



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 5, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Winnetka Ranch, LLC, Special Permit**
Record Number: PLN-12546-SP
Assessor's Parcel Number (APN): 210-022-044
30568 State Highway 36, Larabee Valley area

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Please contact Megan Marruffo, Assigned 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 May 5, 2022	Subject Special Permit	Contact Megan Marruffo
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Project Description: A Special Permit for 9,000 square feet (SF) of existing outdoor cultivation and 900 SF of ancillary propagation. Irrigation water is currently sourced from a permitted groundwater well; however, the applicant is proposing to switch to rainwater catchment by the end of 2022. Existing available water storage is 25,000 gallons in a series of hard-sided tanks with additional tanks proposed, for a total of 70,000 gallons of onsite storage, and 5,000 gallons dedicated for domestic use. Estimated annual water usage is 70,000 gallons. Drying occurs onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of four (4) people may be onsite during peak operations. Power is provided by a 45-kilowatt (kW) generator; however, there are long-term plans to switch to grid power and connect to Pacific Gas and Electric Company (PG&E).

Project Location: The project is located in the Larabee Valley area, on the south side of State Highway 36, approximately 467 feet west from the intersection of McClellan Mountain Road and State Highway 36, then southwest of a private road for approximately 0.85 miles, on the property known as 30568 State Highway 36.

Present Plan Land Use Designations: Residential Agriculture (RA20-160) Density: 20-160 acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning: Forestry Recreation with 20-Acre Minimum Special Building Site Combining Zone (FR-B-5(20))

Assessor's Parcel Number: 210-022-044

Applicant

Winnetka Ranch, LLC
30568 Highway 36
Bridgeville, CA 95526

Owner

De Ivo Ivanov
P.O. Box 207
Bridgeville, CA 95526

Agent

Chris Hristov
P.O. Box 207
Bridgeville, CA 95526

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

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

Major Issues: None.

Recommended Zoning Administrator Action:

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

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

Executive Summary: Winnetka Ranch, LLC, seeks a Special Permit to allow the continued cultivation of 9,000 square feet (SF) of existing outdoor cultivation and 900 SF of ancillary propagation, in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA20-160) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation with 20-Acre Minimum Special Building Site Combining Zone (FR-B-5(20)). Cultivation takes place within the central portion of the property, including 8,431 SF grown within three (3) greenhouses utilizing light deprivation techniques and 1,000 SF of full-sun outdoor cultivation (9,431 SF). Conditions of approval are recommended to amend the cultivation and operations plan and site plan for the amount of onsite cultivation to not exceed 9,000 SF pursuant to the County's cultivation area verification and amount verified to be in existence prior to the CMMLUO environmental baseline date of January 1, 2016, discussed further below (**Conditions of Approval #5-7**). Ancillary propagation (900 SF total) occurs within a separate greenhouse located east of the cultivation. Two (2) harvests are anticipated annually for the light deprivation greenhouses and one (1) harvest for the full-sun outdoor cultivation for a growing season that extends from April through October.

Drying occurs onsite in an existing 2,250 SF shop building, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of four (4) people may be onsite during peak operations. The operation is secured behind locked gates, locked buildings and structures, and utilizes motion-activated security cameras.

Power is currently provided by a 45-kilowatt (kW) generator; however, there are long-term plans to switch to grid power and connect to Pacific Gas and Electric Company (PG&E). Conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026 (**Condition of Approval #6**).

Cultivation and Nursery Space

As noted above, for the verified cultivation area is 9,000 SF of existing outdoor cannabis cultivation and 900 SF of existing ancillary propagation. The onsite nursery equates to approximately 10% of the total current cultivation area, which complies with what Planning division staff and the Planning Commission have found allowable in the past. Based on the County's cultivation area verification, 9,000 SF of cultivation was in existence prior to the CMMLUO environmental baseline date of January 1, 2016. Because the parcel is over 5 acres in size, irrigation water is sourced from a non-diversionary source, the

propagation area appears to occur on slopes less than 15% (based on review of the Humboldt County WebGIS), and the subject property is zoned FR, new cultivation could be considered on the subject parcel. Therefore, Planning staff supports the ancillary propagation area.

As the current Site Plan and Operations Plan for the project depict and describe cultivation in excess of 9,000 SF, recommended conditions of approval have been included to require the applicant to revise both the Site Plan and Operations Plan to reflect a maximum of 9,000 SF of cultivation with a maximum of 10% nursery space, or 900 SF (currently in existence), consistent with the cultivation amount previously verified by the County (**Conditions of Approval #7-8**).

Timber Conversion

Review of aerial imagery dating back to 2004 indicates the site contained an existing open area in the central portion of the property as of 2004. However, it appears a small amount of timber conversion (removal of approximately 3 trees) may have occurred near the cultivation area between 2018 and 2020, after the CMMLUO environmental baseline date of January 1, 2016, in order to accommodate a greenhouse. No additional tree removal is proposed or authorized by this permit. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016, and submit a Timber Conversion Report prepared by a RPF, to address previously unpermitted timber conversion. The applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. The applicant/owner shall be required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Additionally, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection (**Condition of Approval #12**).

Water Resources

Estimated annual water usage is 70,000 gallons (7.4 gal/SF) with peak demand occurring from June through August at approximately 12,000 gallons, respectively, per the table below. Based on information provided by the applicant in March 2022 (Attachment 3), their water use estimates are based on watering every second day with 1 gallon per plant and utilizing cannabis strains that flower in 56 days.

Table 1. Monthly Water Usage Estimates (in gallons)

Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	3,000	9,000	12,000	12,000	12,000	11,000	11,000	0	0

Total: 70,000 gallons

Water for irrigation is currently provided by a permitting groundwater well (18/19-1140); however, the applicant is proposing to add additional water storage tanks and switch to rainwater catchment by the end of 2022. A point of diversion, for which a Right to Divert and Use Water (Registration ID D032451; Certificate No. D1009) was issued by the State Water Resources Control Board in June 2018, is also located onsite; however, the point of diversion was authorized to be solely for domestic and fire protection use, and is not utilized for the cannabis cultivation. As noted by the applicant in March 2022 (Attachment 3), "per County and CDFW request [the point of diversion] was removed and the violation addressed."

In regard to the proposed switch to rainwater catchment, the average rainfall for the project area is 68.5 inches, based on averaging rainfall values from 2010 through 2020 as recorded by PRISM Climate Group. Impermeable surfaces such as roofs, driveways, etc. in general allow for about 620 gallons of rainwater catchment per 1,000 SF for every inch of rainfall or 0.62 gallons per 1 SF. Based on information

provided by the applicant in April 2022 (Attachment 3), the applicant plans to utilizing the roof of the single-family residence onsite (approximately 34'x70', or 2,100 SF) and the small cabin rooftop (approximately 20'x20', or 400 SF), for a potential capture area of 2,500 SF. Based on the impermeable rainwater catchment area of 2,500 SF, and an average rainfall amount of 68.5 inches, the site's potential capture amount totals 106,175 gallons per year, on average. A detailed breakdown of proposed rainwater capture infrastructure and capture potentials are provided below in Table 2. Rainwater that is captured through the rainwater catchment system will be stored in the existing and proposed water storage tanks totaling 70,000 gallons.

Table 1. Proposed Rainwater Capture Analysis

Infrastructure Description	Potential Capture Area (ft ²)	Potential Average (2010-2020) Rainfall Capture Amount (gallons)
Residence (Domestic)	2,100	89,187
Cabin (Domestic)	400	16,988
Totals:	2,500	106,175

When compared to the estimated annual water usage amount (70,000 gallons), Planning staff believes there will be sufficient water available from the rainwater catchment system, once installed, to serve the project, which is expected to result in approximately 106,175 gallons per year, on average.

Existing available water storage is 25,000 gallons in a series of hard-sided tanks, with two (2) 2,500-gallon tanks dedicated for domestic use. Additional water storage tanks (totaling 45,000 gallons) are proposed to bring the total amount of onsite water storage for irrigation to 70,000 gallons, equal to the estimated total annual water usage associated with the project (70,000 gallons). This is an existing cultivation site and the planning permit approval may be required to install the additional water storage. Conditions of approval require the applicant to obtain building permits (as applicable), install the additional water tanks, and demonstrate they are full prior to the beginning of the 2023 cultivation season. The use of the groundwater well shall cease prior the 2023 cultivation season. Additionally, the tanks shall be located in a previously disturbed area outside of all required Streamside Management Area (SMA) buffers (**Condition of Approval #10**). Conditions of approval also require the applicant to monitor water use from the well (until the rainwater catchment system is operational by the end of 2022) and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs (**Condition of Approval #22**).

According to Humboldt County Web GIS and depicted on the Site Plan with respective Streamside Management Area (SMA) buffer, Muddy Creek traverses the northern and western portions of the subject parcel. Based on the Site Plan, all cultivation activities and respective infrastructure are located outside of the respective SMA buffer; however, an existing cabin (noted as constructed in 1980), two (2) 2,500-gallon residential water storage tanks, and an additional parking area are shown to be located within the SMA buffer. Because the residential use and appurtenant residential development are not necessary for cultivation operations and construction of the cabin pre-dates the Streamside Management Area and Wetland Ordinance (SMAWO), no additional permits are required.

A Water Resource Protection Plan (WRPP) was prepared for the subject site by the former applicant in April 2017 (Attachment 3) in compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023. The WRPP assesses compliance with the required elements and standard conditions established in the Order to protect water quality from cannabis cultivation and related activities. Recommendations in the WRPP include an increase in water storage. Conditions of approval require continued compliance with the measures and best management practices (BMPs) identified in the WRPP related to site maintenance, erosion control, stream crossing maintenance, riparian area and wetland protection, spoils management, runoff, use and storage of fertilizers, soil amendments, pesticides/herbicides, and petroleum products, and refuse and waste (**Condition of Approval #15**). Additional conditions of approval require the applicant to comply with the State Water

Resources Control Board Cannabis Cultivation Policy, which includes development and implementation of a Site Management Plan (**Condition of Approval #16**).

A Notification of Lake or Streambed Alteration was prepared in October 2019 and submitted to the California Department of Fish and Wildlife (CDFW) for a point of diversion (not utilized for the operation) and a stream crossing upgrade. The project is conditioned to require the applicant finalize the Notification, adhere to the Final Streambed Alteration Agreement (once issued by CDFW), and comply with all applicable terms (**Condition of Approval #14**).

Biological Resources

Per review of CDFW's California Natural Diversity Database (CNDDDB) in February 2022, the site is mapped within potential habitat area for the foothill yellow-legged frog (*Rana boylei*, a State-listed endangered species), as well as American peregrine falcon (*Falco peregrinus anatum*) and three-ranked hump moss (*Meesia triquetra*). The nearest NSO positive sighting is located approximately 0.42 miles from the cultivation area, with the nearest NSO activity center located approximately 1.51 miles away. As previously described, power at the site is provided by a 45-kilowatt (kW) generator; however, there are long-term plans to switch to grid power and connect to Pacific Gas and Electric Company (PG&E). More specifically, as stated by the applicant in March 2022 (Attachment 3), "...We have plans to upgrade to grid power once the license is issued and we generate some income." Conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026 (**Condition of Approval #6**). Connection to grid (PG&E) power will reduce impacts to NSO by discontinuing the use of the generator.

A Biological Reconnaissance Report: Special Status Species and Sensitive Habitats (Biological Report) was prepared by S.E. McAllister and Associates in June 2019 (see Attachment 3) to determine if sensitive species or habitats occur onsite and whether the project may have a negative impact on such resources. As noted in the Report, the habitat at the site "is generally characterized by mid-seral mixed conifer and hardwood forest amidst substantial open grassland, with a stretch of sparse riparian habitat along the banks of Muddy Creek." Sensitive habitats at the site include a stream and associated riparian habitat. In total, 26 special status wildlife and 30 special status plant species are known to occur within the study area, and, of these species, 25 wildlife and 15 plant species are either known to occur or are considered to have reasonable potential for occurrence within the project area. One special-status species (Foothill yellow-legged frog) was observed during the survey. However, since the project does not involve additional development, ground disturbance, or significant noise disturbance or artificial lighting, the Report concludes the project "would have no significant impact on special-status wildlife or plants." In the event the project is modified or expanded in the future, seasonally appropriate botanical and NSO surveys are recommended, in addition to surveys for sensitive aquatic species if any change would affect aquatic environs.

Conditions of approval require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife (**Conditions of Approval #18-21 and Ongoing Conditions of Approval #1, 2, 4, 5, and 7**). Further, in response to the recommendations of the Biological Report, an ongoing condition of approval is included to require seasonally appropriate, pre-construction surveys in the event the project is modified or expanded in the future (**Ongoing Condition of Approval #25**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Access

Access to the site is via a driveway off State Highway 36. State Highway 36 is a State-maintained highway, managed by the California Department of Transportation (Caltrans). A Road Evaluation Report for an approximately 0.8-mile segment of the unnamed private driveway, from State Highway 36 to the subject property, was prepared by the former applicant in May 2019 (Attachment 3), which indicates that the roadway meets a Category 4 road equivalent standard and is adequate for the proposed use. The submitted road evaluation included sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight. Per comments received from Caltrans in December 2020, the existing driveway approach, located at Post Mile (PM) 30.217, is required to meet current Caltrans standards for a commercial driveway, which has been included as a condition of approval (**Condition of Approval #13**). Additional informational comments provided in the referral comments, including but not limited to information pertaining to permits to construct, upgrade, own, and operation road approaches to the State highway system, have been included in the "Informational Notes" section of the Resolution, below (**Informational Notes #5-7**).

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 115 permits and the total approved acres would be 40.11 acres of cultivation.

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 Zoning Administrator (See Attachment 2 for more information).

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

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

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

Resolution Number: 22-

Record Number: PLN-12546-SP

Assessor's Parcel Number: 210-022-044

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Winnetka Ranch, LLC, Special Permit request.

WHEREAS, Winnetka Ranch, LLC, submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 9,000 square foot (SF) outdoor cultivation (light deprivation and full-sun outdoor) and 900 SF of ancillary propagation. Irrigation water is currently sourced from a permitted groundwater well; however, the applicant is proposing to switch to rainwater catchment by the end of 2022. Existing available water storage is 25,000 gallons in a series of hard-sided tanks with additional tanks proposed, for a total of 70,000 gallons of onsite storage, and 5,000 gallons dedicated for domestic use. Estimated annual water usage is 70,000 gallons. Drying occurs onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of four (4) people may be onsite during peak operations. Power is provided by a 45-kilowatt (kW) generator; however, there are long-term plans to switch to grid power and connect to Pacific Gas and Electric Company (PG&E); and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final 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. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **May 5, 2022**, and reviewed, considered, and discussed the application for a Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Special Permit for the continued operation of an existing 9,000 square foot (SF) outdoor cultivation (light deprivation and full-sun outdoor) and 900 SF of ancillary propagation. Irrigation water is currently sourced from a permitted groundwater well; however, the applicant is proposing to switch to rainwater catchment by the end of 2022. Existing available water storage is 25,000 gallons in a series of hard-sided tanks with additional tanks proposed, for a total of 70,000 gallons of onsite storage, and 5,000 gallons dedicated for domestic use. Estimated annual water usage is 70,000 gallons. Drying occurs onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of four (4) people may be onsite during peak operations. Power is provided by a 45-kilowatt (kW) generator; however, there are long-term plans to switch to grid power and connect to Pacific Gas and Electric Company (PG&E).

