



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: September 16, 2021
To: Humboldt County Zoning Administrator
From: Cliff Johnson, Supervising Planner
Subject: **Sacred Solutions, Inc. Special Permits**
Record Number: PLN-10790-SP
Assessor's Parcel Number (APN): 218-111-004

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Please contact Abbie Strickland, Planner, at 707-441-2630 or by email at astrickland@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date September 16, 2021	Subject Special Permits	Contact Abbie Strickland
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Project Description: The applicant is seeking a Special Permit for 5,421 square feet of existing outdoor commercial cannabis cultivation. No ancillary propagation is required. Water for irrigation is sourced from an existing permitted well. Water for irrigation is stored in hard tanks totaling 101,000 gallons. Projected annual water use totals 70,000 gallons. All processing for the project will occur onsite in an existing 448 square foot structure. All energy for the project will be sourced from solar panels, however, a generator is onsite to provide supplemental energy approximately 3-4 days per year. The project is owner-operated and therefore no employees are required. The applicant is also seeking a Special Permit for remediation efforts within the Streamside Management Area.

Project Location: The project is located in Humboldt County, in the New Harris area, on both sides of South Face Road, approximately 0.36 miles east from the intersection of Hogtrap Road and South Face Road, on the property known as 2760 South Face Road.

Present Plan Land Use Designations: Residential Agriculture (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: High Instability (3).

Present Zoning: Forestry Recreation (FR), Special Building Site (B-5(40))

Record Number: PLN-10790-SP

Assessor's Parcel Number: 218-111-004

Applicant

Sacred Solutions, Inc.
Douglas Eversole
P.O. Box 443
Redway, CA 95560

Owner

Douglas Eversole
P.O. Box 443
Redway, CA

Agents

Rain & Zepp, Inc.
Nate Madsen
517 3rd street STE 30
Eureka, CA 95501

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

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

Major Issues: None.

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 Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all the required findings for approval of the Special Permits based on evidence in the staff report, and adopt the Resolution approving the Sacred Solutions, Inc. project subject to the recommended conditions.

Executive Summary: The applicant is seeking a Special Permit for 5,421 square feet of existing outdoor commercial cannabis cultivation. No ancillary propagation is required. Water for irrigation is sourced from an existing permitted well. Water for irrigation is stored in hard tanks totaling 101,000 gallons. Projected annual water use totals 70,000 gallons. All processing for the project will occur onsite in an existing 448 square foot structure. A condition of approval for the project will require the applicant to obtain a building permit for this structure within 2 years from the date of permit approval (**Condition of Approval A.6**). All energy for the project will be sourced from solar panels, however, a generator is onsite to provide supplemental energy approximately 3-4 days per year. The project is owner-operated and therefore no employees are required. The applicant is also seeking a Special Permit for remediation efforts within the Streamside Management Area.

Water Resources

Water for irrigation will be sourced from an existing well with a solar powered pump. The applicant projects an annual water use of 70,000 gallons and existing available irrigation water storage totals 101,000 gallons. There is a pond onsite, however, the applicant does not intend to utilize the pond for irrigation purposes, rather the pond will be available for wildlife and fire suppression. The project was referred to the Division of Environmental Health (DEH) who recommended that the unpermitted well be destroyed within two years from the date of approval. This will not be included as a condition of approval because the referral response was received in 2017 and a new well was permitted in 2019.

DEH also recommended that the applicant provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling. This will not be included as a condition of approval as the residence does not have a nexus to the commercial operation. However, the applicant has prepared a septic system design which will be installed upon permit approval and permitted with DEH.

Biological Resources

A review of the California Natural Diversity Database found that there are no special status plant or animal species mapped on the subject parcel. The subject parcel is adjacent to public lands which are designated final critical habitat for the Marbled murrelet. The project site is located over .25 miles from the designated habitat and is not anticipated to impact the species. The existing operation is full sun outdoor cultivation, no trees are proposed to be removed, and aside from minimal remediation outlined in the *Remediation Plan* there will be no additional ground disturbance. A condition of approval will require the applicant to relocate and remediate the location of holes 1-10 of Cultivation Area B which are located within the 50-foot setback of the Streamside Management Area (**Condition of Approval A.8**).

The project was referred to the California Department of Fish and Wildlife which requested that; (1) noise attenuation measures be required, (2) all refuse will be contained in wildlife proof containers, at all times, and disposed of at an authorized waste management facility, (3) monofilament netting for all uses, including but not limited for erosion control, will be prohibited. Straw, seeds, wattles, jute cloth, or other industry standards of erosion control will be utilized to eliminate runoff and minimize the risk of ensnaring and strangling wildlife, and (4) wildlife will be left unharmed, if any wildlife is encountered during the operation the permittee will not disturb the wildlife and will allow wildlife to leave the work site unharmed. Provisions have also been included in the applicants *Final Lake or Streambed Alteration Agreement* to protect fish and wildlife resources. The applicant will be required to adhere to these provisions.

Tribal Cultural Coordination

The project was referred to the Northwest Information Center which recommended the applicant submit a *Cultural Resource Survey*. The applicant submitted a survey prepared by the Anthropological Studies Center which determined that the project site is not anticipated to impact any tribal cultural resources. The project site is also not located in a mapped aboriginal territory.

Access

The subject parcel is located off a private driveway which takes access from South Face Road and Road D. Access to the privately maintained roadways is provided by Island Mountain Road, a county-maintained road. A *Road Evaluation Report* was prepared by the applicant for South Face Road and Road D. According to the reports both roads are developed to the equivalent of a Category 4 road standard and meet the functional capacity required for the project's needs. Provisions have been made in the applicant's *Water Resource Protection Plan* to minimize discharge of sediment off-site, improve drainage features on the private access road, and remediate decommissioned historic cultivation areas. A condition of approval will require the applicant to implement the recommendations within the *Water Resource Protection Plan* (**Condition of Approval A.9**).

The subject parcel is located within an area with a high fire hazard severity. The subject property is located within the State Fire Responsibility Area for fire protection (CAL-FIRE). California Department of Forestry and Fire Protection comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 *et seq.*) establishes development standards for minimizing wildfire danger in state responsibility designated areas. A condition of approval will require the applicant to submit a revised site plan showing the location of the SRA turn around and the location of a 2,500-gallon water tank dedicated to fire suppression (**Condition of Approval A.8**).

Environmental review for this project was conducted and based on the results of that analysis, staff find that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the 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 and, 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 21 -
Record Number: PLN-10790-SP
Assessor's Parcel Number: 218-111-004**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Sacred Solutions, Inc., Special Permits request.

WHEREAS, Sacred Solutions, Inc., submitted an application and evidence in support of approving a Special Permit for 5,421 square feet of existing outdoor commercial cannabis cultivation. No ancillary propagation is required. Water for irrigation is sourced from an existing permitted well. Water for irrigation is stored in hard tanks totaling 101,000 gallons. Projected annual water use totals 70,000 gallons. All processing for the project will occur onsite in an existing 448 square foot structure. All energy for the project will be sourced from solar panels, however, a generator is onsite to provide supplemental energy approximately 3-4 days per year. The project is owner-operated and therefore no employees are required. The applicant is also seeking a Special Permit for remediation efforts within the Streamside Management Area.

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

WHEREAS, the Humboldt County Zoning Administrator held a duly noticed public hearing on September 16, 2021, and reviewed, considered, and discussed the application for the Special Permits 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:** A Special Permit for 5,421 square feet of existing outdoor commercial cannabis cultivation. No ancillary propagation is required. Water for irrigation is sourced from an existing well and is stored in hard tanks totaling 101,000 gallons. Projected annual water use totals 70,000 gallons. All processing for the project will occur onsite in an existing 448 square foot structure. All energy for the project will be sourced from solar panels, however, a generator is onsite to provide supplemental energy approximately 3-4 days per year. The project is owner-operated and therefore no employees are required. The applicant is also seeking a Special Permit for remediation efforts within the Streamside Management Area.

EVIDENCE: a) Project File: PLN-10790-SP

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

EVIDENCE: a) Addendum prepared for the proposed project.

- b) A *Water Resource Protection Plan (WRPP)* was prepared by Pacific Watershed Associates in July of 2017 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- c) The continued cultivation of 5,421 square feet of outdoor commercial cannabis cultivation is not anticipated to impact any special status species or sensitive natural communities. A review of the Humboldt County Web GIS found that the project site is over one mile from any known sensitive receptor.
- d) The applicant submitted a *Cultural Resource Survey* prepared by the Anthropological Studies Center which determined that the project site is not anticipated to impact any tribal cultural resources. The project site is also not located in a mapped aboriginal territory.
- e) The applicant has entered into a *Lake and Streambed Alteration Agreement* with the California Department of Fish and Wildlife. The applicant will be required to adhere to the provisions of the LSAA.
- f) A *Road Evaluation Report* was prepared by the applicant for South Face Road and Road D. According to the reports both roads are developed to the equivalent of a Category 4 road standard and meet the functional capacity required for the project's needs.

FINDINGS FOR SPECIAL PERMITS

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 existing cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes. 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 FR zone in which the site is located.

EVIDENCE a) General agricultural is a principally permitted use in the FR zone.
 b) Humboldt County Code section 314-55.4.8.2.2 allows between 5,000 SF and 10,000 SF of existing cannabis cultivation 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 5,421 square feet of existing outdoor cultivation on a 40-acre parcel is consistent with the CMMLUO and with the cultivation area verification prepared by the County.

5. FINDING The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

- a) The subject parcel is determined to be one legal parcel as recorded in Book 1 of Parcel Map No. 58, page 75.
- b) Water for irrigation is sourced locally from an existing permitted well.
- c) The applicant has entered into a *Final Lake and Streambed Alteration Agreement* with the California Department of Fish and Wildlife. The applicant will be required to adhere to the provisions of the LSAA.

- d) A condition of approval will require the applicant to remove and remediate all cultivation from within the Streamside Management Area. Once complete, the applicant will adhere to the minimum setback requirement of 50 feet from the Class III stream.
- e) The subject parcel is location in the State Fire Responsibility Area. To maintain compliance with the Humboldt County Fire Safe Ordinance a condition of approval will require the applicant to submit a revised site plan showing the location of the SRA turn around and the location of a 2,500-gallon water tank dedicated to fire suppression, within 60 days from the date of permit approval.
- f) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in a secondary containment unit.
- 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 600 feet from any school, school bus stop, church, or other place of worship, public park, or Tribal Cultural Resource.

6. FINDING

The continued cultivation of 5,421 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 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. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- b) 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 and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.
- c) Water for irrigation is sourced locally from an existing permitted well.
- d) Provisions have been made in the applicant's *Water Resource Protection Plan* to minimize discharge of sediment off-site, improve the private access road, and remediate other historic cultivation areas and waste.
- e) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in a secondary containment unit.

7. FINDING

The existing 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:

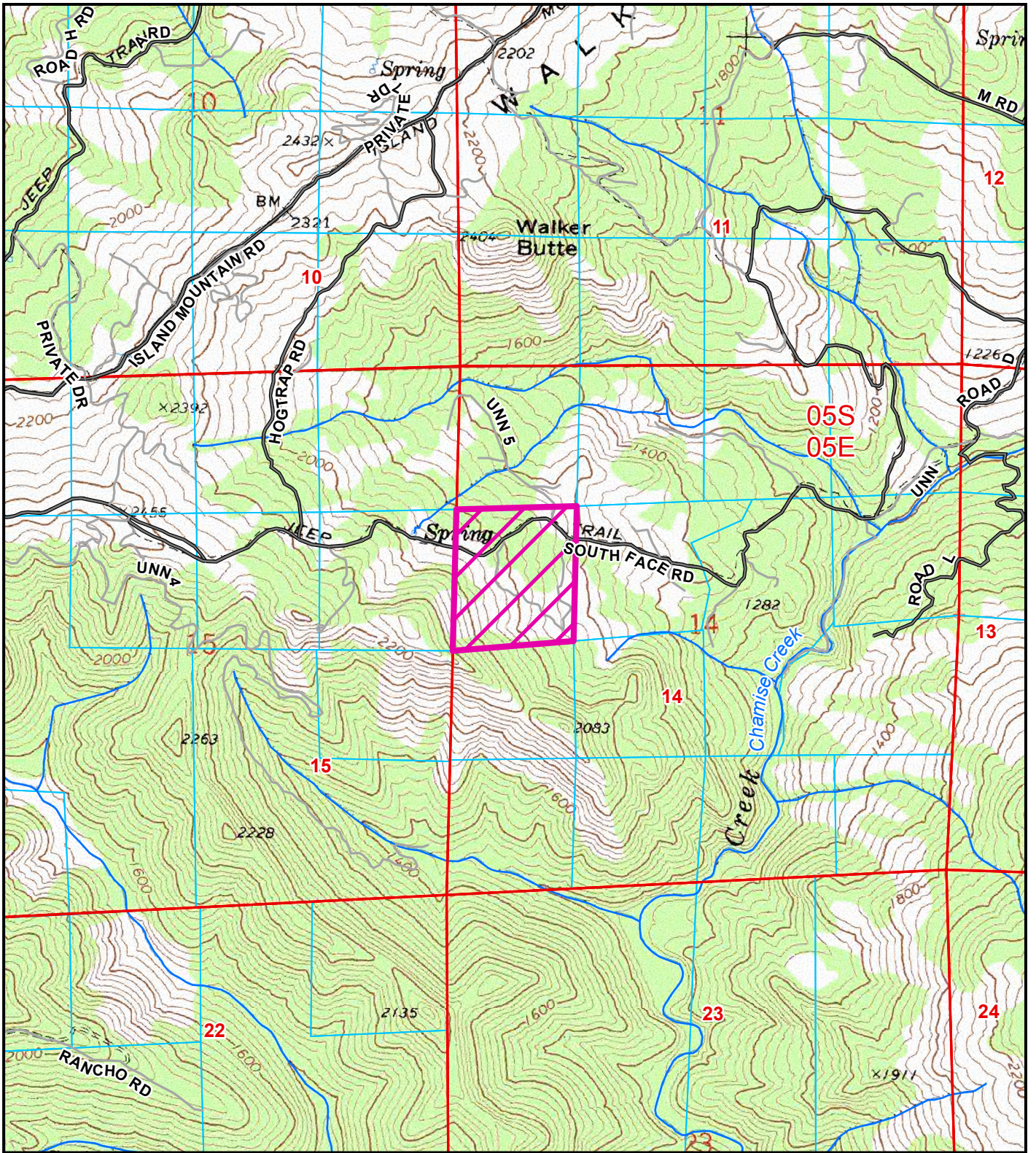
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Sacred Solutions, Inc., Special Permits based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on September 16, 2021.

