



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: August 5, 2021

To: Humboldt County Planning Commission

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

Subject: **Old Briceland Holding Company, LLC, Conditional Use Permit and Special Permits**
Record Number: PLN-11890-CUP
Assessor's Parcel Number (APN): 107-135-005
3915 Fox Spring Road, Honeydew area

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Please contact Megan Marruffo, Planner, at 707-443-5054 or by email at marruffom@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 5, 2021	Conditional Use Permit and Special Permits	Megan Marruffo

Project Description: A Conditional Use Permit for an existing 18,048 square feet (SF) mixed-light cannabis cultivation that is cultivated within five (5) greenhouses. Ancillary propagation occurs year-round within two (2) existing greenhouses totaling 3,744 SF. Irrigation water is sourced from a groundwater well on the subject parcel and an approximately 400,000-gallon rainwater catchment pond. Existing available water storage is 425,000 gallons in a series of hard-sided tanks and the rainwater catchment pond, with a 5,000-gallon tank dedicated for fire suppression and two (2) 2,500-gallon tanks (5,000 gallons total) utilized for fertigation. Estimated annual water usage is 819,600 gallons. Drying occurs onsite, with all other processing occurring off-site at the applicant's licensed facility (approved under PLN-10697-ZCC). A maximum of five (5) employees may be utilized during peak operations. Power is provided by two (2) generators and there are long-term plans to switch to solar or grid power through Pacific Gas and Electric Company (PG&E). The applicant also seeks Special Permits for work within the Streamside Management Area related to the removal of stockpiled tree stumps from the head of a Class III stream and re-planting the Class III buffer zone with Douglas-fir seedlings, and for a setback reduction to reduce the 600-foot setback requirement from public lands.

Project Location: The project is located in the Honeydew area, on the north side of Fox Springs Road, approximately 1.72 miles northeast from the intersection of Wilder Ridge Road and Fox Springs Road, on the property known as 3915 Fox Springs Road, Honeydew.

Present Plan Land Use Designations: Timberland (T) Density: 40 to 160 acres per dwelling unit, Slope Stability: Moderate instability (2).

Present Zoning: Timberland Production (TPZ)

Record Number: PLN-11890-CUP

Assessor's Parcel Number: 107-135-005

Applicant

Old Briceland Holding
Company, LLC
P.O. Box 1050
Redway, CA 95560

Owner

Craig Lehmen
P.O. Box 195
Garberville, CA 95542

Agent

Humboldt Logistics
Brittany Massaro

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.

Old Briceland Holding Company, LLC
Record Number: PLN-11890-CUP
Assessor's Parcel Number: 107-135-005

Recommended Commission Action:

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

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

Executive Summary: Old Briceland Holding Company, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 18,048 square feet (SF) of mixed-light cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timberland Production (TPZ). The applicant also seeks Special Permits for work within the Streamside Management Area (SMA) related to the removal of stockpiled tree stumps from the head of a Class III stream and re-planting the Class III buffer zone with Douglas-fir seedlings, and for a setback reduction to reduce the 600-foot setback requirement from public lands. Cultivation takes place in five (5) greenhouses, with ancillary propagation occurring immediately south of the existing cultivation within two (2) separate greenhouses totaling 3,744 SF (24'x72' and 24'x84'). Ancillary propagation occurs year-round. Up to three harvests are anticipated annually for a growing season that extends from May through October.

Drying occurs onsite utilizing an existing 1,600 SF structure, while all other processing occurs off-site at a licensed facility. Up to five (5) employees may be utilized during peak operations. Power is provided by generators. The operation is secured behind a gated access, with perimeter fencing around the cultivation areas being completed, and security cameras to be installed. Additionally, a site superintendent and/or other security personnel will be onsite 24 hours a day, 7 days per week during the cultivation season.

Nursery Space

As noted above, ancillary propagation associated with the operation occurs in two (2) greenhouses totaling 3,744 SF. This equates to approximately 20.7% of the total cultivation area. However, a nursery space of 10% of the cultivation area is what Planning staff and the Planning Commission have found allowable in the past, which would be equivalent to a nursery space of 1,805 SF. As the current nursery space (3,744 SF) is considerably larger than what is typically considered ancillary to an operation and allowed on cannabis cultivation sites in Humboldt County, a recommended condition of approval (COA #5) has been included to require the applicant to reduce the amount of nursery space onsite and revise both the Site Plan and Operations Plan to reflect a maximum of 10% of nursery space, or 1,805 SF.

Setback to Bureau of Land Management Lands

The parcels immediately adjacent and to the west, north, and east of the site (APNs 107-135-003 and 107-135-007) are owned by the Bureau of Land Management (BLM). The existing greenhouses are located approximately 185 feet from the public land at the nearest point, as shown on the Site Plan; however, no developed or designated recreational facilities are within 600 feet of the cultivation, propagation, and drying areas.

Under the CMMLUO, cultivation and processing operations require a setback of 600 feet from publicly owned lands that are managed for wildlife, open space, and recreational facilities. This setback may

be reduced with a Special Permit. A Special Permit for the allowance of a setback reduction of the 600-foot buffer from BLM lands is included as a part of the applicant's request. The project is not anticipated to impact the adjacent lands or their use because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will minimize impacts on nearby watercourses by maintaining buffers from streams and by placing controls on the storage and use of pesticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. Additionally, the Site Management Plan was developed for the project to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals.

A referral was sent to the BLM on July 7, 2021. Outreach to BLM was conducted on July 13, 2021, and provided a summary of the conditions of approval required for the project to ensure the project would not have a significant impact on the adjacent public lands or habitat. To date, no comments have been received from BLM.

Timber Conversion

A Timber Conversion Report with restocking plan (Attachment 3) was prepared by Timberland Resource Consultants (TRC) in June 2020, which indicated the cultivation area was developed between 2014 and 2016. While the Report does not specify when the rainwater catchment pond was developed, the Site Plan indicates the pond was constructed in 2014. Approximately 2.46 acres of timberland was converted for cultivation-related purposes (approximately 2.10 acres for the cultivation area and 0.36 acres for the pond), which is below the three-acre conversion exemption maximum. The applicant is required to restock timber at a ratio of 3:1 for all area converted after January 1, 2016, the CMMLUO baseline date. Per the Report, the prior conversion activities do not comply with the California Forest Practice Act and the California Forest Practice Rules. Additionally, as noted in the Report, timber harvesting for the purpose of increasing sunlight and/or defensible space on the subject property resulted in an overall reduction in site occupancy of conifers and hardwoods, as well as tree removal in the Class III buffer zone. The Report recommends all log decks as mapped and pictured in the Report be treated. In addition, the Report recommends replanting the Timber Harvesting Area and re-planting the Class III buffer zone with Douglas-fir seedlings per the Report's Restocking Plan. The project is conditioned to implement all recommendations contained in the Report, including implementation of the Restocking Plan.

Water Resources

Estimated annual water usage is 819,600 gallons (15.1 gal/SF/cycle) with peak demand occurring in May, July, August, and October at approximately 83,700 gallons. Water for irrigation is provided by a permitted onsite well (17/18-0374) and an approximately 400,000-gallon rainwater catchment pond. The well is located just east of the cultivation area, approximately 250 feet northeast of the nearest Streamside Management Area, as shown on the Site Plan. According to the Well Completion Report (see Attachment 3), the well is 200 feet deep and drilled through top soil, sandstone, clay, fractured sandstone with quartz, and solid blue sandstone. A PVC blank is installed for the first 160 feet of the well, with screening from a depth of 160 feet to the total well depth (200 feet). Based on the distance from the nearest watercourse and the use of a blank for casing of the first 160 feet of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. There is sufficient water storage in the pond to meet irrigation needs, therefore, Planning staff is not recommending additional water storage from the well be developed on-site. Conditions of approval also require the applicant to monitor water use from the well and rainwater catchment pond annually to demonstrate there is sufficient water available to meet operational needs.

A Site Management Plan (SMP) was prepared by Timberland Resource Consultants in September 2018 (WDID 1_12CC403383) in response to the State Water Resources Control Board Cannabis Cultivation Policy in congruence with Order WQ 2017-0023-DWG (General Order), and details the Best Practicable Treatment or Control (BPTC) measures implemented on the subject parcel. Eleven (11) items were identified in the SMP as requiring corrective actions, including but not limited to road grading, removal of waste and woody debris from riparian setback, seeding and mulching, water bar replacement, generator and fuel tank storage improvements, installation of spillway and fence at pond, installation of in-line meters, and rocking a road. The project is conditioned to require the applicant implement all corrective actions recommended in the SMP and obtain a Streambed Alteration Agreement (SAA) from the California Department of Fish and Wildlife for all work required within the SMA. Additionally, a bullfrog management plan shall be developed and implemented.

The applicant also seeks a Special Permit for work within the SMA related to the removal of stockpiled tree stumps from the head of a Class III stream, in addition to re-contouring of the slope, soil stabilization, and erosion control. A Draft SAA (Notification No 1600-2016-0412-R1) was issued by CDFW (not dated; Attachment 3). The project is conditioned to obtain a Final LSAA from CDFW and implement all terms and conditions of the Final SAA to minimize potential impacts associated with the proposed work within the SMA.

Biological Resources

Review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) in May 2021 indicates there are no mapped sensitive species onsite. While NSO Final Critical Habitat is mapped in close proximity to the site and approximately 617 feet from the cultivation area, the nearest NSO sighting and activity center are located approximately 1.2 miles and 2.6 miles from the cultivation area, respectively. Power is provided by generators. As a result, the project is conditioned to ensure the combination of background, generator, and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. In addition, the conditions of approval require the applicant to ensure supplemental lighting associated with the mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Although not depicted on the Humboldt County WebGIS, the Site Plan shows three (3) watercourses that traverse the subject property, including Four Mile Creek, a perennial watercourse, within the southwestern portion of the site; an unnamed intermittent tributary to Four Mile Creek within the southern portion of the site; and one unnamed Class III stream in the southeastern portion of the subject parcel. The respective 50-foot and 100-foot SMA buffers are also depicted on the Site Plan. Per the Site Plan, the cultivation areas and associated infrastructure are located outside of the required buffers.

Access

Access to the site is via a driveway off Fox Spring Road via Wilder Ridge Road. Wilder Ridge Road is a Category 4 County-maintained roadway. A Road Evaluation Report for Fox Spring Road was prepared by a Registered Civil Engineer from OurEvolution Energy & Engineering in November 2018 (Attachment 3), which indicates that the roadway does not meet a Category 4 road equivalent standard and identified the need for turn-outs. However, the Report concludes the roadway can accommodate the cumulative increase in traffic associated with the project and all known cannabis projects, if the recommendations included in the report are completed.

An accompanying Road Evaluation Report and Neighborhood Traffic Management Plan was also prepared by OurEvolution Energy & Engineering in November 2018 (Attachment 3). Per the Report, Fox

Spring Road is estimated to serve up to fifteen (15) large, rural properties, none of which had a known cultivation license or application in process as of the date of the Report. The Report analyzed Fox Spring Road (in several sections) and the private driveway sections. The sections of Fox Spring Road were found to not meet the standard for a road Category 4; however, due to the existing steep terrain and forestation, roadway widening and creating new and/or expanded turnouts/pass points were found to be infeasible. As a result, a Neighborhood Traffic Management Plan (NTMP) was prepared and provides a "methodical method of tracking, controlling and scheduling traffic related to the proposed cultivation operations with the intent of minimizing impacts to the very limited local traffic seen on this section of Fox Spring Road." The Report concludes that adherence to the NTMP would make the assessed Fox Spring Road sections adequate for the purposes of the proposed cultivation operation. Additionally, several recommendations related to minimizing culvert undermining, erosion, and potential sedimentation were also provided in the Report. The private driveway access road was found to meet a Category 2 road standard and recommendations related to managing this section of the roadway with their immediate neighbors and minimizing erosion and potential sedimentation distribution were also provided in the Report. The submitted road evaluation included sufficient photographic evidence to verify the roadway conditions as described, including roadway width and line of sight. The project is conditioned to require the applicant implement all recommendations included in the Report, including the Neighborhood Traffic Management Plan.

Per comments received from the Department of Public Works, Land Use Division in February 2021, where portions of the access road have grades that exceed 16%, those portions shall be paved and must have an exception request approved. Additionally, all driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Further, any existing or proposed non-County maintained access roads that serve as access for the proposed project that connect to a County-maintained road shall be improved to current standards for a commercial driveway. Specifically, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. An encroachment permit will be required from the Department of Public Works prior to commencement of any work in the County-maintained right of way. The project is conditioned to make the required improvements identified by the Department of Public Works, Land Use Division.

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

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

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number: PLN-11890-CUP
Assessor's Parcel Number: 107-135-005**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Old Briceland Holding Company, LLC, Conditional Use Permit and Special Permits request.

WHEREAS, Old Briceland Holding Company, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 18,084 square foot (SF) mixed-light cannabis cultivation that is cultivated within five (5) greenhouses with appurtenant propagation and drying activities. Annual water use is 819,600 gallons and there will be a total of 425,000 gallons of water storage on-site. Special Permits are also being requested for work within the Streamside Management Area related to the removal of stockpiled tree stumps from the head of a Class III stream and re-planting the Class III buffer zone with Douglas-fir seedlings, and for a setback reduction to reduce the 600-foot setback requirement from public lands; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on August 5, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permits, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit to allow an existing 18,048 square foot (SF) mixed-light cannabis cultivation that is cultivated in 5 greenhouses with appurtenant propagation and drying activities. Irrigation water is sourced from a permitted groundwater well on the subject parcel and an approximately 400,000-gallon rainwater catchment pond. Existing available water storage is 425,000 gallons in a series of hard-sided tanks and the rainwater catchment pond. Estimated annual water usage is 819,600 gallons. Drying occurs onsite, with all other processing occurring off-site at the applicant's licensed facility (approved under PLN-10697-ZCC). A maximum of five (5) employees may be utilized during peak operations. Power is provided by two (2) generators and there are long-term plans to switch to solar or grid power through Pacific Gas and Electric Company (PG&E). The applicant also seeks Special Permits for work within the Streamside Management Area related to the removal of stockpiled tree stumps from the head of a Class III stream and re-planting the Class III buffer zone with Douglas-fir seedlings, and for a setback reduction to reduce the 600-foot setback requirement from public lands.

EVIDENCE: a) Project File: PLN-11890-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has

considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Site Management Plan and Notice of Applicability have been prepared to show compliance with the State Water Board Cannabis General Order for Waste Discharge.
- d) Review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) in May 2021 indicates there are no mapped sensitive species onsite and shows that Northern Spotted Owl (NSO) habitat exists in the vicinity. While NSO Final Critical Habitat is mapped in close proximity to the site and approximately 617 feet from the cultivation area, the nearest NSO sighting and activity center are located approximately 1.2 miles and 2.6 miles from the cultivation area, respectively. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) A Timber Conversion Report and restocking plan was prepared by Timberland Resource Consultants in June 2020, which concluded that the cultivation area was developed between 2014 and 2016 and approximately 2.46 acres of timberland was converted which is below the three-acre conversion exemption maximum. Per the Report, the prior conversion activities do not comply with the California Forest Practice Act and the California Forest Practice Rules. The Report recommends all log decks as mapped and pictured in the Report be treated. In addition, the Report recommends replanting the Timber Harvesting Area per the Report's Restocking Plan and re-planting the Class III buffer zone with Douglas-fir seedlings per the Report's Restocking Plan. The project is conditioned to implement all recommendations contained in the Report, including implementation of the Restocking Plan, which will result in no net loss of timberland after the environmental baseline of December 31, 2015.
- f) The Cultural Resources referral process carried out by staff concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, which has been included in the Conditions of Approval.
- g) Access to the site is via a driveway off Fox Spring Road via Wilder Ridge Road. Wilder Ridge Road is a Category 4 County-maintained roadway. A Road Evaluation Report for Fox Spring Road was prepared by a Registered Civil Engineer from OurEvolution Energy & Engineering in November 2018, which identified that the roadway does not meet a Category 4 road equivalent standard and identified the need for turn-outs. Due to the existing steep terrain and forestation, roadway widening and creating new and/or expanded turnouts/pass points were found to be infeasible. However, the Report concludes the roadway can accommodate the cumulative increase in traffic associated with the project and all known

cannabis projects, if the recommendations included in the report are completed. The project is conditioned to require the applicant implement all recommendations included in the Report, including the Neighborhood Traffic Management Plan. As conditioned, the road is suitable for safe access to and from the project site.