EVIDENCE: a) Project File: PLN-12546-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to 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 Water Resource Protection Plan (WRPP) was prepared for the subject site by the former applicant in April 2017 in compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, and a Notice of Applicability was submitted by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, which includes development and implementation of a Site Management Plan, and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
 - d) California Department of Fish and Wildlife Resource Maps indicate the site is mapped within potential habitat area for the foothill yellow-legged frog (*Rana boylei*, a state-listed endangered species), as well as American peregrine falcon (*Falco peregrinus anatum*) and three-ranked hump moss (*Meesia triquetra*). The nearest NSO positive sighting is located approximately 0.42 miles from the cultivation area, with the nearest NSO activity center located approximately 1.51 miles away. Power at the site is currently provided by a 45 kW generator; however, there are long-term plans to switch to grid power and connect to PG&E. Conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026, Connection to grid (PG&E) power will reduce impacts to NSO by discontinuing the use of the generator.

A Biological Reconnaissance Report: Special Status Species and Sensitive Habitats (Biological Report) was prepared by S.E. McAllister and Associates in June 2019 (see Attachment 3) to determine if sensitive species or habitats occur onsite and whether the project may have a negative impact on such resources. As noted in the Report, the habitat at the site “is generally characterized by mid-seral mixed conifer and hardwood forest amidst substantial open grassland, with a stretch of sparse riparian habitat along the banks of Muddy Creek.” Sensitive habitats at the site include a stream and associated riparian habitat. One special-status species (foothill yellow-legged frog) was observed during the survey. In total, 26 special status wildlife and 30 special status plant species are known to occur within the study area, and, of these species, 25 wildlife and 15 plant species are either known to occur or are considered to have reasonable potential for occurrence within the

project area. However, since the project does not involve additional development, ground disturbance, or significant noise disturbance or artificial lighting, the Report concludes the project “would have no significant impact on special-status wildlife or plants.”

Conditions of approval will require noise and light attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. Further, in response to the recommendations of the Biological Report, an ongoing condition of approval is included to require seasonally appropriate, pre-construction surveys in the event the project is modified or expanded in the future. 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.

- e) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the site contained an existing open area in the central portion of the property as of 2004. However, it appears a small amount of timber conversion (removal of approximately 3 trees) may have occurred near the cultivation area between 2018 and 2020, after the CMMLUO environmental baseline date of January 1, 2016, in order to accommodate a greenhouse. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016, and submit a Timber Conversion Report prepared by a RFP. The applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. The applicant/owner shall be required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Additionally, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection. No additional tree removal is proposed or authorized by this permit.
- 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 was also recommended by the Bear River Band of the Rohnerville Rancheria in March 2021.
- g) A Road Evaluation Report for an approximately 0.8-mile segment of the unnamed private driveway, from State Highway 36 to the subject property, was prepared by the former applicant in May 2019, which indicates that the roadway meets a Category 4 road equivalent standard and is suitable for safe access to and from the project site. Per comments received from Caltrans in December 2020, the existing driveway approach, located at PM

30.217, is required to meet current Caltrans standards for a commercial driveway, which has been included as a condition of approval.

FINDINGS FOR SPECIAL PERMIT

3. FINDING The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) zone in which the site is located.

EVIDENCE a) The Forestry Recreation Zone or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.

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

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 9,000 square feet of outdoor cultivation on a 20-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

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

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded Parcel Map Subdivision (Parcel 1 of Parcel Map 436, Book 004, Page 047).

c) Water for irrigation is currently provided by a permitting groundwater well (18/19-1140). The well is located just south of the existing shop building.

Under the project, the applicant is proposing to add additional water storage tanks and switch to rainwater catchment by the end of 2022. Existing available water storage is 16,000 gallons in eight (8) hard-sided tanks, with two (2) 2,500-gallon tanks dedicated for domestic use. Additional water storage tanks are proposed to bring the total amount of onsite water storage for irrigation to 70,000 gallons, equal to the estimated total annual water usage associated with the project (70,000 gallons). This is an existing cultivation site and the planning permit approval may be required to install the additional

water storage. Conditions of approval require the applicant to obtain building permits (as applicable), install the additional water tanks and demonstrate they are full prior to the beginning of the 2023 cultivation season. Conditions of approval also require the applicant to monitor water use from the well (until the rainwater catchment system is operational) and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.

- d) Power is provided by a 45-kilowatt (kW) generator; however, there are long-term plans to switch to grid power and connect to Pacific Gas and Electric Company (PG&E). To reduce impacts associated with NSO, greenhouse gases and wildfire, the conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026.
- e) A Road Evaluation Report for an approximately 0.8-mile segment of the unnamed private driveway, from State Highway 36 to the subject property, was prepared by the former applicant in May 2019, which indicates that the roadway meets a Category 4 road equivalent standard and is functionally appropriate for the expected traffic. Per comments received from Caltrans in December 2020, the existing driveway approach, located at PM 30.217, is required to meet current Caltrans standards for a commercial driveway, which has been included as a condition of approval.
- f) The slope of the land where cannabis will be cultivated is less than 15%, as indicated by the WRPP; the cultivation areas are located in areas previously used as log landings from past use of the subject parcel. The Humboldt WebGIS show natural slopes ranges from less than 15% to 30%.
- g) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the site contained an existing open area in the central portion of the property as of 2004. However, it appears a small amount of timber conversion (removal of approximately 3 trees) may have occurred near the cultivation area between 2018 and 2020, after the CMMLUO environmental baseline date of January 1, 2016, in order to accommodate a greenhouse. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016, and submit a Timber Conversion Report prepared by a RPF. The applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. The applicant/owner shall be required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Additionally, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include

details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection. No additional tree removal is proposed or authorized by this permit.

- h) 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, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 9,000 SF 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. The project is conditioned to implement the recommendations received from Caltrans in December 2020, which will require the driveway to be improved to current Caltrans standards for a commercial driveway, which has been included as a condition of approval.
- b) The site is in a rural part of the County where the typical parcel size is over 20 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 is currently derived from a groundwater well that has been permitted by the Environmental Health Department (18/19-1140) and is also registered with the California Department of Water Resources (WCR2019-013299). However, under the project, the applicant is proposing to add additional water storage tanks onsite to equal the project's annual water usage (70,000 gallons) and switch to rainwater catchment by the end of 2022.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element, but is currently developed with an existing cabin. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing cabin to continue to be utilized or for a residence to be

developed on this parcel.

8. FINDING

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

EVIDENCE

- a) The project site is located in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 115 permits and the total approved acres would be 40.11 acres of cultivation.

DECISION

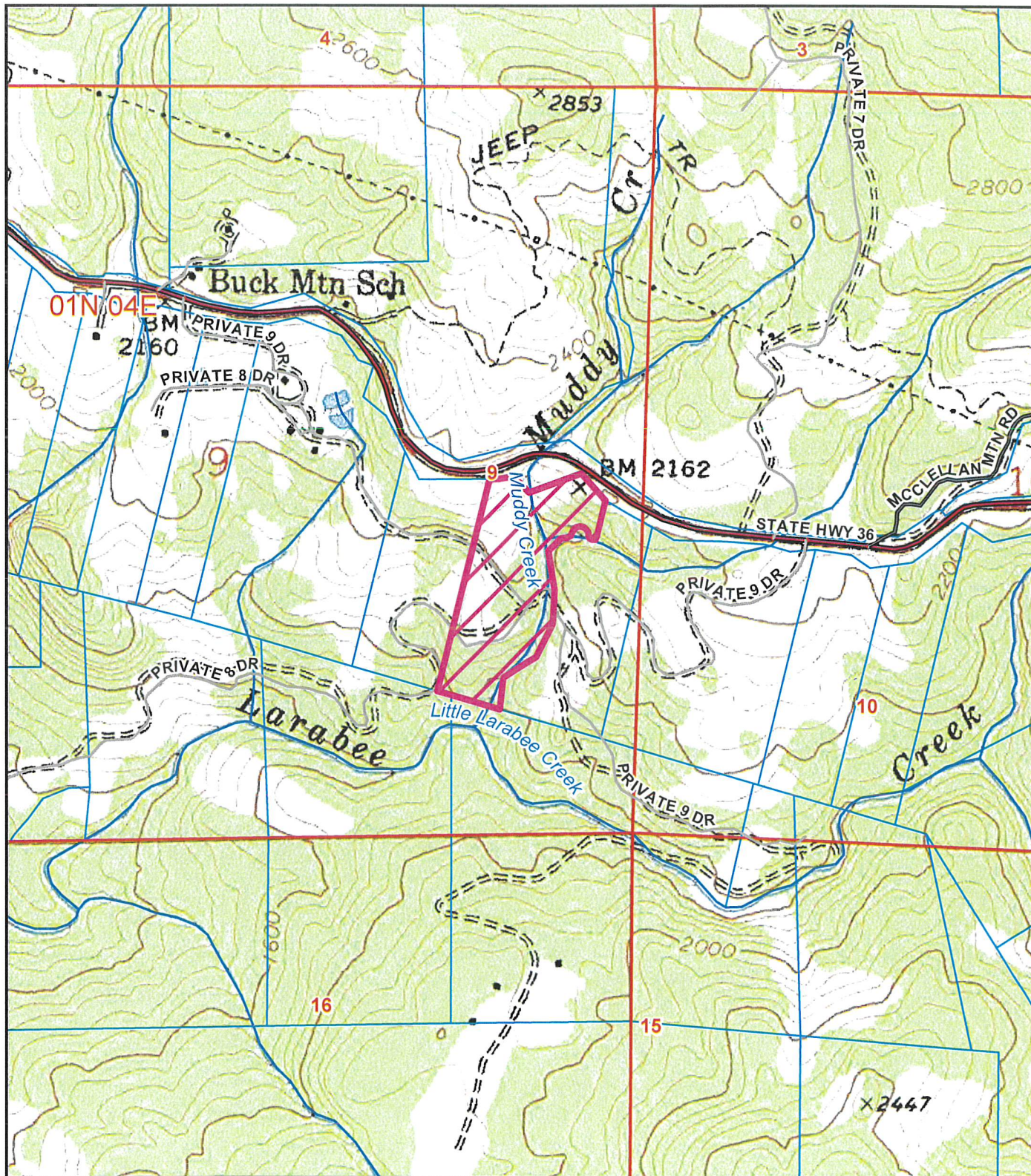
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Winnetka Ranch, 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 **May 5, 2022**.

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

John H. Ford, Zoning Administrator,
Planning and Building Department



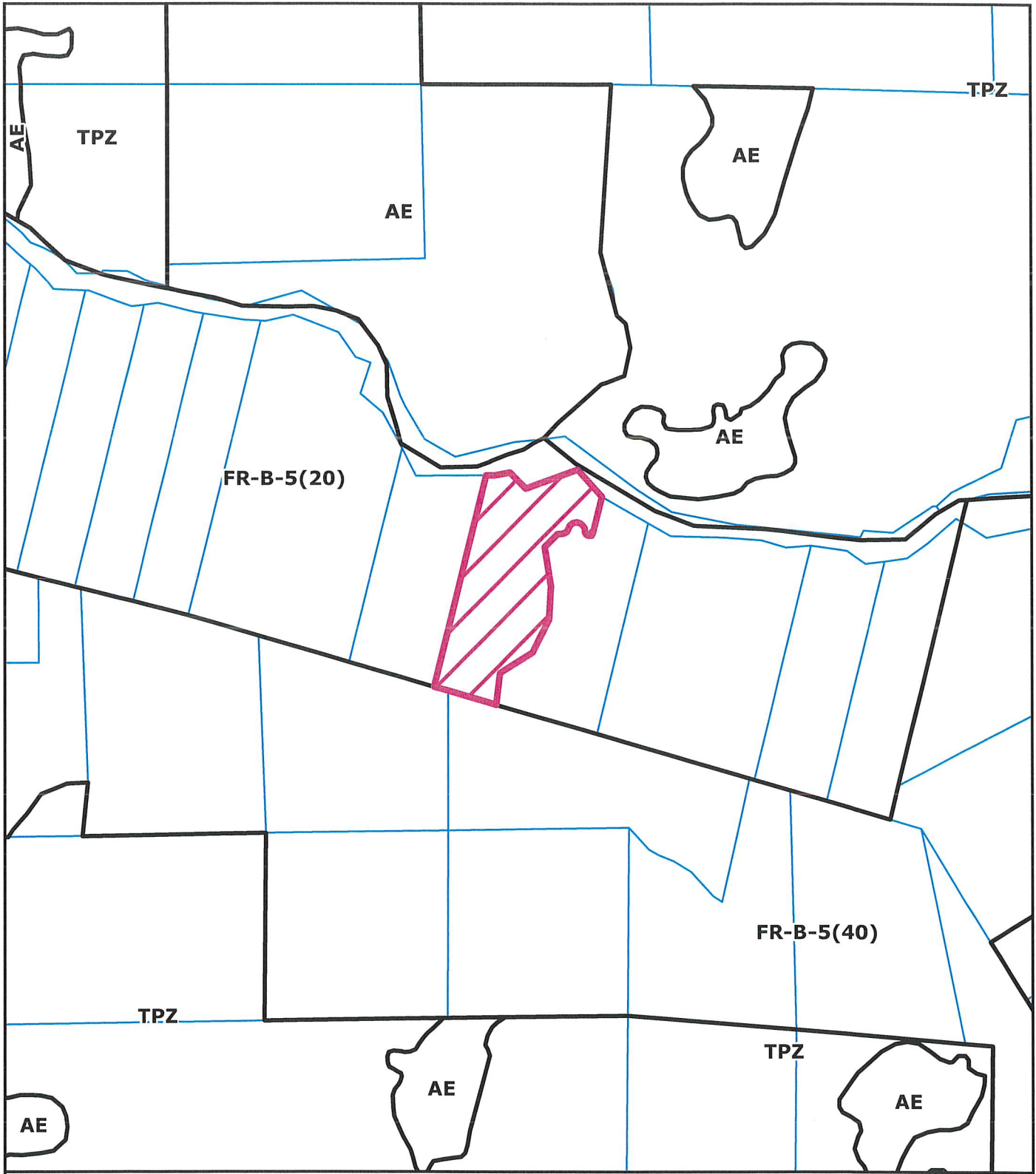
**TOPO MAP
 PROPOSED MATHEW PIPIS
 BRIDGEVILLE AREA
 SP-16-561**

**APN: 210-022-044-000
 T01N R04E S9 HB&M (LARABEE VALLEY)**


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.