DECISION:

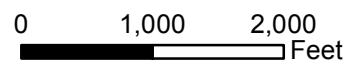
I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Administrator at a meeting held on the date noted above.

John Ford, Zoning Administrator
Planning and Building Department

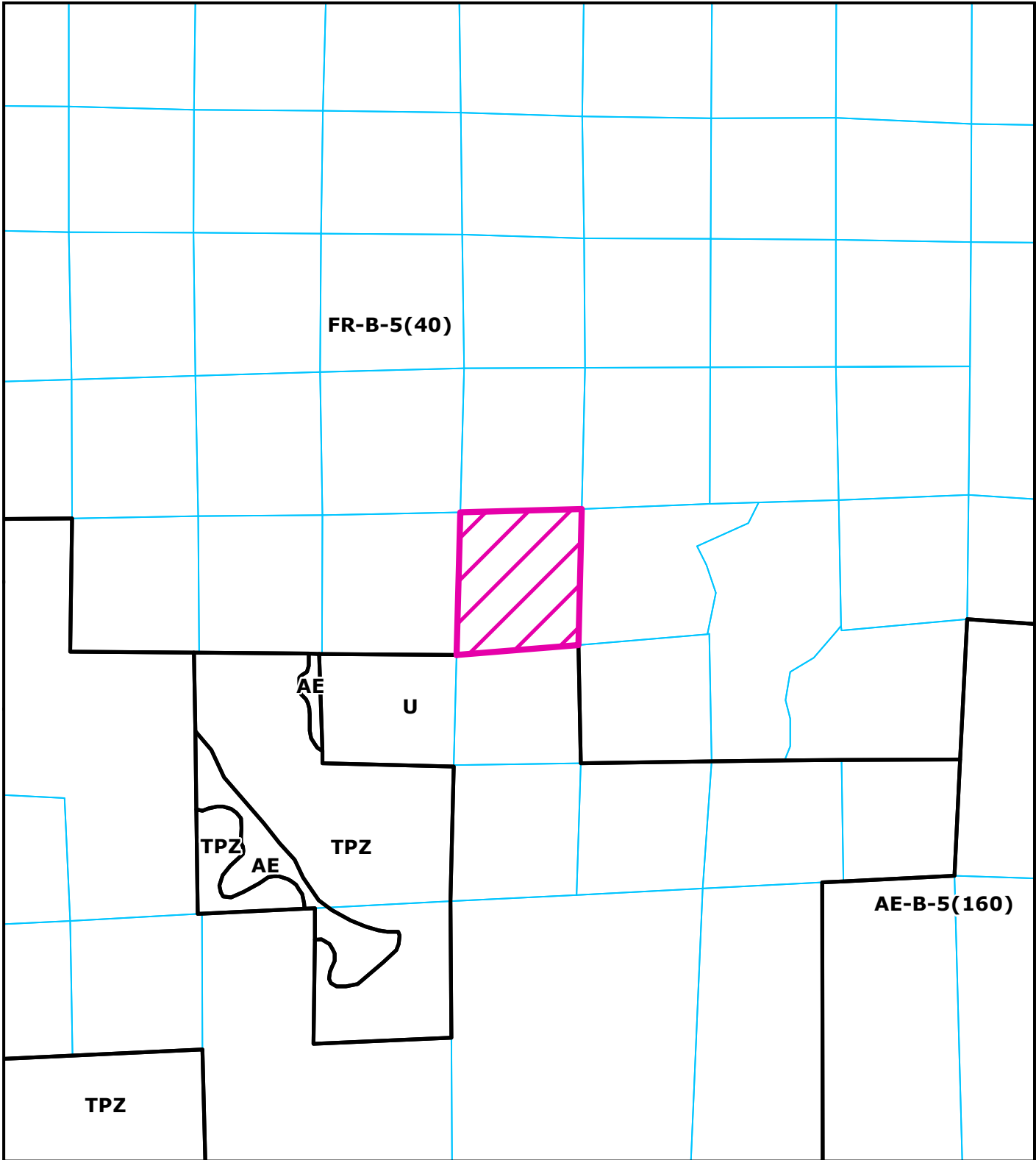


Project Area = 

**TOPO MAP
 PROPOSED SACRED SOLUTIONS INC
 PALO VERDE AREA
 SP-16-180
 APN: 218-111-004
 T05S R05E S14 HB&M (JEWETT ROCK)**

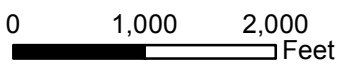


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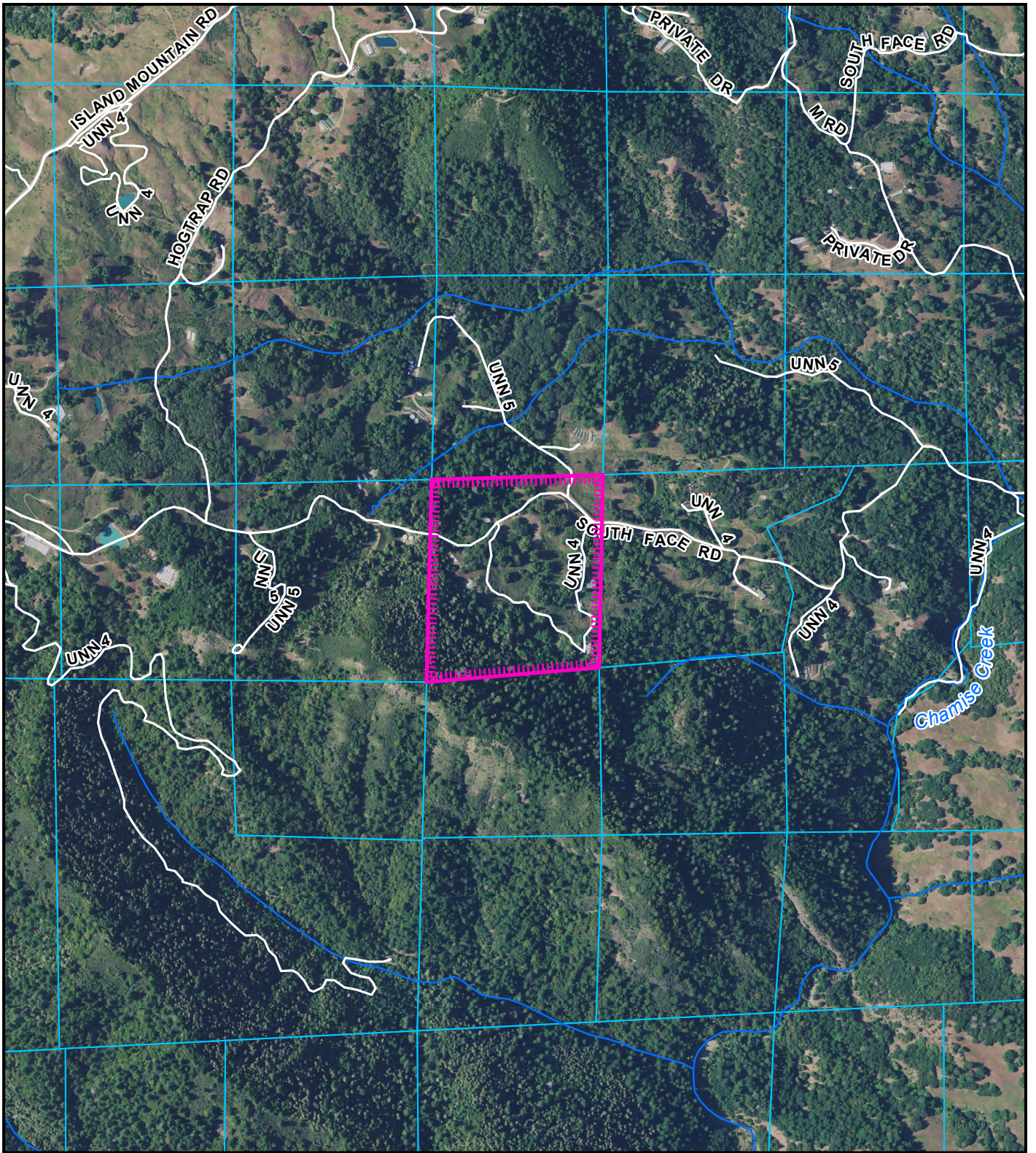


Project Area = 

ZONING MAP
PROPOSED SACRED SOLUTIONS INC
PALO VERDE AREA
SP-16-180
APN: 218-111-004
T05S R05E S14 HB&M (JEWETT ROCK)

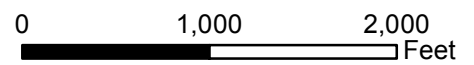


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AERIAL MAP
PROPOSED SACRED SOLUTIONS INC
PALO VERDE AREA
SP-16-180
APN: 218-111-004
T05S R05E S14 HB&M (JEWETT ROCK)

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.



Vicinity Map

Sacred Solutions, Inc

APN: 218-111-004

APPS:10790

Directions: From Mendocino take 101 south to the Fire Gaderville exit, go right at the stop sign toward Alderpoint Road, turn right on Alderpoint Road, turn right onto Bell Springs Road and keep left, turn right at left on Bell Springs Road then make a slight left turn on Bell Springs Road, keep left to continue on Island Mountain Road, keep right then continue over Douglas Road, continue straight to arrival at 700 S Face Lane

Subject Parcel



Applicant uses Individual Non-Contiguous Canopy Area. Each Site is hand dug and lined with Hardware cloth. The soil remixed for each growing season.

The square footage of hole is calculated individually(see table).

- Class III stream setbacks
- Class III Stream/Ditch relief
- Easement
- 30' Property line setback
- N/C - Non Cannabis

No Nieghboring residence within 300' of cultivation sites.
 No sensitive receptors within 600' of cultivation sites.
 No Tribal Ceremonial Sites within 1,000' of cultivation sites.

Item	Description	Year Built
Structure		
B1	Abandoned building 20'x24' N/C	1979
B2	Carpport. N/C	1988
B3	16'x28' Cannabis processing area to be permitted	1991
B4	9'x10' shed N/C	1993
B5	4'x6.5' Outdoor shower N/C	1992
B6	62'x32' House N/C	1993
B7	16'x40' Storage building. N/C	2005
Water Storage		Volume
WT1	12 Plastic water tanks totaling 50,000 gallons	50,000
WT2	10 Plastic water tanks totaling 42,000 gallons	42,000
WT3	3 Plastic water tanks totaling 9,000 gallons	9,000
Well	Solar powered 3-5 gallon per minute cannabis well drilled in 2019	
DWT1	Domestic water tank 3,000 gallon N/C	3,000
DWT2	Domestic water tank 3,000 gallon N/C	3,000
Site A	62 Individual Non-Contiguous grow sites.	
Site B	31 Individual Non-Contiguous grow sites.	
	No neighboring non-developed property lines within 270' of cultivation sites	
B3	Cannabis processing area has bathroom to be permitted	
B6	Passed Perc Test in 2019	

