATTOLE RD.  
(APPROX. 29.6 MI)  
-TURN RIGHT ONTO LIGHTHOUSE RD.  
AND DESTINATION IS ON THE LEFT  
(APPROX. 2.9 MI)  
(2054 LIGHTHOUSE RD.)

**PROJECT DESCRIPTION:**

MAROMO, LLC IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMLMO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 8,033 SQUARE FEET (SF) OF CANNABIS CULTIVATION AREA WHICH INCLUDES 3,083 SF OF OUTDOOR CULTIVATION AND 4,950 SF OF MIXED-LIGHT CULTIVATION. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, FACILITIES FOR DRYING, CURING, GRADING AND TRIMMING OF MEDICAL CANNABIS, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

**GENERAL NOTES:**

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPPOINT CONSULTING GROUP, INC HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE SPECIAL PERMIT.



**PLOT PLAN**

22x34 SHEET: 1"=200'  
11x17 SHEET: 1"=400'  
0 100 200 400



# MAROMO, LLC

## SPECIAL PERMIT

APN: 105-044-006 & 104-131-007

**PROJECT INFORMATION:**

**APPLICANT:**  
MAROMO LLC  
P.O. BOX 93  
HONEYDEW, CA 95545

**PROPERTY OWNER:**  
MAUREEN CATALINA  
P.O. BOX 93  
HONEYDEW, CA 95545

**OWNERS AGENT:**  
NORTHPPOINT CONSULTING GROUP, INC  
1117 SAMOA BLVD.  
ARCATA, CA 95521  
(707) 798-6438

**SITE ADDRESS:**  
APN: 105-044-006 & 104-131-007  
2054 LIGHTHOUSE ROAD  
PETROLIA, CA 95558

TREES TO BE REMOVED = NONE

EARTHWORK QUANTITIES = TBD

WATER = PRIVATE  
SEWER = PRIVATE

PARCEL SIZE = ±65.90 ACRES

ZONING: = AE; TPZ  
GENERAL PLAN DESIGNATION = T (FRWK); RA

**BUILDING SETBACKS:**

	AE	TPZ	SRA
FRONT	30'	20'	30'
SIDE	20'	30'	30'
REAR	10'	30'	30'

SRA AREA: = YES  
IN COASTAL ZONE: = NO  
IN 100 YR FLOOD ZONE: = NO

TOTAL CANNABIS CULTIVATION = 8,033

MIXED-LIGHT CULTIVATION = 4,950

OUTDOOR CULTIVATION = 3,083

**SHEET INDEX:**

C0 - ZONING PLOT PLAN, VICINITY MAP, & PROJECT NOTES

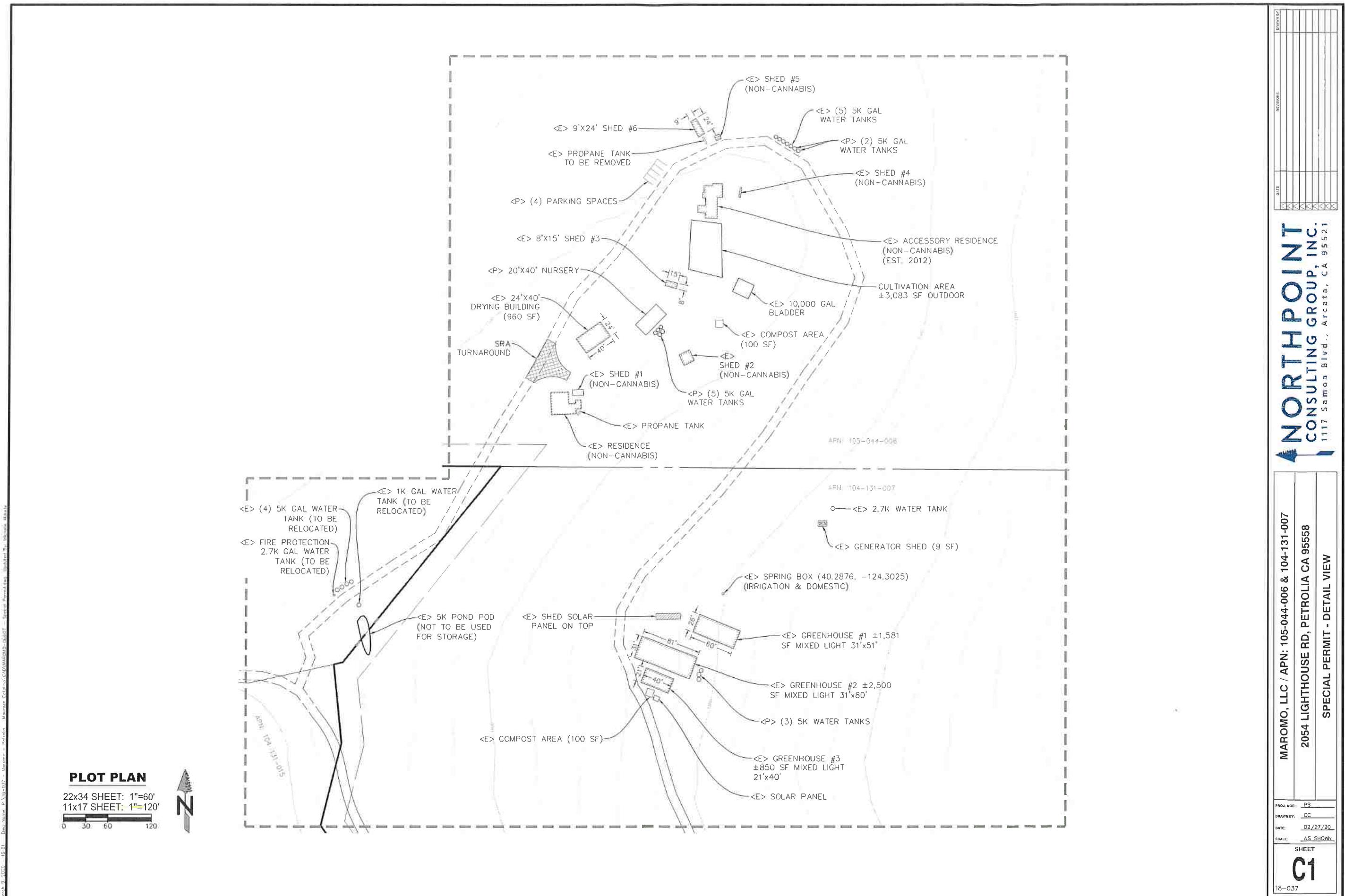
C1 - DETAIL VIEW

DRAWN BY:	
REVISIONS:	
DATE:	
KKKKKKKKKK	

**NORTHPPOINT CONSULTING GROUP, INC.**  
1117 Samoa Blvd., Arcata, CA 95521

**SPECIAL PERMIT - PLOT PLAN**  
MAROMO, LLC / APN: 105-044-006 & 104-131-007  
2054 LIGHTHOUSE RD, PETROLIA CA 95558

PROJ. MDR:	PS
DRAWN BY:	CC
DATE:	02/27/20
SCALE:	AS SHOWN
SHEET	
C0	
18-037	



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE SPECIAL 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. 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 #6 through #18. 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.
6. The Applicant shall secure permits for all structures 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 and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site 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.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.

8. The Applicant shall obtain a permit to operate the proposed generators from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.
9. The Applicant shall prepare and submit a revised site plan, showing the required relocation of proposed greenhouses and cultivation area, including associated grading, to be in compliance with the Remediation Plan (dated December 2020) prepared for the project.
10. The Applicant shall comply with the provisions of the Remediation Plan prepared for the project site, including achieving the required success criteria for the area(s) of greenhouse relocation. Success will be achieved if the following performance criteria is achieved: 90% regrowth in year 1, 80% during year 2, and 70% during year 3. A monitoring report is required to be prepared by a qualified biologist (or their designee) each year, by September 15th, for a minimum of three (3) years or until success criteria is satisfied.
11. The Applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
12. The Applicant shall install water monitoring device on each source - well and surface diversion if/when utilized and storage tanks applicable - to monitor water used for cannabis irrigation separate from domestic use.
13. The Applicant shall implement recommendations in the Timberland Conversion Report dated August 2018 prepared by Mad River Properties, Inc. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department.
14. The Applicant shall contact the local fire service provider [Petrolia Volunteer Fire Department] and furnish written documentation from that agency of the available emergency response, fire suppression services, and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, 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.
15. 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.
16. 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.
17. **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 approve for a business license.

18. **COUNTY ROADS – PRIVATE ROAD INTERSECTION:** Any existing and proposed non-county maintained access roads, that will serve as access for the proposed project and 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 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.

**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 greenhouse. 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 ensure all generators are located on stable surfaces, with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
5. The use of synthetic netting is prohibited. To minimize the risk of wildlife entrapment, the applicant 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.
6. The applicant shall contain all refuse in wildlife-proof storage containers, at all times, and disposed at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.

9. 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.
10. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site 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.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMLLUO and MAUCRSA, as applicable to the permit type.
12. 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.
13. The applicant shall possess 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.
14. The applicant shall comply 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.
15. The applicant shall confine the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site 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).
16. The applicant shall 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.
17. The applicant shall 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).
18. The applicant shall 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.
19. The applicant shall 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).

20. The applicant shall refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. The applicant shall pay all applicable application, review for conformance with conditions, and annual inspection fees.
22. 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.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. 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

25. 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."
26. 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).
27. 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.
28. 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.

29. 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

30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP 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.

31. 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.

32. 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.

33. 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.

34. 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 CMMUO 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.

35. 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 CMMUO, 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 CMMUO.
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 #6 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 #26 and 27 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) shall 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.

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

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

APNs 105-004-006 and 104-131-007; 2054 Lighthouse Road, Petrolia  
County of Humboldt

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

December 2020

## BACKGROUND

### Purpose of Addendum

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.

### 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 CMMLUO 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. 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.

### Modified Project Description

The modified project involves a Special Permit (11431) for an existing 8,033 square foot (SF) cannabis cultivation operation that is comprised of 3,083 SF full-sun outdoor and 4,950 mixed light in three (3) deprivation greenhouses, ranging in size from 850 SF to 1,581 SF. Ancillary propagation (Nursery) occurs in a 800 SF greenhouse.

The primary water source for both irrigation and domestic use consists of a point of diversion (POD) located on APN 104-131-007 on a spring (Certificate H100341). The applicant has obtained a Small Irrigation Use Registration (SIUR) for irrigation purposes. Existing water storage is approximately 61,400 gallons in nine (9) 5,000 gallon hard tanks, two (2) 2,700 gallon hard tanks, one (1) 1,000 gallon hard tank, and one (1) 10,000 gallon water bladder. The applicant proposes to install seven (7) additional 5,000 gallon hard tanks to add an additional 35,000 gallons of water storage. Existing and proposed water storage will result in 96,400 gallons of total storage. Estimated annual water usage is 91,000 gallons (11.3 gal/SF).

Drying and bucking occurs onsite, and all other processing occurs off site at a licensed processing or manufacturing facility. Up to four (4) employees may be utilized during peak operations. Power is provided by existing onsite solar (2000 watts). The use of two (2) Honda generator (2500 watts each) may be utilized for supplemental power when needed.

A Cultural Resources Investigation Report was prepared by Archaeological Research and Supply Company in April 2019, and concluded that the proposed project would not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.

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 ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

### **Summary of Significant Project Effects and Required Mitigation**

No changes are proposed for mitigation measures identified in the original MND. The proposal to authorize the continued operation of an existing cannabis cultivation site, consisting of 8,033 square feet of cultivation, 800 square feet of ancillary nursery, and associated drying/bucking 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:

- Plot Plans prepared by Northpoint Consulting Group, dated 02/27/2020.
- Cultivation and Operations Plan prepared by Northpoint Consulting Group, revised February 2020.
- Right to Divert and Use Water, Certificate H100341 with the State Water Resources Control Board, Division of Water Rights, dated November 27, 2018.
- Timberland Conversion Report, prepared by Mad River Properties, Inc., dated August 2018
- Cultural Resources Investigation for the Maromo, LLC, APNs 105-044-006 and 104-131-007, Commercial Cannabis Cultivation, Humboldt County California, County Application #11431 prepared Archaeological Research and Supply Company, Rio Dell, CA, prepared April 2019.

### **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 potential environmental impacts of the current project proposal would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact than the initial CMMLUO 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. Site 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 site 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 site 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. Plot Plans prepared by Northpoint Consulting Group, dated 02/27/2020 – Attached.
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. (Cultivation and Operations Plan prepared by Northpoint Consulting Group, revised February 2020 - Attached)
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. (Riparian Water Rights Statement of Diversion and Use claims and reporting (Right to Divert and Use Water, Certificate H100341 with the State Water Resources Control Board, Division of Water Rights, dated November 27, 2018– Attached)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (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. (NOI and reporting – On file)
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. (Notification No. 1600-2017-0794-R1 executed 12/12/2018 – Attached).
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable).

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. (Timber Conversion Report dated August 2018 prepared by Mad River Properties, Inc. – Attached)
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 Investigation for the Maromo Commercial Cannabis Cultivation, Humboldt County California, County Application #11431 prepared by Archaeological Research and Supply Company, Rio Dell, CA, April 2019. (On-file and confidential).
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)

**MAROMO, LLC**  
**CULTIVATION AND OPERATIONS MANUAL**  
**HUMBOLDT COUNTY, CA**

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**PROPOSED CANNABIS  
CULTIVATION FACILITIES**

**PREPARED FOR:**



**August 2017**  
**Revision December 2020**

**Cultivation and Operations Manual  
For  
Maromo, LLC  
APN: 105-044-006, 105-131-007  
County Application #: 11431**

**Proposed Cannabis Cultivation Facilities**

Lead Agency:

***Humboldt County Planning Department***  
3015 H Street  
Eureka, CA 95501

Prepared By:  
***NorthPoint Consulting Group, Inc.***  
1117 Samoa Blvd  
Arcata, CA 95521

In Consultation with:

**Maromo, LLC**  
PO Box 43  
Honeydew, CA 95545

December 2020

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Appendix A: Plot Plan

Appendix B: References

## 1. PROJECT SUMMARY

### 1.1. PROJECT OBJECTIVE

Maromo, LLC is proposing to permit existing cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Special Permit for approximately 3,083 square feet (sf) of outdoor cultivation and 4,950 sf of mixed light cultivation. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including greenhouses, and a cultivation facility for drying and curing of medical cannabis. Two existing greenhouses are also proposed to be rearranged on their cultivation flat to protect the riparian zone. The applicant aims to become fully compliant with State and Local cultivation regulations.

### 1.2. SITE DESCRIPTION

The project is located at parcel numbers 105-044-006 and 105-131-007. Both parcels numbers comprise of one legal parcel. The project is located approximately 5 miles south-west of the community of Petrolia, CA at latitude of 40.2898 and longitude of -124.3028. The subject legal parcel is approximately 65.9 acres in size per the County of Humboldt's WebGIS. The site is at an elevation of approximately 1200. Existing development of the site includes seven (7) frame sheds, and two (2) frame residences.