FINDINGS FOR CONDITIONAL USE PERMIT AND 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 Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for timber purposes, in which agricultural uses are permitted, consistent with the use of Open Space land for managed production of resources. The use of the subject parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING The proposed development is consistent with the purposes of the existing TPZ zone in which the site is located.

EVIDENCE a) The Timber Production Zone or TPZ Zone is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural uses.

b) All general agricultural uses are principally permitted in the TPZ zone.

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 18,048 square feet of cultivation on a 60-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.

EVIDENCE a) Conditions of approval require the applicant to obtain and adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. By implementing permit conditions from the CDFW, impacts to the SMA are minimized.

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

EVIDENCE a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).

b) The parcel was created in compliance with all applicable state and local

subdivision regulations, as described in and certified by the Certificate of Subdivision Compliance (Record No. 2019-002898), recorded February 13, 2019.

- c) Water for irrigation is provided by a permitted onsite well (17/18-0374) and an approximately 400,000-gallon rainwater catchment pond. According to the Well Completion Report, the well is 200 feet deep and drilled through top soil, sandstone, clay, fractured sandstone with quartz, and solid blue sandstone. A PVC blank is installed for the first 160 feet of the well, with screening from a depth of 160 feet to the total well depth (200 feet). Based on the distance from the nearest watercourse and the use of a blank for casing of the first 160 feet of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. There is sufficient water storage in the pond to meet irrigation needs, therefore, Planning staff is not recommending additional water storage from the well be developed on-site. Conditions of approval also require the applicant to monitor water use from the well and rainwater catchment pond annually to demonstrate there is sufficient water available to meet operational needs.
- d) Access to the site is via a driveway off Fox Spring Road via Wilder Ridge Road. Wilder Ridge Road is a Category 4 County-maintained roadway. A Road Evaluation Report for Fox Spring Road was prepared by a Registered Civil Engineer from OurEvolution Energy & Engineering in November 2018, which identified that the roadway does not meet a Category 4 road equivalent standard and identified the need for turn-outs. Due to the existing steep terrain and forestation, roadway widening and creating new and/or expanded turnouts/pass points were found to be infeasible. However, the Report concludes the roadway can accommodate the cumulative increase in traffic associated with the project and all known cannabis projects, if the recommendations included in the report are completed. The project is conditioned to require the applicant implement all recommendations included in the Report, including the Neighborhood Traffic Management Plan. As conditioned, the road is functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) A Timber Conversion Report and restocking plan was prepared by Timberland Resource Consultants in June 2020, which concluded that the cultivation area was developed between 2014 and 2016 and approximately 2.46 acres of timberland was converted which is below the three-acre conversion exemption maximum. Per the Report, the prior conversion activities do not comply with the California Forest Practice Act and the California Forest Practice Rules. The Report recommends all log decks as mapped and pictured in the Report be treated. In addition, the Report recommends replanting the Timber Harvesting Area per the Report's Restocking Plan and re-planting the Class III buffer zone with Douglas-fir seedlings per the Report's Restocking Plan. The project is conditioned to implement all recommendations contained in the Report, including implementation of the Restocking Plan, which will result in no net loss of timberland after the environmental baseline of December 31, 2015.
- g) The location of the cultivation complies with all setbacks required in Section

314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, or Tribal Cultural Resource.

- h) The project is located adjacent to Federal lands managed by the Bureau of Land Management (BLM). While the existing greenhouses located approximately 185 feet from the public land at the nearest point, there are no developed or designated recreational facilities within 600 feet of the cultivation, propagation, or drying areas. The project is not anticipated to impact the adjacent lands or their use because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will minimize impacts on nearby watercourses by maintaining buffers from streams and by placing controls on the storage and use of pesticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. Additionally, the Site Management Plan was developed for the project to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals.

7. FINDING

The cultivation of 18,048 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation, with implementation of the recommended conditions of approval identified in the Road Evaluation Report.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a groundwater well and onsite rainwater catchment pond. According to the Well Completion Report, the well is 200 feet deep and drilled through top soil, sandstone, clay, fractured sandstone with quartz, and solid blue sandstone. A PVC blank is installed for the first 160 feet of the well, with screening from a depth of 160 feet to the total well depth (200 feet). Based on the distance from the nearest watercourse and the use of a blank for casing of the first 160 feet of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water

Resources Control Board and is not subject to forbearance or water storage requirements. There is sufficient water storage in the pond to meet irrigation needs, therefore, Planning staff is not recommending additional water storage from the well be developed on-site. Conditions of approval also require the applicant to monitor water use from the well and rainwater catchment pond annually to demonstrate there is sufficient water available to meet operational needs.

- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

8. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

DECISION

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

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

Adopted after review and consideration of all the evidence on August 5, 2021.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

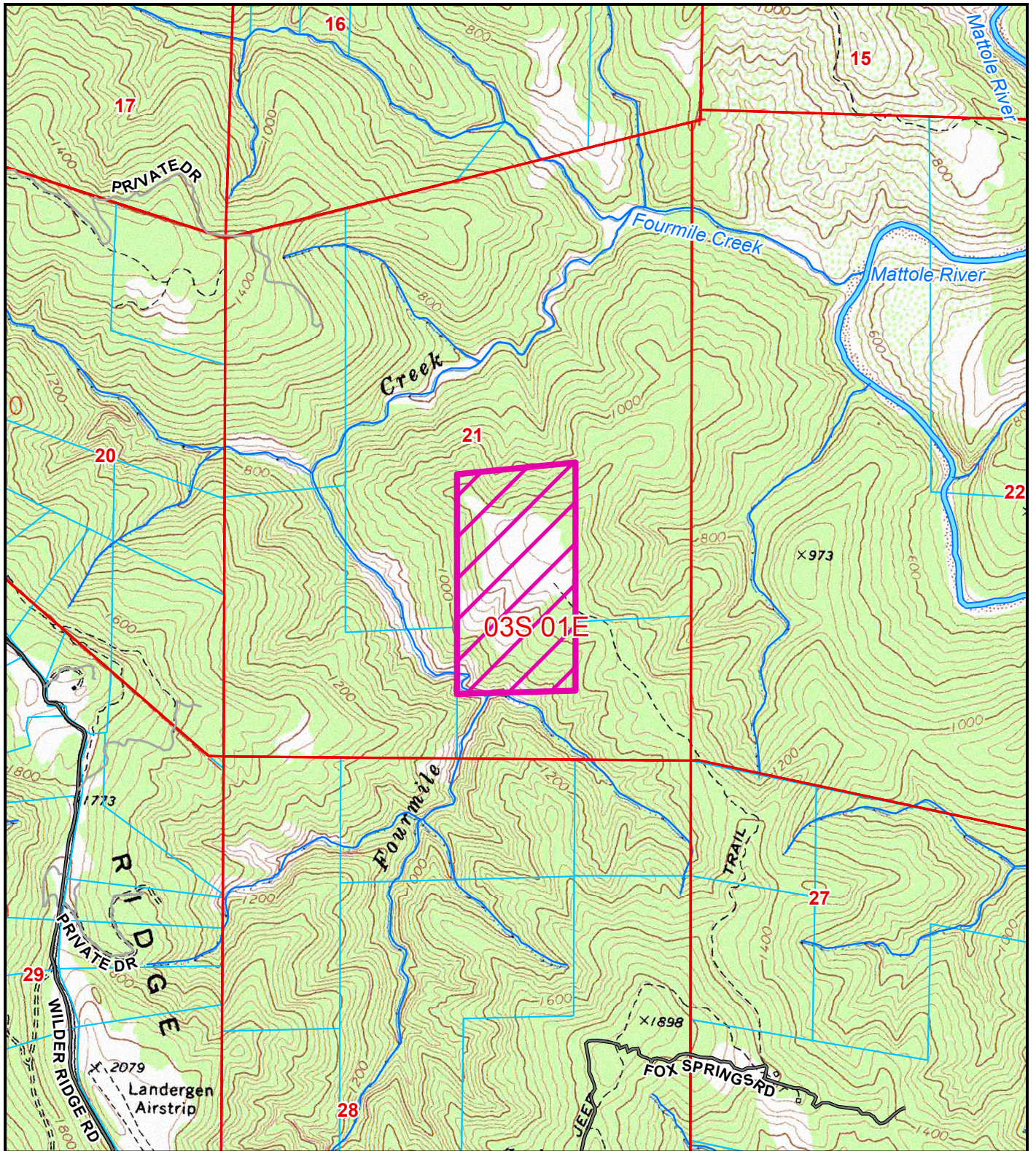
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

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

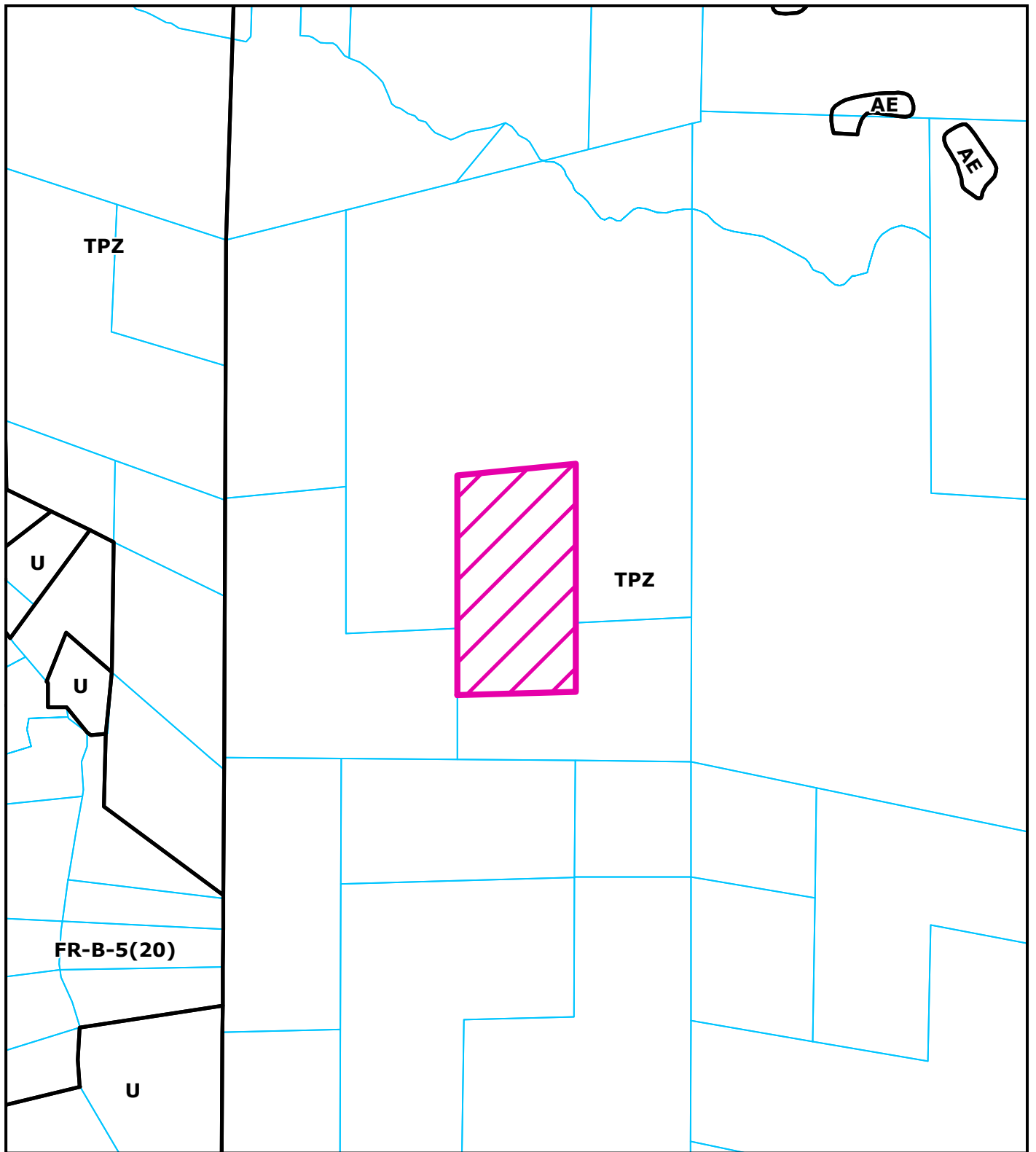
John Ford, Director
Planning and Building Department



Project Area =

TOPO MAP
PROPOSED OLD BRICELAND HOLDING COMPANY LLC
HONEYDEW AREA
CUP-16-435
APN: 107-135-005-000
T03S R01E S21 HB&M (HONEYDEW)

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.



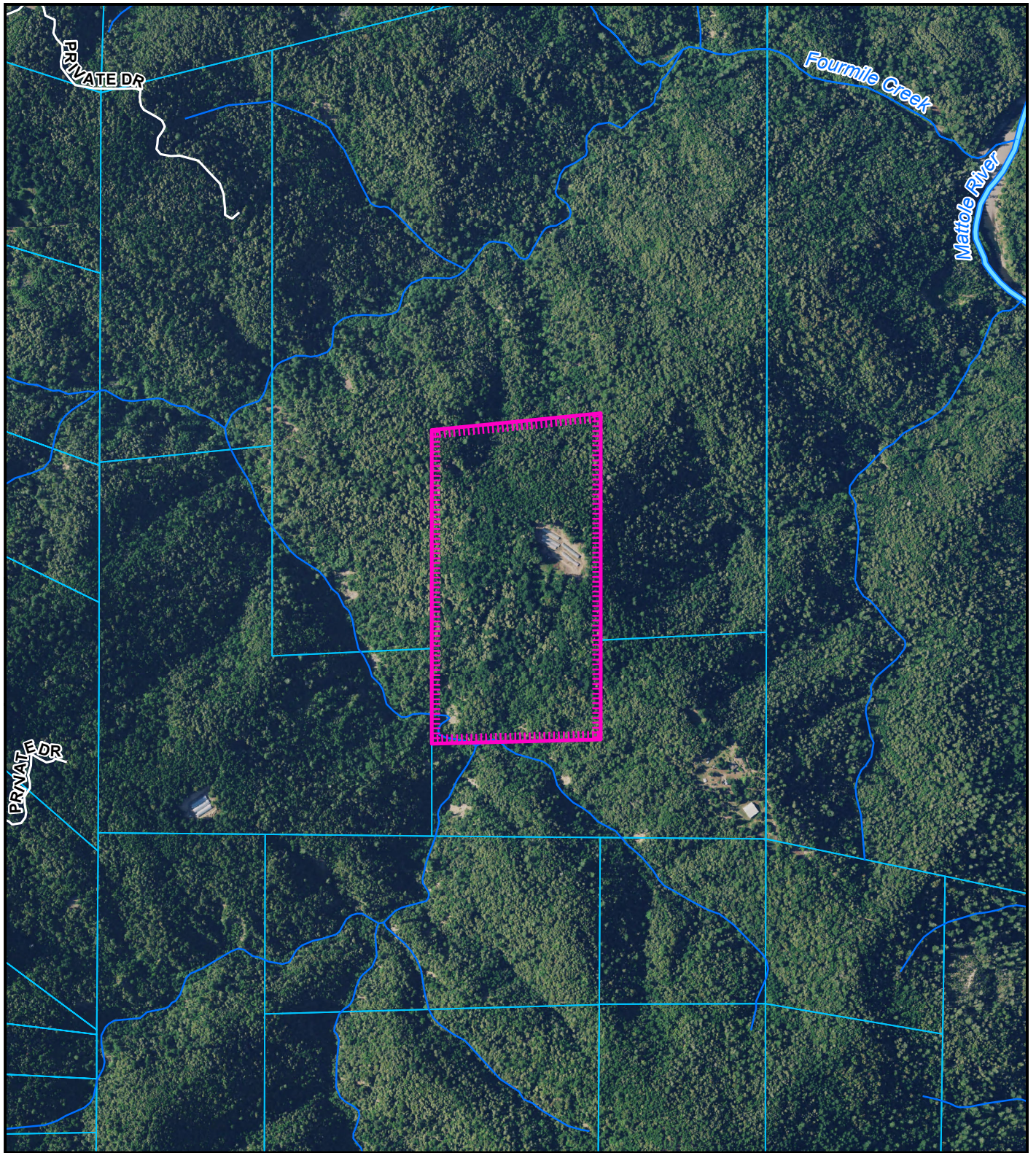
Project Area =

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

ZONING MAP
PROPOSED OLD BRICELAND HOLDING COMPANY LLC
HONEYDEW AREA
CUP-16-435
APN: 107-135-005-000
T03S R01E S21 HB&M (HONEYDEW)