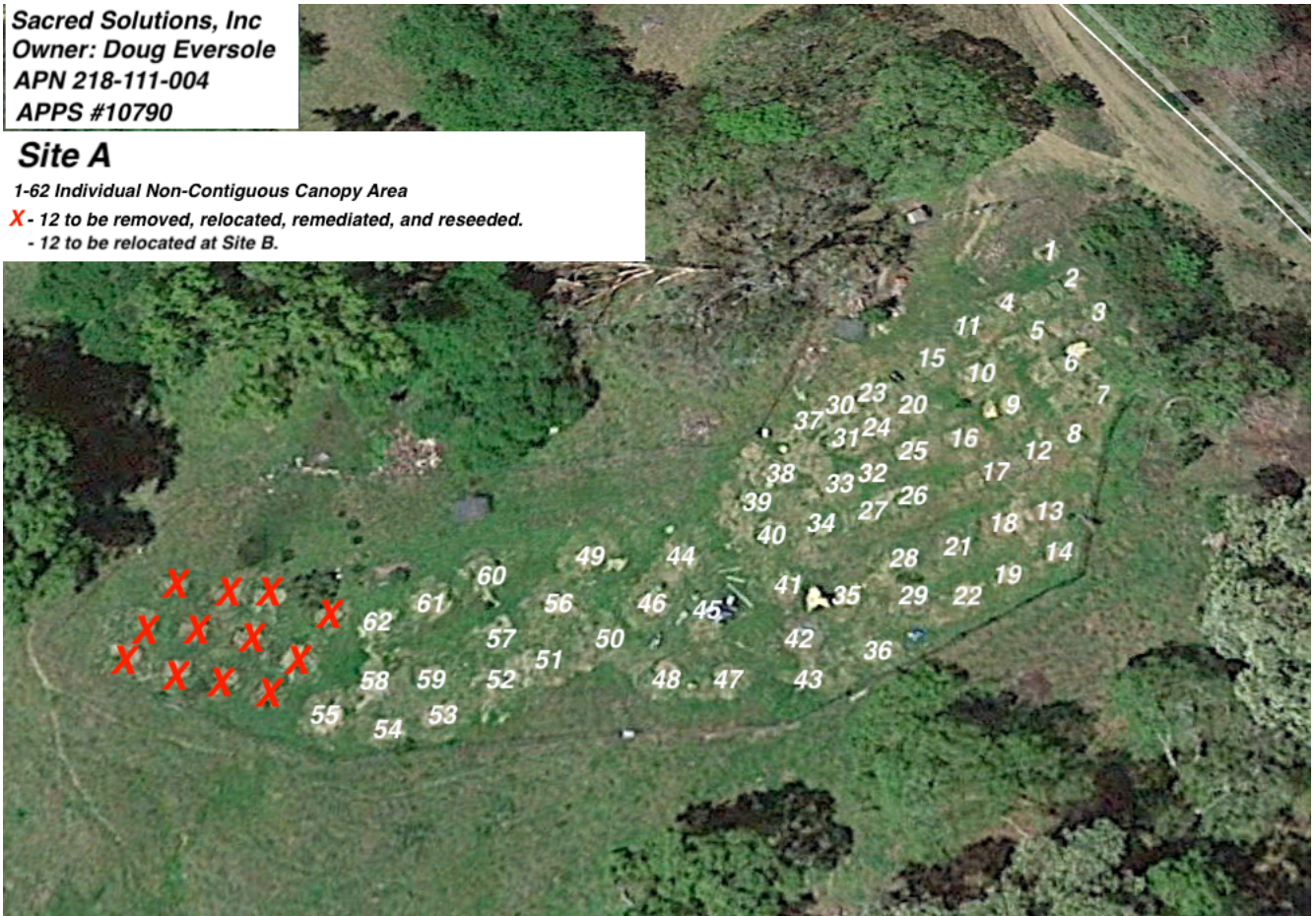


Sacred Solutions, Inc
Owner: Doug Eversole
APN 218-111-004
APPS #10790

Site A

1-62 Individual Non-Contiguous Canopy Area

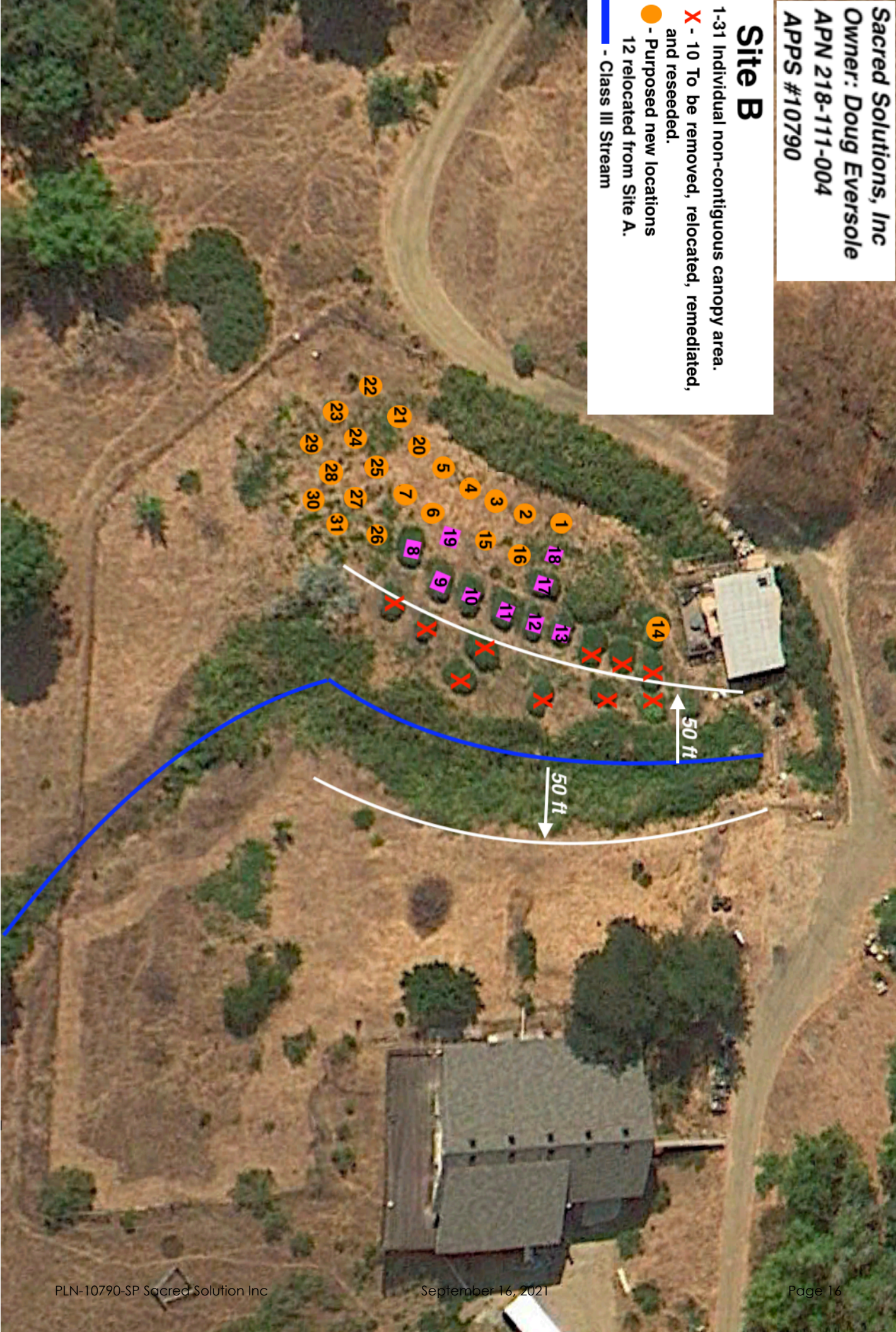
- X - 12 to be removed, relocated, remediated, and reseeded.
- 12 to be relocated at Site B.



Sacred Solutions, Inc
Owner: Doug Eversole
APN 218-111-004
APPS #10790

Site B

- 1-31 Individual non-contiguous canopy area.
- X - 10 To be removed, relocated, remediated, and reseeded.
- - Purposed new locations
- - 12 relocated from Site A.
- Class III Stream



Site B

Hole number	Location	Dimensions of disturbed soil / Hole size Measured in feet.	Square footage of disturbed soil.	Dimensions of Canopy/ Measured in Feet	Square Footage of Canopy
1	Site B	6X9	54	8X11	88
2	Site B	5X7	35	7X9	63
3	Site B	5X7	35	7X9	63
4	Site B	6X9	54	8X11	88
5	Site B	8X5	40	10X7	70
6	Site B	6X8	48	8X10	80
7	Site B	9X5	45	11X7	77
8	Site B	6X8	48	8X10	80
9	Site B	9X6	54	11X8	88
10	Site B	9X6	54	11X8	88
11	Site B	9X6	54	11X8	88
12	Site B	5X9	45	11X8	88
13	Site B	5X9	45	7X11	77
14	Site B	6X9	54	8X11	88
15	Site B	6X9	54	8X11	88
16	Site B	6X9	54	8X11	88
17	Site B	8X6	48	10X8	80
18	Site B	6X5	30	8X7	56
19	Site B	6X5	30	8X7	56
20	Site B	6X4.5	27	8X6.5	52
21	Site B	4X5.5	22	6X7.5	45
22	Site B	4X6	24	6X8	48
23	Site B	4.5X7	32	6.5X9	59
24	Site B	5X7	35	7X9	63
25	Site B	4.5X6	27	6.5X8	52

Hole number	Location	Dimensions of disturbed soil / Hole size Measured in feet.	Square footage of disturbed soil.	Dimensions of Canopy/ Measured in Feet	Square Footage of Canopy
26	Site B	5X7	35	7X9	63
27	Site B	6X5	30	8X7	56
28	Site B	5X6	30	7X8	56
29	Site B	5X6	30	7X8	56
30	Site B	5X6	30	7X8	56
31	Site B	5X6	30	7X8	56
Total Site B SF					2156 sf

Site A

Hole number	Location	Dimensions of disturbed soil / Hole size	Square footage of disturbed soil.	Dimensions of Canopy	Square Footage of Canopy
1	Site A	5X4	20	7X6	42
2	Site A	5X6	30	7X8	56
3	Site A	4X4	16	6X6	36
4	Site A	6X4	24	8X6	48
5	Site A	5X6	30	7X8	56
6	Site A	5X6	30	7X8	56
7	Site A	4X4	16	6x6	36
8	Site A	5X6	30	7X8	56
9	Site A	5X6	30	7X8	56
10	Site A	5x6	30	7X8	56
11	Site A	6X5	30	8X7	56
12	Site A	5X6	30	7X8	56
13	Site A	5X6	30	7X8	56
14	Site A	4X5.5	22	6X7.5	45
15	Site A	4X6.5	26	6X8.5	51
16	Site A	5X6	30	7X8	56
17	Site A	5X6	30	7X8	56
18	Site A	5X6	30	7X8	56
19	Site A	5X5	25	7X7	49
20	Site A	4X4	16	6X6	36
21	Site A	5X6	30	7X8	56

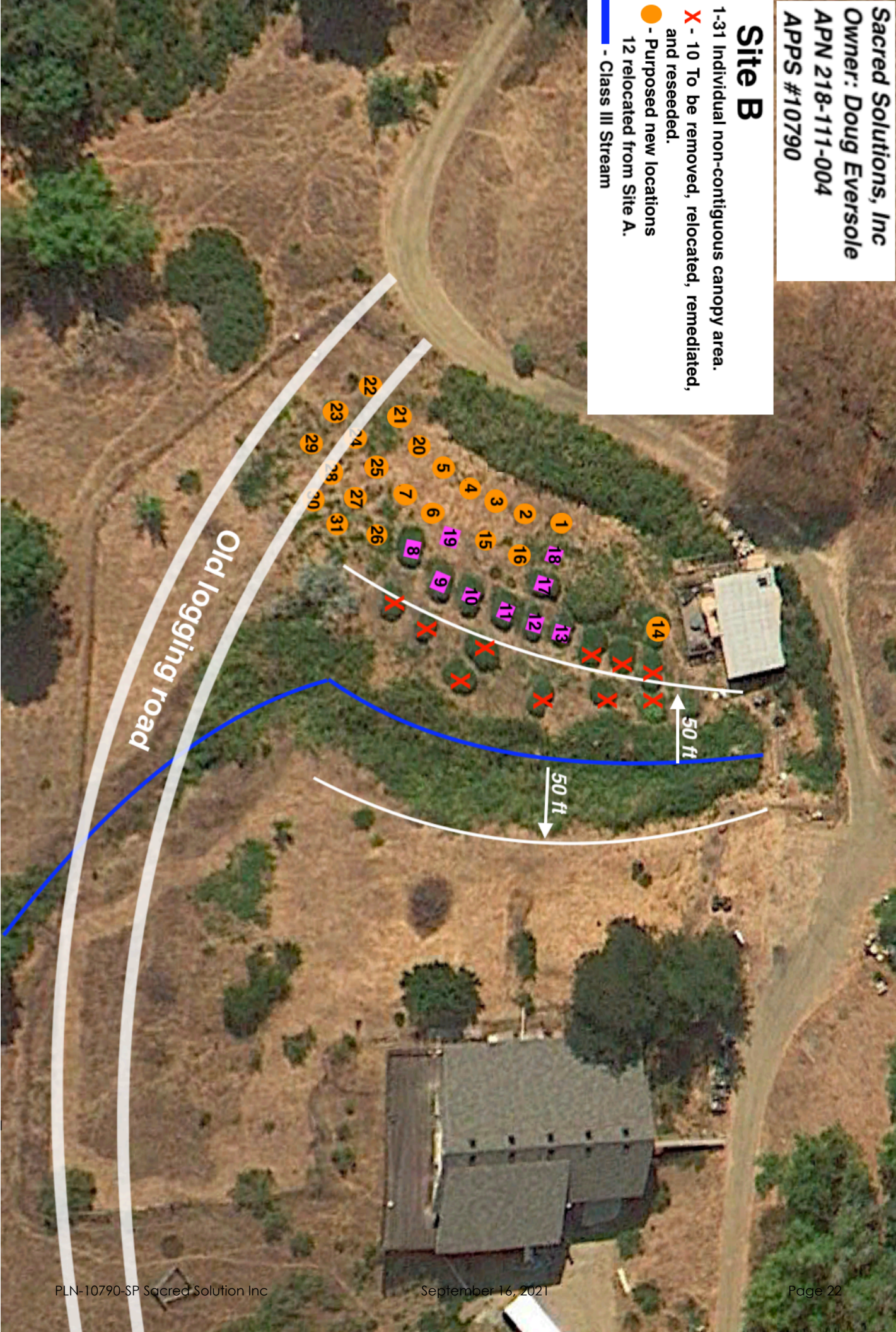
Hole number	Location	Dimensions of disturbed soil / Hole size	Square footage of disturbed soil.	Dimensions of Canopy	Square Footage of Canopy
22	Site A	5.5X4.5	25	7.5X6.5	49
23	Site A	3X6.5	20	5X8.5	43
24	Site A	3.5X6	21	5.5X8	44
25	Site A	4.5X6	27	6.5X8	52
26	Site A	5X6	30	7X8	56
27	Site A	5X6	30	7X8	56
28	Site A	5X6	30	7X8	56
29	Site A	4.5X6	27	6.5X8	52
30	Site A	4X4	16	6X6	36
31	Site A	4X5	20	6X7	42
32	Site A	4.5X5	23	6.5X7	46
33	Site A	4X5	20	6X7	42
34	Site A	4.5X4	18	6.5X6	39
35	Site A	5X6	30	7X8	56
36	Site A	4X7	28	6X9	54
37	Site A	5X4	20	7X6	42
38	Site A	4X7.5	30	6X9.5	57
39	Site A	4X6.5	26	6X8.5	51
40	Site A	4.5X6	27	6.5X8	52
41	Site A	4X6	24	6X8	48
42	Site A	4X6	24	6X8	48
43	Site A	4X5.5	22	6X7.5	45

Hole number	Location	Dimensions of disturbed soil / Hole size	Square footage of disturbed soil.	Dimensions of Canopy	Square Footage of Canopy
44	Site A	4.5X7	32	6.5X9	59
45	Site A	5X7	35	7X9	63
46	Site A	6X7	42	8X9	72
47	Site A	5X6	30	7X8	56
48	Site A	5X6	30	7X8	56
49	Site A	5X6.5	33	7X8.5	60
50	Site A	4X6	24	6X8	48
51	Site A	6X6	36	8X8	64
52	Site A	5.5X5	28	7.5X7	53
53	Site A	5X5.5	28	7X7.5	53
54	Site A	5X6	30	7X8	56
55	Site A	6X6	36	8X8	64
56	Site A	5X6	30	7X8	56
57	Site A	5.5X7	39	7.5X9	68
58	Site A	6X6	36	8X8	64
59	Site A	6X6.5	39	8X8.5	68
60	Site A	4X7	28	6X9	54
61	Site A	5X6.5	33	7X8.5	60
62	Site A	4X7	28	6X9	54
Total Site A SF.					3,265 SF.
Total Combined SF.					5,421 SF.