### 1.3. LAND USE

The subject property has a General Plan Designation Timber (FRWK) and Residential Agriculture (RA40) as identified by the Humboldt County General Plan and is zoned Agricultural Exclusive (AE) and Timber Production Zone (TPZ). The surrounding parcels are also zoned Agricultural Exclusive and Timber Production Zone.

### 1.4. STATE AND LOCAL COMPLIANCE

#### 1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Maromo, LLC has obtained two (2) Provisional Cannabis Cultivation licenses (License Numbers: CCL18-0003408 and CCL18-0003411).

#### 1.4.2. STATE WATER RESOURCES CONTROL BOARD

Maromo, LLC has transitioned to coverage under the State Water Resources Control Board (SWRCB) General Order WQ 2017-0023-DWQ *General Waste Discharge Requirements and Waiver of Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities* (WDID Number: 1\_12CC417827). A Site Management Plan (SMP) has been developed by NorthPoint Consulting Group and has been furnished to the North Coast Regional Water Quality Control Board.

The primary water source for both irrigation and domestic use consists of a point of diversion (POD) located on APN 104-131-007 on a spring at latitude 40.2876, longitude -124.3025. The applicant has attained a Small Irrigation Use Registration (SIUR) for irrigation purposes. Please refer to Appendix E for a copy of SIUR Certificate H100341.

#### 1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Maromo, LLC was historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (WDID Number 1B170014CHUM).

#### **1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT**

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit.

#### **1.4.5. CAL FIRE**

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. A fire riser will be installed near the property's residence to SRA specifications that is connected to a 2,500-gallon emergency water tank. In addition, a 3-acre conversion mitigation plan was completed by a Registered Professional Forester (Appendix D).

#### **1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

The applicant has received a Final Streambed Alteration Agreement, issued December 2018 (Agreement No. 1600-2017-0418-R1). Please refer to Appendix C for a copy of the Final Streambed Alteration Agreement. The Agreement is for two (2) encroachments which consist of a point of diversion and the maintenance of a culvert. All work will be done in accordance with the Final Streambed Alteration Agreement.

#### **1.4.7. CULTURAL RESOURCES**

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

## **2. CULTIVATION AND PROCESSING**

### **2.1. PROPAGATION AND INITIAL TRANSPLANT**

Juvenile plants are propagated on site from 'mother plants' that demonstrate the desired genetics for the specific cannabis strain. Mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium, typically oasis cubes, to produce 'clones.' The clones are placed into a non-commercial nursery in an existing. Once fully rooted, they are transplanted directly into 4" pots after 3 weeks (see Appendix A – Site Plan for nursery location). The juvenile plants are irrigated using hand watering methods. After 4 weeks the clones are then transplanted into 25-gallon smart pots with a soil and perlite medium and moved to an outdoor cultivation site where they continue their 'vegetative' cycle.

### **2.2. PRE-CULTIVATION ACTIVITIES**

Organic native soil will be amended with horse manure, straw, coconut fibers, bone blood, fish meal, feather meal, bone meal, kelp and bat guano.

## **2.3. MIXED LIGHT AND OUTDOOR CULTIVATION PLAN AND SCHEDULE**

Outdoor cultivation will occur in an approximately 3,083 sf area. The combined total mixed-light cultivation area will be approximately 4,950 sf. The mixed-light greenhouses are proposed to be rearranged to protect water resources. Please refer to the Remediation Plan. The greenhouses consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. Each greenhouse is ventilated by intake and exhaust fans. The greenhouses utilize a combination of artificial light and light deprivation to produce up to three (3) flowering cycles per year. This greenhouse will use small incandescent lights to extend the growing season. Black out tarps will be used to achieve both light deprivation and Dark Sky standards. Any greenhouse or propagation area with supplemental lighting will be properly maintained by shielding so little to no light escapes. Light shall not escape at a level this is visible from neighboring properties between sunset and sunrise. The site will comply with International Dark Sky Association standards for Lighting Zone 0 and prevent light spillage which may impact local wildlife. Any and all complaints received in writing regarding light spillage will be corrected within 10 business days from the date of receipt.

## **2.4. IRRIGATION PLAN AND SCHEDULE**

Irrigation of plants occurs using top-feed hand watering methods while juveniles. Once the plants are transplanted into the greenhouse's raised beds plants are watered by drip irrigation 3-4 times per week. Tubing is running the length of the beds with drip emitters placed at the base of the plant. Each emitter delivers the right amount of water directly to the base of the plants so over watering is not occurring. The monthly Cultivation Schedule in Appendix C details the irrigation activities associated with all cultivation. Maromo, LLC maintains that irrigation is efficiently managed, allowing for daily inspection of each plant by the cultivator.

## **2.5. HARVESTING, DRYING, AND TRIMMING**

Plants that are ready for harvest have their flowering branches removed and suspended in a 10'x12' room in the existing barn which is equipped with ventilation fans. The drying will take place in the shop/barn and in the shed. The drying process takes approximately one week, at which time the flowers are bucked into manageable buds and placed in storage bins. The dried flowers are then bucked into manageable buds and transported to an off-site processing facility.

## **2.6. EMPLOYEE PLAN**

Maromo, LLC 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

### **2.6.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY**

- *Agent in Charge* (1) Full-time: Responsible for business oversight and management of the Maromo, LLC. Responsibilities include, but are not limited to inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.
- *Lead Cultivator* (1) Full-time: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include but are not limited to plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- *Assistant Cultivator / Processing Manager* (1) Part-time: Provides support to the *Lead Cultivator* in their day to day duties and takes the lead role during times when the *Lead Cultivator* may be off site. Once processing activities commence, the *Assistant Cultivator*

duties switch to oversight and management of processing the dried commercial cannabis. This is a full-time, seasonal position.

➤ *勞工* (2) Seasonal: Provides cultivation and harvesting support. This is a part-time to full-time, seasonal position.

#### **2.6.2. STAFFING REQUIREMENTS**

In addition to the *Agent, Lead Cultivator, and Assistant Cultivator* positions, two (2) seasonal laborers are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. Even at the peak harvest and processing season, there are an estimated total of five (5) employees on site.

#### **2.6.3. EMPLOYEE TRAINING AND SAFETY**

On site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure including cultivation and harvesting techniques and use of pruning tools, proper application and storage of pesticides and fertilizers. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities are limited to authorized and trained staff.

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

#### **2.6.4. TOILET, HANDWASHING AND SEPTIC FACILITIES**

There is a finished bathroom with unpermitted septic systems at both residences. The systems are proposed to be permitted by the Humboldt County Department of Environmental Health. In the interim, a portable toilet will be onsite and serviced by the provider during the working season.

#### **2.6.5. ON SITE HOUSING**

Existing development of the site includes two (2) residences, one of which is occupied year-round by the lead cultivator and family. Each residence has two (2) bedrooms and one (1) bathroom. The residences were built prior to cultivation operations and are considered separate. All other full-time and seasonal employees live off site and commute daily to the cultivation site. No new residential structures are proposed as a part of this project.

#### **2.6.6. PARKING**

There are designated parking spaces west of the residence, adjacent to the road.

### **2.7. SECURITY PLAN AND HOURS OF OPERATION**

#### **2.7.1. FACILITY SECURITY**

The site is secured by two locked gates on the access road and security system. Access to the facilities are limited exclusively to employees, and restricted access signs are posted conspicuously at the entry gates. During the working season the agent in charge will be living in the residence on the property. There will be lights on processing areas and agent in charge will be an onsite resident.

#### **2.7.2. HOURS OF OPERATION**

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur 5 days per week during daylight hours during the months of operation of April - November.

All other activities such as processing typically occur no earlier than 8am and extend no later than 10pm during peak season which occurs in October.

### 3. ENVIRONMENT

#### 3.1. WATER SOURCE AND PROJECTED WATER USE

The applicant diverts water for a POD located on the APN 104-131-007 at latitude 40.2876, longitude -124.3025. The applicant has attained a Small Irrigation Use Registration for the POD. Refer to section 2.4 for a summary of irrigation practices, and Appendix C for the monthly irrigation schedule.

The irrigation water usage for cultivation during a typical year was estimated based on the number of residents year around, the number of seasonal workers, the existing cultivation area, and the peak seasonal demand (Table 3.1). Variables such as weather conditions and specific cannabis strains will also have a slight effect on water use.

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)												
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	<b>Total</b>
0	0	0	5,000	9,000	16,000	20,000	18,000	16,000	7,000	0	0	<b>91,000</b>

#### 3.2. WATER STORAGE

The table below outlines the existing and proposed water storage on the parcel. Currently, the existing water storage capacity is 51,000 gallons. The applicant intends to install multiple 5,000-gallon water storage tanks throughout the property. This would bring the total storage capacity to 96,000 gallons. The applicant intends to replace the bladder with water storage tanks within 2-years. The applicant will have enough water storage to meet the forbearance period.

Table 3.2: List of Existing and Proposed Water Storage Vessels on Site				
Existing/Proposed	Type	Quantity (Gallons)	Number	Total Storage (Gallons)
	Plastic Tank	2,700	2	5,400
	Plastic Tank	1,000	1	1,000
	Plastic Tank	5,000	9	45,000
	Bladder	10,000	1	10,000
<b>Total Existing Storage</b>	---			<b>61,000</b>
Proposed storage tank	Plastic Tank	5,000	7	35,000
<b>Total Proposed Storage</b>	---			<b>35,000</b>

**Total Existing and Proposed Water Storage = 96,000**

#### 3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

As mentioned prior, Maromo, LLC was historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region*. King's Peak Farms Cooperative, Inc. is in the process of transitioning to coverage under the State Water Resources Control Board General Order WQ 2017-0023-DWQ *General Waste Discharge Requirements and Waiver of Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities*. NorthPoint Consulting Group has transitioned Maromo, LLC to the state order. Additionally, a Site Management Plan has been developed and has been furnished to the North Coast Regional Water Quality Control Board.

The Site Management Plan (SMP) was developed utilizing best practical treatment or controls (BPTC's) in accordance with the SWRCB's and NCRWQCB's recommendations. The drainage and erosion control measures described below are be addressed in the SMP.

### **3.3.1. SITE DRAINAGE AND RUNOFF**

Site investigation for the development of the Site Management Plan (SMP) showed no evidence of surface runoff associated with the cultivation. Moreover, the existing and proposed cultivation structures will be located approximately >50 feet from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

### **3.3.2. EROSION CONTROL**

The Site Management Plan (SMP) includes erosion and sediment control BPTC's designed to prevent, contain, and reduce sources of sediment. The SMP may also include corrective actions to reduce sediment delivery, such as: outsloping, adding rocked rolling dips, adding seed and straw to bare surfaces for stabilization, and improving inboard ditches. Additionally, the SMP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourses.

## **3.4. WATERSHED AND HABITAT PROTECTION**

Adherence to the Site Management Plan (SMP) ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures will be outside of all riparian zones, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BPTC's in accordance with the SWRCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the SMP. Refer to the SMP for detailed descriptions of watershed and habitat protection measures.

## **3.5. MONITORING AND REPORTING**

Monitoring will be conducted to confirm the effectiveness of corrective measures listed in the SMP determine if the site meets all the BPTC Measures in Attachment A of the Order. The SMP provides more details regarding Monitoring and Reporting. The applicant tracks all water diversion and use and records fertilizer applications. This information will be reported to the SWRCB in the Annual Report, due annually by March 1<sup>st</sup>.

## **3.6. ENERGY AND GENERATOR USE**

Electricity is currently supplied by onsite solar. Maromo, LLC does employ the use of a generator for power for supplemental use. Maromo, LLC will limit the use of a Honda generator to an as needed basis following all guidelines set up by Humboldt County and the State of California. Generators are stored inside the shed and barn with the five (5) 5-gallon containers used to store the fuel will have secondary containment for spill prevention.

## **3.7. USE AND STORAGE OF REGULATED PRODUCTS**

### **3.7.1. FUEL STORAGE**

Fuel is stored in secondary containment. All equipment is inspected prior to each use (sometimes daily). Maintenance varies based on manufacturers requirements and oil changes for all equipment as well as all other maintenance is done at a certified maintenance facility.

### **3.7.2. BEST MANAGEMENT PRACTICES**

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are in a locked storage room, and contained within watertight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Site Management Plan (SMP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the SMP for complete BMPs specifications for the use and storage of regulated products. Maromo, LLC uses rubbing alcohol for sanitizing and cleaning.

### **3.7.3. FERTILIZERS**

Fertilizers used for cultivation include:

- Pacific Northwest Organics – Fish On
- Steamed Bone Meal
- Blood Meal
- Fish Meal
- Kelp Meal
- Bat Guano
- Feather Meal
- Biochar
- Seabird Guano
- Alfalfa Meal

### **3.7.4. PESTICIDES AND FUNGICIDES**

Pesticides and fungicides used for cultivation include:

- Neem
- Lost Coast Plant Therapy

## **3.8. WASTE MANAGEMENT PLAN**

### **3.8.1. SOLID WASTE MANAGEMENT**

Trash and recycling will be kept and stored at the storage area at the residence. The containers will be placed to prevent storm water contamination and leachate from entering or percolating to receiving waters. Solid waste and recycling are self-hauled off-site via trailer to the transfer station at least once per week at Humboldt Recology Waste.

Vegetation matter such as branches and leaves will be chipped and composted at the lower cultivation site. Soil will be left in the raised beds and cover crop planted in rainy months.

### **3.8.2. IRRIGATION RUNOFF MANAGEMENT**

The water management plan aims to irrigate at agronomic rates, using drip emitters. Refer to section 2.4 for a summary of irrigation practices. No evidence of water movement and erosion in the cultivation area was observed during the site assessment. Maromo, LLC will apply amendments and fertilizers per label specifications.

### **3.8.3. CULTIVATION WASTE AND SOIL MANAGEMENT**

Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area. Spent potting soil is stored in the greenhouses the first year and then in a designated contained covered area in subsequent years. After consultation, the soils are amended and reused. Used pots

will be collected and stored in the barn for the winter. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

#### **3.8.4. WASTEWATER MANAGEMENT**

Hand watering methods minimize the over-irrigation of plants and subsequent runoff. Dripline watering methods minimize the over-irrigation of plants and subsequent runoff.

There is a finished bathroom with an unpermitted septic system at both residences. They are proposed to be permitted by the Humboldt County Department of Environmental Health. A portable toilet will be onsite and serviced by the provider during the working season. Portable restrooms will be provided for sites that are more than 100' from existing restroom facilities.

### **4. PRODUCT MANAGEMENT**

#### **4.1. PRODUCT TESTING AND LABELING**

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards.

#### **4.2. PRODUCT INVENTORY AND TRACKING**

The applicant will enroll in the California Cannabis Track & Trace (CCTT) METRC program and complies with all METRC regulations.