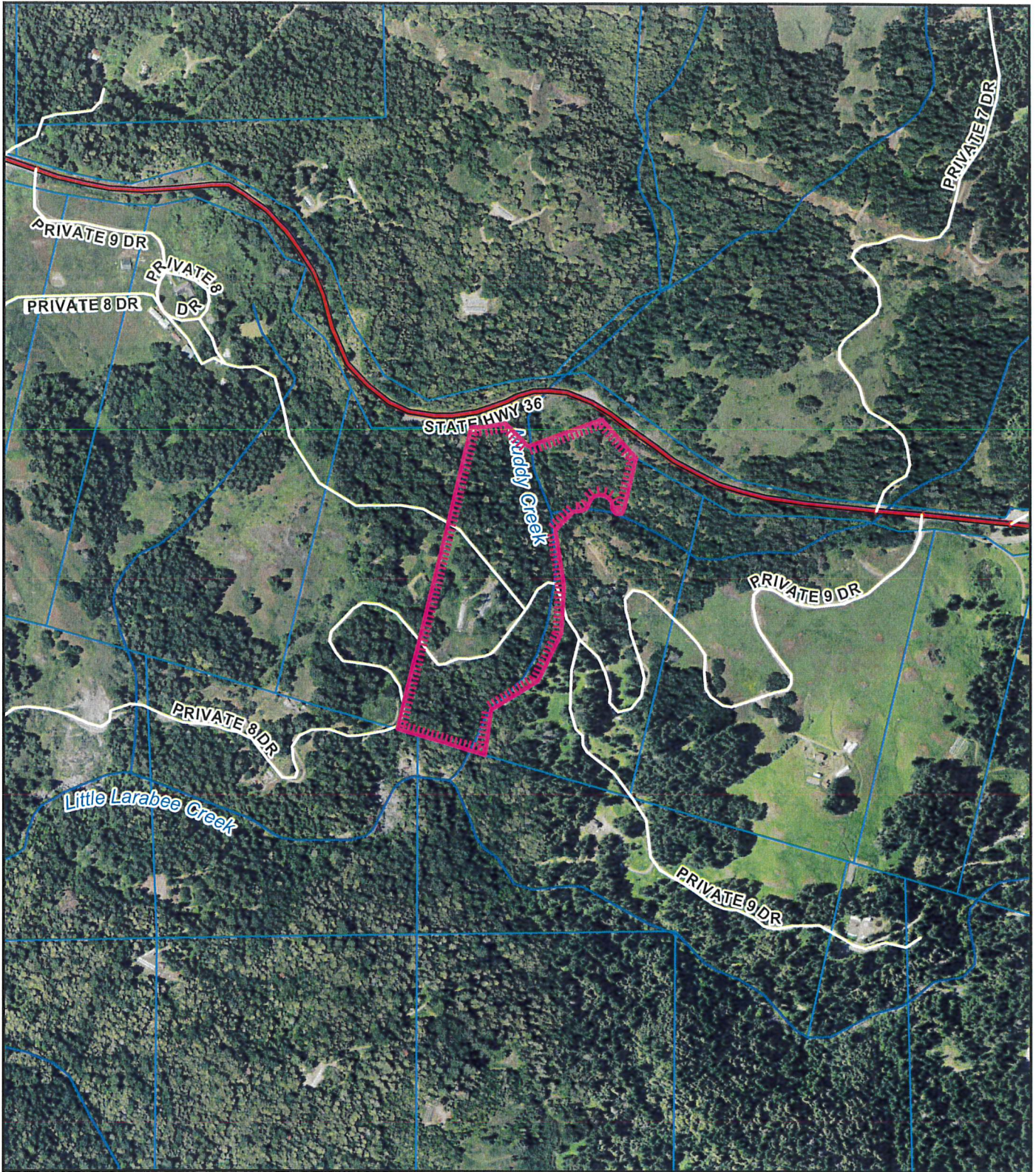
**ZONING MAP
 PROPOSED MATHEW PIPIS
 BRIDGEVILLE AREA
 SP-16-561
 APN: 210-022-044-000
 T01N R04E S9 HB&M (LARABEE VALLEY)**

Project Area = 

N


0 1,000 2,000
 Feet

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.



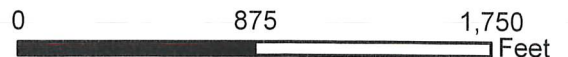
**AERIAL MAP
 PROPOSED MATHEW PIPIS
 BRIDGEVILLE AREA
 SP-16-561**

**APN: 210-022-044-000
 T01N R04E S9 HB&M (LARABEE VALLEY)**

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.



APPS# 12546

APN: 210-022-044

AGGREGATE SQ FEET 9625 SQ FT

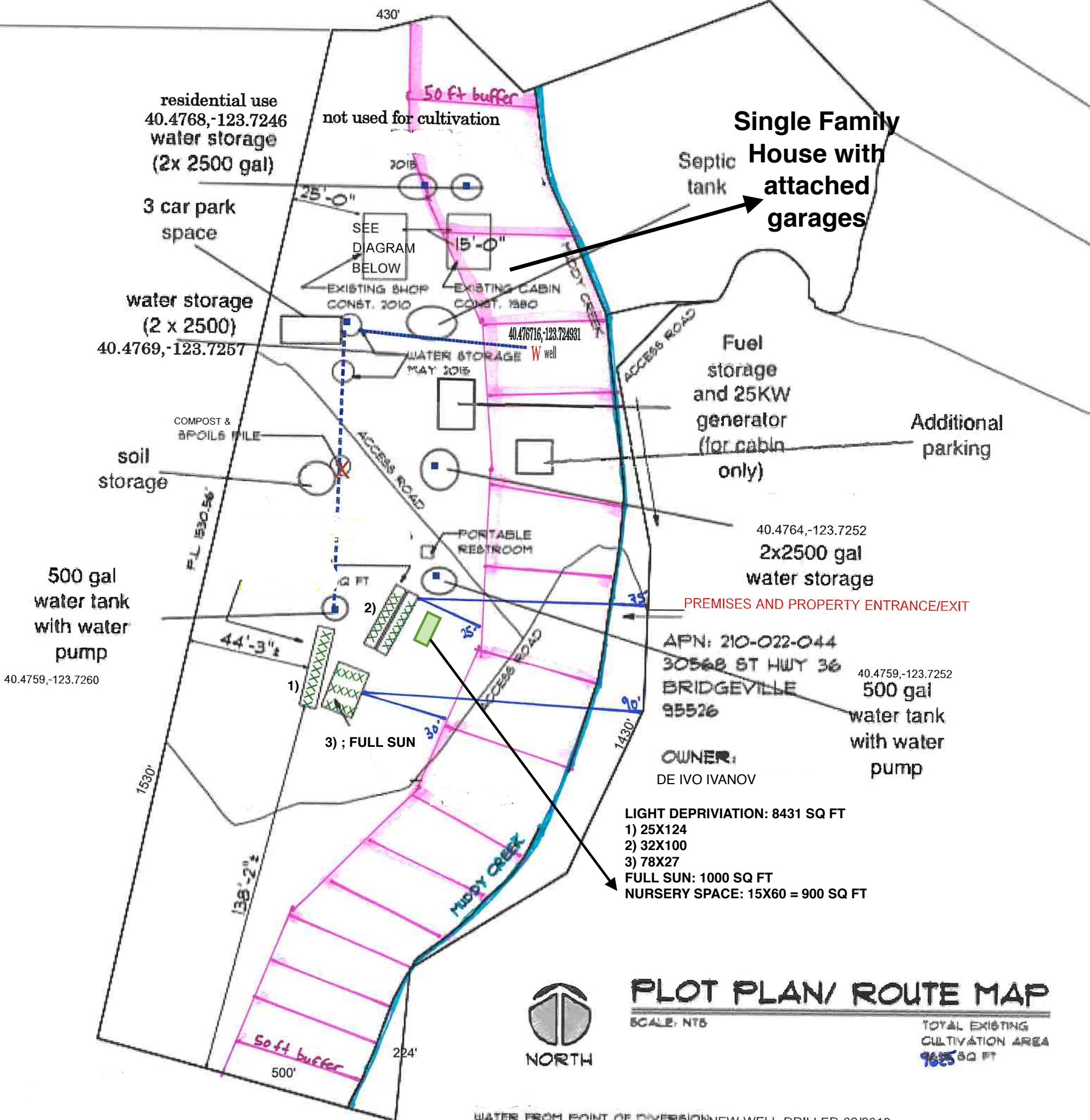
* PREMISES IS PROPERTY BOUNDARY

* NO IMMATURE PLANTS KEPT ON SITE

*NO PROCESSING OR PACKAGING ON SITE



STATE HWY 36



Single Family House with attached garages

Septic tank

Fuel storage and 25KW generator (for cabin only)

Additional parking

2x2500 gal water storage

500 gal water tank with water pump

500 gal water tank with water pump

LIGHT DEPRIVATION: 8431 SQ FT
1) 25X124
2) 32X100
3) 78X27
FULL SUN: 1000 SQ FT
NURSERY SPACE: 15X60 = 900 SQ FT

PLOT PLAN/ ROUTE MAP

SCALE: NTS

TOTAL EXISTING CULTIVATION AREA 9625 SQ FT



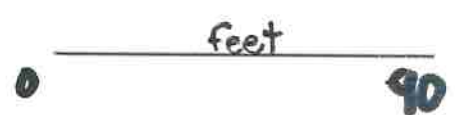
NORTH

WATER FROM POINT OF DIVERSION NEW WELL DRILLED 09/2019
NO NEARBY (W/N 600') SCHOOLS
NO NEARBY CHURCHES
NO NEARBY BUS STOPS
NO NEARBY PARKS OR TRIBAL RESOURCES
NO OFF SITE RESIDENCES W/N 300'



N

- W NEWLY DRILLED WELL
- XXXXXXX LIGHT DEP CULTIVATION
- X COMPOST PILE
- WATER STORAGE TANK



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #20. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. Within 60 days of the effective date, the applicant shall submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026. The report shall be reviewed and approved by the Planning Department. The applicant shall provide A sign-off from the Planning Department will satisfy this condition.
7. Within 60 days of the effective date of permit approval, whichever comes first, the applicant shall submit a revised plot plan detailing and showing the following, in addition to what is shown:

- a. Revise the square footage of onsite cultivation and ancillary propagation areas to reflect a maximum of 9,000 SF of cultivation with a maximum of 10% nursery space, or 900 SF (currently in existence), consistent with the County's cultivation area verification.
 - b. Proposed size and location of the additional water storage tanks (totaling 45,000 gallons), which shall be located on a previously disturbed area outside of the Streamside Management Area (SMA) buffer.
8. Within 60 days of the effective date of permit approval, the applicant shall submit a revised cultivation and operations plan detailing the following, in addition to what is currently described:
 - a. A maximum of 9,000 SF of cultivation with a maximum of 10% nursery space, or 900 SF (currently in existence), consistent with the County's cultivation area verification.
9. Prior to the 2023 cultivation season, the additional 45,000 gallons of onsite water storage proposed shall be installed on the subject parcel and located on a previously disturbed area that is outside of all required Streamside Management Area (SMA) buffers. The water storage shall be filled as well. Prior to cultivation in 2023, the applicant shall demonstrate to the Planning Department that the water storage was installed and filled as described by this condition. The applicant may provide evidence (e.g., photographs and/or receipts) to demonstrate this condition is met. Alternatively, the applicant may request a site inspection with the Planning Department to verify this condition is met. A sign-off from the Planning Department will satisfy this condition.
10. The applicant shall secure building and grading permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage, or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
11. The applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
12. The subject property shall be evaluated by a Professional Registered Forester (RPF) to determine the amount of timber conversion that occurred onsite after the CMMLUO baseline date of January 1, 2016. Any measures determined to be necessary by the RPF to mitigate for the unauthorized timber conversion shall be implemented. The applicant/owner is required to submit a Timber Conversion Report prepared by a RPF. Additionally, the applicant/owner is required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. A Restocking Plan shall be prepared within 90 days of project approval and the Restocking Plan shall be implemented within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. 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. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection. A sign-off from the Planning Department will satisfy this condition.
13. The applicant shall improve the existing driveway approach at Post Mile 30.217 from State Highway 36 to current California Department of Transportation (Caltrans) standards for a commercial

driveway. The applicant shall obtain an encroachment permit from the Caltrans prior to commencing any work. This condition shall be completed to the satisfaction of Caltrans prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from Caltrans will satisfy this condition.

14. The applicant shall finalize the Notification of Lake or Streambed Alteration submitted to CDFW, adhere to the Final Streambed Alteration Agreement, and comply with all applicable terms. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
15. The applicant shall implement any remaining corrective actions and continue to comply with the measures and best management practices (BMPs) identified in the Water Resource Protection Plan prepared by the former applicant in April 2017. A sign-off from the Planning Department will satisfy this condition.
16. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a 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.
17. The applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing the Department of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health specialist (REHS) that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Portable toilet and handwashing facilities may be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
18. 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 compliance with this standard.
19. For the life of the project, all artificial lighting, including security and propagation area lighting, 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 off-site lighting and direct light within the property boundaries. No use for artificial lighting is authorized by this permit until the applicant can demonstrate compliance with this standard.
20. 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.

21. 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.
22. 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 permitted groundwater well (until installation of the rainwater catchment system in 2022 is complete) then rainwater catchment in 2023 and subsequent years. The amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
23. 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.
24. 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.
25. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. 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.

5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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).
15. 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.

16. 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).
17. 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.
18. 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).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
24. In accordance with recommendations contained in the *Biological Reconnaissance Report: Special Status Species and Sensitive Habitats*, prepared by S.E. McAllister and Associates in June 2019, seasonally appropriate, pre-construction surveys shall be performed in the event the project is modified or expanded in the future.

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement 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.

4. Per Caltrans in comments dated December 2020, any features that deviate from the Highway Design Manual (HDM) will require a design exception. Design exceptions are covered in the Project Development Procedures Manual (PDPM) in Appendix BB, found here: <https://dot.ca.gov/programs/design/manual-project-development-procedures-manual-pdpm>.
5. Permits to construct, upgrade, own, and operate road approaches to the State highway system are issued to the individual or legal entity with ownership rights of that road approach. If the applicant has ownership/easement rights, they will need to submit proof of ownership/easement with their application for an encroachment permit. If the applicant does not have ownership/easement rights, then they may, with the property owner's written permission, apply for a permit on behalf of the owner as an authorized agent of the property owner.
6. Encroachment permit applications are reviewed for consistency with State standards and are subject to Department approval. To streamline the permit application and review process, we require the applicant to consult with our Permit staff prior to submitting an application. Requests for permit applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 498-5684. For additional information, the Caltrans Encroachment Permit Manual and Standard Application is available online at: <https://dot.ca.gov/programs/traffic-operations/ep>.

ATTACHMENT 2

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

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

**APN 210-022-044; 30568 State Highway 36, Larabee Valley
County of Humboldt**

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

April 2022

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 Special Permit for the continued operation of an existing 9,000 square foot (SF) outdoor cultivation (light deprivation and full-sun outdoor) and 900 SF of ancillary propagation. Irrigation water is currently sourced from a permitted groundwater well; however, the applicant is proposing to switch to rainwater catchment by the end of 2022. Existing available water storage is 25,000 gallons in a series of hard-sided tanks with additional tanks proposed, for a total of 70,000 gallons of onsite storage, with 5,000 gallons dedicated for domestic use. Estimated annual water usage is 70,000 gallons. Drying occurs onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of four (4) people may be onsite during peak operations. Power is provided by a 45-kilowatt (kW) generator; however, there are long-term plans to switch to grid power and connect to Pacific Gas and Electric Company (PG&E).

The project site contains riparian habitat associated with Muddy Creek, which traverses the northern and western portions of the subject parcel. All approved cultivation activities and respective infrastructure would occur outside of the required stream setbacks and on slopes less than 30%; however, an existing cabin (noted as constructed in 1980), two (2) 2,500-gallon residential water storage tanks, and an additional parking area are shown to be located within the SMA buffer on the Site Plan. Because the residential use and appurtenant residential development are not necessary for cultivation operations and construction of the cabin pre-dates the Streamside Management Area and Wetland Ordinance (SMAWO), no additional permits are required. Per review of CDFW's California Natural Diversity Database (CNDDDB) in February 2022, the site is mapped within potential habitat area for the foothill yellow-legged frog (*Rana boylei*, a state-listed endangered species), as well as American peregrine falcon (*Falco peregrinus anatum*) and three-ranked hump moss (*Meesia triquetra*). The nearest NSO positive sighting is located approximately 0.42 miles from the cultivation area, with the nearest NSO activity center located approximately 1.51 miles away.