0 1,000 2,000

Feet

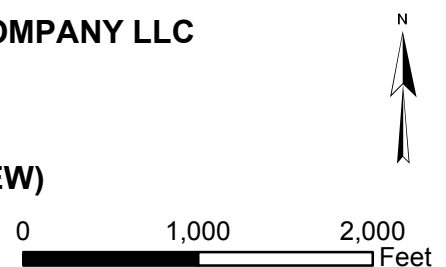


**AERIAL MAP
PROPOSED OLD BRICELAND HOLDING COMPANY LLC
HONEYDEW AREA
CUP-16-435**

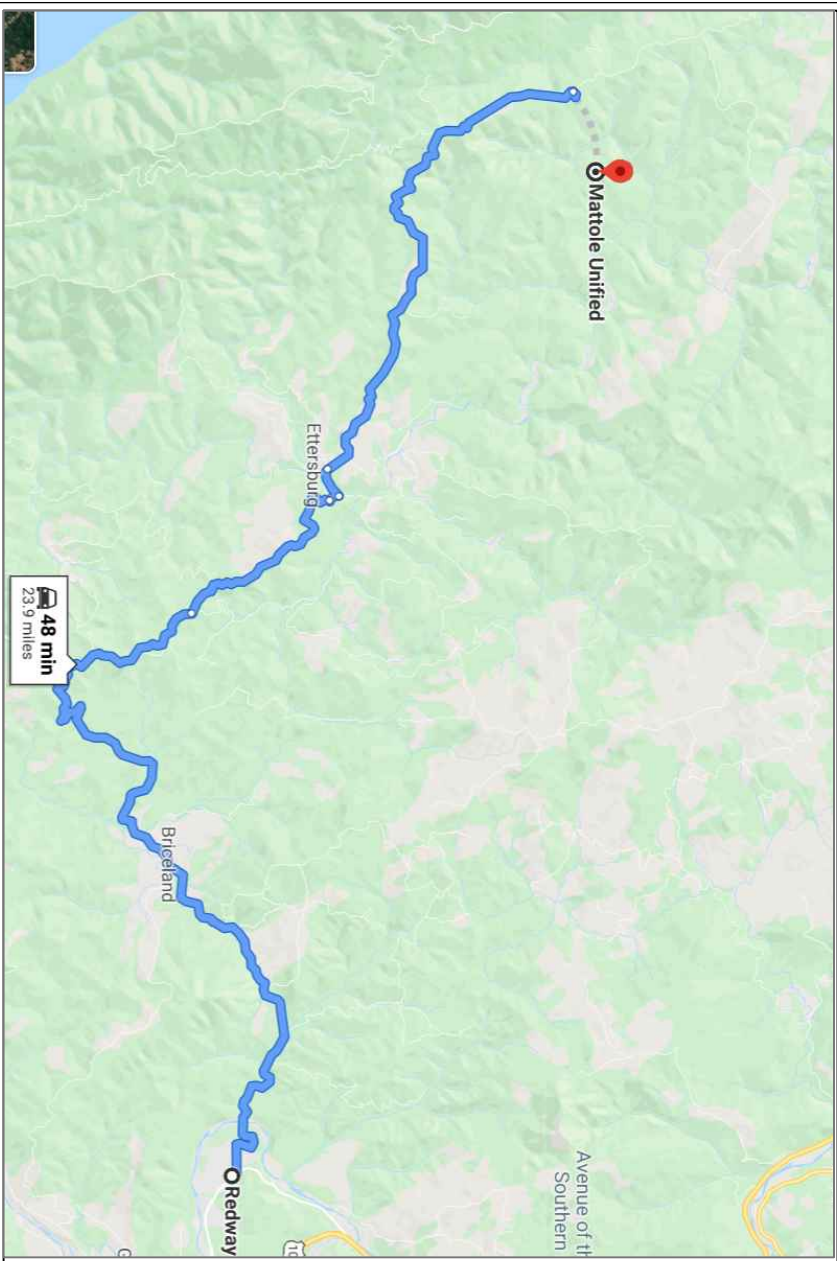
Project Area = 

**APN: 107-135-005-000
T03S R01E S21 HB&M (HONEYDEW)**

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 (N.T.S.)



- DRIVING DIRECTIONS FROM REDWAY**
1. FOLLOW BRICELAND ROAD TO ETTERSBURG ROAD/ETTERSBURG HONEYDEW ROAD (10.1 MILES)
 2. FOLLOW ETTERSBURG ROAD/ETTERSBURG HONEYDEW ROAD AND WILDER RIDGE ROAD TO FOX SPRING ROAD (13.8 MILES)
 3. TURN RIGHT ONTO FOX SPRING ROAD AND FOLLOW APPROXIMATELY 4 MILES TO SUBJECT PROPERTY GATE

PROJECT INFORMATION

APPLICANT: OLD BRICELAND HOLDING COMPANY, LLC/RAMA BOYD
PROPERTY OWNERS OF RECORD: BLAKE LEHMAN AND BROOKE LEHMAN
OWNER ADDRESS: P.O. BOX 195, GARBERVILLE, CA 95542
APN: 107-135-005
HUMBOLDT COUNTY APPS#: 11890
PROPERTY ADDRESS: 3915 FOX SPRING ROAD, HONEYDEW, CA 95545
ASSESSED LOT SIZE: .60 ACRES
HUMBOLDT COUNTY GIS ACRES: 70.75 ACRES
CURRENT GENERAL PLAN: T
ZONING WITH COMBINING ZONES: TPZ

GENERAL NOTES

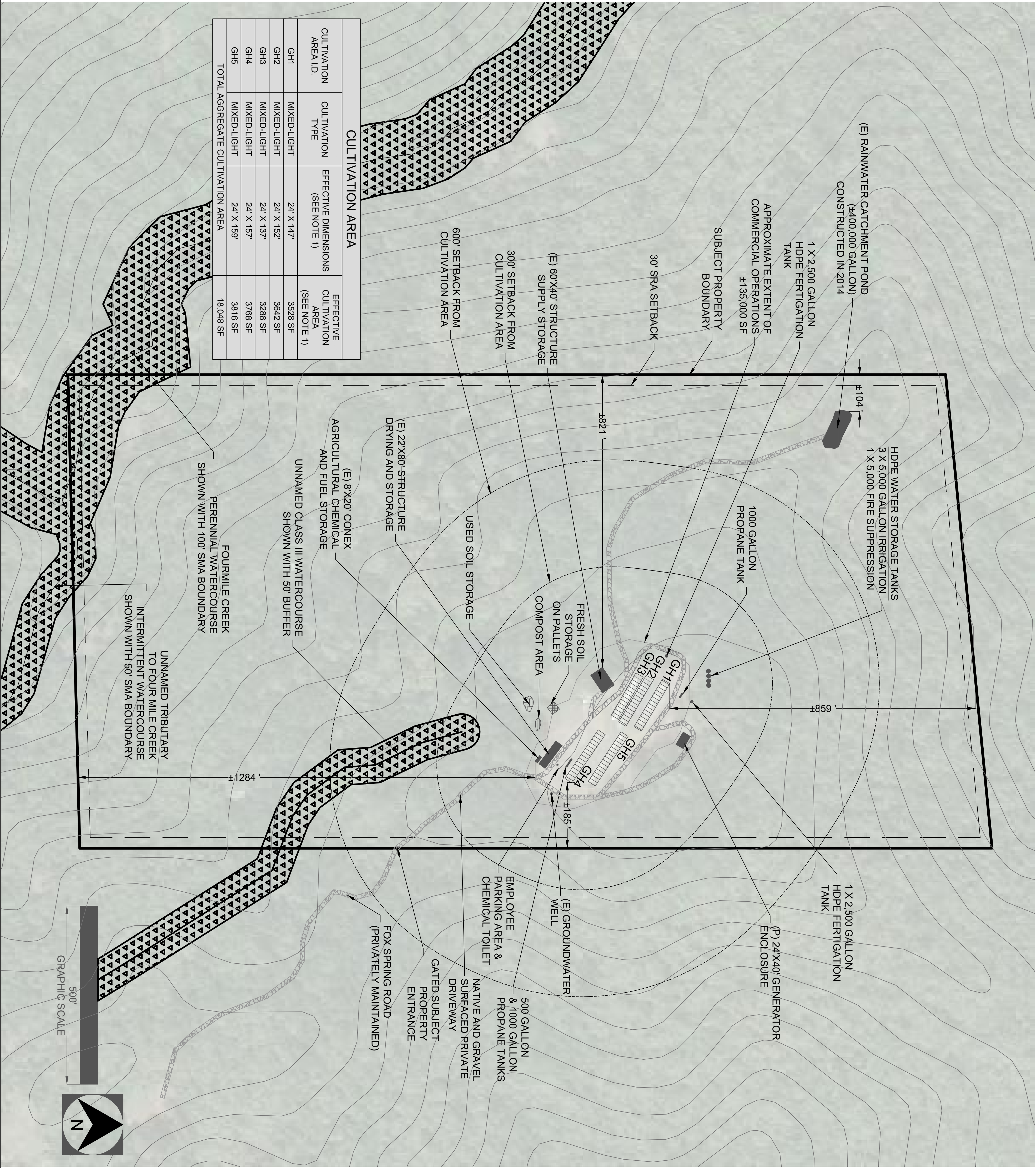
1. FIRST 8 FEET OF EACH GREENHOUSE FROM END IS USED AS A NON-CONTAINED, COVERED STORAGE AREA AND NOT USED FOR CULTIVATION. CALCULATION OF "CULTIVATION AREA" IS BASED ON "EFFECTIVE DIMENSIONS" THAT DO NOT INCLUDE 8'X24' COVERED STORAGE AREA.
2. NO KNOWN EASEMENTS ON SUBJECT PROPERTY.
3. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR KNOWN TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION SITES.
4. NO OFF-SITE RESIDENCES WITHIN 300 FEET OF CULTIVATION SITES.
5. NO CULTIVATION OR OPERATIONS WITHIN STREAMSIDE MANAGEMENT AREA.
6. IMMATURE PLANT AREA (NURSERY) ENTITLEMENTS TRANSFERRED TO PLN 10697 PER COUNTY APPROVAL.
7. ALL PROCESSING TO OCCUR OFF-SITE AT LICENSED FACILITY OWNED AND OPERATED BY OLD BRICELAND HOLDING COMPANY, LLC.

WATER SOURCES

1. GROUNDWATER WELL
2. RAINWATER CATCHMENT

WATER STORAGE

1. #400,000 GALLON RAINWATER CATCHMENT POND
 2. 3 X 5000 GALLON HDPE IRRIGATION WATER STORAGE TANKS
 3. 1 X 5000 GALLON HDPE FIRE SUPPRESSION STORAGE TANK
 4. 2 X 2500 GALLON HDPE FERTIGATION TANKS
- TOTAL STORAGE: 425,000 GALLONS



OUREVOLUTION ENGINEERING, INC.
1821 BUTTERMILK LANE
ARCATA, CA 95521
360.791.3259
ANDY@OUREVOLUTION.COM

NO.	HISTORY / REVISION	BY	CHK	DATE
1	OE REVISION #1	ACS	GAC	05/01/20
2	OE REVISION #2	GSA	ACS	11/17/20
3	OE REVISION #3	ACS		07/02/21
4	OE REVISION #4	GSA		07/08/21

OLD BRICELAND HOLDING COMPANY, LLC/RAMA BOYD
3915 FOX SPRING ROAD, HONEYDEW, CA 95542

REVISED CULTIVATION SITE PLAN

DRAWN	ACS
CHECK	GAC
APPROVED	ACS
DATE	07/08/2021
JOB NUMBER	005

SHEET
1

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall submit a revised plot plan and a revised Cultivation and Operations Plan detailing and describing the following, in addition to what is currently shown and described:
 - a. Revise the square footage of the ancillary propagation areas to be a maximum of 1,805 square feet total, which equates to 10% of the cultivation area. Further, within 60 days the applicant shall remove propagation greenhouses that are in excess of this amount.
6. 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 #7 through #21. 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.
7. The applicant shall secure building permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, graded flats and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar

communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

8. The applicant shall obtain a permit to operate the EPA Tier 4 diesel generator from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department, if applicable. Alternatively, the applicant may submit a letter or similar communication from the NCUAQMD that a permit from their agency is not required. A sign-off from the Planning Department will satisfy this condition.
9. The applicant shall implement all recommendations contained in the Timber Conversion Report with restocking plan, prepared by Timberland Resource Consultants (TRC) in June 2020, including:
 - a. Treating all log decks (6 total), as mapped and pictured in the Report in accordance with 14 CCR 1104.1(a)(2)(D), located south, southwest, and east of the cultivation site, and located on both sides of the seasonal road accessing the off-stream pond.
 - b. Replanting the Timber Harvesting Area and the Class III buffer zone with Douglas-fir seedlings per the Restocking Plan, prepared by TRC and dated Jun 3 9, 2020:
 - i. Types of Seedlings: The landowner shall plant Douglas-fir and/or redwood seedlings (best suited for Seed Zone 390 at 1,300-foot elevation) at a uniform spacing no less than 10-feet by 10-feet, or 435 trees per acre. The total area to be restocked is 2.28 acres, for a total of 992 trees at a 10-foot by 10-foot spacing.
 - ii. Seedling Care: For long-term storage (more than 3 days), store seedlings at 33 to 36 degrees Fahrenheit. For short-term storage (several hours to less than 3 days), store below 42 degrees Fahrenheit. At the planting site, take care not to let the roots dry out and avoid exposure to the sun or warmer temperatures.
 - iii. Planting Instructions: When planting seedlings, the landowner or tree planter shall abide by the following:
 1. Tree planting shall only occur in winter or early spring. Tree planting shall not occur if the ground is frozen or during unusually warm periods.
 2. Dig a hole at least one inch deeper and wider than the seedling roots. If planting from a container, dig the hole an inch deeper and wider than the container.
 3. Place the seedling into the hole taking care not to end the taproot, or main vertical root, and cover with soil.
 4. Pack the soil down firmly around the seedling to remove any air pockets.
 - iv. Stock Purchase: The seedlings shall be procured from sources growing local, site-specific stock. Appropriate stock is determined by stand type, seed zone, elevation, as well as other factors like soil type, site quality, and weather. The RPF recommends acquiring conifer seedlings from Green Diamond Resource Company's nursery in Korbel, California. For inquiries, contact Nursery Superintendent Glen Lehar at (707) 668-4439. He will recommend the appropriate stock based on geographic area and site conditions.
 - v. Monitoring Seedling Survival: Monitor growth and success of planted trees one year after planting. Conduct a point count stocking sampling survey (protocol described in CFRs 14 CCR 1072). If less than 55% of the planted area meets the 300-point count minimum stocking level, repeat the planting process.

A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department until the restocking is complete as indicated by the monitoring report. A sign-off from the Planning Department will satisfy this condition.