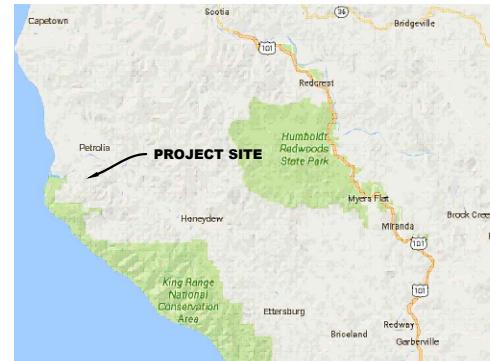
#### **4.3. TRANSPORTATION AND DISTRIBUTION**

Transportation will be handled by a licensed transporter/distributer in accordance with State and Local regulations. All merchantable product will be distributed through licensed commercial cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributer/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported and ensuring that the physical inventory coincides with the transport manifest.

## APPENDIX A: SITE PLAN



**VICINITY MAP**  
NOT TO SCALE

**DIRECTIONS TO SITE:**  
FROM EUREKA, CA  
-FOLLOW US-101 SOUTH  
(APPROX. 19.7 MI)  
-TAKE EXIT 692 FOR CA-211  
TOWARD FERNDALE  
(APPROX. 4.8 MI)  
-TURN RIGHT ONTO BLUFF ST.  
-TURN LEFT ONTO WILDCAT AVE.  
-CONTINUE ONTO MATTOLE RD.  
(APPROX. 29.6 MI)  
-TURN RIGHT ONTO LIGHTHOUSE RD.  
AND DESTINATION IS ON THE LEFT  
(APPROX. 2.9 MI)  
(2054 LIGHTHOUSE RD.)

**PROJECT DESCRIPTION:**

MAROMO, LLC IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMLLUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 8,033 SQUARE FEET (SF) OF CANNABIS CULTIVATION AREA WHICH INCLUDES 3,083 SF OF OUTDOOR CULTIVATION AND 4,950 SF OF MIXED-LIGHT CULTIVATION. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, FACILITIES FOR DRYING & CURING, WATER DIVERSION WORKS, AND APPROPRIATE WATER STORAGE.

**GENERAL NOTES:**

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE SPECIAL PERMIT.

**PLOT PLAN**

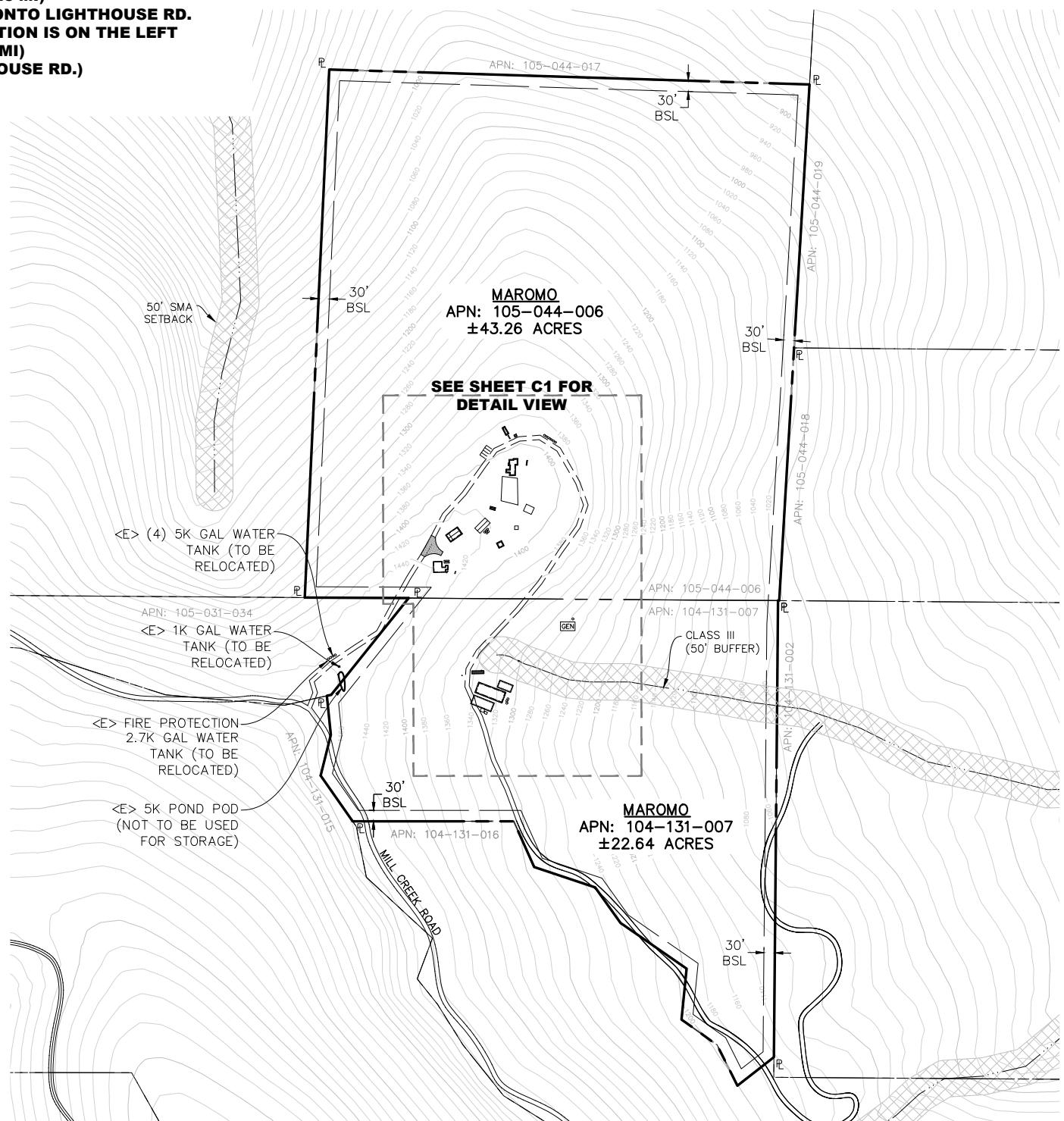
22x34 SHEET: 1"=200'  
11x17 SHEET: 1"=400'  
0 100 200 400

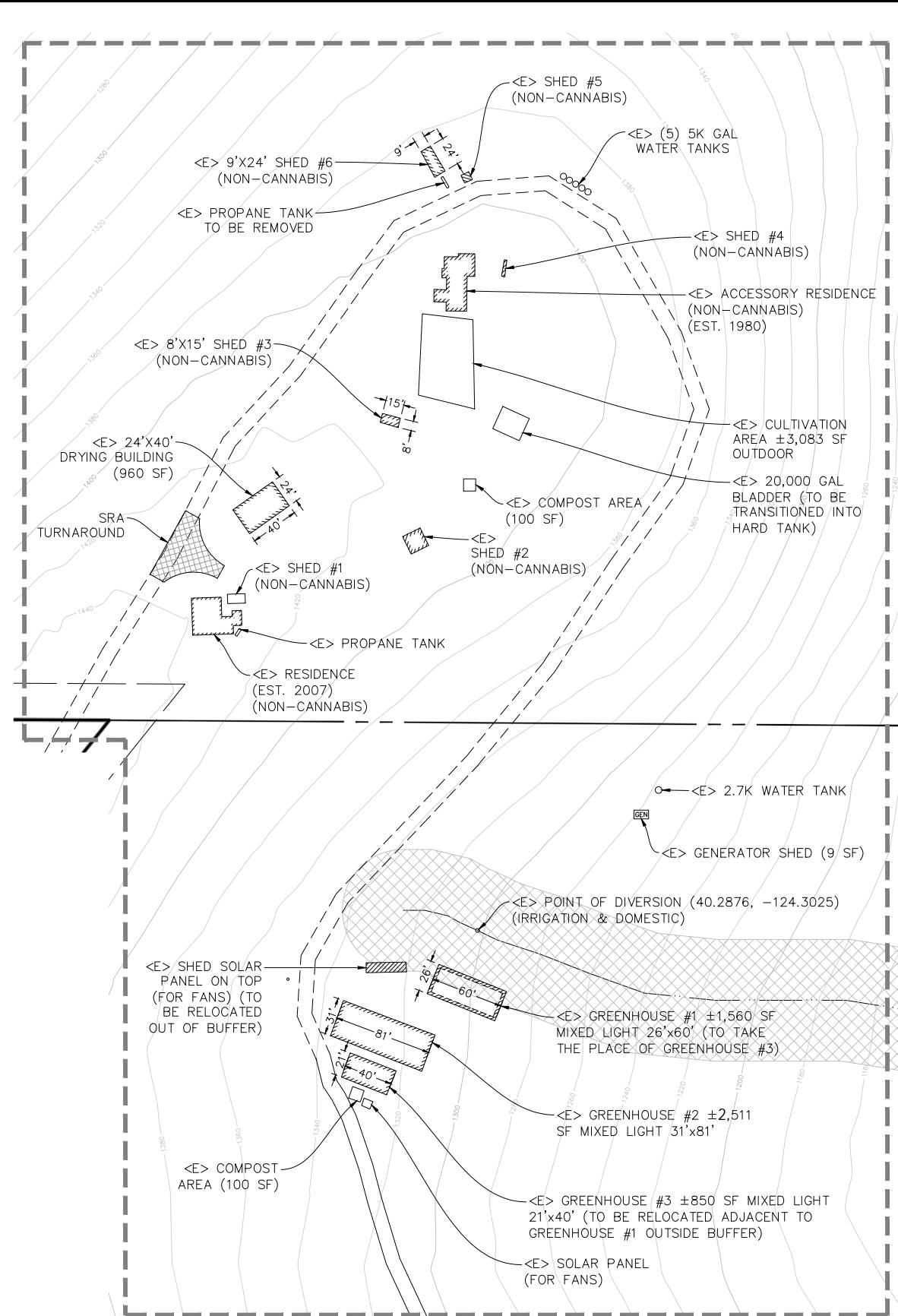


# MAROMO, LLC

## SPECIAL PERMIT

APN: 105-044-006 & 104-131-007

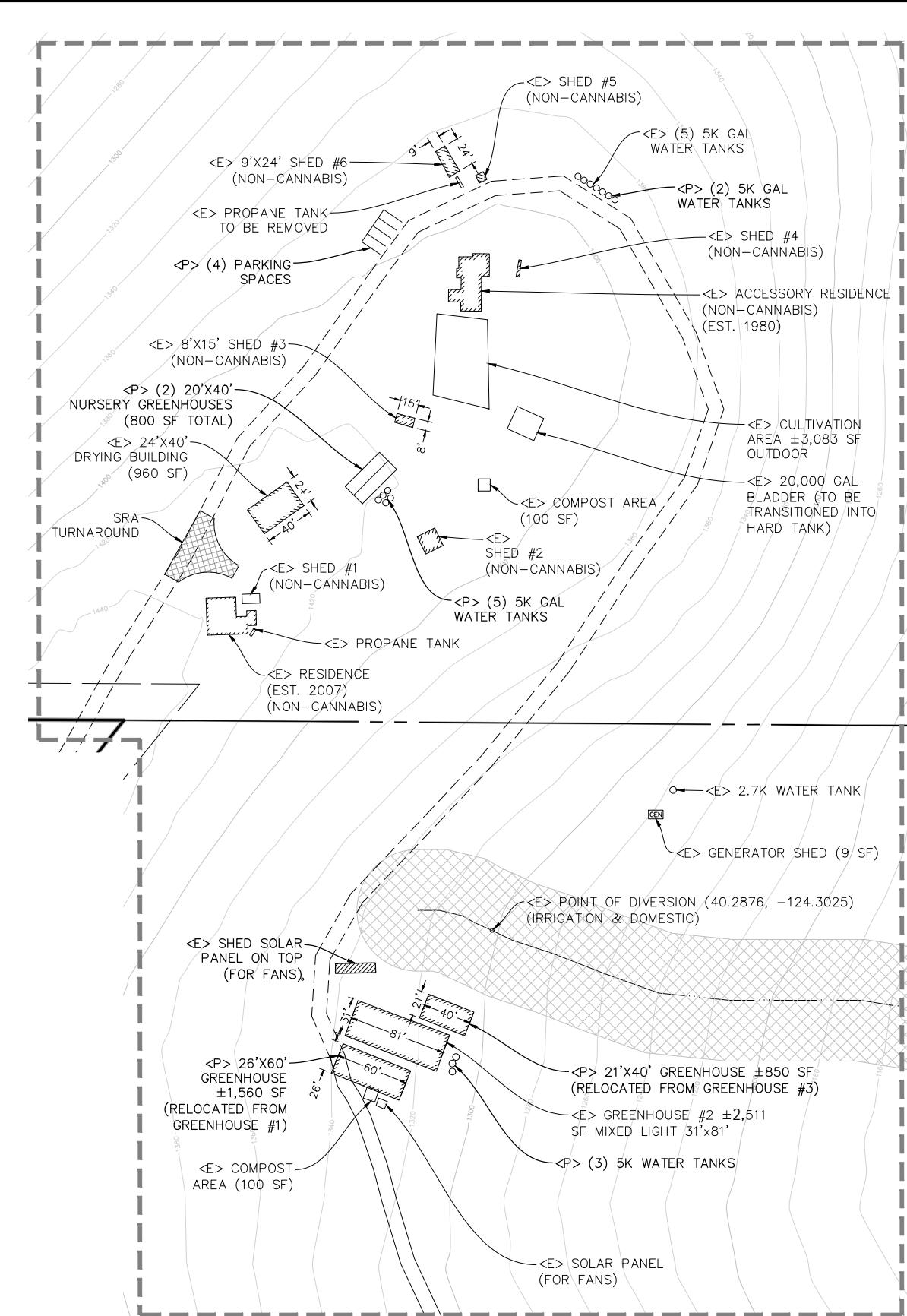




**EXISTING**

NOTE: REFER TO REMEDIATION PLAN  
FOR GREENHOUSE REORGANIZATION

22x34 SHEET: 1"=60'  
11x17 SHEET: 1"=120'  
0 30 60 120



**PROPOSED**

NOTE: REFER TO REMEDIATION PLAN  
FOR GREENHOUSE REORGANIZATION

DRAWN BY:	CC
REVISIONS:	
DATE:	12/30/20
KKKKKKKKKK	

**NORTHPOINT**  
CONSULTING GROUP, INC.  
1117 Samoa Blvd., Arcata, CA 95521

**MAROMO, LLC / APN: 105-044-006 & 104-131-007**  
**2054 LIGHTHOUSE RD, PETROLIA CA 95558**

**SPECIAL PERMIT - DETAIL VIEW**

PROJ. MGR.:	PS
DRAWN BY:	CC
DATE:	12/30/20
SCALE:	AS SHOWN
C1	
18-037	

## APPENDIX B: REFERENCES

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

California Code of Regulations. Health and Safety Code Section 11357-11362.9.  
<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>> Date accessed: July 16, 2014.

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.  
<<http://www.canorml.org/laws/sb420.html>> Date accessed: July 21, 2014.

County of Humboldt. *Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <<https://humboldt.legistar.com/Calendar.aspx>> Date accessed: March 28, 2016.