A Biological Reconnaissance Report: Special Status Species and Sensitive Habitats (Biological Report) was prepared by S.E. McAllister and Associates in June 2019 (see Attachment 3) to determine if sensitive species or habitats occur onsite and whether the project may have a negative impact on such resources. As noted in the Report, the habitat at the site “is generally characterized by mid-seral mixed conifer and hardwood forest amidst substantial open grassland, with a stretch of sparse riparian habitat along the banks of Muddy Creek.” Sensitive habitats at the site include a stream and associated riparian habitat. One special-status species (foothill yellow-legged frog) was observed during the survey. In total, 26 special status wildlife and 30 special status plant species are known to occur within the study area, and, of these species, 25 wildlife and 15 plant species are either known to occur or are considered to have reasonable potential for occurrence within the project area. However, since the project does not involve additional development, ground disturbance, or significant noise disturbance or artificial lighting, the Report concludes the project “would have no significant impact on special-status wildlife or plants.” In the event the project is modified or expanded in the future, seasonally appropriate botanical and

NSO surveys are recommended, in addition to surveys for sensitive aquatic species if any change would affect aquatic environs, which is included as an ongoing condition of approval.

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 in March 2021.

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 9,000 square feet of outdoor 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, received 3/28/22.
- Cultivation and Operations Plan, received 9/14/17, with addendum, received 10/11/19, and additional information (project details, water use estimates, and rainwater catchment system details) provided by applicant in emails, dated 3/28/22 and 4/19/22.
- Well Completion Report (WCR2019-013299) for Permit No. 18/19-1140, received 12/17/20.
- Right to Divert and Use Water issued by the State Water Resources Control Board (Registration ID D032451; Certificate No. D1009), dated 6/12/18.
- Water Resource Protection Plan, dated 4/1/17, for the North Coast Regional Water Quality Control Order No. R1-2015-0023.
- Notification of Lake or Streambed Alteration submitted to the California Department of Fish and Wildlife, received 10/11/19.
- Road Evaluation Report for the unnamed private driveway, from State Highway 36 to the subject property, prepared by the former applicant, dated 5/28/19.
- Notice of Applicability (WDID 1_12CC421732) issued by the North Coast Regional Water Quality Control Board, dated 7/15/20.3
- Biological Reconnaissance Report: Special Status Species and Sensitive Habitats, prepared by S.E. McAllister & Associates, Eureka, CA, dated 6/24/19.

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, received 3/28/22)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached** - Cultivation and Operations Plan, received 9/14/17, with addendum, received 10/11/19)
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 Water Resource Protection Plan prepared for North Coast Regional Water Quality Control Order No. R1-2015-0023 (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. (On file – NOI; Water Resource Protection Plan, dated 4/1/17; and Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ (WDID 1_12CC421732) issued by the North Coast Regional Water Quality Control Board, dated 7/15/20)
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. (On file – Notification of Lake or Streambed Alteration submitted to the California Department of Fish and Wildlife, received 10/11/19. Condition of approval to obtain and submit a Final Streambed Alteration Agreement.)
9. If the source of water is a well, a copy of the County well permit, if available. (**Attached** - Well Completion Report (WCR2019-013299) for Permit No. 18/19-1140, received 12/17/20.)

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. (Condition of Approval)
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 for the unnamed private driveway, from State Highway 36 to the subject property, prepared by the former applicant, dated 5/28/19. (**Attached**)
16. Biological Reconnaissance Report: Special Status Species and Sensitive Habitats, prepared by S.E. McAllister & Associates, Eureka, CA, dated 6/24/19. (**Attached**)
17. Additional project information provided by applicant in emails, dated 3/28/22. (**Attached** – both emails)
18. Water use estimates provided by applicant in email, dated 3/28/22. (**Attached**)
19. Rainwater catchment system details provided by applicant in email, dated 4/19/22. (**Attached**)
20. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)



Cultivations and Operations Plan

1. Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage

Water Source: **IS A WELL**

The existing Point of Diversion permit with the County of Humboldt Department of Environmental Health will be utilized for **DOMESTIC activities.** (See Site Plan for location and Reference).

Water Storage

Two onsite storage tanks will provide 5,500 gallons of total available storage in order to minimize the quantity of water taken during critical months to the extent feasible. The storage tanks will also provide fire protection if necessary. (See Site Plan for Location).

Irrigation Plan

Drip irrigation at an appropriate agronomic rate will be utilized to eliminate runoff and avoid overwatering. All Irrigation activities will not adversely impact water quality and/or beneficial uses. Irrigation will also be contained within the cultivation areas. Hand watering will also be implemented as a backup to the drip irrigation system during maintenance or malfunction.

Projected Water Usage

Water usage varies onsite according to the growing season, however, it is approximately 162,000 gallons or 0.5 acre-ft per year with the following monthly distribution:

- January 10,000 Gallons
- February 10,000 Gallons
- March 13,000 Gallons
- April 16,000 Gallons
- May 16,000 Gallons
- June 16,000 Gallons
- July 16,000 Gallons
- August 16,000 Gallons
- September 16,000 Gallons
- October 13,000 Gallons
- November 10,000 Gallons
- December 10,000 Gallons

Flow gauge is used to determine exact water use for each month. Precise water usage will be recorded monthly and reported annually to the appropriate agencies once operations begin onsite (per the MRP).

1. Description of Site Drainage, Including Runoff and Erosion Control Measures

Site Drainage and Erosion Control Measures

The property has natural/pre-existing flat areas that are utilized for the cultivation. All recommended erosion control guidelines are followed. Grass seed and straw mulch were applied to inhibit runoff and

sediment delivery. Irrigation activities are limited to the interior greenhouse spaces as well as the soil containers and applied at an appropriate agronomic rate to prevent runoff and minimize water usage. Spoils management is pursuant to the management practices set forth in Order No. R1-2015-0023 Appendix B §III.D. Due to the proximity of the cultivation area to the nearest downgradient stream (>400 Feet), and dense native vegetation in between, there is no hydraulic connectivity via surface flow to any creeks. All roads onsite have appropriate design and function, and are graveled and crowned or out-sloped to prevent surface erosion during winter rain events.

2. Detail of Measures Taken to Ensure Protection of Watershed and Nearby Habitat.

Protection of Watershed and Nearby Habitat

The cultivation areas and associated facilities are located greater than 400 feet from both Muddy Creek and Little Larabee Creek. The nearest down-gradient stream, Muddy Creek is located approximately 400 feet east of the cultivation area. Dense native vegetation consisting predominantly of second growth fir exists between the cultivation area and Muddy Creek, which maintains natural slope stability and native vegetation. There is no visible evidence of runoff or erosion occurring from the cultivation area or its access road. A Monitoring and Reporting Plan will also be implemented to routinely inspect the effectiveness of the BMP's onsite and ensure conformance with the standard conditions set forth in Order No. R1-2015-0023.

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

Fertilizers and Pesticides

Onsite chemicals include Bone Meal, Bat Guano, Worm Castings, and Ocean Sea Kelp for fertilizer/soil amendments. Dry Sulfur is used for pest control. Approximate annual quantities of chemicals to be used onsite are listed below.

- Bone Meal 200 lbs
- Bat Guano 1000 lbs
- Worm Castings 500 lbs
- Ocean Sea Kelp 100 lbs
- Dry Sulfur 5 lbs

The quantity of onsite chemical storage is subject to vary depending on the season. All chemicals and soil amendments are stored in containers labeled with the original packaging instructions for use. All chemicals and soil amendments are stored within the 5 foot by 5 foot chemical storage shed. All Fertilizers are mixed into the soil at the beginning of the grow cycle and all of the Fertilizers used are organic. All Products used in accordance with package instructions.

4. Description of Cultivation Activities

Cultivation Activities

1 20 foot by 120 foot Outdoor greenhouse, 40 100 gallon fabric containers, and 2 12 foot by 100 foot are used in the cultivation area as seen on the Plot Plan (9,600 ft² of grow space). Ancillary propagation will take place within one or two of the greenhouses prior to the final plant placement within each. Two growing cycles will be performed in each greenhouse. The first will be planted by May 1st, and the

second run by August 15th. Cultivation activity is completed by November of each year. All work onsite will be performed by myself.

5. Processing Plan

Processing

Processing is done offsite at a Humboldt County approved and permitted facility as they become available.

6. If Mixed Light Cultivation Proposed, Identify Number of Grow Cycles.

Cultivation Type

Cultivation type is Outdoor, no supplemental light will be used.

7. Schedule of Activities during Each Month of the Growing and Harvesting Season, Including Projected Generator Use.

Schedule of Activities

All greenhouses are planted by May 1st, and the second run by August 15th. Cultivation activity will be completed by November of each year approximatly. See Table below for more detailed schedule.

Table 1: Monthly Activities.

Month	Week	Activities	Water Use (Gallons)
January	Week 1-4	None	-
February	Week 1-4	None	-
March	Week 1	Amend Soils /Grow Medium	3,250
March	Week 2	Amend Soils /Grow Medium	3,250

March	Week 3	Amend Soils /Grow Medium	3,250
March	Week 4	Amend Soils /Grow Medium	3,250
April	Week 1	Begin Ancillary Propagation	4,000
April	Week 2	Begin Ancillary Propagation	4,000
April	Week 3	Begin Ancillary Propagation	4,000
April	Week 4	Begin Ancillary Propagation	4,000
May	Week 1	Plant 1st Cycle	4,000
May	Week 2	Feed plants	4,000
May	Week 3	Prune Under-growth	4,000
May	Week 4	Begin Flowering Stage	4,000
June	Week 1	Support Plants with Trellis and Feed	4,000
June	Week 2	Feed plants	4,000
June	Week 3	Feed Plants	4,000
June	Week 4	Feed plants	4,000
July	Week 1	Feed plants	4,000
July	Week 2	Feed 1st Cycle, Begin Ancillary Propagation of 2nd Cycle	4,000
July	Week 3	Feed 1st Cycle, Begin Ancillary Propagation of 2nd Cycle	4,000
July	Week 4	Feed 1st Cycle, Begin Ancillary Propagation of 2nd Cycle	4,000
August	Week 1	Harvest 1st Cycle	4,000
August	Week 2	Plant 2nd Cycle	4,000
August	Week 3	Prune Under-growth	4,000
August	Week 4	Begin Flowering Stage	4,000
September	Week 1	Support Plants with Trellis and Feed	4,000
September	Week 2	Feed Plants	4,000
September	Week 3	Feed plants	4,000
September	Week 4	Feed plants	4,000
October	Week 1	Feed plants	3,250
October	Week 2	Feed Plants	3,250
October	Week 3	Feed plants	3,250
October	Week 4	Harvest 2nd Cycle	3,250
November	Week 1-4	None	-
December	Week 1-4	None	-

8. Primary Power Source and Generator Use.

Generator use will be needed. Power will be provided by 1-2 2000 Watt generators when needed for various activities.

9. Security Plan

Security

All entry roads have a locked gate, the cultivation area is equipped with motion activated security cameras, and locks installed on all buildings and structures.

10. # of Employees and Average Daily Trips

Employees

The farm is owner operated.

Average Daily Trips

The average number of daily trips is 0-1.

Addendum to Operations Plan (on Deficiency letter #1 and #2)

Permit Application 12546

APN: 210-022-044

Clarification of the amount of cultivation

1. Description of Cultivation Activities

The Greenhouses currently measure one 25x125=3125 and two greenhouses measuring 15x100=3000 sq ft for a total light deprivation foot print of 6,125 sqft. A full Sun Garden Area will measure at 50x70 to total 3500 sqft. With a Total Cultivation size of 9,625 sq ft.

2. *Number of Employees and Average Daily Trips*

Employees

The farm is owner operated and there will be a maximum of two employees. The two employees will **not** live on site and will commute to and from the farm on a daily basis M-F regular business hours.

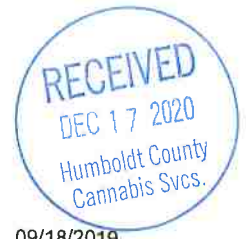
8.

"If Greenhouses are proposed, indicate how their construction complies with Humboldt County Code."

The Greenhouses proposed will have no impermeable materials on the floors. The greenhouse structures do not result in lit coverage exceeding 25%. The greenhouse structures do not have perimeter foundations and or improved foot paths. The greenhouses are located outside of SMA buffer.



State of California
Well Completion Report
 Form DWR 188 Submitted 9/19/2019
 WCR2019-013299



Owner's Well Number _____ Date Work Began 09/13/2019 Date Work Ended 09/18/2019
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 18/19-1140 Permit Date 05/30/2019

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>De Ivo Ivanov</u>	Activity <u>New Well</u>
Mailing Address <u>P.O. Box 207</u>	Planned Use <u>Water Supply Irrigation - Agriculture</u>
City <u>Bridgeville</u> State <u>CA</u> Zip <u>95526</u>	

Well Location					
Address <u>30568 Highway 36</u>		APN <u>210-022-044</u>			
City <u>Bridgeville</u>	Zip <u>95526</u>	County <u>Humboldt</u>	Township <u>01 N</u>		
Latitude <u>40 28 36.1776 N</u>	Longitude <u>-123 43 29.7515 W</u>		Range <u>04 E</u>		
Deg. Min. Sec.	Deg. Min. Sec.		Section <u>09</u>		
Dec. Lat. <u>40.476716</u>	Dec. Long. <u>-123.724931</u>		Baseline Meridian <u>Humboldt</u>		
Vertical Datum _____	Horizontal Datum <u>WGS84</u>		Ground Surface Elevation _____		
Location Accuracy _____	Location Determination Method _____		Elevation Accuracy _____		
			Elevation Determination Method _____		

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>75</u> (Feet below surface)
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>	Depth to Static _____
Total Depth of Boring <u>160</u> Feet	Water Level <u>72</u> (Feet) Date Measured <u>09/18/2019</u>
Total Depth of Completed Well <u>160</u> Feet	Estimated Yield* <u>5</u> (GPM) Test Type <u>Air Lift</u>
	Test Length <u>4</u> (Hours) Total Drawdown <u>85</u> (feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	4	top soil
4	22	silt stone
22	43	red silt stone
43	67	shale
67	92	red silt stone
92	160	shale

Casings

Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	60	Blank	PVC	OD: 5.563 in. SDR: 21 Thickness: 0.265 in.	0.265	5.563			
1	60	160	Screen	PVC	OD: 5.563 in. SDR: 21 Thickness: 0.265 in.	0.265	5.563	Milled Slots	0.032	

Annular Material

Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Other Bentonite		Sanitary Seal
20	160	Filter Pack	Other Gravel Pack	3/8 Inch	Pea Gravel

Other Observations:

Borehole Specifications


Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	160	10

Certification Statement

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

Name FISCH DRILLING
Person, Firm or Corporation

3150 JOHNSON ROAD HYDESVILLE CA 95547
Address City State Zip

Signed  09/19/2019 683865
C-57 Licensed Water Well Contractor Date Signed C-57 License Number