10. The applicant shall implement all corrective actions recommended in the Site Management Plan (SMP), prepared by Timberland Resource Consultants (TRC) in September 2018, which includes:
 - a. At the location of the existing leadout ditch on access road with 14% grade (Site 1, NAD 83 -124.069122, 40.187421), road is to be graded to redefine outslowing and leadout ditch shall

be maintained to ensure drained water has adequate velocity to clear road surface to the specifications in the Steep Road Drainage BMPs (attached to SMP).

- b. At Site 2 (NAD 83 -124.069827, 40.187837), all cultivation-related waste at this location is to be removed from the riparian setback. Removed potting soils shall either be relocated and consolidated to a single potting soil storage site, disposed of properly at a local transfer station, or spread and seeded with native seed mix on gently-sloped ground outside of riparian setbacks. Other cultivation related waste, such as stems and plant material, shall be either disposed of properly at a local transfer station, composted, or burned outside of the riparian setbacks. Large woody debris left from the 3-acre conversion is to be removed and relocated outside of the riparian setbacks. The removal of this material shall be done with a little disturbance as feasible to sideslopes of the channel and without any modification of the channel. Excavated fill material shall be tractor contoured and tractor compacted to effectively incorporate and stabilize loose material into existing features. Any exposed soil surfaces created by equipment or the removal of the stumps shall be seeded and straw mulched to stabilize the soil. See the Erosion Control BMPs (attached to SMP).
- c. At Site 3 (NAD 83 -124.069548, 40.188012), where concentrated runoff from the cultivation area drains to this location and sediment settles out in vegetation, the surrounding area is to be seeded and mulched, to ensure previously eroded sediment, and any sediment which is to be eroded in the future, are captured and contained before coming into contact with the Class III watercourse below. See the Erosion Control BMPs (attached to SMP).
- d. At Site 5 (NAD 83 -124.069242, 40.188163), where the existing, hand-excavated waterbar drains a short section of road as well as a portion of the cultivation area, the waterbar is to be replaced with a newly installed rolling dip. This segment of road shall become seasonal use only and not used during the winter period or when soils are soft or saturated. See the Rolling Dip Design and Placement BMPs (attached to SMP).
- e. At Site 6 (NAD 83 -124.068962, 40.188865), the improperly disposed refuse surrounding the defunct travel trailers shall be removed and properly disposed of at a landfill location.
- f. At Site 7 (NAD 83 -124.06917, 40.189012), at the generator and fuel tank storage location, water shall be inspected for contamination from fuel storage tank and generator. If the water is untainted, drain the water and reinstall the drain plug, as needed, to prevent containment from holding water. Side-wall/wind protection shall be installed to ensure secondary catchment basins cannot collect wind-blow precipitation.
- g. At Site 12 (NAD 83 -124.069877, 40.189268), at the location of two 5,000-gallon tanks, with the western-most tank having a fallen tree leaning against the top portion of the tank, the fallen tree shall be removed and stored or disposed of properly, outside of the required riparian setback, in order to deter wildlife and maintain the structural integrity of the tank.
- h. At the 500,000-gallon off-stream pond (NAD 83 -124.072887, 40.190278), which currently lacks a spillway and a fence to deter wildlife, a spillway for flows of excess water out of the pond shall be installed, as well as a fence around the pond in order to deter wildlife from having access, and possibly being trapped within the pond.
- i. At the two wells, in-line meters shall be installed in order to record the amount of water diverted from each source, as well as for each intended use (irrigation or domestic use).
- j. At the permanent access road to the residence, observed to be experiencing drainage issues and is used in the winter months when the soils are soft and saturated, the road shall be rocked from the entrance to the property to the residence structure, in order to mitigate road surface erosion from vehicle use during the winter months.
- k. On-site waste shall be collected and properly stored in a location where it cannot enter Waters of the State, or disposed of at an appropriate waste management facility.

A sign-off from the Planning Department will satisfy this condition.

- 11. The applicant shall secure a Final Streambed Alteration Agreement (Final SAA) from the California Department of Fish and Wildlife (CDFW) and implement all terms and conditions of the Final SAA for all work required within the SMA and off-stream pond improvements, as necessary, including the prescribed administrative, avoidance and minimization, and reporting measures. The applicant shall

submit a copy of the Final Streambed Alteration Agreement to the Planning Department. The applicant shall provide evidence of compliance by submitting the Final Streambed Alteration Agreement and annual reports or a letter or similar communication from CDFW stating a Lake or Streambed Alteration Agreement is not required. A sign-off from the Planning Department will satisfy this condition.

12. The applicant shall coordinate with CDFW to determine if a bullfrog management plan is required for management of bullfrogs for the off-stream pond. If required, the applicant shall submit a bullfrog management plan to CDFW for review and approval. The applicant shall submit a copy of the bullfrog management plan to the Planning Department. A letter or similar communication CDFW indicating this requirement has been met shall satisfy this condition,
13. The applicant shall install exit ramps to the off-stream pond to prevent wildlife entrapment. Exit ramps shall be installed no grater that 2:1 slope, secured at the upslope end, and made of solid material (e.g., wood).
14. The applicant shall ensure the off-stream pond holds no more than the necessary volume of water needed for the project, with consideration to evaporative loss. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016.
15. The applicant shall install an overflow spillway to the off-stream pond that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State.
16. The applicant shall implement all recommendations included in the Road Evaluation Report prepared by OurEvolution Energy & Engineering in November 2018, including the Neighborhood Traffic Management Plan. A sign-off from the Planning Department will satisfy this condition.
17. Per comments received from the Department of Public Works, Land Use Division in February 2021, the applicant shall make the following improvements:
 - a. Where portions of the access road have grades that exceed 16%, those portions shall be paved and must have an exception request approved.
 - b. All driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
 - c. The access road (Fox Spring Road) shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Wilder Ridge Road).
 - d. An encroachment permit shall be obtained from the Department of Public Works prior to commencement of any work in the County-maintained right of way.

A sign-off from the Public Works Department will satisfy this condition.

18. Seasonal cultivation without processing may use portable toilets to serve the operation. The applicant shall provide portable toilet(s) to the cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system associated with a permitted structure. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
19. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability and Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A

copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

20. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
21. All artificial lighting used for mixed light cultivation and propagation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize offsite lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
22. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
23. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
24. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well, rainwater catchment pond, and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
25. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
26. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
27. 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:

28. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to

meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

29. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
30. The applicant shall abide by recommendations of the Timber Conversion Report prepared by Timberland Resource Consultants (TRC) July 4, 2019, and received November 8, 2019 which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.
31. 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.
32. 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.
33. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
34. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
35. The use of anticoagulant rodenticide is prohibited.
36. 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.

37. 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.
38. 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.
39. 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.
40. 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.
41. 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.
42. 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).
43. 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.
44. Comply with the terms of the Final Lake and Streambed Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
45. 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.
46. 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).
47. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

48. Pay all applicable application, review for conformance with conditions and annual inspection fees.
49. 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.
50. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
51. 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

52. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
53. 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).
54. 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.
55. 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.
56. 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
57. Term of Commercial Cannabis Activity Conditional Use Permit and Special Permit. Any Commercial Cannabis Cultivation CUP and 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.
58. 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.
59. 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.
60. 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.
61. 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.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) 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 107-135-005; 3915 Fox Spring Road, Honeydew
County of Humboldt**

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

July 2021

Background

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

The modified project involves a Conditional Use Permit for an existing 18,048 square foot (SF) mixed-light cannabis cultivation that is cultivated within five (5) greenhouses. Ancillary propagation occurs year-round within two (2) existing greenhouses totaling 3,744 SF. Irrigation water is sourced from a groundwater well on the subject parcel and an approximately 400,000-gallon rainwater catchment pond. Existing available water storage is 425,000 gallons in a series of hard-sided tanks and the rainwater catchment pond, with a 5,000-gallon tank dedicated for fire suppression and two (2) 2,500-gallon tanks (5,000 gallons total) utilized for fertigation. Estimated annual water usage is 819,600 gallons. Drying occurs onsite, with all other processing occurring off-site at a licensed facility. A maximum of five (5) employees may be utilized during peak operations. Power is provided by two (2) generators and there are long-term plans to switch to solar or grid power through Pacific Gas and Electric Company (PG&E). The applicant also seeks Special Permits for work within the Streamside Management Area related to the removal of stockpiled tree stumps from the head of a Class III stream and re-planting the Class III buffer zone with Douglas-fir seedlings, and for a setback reduction to reduce the 600-foot setback requirement from public lands.

The project site contains riparian habitat associated with three (3) watercourses that traverse the subject property, including Four Mile Creek, a perennial watercourse, within the southwestern portion of the site; an unnamed intermittent tributary to Four Mile Creek within the southern portion of the site; and one unnamed Class III stream in the southeastern portion of the subject parcel. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 15%. Artificial lighting is used to support the mixed-light cultivation and propagation area and generators are utilized onsite. While review of CDFW's California Natural Diversity Database (CNDDDB) indicates there are no mapped sensitive species onsite, Northern Spotted Owl (NSO) habitat exists in the vicinity, with NSO Final Critical Habitat mapped approximately 617 feet from the cultivation area. The nearest NSO sighting and activity center are located approximately 1.2 miles and 2.6 miles from the cultivation area, respectively. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species and to ensure the project has a Less than Significant Impact on NSO. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 18,048 square feet of cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by OurEvolution Engineering, Inc. dated 7/8/21.
- Cultivation and Operations Plan prepared by Humboldt Logistics dated 7/12/21.
- Site Management Plan (WDID-1_12CC403383) prepared by Timberland Resource Consultants, dated 9/4/18 for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
- Timber Conversion Report dated 6/13/20 and Restocking Plan dated 6/9/20, both prepared by Timberland Resource Consultants.
- Road Evaluation Report and Neighborhood Traffic Management Plan for Fox Spring Road prepared by OurEvolution Engineering, Inc. dated 11/29/18.
- Streambed Alteration Agreement prepared by the California Department of Fish and Wildlife (Notification No. 1600-2016-0412-R1), not dated.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. 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. (**Attached** - Site Plan prepared by OurEvolution Engineering, Inc. dated 7/8/21)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached** - Cultivation and Operations Plan prepared by Humboldt Logistics dated 7/12/21)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
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, Site Management Plan (WDID-1_12CC403383) prepared by Timberland Resource Consultants, and Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Draft Streambed Alteration Agreement issued by the California Department of Fish and Wildlife, not dated – **Attached**. Condition of Approval to obtain Final SAA.)
9. If the source of water is a well, a copy of the County well permit, if available. (Condition of Approval).

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timber Conversion Report dated 6/13/20 and Restocking Plan dated 6/9/20, both prepared by Timberland Resource Consultants – On file)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report and Neighborhood Traffic Management Plan for Fox Spring Road prepared by OurEvolution Engineering, Inc. dated 11/29/18. **(Attached)**
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)

Cultivation, Operations Security Plan

APP#: 11890, APN: 107-135-005
3915 Fox Springs Rd., Honeydew, Ca

Revised
July 12th, 2021

Old Briceland Holding Company, LLC
Rama Boyd, Applicant
P.O. Box 1250, Redway, CA 95560

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1.0 OPERATIONS PLAN

1.1 Description of Water Source, Storage, Irrigation Plan, Projected Water Usage

IRRIGATION WATER SOURCE AND STORAGE

The primary beneficial irrigation source of water for the cannabis cultivation operation on this site is a 400,000 gallon off-stream rain catchment pond. In addition to pond, the Applicant has a permitted 200' deep well that produces 12 gallons per minute.(HCPD DHHS APP #17118-0374) The well water is used to supplement beneficial irrigation, domestic, and fire use.

The 400,000 gallon pond serves as irrigation water storage for the cultivation operation. In addition to pond storage, the site contains 3 x 5,000-gallon irrigation tanks, and one 5,000-gallon dedicated fire suppression tank. In a fire emergency, the pond will also serve as emergency fire suppression water. Water usage numbers are on page 10 of this document.

IRRIGATION PLAN

Irrigation is applied at agronomic rates to avoid over watering plants. Applicant uses compost mulch to aid water retention of soils, drip lines are installed when necessary in greenhouses and Applicant uses timers and manual shutoff valves to avoid over watering. A water meter is connected to the main irrigation line to monitor and report water usage.

PROJECTED WATER USAGE

The total cultivation area on Applicant's parcel will be 18,048 sq. ft. of mixed light flowering cannabis to be grown in at least three (3) cultivation cycles. The projected water usage in this Operations Plan will address all the cultivation and related uses of water on the property.

During the summer and early fall (May to October) projected watering of plants is expected to average approximately 3,100 gallons per day based on agronomic rates and historical understanding of water uptake for similarly grown cannabis in the local area. Water is applied an average of 6-days per week. Total water usage for summer and early fall is expected to be approximately 576,600 gallons of water. Based on the ability to grow and harvest an additional cultivation cycle in the late season, it is expected that an additional $\pm 243,000$ gallons of water, applied approximately 6 days per week, will be utilized. The total annual projected water use for cannabis cultivation on the property is approximately 819,6000 gallons. Water meters will be installed to track total water usage from the groundwater well and reported at the end of the year.

1.2 Description of Site Drainage, including Runoff and Erosion Control Measures

SITE DRAINAGE

The centralized cultivation area is located on a southwestern facing ridgetop and drains generally to the southwest. Cultivation related operations and storage facilities are located greater than 170-feet from the nearest surface waters, an at origin Class III watercourse. Four Mile Creek is located in the SW corner of the property.

There are no surface water crossings on the property. Applicant has worked with TRC on implementing a drainage plan for the property that will improve site drainage on the property, while minimizing the

threat of sediment runoff and erosion. Measures to improve site drainage have included implementing drainage features to redirect storm water flow away from unstable slopes; rock and surface existing roads to direct storm water and prevent surface erosion. Applicant will install ditch relief culverts and catchment features to drain areas of concentrated storm water runoff. Applicant, with TRC, has developed a Water Resources Protection Plan (WRPP) as part of Applicants enrollment in the North Coast Regional Water Quality Control Board's Waiver of Waste Discharge (WOWD) Program. The applicant has transitioned to the State Water Resources Control Board's "General Order" for waiver coverage for potential waste discharges related to cannabis cultivation activities. The site continues to comply with the order while implementing the BMPs and BPTCs outlined in the WRPP produced under the WOWD, as well as those outlined in the Site Management Plan, or SMP produced for the "General Order".

EROSION CONTROL MEASURES

Applicant has implemented significant erosion control measures and is working with Timberland Resource Consultants to implement erosion control measures. Access roads to the property have been rocked, water bars have been put in and ditch relief culverts installed. Erosion along roads is controlled by drainage push outs located at favorable locations along the roads, mulch and straw in area of bare soils along with seeding. Applicant has reconfigured drainage around unstable areas so that drainage no longer discharges into unstable features. The applicant will continue to utilize erosion control BPTCs to minimize generation of sediment from permitted land uses.

RUNOFF CONTROL MEASURES

Roads have been rocked and cultivation areas have been covered with erosion control jute netting, straw wattles, and straw covered to prevent any sediment from being transported to surface waters. Applicant irrigates at agronomic rates that do not result in runoff.

1.3 Details of Measures Taken to Ensure Protection of Watershed and Nearby Habitat

PROTECTION OF WATERSHED AND HABITAT

Cultivation areas exceed required setback buffers from surface waters. Buffered areas include grassy meadows and well vegetated naturally sloped forested lands which provide adequate distance to prevent delivery of any contaminants to surface waters in the event of an emergency spill. Riparian buffers will be maintained and operations will be excluded from these areas and protected to maintain their essential functions. Applicant will consult with Timberland Resource Consultants prior to any expansion to comply with required watercourse setbacks and maintenance of vegetative buffers.