North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. [http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/). Date accessed: March 28, 2016.

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.  
<<http://www.boe.ca.gov/news/pdf/173.pdf>>

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.  
<[http://www.ag.ca.gov/cms\\_attachments/press/pdfs/n1601\\_medicalmarijuanaguidelines.pdf](http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf)>

# Mad River Properties, Inc.

2660 Clay Road McKinleyville, CA 95519; (707) 496-0054

Maureen Catalina  
P.O. Box 93  
Honeydew, CA 95545

## Catalina Petrolia Less Than Three Acre Conversion Mitigation Plan

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 Registered Professional Foresters (RPF's) recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act.

### 1. Contact Information

#### a. Timberland/Timber Owner of Record:

Maureen Catalina  
P.O. Box 93  
Honeydew, CA 95545

#### b. Registered Professional Forester Preparing Report:

Stephen Hohman RPF #2652  
PO Box 733  
Hydesville CA. 95547  
(707) 768-3743



### 2. Location of Project

- a. Site Address: Two miles up Mill Creek Road
- b. Community Area: Petrolia
- c. Assessor's Parcel No(s): 105-044-006 and 104-131-007
- d. Parcel Size(s): 43 acers and 23 acers respectively

### 3. Project Description

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

The Catalina Petrolia property is within a Douglas fir/tanoak forest with some grassland. The surrounding forest composition consists primarily of even-age second growth Douglas-fir, tanoak, and Pacific madrone with a minor amount of other hardwood species. All species combined (conifer & hardwood) basal areas is approximately 260 square feet (sq. ft.) per acre with closed canopy. The properties are zoned Agriculture Exclusive (AE) and Timber Production (TPZ), see attached Zoning Map.

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

The property contains watercourses that require WLPZ or ELZ protection (riparian buffer). Some of the conversion sites are within riparian buffers. As per the Forest Practice Rules, the riparian buffer requirements are listed as follows:

*Class I standard watercourse 14CCR 916.9(f): (within the Coastal Anadromy Zone)*

**ZONE WIDTHS:**

*Channel Zone = channel between the WTL.*

*30' Core Zone and 70'-120' Inner Zone (100'- 150' Riparian Buffer)*

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

**ZONE WIDTHS:**

*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)*

**ELZ WIDTHS (Riparian Buffer):**

*30 ft. for side slopes <30%.*

*50 ft. for side slopes >30%.*

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

The area has had at least one previous entree. The past harvesting incorporated the removal of large diameter old growth trees by tractor skidding.

#### 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.

There are 3 sites, totaling 3.57 acres of converted land on the property (see table below).

Site	Year Converted	Acres
A	Before 2004	2.22
B	Before 2004	1.33
C	Before 2004	0.02

#### 4 & 5. Analysis of Consistency between Unauthorized Conversion and Applicable Forest Practice Rules.

##### **Site A (The Ocean View)**

History: This site has had a cabin since before 2004 and was converted for cannabis cultivation before 2004. The conversion area was expanded in 2012 when several trees were cleared from the northeast corner and several structures built. Currently, the site is occupied by 2 cabins, 5 sheds, a barn, and outdoor cultivation. No timber harvesting has occurred in or around this site in the last ten years. No permit was obtained from CALFIRE to convert the area for such activities. No hazard reduction issues present. There are 4 rare, threatened or endangered animals or plants present within 1000' as per 2018 CNDDDB search; foothill yellow-legged frog, coho salmon, steelhead, and Pacific tailed frog (see attached CNDDDB Search Map). The site is zoned AE. Ownership at the time of the illegal conversion is unknown. Ownership at time of expansion was Sean M. McFarland.

Numbers of acres converted without 14CCR1104.1: **2.22**

##### **Site B (The Spring)**

History: This site was originally converted for cannabis cultivation sometime before 2004 when a greenhouse was installed. In 2009 the site was expanded when another greenhouse was installed. According to the landowner a tree was removed in 2016. Currently the site is occupied by 3 greenhouses, 2 man-made vernal ponds connected by a culvert, and a shed with solar panels. The northeast most greenhouse is ~30' from the class II springhead and ~35' from one of the vernal ponds. A hazard reduction issue is present; tanoak slash remains at east edge. No permit was obtained from CALFIRE to clear the area for such activities. There are 4 rare, threatened or endangered animals or plants present within 1000' as per 2018 CNDDDB search; foothill yellow-legged frog, coho salmon, steelhead, and Pacific tailed frog (see attached CNDDDB Search Map). The site is zoned AE. Ownership at the time of the illegal conversion and first expansion is unknown. Ownership at time of second expansion was Maureen Catalina.

Numbers of acres converted without 14CCR1104.1: **1.33**

##### **Site C (The Catchment)**

History: This site is an old logging road with an 18' by 55' catchment. The trench like catchment has been lined with concert and pond liner. The site was converted for cannabis cultivation by 2009 when it was cleared of trees. Currently, the reservoir is dry. Several water tanks are in the vicinity. No hazard reduction issues present. There are 4 rare, threatened or endangered animals

or plants present within 1000' as per 2018 CNDDDB search; foothill yellow-legged frog, coho salmon, steelhead, and Pacific tailed frog (see attached CNDDDB Search Map). The site is zoned TPZ. Ownership at the time of the illegal conversion is unknown.

Numbers of acres converted without 14CCR1104.1: **0.02**

**Mitigations for Project:** Road Points (RP) are specific locations that are currently in conflict with the Forest Practice Rules or can be implemented as best management practices. Road Points have been identified from where the access road enters the property to and around the conversion sites.

RP#1: Vernal pond flow crossing foot trail with 12" plastic culvert, and hazard reduction-excessive slash at conversion edge. Trail made of fill and used to access water tank. 4" to 6" river rock has been placed along springhead. Consult with California Department of Fish and Wildlife about in-channel ponds, invasive American bull frog surveys, and river rock on springhead. Pile and burn, lop and scatter, or chip slash to reduce fire potential, potential fire severity, and pest habitat. 14CCR 917.2 & 14CCR 923.5

RP#2: Drain surface flow. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to prevent erosion by diverting water off the road prism. 14CCR 923.5

RP#3: Drain surface flow. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to prevent erosion by diverting water off the road prism. 14CCR 923.5

RP#4: Drain surface flow. Install rocked rolling 1 dip. Line/cap the dip with 4" to 6" diameter rock to prevent erosion by diverting water off the road prism. 14CCR 923.5

RP#5: Drain surface flow. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to prevent erosion by diverting water off the road prism. 14CCR 923.5

RP#6: Drain surface flow. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to prevent erosion by diverting water off the road prism. 14CCR 923.5

RP#7: Drain surface flow. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to prevent erosion by diverting water off the road prism. 14CCR 923.5

RP#8: Drain surface flow. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to prevent erosion by diverting water off the road prism. 14CCR 923.5

## 6. Photos, Figures, and Maps

### **Site A**



Figure 1) East edge of Site A looking west.

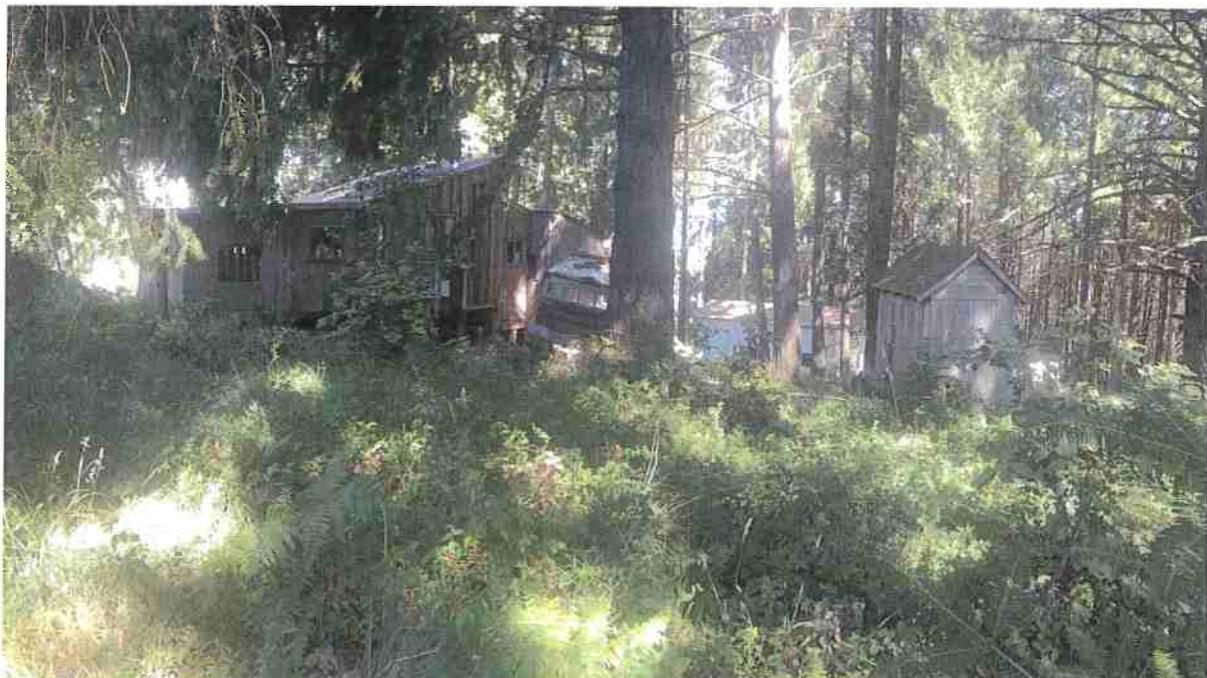


Figure 2) East edge of Site A looking north, 10' by 10' shed in photo right foreground.



Figure 3) Southwest corner of Site A looking northeast at the ~32' by 36' cabin.

## Site B

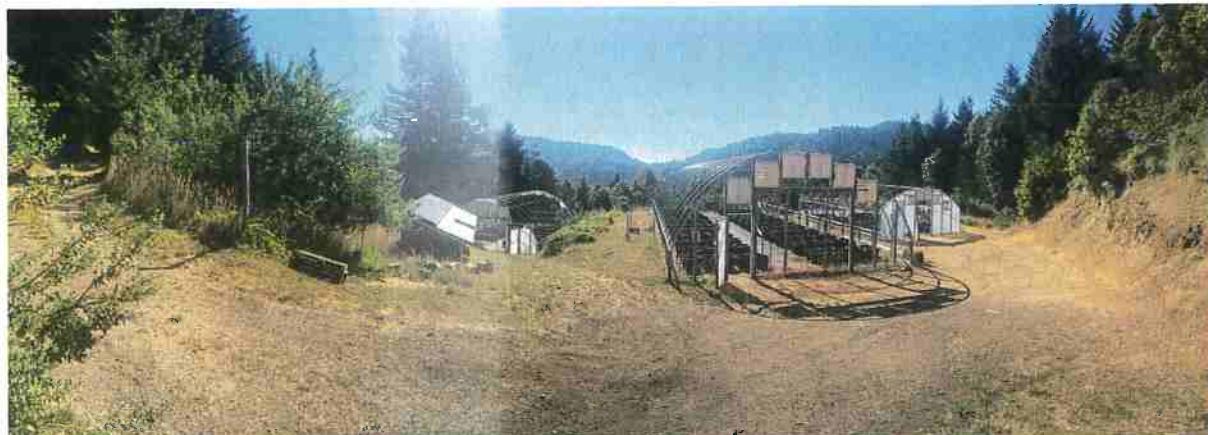


Figure 4) West edge of Site B looking southeast.



Figure 5) Southwest edge of Site B looking east.



Figure 6) Northeast edge of Site B looking southeast at area most recently cleared of trees.



Figure 7) North edge of Site B looking at spring channel with added river rock.



Figure 8) Northeast edge of Site B looking southwest at top vernal pond. Culvert in shadow in photo center. Trail on fill berm in photo center.

## Catalina Petrolia Conversion Mitigation Plan

### Site C

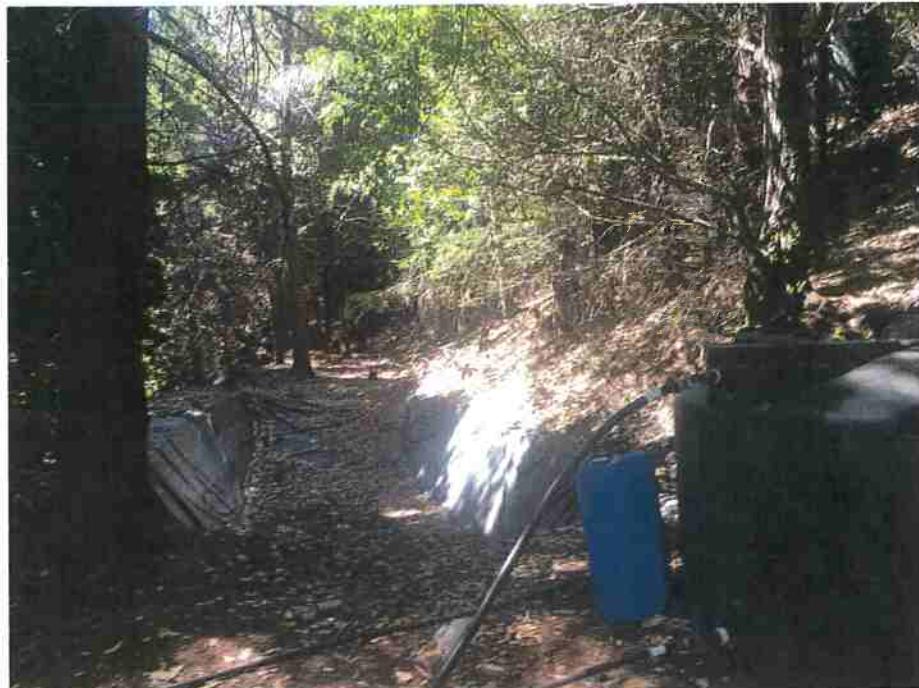


Figure 9) East edge of Site C looking west.



Figure 10) Zoning map from Humboldt County WebGIS. The two properties are zoned TPZ with an AE polygon over cultivation sites.