Sacred Solutions, Inc
Owner: Doug Eversole
APN 218-111-004
APPS #10790

Site B

- 1-31 Individual non-contiguous canopy area.
- X - 10 To be removed, relocated, remediated, and reseeded.
- - Purposed new locations
- - 12 relocated from Site A.
- Class III Stream



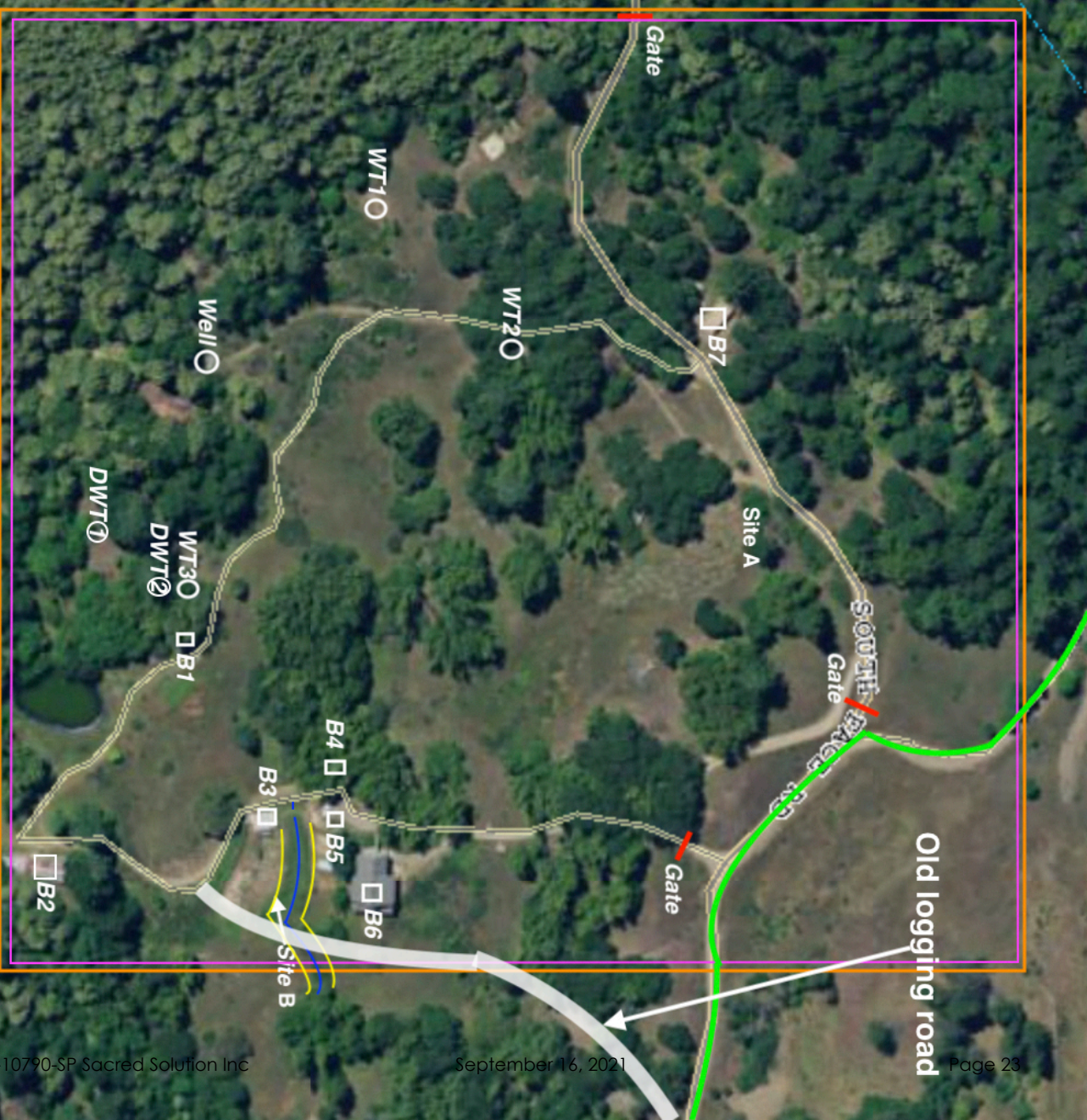
Applicant uses Individual Non-Contiguous Canopy Area. Each Site is hand dug and lined with Hardware cloth. The soil remixed for each growing season.

The square footage of hole is calculated individually(see table).

- Class III stream setbacks
- Class III Stream/Ditch relief
- Easement
- 30' Property line setback
- N/C - Non Cannabis

No Nieghboring residence within 300' of cultivation sites.
 No sensitive receptors within 600' of cultivation sites.
 No Tribal Ceremonial Sites within 1,000' of cultivation sites.

Item	Description	Year Built
Structure		
B1	Abandoned building 20'x24' N/C	1979
B2	Carpport. N/C	1988
B3	16'x28' Cannabis processing area to be permitted	1991
B4	9'x10' shed N/C	1993
B5	4'x6.5' Outdoor shower N/C	1992
B6	62'x32' House N/C	1993
B7	16'x40' Storage building. N/C	2005
Water Storage		Volume
WT1	12 Plastic water tanks totaling 50,000 gallons	50,000
WT2	10 Plastic water tanks totaling 42,000 gallons	42,000
WT3	3 Plastic water tanks totaling 9,000 gallons	9,000
Well	Solar powered 3-5 gallon per minute cannabis well drilled in 2019	
DWT1	Domestic water tank 3,000 gallon N/C	3,000
DWT2	Domestic water tank 3,000 gallon N/C	3,000
Site A	62 Individual Non-Contiguous grow sites.	
Site B	31 Individual Non-Contiguous grow sites.	
	No neighboring non-developed property lines within 270' of cultivation sites	



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMITS 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. 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 #10. 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 obtain a building permit for the 448 square foot processing structure. A sign-off from the Planning and Building Department shall satisfy this requirement.
7. The applicant shall implement all corrective actions outlined in Table 1 of the *Water Resource Protection Plan*. A final effectiveness report documenting the completion of each item shall be submitted to the Planning Department for review. The report shall include photos or other applicable attachments to show the work has been completed. A sign-off from the Planning Department shall fulfill this requirement.
8. The applicant shall implement the following measures as outlined in the *Remediation Plan*:
 - a) The applicant shall relocate and remediate the location of holes 1-10 of Cultivation Area B which are located within the 50-foot setback of the Streamside Management Area.
 - b) The applicant shall relocate and remediate holes 56-63 and 71-74 of Cultivation Area A to the environmentally superior location.

The applicant shall prepare and submit an effectiveness report including photos of the remediation area and a list of activities completed to the Planning Department for review. A sign-off from the Planning Department shall complete this requirement.

9. Within 60 days from the date of project approval, the applicant shall submit a revised Site Plan showing the following:
 - a) The location of the SRA turnaround; and
 - b) The location of a 2,500- gallon water tank dedicated to fire suppression

The applicant shall submit the revised Site Plan to the Planning Department for review and approval. A final sign-off from the Planning Department will satisfy this condition.

10. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator, 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. 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. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of 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 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 CMMLUO 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. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of 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. 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. 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. 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. 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. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. 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 Business and Professions Code section 26051.5(a)(8), 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 CMMLUO eligibility requirements and

agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

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

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

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

ATTACHMENT 2

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

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

**APN 218-111-004, South Face Road, New Harris Area
County of Humboldt**

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

August 2021

Background

Modified Project Description and Project History –

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

The operation involves 5,421 square feet of full-sun outdoor commercial cannabis cultivation. There will be one harvest annually. No ancillary propagation is required for the project. There are two distinct cultivation areas. Cultivation Area A will consist of 3,265 square feet and Cultivation Area B will consist of 2,156 square feet. All processing for the project will occur onsite in an existing 448 square foot structure utilizing a trim machine. The project is owner-operated and therefore no employees are required. All energy for the project will be sourced from solar panels, however, a generator is onsite to provide supplemental energy approximately 3-4 days per year. The generator will be held in a secondary containment unit to attenuate noise.

Water for irrigation will be sourced from an existing permitted well with a solar powered pump. The applicant projects an annual water use of 70,000 gallons and existing available irrigation water storage totals 101,000 gallons. There is a pond onsite, however, the applicant does not intend to utilize the pond for irrigation purposes, rather the pond will be available for wildlife and fire suppression.

The project was referred to the Northwest Information Center which recommended the applicant submit a *Cultural Resource Survey*. The applicant submitted a survey prepared by the Anthropology Studies Center which determined that the project site is not anticipated to impact any tribal cultural resources. The project site is also not located in a mapped aboriginal territory. The existing operation is full sun outdoor cultivation, no trees are proposed to be removed, and aside from minimal remediation outlined in the *Remediation Plan* there will be no additional ground disturbance. No special status species or sensitive natural communities are anticipated

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 for impacts of existing cultivation. These include relocation from sensitive riparian areas.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- *Site Plan* prepared by the applicant, dated August 2021.
- *Cultivation and Operations Plan* prepared by Rain & Zepp, PLC, dated August 2021.
- *Water Resource Protection Plan (WRPP)* prepared by Pacific Watershed Associates for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- *Cultural Resources Investigation* prepared by Anthropological Studies Center, dated September 2018.
- *Well Completion Report* submitted by the applicant on August 24, 2021.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
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. (Site Plan prepared by the applicant received August 4, 2021 – **Attached** with project Maps)
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 Rain & Zepp, PLC, received 8/04/21 – **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. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in the 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, and *Water Resources Protection Plan* (WRPP) prepared by Pacific Watershed Associates- **Attached**)
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. 1600-2019-0505-R1- On file)
9. 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. (Not applicable)

10. 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)
11. 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)
12. 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)
13. 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)
14. *Road Evaluation Report* for Road D prepared by the applicant, dated August 20, 2021. **(Attached)**
15. *Road Evaluation Report* for South Face Road prepared by the applicant, dated August 17, 2020. (Attached)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
17. *Cultural Resource Investigation* prepared by Anthropological Studies Center, dated September 2018. (On file- Confidential)
18. *Well Completion Report* submitted by the applicant on August 24, 2021. **(Attached)**

Operations Plan Addendum

Cultivation Area:

Total proposed cultivation area once onsite reconfiguration is complete will be 5,421 square feet of open air outdoor cultivation.

Water Use Updates and Proposed Water System Revisions:

Sacred Solutions, Inc. uses an estimated 70,000 Gallons annual for cannabis cultivation irrigation. Total existing on site storage is 107,000 gallons. Water is sourced from the existing permitted well with a solar pump. Water is stored throughout the winter and used throughout the cultivation season. There is a plan to add a rooftop rain catchment system to augment the existing well water source though the well and existing storage capacity is more than sufficient to meet all project needs. The existing pond is exclusively for emergency fire water and wildlife use; there is no existing or proposed cannabis use related to the pond.

Updated Estimated Water Use Table

Month	Monthly total (gallons)
January	0
February	0
March	0
April	0
May	1346
June	9298
July	16299
August	17763
September	10879
October	9415
November	5000
December	0
Total estimated annual water usage	
70,000	

Power Source:



517 3rd St. Ste 30 Eureka, CA 95501 Tel: (707) 442- 3034 Fax: (707) 445-5925
 Email: tracyrain@rainzepplaw.com beornzepp@rainzepplaw.com

Sacred Solutions, Inc.
APN: 218-111-004
APP# 10790

The existing solar systems meets nearly all power needs. Generator back-up is used 3-4 days per year to accommodate peak seasonal power demand during the fall.

Employees:

Sacred Solutions, Inc. maintains a small full-term outdoor open-air cultivation project. As such no employees are needed to support operations. Processing is performed by the owner operator with a trim machine. No employees are needed to support the project at any time of the year.



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Addendum to Operations Plan

Sacred Solutions, Inc.
APN: 218-111-004
APPS No. 10790
March 11, 2021



Operation plan for moving 10 holes/boxes.

I am going to move ten above ground boxes.