CULTIVATION RELATED WASTE PROTOCOLS

Applicant is implementing measures to minimize cultivation related waste. Applicant reuses and re-amends soils in place in raised beds. All plant related material will be composted in designated compost area to prevent nutrient transport and will be reused as part of Applicant's soils management plan. All compost and waste areas are located well outside of any riparian buffer zones. Pots used for starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life in a location outside of any riparian buffer zone. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations and remove them offsite to a licensed waste handling facility. Vegetative wastes including unused immature plants, stalks, leaves, etc. will be composted on site in a location outside of any riparian buffer.

REFUSE DISPOSAL

Solid waste is stored in sealed bags inside a covered dump trailer and taken weekly to permitted transfer stations to prevent the potential of leeching and transport of materials to surface waters and disturbance by wildlife. The

HUMAN WASTE

Applicant has installed a portable toilet that will be serviced by a licensed provider as bi-weekly. Portable toilets will be placed outside of SMAs and in locations that do not pose a threat to water quality or wildlife habitat. Applicant is working on an approved septic system.

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

PESTICIDES

Applicant will use only all natural, organic ingredients approved by the State for use in cannabis cultivation operations. State approved pesticides, if necessary, will be stored in lockable storage sheds with impermeable floor surfaces to prevent leeching or transport to receiving waters. Secondary containment totes will be used to further minimize risk of spills, leakage and transport. All operators will be sufficiently trained in the storage, use and emergency containment and cleanup procedures for any pesticides used on site prior to initiation of use.

Any pesticides brought onsite will be stored in a manner consistent with product labeling, in original containers, and used according to labels.

Applicant will maintain and keep personal protective equipment required by the pesticide label in good working order.

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored per the Site Management Plan developed for the subject property operations. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities.

FERTILIZERS

Fertilizers will be stored in the on-site storage containers which are equipped with a non-permeable floor liner to prevent potential leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols it uses for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label. Fertilizers are used at agronomic rates to prevent nutrients from leaving the site during, and after the growing season. All operators will be sufficiently trained in the storage, use and emergency containment and cleanup procedures for any fertilizers used on site prior to initiation of use.

SOIL AMENDMENTS

Applicant stores soil amendments in secure storage sheds on site. All operators are sufficiently trained in storage and use of any soil amendment used on site prior to initiation of use.

PETROLEUM PRODUCTS AND STORAGE

Power to the cultivation sites and sheds is supplied by (2) two 70kW diesel generators mounted on trailers. The generators are housed in generator sheds which are equipped with fire suppression equipment and built for sound suppression. The generator sheds feature solid concrete slab foundations and are framed with wood. The generators themselves are located on secondary containment devices capable of storing 100% of the stored petroleum and oil products within the generator in the event of a catastrophic fill.

The generator shed is fully roofed with an impermeable rooftop surfacing (asphalt shingles or similar). The generators are baffled and built to prevent excess sound from escaping to comply with noise thresholds. All fuel stored on property is in above ground fuel storage tanks with 100% containment pans. The above ground fuel storage are covered to prevent incidental contact with precipitation, further protecting the groundwater supply from potential contamination due to leachate. The generators are currently in the process of getting enrolled with Humboldt County CUPA Program.

Applicant plans to continue to research and design either a PG&E Power Drop or a solar panel array or other state of the art energy future design features that may be available to transition to renewable energy. Applicant plans on implementing this and starting the project no later than 2035.

2.0 CULTIVATION PLAN

2.1 CULTIVATION ACTIVITIES

MIXED-LIGHT CULTIVATION

Applicant is using mixed-light cultivation with cultivation area of 18,048 SF of greenhouse space.

Applicant employs a cultivation method known in the industry as “sea of green”. This method involves high density planting in beds. Applicant anticipates up to three (3) runs of mixed-light cultivation per year with a minimum of two (2) runs per year.

IMMATURE PLANT PROPAGATION AND NURSERY

There are no nursery or immature plant activities onsite. All production of immature plants (cuttings, clones and juvenile or immature plants) is conducted offsite. The nursery entitlements have been transferred to HC PLN-10697-ZCC per county approval. HC PLN-10697-ZCC is another farm owned and operated by Old Briceland Holding Company.

GENERAL CULTIVATION ACTIVITIES AND PROTOCOLS

Applicant will comply with the International Dark Sky Standards for lighting as outlined in Humboldt County’s Commercial Medical Marijuana Land Use Ordinance (“CMMLUO”).

Applicant’s power source for cannabis operations will be on-site generators. The diesel generators are mounted on trailers and are located in secondary containment within semi-enclosed structures

to protect them from the elements. Applicant will limit the amount of ambient noise from diesel generators to less than 50 dbs. to eliminate disturbance of potential habitat.

Applicant will follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing operator safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) operator accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition, and provide operators with training on the proper use of safety equipment.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

2.2 NOMINAL SCHEDULE OF ACTIVITIES DURING EACH MONTH OF THE CULTIVATION AND HARVEST SEASON

- Inspect irrigation source and distribution systems, complete repairs as necessary
- Inspect Greenhouses, repair as necessary
- Inspect property, erosion and sedimentation areas, complete repairs as necessary
- Inspect Compost area, complete repairs as necessary
- Inspect generator/fuel and containment, complete service and/or repairs as necessary
- Inspect on-site chemical/amendment storage & containment, complete repairs as necessary
- Amend mixed-light beds using composted materials and soil amendments
- Transplant immature plants into mixed-light greenhouses; begin flowering
- Feeding application mixed light once per week
- Irrigation of mixed-light greenhouses
- Maintenance, trellising and training flowering plants as necessary
- Harvest and dry finished plants in drying shed.
- Transport dried harvest materials to licensed processing site
- Compost any plant debris.

PROCESSING PLAN AND ACTIVITIES

Plants will be hung and dried in an existing 22'x80' structure. All processing will occur offsite, at a licensed processing facility owned and operated by Old Briceland Holding Co, LLC at HC PLN-10697-ZCC .

3.0 SECURITY PLAN

3.1 SECURITY FEATURES

Applicant has implemented security measures to safeguard the product and prevent nuisance from occurring on the property. Security gates are installed at main access road and at the single access road. These gates will remain locked during normal operations and only opened for site access.

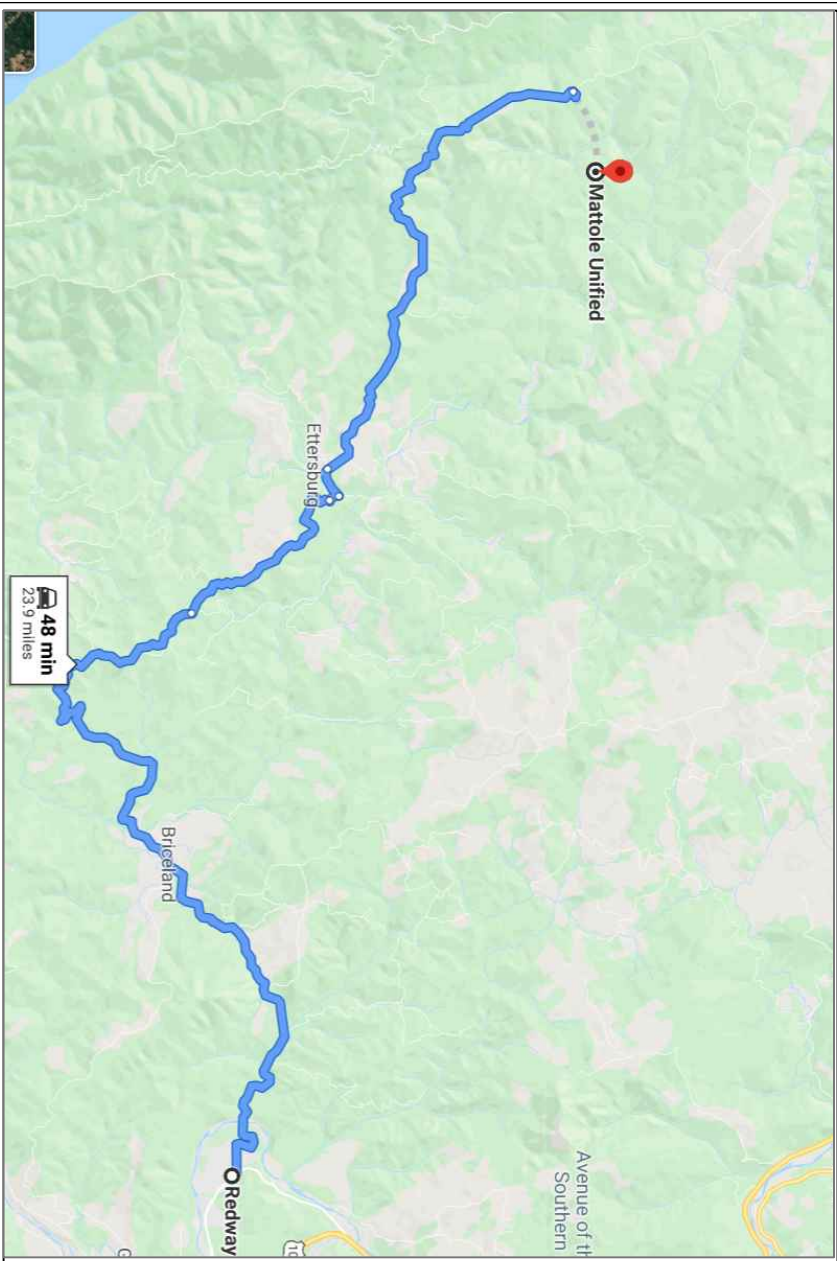
Applicant intends to install security cameras around the exterior of the proposed on-site drying shed, the cultivation sites, and at the entrances to the parcel.

3.2 TRACK AND TRACE

To ensure the non-diversion of product, Applicant has enrolled in the METRC track and trace program.

4.0 HUMBOLDT COUNTY CULTIVATION SITE PLAN

VICINITY MAP (N.T.S.)



- DRIVING DIRECTIONS FROM REDWAY**
1. FOLLOW BRICELAND ROAD TO ETTERBURG ROAD/ETTERSBURG HONEYDEW ROAD (10.1 MILES)
 2. FOLLOW ETTERSBURG ROAD/ETTERSBURG HONEYDEW ROAD AND WILDER RIDGE ROAD TO FOX SPRING ROAD (13.8 MILES)
 3. TURN RIGHT ONTO FOX SPRING ROAD AND FOLLOW APPROXIMATELY 4 MILES TO SUBJECT PROPERTY GATE

PROJECT INFORMATION

APPLICANT: OLD BRICELAND HOLDING COMPANY, LLC/RAMA BOYD
PROPERTY OWNERS OF RECORD: BLAKE LEHMAN AND BROOKE LEHMAN
OWNER ADDRESS: P.O. BOX 195, GARBERVILLE, CA 95542
APN: 107-135-005
HUMBOLDT COUNTY APPS#: 11890
PROPERTY ADDRESS: 3915 FOX SPRING ROAD, HONEYDEW, CA 95545
ASSESSED LOT SIZE: .60 ACRES
HUMBOLDT COUNTY GIS ACRES: 70.75 ACRES
CURRENT GENERAL PLAN: T
ZONING WITH COMBINING ZONES: TPZ

GENERAL NOTES

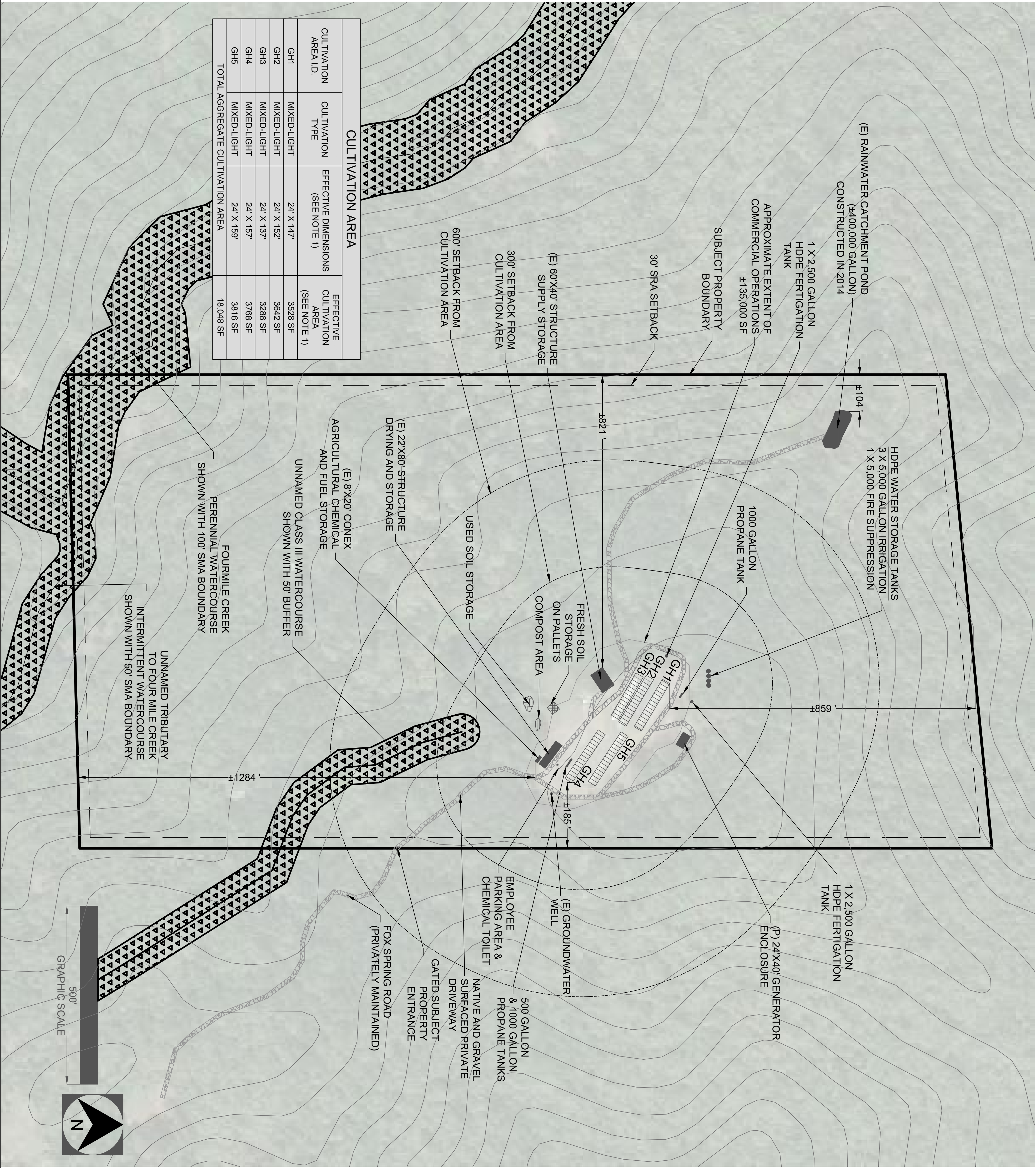
1. FIRST 8 FEET OF EACH GREENHOUSE FROM END IS USED AS A NON-CONTAINED, COVERED STORAGE AREA AND NOT USED FOR CULTIVATION. CALCULATION OF "CULTIVATION AREA" IS BASED ON "EFFECTIVE DIMENSIONS" THAT DO NOT INCLUDE 8'X24' COVERED STORAGE AREA.
2. NO KNOWN EASEMENTS ON SUBJECT PROPERTY.
3. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR KNOWN TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION SITES.
4. NO OFF-SITE RESIDENCES WITHIN 300 FEET OF CULTIVATION SITES.
5. NO CULTIVATION OR OPERATIONS WITHIN STREAMSIDE MANAGEMENT AREA.
6. IMMATURE PLANT AREA (NURSERY) ENTITLEMENTS TRANSFERRED TO PLN 10697 PER COUNTY APPROVAL.
7. ALL PROCESSING TO OCCUR OFF-SITE AT LICENSED FACILITY OWNED AND OPERATED BY OLD BRICELAND HOLDING COMPANY, LLC.