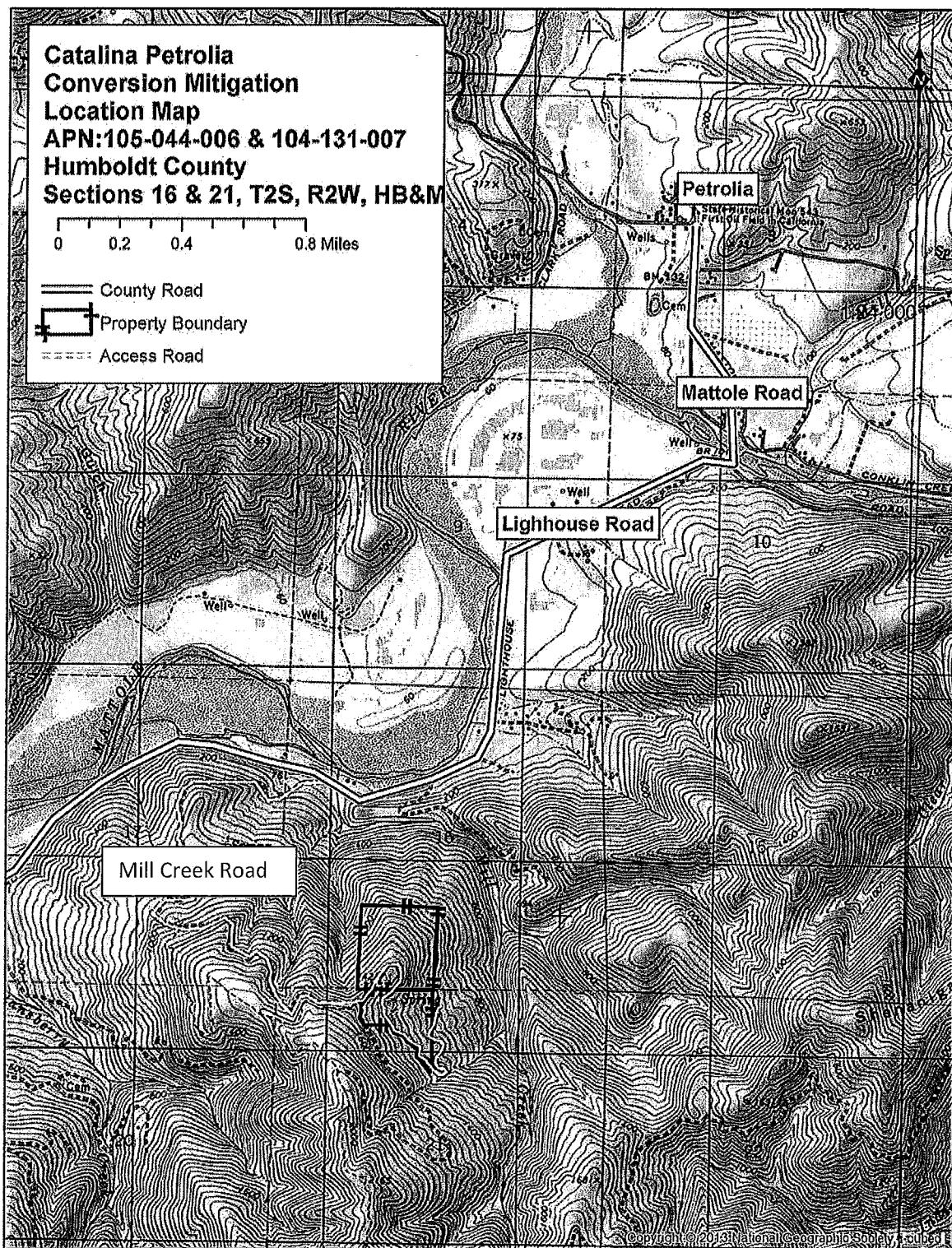


Figure 11) Location Map for Catalina Petrolia. Mill Creek Road is 2 miles down Lighthouse. Driveway is up Mill Creek road at 2.0 miles.

### Catalina Petrolia Conversion Mitigation Plan

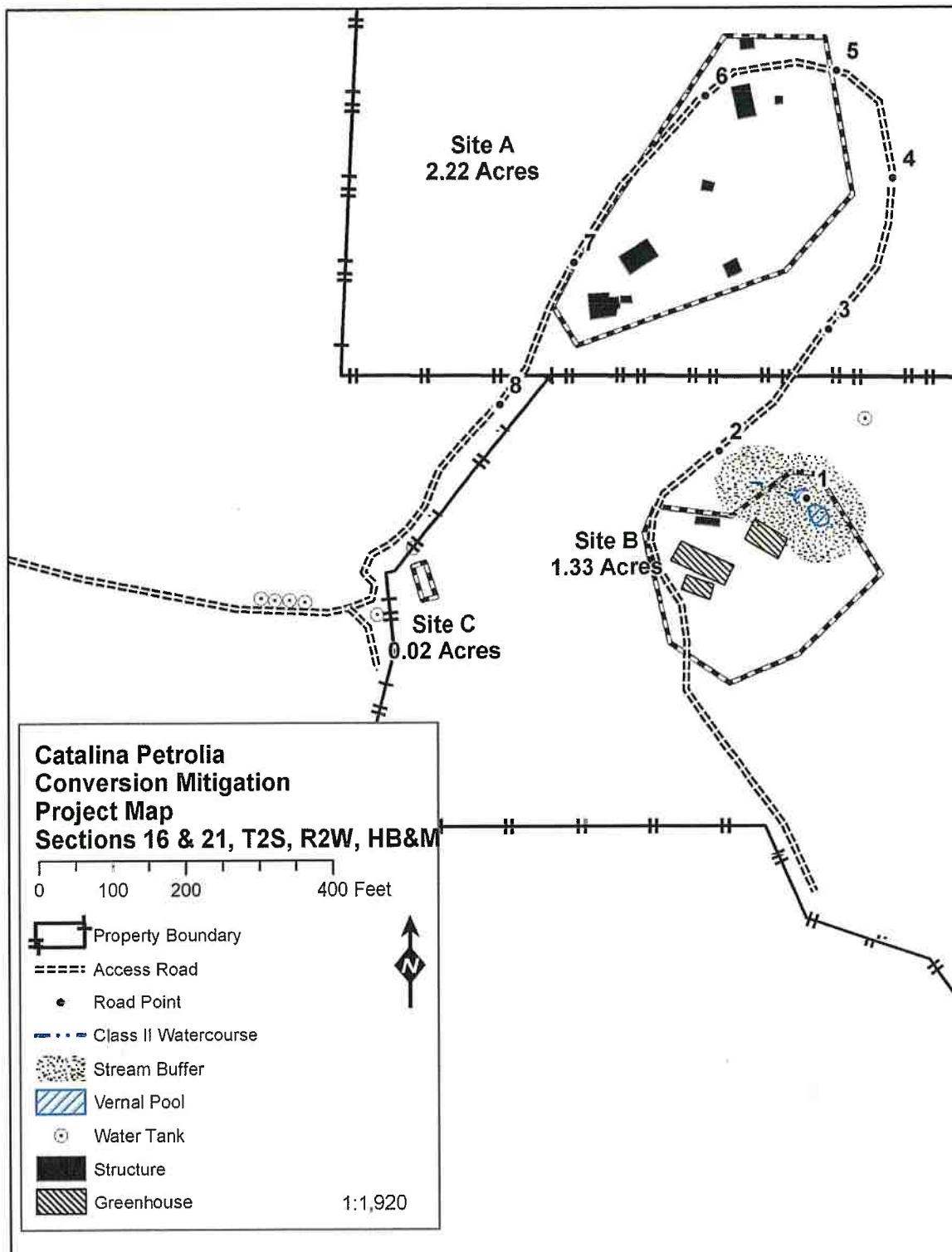


Figure 12) Project Map with all road points (locations of recommended mitigations).

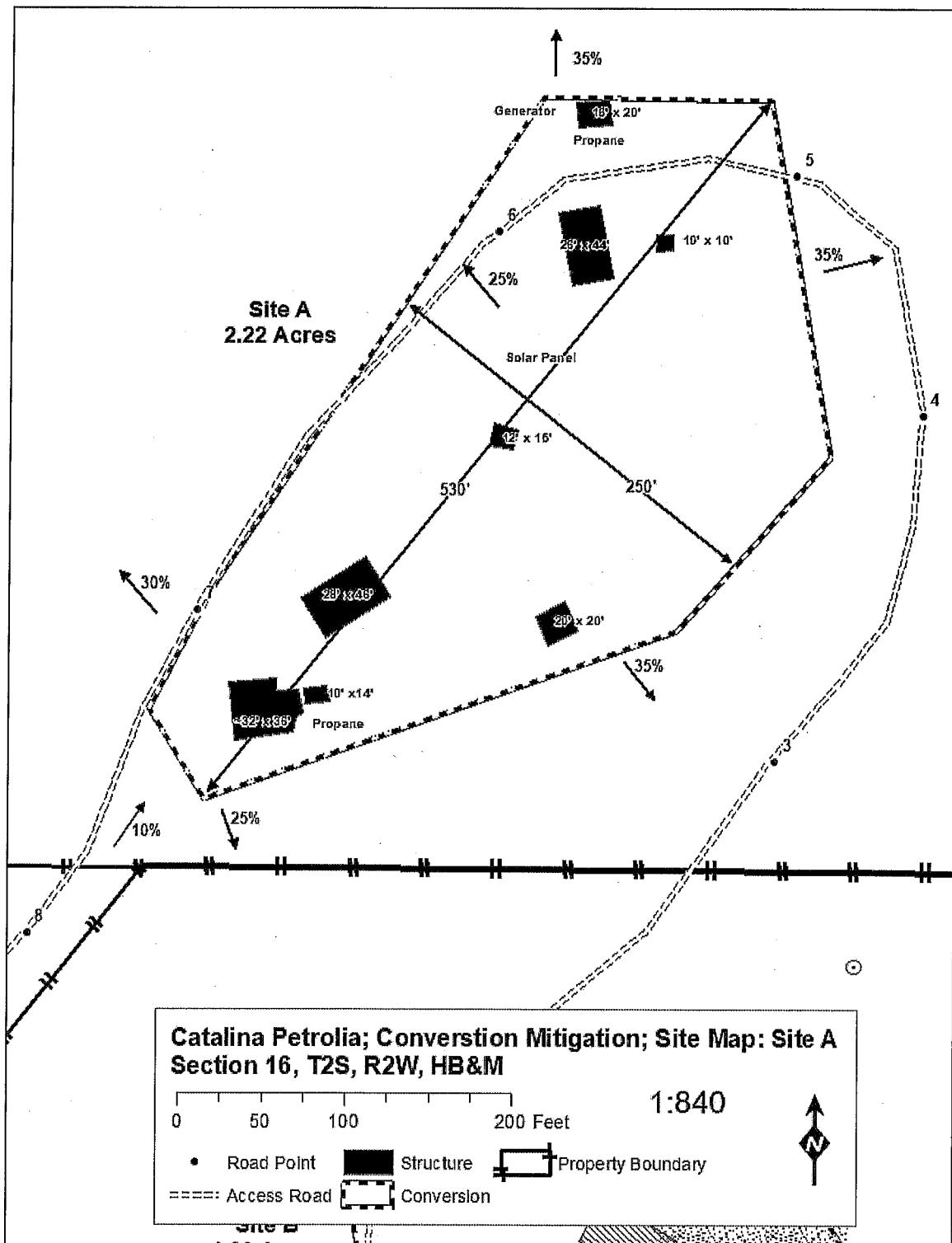


Figure 13) Site Map; Site A.

## Catalina Petrolia Conversion Mitigation Plan

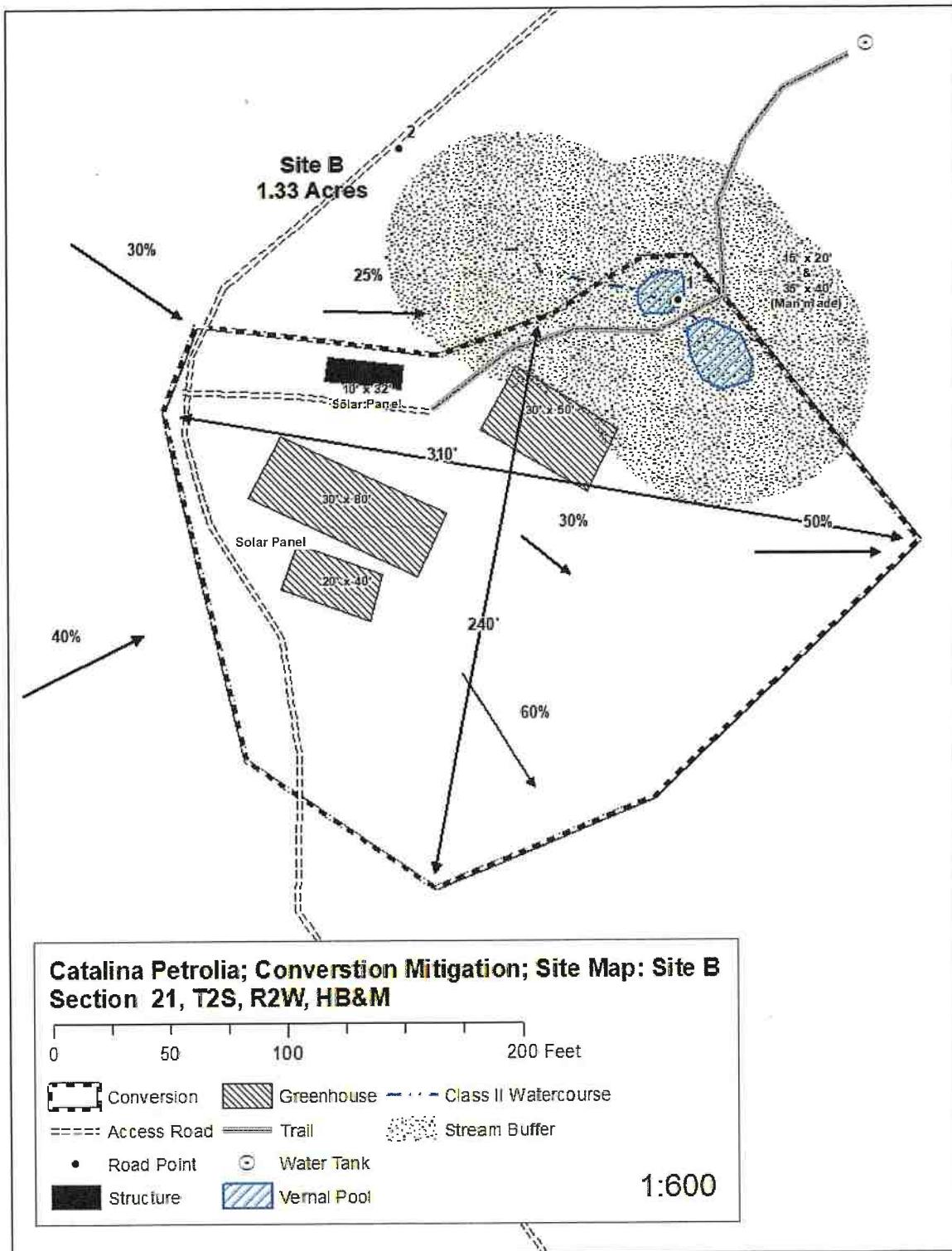


Figure 14) Site Map; Site B.