Reused boxes will be moved approximately 20' to the south to the existing veggie garden. I will dismantle the old boxes/holes one at a time and relocate them to the pre-existing veggie garden location as depicted on the Site Map Update.

1. Shovel existing dirt from box and place on tarp.
2. Remove Hardware cloth from inside of empty box.
3. Disassemble box.
4. Reassemble box at pre-existing veggie garden location.
5. Replace hardware cloth.
6. Wheelbarrow dirt to relocation site and empty dirt into reused box.
7. REPEAT steps 2-6 until all boxes have been moved.
8. Apply native grass seed and/or native plants to historic cultivation location.
9. Place weed free organic rice straw on ground where boxes were removed.

Proposed On-site Relocation of 12 Beds to Environmentally Superior Location

There are 12 existing raised beds on a hillside adjacent to a forested location; these beds are labeled 56-63 and 71-74 on the site map. The trees adjacent to these cultivation beds would benefit from their removal by allowing their root systems to remain undisturbed and the adjacent ground would sustain less compaction due to less activity in the area. Additionally, forest dependent wildlife would have more readily available access to the area and could therefore use the area uninhibited.

The proposed target relocation site will be pre-disturbed ground in the existing vegetable garden. No new ground disturbance will occur as a result of this proposed relocation. The new location is adjacent to the house and further from the wildlands habitat. The proposed relocation will be added to the pre-existing cultivated vegetable garden site, will cause no new ground disturbance, will consolidate the operation thereby opening the historic cultivation area to enhanced wildlife utility, and will result in diminished impacts to forest values and enhance tree vitality.

The proposed relocation is as indicated on the site map update.

The proposed box/bed relocation will be performed in accord with the plan as described above.

Operations Plan Addendum

Cultivation Area:

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Sacred Solutions, Inc.
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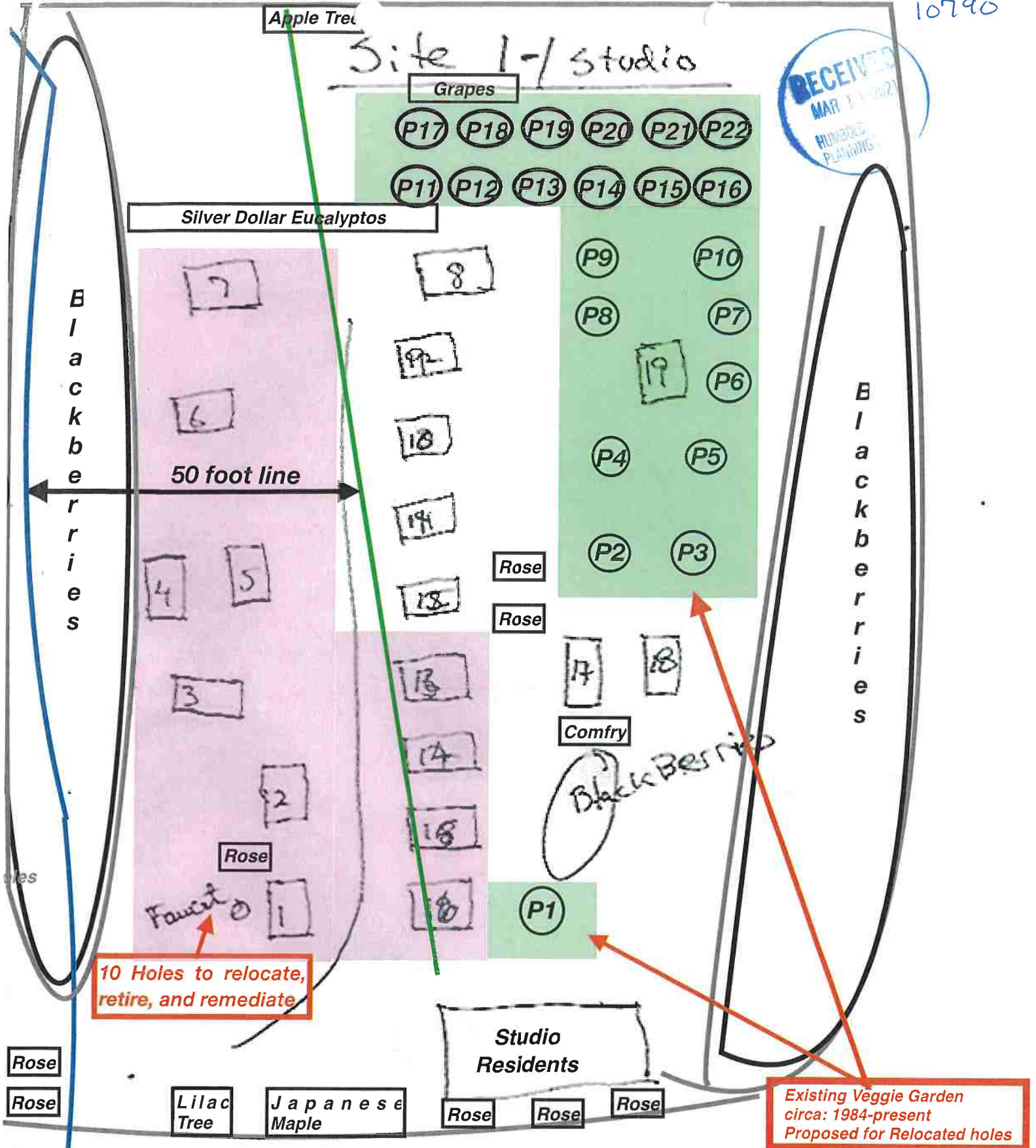
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Site 1 - studio



10 Holes to relocate, retire, and remediate

Existing Veggie Garden circa: 1984-present Proposed for Relocated holes

StudioGarden / Site 1
 APN: 218-111-004
 2760 south Face Rd. Garberville, CA 95542
 Owner: Doug Eversole
 Application No. 10790

P1 - P21 - Proposed new holes

— Fence

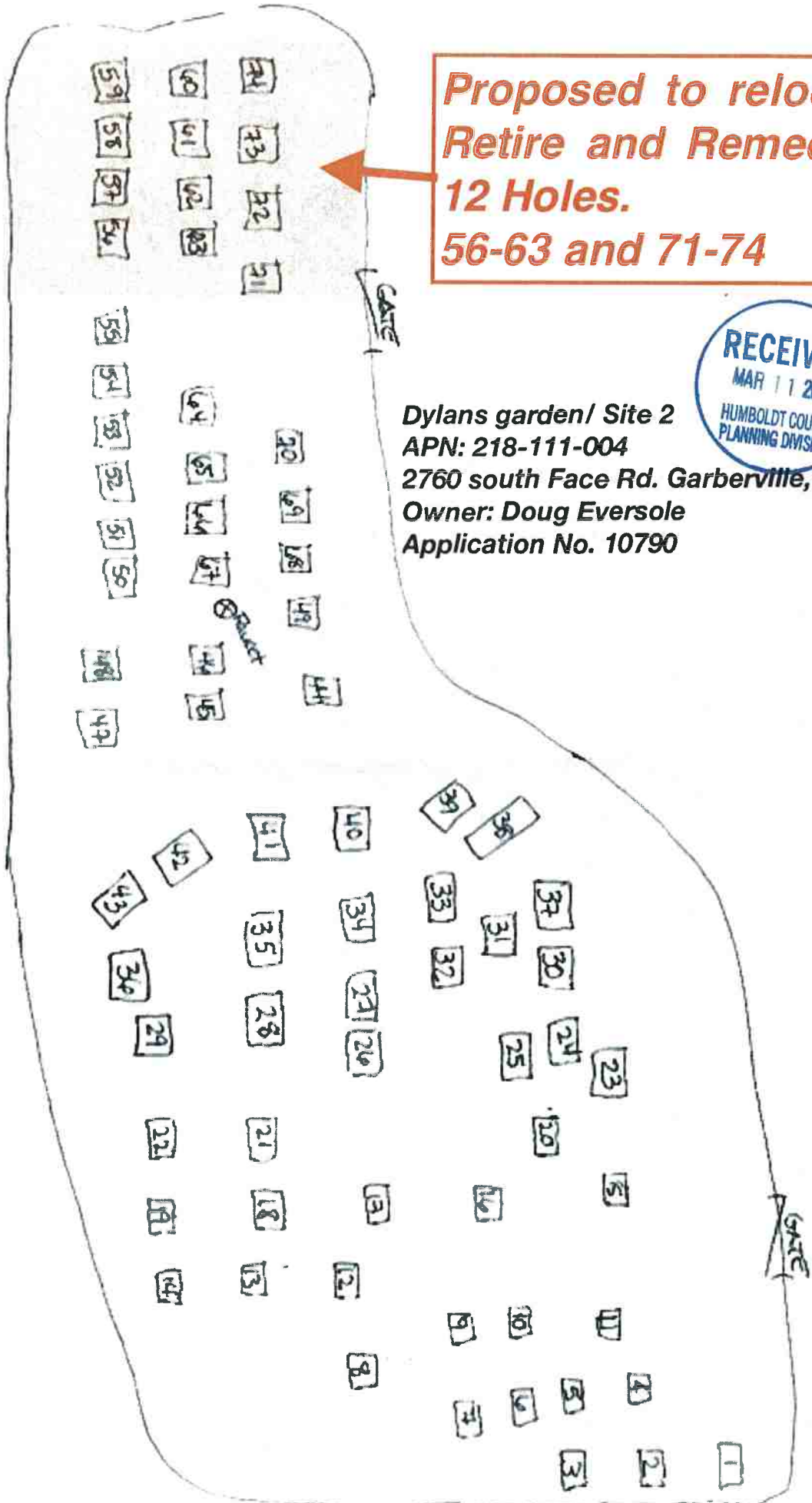
— Water Drainage

**Proposed to relocate,
Retire and Remediate
12 Holes.
56-63 and 71-74**



Dylans garden/ Site 2
APN: 218-111-004
2760 south Face Rd. Garberville, CA 95542
Owner: Doug Eversole
Application No. 10790

Site 2 - Dylan



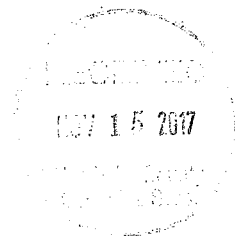


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Email: tracyrain@rainzepplaw.com · beornzepp@rainzepplaw.com

Sacred Solutions, Inc.
APN 218-111-004
Application Number 10790



Updated Operations Plan

Description of Water Source, Storage, Irrigation Plan, and Project Water Usage

There are two springs on the property. One is registered for domestic use and one is registered for use on cannabis. See attached filings with the Division of Water Rights.

There is also a hand dug well, that has been registered.

Projected water use for 2017 for both parcels leased by Client is as follows:

<u>Month</u>	<u>Daily Use</u>	<u>Monthly Total</u>
February	0 gal	0 gal
March	0	0
April	0	0
May	451	3,612
June	451	12,642
July	677	10,158
August	677	10,836
September	677	10,158
October	451	2,706
November	0	0
December	0	0

Total water usage for commercial cultivation by Client in 2017 would be approximately 50,112 gallons.

Description of Site Drainage

All holes are hand dug into natural contour of the land. No flats were made, creating minimal effect upon the natural site drainage.

When work is completed in late fall all roads have water bars installed. All roads are monitored during first rains to make sure drainage of road ways are clear of debris and water bars are working correctly.

The road to buildings 3 and 6 will be only roads used for winter. All other roads will be dormant.

Site Drainage and Measures taken to Ensure Protection of the Watershed and Nearby Habitat

The only road has appropriate water bars which have been in place for at least 5 years. Used soil is in place and amended as needed

All structures are appropriately graded; otherwise the natural contours of the parcel have not been altered.

Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products

Applicant uses castor bean oil/castor oil to deal with moles, voles, gophers, and ground squirrels.

Applicant uses the following fertilizers in the 2017 permaculture plan:

- 90 – cubic feet mushroom compost
- 3 – 50-pound bags Dolomite
- 3 – 50-pound bags steamed colloidal phosphate
- 5 – 25-pound bags Dr. Earth Home Grown 4-6-3
- 1 – 50-pound bag magnesium

Vetch cover crop will be planted in fall.

All fertilizer and soil amendments are purchased as needed and are not stored on the property.

Description of Cultivation Activities

The project is 2,601 square feet of outdoor cultivation. Applicant uses individual holes with considerable undisturbed space between them. Each hole is hand dug and its soil amended for each growing season. Each hole is individually lined with hardware cloth to prevent gopher damage.

All holes are located within Site 1 or Site 2 shown here.

///

The square footage of each hole is calculated individually (see Table.)

Hole size	Square Feet per hole	Number of holes	Square feet
Site 1			
5'x6'	30	42	1,260
4'x6'	24	16	384
4'x4'	16	16	256
3'x3'	9	7	63
Total Square feet for Site 1			1,851
Site 2			
6'x7'	42	15	630
5'x6'	30	4	120
Total Square feet for Site 2			750
Total Project square footage			2601

Processing Plan

All drying, and processing will be done in the Storage building on the property (B 6) on this parcel by the members of the Corporation. At harvest, plants will be cut down and brought to the barn where drying and processing will be conducted

Schedule of Activities During the Season

Holes are dressed and amended as early as conditions allow.

Holes are planted in early March or April as weather permits.

Plants are watered, supported, and tended daily until early October when harvested as ripe. Once the plants are ready for harvest, they are cut down, dried and cured in the on-site processing facility for up to 3 months. The used soil is reclaimed as described above.

Security Plan

There two roads leading to the cultivation areas, which are accessible only through locked gates. South Face Road, which crosses the North side of the property does not access the cultivation areas.