WATER SOURCES

1. GROUNDWATER WELL
2. RAINWATER CATCHMENT

WATER STORAGE

1. #400,000 GALLON RAINWATER CATCHMENT POND
 2. 3 X 5000 GALLON HDPE IRRIGATION WATER STORAGE TANKS
 3. 1 X 5000 GALLON HDPE FIRE SUPPRESSION STORAGE TANK
 4. 2 X 2500 GALLON HDPE FERTIGATION TANKS
- TOTAL STORAGE: 425,000 GALLONS



OUREVOLUTION ENGINEERING, INC.
1821 BUTTERMILK LANE
ARCATA, CA 95521
360.791.3259
ANDY@OUREVOLUTION.COM

NO.	HISTORY / REVISION	BY	CHK	DATE
1	OE REVISION #1	ACS	GAC	05/01/20
2	OE REVISION #2	GSA	ACS	11/17/20
3	OE REVISION #3	ACS		07/02/21
4	OE REVISION #4	GSA		07/08/21

OLD BRICELAND HOLDING COMPANY, LLC/RAMA BOYD
3915 FOX SPRING ROAD, HONEYDEW, CA 95542

REVISED CULTIVATION SITE PLAN

DRAWN	ACS
CHECK	GAC
APPROVED	ACS
DATE	07/08/2021
JOB NUMBER	005

SHEET
1

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Decem			
1	1800	1800	1800	3100	3100	3100	3100	3100	3100	3100		1800	1800		
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3	1800	1800	1800	3100	3100	3100	3100	3100	3100	3100		1800	1800		
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14															
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21															
22	1800	1800	1800	3100	3100	3100	3100	3100	3100	3100		1800	1800		
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24	1800	1800	1800	3100	3100	3100	3100	3100	3100	3100		1800	1800		
25	1800	1800	1800	3100	3100	3100	3100	3100	3100	3100		1800	1800		
26	1800	1800	1800	3100	3100	3100	3100	3100	3100	3100		1800	1800		
27	1800	1800	1800	3100	3100	3100	3100	3100	3100	3100		1800	1800		
28															
29	1800	1800	1800	3100	3100	3100	3100	3100	3100	3100		1800	1800		
30	1800	1800	1800	3100	3100	3100	3100	3100	3100	3100		1800	1800		
31	1800	1800	1800		3100		3100	3100		3100		1800	1800		
	48600	48600	48600	80600	83700	80600	83700	83700	80600	83700	48600	48600	0	0	0

Total forbearance	576600
total out of forbearance	243000
total sum	819600

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



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2016-0412-R1

Unnamed Tributaries to Four Mile Creek, Tributary to the Mattole River
and the Pacific Ocean

Mr. Utah Blue
Blue Water Diversion and Stream Remediation Project
2 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on August 25, 2016, 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 accept its terms and conditions, including the measures to protect fish and wildlife resources.

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

PROJECT LOCATION

The project to be completed is located within the Four Mile Creek watershed, approximately 4.6 miles southeast of the town of Honeydew, County of Humboldt, State of California. The project is located in Section 21, T3S, R1E, Humboldt Base and Meridian; in the Honeydew U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 107-135-05; latitude 40.1908 N and longitude 124.0703 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to two encroachments. One encroachment is for water diversion from an Unnamed Tributary spring to Four Mile Creek. Water is diverted for domestic use. Work for the water diversion will include use and maintenance of the water

diversion infrastructure. Water for irrigation is stored in a newly constructed off-channel pond. The other proposed encroachment would remove stockpiled tree stumps from the head of a Class III stream (40.1878 N, 124.0697 W). Work for this encroachment will include removal of the stumps, re-contouring of the slope, soil stabilization, and erosion control as needed to minimize sediment delivery.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

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

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

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

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

cumulative effect when other diversions on the same stream are considered;
diversion of flow from activity site;
direct and/or incidental take;
indirect impacts;
impediment of up- or down-stream migration;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily

available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.

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

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on August 25, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 3 gallons per minute (gpm) at any time.

- 2.3 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion. Diversion shall only occur if water is present on the surface.
- 2.4 Seasonal Diversion Minimization. No more than 250 gallons per day shall be diverted during the low flow season from May 15 to October 15 of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement.
- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the spring and well. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage.
- 2.6 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.
- 2.7 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.8 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.9 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.10 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.11 Management of Invasive Bullfrogs. The Permittee shall monitor the pond each year for invasive bullfrogs. If bullfrogs are or become present, they shall be appropriately managed. Management of Bullfrogs shall follow the guidelines in Exhibit A.
- 2.12 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this

registration is found at:

http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

- 2.13 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.14 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.15 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.16 Work Period. All work, not including water diversion, shall be confined to the period June 15 through October 1 of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.17 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.18 Excavated Fill. Excavated fill material shall be placed in locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

- 2.19 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.20 Project Inspection. The Project shall be inspected by Timberland Resource Consulting or a licensed engineer to ensure that the stump removal was conducted as proposed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **water diversion records** (condition 2.5) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 **no later than December 31 of each year beginning in 2017**.
- 3.2 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.19) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

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

To Permittee:

Mr. Utah Blue
P.O. Box 1046
Redway, California 95560
707-599-1818

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2016-0412-R1

LIABILITY

The Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including

its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Mr. Utah Blue

Utah Blue

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Scott Bauer

Senior Environmental Scientist Supervisor

Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, November 15, 2016

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2016-0412-R1

GENERAL BULLFROG INFORMATION

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

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

MONITORING

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

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

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

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

SUCCESS CRITERIA

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

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

OPTIONS FOR MANAGEMENT

Two removal 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 Environmental Scientist David Manthorne by phone at (707) 441-5900 or via email at david.manthorne@wildlife.ca.gov.

Direct Removal

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

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

Management Authorization

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

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

Pond Dewatering

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

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

REPORTING

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

APPENDIX A. BULLFROG REFERENCE PHOTOS



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



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



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



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

To Whom It May Concern,

In regards to Utah Blue and APN: 107-135-005, I hereby declare that; Timberland Resource Consultants (TRC) are in the process of enrolling the property with the North Coast Regional Water Board. TRC has completed the Appendix A or Notice of Intent (NOI) and will be completing the Appendix C or reporting form as soon as possible to submit to the water board.

Due to the increased workload, there has been a delay in water board enrollments and we are doing our best to complete them in a timely manner. If you have any questions or concerns, contact Timberland Resource Consultants at the office.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

APP #11890 - CASE #CUP16-435

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE, is made and entered into as of this 31 day of May 2017, by and between CRAIG LEHMAN, BROOKE LEHMAN-EPPERLY, and BLAKE LEHMAN, as Landlord, and ELK RIDGE HOLDINGS, LLC, as Tenant.

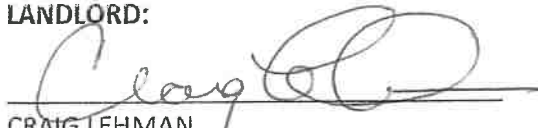
Landlord hereby leases to Tenant and Tenant hereby leases from Landlord for a term commencing 12/31/2016 and terminating 12/31/2021 on the terms and conditions including a provision that said Lease is subordinate to any mortgage or deed of trust that may hereafter be placed on the premises, provided the mortgagee or trustee named in said mortgages or trust deeds shall agree to recognize the Lease of Tenant in the event of foreclosure if Tenant is not then in default, including any and all advances made under them, and for the purposes set forth in that certain unrecorded Lease dated 12/31/2016

between the parties hereto, that certain real property situated in the County of Humboldt, State of California, particularly described as follows:

APN: 107-135-005

IN WITNESS WHEREOF, the parties have executed this instrument in duplicate the day and year first hereinabove written.

LANDLORD:


CRAIG LEHMAN


BROOKE LEHMAN-EPPERLY


BLAKE LEHMAN

TENANT:

ELK RIDGE HOLDINGS, LLC

By: 
UTAH BLUE

**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT**

PART A: *Part A may be completed by the applicant*

Applicant Name: Elk Ridge Holdings, LLC

APN: 107-135-005

Planning & Building Department Case/File No.: 11890

Road Name: Fox Spring Road (complete a separate form for each road)

From Road (Cross street): Wilder Ridge Road

To Road (Cross street): APN 107-135-005 Private Access Driveway

Length of road segment: 2.34 miles miles Date Inspected: 11/20/2018

Road is maintained by: ☐ County ☒ Other Residents

(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 ☐ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 ☒ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

11/29/2018

Date

Andy Sorter, P.E. (California Civil Engineer 73810)

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: Fox Spring Road Date Inspected: 11/20/2018 APN: 107-135-005
 From Road: Wilder Ridge Road (Post Mile) Planning & Building
 To Road: Private Driveway Access to Parcel (Post Mile) Department Case/File No.:

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?
 Number of other known cannabis projects included in ADT calculations:
 (Contact the Planning & Building Department for information on other nearby projects.)

ADT: <400 Date(s) measured: n/a

Method used to measure ADT: ☐ Counters ☒ Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? ☒ Yes ☐ No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400). Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO A Policy on Geometric Design of Highways and Streets, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400) for guidance.)

A. Pattern of curve related crashes.

Check one: ☒ No. ☐ Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: ☒ No. ☐ Yes (☐ check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: ☒ No. ☐ Yes.

F. Need for turn-outs.

Check one: ☐ No. ☒ Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

☒ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are followed. (☒ check if a Neighborhood Traffic Management Plan is also required and is attached.)

☐ The roadway cannot accommodate increased traffic from the proposed use and it is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

Signature of Civil Engineer

Date



11/29/18

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.



TO: Elk Ridge Holdings, LLC
Attention: Rama Boyd

FROM: Andy Sorter, P.E., Principal Engineer, OurEvolution Energy & Engineering (OE)
Austin Corbett, EIT, Staff Engineer, OurEvolution Energy & Engineering

RE: ROAD EVALUATION REPORT & NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN
– Fox Spring Road Access to APN 107-135-005, APPS#11890

Date: November 29, 2018

1. Introduction

On November 20, 2018, OurEvolution Engineering, Inc. (OE) engineers performed a roadway evaluation for Elk Ridge Holdings, LLC upon request from Humboldt County Public Works. Humboldt County Public Works has provided direction for the road to be evaluated by the Engineer. The roads evaluated included (See Maps 1 – 5):

- Fox Spring Road from the intersection of Wilder Ridge Road to the beginning of Private Driveway accessing APN 107-135-005 Operations Area (± 2.3 road miles).
- Private Driveway from End of Fox Spring Road to APN 107-135-005 Operations Area (± 0.6 road miles).

The roadway and private driveway are being evaluated as part of the Applicant's Cannabis referral process (APPS #11890). The roadway (Fox Spring Road) was evaluated for Road Category #4 compliance as described in Title III – Land Use and Development, Division 2, Fire Safe Regulations (Ordinance). An equivalent road Category 4 standard as summarized by the Humboldt County Department of Public Works Road Evaluation Report form is:

“An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot section of road for the other vehicle to pass.”

Further, Section 4 of the Appendix to Title III, Division 2, of the Humboldt County Code, Establishing Subdivision Design and Improvement Standards defines Road Category #4 as having the following characteristics:

1. Two Lane – narrow roadway, low to moderate speed – 25-40 mph.
2. No parking on the traveled way.

OUREVOLUTION ENGINEERING, INC. | 1821 BUTTERMILK LANE, ARCATA, CA 95521
OFFICE: 707.633.4210 | MOBILE: 360.791.3259
ANDY@OUREVOLUTION.COM

3. Serves a maximum of 100 parcels with no more than one dwelling unit per parcel.
4. Urbanization situation. Vicinity is beginning to undergo a transition from rural to urban.

The private driveway was evaluated for Road Category #2 compliance. Section 4 of the Appendix to Title III, Division 2, of the Humboldt County Code, Establishing Subdivision Design and Improvement Standards defines Road Category #2 as having the following characteristics:

1. Single Lane – with intervisible turnouts not to exceed $\frac{1}{4}$ mile spacing.
2. No parking on traveled way.
3. Serves a maximum of ten (10) having no more than one dwelling unit per parcel.
4. Rural area only.
5. Low Speed – 25 mph design

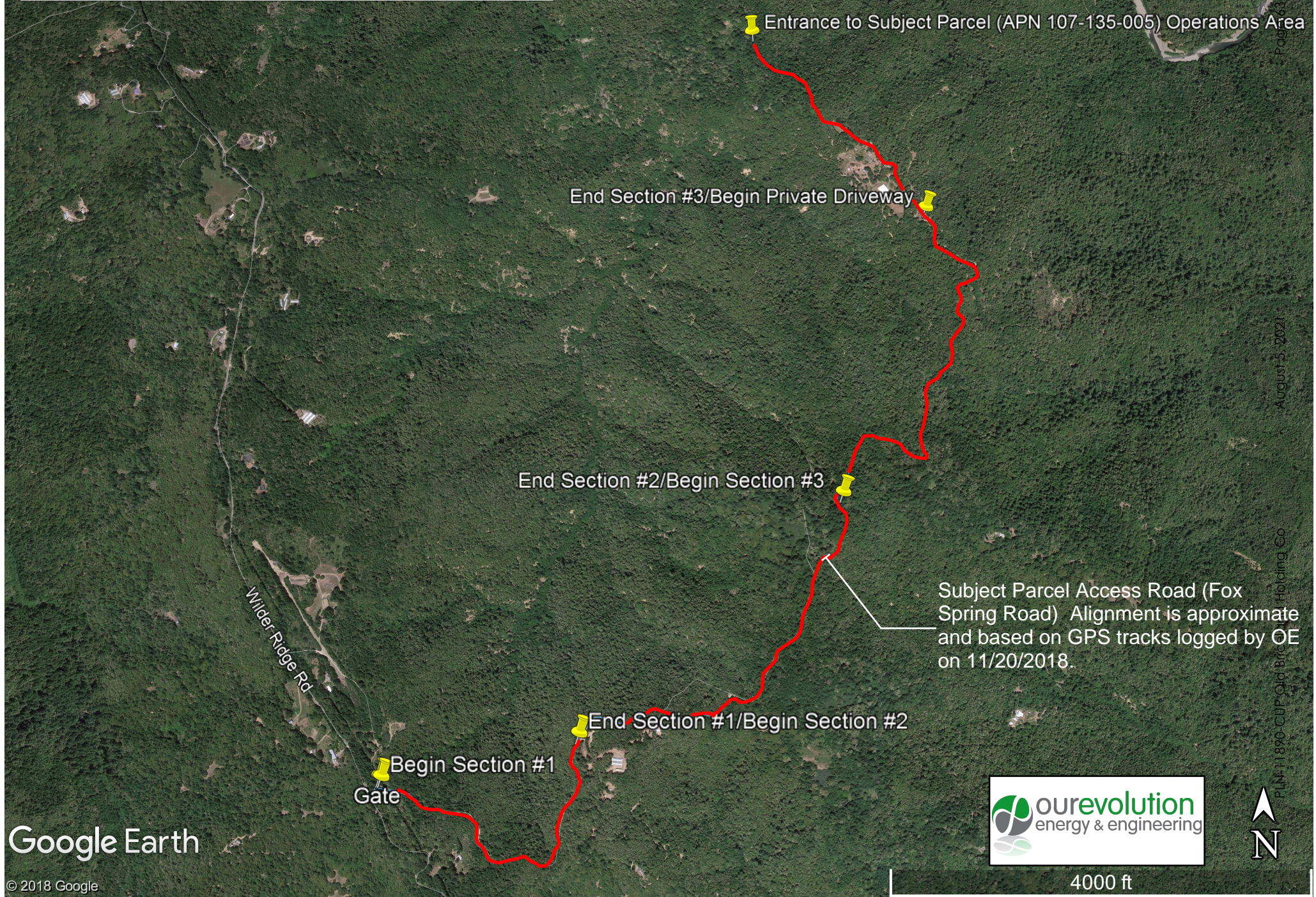
The existing overall setting surrounding the evaluated roadway and driveway consist of extremely rural, low population density, steep terrain. The roadway nor private driveway do not appear to intersect any mapped Streamside Management Areas (SMAs) and are not mapped in in areas of High Seismic Instability per Humboldt County GIS. Road slopes on Fox Spring Road vary from relatively flat (<2% grade) to steep (>16% grade). Surface slopes on the Private Driveway vary from flat (<2% grade) to moderately steep (<10% grade). Based on information provided by the Humboldt County Web GIS System, OE estimates that Fox Spring Road serves up to an estimated maximum of fifteen large, rural properties none of which has a known cultivation license or application in process. The Private Access Road serves two neighboring properties and the subject property (APN 107-135-005).