## Catalina Petrolia Conversion Mitigation Plan

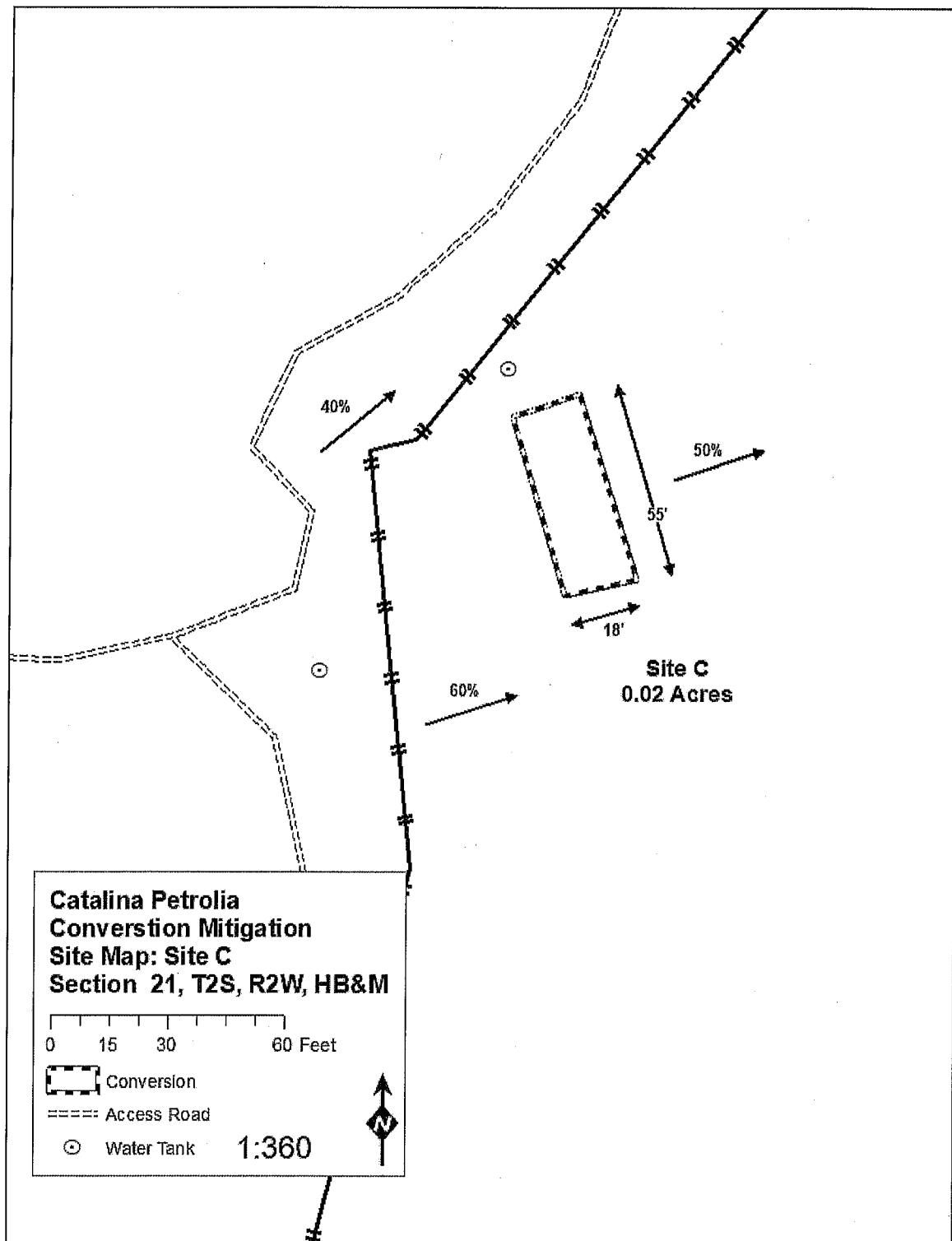


Figure 14) Site Map; Site C.

**Catalina Petrolia Conversion Mitigation Plan**

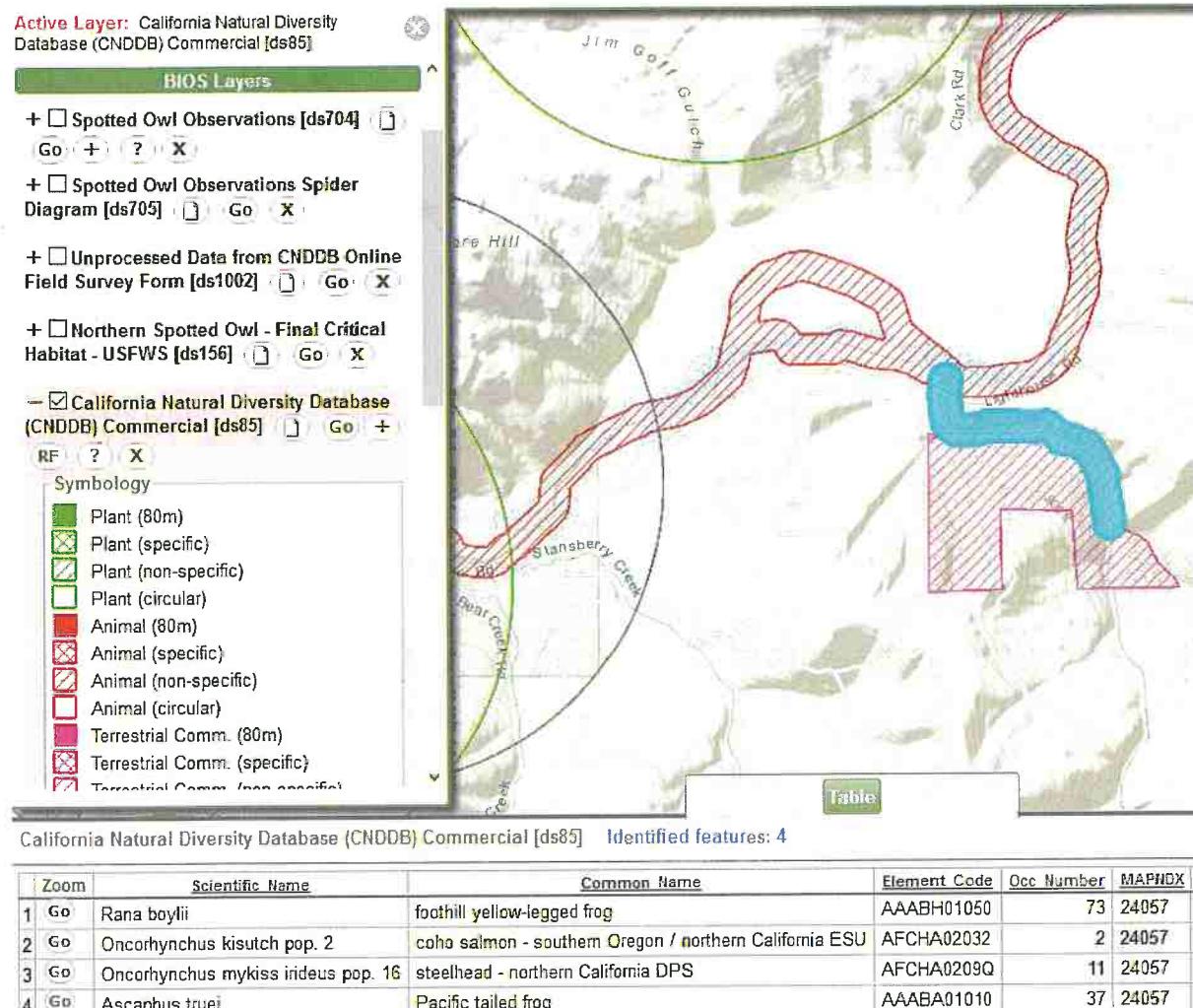


Figure 15) CNDDDB search map. Four species within 1000' of project area.

RECORDING REQUESTED BY  
Humboldt Land Title Company  
WHEN RECORDED RETURN TO  
AND MAIL TAX STATEMENTS TO:

Name: Maureen F. Catalina  
Address: P.O. Box 83

Honeydew, CA 95545

Order No. 00143171-001-TH

2014-001192-3  
Recorded - Official Records  
Humboldt County, California  
Carolyn Crnich, Recorder  
Recorded by: HLTCO  
Rec Fee: \$19.00

[Doc Trf Tax: \$55.65  
Clerk: LH Total: \$74.65  
Jan 21, 2014 at 10:01:32

### GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)

City of unincorporated area  
Parcel No. 105-044-008  
104-131-007

Documentary Transfer Tax is \$55.65

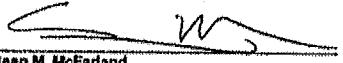
(Computed on full value of interest or property conveyed, or  
100% full value less value of liens or encumbrances remaining at  
the time of sale)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Sean M. McFarland, a single man  
hereby GRANT(s) to  
Maureen F. Catalina, an unmarried woman  
the following real property in the City of unincorporated area  
County of Humboldt, State of California:

See Exhibit A attached hereto and made a part hereof.

Dated: December 11, 2013

State of ~~California~~ Minnesota  
County of ~~Olmsted~~



Sean M. McFarland

On January 10<sup>th</sup>, 2014 before me, Mark J. Cates  
a Notary Public, personally appeared Sean McFarland

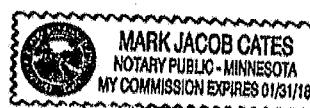
who proved to me on the basis of satisfactory evidence to be the  
person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies) and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the person(s)  
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of  
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Mark J. Cates

My commission expires: 01/31/2018



(This area for official notarial seal)

1 of 3

Exhibit A

DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

PARCEL ONE:

The Southeast Quarter of the Southwest Quarter of Section 16, Township 2 South, Range 2 West, Humboldt Meridian.

PARCEL TWO:

That portion of the Northwest Quarter of Section 21, Township 2 South, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at the Quarter Section corner on the North line of said Section 21;  
thence Westerly along said North line to the Northwest corner of the Northeast Quarter of said Northwest Quarter;

thence South 14 degrees 14 minutes 45 seconds West, 61.60 feet;  
thence South 51 degrees 12 minutes West, 222.67 feet;  
thence South 62 degrees 25 minutes 38 seconds West, 50 feet;  
thence South 47 degrees 19 minutes 16 seconds East, 68.98 feet;  
thence South 7 degrees 38 minutes 15 seconds East, 213.30 feet;  
thence South 54 degrees 23 minutes East, 106.07 feet;  
thence South 18 degrees 38 minutes East, 138.97 feet;  
thence South 89 degrees 52 minutes 60 seconds East, 470.22 feet;  
thence South 66 degrees 59 minutes 30 seconds East, 217.25 feet;  
thence South 36 degrees 32 minutes East, 133.89 feet;  
thence South 51 degrees 58 minutes 30 seconds East, 149.14 feet;  
thence South 27 degrees 56 minutes 30 seconds East, 140 feet;  
thence South 56 degrees 50 minutes 30 seconds East, 186.50 feet;  
thence South 38 degrees 16 minutes 30 seconds East, 225.04 feet;  
thence South 89 degrees 49 minutes East, 100.62 feet;  
thence North 25 degrees 40 minutes East, 96.53 feet to the Southeast corner of said Northeast Quarter of the Northwest Quarter;  
thence North 1 degree 43 minutes 34 seconds East along the East line of said Northeast Quarter of the Northwest Quarter, 1323.24 feet to the point of beginning.

PARCEL THREE:

A non-exclusive easement for ingress, egress and public utility purposes over a strip of land 70 feet in width, the centerline of which is described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 17;  
thence North 00 degrees 32 minutes 02 seconds West along the East line of said Northwest Quarter of the Southeast Quarter, 776.23 feet;

thence West, 332.00 feet to the true point of beginning;  
thence North 11 degrees 26 minutes 38 seconds West, 292.45 feet;  
thence North 37 degrees 54 minutes 38 seconds West, 190.60 feet;  
thence North 15 degrees 50 minutes 00 seconds West, 160.23 feet;  
thence North 6 degrees 58 minutes 52 seconds East, 271.98 feet;  
thence North 14 degrees 42 minutes 38 seconds West, 210.70 feet;  
thence North 20 degrees 25 minutes 22 seconds East, 246.58 feet;  
thence North 4 degrees 34 minutes 22 seconds East, 107.73 feet;  
thence North 40 degrees 55 minutes 52 seconds East, 68.42 feet;  
thence North 83 degrees 33 minutes 52 seconds East, 209.36 feet;  
thence South 83 degrees 21 minutes 08 seconds East, 162.68 feet;  
thence North 83 degrees 19 minutes 22 seconds East, 179.75 feet;  
thence North 73 degrees 35 minutes 52 seconds East, 203.92 feet;  
thence South 84 degrees 24 minutes 08 seconds East, 543.95 feet;

OR #2014-001192-3 2 of 3

thence South 12 degrees 09 minutes 08 seconds East, 247.93 feet;  
thence South 79 degrees 25 minutes 38 seconds East, 80.90 feet;  
thence North 57 degrees 11 minutes 52 seconds East, 118.11 feet;  
thence South 81 degrees 17 minutes 06 seconds East, 132.84 feet;  
thence North 47 degrees 37 minutes 22 seconds East, 271.14 feet;  
thence North 62 degrees 46 minutes 22 seconds East, 169.94 feet;  
thence South 89 degrees 53 minutes 38 seconds East, 199.06 feet;  
thence North 35 degrees 51 minutes 52 seconds East, 75.53 feet to the centerline of the County Road known as Lighthouse Road.

**PARCEL FOUR:**

A non-exclusive easement for ingress, egress and public utility purposes over a strip of land 70 feet in width, the centerline of which is described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 17;  
thence North 00 degrees 32 minutes 02 seconds West along the East line of said Northwest Quarter of the Southeast Quarter, 776.23 feet;  
thence West, 332.00 feet to the true point of beginning;  
thence South 2 degrees 42 minutes 52 seconds West, 404.59 feet;  
thence South 52 degrees 28 minutes 22 seconds West, 286.97 feet;  
thence North 69 degrees 32 minutes 08 seconds West, 162.16 feet;  
thence South 49 degrees 24 minutes 22 seconds West, 165.59 feet;  
thence South 21 degrees 46 minutes 52 seconds West, 248.64 feet;  
thence South 72 degrees 43 minutes 08 seconds East, 473.27 feet;  
thence North 83 degrees 48 minutes 52 seconds East, 486.60 feet;  
thence North 71 degrees 43 minutes 22 seconds East, 258.93 feet;  
thence South 36 degrees 16 minutes 38 seconds East, 141.29 feet;  
thence South 1 degree 53 minutes 38 seconds East, 398.87 feet;  
thence South 75 degrees 31 minutes 08 seconds East, 220.76 feet;  
thence South 61 degrees 43 minutes 38 seconds East, 168.04 feet;  
thence North 60 degrees 38 minutes 22 seconds East, 145.12 feet;  
thence South 65 degrees 36 minutes 08 seconds East, 160.91 feet;  
thence South 30 degrees 17 minutes 08 seconds East, 164.61 feet;  
thence South 5 degrees 37 minutes 38 seconds East, 236.08 feet;  
thence South 50 degrees 38 minutes West, 71.48 feet;  
thence South 10 degrees East, 265.17 feet;  
thence South 65 degrees East, 213 feet;  
thence South 50 degrees East, 252 feet;  
thence North 15 degrees East, 200 feet;  
thence North 47 degrees 22 minutes 13 seconds East, 160.03 feet;  
thence South 76 degrees 21 minutes 33 seconds East, 131.44 feet;  
thence South 59 degrees 57 minutes 05 seconds East, 273.06 feet;  
thence North 77 degrees 53 minutes East, 121.34 feet;  
thence South 63 degrees 48 minutes East, 113.02 feet;  
thence North 82 degrees 26 minutes 38 seconds East, 339.65 to a point herein called "Point A";  
thence South 47 degrees 19 minutes 16 seconds East, 68.98 feet;  
thence South 7 degrees 38 minutes 15 seconds East, 213.30 feet;  
thence South 54 degrees 23 minutes East, 105.07 feet;  
thence South 18 degrees 38 minutes East, 138.97 feet.