Attachments

Scans.pdf - Location Map

DWR Use Only

CSG #	State Well Number	Site Code	Local Well Number

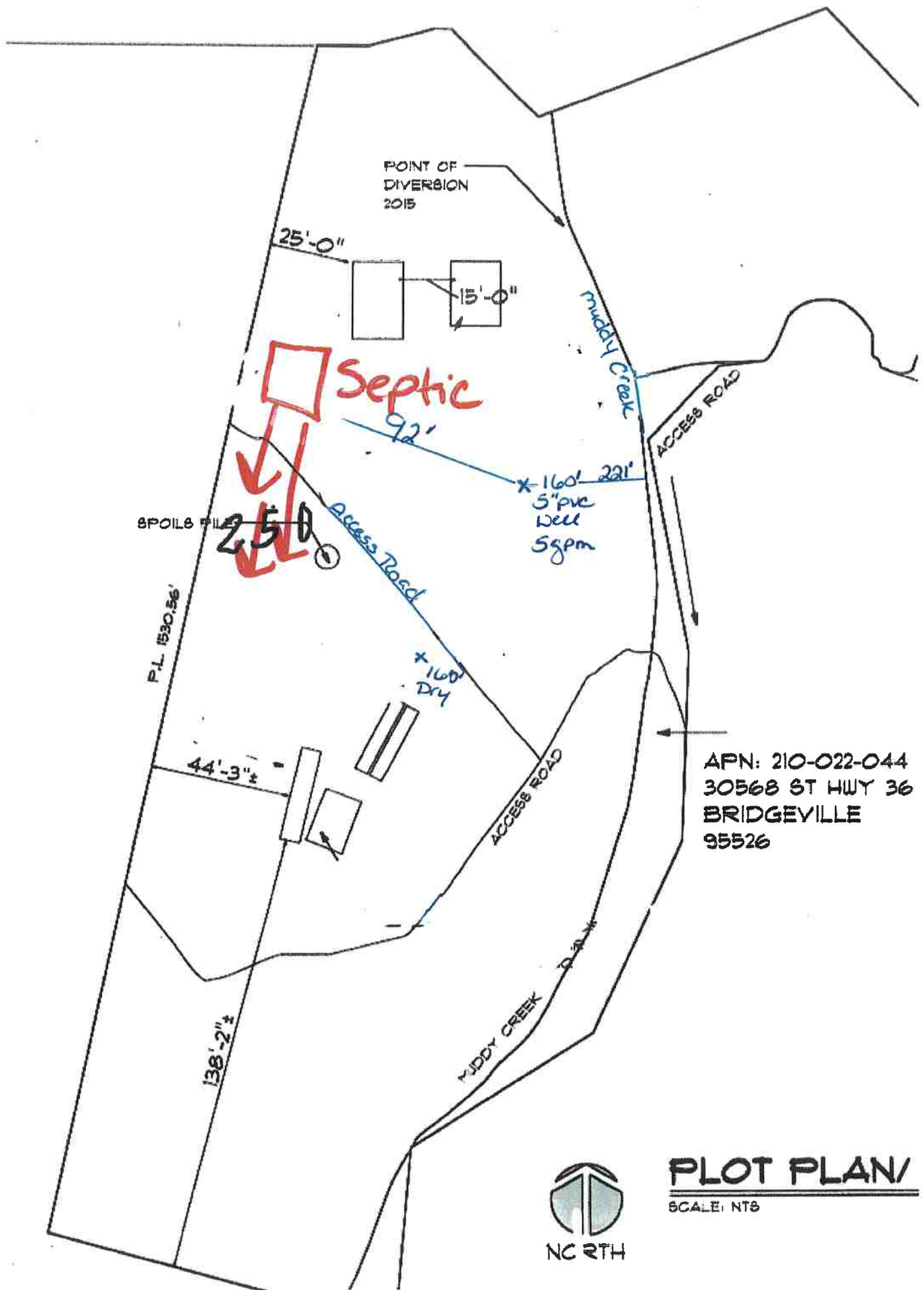
N	W
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Latitude Deg/Min/Sec

Longitude Deg/Min/Sec

TRS:

APN:



APN: 210-022-044
 30568 ST HWY 36
 BRIDGEVILLE
 95526



PLOT PLAN/
 SCALE: NTS

Fisch Drilling

From: OSWCR-NoReply@water.ca.gov
Sent: Thursday, September 19, 2019 8:40 AM
To: chris@fischdrilling.com
Subject: OSWCR: Thank you for submitting Well Completion Report WCR2019-013299

*******Please do not reply to this e-mail message*******

Thank you for submitting your Well Completion Report - A New Production or Monitoring Well, **WCR2019-013299**, using the Online System for Well Completion Reports (OSWCR). The Department of Water Resources will review it for completeness. You will be notified if additional information is required. If you have any questions, please call your local DWR Region Office WCR contact.

DWR Northern Region Office
April Scholzen
(530)529-7368
April.Scholzen@water.ca.gov

To view this record, log in to OSWCR, or use the following link:
https://civinet.resources.ca.gov/DWR_WELLS/urlrouting.ashx?type=1000&Module=WellCompletion&capID1=19CAP&capID2=00000&capID3=00B03&agencyCode=DWR_WELLS

Licensed Contractor: FISCH DRILLING License Number: 683865
Well Owner: De Ivo Ivanov
Well Owner Address: P.O. Box 207 Bridgeville CA 95526

Well Address: 30568 Highway 36, Bridgeville, CA 95526 County: Humboldt Parcel: 210-022-044
Latitude/Longitude: 40.476716°N, -123.724931°W
Submitted: 09/19/2019
Record Status: Submitted

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: Part A may be completed by the applicant

Applicant Name: Matthew Papis APN: 210-022-044
Planning & Building Department Case/File No.: APPS: 12546
Road Name: UN-NAMED PRIVATE DRIVE (complete a separate form for each road)
From Road (Cross street): STATE Hwy 36
To Road (Cross street): SUBJECT PARCEL
Length of road segment: 0.8 miles Date Inspected: MAY 17, 2019
Road is maintained by: County Other
(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.

Matthew Papis
Signature

5-28-2019
Date

Matthew P. Papis
Name Printed

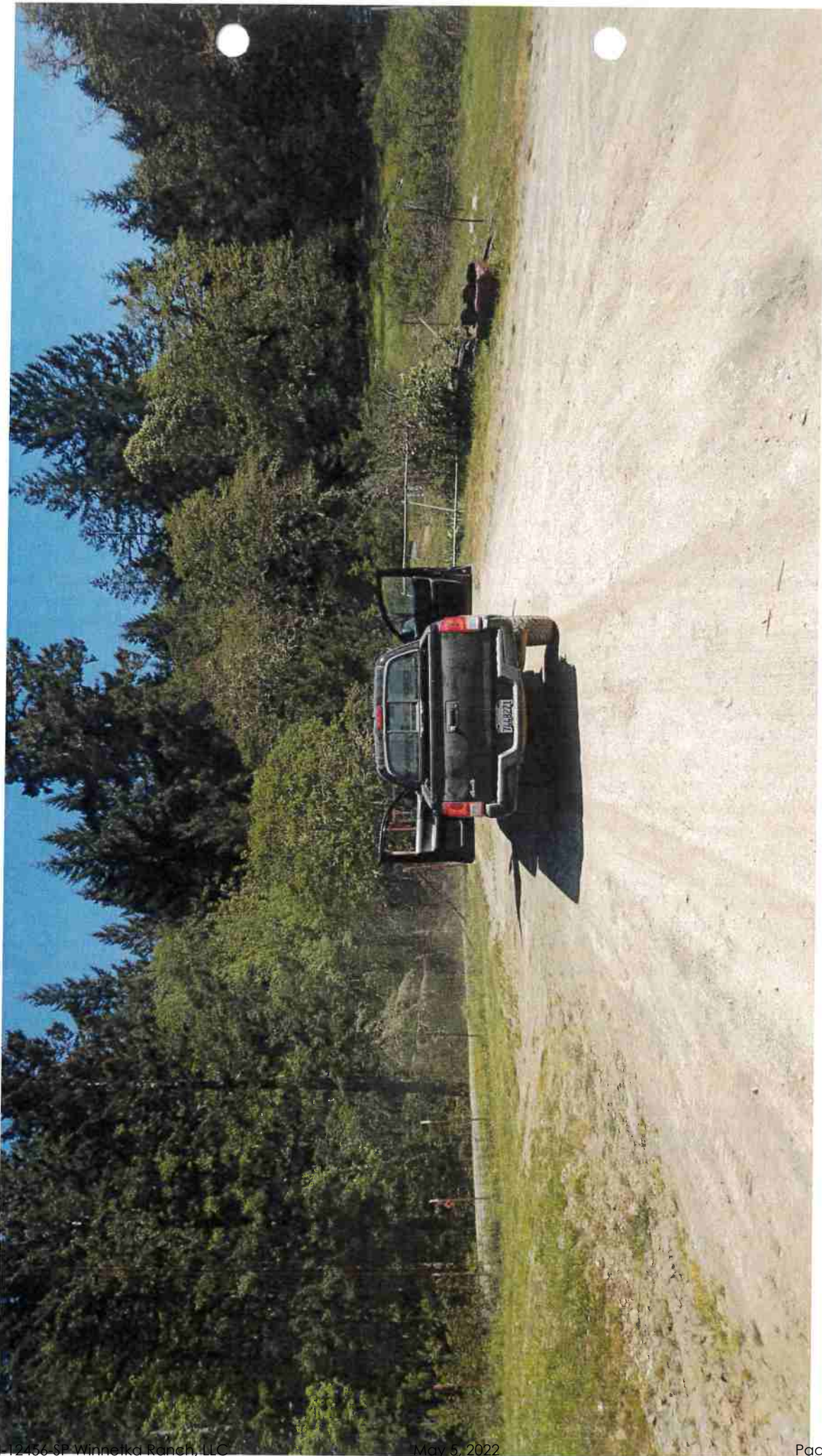
Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