All photos can be seen in “APPENDIX 1 – FIGURES”.

Map 1 provides an overview of the roadway sections (Fox Spring Road) and private driveway section evaluated for this report. The roadway was divided into sections to provide a more detailed perspective of specific road reaches and are necessary for the Neighborhood Traffic Management Plan which is included as Exhibit A of this report.

Map 1. Fox Spring Road Overview

Road Evaluation Report



2. Road Evaluation Report – Evaluation and Conclusions

The following sections detail the observations, evaluations and conclusions of three specific road sections and one private driveway section delineated in Map 1 above. Map 2, next page, illustrates “Traffic Control Section #1”.

Map 2. Fox Spring Road - Traffic Control Section #1

Road Evaluation Report

Turnout/Pass Point 1 Begin Section #1

Gate

24" HDPE Culvert

Turnout/Pass Point 2

Subject Parcel Access Road (Fox Spring Road). Alignment shown is approximate and based on GPS tracks logged by OE on 11/20/2018

End Section #1/Begin Section #2

Turnout/Pass Point 3

Google Earth



1000 ft



Page 69

August 5, 2021

PUN-11890-CUP Old Brice and Holding Co.

2.1 Fox Spring Road – Traffic Control Section #1 (±0.63 miles) – Evaluation

This evaluation will apply Category #4 Road criteria to this sub-section of Fox Spring Road. Traffic Control Section #1 has the following observed/measured characteristics and features:

- Average Roadway Width – 14'-16'
- Average Roadway Slopes - <2% to <10%
- Roadway Surface Conditions – Fair condition gravel/dirt surface generally sloping to the outboard side of the road. Normal signs of erosion were observed including slight rilling on the road surface and evidence of standing water at low points.
- As shown on Map 2, there are three observed functional turnout/pass points. These turnouts are not intervisible and require vigilance on the part of drivers in order to be safely navigated.
 - Turnout/Pass Point #1 (Figure 1) – Located on inboard side of road adjacent to gate entrance to Fox Spring Road. Provides two vehicle parking capacity out of traveled way.
 - Turnout/Pass Point #2 (Figure 2) – Located on outboard side of roadway. Provides three vehicle parking capacity out of traveled way.
 - A 24" HDPE culvert was noted in the vicinity of Turnout/Pass Point #2. The culvert appears to be carrying spring water as no observable channel was noted above the culvert and there are no mapped watercourses in this area. The culvert appeared to be adequately sized with a clear inlet. The outlet appeared to be slightly perched (Figure 3) and had some evidence of previous undermining.
 - Turnout/Pass Point #3 (Figure 4) – Located on the inboard side of the roadway. Though this is a fairly narrow turnout (average width of 7'), it provides an approximately two vehicle capacity out of traveled way.
- End Traffic Control Section #1/Begin Traffic Control Section #2 (Figure 5) – This area occurs in a wide, fairly flat section of roadway that intersects with neighbor driveway. Approximately 3 vehicle parking capacity out of traveled way. This area will be used as a control point for the Neighborhood Traffic Management Plan included in this report as Exhibit A.

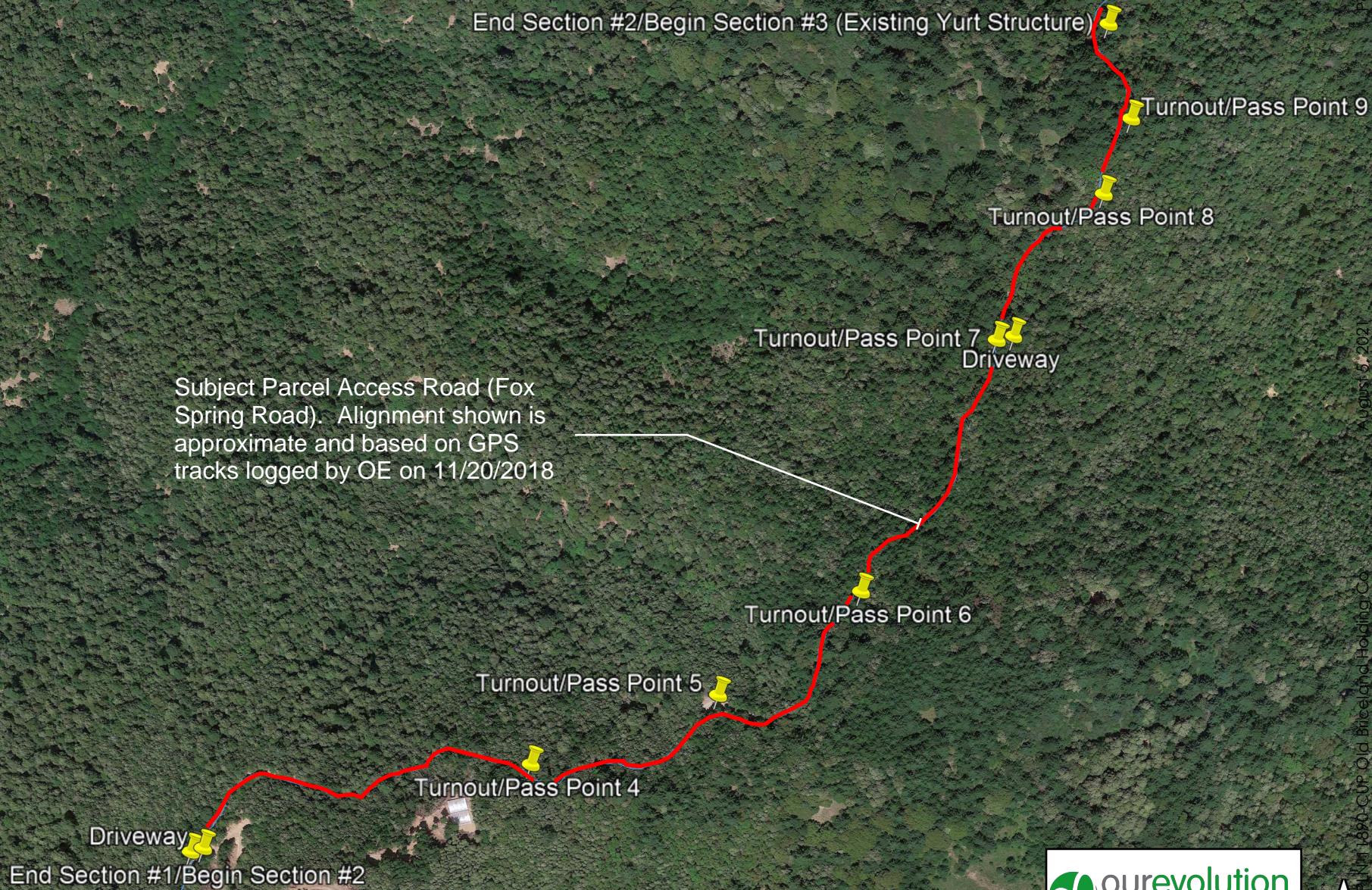
2.2 Fox Spring Road – Traffic Control Section #1 – Conclusions and Recommendations

- Traffic Control Section #1 **does not meet** the standard for a Category #4 Road. This is due to the limited average width of the roadway, and an inadequate number, location and configuration of existing turnouts/pass points. Due to the steep terrain on the inboard and outboard sides of the road and existing forestation, a road widening project on most or all of this subject roadway reach would face significant technical, environmental and economic obstacles; OE considers this option infeasible. Additionally, these existing conditions make creating new and/or expanded turnouts/pass points consistent with the requirements of a Category #4 Road infeasible.

- OE has prepared a Neighborhood Traffic Management Plan (NTMP) which is included as Exhibit A of this report. The purpose of the NTMP is to provide a methodical method of tracking, controlling and scheduling traffic related to the proposed cultivation operations with the intent of minimizing impacts to the very limited local traffic seen on this section of Fox Spring Road. Adherence to this plan will make this section of the road adequate for the purposes of the proposed cultivation operation.
- Verify the sizing of the HDPE culvert seen on Map 2. Add large angular rock (6"+) under and around the outlet of the culvert to reduce undermining, its perched configuration and to provide energy dissipation.
- To minimize erosion and potential sediment distribution associated with the existing roadway, construct water bars and/or rolling dips in areas with observable rilling, rutting and/or water settling. Erosion and sedimentation controls are to be constructed in accordance with Humboldt County Public Works requirements and the most recent version of the Handbook for Forest, Ranch and Rural Roads (Pacific Watershed Associates).

Map 3. Fox Spring Road - Traffic Control Section #2

Road Evaluation Report



2.3 Fox Spring Road – Traffic Control Section #2 (± 0.83 miles) – Evaluation

This evaluation will apply Category #4 Road criteria to this sub-section of Fox Spring Road. Traffic Control Section #2 has the following observed/measured characteristics and features:

- Average Roadway Width – 14'-16'
- Average Roadway Slopes - <3% to <16%
- Roadway Surface Conditions – Fair condition gravel/dirt surface generally sloping to the outboard side of the road. Normal signs of erosion were observed including slight to heavy rilling on the road surface and evidence of standing water at low points.
- As shown on Map 3, there are six observed functional turnout/pass points. These turnouts are not all intervisible and require vigilance on the part of drivers in order to be safely navigated.
 - Turnout/Pass Point #4 (Figure 6) – Located on inboard side of roadway. Provides one vehicle parking capacity out of traveled way. Requires clearing of brush/debris to increase functionality.
 - Turnout/Pass Point #5 (Figure 7) – Located on outboard side of roadway. Provides three vehicle parking capacity out of traveled way.
 - Turnout/Pass Point #6 (Figure 8) – Located on the inboard side of the roadway. Provides two vehicle parking capacity out of traveled way. Requires clearing of brush/debris to increase functionality.
 - Turnout/Pass Point #7 (Figure 9) – Located on the outboard side of the roadway in fairly flat area near existing water tanks. Provides three vehicle parking capacity out of traveled way.
 - Turnout/Pass Point #8 (Figure 10) – Located on the outboard side of the roadway. Provides two vehicle parking capacity out of traveled way.
 - Turnout/Pass Point #9 (Figure 11) – Located on the outboard side of the roadway. Provides two vehicle parking capacity out of traveled way.
- End Traffic Control Section #2/Begin Traffic Control Section #3 (Figure 12) – This area occurs in a wide, fairly flat section of roadway that intersects a developed flat including a “yurt-type” structure. Provides four vehicle parking capacity out of traveled way. This area will be used as a control point for the Neighborhood Traffic Management Plan included in this report as Exhibit A.

2.4 Fox Spring Road – Traffic Control Section #2 – Conclusions and Recommendations

- Traffic Control Section #2 **does not meet** the standard for a Category #4 Road. This is due to the limited average width of the roadway, and an inadequate number, location and configuration of existing turnouts/pass points. Due to the steep terrain on the inboard and outboard sides of the road and existing forestation, a road widening project on most or all of this subject roadway reach would face significant technical, environmental and economic obstacles; OE considers this option infeasible. Additionally, these existing conditions make creating new and/or expanded turnouts/pass points consistent with the requirements of a Category #4 Road infeasible.

- OE has prepared a Neighborhood Traffic Management Plan (NTMP) which is included as Exhibit A of this report. The purpose of the NTMP is to provide a methodical method of tracking, controlling and scheduling traffic related to the proposed cultivation operations with the intent of minimizing impacts to the very limited local traffic seen on this section of Fox Spring Road. Adherence to this plan will make this section of the road adequate for the purposes of the proposed cultivation operation.
- To minimize erosion and potential sediment distribution associated with the existing roadway, construct water bars and/or rolling dips in areas with observable rilling, rutting and/or water settling. Erosion and sedimentation controls are to be constructed in accordance with Humboldt County Public Works requirements and the most recent version of the Handbook for Forest, Ranch and Rural Roads (Pacific Watershed Associates).
- Complete brush and debris clearing on Turnout/Pass Points #4 and #6 to increase capacity and functionality.

Map 4. Fox Spring Road - Traffic Control Section #3

Road Evaluation Report

Subject Parcel Access Road (Fox Spring Road). Alignment shown is approximate and based on GPS tracks logged by OE on 11/20/2018

Turnout/Pass Point 14

End Section #3/Begin Private Driveway

Turnout/Pass Point 13

Turnout/Pass Point 12 End Steep (>16% Slope) Section of Roadway Driveway

Begin Steep (>16% Slope) Section of Roadway Turnout/Pass Point 11

Turnout/Pass Point 10 End Section #2/Begin Section #3 (Existing Yurt Structure)



Google Earth

1000 ft



2.5 Fox Spring Road – Traffic Control Section #3 (± 0.88 miles) – Evaluation

This evaluation will apply Category #4 Road criteria to this sub-section of Fox Spring Road. Traffic Control Section #3 has the following observed/measured characteristics and features:

- Average Roadway Width – 14'-16'
- Average Roadway Slopes - <3% to >16%
- Roadway Surface Conditions – Fair condition gravel/dirt surface generally sloping to the outboard side of the road. Normal signs of erosion were observed including slight to heavy rilling and ruts on the road surface.
- As shown on Map 4, there are five observed functional turnout/pass points. These turnouts are not all intervisible and require vigilance on the part of drivers in order to be safely navigated.
 - Turnout/Pass Point #10 (Figure 13) – Located on inboard and outboard side of roadway. Provides four vehicle parking capacity out of traveled way.
 - Turnout/Pass Point #11 (Figure 14) – Located on inboard side of roadway adjacent to neighboring parcel driveway. Provides one vehicle parking capacity out of traveled way.
 - Turnout/Pass Point #12 (Figure 15) – Located on inboard side of roadway adjacent to neighboring parcel driveway. Provides one vehicle parking capacity out of traveled way.
 - Turnout/Pass Point #13 (Figure 16) – Located on the inboard side of the roadway just upgrade from small radius curve. Should be used for emergency use only. Provides one vehicle parking capacity out of regularly traveled way.
 - Turnout/Pass Point #14 (Figure 17) – Located on the outboard and inboard sides of the roadway. Provides more than 5 vehicles parking capacity out of traveled way.
- The section of roadway between Turnout/Pass Point #11 and Turnout/Pass Point #12 is extremely steep with slopes in excess of 16%. There are no turnouts/pass points on this reach of road which requires drivers to be extremely cautious when traversing. Additionally, OE observed significant rutting and rilling on this section associated with the steep grade and vehicle traffic. Fortunately, this reach is near the access point to the private driveway, and local traffic is limited to the proposed cultivation operation and two adjacent, and according the project proponent rarely seen neighbors. Further engineering and geologic study would be needed to evaluate the potential for reducing the grades on this section of the road.
- End Traffic Control Section #3/Begin Private Driveway (Figure 17) – This area occurs in a wide, flat section of roadway that intersects a developed flat. Provides parking capacity out of the traveled way for more than 5 vehicle parking capacity out of traveled way. This area will be used as a control point for the Neighborhood Traffic Management Plan included in this report as Exhibit A.