**PARCEL FIVE:**

A non-exclusive easement for ingress, egress and public utility purposes over a strip of land 70 feet in width, the centerline of which is described as follows:

BEGINNING at "Point A" referred to in Parcel Four above described;  
thence North 82 degrees 26 minutes 38 seconds West, 60 feet;  
thence North 51 degrees 12 minutes East, 222.67 feet;  
thence North 14 degrees 14 minutes 45 seconds East, 61.60 feet.

OR #2014-001192-3 3 of 3

## 7. References

California Forest Practice rules, 2017; Title 14, California Code of Regulations, Chapters 4, 4.5, and 10

California Natural Diversity Database, July 2018, <http://bios.dfg.ca.gov>

Parcel Quest Data – County Assessor information; <http://pqweb.parcelquest.com>

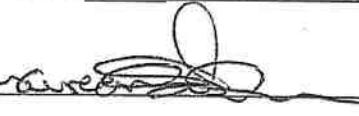
Humboldt County Web GIS, 2018, <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>

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

Prepared by Hohman & Associates/Mad River Properties Inc.

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 the local county planning department.
2. Hohman and Associates/Mad River Properties Inc. 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. Hohman and Associates/Mad River Properties Inc. did not conduct an investigation on a legal survey of the property.
5. The information is based upon conditions apparent to Hohman and Associates/Mad River Properties Inc. 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. Hohman and Associates/Mad River Properties Inc. shall not be responsible for the supervision of mitigation operations following approval of the conversion plan.

Landowner of Record: Maureen Catalina

Signature:  Date: aug 11, 2018

Registered Professional Forester: Stephen Hohman RPF #2652

Signature:  Date: 8-21-18

# RECEIVED

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

DEC 06 2018

CDFW - EUREKA



## STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2017-0794-R1

Unnamed Tributary to Mill Creek, Tributary to the Mattole River and the Pacific Ocean

Maureen Catalina  
Catalina Water Diversion and Pond Project  
2 Encroachments



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

## RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on November 22, 2017 and provided additional information on 4/24/18 that the Permittee intends to complete the project described herein.

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, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

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 Mattole River watershed, approximately 2.0 miles south and west of the town of Petrolia, County of Humboldt, State of California. The project is located in Section 21, T2S, R2W, Humboldt Base and Meridian; in the Petrolia U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 104-131-007 and 105-044-066; latitude 40.2826 N and longitude -124.3025 W at the point of diversion (POD).

## PROJECT DESCRIPTION

The project is limited to 2 encroachments (Table 1). One encroachment is a water diversion from a spring at the head of a class II watercourse. Water is diverted using a cistern and transported through a 2 inch poly pipe to storage for domestic and cannabis

cultivation use. A second encroachment is to maintain a functioning 12 inch culvert that connects two small ponds that are fed by the spring. The ponds will not be used for cannabis irrigation. Work for the water diversion and pond culvert will include use and maintenance of the infrastructure.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.2874, -123.3030	Water diversion from a class II watercourse through a 2 inch poly pipe to storage for domestic household and cannabis cultivation use
Pond Culvert	40.2874, 124.3029	Maintain a functioning 12" diameter culvert connecting two small ponds not used for cannabis cultivation and maintenance of the trail/berm between the ponds

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-Legged Frog (*Rana boylii*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic, riparian and native plant 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

### 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
- 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 seven-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 seven (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 November 22, 2017 with revisions received on April 24, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Work Period.** All work, not including diversion of water, 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 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.4 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

## Vegetation Management

- 2.5 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.6 **Vegetation Management.** Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

## Water Diversion

- 2.7 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute** (gpm) at any time.
- 2.8 **Bypass Flow.** The Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.9 **Seasonal Diversion Minimization.** Permittee shall only divert water for **from October 31 to May 15**. However, to accommodate domestic use, permittee shall divert **no more than 150 gallons in any one day between May 15 and October 31**. Water shall be diverted only if the Permittee can adhere to conditions 2.7 and 2.8 of this Agreement.
- 2.10 **Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
  - 2.10.1 A log including the date, time and quantity of water diverted from the POD.
  - 2.10.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
  - 2.10.3 Permittee shall make available for review at the request of the department the daily diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.11 **Water Management Plan.** The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

## Water Diversion Infrastructure

- 2.12 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.13 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.14 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
  - 2.14.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
  - 2.14.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
  - 2.14.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
  - 2.14.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.15 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.16 Exclusionary Devices. Permittee shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.17 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.18 Diversion Infrastructure Plan (DIP). The Permittee shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting

photographs and/or diagrams, and justification of how compliance with conditions 2.12 through 2.17 will be achieved under this Agreement.

2.19 **Heavy Equipment Use.** No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

#### **Diversion to Storage**

2.20 **Water Storage.** All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.

2.21 **Water Storage Maintenance.** WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.

2.22 **Reservoirs.** Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. Water shall be diverted to reservoirs only if the Permittee can adhere to conditions 2.8 and 2.9 of this Agreement.

2.23 **Limitations on Impoundment and Use of Diverted Water.** The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.

2.24 **Water Conservation.** The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.

2.25 **State Water Code.** This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

## Reservoirs

2.26 **No Stocking.** Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.

2.27 **Invasive Species Management for Reservoirs.** Permittee shall implement an invasive species management plan prepared by a Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for invasive aquatic species, including the American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*). The Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.

2.27.1 **Bullfrog Management Plan.** If bullfrogs are observed, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of ponds, shall follow the guidelines in Exhibit A. A copy of the annual monitoring report, shall be submitted to CDFW in accordance with the reporting measures described in Exhibit A and below (Reporting Measure 3.4)

2.28 **Off-stream reservoirs.** Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. The Permittee shall install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. The spillway shall be designed and placed to allow for a minimum of two-feet of freeboard.

2.29 **Seasonal Diversion Minimization.** To minimize adverse impacts to native pond breeding amphibians (when present) the following diversion minimizations apply: From November 1 to March 31, the Permittee shall divert water at a rate no greater than the rate of water flowing into the pond (i.e., water diversion shall not decrease the pond depth). From April 1 – September 1, when native larval amphibians are present, the Permittee shall cease diverting water once the pond volume is one third of the maximum pond volume. To comply with this measure; the Permittee shall establish a fixed visual marker(s) (e.g., stage plate) in the pond as a reference for water level thresholds.

2.30 **Wildlife Entrapment Prevention.** If open reservoirs have any potential for wildlife entrapment, Permittee shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood), and be a minimum length of 1.5 times the radius of the pond. A notice of completed work, with supplemental pictures, shall be submitted to CDFW by December 31, 2018.

### **3. Reporting Measures**

- 3.1 Measurement of Diverted Flow.** Copies of the **Water Diversion Records** (condition 2.10) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2018**.
- 3.2 Diversion Infrastructure Plan.** The Permittee shall **allow 60 days for CDFW review and approval** after submittal of a Diversion Infrastructure Plan (condition 2.18). This document shall be submitted to CDFW at the 619 Second Street, Eureka, CA 95501
- 3.3 Water Management Plan.** The Permittee shall submit a **Water Management Plan** (condition 2.11) within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.4 Bullfrog Management Plan.** To comply with Condition 2.27, the Permittee shall submit all required documents described in the **Bullfrog Management Plan** (Exhibit A) no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW 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:**

Maureen Catalina  
PO Box 93  
Honeydew, CA 95545  
707-629-3699  
Catalinaranch@aol.com

**To CDFW:**

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2017-0794-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](http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html).

#### **TERM**

This Agreement shall **expire five 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.

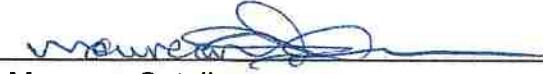
#### **AUTHORIZATION**

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.

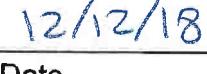
### FOR Maureen Catalina

  
Maureen Catalina

  
Date

### FOR DEPARTMENT OF FISH AND WILDLIFE

  
Cheri Sanville   
for  
Senior Environmental Scientist Supervisor

  
Date

Prepared by: Greg O'Connell, November 6, 2018

## **EXHIBIT A.**

### **BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2017-0794-R1**

#### **GENERAL BULLFROG INFORMATION**

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California and poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to be prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

#### **MONITORING**

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey effort must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night\* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

\*Day time monitoring can also be conducted to aid detection but is not required under this plan.

#### **SUCCESS CRITERIA**

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successfully implemented if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going

efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

## OPTIONS FOR MANAGEMENT

Two management methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Scientist Timothy Smith at [timothy.smith@wildlife.ca.gov](mailto:timothy.smith@wildlife.ca.gov)

### Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **five** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

### Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

### **Pond Dewatering**

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

### **REPORTING**

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

### **APPENDIX A. BULLFROG REFERENCE PHOTOS**



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.



STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**RIGHT TO DIVERT AND USE WATER**

REGISTRATION H503795

CERTIFICATE H100341

Right Holder: *Maureen Catalina*  
2054 Lighthouse Road  
Petrolia, CA 95558

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 11/02/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Catalina Spring Diversion	Unnamed Spring	Mill Creek	Mattole River	40.287594	-124.302484	Humboldt	104-131-007

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	105-044-006	0.08
Irrigation	Humboldt	104-131-007	0.11

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 11/27/2018.

The place of use is shown on the map filed on 11/27/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.27 acre-feet per year to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.3 acre-feet. The rate of diversion to storage shall not exceed 42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's

Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf).

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
  - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
  - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
  - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
  - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 11/27/2018 15:41:56

© 2018 - State Water Resources Control Board

Active Layer: California Natural Diversity Database (CNDB) Commercial [ds85]

Locate Address ▾

2054 lighthouse road petrolia

×

Identify Features ▾

Advanced Tools ▾

Graphics and Selections

Identify Graphic X

BIOS Layers

+  Spotted Owl Observations [ds704]

Go + ? X

+  Unprocessed Data from CNDB Online Field Survey Form [ds1002]

Go X

+  Northern Spotted Owl - Final Critical Habitat - USFWS [ds156]

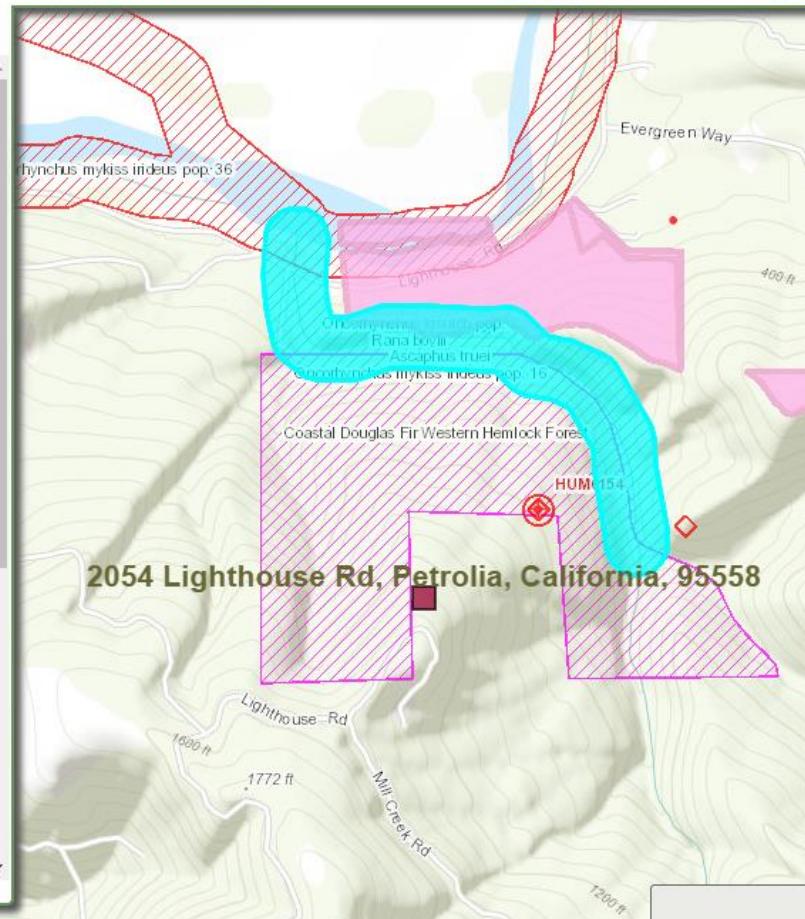
Go X

-  California Natural Diversity Database (CNDB) Commercial [ds85]

Go

Symbology

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)



California Natural Diversity Database (CNDB) Commercial [ds85] Identified features: 4

Zoom	Scientific Name	Common Name	Element Code	Occ Number	MAPNDX
1 <span style="border: 1px solid black; padding: 2px;">Go</span>	Oncorhynchus mykiss irideus pop. 16	steelhead - northern California DPS	AFCHA0209Q	11	24057
2 <span style="border: 1px solid black; padding: 2px;">Go</span>	Rana boylei	foothill yellow-legged frog	AAABH01050	73	24057
3 <span style="border: 1px solid black; padding: 2px;">Go</span>	Oncorhynchus kisutch pop. 2	coho salmon - southern Oregon / northern California ESU	AFCHA02032	2	24057
4 <span style="border: 1px solid black; padding: 2px;">Go</span>	Ascaphus truei	Pacific tailed frog	AAABA01010	37	24057

Maromo, LLC  
Remediation Plan  
APNs: 105-044-006 & 105-131-007  
Humboldt county, CA

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PREPARED FOR:



December 2020

**Remediation Plan**

**Maromo, LLC**

**APNs: 105-044-006 & 105-131-007**

**Apps #11431**

Prepared By:



1117 Samoa Blvd.

Arcata, California 95521

(707) 798-6438

In Consultation with:

**Maromo, LLC**

PO Box 43

Honeydew, CA 95545



December 2020

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## APPENDICES

APPENDIX A: Remediation Site Plan



# 1 Introduction and Site Information

The purpose of this Remediation Plan is to guide remediation efforts to be conducted on a 65.9-acre parcel near the town of Petrolia (APN: 522-113-003). The parcel had been used for timber harvest activities and has development associated with residential and commercial cannabis. The parcel is accessed via one main access road. There is one class III watercourse near the mixed-light cultivation on the 105-131-007 parcel. The parcel is primarily timberland composed of Douglas-Fir and mixed upland hardwood species. The homesite and outdoor cultivation are in a hilltop meadow. Second growth Douglas-fir, tanoak, and Pacific madrone are the dominant established tree species in the immediate vicinity.