APN: 210-022-044

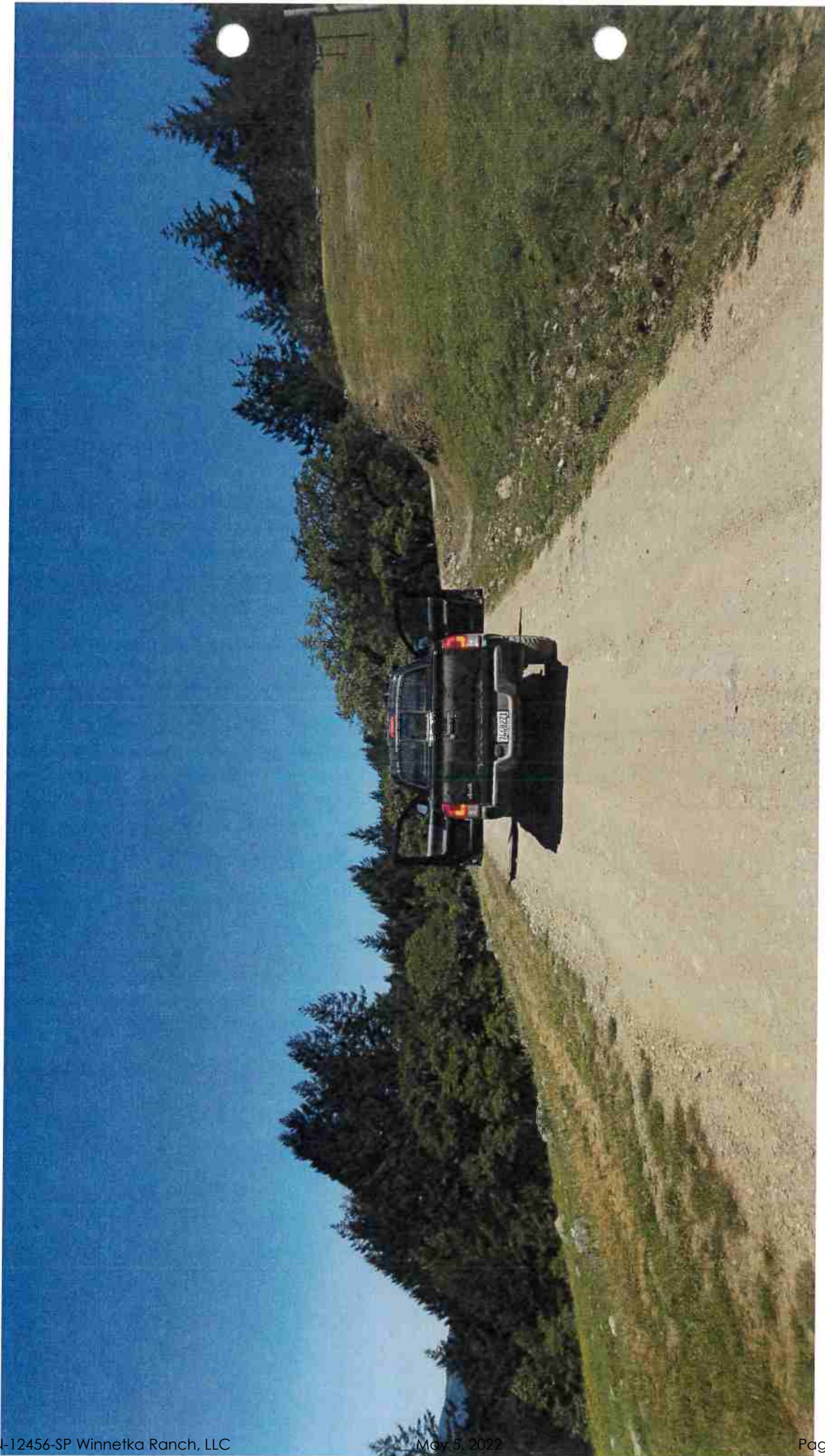
APPS: 12546



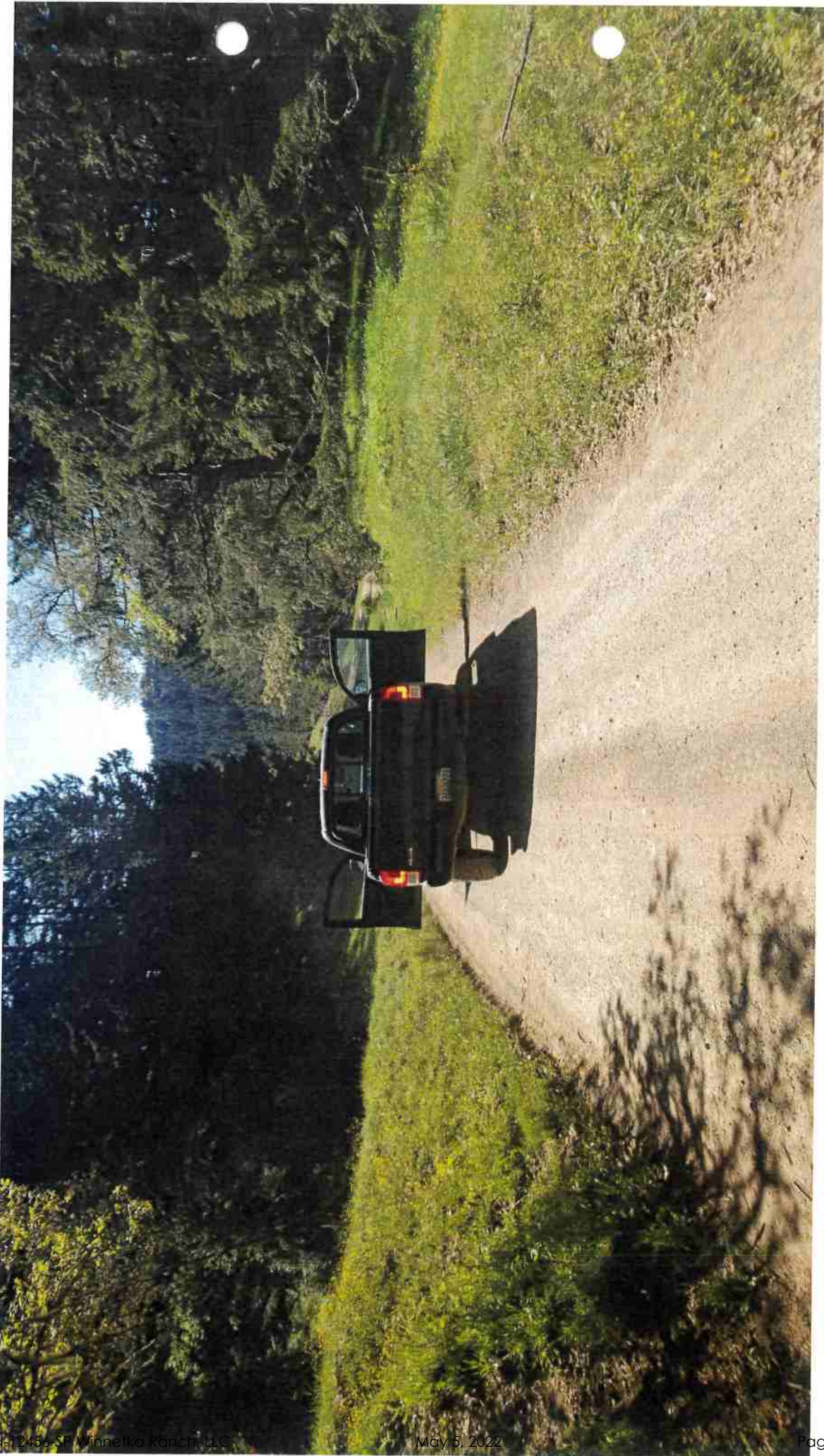
APPS: 12546 #1



APPS: 12546 #2

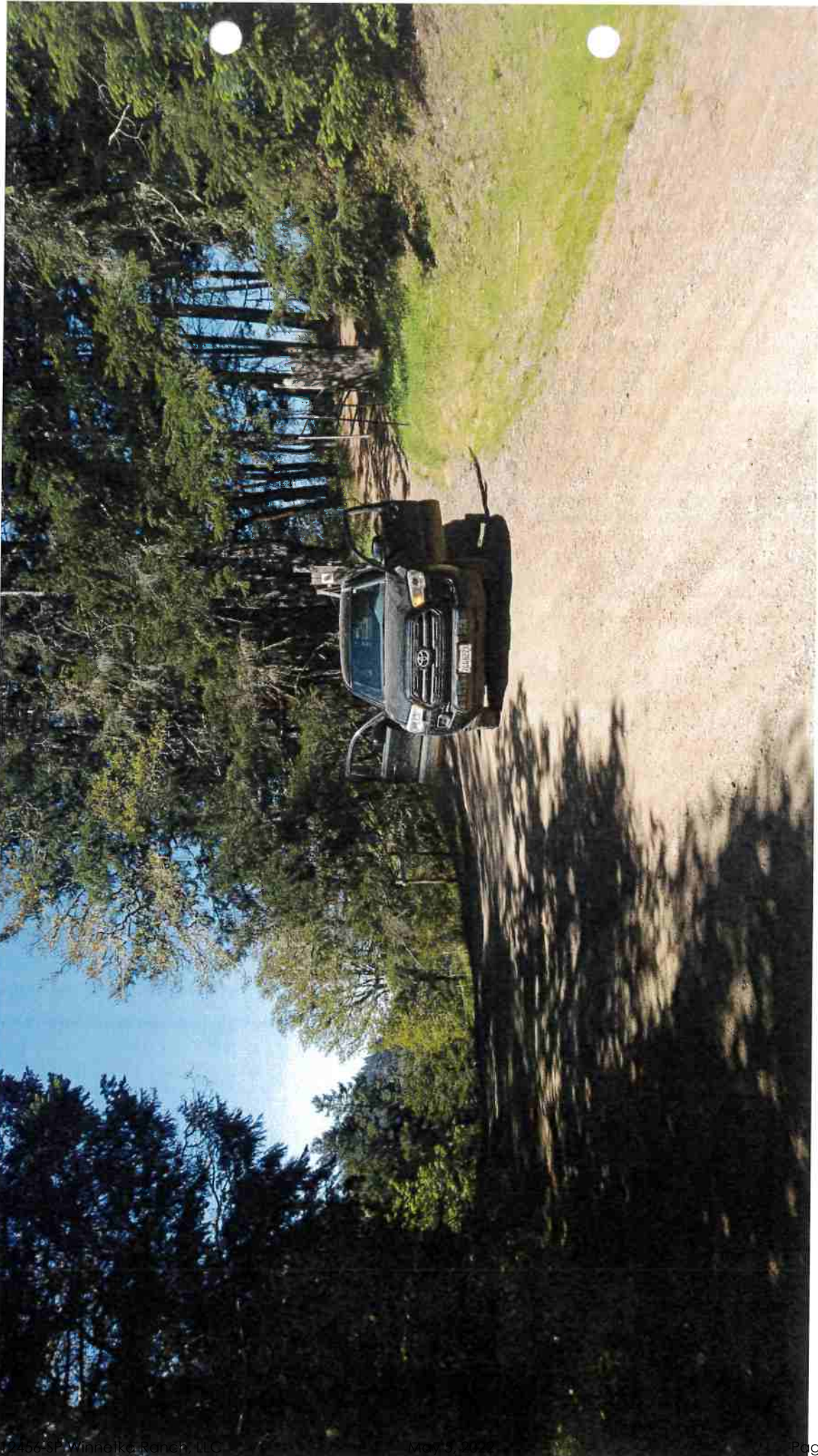


APPS: 12546 #3



#4

APPS: 12546



APPS: 12546

#5





210-022-044 (APPS: 12546) X Q

Show search results for 210...



**BIOLOGICAL RECONNAISSANCE REPORT:
SPECIAL STATUS SPECIES AND SENSITIVE HABITATS**

Prepared For:
Matthew Papis
APN: 210-022-044
Permit Application No. 12546
Case No. SP16-561

Submitted: June 24, 2019



Prepared By:

S. E. McAllister & Associates
6104 Beechwood Dr.
Eureka, CA 95503
(707) 496-8790

Contact:
Casey Ryan
(805) 895-3780

BIOLOGICAL RESOURCES REPORT

Introduction

This study was commissioned by Matthew Pipis, applicant for a cannabis cultivation permit through the Humboldt County Planning Department (County) under the County's Commercial Cannabis Land Use Ordinance (CCLUO). As the subject property is not located within the *coastal zone*, the applicable ordinance in this case is CCLUO No. 2599 (inland zone).

This reconnaissance-level assessment was performed to determine if sensitive species or habitats occur on the subject property and if the activities proposed in the application (No. 12546) for a cannabis cultivation permit may have a negative impact on them. The proposed action as described by the applicant does not involve ground disturbance, habitat modification, significant noise disturbance or significant artificial lighting, and therefore no significant impacts to sensitive species are indicated.

We herein provide species accounts and effects determinations in order to inform the project proponents and the permitting and regulatory agencies of the potential for impacts to sensitive species and habitats and to help promote awareness and appreciation of them.

The applicant intends to utilize pre-existing structure for cultivation of up to 9,000 square feet. No new developments are proposed, therefore focused or protocol-level surveys for plants or wildlife were not conducted as part of this assessment.

If the proposed action should at any time in the future be modified or expanded to include any ground-disturbance or other removal or modification of vegetation, seasonally appropriate botanical surveys must be conducted. Similarly, if any future changes in the proposed action would involve Northern Spotted Owl habitat modification or activities that might otherwise disturb spotted owls (i.e., artificial lighting, use of generators, etc.), then formal spotted owl surveys and a habitat retention analysis must first be performed for any spotted owl activity centers within 1.3 miles of the action area to assure there are no negative effects. Likewise, if any changes would affect aquatic environs, a thorough pre-construction impact analysis, as well as surveys for sensitive aquatic species may be warranted.

Action Area and Study Area

The subject property is situated in eastern Humboldt County approximately 6 miles east of the town of Bridgeville in the Muddy Creek drainage, just north of where it flows into the Little Larabee Creek. The parcel occurs within the Larabee Valley USGS 7.5-minute quadrangle. For the purposes of this document the *Action Area* is defined as the entire 20-acre ownership where the permitted activity would occur.

We used a standard 9-quadrangle search area to define the *Study Area*. The eight adjacent quadrangles include Yager Junction, Showers Mountain, Blake Mountain, Bridgeville, Dinsmore, Myers Flat, Blocksburg and Black Lassic. The 9-quad search area includes habitat types that are not represented within the action area.

Methods

An initial site visit was conducted by biologist Casey Ryan on May 16, 2019 to identify areas of potential habitat for special-status species. All habitat types present on the properties were visited and evaluated. During the visit, a list of all species observed was compiled.

From our offices, we prepared a list of known or potentially occurring special-status species for the study area. For known occurrences, we utilized our own observations as well as queries of the California Natural Diversity Database (CNDDDB 2019), the BIOS Northern Spotted Owl Database (CDFW 2019), and eBird (Sullivan, et al 2009). For potentially occurring species we referenced the state list of Special Animals (CDFW 2019) and the US Fish & Wildlife Service Species list (FWS 2019).

For each species considered, a determination was made as to the likelihood of occurrence within the action area, based primarily on the presence or absence of suitable habitat. Species and habitats that were determined to have very low or no potential for occurrence in the action area were removed from the list and are not further addressed in this document. For those species considered to have reasonable potential for occurrence, an assessment of the species natural history, habitat parameters and sensitivity to the effects of the proposed action was made and incorporated into an *effects determination*.

Environmental Setting

The habitat within the action area is generally characterized by mid-seral mixed conifer and hardwood forest amidst substantial open grassland, with a stretch of sparse riparian habitat along the banks of Muddy Creek. Forested areas on the property are comprised of small stands of primarily Douglas-fir (*Pseudotsuga menziesii*) with average diameter of <12 inches. Elevation ranges from approximately 1600 to 2,000 feet above sea level on south-facing slope. The property includes about 0.1 mile of private, unpaved road used for accessing the parcel. Culverts have been installed where roads cross natural drainages. Other tree species occurring frequently on the property include Oregon white oak (*Quercus garriana*), California black oak (*Quercus kelloggii*), Tanoak (*Notholithocarpus densiflorus*), Pacific madrone (*Arbutus menziesii*) and grand fir (*Abies grandis*). Western hemlock (*Tsuga heterophylla*), big leaf maple (*Acer macrophyllum*), California bay (*Umbellularia californica*), and white alder (*Alnus rhombifolia*) also occur on the property in lower densities.

Results

All wildlife species and/or sign observed during the site visit are listed in Table 1. One special-status species was observed during the site visit: one foothill yellow-legged frog (*Rana boylei*), a species which is a candidate for listing under the California Endangered Species Act, was observed upstream from the culverted crossing just east of the action area. Including this, a total of 26 special status animals and 30 special status plants are known to occur within the study area. Of these, 25 animals (Table 2) and 15 plants (Table 3) are either known to occur or are considered to have reasonable potential for occurrence in the action area and are further addressed in the *Species Accounts* section of this report.

Sensitive habitats include the aforementioned stream and the associated riparian habitat.

Table 1. Wildlife Observations – May 16, 2019 (bold type = special status species)

Herptiles

rough-skinned newt	<i>Taricha granulosa</i>
foothill yellow-legged frog	<i>Rana boylei</i>

Birds

Northern Flicker	<i>Colaptes auratus</i>
American robin	<i>Turdus migratorius</i>
Pacific wren	<i>Troglodytes pacificus</i>
lesser goldfinch	<i>Spinus psaltria</i>
Oregon dark-eyed junco	<i>Junco hyemalis oregonus</i>
hermit warbler	<i>Setophaga occidentalis</i>

Mammals

black-tailed deer	<i>Odocoileus hemionus columbianus</i>
-------------------	--

Table 2. Known and potential special-status wildlife

Invertebrates

Obscure bumble bee	<i>Bombus obscuris</i>
Western bumble bee	<i>Bombus occidentalis</i>
Wawona Riffle Beetle	<i>Atractelmis wawona</i>

Fish

Steelhead - summer-run DPS	<i>Oncorhynchus mykiss irideus</i>
----------------------------	------------------------------------

Herptiles

southern torrent salamander	<i>Rhyacotriton variegatus</i>
Pacific tailed frog	<i>Ascaphus truei</i>
Northern red-legged frog	<i>Rana aurora</i>
Foothill yellow-legged frog	<i>Rana boylei</i>

Birds

vaux's swift	<i>Chaetura vauxi</i>
osprey	<i>Pandion haliaetus</i>
golden eagle	<i>Aquila chrysaetos</i>
Northern goshawk	<i>Accipiter gentilis</i>
sharp-shinned hawk	<i>Accipiter striatus</i>
Cooper's hawk	<i>Accipiter cooperii</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
American peregrine falcon	<i>Falco peregrinus anatum</i>
purple martin	<i>Progne subis</i>

Mammals

Townsend's big-eared bat	<i>Corynorhinus townsendii</i>
long-eared myotis	<i>Myotis evotis</i>
long-legged myotis	<i>Myotis Volans</i>
North American porcupine	<i>Erethizon dorsatum</i>
Sonoma tree vole	<i>Arborimus pomo</i>
Pacific fisher	<i>Pekania pennant</i>
Humboldt marten	<i>Martes caurina humboldtensis</i>

Table 3. Known and potential special-status plants

<u>Bryophytes</u>	
three-ranked hump moss	<i>Meesia triquetra</i>
<u>Monocots</u>	
giant fawn lily	<i>Erythronium oregonum</i>
white-flowered rein orchid	<i>Piperia candida</i>
coast fawn lily	<i>Erythronium revolutum</i>
<u>Lichens</u>	
Methuselah's beard lichen	<i>Usnea longissima</i>
<u>Ferns</u>	
running-pine	<i>Lycopodium clavatum</i>
<u>Dicots</u>	
maple-leaved checkerbloom	<i>Sidalcea malachroides</i>
Pacific gilia	<i>Gilia capitata pacifica</i>
Mad River fleabane daisy	<i>Erigeron maniopotamicus</i>
Howell's montia	<i>Montia howellii</i>
bald mountain milk-vetch	<i>Astragalus umbraticus</i>
Humboldt County milk-vetch	<i>Astragalus agnicidus</i>
Oregon goldthread	<i>Coptis laciniata</i>
Siskiyou checkerbloom	<i>Sidalcea malviflora patula</i>
Tracy's sanicle	<i>Sanicula tracyi</i>

Effects Determinations

The proposed action as described as of the date of this report would have no significant impact on special-status wildlife or plants.