2.6 Fox Spring Road – Traffic Control Section #3 – Conclusions and Recommendations

- Traffic Control Section #3 **does not meet** the standard for a Category #4 Road. This is due to the limited average width of the roadway, an inadequate number, location and configuration of existing turnouts/pass points, and steep road grades over 16%. Due to the steep terrain on the inboard and outboard sides of the road and existing forestation, a road widening project on most or all of this subject roadway reach would face significant technical, environmental and economic obstacles; OE considers this option infeasible. Additionally, these existing conditions make creating new and/or expanded turnouts/pass points consistent with the requirements of a Category #4 Road infeasible.
 - OE has prepared a Neighborhood Traffic Management Plan (NTMP) which is included as Exhibit A of this report. The purpose of the NTMP is to provide a methodical method of tracking, controlling and scheduling traffic related to the proposed cultivation operations with the intent of minimizing impacts to the very limited local traffic seen on this section of Fox Spring Road. Adherence to this plan will make this section of the road adequate for the purposes of the proposed cultivation operation.
- To minimize erosion and potential sediment distribution associated with the existing roadway, construct water bars and/or rolling dips in areas with observable rilling, rutting and/or water settling. Erosion and sedimentation controls are to be constructed in accordance with Humboldt County Public Works requirements and the most recent version of the Handbook for Forest, Ranch and Rural Roads (Pacific Watershed Associates).

Map 5. Private Driveway Access

Road Evaluation Report

Entrance to Subject Parcel (APN 107-135-005) Operations Area

Subject Parcel Gate
Driveway

Subject Parcel Private Driveway
Access Road. Alignment shown is
approximate and based on GPS
tracks logged by OE on 11/20/2018

Driveway

Driveway

Turnout/Pass Point 14

End Section #3/Begin Private Driveway



Google Earth

1000 ft



2.7 Private Driveway Access Road (± 0.56 miles) – Evaluation

This evaluation will apply Category #2 Road criteria to this section that connects the end of Fox Spring Road to APN 107-135-005 Operations Area. The Private Driveway Access Road has the following observed/measured characteristics and features:

- Average Roadway Width – 14'-18'
- Average Roadway Slopes - <3% to <8%
- Roadway Surface Conditions – Fair condition gravel/dirt surface generally sloping to the outboard side of the road. Normal signs of erosion were observed including slight rilling on the road surface (Figures 18 and 19).
- As shown on Map 5, there are three observed driveways serving two neighboring parcels and one gated driveway serving the subject parcel (APN 107-135-005). These driveways in combination with wide shoulders provide intervisible turnout locations adequate to service the limited traffic on this road.

2.8 Private Driveway Access Road – Conclusions and Recommendations

- Based on field observations and the information provided above, the Private Driveway Access Road **meets** the standard for a Category #2 Road. OE recommends that the cultivation operation manage this section of the roadway in cooperation with their immediate neighbors.
- To minimize erosion and potential sediment distribution associated with the existing roadway, construct water bars and/or rolling dips in areas with observable rilling, rutting and/or water settling. Erosion and sedimentation controls are to be constructed in accordance with Humboldt County Public Works requirements and the most recent version of the Handbook for Forest, Ranch and Rural Roads (Pacific Watershed Associates).

APPENDIX 1 – FIGURES



Figure 1. Depicts entrance to Fox Spring Road from Wilder Ridge Road; Turnout/Pass Point #1; beginning of Traffic Control Section #1 and general road surface conditions. Image is facing south with van on Wilder Ridge Road visible.



Figure 2. Depicts Turnout/Pass Point #2 on outboard side of road and general road conditions.



Figure 3. 24" HDPE culvert near Turnout/Pass Point #2. Depicts perched configuration and evidence of previous undermining.



Figure 4. Depicts Turnout/Pass Point #3 and general road surface conditions.



Figure 5. Depicts location of the end of Traffic Control Section #1/Beginning of Traffic Control Section #2 and general road surface conditions.



Figure 6. Depicts Turnout/Pass Point #4, general road surface conditions and debris in need of clearing to enhance functionality of turnout.



Figure 7. Depicts Turnout/Pass Point #5 and general road conditions.



Figure 8. Depicts Turnout/Pass Point #6, general road surface conditions and debris in need of clearing to enhance functionality of turnout.



Figure 9. Depicts Turnout/Pass Point #7, general road surface conditions and surrounding terrain.



Figure 10. Depicts Turnout/Pass Point #8, general road conditions and surrounding terrain.



Figure 11. Depicts Turnout/Pass Point #9 and surrounding terrain.



Figure 12. Depicts wider section of roadway adjacent to developed site adequate for use as turnout for End of Traffic Control Section #2/Beginning of Traffic Control Section #3.



Figure 13. Depicts Turnout/Pass Point #10; road can be seen at the right edge of the image.



Figure 14. Depicts Turnout/Pass Point #11.



Figure 15. Depicts Turnout/Pass Point #12 and surrounding terrain. Road alignment to the left of image.



Figure 16. Depicts Turnout/Pass Point #13 and general road surface conditions. Should be noted that turnout is on the inboard side of the traveled roadway on the uphill side of a small radius curve. Should only be used in emergency situation.



Figure 17. Depicts Turnout/Pass Point #14 and End of Traffic Control Section 3/Begin Private Driveway and general road conditions.



Figure 18. Depicts typical road surface and grades observed on Private Driveway Access.



Figure 19. Depicts Subject Parcel Gate as shown on Map 5, general road surface conditions and surrounding terrain.

EXHIBIT A – NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN

NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN
ELK RIDGE HOLDINGS, LLC
APN: 107-135-005

1. INTRODUCTION

The results of a Road Evaluation completed by OurEvolution Engineering, Inc. (OE Engineers), Fox Spring Road, the access road serving APN 107-135-005 operations area indicate that the road does not meet a Road Category #4 equivalency. This is largely due to the fact that the average road width is less than 20', there are an inadequate number, location and configuration of turnouts/pass points, and portions of the road have a grade of greater than 16%. Further, engineered solutions to repairing/improving the road are deemed technically, environmentally and economically infeasible due to the steep and forested terrain that borders the vast majority the road. Therefore, OE Engineers has developed the following Neighborhood Traffic Management Plan with the goal of minimizing the effect of the proposed cultivation operations on the very limited local traffic that utilizes this road.

2. SCHEDULING

Elk Ridge Holdings, LLC will post a weekly schedule of planned road usage related to its proposed cultivation activities. This posting will be placed at the entrance to Fox Springs Road at its intersection with Wilder Ridge Road in a weather proof package and will be sized so that it can be read from inside a passing vehicle. Any changes to the proposed schedule would need to be posted 3 days in advance of any changes to scheduled usage.

As possible, road usage associated with the cultivation operation will be restricted to 2 hours in the morning, 1 hour in the afternoon and 1 hour at the end of business the business day. Visitors to the operation will be advised of the schedule and will plan trips to the site accordingly.

3. COMMUNICATIONS

Elk Ridge Holdings, LLC will maintain a phone/contact list for all parcels that use Fox Springs Road as access to their property and will provide a 24 hour contact number for neighbors to contact the cultivation operator regarding road usage, conditions or adverse situations. Any change in road use scheduling will be transmitted to the contact list at the earliest opportunity.

3.1 Citizens Band (CB) Radio Communication

As necessary, CB radios will be provided to those neighbors who use the road frequently and are affected by traffic from the cultivation operation. As necessary, all vehicles associated with the cultivation operation will be equipped with CB radios which will be used to communicate locations from Traffic Control Sections as seen on Maps 1 – 5 of the Road Evaluation Report. Additionally at the entrance/exit of all of the mapped Traffic Control Sections will be posted

with a weather resistant sign capable of being read from inside a vehicle that detail on the side facing incoming traffic the following information at a minimum:

1. You are Entering Traffic Control Section X
2. Turn to CB Radio Channel X for information and to communicate your location

On Traffic Control Sections 2 and 3 the sign will be two sided. With the following information at a minimum on the incoming side:

1. You are Entering Traffic Control Section 2 (3)
2. Turn to CB Radio Channel X for information and to communicate your location

On the outgoing side the sign will contain the following information:

1. You are Entering Traffic Control Section 1 (2)
2. Turn to CB Radio Channel X for information and to communicate your location

3.1.1 CB Radio Communication Protocols

The following communication protocols will be used by the employees, visitors and suppliers of the cultivation operation and any neighbors will to participate in the Neighborhood Traffic Management Plan. Visitors and suppliers may have to have an escort provided by the cultivation operator if they are not equipped with CB radios.

1. At the entrance to any and all posted Traffic Control Sections, the vehicle will come to a stop out of the traveled roadway and transmit the following on the posted CB communication channel:
 - a. "Entering Traffic Control Section X, are there any vehicles currently in Traffic Control Section X?"
 - b. The vehicle operator will wait a sufficient time (30 seconds) for a vehicle to respond.
 - i. If no response to the CB communication is received, the vehicle operator can proceed through the Traffic Control Section.
 - ii. If a response to the CB communication is received indicating that another vehicle is currently within the Traffic Control Section, the vehicle operator will remain parked out of the traveled roadway and wait for the other vehicle to pass. The vehicle operator will then repeat part a above before proceeding.

4. CONTINGENCY PLAN AND EXEMPTIONS

Vehicle operators are expected to comply with the provisions and protocols delineated above. However, there may be situations where two vehicles enter a Traffic Control Section simultaneously. Vehicle operators should drive with courtesy and extreme caution (<20 mph) and maintain a plan for deviation at any of the 14 mapped turnout/pass points (Maps 1-5, Road Evaluation Report) as they pass through Traffic Control Sections.

The use of alternative vehicles should be encouraged when operating outside the posted road schedule. The following types of vehicles are exempted from the provisions and protocols listed above:

- Motorcycles
- ATV/Quad
- Side by Side ATV

5. CONCLUSION

Though Fox Spring Road does not meet the Road Category #4 criteria, it is a very rural road, located in a low population density region which makes the average daily usage minimal. Therefore if the provisions and protocols delineated in this Neighborhood Traffic Management Plan are closed followed, Fox Spring Road can be safely used as an access road for the proposed cultivation operation.

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		No Response	
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CAL FIRE	✓	Comments	Attached
California Department of Fish & Wildlife		No Response	Attached – Planning staff request for comments
Bureau of Land Management	✓	No Response	Attached – Planning staff request for comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of Rohnerville Rancheria	✓	Comments	On file and confidential
Intertribal Sinkyone Wilderness Council		No Response	
Mattole Unified School District		No Response	
Humboldt County Sheriff	✓	Denial	On file
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

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

ON-LINE
WEB: CO.HUMBOLDT.CA.US

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE	445-7205
----------	----------

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Abbie Strickland, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 02/02/2021

RE:

Applicant Name	OLD BRICELAND HOLDING COMPANY, LLC
APN	107-135-005
APPS#	PLN-11890-CUP

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"**

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report dated 11/29/ 2018, no date stamp received by the Humboldt County Planning Division, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed and the Neighborhood Traffic Management Plan is implemented.

The Department requires all recommendations from engineer on both access roads to be completed.

The above report states that portions of the road exceed 16% grade, per County Code Section 3112-5, “No roadway grade in excess of 16 percent shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual.” Where portions of the road have grades that exceed 16%, those portions must be paved and must have an exception request approved. [reference: County Code sections 3111-9 and 3112-5]

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS # 11890

- ☒ **COUNTY ROADS- PROXIMITY OF FARMS:**
Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.
- ☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 1):**
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:
- ☐ **COUNTY ROADS- DRIVEWAY (PART 2):**
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.
 - If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
 - If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
 - If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.
The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 3):**
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.
- ☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)**
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
 - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
 - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**
All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

From: [Meghan Ryan](#)
To: ["Fritze, Paul H"](#)
Cc: [Megan Marruffo](#); [Johnson, Cliff](#)
Subject: APPS #11890 - Old Briceland Holding Company, APN 107-135-005; PROJECTED HEARING DATE: AUGUST 5, 2021
Date: Tuesday, July 13, 2021 8:01:00 AM
Attachments: [11890 Site Plan 07.08.2021.pdf](#)

Good morning, Paul – I hope you're doing well. I am writing to request BLM comments for APPS #11890, APN: 107-135-005. The project is located near BLM lands near Honeydew. The parcels immediately adjacent and to the west, north, and east of the site (APNs 107-135-003 and 107-135-007) are owned by the Bureau of Land Management (BLM). The existing greenhouses are located approximately 185 feet from the public land at the nearest point, as shown on the Site Plan; however, no developed or designated recreational facilities are within 600 feet of the cultivation, propagation, and drying areas.

The project description is the following:

A Conditional Use Permit for an existing 18,048 square feet (SF) mixed-light cannabis cultivation that is cultivated within five (5) greenhouses. Ancillary propagation occurs year-round within two (2) existing greenhouses totaling 3,744 SF. Irrigation water is sourced from a groundwater well on the subject parcel and an approximately 400,000-gallon rainwater catchment pond. Existing available water storage is 425,000 gallons in a series of hard-sided tanks and the rainwater catchment pond, with a 5,000-gallon tank dedicated for fire suppression and two (2) 2,500-gallon tanks (5,000 gallons total) utilized for fertigation. Estimated annual water usage is 819,600 gallons. Drying occurs onsite, with all other processing occurring off-site at the applicant's licensed facility (approved under PLN-10697-ZCC). A maximum of five (5) employees may be utilized during peak operations. Power is provided by two (2) generators and there are long-term plans to switch to solar or grid power through Pacific Gas and Electric Company (PG&E). The applicant also seeks Special Permits for work within the Streamside Management Area related to the removal of stockpiled tree stumps from the head of a Class III stream and re-planting the Class III buffer zone with Douglas-fir seedlings, and for a setback reduction to reduce the 600-foot setback requirement from public lands.

Power is provided by PGE. Noise and light attenuation measures will be required and use of rodenticides will be prohibited as described by the recommended conditions of approval.

Please let me know if you have any comments or questions regarding these projects.

I appreciate your time in reviewing this project!

Best,
Meghan

Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
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From: [Meghan Ryan](#)
To: ["O'connell, Gregory@Wildlife"; "michael.vanhatter@wildlife.ca.gov"](#)
Cc: [Johnson, Cliff](#); [Meghan Marruffo](#)
Subject: FW: APPS #11890 - Old Briceland Holding Company, APN 107-135-005; PROJECTED HEARING DATE: AUGUST 5, 2021
Date: Wednesday, July 7, 2021 8:31:00 AM

Good morning, Greg and Mike – I hope you are both doing well! Scott informed me I should we sending my project review request your way. Please see email below. I will forward you any other requests I've send this week.

Please let me know if you have any questions.

Thanks!

Meghan



Meghan Ryan
Planning Director
LACO Associates
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From: Meghan Ryan
Sent: Wednesday, July 7, 2021 8:07 AM
To: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>
Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Meghan Marruffo <marruffom@lacoassociates.com>
Subject: APPS #11890 - Old Briceland Holding Company, APN 107-135-005; PROJECTED HEARING DATE: AUGUST 5, 2021

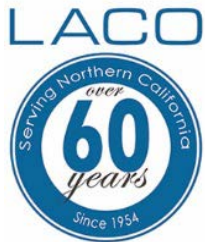
Good morning, Scott – I hope you're doing well. I am writing today to see if CDFW has any comments on APPS #11890 – Old Briceland Holding Company, LLC, project located on APN 107-135-005 in the Honeydew area. The project description is the following:

A Conditional Use Permit for an existing 18,048 square feet (SF) mixed-light cannabis cultivation that is cultivated within five (5) greenhouses. Ancillary propagation occurs year-round within two (2) existing greenhouses totaling 3,744 SF. Irrigation water is sourced from a permitted groundwater well on the subject parcel and an approximately 400,000-gallon rainwater catchment pond. Existing available water storage is 425,000 gallons in a series of hard-sided tanks and the rainwater catchment pond, with a 5,000-gallon tank dedicated for fire suppression and two (2) 2,500-gallon tanks (5,000 gallons total) utilized for fertigation. Estimated annual water usage is 971,000 gallons. Drying occurs onsite, with all other processing occurring off-site at a licensed facility. A maximum of five (5) employees may be utilized during peak operations. Power is provided by generators. The applicant also seeks Special Permits for work within the Streamside Management Area related to the removal of stockpiled tree stumps from

the head of a Class III stream and re-planting the Class III buffer zone with Douglas-fir seedlings, and for a setback reduction to reduce the 600-foot setback requirement from public lands.

Please let me know if you have any questions or comments regarding this project.

Best,
Meghan



Meghan Ryan
Planning Director
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