## 2 Methods

### 2.1 Remediation Site

Remediation efforts are proposed for one small area within the parcel. The proposed remediation site is located on the mixed-light cultivation flat. Table 1 below describes the proposed remediation in more detail.

**Table 1:** Summary of Remediation Areas.

Site	Approximate Area	Existing Conditions	Proposed Remediation Efforts
Remediation Area 1	TBD Pending Grading Plan	The existing 1,560 sf mixed-light greenhouse is within the 50-ft riparian buffer	Relocate the existing 1,560 greenhouse to the southern portion of the cultivation flat. Relocate the existing 803 sf greenhouse to the northside of the 2,511 sf greenhouse, outside the riparian buffer. Stabilize slope adjacent to greenhouses. Stabilize with native seed mix and mulch with straw; maintain existing live mulch. Vegetation will be monitored for success and replanted if necessary.

## 3 Implementation

Below describes the remediation efforts that are to be implemented. All remediation measures detailed below are to be carried out under the Best Management Practices (BMP's) outlined in Appendix B of the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023). In general, work is to occur during the project work season from May 1<sup>st</sup> to October 15<sup>th</sup> unless a winter operating plan has been completed and implemented.

### 3.1 Remediation Area 1 Measures

Remediation Area 1 is comprised of the 1,560-sf greenhouse on the cultivation flat. Refer to the Remediation Site Plan in Appendix A – Sheet C1.

#### A. Cultivation Relocation

The existing cultivation is within the 50-ft riparian buffer of a class III watercourse. Two mixed-light greenhouses are proposed to be swapped and the remaining disturbed area will be remediated. The cultivation is proposed to be moved, at a minimum, an additional 20 ft away from the streambank. Refer to the Remediation Site Plan in Appendix A – Sheet C1.



#### **A. Recontour and Stability of Restoration Site #1 – Cultivation Flat**

The area to be remediated will include minor grading to accommodate the relocation of the greenhouses. The fillslopes and the exposed soil will be stabilized and vegetated to match the surrounding slopes. Interim erosion control measures including the distribution of straw mulch and installation of straw wattles on the northern and southern slopes.

#### **B. Planting Schedule / Revegetation**

Following re-contouring, the site shall be planted with a native grass/forb seed mix in late fall, after the first rains. Inspection of the site shall occur annually for three years at a minimum. The area is also expected to naturally recruit native vegetation, such as CA blackberry. BMP effectiveness will be monitored and maintained to prevent erosion.

## **4 Monitoring of Remediation Areas**

### **4.1 Responsible Parties**

Monitoring visits and subsequent reporting shall be done by a qualified biologist. The biologist is necessary to evaluate the remediation area and may conduct monitoring for habitat enhancement.

### **4.2 Timing**

Monitoring of the revegetated areas shall occur annually for a minimum of 3 years after initial planting. Photos of the revegetated area shall be taken annually to review progress. The absolute cover of the grasses and forbs will be recorded, as will the number of recruited native plants (volunteer native species are included in the total plant count because they indicate that revegetation is occurring). Monitoring shall occur between June and November annually.

### **4.3 Remediation Goals**

Monitoring results shall meet standard performance criteria<sup>1</sup>: At least a 90% planted species (or equivalent volunteer native species) survival rate during Year 1 monitoring, 80% during Year 2 monitoring, and 70% during Year 3.

### **4.4 Monitoring Data**

Photo monitoring will be conducted by taking representative pictures from several permanent photo points and comparing year to year. Invasive plant species found in the treatment area will be noted and removed. After each monitoring visit the landowner shall be contacted and maintenance issues will be discussed and a plan for maintenance prior to the next monitoring visit will be created. It is the responsibility of the landowner or designee to maintain all sites and structures noted in this report. Maintenance may include the removal of invasive plant species.

### **4.5 Monitoring Report**

A monitoring report summarizing the efforts for the year, potential problems or changes needed, project compliance with implementation plan, and success of remediation goals shall be prepared and delivered each year by September 15. This report shall be completed by a qualified biologist or their qualified designee.

### **4.6 Invasive Plant Management**

Invasive plants are defined as plants that are not native to an environment, and once introduced, they establish, quickly reproduce and spread, and cause harm to the environment, economy, or human health (CAL-IPC 2019).

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<sup>1</sup> Based on CalTrans Revegetation Plans

Sample Plan at: [http://www.dot.ca.gov/dist1/d1projects/albion/geotech\\_investigation\\_reveg\\_plan\\_12\\_9\\_16.pdf](http://www.dot.ca.gov/dist1/d1projects/albion/geotech_investigation_reveg_plan_12_9_16.pdf)



The California Invasive Plant Council (CAL-IPC) has produced a ranked list of invasive species in California, all listed plants should be considered when planning for invasive plant control but those rated as “High” have been found to be the most aggressive and potentially the most difficult to control. These species have severe ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal and establishment. Most are widely distributed ecologically (CAL-IPC 2019).

If any of the CAL-IPC “High” ranked invasive plants are noted within any of the restoration areas, they will be mapped and evaluated for removal.

## 5 References

California Invasive Plant Council Website Accessed July 2019.

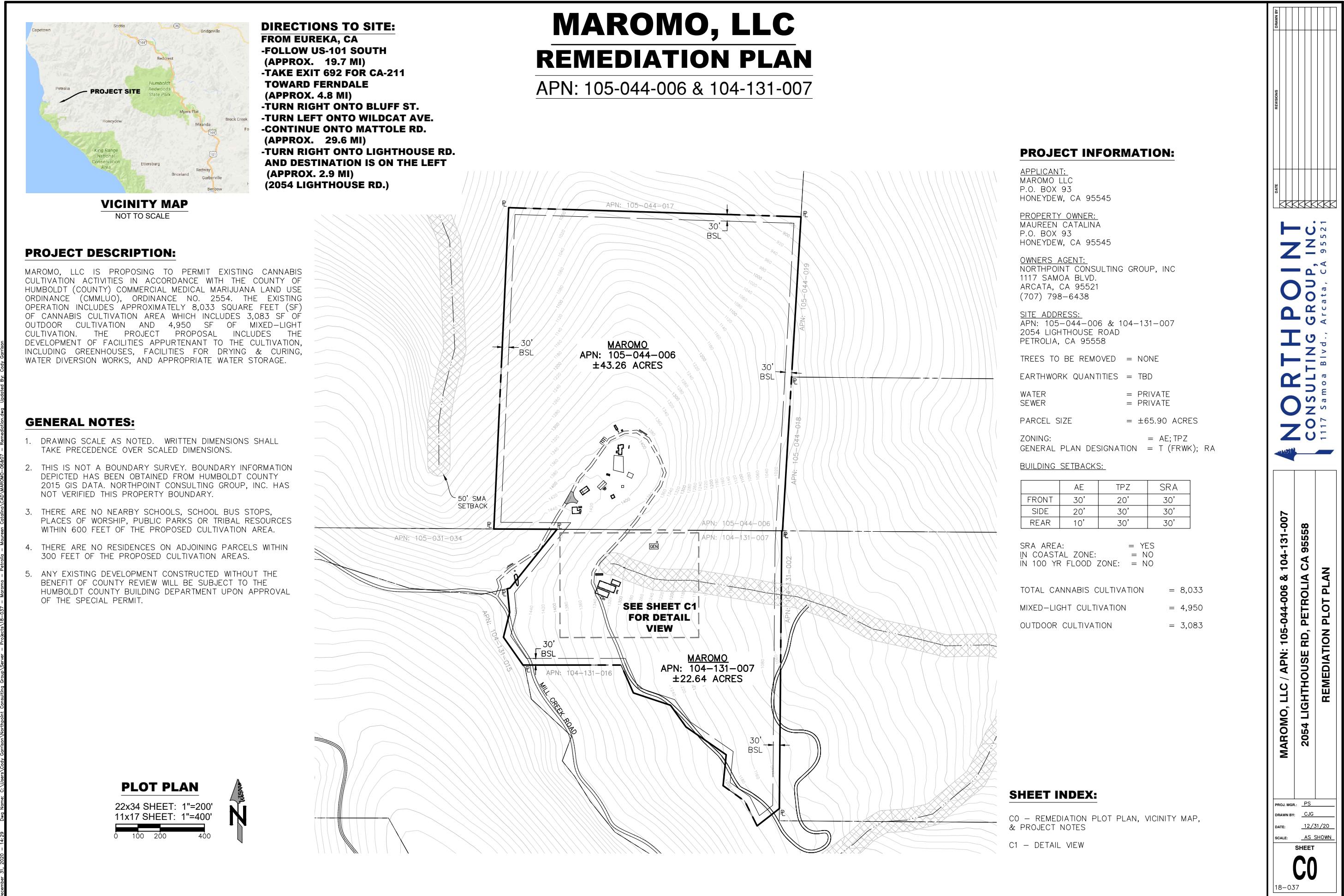
Cal-IPC. 2006. California Invasive Plant Inventory. Cal-IPC Publication 2006-02.

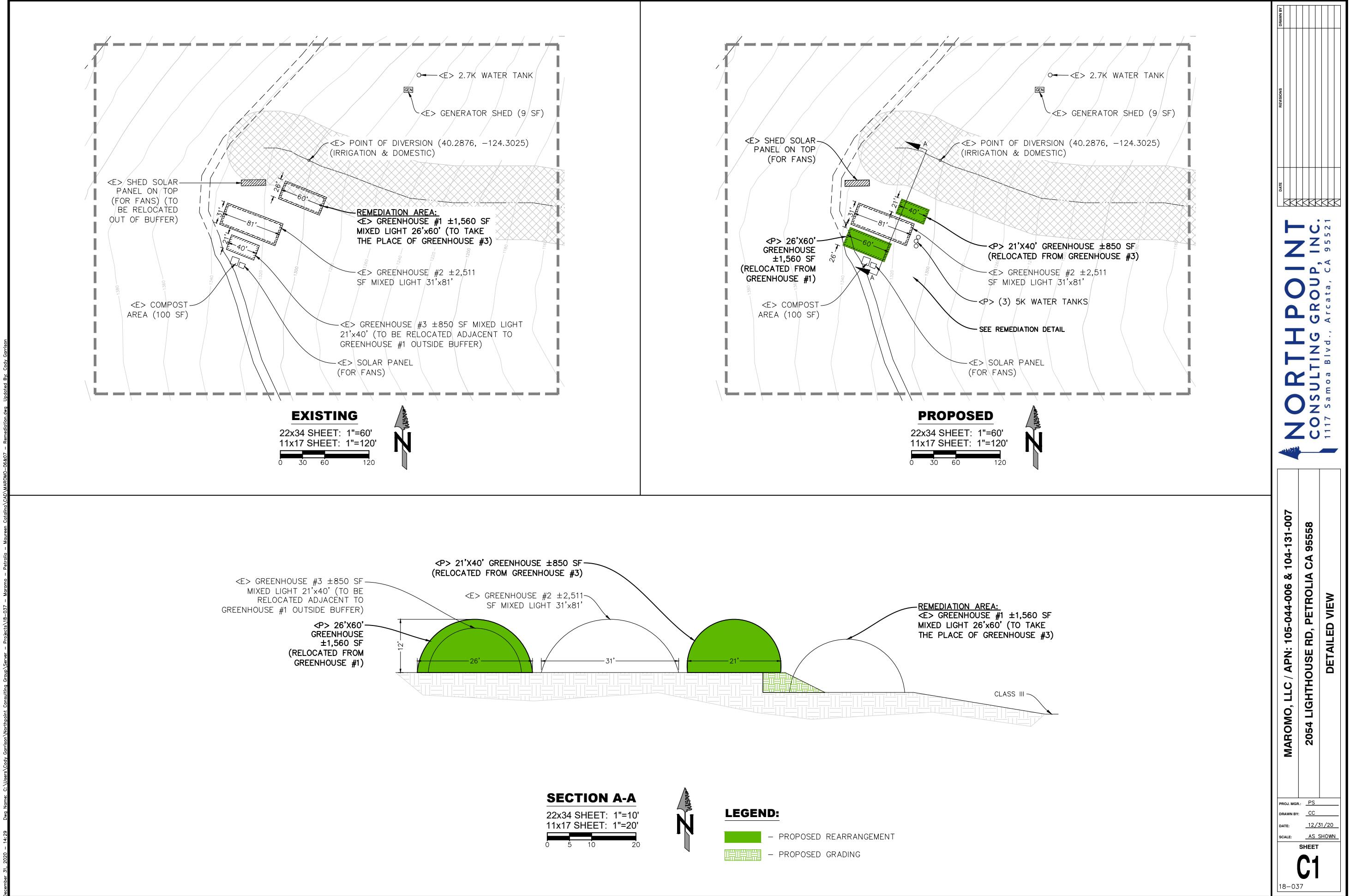
California Invasive Plant Council: Berkeley, CA. Available: [www.cal-ipc.org](http://www.cal-ipc.org)



## ***Appendix A: Remediation Site Plan***



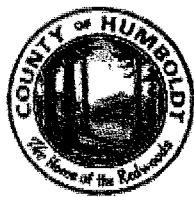




**ATTACHMENT 4****REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS**

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
Building Inspection Division		
Department of Health & Human Services	✓	Memo (03/18/2018)
Public Works, Land Use Division	✓	Memo (03/18/2018)
CalFIRE	✓	Memo (10/31/2017)
Northwest Information Center (NWIC)	✓	Memo (10/27/2017) and Archaeology report (April 2019) & submitted for tribal review
California Department of Fish & Wildlife, Lake and Streambed Alteration Agreement	✓	Memo (12/06/2018)
State Water Quality Control Board, Division of Water Resources	✓	Water Right Letter (11/27/2018)



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

DEH received

11-7-17

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

17/18-1012

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Sinkyone, Mattole Unified School District

---

**Applicant Name** Maromo, LLC **Key Parcel Number** 105-044-006-000

**Application (APPS#)** 11430 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-137

---

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** 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:**

Conditional Approval

**Comments:**

DEH recommends conditional approval with the following condition:

As stated in Section 2.6.4 of the operations plan, applicant must apply for onsite wastewater treatment system permits and install DEH approved systems for all residences referenced therein, within 2-years of approval of the ZCC.

**Response Date:** 3/14/2018 **Recommendation By:** Benjamin Dolf

**DISTRIBUTED**

3-15-18



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



**PROJECT REFERRAL TO:** Health and Human Services Environmental Health Division

17/18-0974

DEH received

10-27-17

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Sinkyone, Mattole Unified School District

---

**Applicant Name** Maromo, LLC **Key Parcel Number** 104-131-007-000

**Application (APPS#)** 11431 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-138

---

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** 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:**

Conditional Approval

**Comments:**

DEH recommends approval with the following conditions:

(1) Prior to reissuance of annual permit **provide an invoice, or equivalent documentation to DEH** to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.

\*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

**Response Date:** 3/9/2018 **Recommendation By:** Joey Whittlesey

DISTRIBUTED

3-12-18