Species Accounts

Please refer to Appendix B for natural history information for these species

Key to status codes:

BCC	U.S. Fish & Wildlife Service (USFWS) Birds of Conservation Concern
CFP	California Department of Fish & Wildlife (CDFW) Fully Protected Animal
CRPR	CNPS California Rare Plant Ranking (see Appendix A for definitions)
FE	Federal Endangered
FT	Federal Threatened
SE	State Endangered

ST	State Threatened
SCE	State Candidate Endangered
SCT	State Candidate Threatened
SSC	CDFW Species of Special Concern
WBWG	Western Bat Working Group Priority Species: H=High; M=Medium; L=Low

Obscure Bumble Bee (*Bombus caliginosus*) and Western Bumble Bee (*Bombus occidentalis*)

There is potentially suitable habitat present in the project area, though no disturbance to streambank, riparian areas, prairies or other habitat is expected that could potentially impact bumblebee preferred habitat as a result of the proposed project. Nearest occurrences reported to the CNDDDB of obscure bumble bee are approximately 13.4 miles SSE of the project area near Blocksburg and 15 miles SW near Myers Flat. Western bumble bee has been reported to the CNDDDB approximately 3 miles west of the project area near Bridgeville.

Wawona Riffle Beetle (*Atractelmis wawona*)

There is potentially marginally suitable habitat for Wawona riffle beetle present in the project area, though no disturbance to streambank or riparian areas is expected that would potentially impact Muddy Creek as a result of the proposed project. Nearest occurrences reported to the CNDDDB of Wawona riffle beetle is approximately 4.6 miles E of the project area from the Van Duzen River, one mile west of Dinsmore.

Steelhead (*Onchorynchus mykiss*) SSC

Steelhead is known within the vicinity, summering in holding pools of the Van Duzen River, within 2.4 miles of the project area, though no surveys have been conducted within the action area. Suitable habitat is present and Steelhead are known to be present in nearby drainages, including the Little Van Duzen River. Nearest occurrences reported to the CNDDDB are approximately 2 miles E of the project area in the Van Duzen and Little Van Duzen Rivers. Muddy Creek is small and lacks significant holding pools to generate suitable habitat for the species to occur in association with the aquatic areas on site. No alteration of or disturbance to aquatic habitat suitable for steelhead is proposed.

Southern Torrent Salamander (*Rhyacotriton variegatus*) SSC

Southern torrent salamander is known to occur within the study area, though no surveys have been conducted within the action area. Suitable habitat is present and the species is known to occur in the Butte Creek drainage, south of the action area. Nearest occurrences reported to the CNDDDB are approximately 3.9 miles SSE of the project area in Butte Creek. Suitable habitat for the species does occur in association with the aquatic areas on site. No alteration of or disturbance to suitable habitat is proposed.

Pacific Tailed Frog (*Ascaphus truei*) SSC

Pacific tailed frog is known within the vicinity of the project area, though no surveys have been conducted within the action area. Suitable habitat is present and tailed frogs are known to be present in the Butte Creek drainage. Nearest occurrences reported to the CNDDDB are approximately 3.9 miles SSE of the project area in Butte Creek. Suitable habitat for the species does occur in association with the aquatic areas on site. No alteration of or disturbance to aquatic habitat suitable for Pacific tailed frog is proposed.

Northern Red-legged Frog (*Rana aurora*) SSC

Northern red-legged frog is known within the study area, though no surveys have been conducted within the action area. Marginally suitable habitat for the species does occur in association with Muddy Creek. No alteration of or disturbance to aquatic habitat suitable for northern red-legged frog is proposed.

Foothill Yellow-legged Frog (*Rana boylei*) SCT, SSC

No surveys have been conducted for foothill yellow-legged frog within the action area. However, suitable habitat for the species does occur in association with the streams and other aquatic areas on site and one sub-adult was observed in Muddy Creek, upstream from the culvert crossing, within the action area during the site visit on 16 May, 2019. Muddy Creek represents potentially suitable breeding habitat for this species. The nearest occurrences to the project site reported to the CNDDDB are one detection of 6 subadults collected within the action area, in a tributary to Little Larabee Creek, 2.6 miles E in a wetland the vicinity of the Van Duzen River, and 2.8 miles west at Little Larabee Creek. No alteration of or disturbance to aquatic habitat suitable for foothill yellow-legged frog is proposed.

Western Pond Turtle (*Emys marmorata*) SSC

Western pond turtle is known to occur in the greater project vicinity and could occur in the action area. Open-water reservoirs on neighboring properties could provide habitat for this species. The nearest occurrences reported to the CNDDDB are 2 and 2.9 miles ENE of the action area within the Van Duzen River drainage, and 2.8 miles west at Little Larabee Creek. No ground-disturbing activities where western pond turtle habitat occurs are proposed that would result in adverse impacts to individuals or nests.

Vaux's Swift (*Chaetura vauxi*) SSC

Forested habitats within the study area containing large hollow trees and snags represent potential nesting habitat for Vaux's swift, however, there are no occurrences reported to the CNDDDB within the 9-quad search area for this species. Proposed activities will not degrade or remove any such habitat or result in human or noise disturbance sufficient to result in harassment of the species.

Osprey (*Pandion haliaetus*) CFP

Ospreys are known to use the nearby large river drainages. Nearest nest site reported to the CNDDDB occur approximately 9 miles S and 10.9 miles SW of the project area, along the Eel River. No osprey nests are known from the immediate project area. Proposed activities will not degrade or remove any forested habitat or result in human or noise disturbance sufficient to result in harassment of the species.

Golden Eagle (*Aquila chrysaetos*) CFP, BCC

Suitable habitat for golden eagles occurs on site. The nearest occurrences reported to the CNDDDB is of a two nesting sites approximately 7.5 miles SW of the project area Larabee Creek Creek. Proposed activities will not degrade or remove any forested habitat or result in human or noise disturbance sufficient to result in harassment of the species.

Sharp-shinned Hawk (*Accipiter striatus*) SSC, CFP

Forested and edge habitats on site represent suitable habitat for sharp-shinned hawk. Although no occurrences have been reported to the CNDDDB within the 9-quad search area, based on the presence of both Cooper's hawk and Northern goshawk, presence of sharp-shinned hawks in the vicinity of the project area is likely. Proposed activities will not degrade or remove any such habitat or result in noise disturbance sufficient to result in harassment of the species.

Northern Goshawk (*Accipiter gentilis*) SSC, CFP

Forested and edge habitats on site represent suitable habitat for Northern goshawk. Nearest nest sites reported to the CNDDDB occur approximately 3.4 miles NW of the project site near Yager Junction, 9.4 miles E and 9.7 miles ENE of the project area at the Trinity-Humboldt County border. Proposed activities will not degrade or remove any such habitat or result in human or noise disturbance sufficient to result in harassment of the species.

Cooper's Hawk (*Accipiter cooperii*) CFP

Forested and edge habitats on site represent suitable habitat for Cooper's hawk. The closest occurrence reported to the CNDDDB is of a nest located in a large Tanoak near the confluence of Larabee and Maxwell creeks approximately 6.7 miles SW of the project area in a mid-successional stand of Douglas-fir and Tanoak. Proposed activities will not degrade or remove any such habitat or result in human or noise disturbance sufficient to result in harassment of the species.

Bald Eagle (*Haliaeetus leucocephalus*) BCC, CFP

This species is known to nest in the greater project vicinity along the Van Duzen and Eel Rivers, east and south of the project area respectively, though no potentially suitable nest sites occur within the project area proper. No records have been reported to the CNDDDB within the 9-quad search area. Proposed activities will not degrade or remove any forested habitat or result in human or noise disturbance sufficient to result in harassment of the species.

American Peregrine Falcon (*Falco peregrinus*) BCC

This species is known to nest in the greater project vicinity along the South Fork Eel River, east of the project area. No potentially suitable nest sites occur within the project area proper. The

nearest nest site reported to the CNDDDB occur approximately 6.7 miles E, near McClellan. However, no potentially suitable nest sites occur within the project site proper. Proposed activities will not degrade or remove any forested habitat or result in human or noise disturbance sufficient to result in harassment of the species.

Northern Spotted Owl (*Strix occidentalis caurina*) FT, ST, SSC

For management purposes, the assumed home range of northern spotted owl is 1.3 miles radius around an activity center. Ten northern spotted owl activity centers occur within 4 miles of the action area (Table 4). One of these (HUM0704), is within 1.3 miles of the action area (Figure 2), therefore, if any form of habitat modification were to be proposed, a formal spotted owl habitat analysis within the home range would be warranted to assure the amount of available functional habitat would not drop below the threshold of 1,336 acres within 1.3 miles and 500 acres within 0.7 miles. Designated critical habitat for this species also occurs as near as 1.3 miles from the action area.

Table 4. Summary of Northern Spotted Owl Activity Centers within the Study Area

Master Owl Number	Proximity to Action Area	Status*
HUM0704	1.2 miles, NNW	P (1994); UM (2004); UM (2013, 2014)
HUM0755	1.5 miles, SW	P, N (1994); UM (2001); P, N (2002); UF (2003); P (2006)
HUM0925	1.6 miles, E	P, N (1999); P (2006)
HUM0125	1.7 miles, NW	UM (2006); P, N (2011)
HUM0128	2.1 miles, SW	P (2001); UF (2002)
HUM1056	2.4 miles, NW	P (2007); AM (2013); UM (2014)
HUM0947	2.4 miles, NE	UM (2000)
HUM0801	2.4 miles, ESE	P, N (1999); UM (2000); P (2002)
HUM1057	3.2 miles, NW	UM (2013); P (2014)
HUM1055	3.5 miles, NW	AM (2006, 2007, 2013, 2014)

*P = Pair; N = Nest, UF = Unknown Female, UM = Unknown Male, AM = Adult Male

Direct effects considered include mortality, harm, failed breeding attempts and displacement. The USDI FWS published a guidance document in 2006 (USDI FWS 2006) to address the potential effects of disturbance on northern spotted owl and marbled murrelet, to promote consistent and reasonable determinations of effects for activities that occur in or near owl or murrelet suitable habitat and result in elevated human-generated sounds or human activities in close proximity to nest trees.

Through this guidance, the USFWS describes behaviors of these two forest species that reasonably characterize when disturbance effects rise to the level of take (i.e., harassment), as

defined in the implementing regulations of the federal ESA, as amended. These behaviors include:

- Flushing an adult or juvenile from an active nest during the reproductive period;
- Precluding adult feeding of the young for a daily feeding cycle and;
- Precluding feeding attempts of the young during part of multiple feeding cycles.

This guidance attempts to provide objective metrics based on a substantial review of the existing literature, as it pertains to northern spotted owl and marbled murrelet, and appropriate surrogate species. The recommended methodology relies on a comparison of sound levels generated by the proposed action to pre-project ambient conditions. Disturbance may reach the level of take when at least one of the following conditions is met:

Project-generated sound exceeds ambient nesting conditions by 20-25 decibels (dB).

Project-generated sound, when added to existing ambient conditions, exceeds 90 dB.

Human activities occur within a visual line-of-site distance of 130 feet or less from a nest.

Further, no northern spotted owl nests are known from the action area and the proposed action will not remove any suitable northern spotted owl habitat and is therefore not expected to pose a direct danger of mortality, harm, failed breeding attempts or displacement of northern spotted owl individuals.

The intensity of potential indirect effects on northern spotted owl, suitable northern spotted owl habitat, and northern spotted owl Critical Habitat is classified at three levels derived from the USFWS northern spotted owl baseline tracking system:

- Degraded – a categorical term referring usually to a reduction in some vegetative components such as smaller understory trees, but still functioning at current habitat levels. For example, habitat is impacted by a thinning prescription in foraging habitat that does not reduce the canopy closure below 40%.
- Downgraded – refers to a temporary reduction (e.g., 30 years) in habitat classification. For example, nesting/roosting habitat may be downgraded by thinning and removing a layered canopy, yet the stand still maintains a 40% canopy closure that could be used for foraging.
- Removed – habitat is modified to no longer provide any direct habitat use for northern spotted owl. Some of these habitats may still provide indirect utility to the species. For example, “removed” forest habitats may function as woodrat

breeding habitat and increase foraging opportunities for owls in neighboring forested stands.

No indirect effects to northern spotted owl or critical habitat are expected to result from implementation of the proposed action. The proposed action will result in no measurable change to canopy closure or forest fragmentation. No suitable northern spotted owl habitat will be degraded, downgraded, or removed. Further, no adverse impacts to the existing habitat for northern spotted owl prey species, such as woodrats, are expected. Therefore, the proposed action will not result in any short- or long-term indirect effects to northern spotted owl.

Purple Martin (*Progne subis*) SSC

Forested habitats on site represent suitable habitat containing large hollow trees and snags and woodpecker cavities (many of which were observed during the on-site habitat assessment) represents suitable breeding habitat for purple martin and it is known from the general region. There are no occurrences reported to the CNDDDB within the 9-quad search area for this species. Proposed activities will not degrade or remove any such habitat or result in human or noise disturbance sufficient to result in harassment of the species.

Townsend's Big-eared Bat (*Corynorhinus townsendii*) SSC, WBWG:LM; Long-eared Myotis (*Myotis evotis*) WBWG:M; Long-legged Myotis (*Myotis Volans*) WBWG:H

Many bat species, especially those addressed here, are susceptible to noise disturbance during the rearing of young and roosting periods both seasonally and daily. It is highly unlikely that noise disturbance from equipment (generators, green house fans) utilized within the proposed project area will generate enough noise to disturb or affect these sensitive bat species (see discussion of noise disturbance levels in the previous section on northern spotted owl). Noise levels will remain below critical thresholds due to distance from potential roosting areas and the intensity of the sound relative to current ambient conditions. Also, no snags or other structures that could provide potential roost sites for these species will be disturbed or removed.

A single occurrence of Townsend's big-eared bat has been reported to the CNDDDB, occurring 10 miles NW of the project area along Pilot Ridge. Two males were captured during a mist netting effort.

The nearest occurrences reported to the CNDDDB of long-eared myotis is of individuals caught along Pilot 10 miles NE of the project site as part of an active mist netting effort.

Long-legged myotis has been recorded in the CNDDDB 10 miles NE of the project site on Pilot Ridge. All records of females captured during a mist netting protocol.

North American Porcupine (*Erethizon dorsatum*)

The current status of North American porcupine in the project vicinity is unknown and although observations of this species have declined in recent years, the habitat on site is suitable. Historic sightings have been reported to the CNDDDB 3.8 and 5.9 miles W of the project site in the

vicinity of Bridgeville and 9.1 miles E near Dinsmore. Proposed activities will not degrade or remove any suitable porcupine habitat or result in noise or human disturbance sufficient to negatively impact the species, should it occur at the site.

Sonoma Tree Vole (*Arborimus pomo*) SSC

Forested habitat on-site represents suitable habitat for Sonoma tree vole. There are records reported to the CNDDDB of nests located about .5 miles N and NE of the project site in Douglas-fir, Tanoak, Madrone habitat. Other records of nests occur 5.4 miles NW and 6 miles S of the project site, both in hardwood with heavy Douglas-fir component. Proposed activities will not degrade or remove any suitable Sonoma tree vole habitat or result in noise or human disturbance sufficient to negatively impact the species.

Pacific Fisher (*Pekania pennanti*) ST, SSC

Fisher habitat is limited and low quality within the project area, lacking sufficient stand structure/late seral characteristics to provide suitable denning sites for this species and thus is not likely used for reproduction or foraging, but the species may traverse the project area during its movements and there are records of the species in the greater project vicinity and could traverse the site on its way to or from more suitable habitat in the vicinity. The closest occurrences reported to the CNDDDB are about 3.8 and 4.8 miles SSE of the project site, detected during baited camera stations in 1999 and again in 2009. There is a historic record of a trapped individual 5.8 miles W of the project site near Rogers Creek. All proposed activities will take place outside of fisher habitat and will be conspicuous enough as to likely be avoided by the species. Further, the project will not modify suitable fisher habitat.