RECEIVED

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

DEC 04 2020

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2019-0505-R1

Unnamed Tributary to Chamise Creek, Tributary to the Eel River and
the Pacific Ocean

Doug Eversole
Eversole Stream Crossings and Restoration Project
5 Encroachments

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Doug Eversole (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on June 18, 2019, with additional information obtained during a November 06, 2019 CDFW site visit, and revised on June 10, 2020, 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 is located within the Chamise Creek watershed, approximately 12 miles SE of the town of Garberville, County of Humboldt, State of California; Assessor's Parcel Number 218-111-004; latitude 40.02441 N and longitude 123.59270 W at the point of diversion (POD).

PROJECT DESCRIPTION

This Agreement relies on the Notification materials and a CDFW site inspection by Environmental Scientist Greg O'Connell on November 06, 2019.

The project is limited to five encroachments (Table 1). One encroachment is for water diversion from unnamed tributaries to Chamise Creek. Water is diverted for domestic use only. Work for the water diversion will include use and maintenance of the water diversion infrastructure. Three other proposed encroachments are to upgrade failing and undersized stream crossings. Work for these encroachments will include excavation, removal of the failing crossings, replacement with new properly sized crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

The fifth proposed encroachment is to either decommission a spring fed pond and restore the natural hydrology or to evaluate and modify the existing feature to comply with the terms of this Agreement. The Permittee shall submit for CDFW review and approval either a stream restoration plan OR a pond evaluation and plan for compliance. Either plan shall be prepared by a qualified professional with the appropriate biological and project design expertise.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.0244, -123.5927	Water diversion from unnamed tributary to Chamise Creek for domestic use. SWRCB application ID: S024598. Permittee shall implement Seasonal Diversion Minimization: 200 gallons per day from May 15 – October 31. 90% bypass at all times.
Crossing-1	40.0264, -123.5910	Replace failing 15" diameter culvert with minimum 24" diameter culvert.
Crossing-2	40.0261, -123.5910	Replace failing 15" diameter culvert with minimum 18" diameter culvert. Minimum 24" diameter culvert recommended in forested environments and/or where streams have potential to convey sediment under high flows.
Crossing-3	40.0255, -123.5912	Replace failing 15" diameter culvert with minimum 24" diameter culvert.
Pond Improvements or Stream Restoration-1	40.0246, -123.5916	A lined reservoir occurs on a class II stream with alternating areas of surface flow channels and subterranean flow in the vicinity. Pond was constructed in the early 1980's by a prior parcel owner. The pond was modified and lined around 2018. Permittee shall either provide a pond evaluation and a plan for compliance with terms and conditions of this Agreement OR Permittee shall submit a stream restoration plan to decommission the pond and restore the natural hydrology. A pond evaluation and compliance plan shall include a biological assessment, structural

ID	Latitude/Longitude	Description
		stability evaluation and plans for any modifications needed. A restoration plan shall include removing the liner, modifying the embankment to hold less/no water ensuring the pond goes dry every summer, and stabilizing the existing spillway area. Either plan shall be submitted to CDFW no later than April 1, 2022. Work shall be completed by Oct 15, 2023.

Permittee disclosed:

- An existing rocked ford (located at approximately 40.02489, -123.59077). Work does not appear to be needed at this time. Permittee shall not drive over when wet. Existing stream crossings disclosed in the Notification, but not included as 1602 projects with fees, are not covered under this Agreement. If maintenance (such as armoring) and/or replacement become necessary, that work must be covered by a major amendment or a separate Notification.
- A cannabis cultivation area partially within class III stream setbacks (40.02541, -123.59090). Cultivation within the setback shall be relocated.
- A former water diversion (POD-2) no longer in use at 40.02797, -123.59454. All diversion infrastructure has, or will be, removed.
- A former water diversion (POD-3) no longer in use at 40.02699, -123.59478. All diversion infrastructure has, or will be, removed.
- A former water diversion (POD-4) no longer in use at 40.02436, -123.59238. All diversion infrastructure has, or will be, removed.

The Permittee also disclosed the use of a well located at 40.02516, -123.59329. This well is presented as the sole source of water for all cannabis irrigation needs on the property. CDFW did not evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any constructed reservoirs (including "ponds"), stream crossings, water diversions, modifications to riparian buffers, or other encroachments not described in Table 1.

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 tridentatus*), **Southern Torrent Salamander** (*Rhyacotriton variegatus*), **Pacific Giant Salamander** (*Dicamptodon tenebrosus*), **Foothill Yellow-legged Frog** (*Rana boylei*), **Coastal Tailed Frog** (*Ascaphus truei*), **Western Pond Turtle** (*Actinemys*

marmorata marmorata), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

increased water temperature;
increased turbidity;
increased sedimentation (chronic or episodic);

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

loss or decline of riparian habitat;
loss or decline of instream channel habitat;
direct impacts on benthic organisms;
direct and/or incidental take of aquatic and/or terrestrial organisms;

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

reduced instream flow;
cumulative effect of diversions in the watershed;
impediment of up- or down-stream movement;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. 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. 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 Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if 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 Permittee to resolve any conflict.

- 1.4 Project Site Entry. Permittee agrees to allow CDFW employees access to the Project site for the purpose of inspecting and/or monitoring, provided CDFW: a) provides 24 hours advance notice; and b) allows Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW law enforcement personnel.
- 1.5 Applicable Permits. Land development or alterations may be subject to additional federal, state and local laws, regulations, and permitting requirements, including but not limited to the following:
- The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, Permittee shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction.
 - The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards).
 - All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for grading, construction, and building.
 - All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry.
- 1.6 Cannabis Cultivation Policy. If commercial cannabis cultivation occurs on the project parcel, the State Water Resources Control Board (SWRCB) requires enrollment in the Cannabis Cultivation General Order and compliance with the Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation, available at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_policy.html
- 1.6.1 Site Management Plan and Related Technical Reports. Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan and related technical reports prepared in

conformance with the SWRCB Cannabis Cultivation Policy.

- 1.6.2 Compliance Gauges. The authorized surface water diversion period for commercial cannabis cultivation is December 15 through March 31; under certain circumstances, diversion may begin between November 1 to December 14 (SWRCB Cannabis Cultivation Policy, Attachment A, Section 3, Requirement 5). Water diversion for cannabis cultivation may only occur if sufficient flow exists at the Permittee's assigned compliance gauge. The State Water Resources Control Board developed an online mapping tool to assist cannabis cultivators with finding their assigned compliance gauge used to determine whether diversion may occur: https://www.waterboards.ca.gov/water_issues/programs/cannabis/online_mapping_tool.html. Permittee must check the compliance gauge daily prior to diverting to ensure sufficient water is available.
- 1.6.3 Onstream Reservoirs. Use of onstream reservoirs for cannabis cultivation requires a Small Irrigation Use Registration, in addition to a LSAA. Registrants must request a joint determination from the Deputy Director of the Division of Water Rights and CDFW.
- 1.7 Water Rights. This Agreement does not constitute a valid water right. All water diversion facilities that Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights. Water rights are administered by the State Water Resources Control Board as described here: https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/.
- 1.8 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 fish and wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information that indicates bypass flows, diversion rates or other measures 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.
- 1.9 Notification Materials. Permittee's Notification of Lake or Streambed Alteration, together with all maps, plans, photographs, drawings, and all other supporting documents submitted with the Notification and received on June 18, 2019, with additional information obtained during a November 06, 2019 CDFW site visit, and revised on June 10, 2020, is hereby incorporated by reference into this Agreement. Permittee shall conduct project activities within the work areas, and using the protective measures, described in the Notification and supporting documents, unless such project activities, work areas or protective measures are modified by the provisions of this Agreement, in which case the activities shall be conducted as described in this Agreement.

2. Avoidance and Minimization Measures

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

Work Periods and Pre-Project Notice

- 2.1 Work Period. All work, not including authorized diversion of water, shall be confined to the period **July 10 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Permittee shall monitor precipitation forecasts and potential increases in stream flow when planning construction activities. Construction activities shall cease, and all necessary erosion control measures shall be implemented prior to the onset of precipitation. Limited vegetation removal may occur outside of this work period as per the Avoidance of Nesting Birds Measure. A notice of completed work, including dates of activities and photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.2 CDFW Notification of Work Initiation and Completion. Permittee shall contact CDFW in writing within the 7-day period preceding the beginning of work permitted by this Agreement. Information provided shall include Agreement number, and the anticipated start date. Subsequently, Permittee shall notify CDFW in writing no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.**
- 2.3 Work Period Extension Requests. If Permittee needs more time to complete the project, CDFW may grant a work period extension on a day-to-day basis. Extension requests shall be made in writing before **October 5** of each year and shall: 1) describe the extent of work already completed; 2) detail the uncompleted activities; 3) detail the time required to complete each remaining activity; and 4) provide photographs of the completed work site(s) and remaining work. Requests shall describe the effects of increased stream flows, rain delays, increased erosion control measures, access constraints caused by saturated soils, and anticipated effects of climatic conditions on growth of erosion control grasses. Work period extensions are issued at the discretion of CDFW. CDFW will review the written request and may require additional measures to protect fish and wildlife resources.

General Stream Protection Measures

- 2.4 Prohibition of Live Stream Work. No work is authorized in a live flowing stream. All work shall be conducted when the stream is dry. Permittee shall notify CDFW if it determines that work in a live flowing stream is required to complete a project and will submit a diversion plan.

- 2.5 Fish and Aquatic Species. If surface water is or becomes present during construction, Permittee shall: a) have A CDFW approved Designated Biologist survey the site and adjacent area for fish, amphibians, and turtles three (3) days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW shall be contacted and work shall not commence until authorized by a CDFW representative.
- 2.6 Maintain Passing of Fish Up and Down Stream. It is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish (as defined in FGC Section 45 "fish" means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals) up and down stream pursuant to FGC section 5901.
- 2.7 Decontamination. Permittee shall ensure all project personnel adhere to the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species Decontamination Protocol for all field gear and equipment that will be in contact with water. Heavy equipment and other motorized or mechanized equipment that contacts water shall adapt watercraft decontamination protocols found in the AIS Decontamination Protocol.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=92821&inline>
- 2.8 Staging and Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located outside of the stream channel and banks, and away from riparian vegetation. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high-water mark before such flows occur or at the end of the yearly work period, whichever occurs first.
- 2.9 Equipment and Vehicle Leaks. Equipment or vehicles operated in or near the stream shall be checked and maintained daily to prevent leaks. Stationary equipment (e.g. motors, pumps, generators, welders, etc.) in or near the stream shall be positioned over drip pans. Stationary heavy equipment shall have sufficient containment to manage catastrophic spills or leaks.
- 2.10 Hazardous Substances. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any substance or material deleterious to fish, plant life, mammals, or bird life, or their habitat, shall be prevented from contaminating the soil and/or entering the waters of the State, pursuant to FGC Sections 5650 and 5652. Permittee shall ensure hazardous or toxic materials are stored in watertight containers and promptly removed from the worksite.
- 2.11 Spill Containment and Cleanup. All authorized activities performed in or near a stream shall have on-site cleanup equipment (e.g. boom, skimmers, etc.) and absorbent materials for spill containment and cleanup prior to the start of work and

for the duration of the project. In the event of a spill, Permittee shall immediately notify the California Office of Emergency Services State Warning Center at 1-800-852-7550 and initiate clean-up. Permittee shall immediately notify CDFW of any spills and shall follow CDFW cleanup procedures and guidance.

- 2.12 **Stockpiled Materials**. Materials shall not be stockpiled where they may wash into the stream or cover aquatic or riparian vegetation. Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area and cover stockpiles if NWS predicts precipitation.
- 2.13 **Erosion Control**. Permittee shall implement erosion control measures throughout all phases of operation where sediment delivery could occur. Silt fences, straw bales, gravel or rock lined ditches, water check bars, broadcasted weed-free straw, or other approved erosion control measures shall be used wherever sediment has the potential to leave the work site and enter the stream.
- 2.14 **Silt Laden Runoff**. At no time shall silt laden runoff enter the stream or be directed to where it may enter the stream. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed.
- 2.15 **Disposal and Removal of Material**. Permittee shall remove from the work area, and relocate outside of the stream and riparian area, all spoils and construction debris prior to inundation. All removed material and debris shall be disposed of according to State and local laws and ordinances.
- 2.16 **Waste Containment and Disposal**. Permittee shall contain all refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of at the close of the cultivation season and/or when the parcel is no longer in use.
- 2.17 **Wash Water**. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.
- 2.18 **Allow Wildlife to Leave Unharmd**. Permittee shall allow any wildlife encountered to leave the project area unharmd. This Agreement does not allow for the trapping, capture, or relocation of any state or federally listed species.
- 2.19 **Escape Ramp in Trench**. At the end of each work day, Permittee shall place an escape ramp at each end of any open trench deeper than six inches with walls greater than 30 degrees to allow entrapped animals to escape. The ramp may be constructed of either dirt fill, non-treated wood, or other suitable material placed at an angle no greater than 30 degrees.

- 2.20 Prohibition Against Use of Plastic Netting in Erosion Control Measures. Permittee shall not use erosion control devices containing plastic, including photo- or bio-degradable plastic netting. Erosion control mats, blankets, and straw or fiber wattles shall consist entirely of natural fiber.
- 2.21 Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the stream upon completion of project activities.

Designated Biologist

- 2.22 Designated Biologist. At least thirty (30) days before project activities requiring biological surveys begin, the Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information for a Designated Biologist. Permittee shall obtain CDFW's written approval of the Designated Biologist before initiating project activities. The Designated Biologist shall be knowledgeable and experienced in the biology and natural history of local fish and wildlife resources potentially present at the project site. The Designated Biologist shall be responsible for monitoring all project activities and avoidance measures, including any ground-disturbing activities.
- 2.23 Designated Biologist Authority. The Designated Biologist shall have authority to immediately stop any activity that is not in compliance with this Agreement, and/or to order any reasonable measure to avoid the unauthorized take of Special Status Species. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with the Measures in this Agreement, including cease-work orders issued by CDFW.

Special Status Species Avoidance and Minimization

- 2.24 Prohibition on Take of Listed Species. This agreement does not authorize the take or incidental take of any State or Federal listed threatened or endangered listed species. State Listed or Fully Protected Species include any native plant species listed as rare under the Native Plant Protection Act (FGC, § 1900 et seq.; Cal. Code Regs., tit. 14, § 670.2), any species that is listed or is a candidate for listing under the California Endangered Species Act (FGC Code, § 2080 et seq.; Cal. Code Regs., tit. 14, §§ 670.2, 670.5), or any fully protected species (FGC, §§ 3511, 4700, 5050, 5515). Permittee shall consult with the appropriate agency prior to commencing the project.
- 2.25 Northern Spotted Owl (NSO) Avoidance. To avoid take of NSO from noise disturbance, all road maintenance and improvement activities are prohibited during the breeding season until **July 10** of each year. See USFWS (2019) NSO Take Avoidance Analysis and Guidance for Private Lands in California:
[https://www.fws.gov/yreka/NSO-TakeAvoidanceAnalysis Att A-B 2019-1101.pdf](https://www.fws.gov/yreka/NSO-TakeAvoidanceAnalysis_Att_A-B_2019-1101.pdf)

- 2.26 **Avoidance of Nesting Birds.** Permittee shall avoid nests occurring within and near the project site pursuant to the Migratory Bird Treaty Act of 1918 and FGC section 3503. Vegetation maintenance/removal shall be confined to the period **September 1 to January 31** of any year in which this Agreement is valid, provided the work area is outside the stream. Vegetation maintenance/removal may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.
- 2.27 **Nesting Bird Surveys.** If vegetation removal or other project-related activities that could impact nesting birds are scheduled during the nesting season (typically **February 1 to August 31**), A CDFW approved Designated Biologist shall survey for active bird nests within seven (7) days prior to the beginning of project-related activities. Surveys shall begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. A report of the surveys shall be submitted to CDFW by email within three (3) business days of completion. The report shall include a description of the area surveyed, time and date of surveys, ambient conditions, species observed, active nests observed, evidence of breeding behaviors (e.g., courtship, carrying nesting material or food, etc.), and a description of any outstanding conditions that may have impacted survey results (e.g. weather conditions, excess noise, predators present, etc.). If an active nest is found, Permittee shall implement avoidance measures and consult with CDFW. If a lapse in project-related work of seven (7) days or longer occurs, the Designated Biologist shall repeat surveys before project work can resume.
- 2.28 **Special-Status Plants.** If Special-Status plants (State listed and taxa that meet the definition of Rare or Endangered under CEQA Guidelines 15380) may occur on the project site, the Designated Biologist shall conduct seasonally-appropriate surveys of the area to document potential effects prior to the implementation of Project-related activities. If populations of any of these species are found:
- 2.28.1 Exclusion fencing shall be installed a minimum of 100 feet from the location of special-status plants, and no Project activity shall occur within the area occupied by special-status plants or the 100-foot buffer area around these plants.
- 2.28.2 If special-status plant populations are found on the Project site and it is not feasible to avoid them during Project-related activities, the Project applicant shall consult with CDFW to determine if the project may be covered under this Agreement. Separate notification pursuant to FGC section 1602 may be required in some instances.

Vegetation Management

- 2.29 **Riparian Buffers.** Riparian buffers shall be not be modified, unless authorized by CDFW in writing.

- 2.30 Minimum Vegetation Removal. No native riparian vegetation shall be removed, 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.
- 2.31 Vegetation Maintenance. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of the authorized activity to the use of hand tools. Vegetation management shall not include treatment with herbicides.
- 2.32 Invasive Plant Species. Permittee shall not plant, seed or otherwise introduce invasive plant species within the Project area. Invasive plant species include those identified in the California Invasive Plant Council's inventory database, which is accessible at: <https://www.cal-ipc.org/plants/inventory/>.

Water Diversion

- 2.33 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute** at any time.
- 2.34 Bypass Flow. 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 POD.
- 2.35 Seasonal Diversion Minimization. No more than 200 gallons in any one day shall be diverted (intended for household domestic use only) during the low flow season from **May 15 to October 31** of each year. Water shall be diverted only if Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.
- 2.36 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 Permittee. The device shall be installed within the flow of diverted water. Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.36.1 A log including the date, time and quantity of water diverted from the POD.
- 2.36.2 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).
- 2.36.3 Permittee shall make available for review at the request of CDFW the diversion records required by the SWRCB Cannabis Cultivation Policy.

Water Diversion Infrastructure

- 2.37 **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.
- 2.38 **Intake Structure Placement**. Infrastructure installed in the streambed (e.g. spring box) shall not exceed 10% 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 12 inches below the streambed.
- 2.39 **Intake Screening Maintenance**. Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.40 **Intake Screens**. All intakes shall be screened and openings in the screen shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings.
- 2.41 **Intake Shall Not Impede Aquatic Species Passage**. 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.
- 2.42 **Exclusionary Devices**. Permittee shall keep diversion-related structures covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.43 **Diversion Intake Removal**. Permittee shall plug, cap, block (e.g., with a shut-off valve located near the source), or remove all intakes when no water diversion is planned for a period of one week or longer.
- 2.44 **Heavy Equipment Use**. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. 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

- 2.45 **Water Storage**. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) shall be located outside the active 100-year floodplain. Covers/lids shall be securely affixed to water tanks to prevent entry by wildlife. Permittee shall cease all water diversion at the POD when WSFs are full.
- 2.46 **Water Storage Maintenance**. WSFs shall have float valves to prevent overfilling. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and water diversion infrastructure, and immediately repair leaks.

- 2.47 Water Conservation. Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.48 Limitations on Impoundment and Use of Diverted Water. 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.

Reservoirs

- 2.49 Reservoirs. Reservoirs shall be appropriately designed, sized, and managed to contain diverted/impounded water, plus precipitation and storm water runoff, without resulting in erosion. Permittee shall install an overflow spillway designed to withstand a 100-year flood event.
- 2.1 Biological Assessment. The applicant shall provide a Biological Assessment (BA) of the onstream impoundment conducted by a qualified professional. The BA shall include information of fish, amphibian, and plant species occurrences in the impoundment, including the relative abundance. The BA will be used to inform the stream restoration plan or the modifications needed to comply with the terms of this Agreement. The BA shall be submitted to CDFW for review and approval no later than April 1, 2022.
- 2.2 Structural Stability Evaluation. Reservoirs shall be inspected by a licensed geologist or engineering geologist to determine if the embankment and spillway are stable, appropriately designed for 100-year flows and associated debris, and to evaluate potential risks to downstream resources. The evaluation shall be submitted to CDFW for review and approval no later than April 1, 2022.
- 2.3 Bypass Flow Modification. The applicant, in coordination with CDFW and the Division of Water Rights, will develop a Bypass Flow Plan that most effectively protects fish and wildlife resources both within the impoundment, and downstream of the impoundment. These modifications may include but are not limited to: 1) removal of the impoundment structures, 2) lowering of the impoundment structure, 3) seasonal variation of the impoundment structure, and 4) modification of the current bypass structure. The Bypass Flow Plan shall be developed and justified with information derived from the BA and any other relevant information. The Bypass Flow Plan shall be submitted to CDFW for review and approval no later than April 1, 2022.
- 2.4 Diversion. No diversion is authorized by this Agreement.
- 2.5 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 CDFW pursuant to FGC section 6400.

- 2.6 **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 shall coordinate with CDFW to develop eradication measures if invasive aquatic species are identified.
- 2.6.1 **Bullfrog Management Plan.** If bullfrogs are observed, they shall be appropriately managed, potentially including annual draining and drying of reservoirs, following the guidelines in Exhibit A. Permittee shall submit a copy of the monitoring report to CDFW annually.
- 2.6.2 **All Other Invasive Aquatic Species.** If at any time additional invasive aquatic species are detected, Permittee shall submit an updated Invasive Species Management Plan for Reservoirs for CDFW review and approval.
- 2.7 **Wildlife Entrapment Prevention.** If open reservoirs have plastic lining, slopes greater than 2:1, or potential for wildlife entrapment, Permittee shall install exit ramps to prevent wildlife entrapment. Exit ramps shall be no greater than 2:1 slope and provide a feasible mechanism of escape. A notice of completed work, with supplemental pictures, shall be submitted to CDFW **within seven (7) days** of project completion as part of the work completion report.
- 2.8 **Reservoir Lining.** To comply with FGC Sections 5650 and 5652, Permittee shall not use polluting materials (e.g. plastic sheeting, bentonite) to construct or line on-stream reservoirs.

Stream Crossings

- 2.9 **Road Approaches.** Permittee shall treat road approaches to new or re-constructed crossings to minimize erosion and sediment delivery to the stream. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including during the construction or reconstruction of a stream crossing. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.
- 2.10 **Excavated Fill.** Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the stream, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.11 **Runoff from Steep Areas.** Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion

potential, or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

- 2.12 No Equipment in Wetted Areas. No heavy equipment shall enter the wetted stream channel.
- 2.13 Fill Materials. No fill material, other than clean rock, shall be placed in the stream channel.
- 2.14 Material Sizing. Rock shall be sized to withstand washout from high stream flows and extend above the ordinary high-water level.
- 2.15 Crossing Maintenance. Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable. Permanent culverts shall be maintained and kept open year-round. Permittee is responsible for such maintenance as long as the culvert remains in the stream.
- 2.16 Armoring. The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow.
- 2.17 Armor Placement. Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

Culvert Installation

- 2.18 Permanent Culvert Sizing. Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads (Cafferata et al. 2017, Designing Watercourse Crossings for Passage of 100-Year Flood Flows, Wood, and Sediment).
<http://timbertraining.resources.ca.gov/mod/resource/view.php?id=378>
- 2.19 Critical Dips. Where diversion potential exists, a critical dip shall be installed to direct flood flow over the crossing fill and back into the channel. Critical dips shall be constructed to accommodate the entire estimated 100-year flood flow and may be installed by lowering the existing fill over the crossing or by constructing a deep, broad rolling dip over the crossing surface to prevent flood flow from diverting down the road.
- 2.20 Culvert Materials in High Fire Zones. If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends

culvert materials consist of corrugated metal pipe. Use of High-Density Polyethylene pipe is discouraged. <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

- 2.21 Fill Material. Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
- 2.22 Culvert Grade. Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be placed in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). Permittee shall ensure basins are not constructed and channels are not widened at culvert inlets.
- 2.23 Culvert Bed. Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted. No geotextile fabric shall be placed in the culvert bed, streambed, bank or channel.
- 2.24 Culvert Armoring. Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.
- 2.25 Project Inspection. The Project shall be inspected by a qualified professional to ensure that the stream crossings were installed and functioning as designed and in accordance with this Agreement. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

Stream Remediation and Restoration (reservoir)

- 2.26 Stream Restoration Plan. Permittee shall submit a Stream Restoration Plan to CDFW prior to conducting remediation activities. The Stream Restoration Plan (SRP) shall describe proposed materials and methods to restore the channel and hydrology to a natural condition. A restoration plan shall include removing the liner, modifying the embankment to hold less/no water ensuring the pond goes dry every

summer, and stabilizing the existing spillway area. The plan shall be submitted to CDFW no later than April 1, 2022. Work shall be completed by Oct 15, 2023.

- 2.27 Project Inspection. The Project shall be inspected by qualified professional to ensure that the stream restoration was implemented and functioning as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 CDFW Notification of Work Initiation. 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.
- 3.2 Biological Assessment. Permittee shall provide a Biological Assessment (BA) of the onstream impoundment conducted by a qualified professional. The BA shall include information of fish, amphibian, and plant species occurrences in the impoundment, including the relative abundance. The BA will be used to inform the stream restoration plan or the modifications needed to comply with the terms of this Agreement. The BA shall be submitted to CDFW for review and approval **no later than April 1, 2022**.
- 3.3 Structural Stability Evaluation. Reservoir shall be inspected by a licensed geologist or engineering geologist to determine if the embankment and spillway are stable, appropriately designed for 100-year flows and associated debris, and to evaluate potential risks to downstream resources. The evaluation shall be submitted to CDFW for review and approval **no later than April 1, 2022 if the Permittee intends to retain the impoundment**.
- 3.4 Bypass Flow Modification. The applicant, in coordination with CDFW and the Division of Water Rights, will develop a Bypass Flow Plan that most effectively protects fish and wildlife resources both within the impoundment, and downstream of the impoundment. These modifications may include but are not limited to: 1) removal of the impoundment structures, 2) lowering of the impoundment structure, 3) seasonal variation of the impoundment structure, and 4) modification of the current bypass structure. The Bypass Flow Plan shall be developed and justified with information derived from the BA and any other relevant information. The Bypass Flow Plan shall be submitted to CDFW for review and approval **no later than April 1, 2022 if the Permittee intends to retain the impoundment**.
- 3.5 Stream Restoration Plan. Permittee shall submit a **Stream Restoration Plan** to CDFW for review and approval **no later than April 1, 2022** unless the Permittee elects to submit a Structural Stability Evaluation, Bypass Flow Modification and

plans and designs for any other work necessary to comply with the terms of the Agreement.

- 3.6 Work Completion. The proposed work on crossings 1-3 shall be completed by no later than **October 15, 2022**. The work associated with decommissioning or modifying the reservoir shall be completed by no later than **October 15, 2023**. **Notification of completion will include dates work occurred, photographs of work stages and the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDB submissions** and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.
- 3.7 Project Inspection. The Projects shall be inspected by a qualified professional to ensure that the stream crossings were installed and functioning as designed and in accordance with this Agreement, and the approved work associated with the reservoir was implemented and is functioning as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion **of each separate project**. Permittee shall submit the **Project Inspection Report** to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.8 Measurement of Diverted Flow. Copies of the **Water Diversion Records** shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501 no later than **March 31** of each year beginning in **2021**, to report the preceding year's diversion.
- 3.9 Invasive Species Management Plan for Reservoirs. Permittee shall submit an Invasive Species Management Plan for Reservoirs by **April 1, 2022** for CDFW approval; or adopt the Bullfrog Management Plan (Exhibit A) if no other invasive species are present. Permittee shall submit Monitoring and Implementation Report no later than **February 1** of each year the reservoir is in existence.
- 3.10 Site Management Plan and Related Technical Reports. Permittee shall submit to CDFW the project's current draft of the Site Management Plan and related technical reports if it was not included in the Notification. If the Site Management Plan and/or related technical reports are still in preparation, Permittee shall submit it and all subsequent revisions and updates within **30 days** of submittal to the SWRCB.
- 3.11 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, the Designated Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within **five (5) working days** of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Doug Eversole
P.O. Box 443
Redway, California 95560
707-499-9184
dougeversole@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2019-0505-R1

LIABILITY

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 Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or 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. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 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, subdivision (b), 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, 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 section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (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 CEQA; and 3) after payment of the applicable FGC section 711.4 filing fee listed at

<https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall **expire five (5) 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, subdivision (a)(2) requires.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference. Exhibit A, Bullfrog Monitoring and Management Plan

AUTHORITY

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

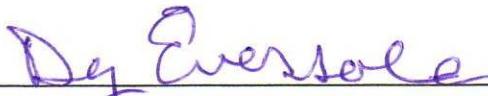
AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, 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 DOUG EVERSOLE



Doug Eversole



Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Cheri Sanville
Senior Environmental Scientist Supervisor

Date

Prepared by Greg O'Connell, Environmental Scientist, June 26, 2020, revised by Cheri Sanville
November 19, 2020

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2019-0505-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 prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable conditions 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 Scientists.

Direct Removal

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

- Removal efforts must occur during, but are not 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 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 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



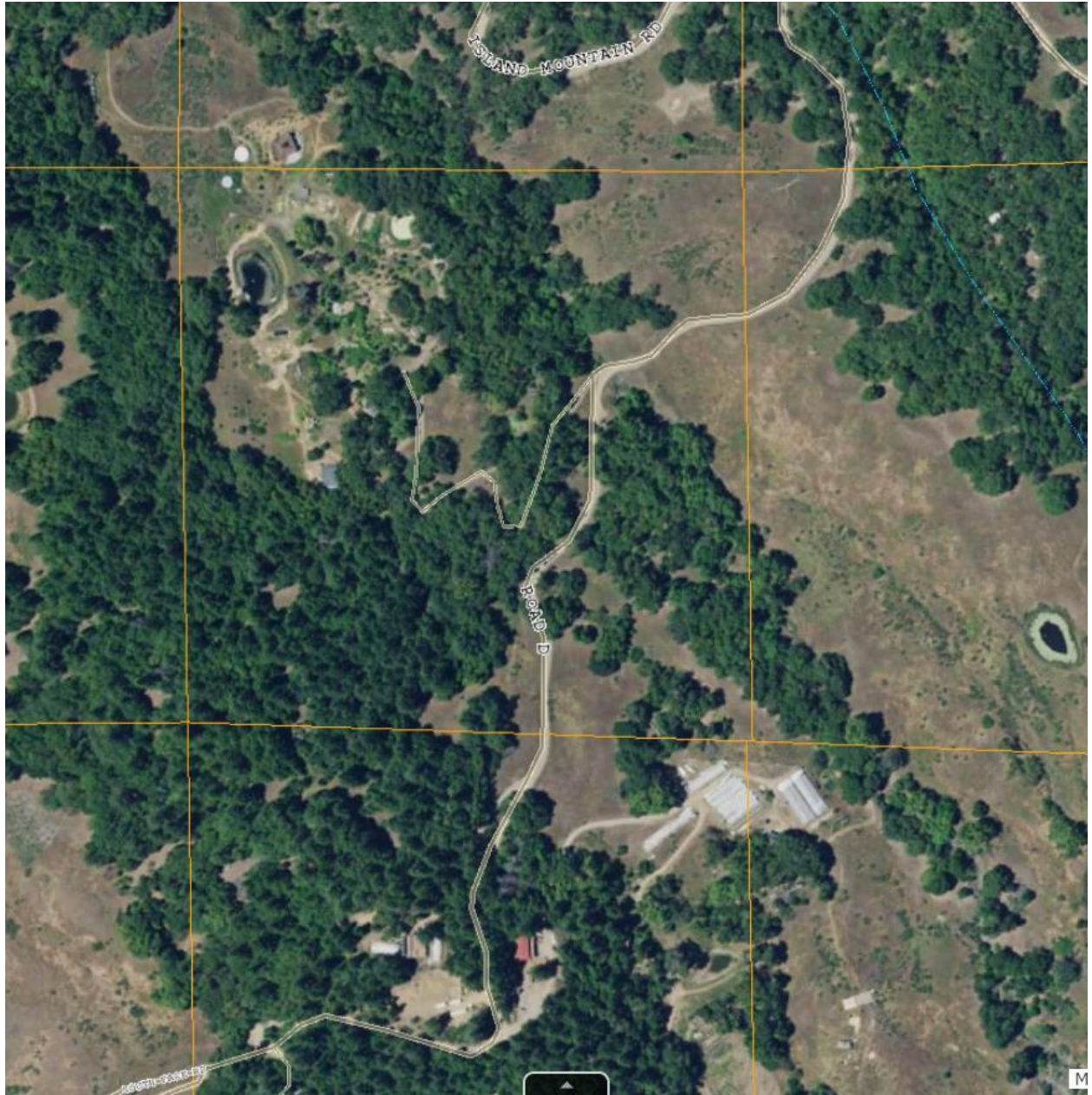
This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hatten).



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 bullfrog's hind legs are not shaded pink or red.**



State of California
Well Completion Report
 Form DWR 188 Submitted 8/13/2019
 WCR2019-011303

Owner's Well Number _____ Date Work Began 07/15/2019 Date Work Ended 07/15/2019
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 18/19-1141 Permit Date 05/28/2019

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>doug eversole</u>	Activity <u>New Well</u>
Mailing Address <u>box 443</u>	Planned Use <u>Water Supply Irrigation - Agriculture</u>
City <u>redway</u> State <u>ca</u> Zip <u>95560</u>	

Well Location					
Address <u>2760 south face RD</u>			APN <u>218-111-004</u>		
City <u>geoberville</u>	Zip <u>5542</u>	County <u>Humboldt</u>	Township <u>05 S</u>		
Latitude <u>40 1 36.804 N</u>	Longitude <u>-123 35 35.8079 W</u>		Range <u>05 E</u>		
Deg. Min. Sec.	Deg. Min. Sec.		Section <u>14</u>		
Dec. Lat. <u>40.02689</u>	Dec. Long. <u>-123.59328</u>		Baseline Meridian <u>Humboldt</u>		
Vertical Datum _____	Horizontal Datum <u>WGS84</u>		Ground Surface Elevation _____		
Location Accuracy _____	Location Determination Method _____		Elevation Accuracy _____		
			Elevation Determination Method _____		

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>160</u> (Feet below surface)
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>	Depth to Static _____
Total Depth of Boring <u>180</u> Feet	Water Level <u>155</u> (Feet) Date Measured <u>07/15/2019</u>
Total Depth of Completed Well <u>180</u> Feet	Estimated Yield* <u>5</u> (GPM) Test Type <u>Air Lift</u>
	Test Length <u>1</u> (Hours) Total Drawdown <u>10</u> (feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	20	brown topsoil
20	60	blue clay
60	120	sanfriscan shale
120	180	fractured blue / grey rock streaks of quartz

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

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

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet	Borehole Diameter (inches)	
0	180	9

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name	BUSHNELL ENTERPRISES		
Person, Firm or Corporation			
649 BEAR CREEK ROAD	GARBERVILLE	CA	95542
Address	City	State	Zip
Signed	electronic signature received	08/13/2019	403708
	C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number

DWR Use Only			
CSG #	State Well Number	Site Code	Local Well Number
		N	W
Latitude Deg/Min/Sec		Longitude Deg/Min/Sec	
TRS:			
APN:			

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
Southern Humboldt Joint Unified School District		No response	



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



8/21/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Sacred Solutions, Inc **Key Parcel Number** 218-111-004-000

Application (APPS#) 10790 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** AA16-314
SP16-180

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 9/5/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Other Comments: see Attached Referral comments

DATE: 9-25-17

PRINT NAME: Patrick Metzger

218-111-004



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44558
Parcel No.: 218-111-004-000
Case No.: SP06-180

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

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

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: _____

Name: Patrick McTigue Date: 9-25-17

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



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



DEH received
8-22-17

17/18-0376

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Sacred Solutions, Inc **Key Parcel Number** 218-111-004-000

Application (APPS#) 10790 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** AA16-314 SP16-180

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:

Condition 1

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.

Condition 2

Destroy existing unpermitted hand-dug well under DEH Well Destruction Permit within 2 years of Planning Department approval of the Special Permit.

*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.

DISTRIBUTED
cond.
Approved 10/17/17





DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707



ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

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

DATE: 1-25-18

RE:

Applicant Name	SACRED SOLUTIONS, INC
APN	218-111-004
APPS#	10790

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "D"

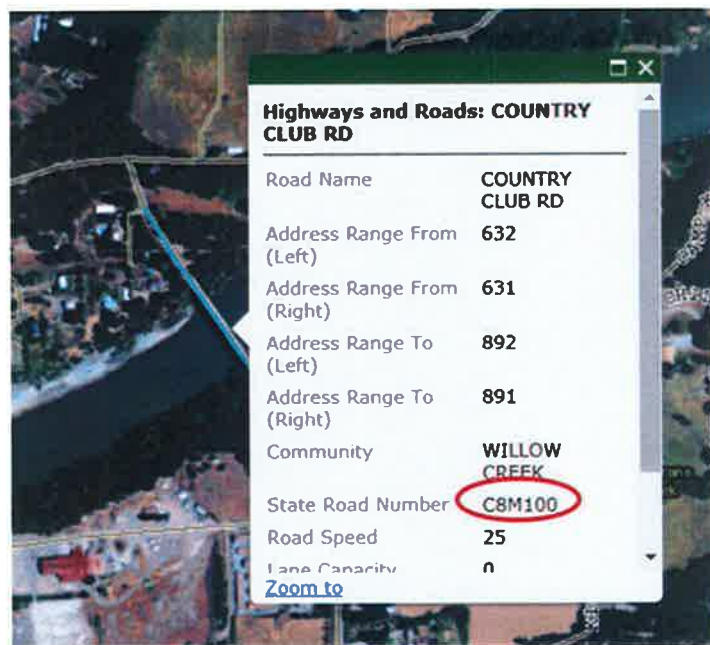
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports. Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project.** The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in **RED**.

A County maintained road will have a 5 or 6 character identifier. The general format is **ABCDDD** where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD
A 3 M 0 2 0 Murray Road
F 6 B 1 6 5 Alderpoint Road
6 C 0 4 0 Thomas Road

Exhibit "D"

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Benbow Drive	6B180	Oakcrest Dr to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Fickle Hill Road	C5J040	Arcata city limits at PM [red] to PM [red] [end of centerline stripe]
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Murray Road	C3M020	All
Old Three Creeks	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [End of County maintained]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"

Road Evaluation Reports

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Benbow Drive	6B180	Oakcrest Dr to end
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
McCann Road	6D090	PM.1.0 to P.M.2.6 [End of County maintained]
Warren Creek Road	5L740	PM 0.0 to PM 0.95 [End of County maintained]
Sprowel Creek Road	6B095	PM 4.00 to PM 7.22 [End of County maintained]

// END //

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: August 29, 2017

John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)

Applicant: Sacred Solutions, Inc.

APN: 218-111-004-000

Area: New Harris

Case Numbers: SP16-180, AA16-314

Humboldt County Application #: 10790

Type of Application: Special Permit, Application Assistance

Date Received: 8/22/2017

Due Date: 9/5/2017

Project Description: An application for a Special Permit for 10,000 square feet of existing, outdoor, medical cannabis cultivation. Water for irrigation is sourced from an existing on-site well. Water is stored in hard tanks and a bladder for a total of 122,600 gallons of available water storage. The Applicant estimates 122,600 gallons are required annually for irrigation. All processing occurs on-site in an existing basement. The Applicant states that two (2) to (3) volunteers are needed for operations. Electricity source is unknown.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

Cannabis

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However, CALFIRE provides comment as an emergency response expert agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's minimum input.

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



**California Department of Fish and Wildlife
CEQA: Project Referral Comments**

Applicant: Sacred Solutions		Date: 4/22/19	
APPS No.: 10790	APN: 218-111-004-000	DFW CEQA No.: 2017-0520	Case No.: SP16-180 AA16-314
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 10,000		

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

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions below.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

Please provide the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.
- If fertilizers and pesticides are used, describe methods to prevent runoff/infiltration to nearby water features.
- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- Include a copy of the North Coast Regional Water Quality Control Board *Water Resource Protection Plan* if one has been developed for the Project. If none has been developed, indicate this in the referral packet.

Please note the following information and/or requested standard conditions of Project approval:

- The referral materials state that there is an existing pond(s) designated as water sources for this project. CDFW requests:
 - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.

- That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to david.manthorne@wildlife.ca.gov .

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501