Humboldt Marten (*Martes caurina humboldtensis*) SE, SSC

Marten habitat is very limited and low quality within the project area, lacking sufficient stand structure/late seral characteristics to provide suitable denning sites for this species and thus is not likely used for reproduction or foraging. Though unlikely given the status of the Humboldt marten, the species could traverse the project area during its movements and there is one record of the species in the greater project vicinity and might feasibly traverse the site on its way to or from more suitable habitat in the vicinity. The closest historical occurrences reported to the CNDDDB is about 11.6 miles NW of the project site near Carlotta. All proposed activities will take place outside of potential habitat and will be conspicuous enough as to likely be avoided by the species. Further, the project will not modify suitable marten habitat.

Three-ranked Hump Moss (*Meesia triquetra*) CRPR: 4.2

Known from the vicinity, habitat on site is representative of marginally suitable woodland and meadow habitat for species occurrence. The nearest occurrence to the CNDDDB includes a roughly 2-mile circle 5 miles east of Bridgeville, including potential habitat within the project area. Proposed activities will not degrade or remove any suitable habitat sufficient to negatively impact the species.

Giant Fawn Lily (*Erythronium oregonum*) CRPR: 2B.2

Known from the vicinity, habitat on site is representative of potentially marginally suitable woodland and meadow habitat. The nearest occurrence to the CNDDDB is 6.3 miles NW on grassy, moist soil under Douglas-fir and oaks. Proposed activities will not degrade or remove any suitable fawn lily habitat sufficient to negatively impact the species.

White-flowered Rein Orchid (*Piperia candida*) CRPR: 1B.2

Habitat on site is consistent with north coast coniferous forest, lower montane coniferous forest, and broadleafed upland forest where the white-flowered rein orchid is known to occur. The nearest occurrences reported to the CNDDDB is 1 miles NW of the project site in rocky soils associated with Larabee Creek. 6 miles NE, S and SW of the project site in Douglas-fir with a strong Tanoak component. Proposed activities will not degrade or remove any suitable white-flowered rein orchid habitat to negatively impact the species.

Coast Fawn Lily (*Erythronium revolutum*) CRPR: 2B.2

The nearest occurrence reported to the CNDDDB is 3.4 miles W, growing along shady roadcut in moist soil off of highway 36. Habitat on site is suitable, providing a mix of broadleafed, mixed upland coniferous forest and streambank sites along Muddy Creek. Coast fawn lily has also been recorded 6.6 miles SW and 8.9 miles NW of the project site in association with Larabee Creek and in Douglas-fir-Tanoak forest respectively. Proposed activities will not degrade or remove any suitable coast fawn lily habitat that would negatively impact the species.

Methuselah's Beard Lichen (*Usnea longissima*) CRPR:4.2

Marginally suitable habitat occurs onsite, though the likelihood of occurrence on site is low due to the property lying beyond the "redwood zone." There are several species occurring on-site known to host Methuselah's beard lichen, including Douglas-fir and California bay and various oaks. The nearest occurrence reported to the CNDDDB is 8.2miles W in association with Redwood. The proposed activities will not degrade or remove any suitable Methuselah's beard lichen to negatively impact the species.

Running-pine (*Lycopodium clavatum*) CRPR:4.1

Lower montane coniferous forest, north coast coniferous forest, including suitable forest understory, edges, openings, and roadsides as well as mesic sites with partial shade and light occur on-site and provide marginally suitable habitat for this species. Running-pine has been reported to the CNDDDB over 9.5 miles SW of the project site near Upper Scott Creek drainage SW of Bridgeville. The proposed activities will not degrade or remove any suitable habitat to negatively impact the species.

Maple-leaved Checkerbloom (*Sidalcea malachroides*) CRPR:4.2

Occurring in broadleaf upland forest, north coast coniferous and riparian forest and often in disturbed areas, maple-leaved checkerbloom has potential to occur on site. The nearest record reported to the CNDDDB is 8 miles SW of the project site within the Larabee Creek drainage

southwest of Bridgeville. The proposed activities will not degrade or remove any suitable habitat to negatively impact the maple-leaved checkerbloom.

Pacific Gilia (*Gilia capitata pacifica*) CRPR:1B.2

The nearest record reported to the CNDDDB is 3.3 miles SE at Atwell Prairie within the Larabee Valley. Pacific gilia is also known from valley and foothill grassland localities near along the ridge of the Chalk Mountains southwest of Bridgeville, about 3.5 miles W of the project site where there is marginally suitable habitat. The proposed activities will not degrade or remove any suitable habitat to negatively impact the species.

Mad River Fleabane Daisy (*Erigeron maniopotamicus*) CRPR:1B.2

Mad River fleabane daisy is known from meadows and seeps occurring in lower montane coniferous forests often associated with disturbed areas and open slopes; road cuts. The nearest record reported to the CNDDDB is 6.8 miles ESE near Dinsmore along Swayback Ridge. The proposed activities will not degrade or remove any suitable habitat to negatively impact the species.

Howell's Montia (*Montia howellii*) CRPR: 2B.2

Occurring in meadows and seeps of north coast coniferous forest and vernal pools. Habitat on site provides slightly marginal habitat and occurrence is of moderate potential. Nearest occurrences reported to the CNDDDB 1.4 miles NW, 2.6 miles W, 3.8 miles SSW, and 4.6 miles SE of the project site. All in association with jeep roads, trails, and dirt access roads. The proposed activities will not degrade or remove any suitable habitat to negatively impact Howell's montia.

Bald Mountain Milk-vetch (*Astragalus umbraticus*) CRPR: 2B.3

Occurring in cismontane woodland and lower montane coniferous forests, habitat on site provides marginal habitat and occurrence is of limited potential. Nearest occurrences reported to the CNDDDB 8.3 miles NNE along Showers Mountain, near the south rim of the Mad River. The proposed activities will not degrade or remove any suitable habitat to negatively impact the bald mountain milk-vetch.

Humboldt County Milk-vetch (*Astragalus agnicidus*) SE; CRPR:1B.1

Known from the vicinity of the project site. Occurring in broadleafed upland and north coast coniferous forest often near disturbed openings in partially timbered forest lands and along ridgelines with south facing aspects. There is a high potential for the species to occur on-site. The nearest occurrence reported to the CNDDDB is 7.9 miles SW of the project site in recently logged openings and skid roads. The proposed activities will not degrade or remove any suitable habitat to negatively impact the occurrence of Humboldt county milk-vetch.

Oregon Goldthread (*Coptis laciniata*) CRPR: 4.2

Known from mesic sites such as moist streambanks within north coast coniferous forest, meadows and seeps, the Oregon goldthread has a moderate potential to occur on site. The nearest record of Oregon goldthread reported to the CNDDDB is 5.8 miles NE, 5.3 miles ENE, and 4.7 miles SE of the project site along stream banks and road cuts. The proposed activities will not degrade or remove any suitable habitat to negatively impact the species.

Siskiyou Checkerbloom (*Sidalcea malviflora patula*) CRPR: 1B.2

Siskiyou checkerbloom has been reported to the CNDDDB 8.5 miles NW of the project area near Kneeland and the road that connects to Bridgeville. Siskiyou checkerbloom has also been recorded 9.3 miles SW of the project area near Mt. Baldy along a jeep trail through high prairie habitat. The species occurs in open forest and roadcuts, which occur on-site. The proposed activities will not degrade or remove any suitable habitat to negatively impact the species.

Tracy's Sanicle (*Sanicula tracyi*) CRPR: 4.2

Tracy's sanicle has been reported to the CNDDDB 5.9 miles SE, 5.2 miles E, and 7.8 miles NE of the project area growing in oak and Douglas-fir woodland habitats, in some areas associated with the Van Duzen and Mad River drainages. The species occurs in open lower and upper montane forest, roadcuts, and dry gravelly slopes and flats which occur on-site. The proposed activities will not degrade or remove any suitable habitat to negatively impact the Tracy's

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Appendix A

Regulatory Framework

Special Status Plants

Special status plants include taxa that are listed under the Endangered Species Act (ESA) and/or the California Endangered Species Act (CESA), in addition to plants that meet the definition of rare or endangered under the California Environmental Quality Act (CEQA). This includes plants with California Rare Plant Ranks (CRPR) of 1A, 1B, 2A, or 2B or other species that warrant consideration based on local or biological significance.

California Native Plant Society Rare Plant Ranks

The CNPS Rare Plant Ranking system ranges from presumed extinct species, California Rare Plant Rank (CRPR) 1A, to limited distribution species now on a watch list CRPR 4.

- CRPR 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
- CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere
- CRPR 2A: Plants presumed extirpated in California but common elsewhere
- CRPR 2B: Plants rare, threatened, or endangered in California but more common elsewhere
- CRPR 3: Review List: Plants about which more information is needed
- CRPR 4: Watch List: Plants of limited distribution

Special Status Plant Communities

Special status plant communities are communities with limited distribution that may be vulnerable to environmental impacts. The Global (G) and State (S) rarity rankings for currently recognized vegetation alliances are provided on the CDFW *Natural Communities List* (CDFW 2010). The list is based on the vegetation classification in *A Manual of California Vegetation, 2nd Edition* (Sawyer et al. 2009). Natural communities with S ranks of 3 or lower are considered of special concern. However, they may not warrant protected under CEQA unless they are considered high quality. Human disturbance, invasive species, logging, and grazing are common factors considered when judging whether the stand is high quality and warrants protection.

Riparian Habitat

Riparian vegetation is defined as “vegetation which occurs in and/or adjacent to a stream and is dependent on, and occurs because of, the stream itself” (CDFG 1994). Locally, this typically includes stands of alders, willows, and/or cottonwoods along the banks of streams and rivers.

Riparian habitat can range from a dense thicket of shrubs to a closed canopy of large mature trees covered by vines. Riparian systems are one of our most important, and most neglected, renewable natural resources. Unfortunately, this valuable habitat has been removed, degraded,

and disturbed since the first settlers arrived in California, with losses estimated to be as high as 95% of historic levels.

Waters of the United States

Waters of the United States are regulated by the U.S Army Corps of Engineers (Army Corps) under the Clean Water Act. Waters of the United States include, but are not limited to, territorial seas, waters used for interstate or foreign commerce and their tributaries, and waters adjacent to the aforementioned, including wetlands. More information can be found at:

<https://www.epa.gov/cwa-404/definition-waters-united-states-under-clean-water-act>

Army Corps jurisdiction in waters such as creeks includes the area below the ordinary high water mark, which is the line on the bank established by fluctuations of water that leave physical characteristics such as a distinct line on the bank, shelving, destruction of terrestrial vegetation, and presence of debris.

The Army Corps defines wetlands as:

“...areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.”

Federal, state and local environmental laws and policies relevant to the California Environmental Quality Act (CEQA) review process and their associated significance criteria are described below.

Federal Endangered Species Act

The U.S. Congress passed the Federal Endangered Species Act (FESA) in 1973 to protect those species that are endangered or threatened with extinction. FESA is intended to operate in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend.

FESA prohibits the “take” of endangered or threatened wildlife species. “Take” is defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species or any attempt to engage in such conduct (FESA Section 3 [(3)(19)]). Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns (50 CFR §17.3). Furthermore, harassment is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns (50 CFR §17.3). Actions that result in take can result in civil or criminal penalties.

FESA and the Clean Water Act (CWA) Section 404 guidelines prohibit the issuance of wetland permits for projects that jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species. The U.S. Army Corps of Engineers (Corps) must consult with the U.S. Fish and Wildlife Service

(USFWS) and/or the National Marine Fisheries Service (NMFS) when threatened or endangered species under their jurisdiction may be affected by a proposed project. In the context of the proposed project, FESA would be initiated if development resulted in take of a threatened or endangered species or if issuance of a Section 404 permit or other federal agency action could result in take of an endangered species or adversely modify critical habitat of such a species.

Birds of Conservation Concern

The 1988 amendment to the Fish and Wildlife Conservation Act mandates the USFWS to “identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the ESA of 1973.” Birds of Conservation Concern 2008 is the most recent effort to carry out this mandate. Birds species considered include: nongame birds, game birds without hunting seasons, subsistence-hunted nongame birds in Alaska, ESA candidate, proposed and recently delisted species.

The overall goal of the Birds of Conservation Concern is to accurately identify the migratory and non-migratory bird species (beyond those already designated as Federally threatened or endangered) that represent the USFWS’s highest conservation priorities.

Birds of Conservation Concern 2008 encompasses three distinct geographic scales including the National level (United States in its entirety, including island “territories” in the Pacific and Caribbean), at the North American Bird Conservation Initiative (NABCI) Bird Conservation Regions (BCRs), and at the USFWS Regions level. This is primarily derived from assessment scores from three major bird conservation plans: the Partner’s in Flight North American Landbird Conservation Plan, the United States Shorebird Conservation Plan, and the North American Waterbird Conservation Plan. It includes some non-MBTA-protected species because their conservation status and efforts are of concern to the USFWS.

Migratory Bird Treaty Act

Raptors (birds of prey), migratory birds, and other avian species are protected by a number of state and federal laws. The federal Migratory Bird Treaty Act (MBTA) prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of Interior. Section 3503.5 of the California Fish and Game Code states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes (diurnal raptors) or Strigiformes (owls) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.”

On December 2008, a Memorandum of Understanding (MOU) between the USDA Forest Service and the US Fish and Wildlife Service to Promote the Conservation of Migratory Birds was signed. The intent of the MOU is to strengthen migratory bird conservation through enhanced collaboration and cooperation between the Forest Service and the Fish and Wildlife Service as well as other federal, state, tribal and local governments. Within the National Forests,

conservation of migratory birds focuses on providing a diversity of habitat conditions at multiple spatial scales and ensuring that bird conservation is addressed when planning for land management activities.

The Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (Eagle Act) prohibits the taking or possession of and commerce in bald and golden eagles with limited exceptions. Under the Eagle Act, it is a violation to “take, possess, sell, purchase, barter, offer to sell, transport, export or import, at any time or in any manner, any bald eagle or golden eagle, alive or dead, or any part, nest, or egg, thereof.” Take is defined to include pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, and disturb. Disturb is further defined in 50 CFR Part 22.3 as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

California Endangered Species Act

In December of 1984 the State of California enacted the California Endangered Species Act (CESA). CESA is similar to the FESA but pertains to state-listed endangered and threatened species. CESA requires state agencies to consult with the California Department of Fish and Wildlife (CDFW) when preparing California Environmental Quality Act (CEQA) documents. The purpose is to ensure that the state lead agency actions do not jeopardize the continued existence of a listed species or result in the destruction, or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available (Fish and Game Code §2080). CESA directs agencies to consult with CDFW on projects or actions that could affect listed species, directs CDFW to determine whether jeopardy would occur and allows CDFW to identify “reasonable and prudent alternatives” to the project consistent with conserving the species. CESA allows CDFW to authorize exceptions to the state’s prohibition against take of a listed species if the “take” of a listed species is incidental to carrying out an otherwise lawful project that has been approved under CEQA (Fish & Game Code § 2081).

California Department of Fish and Game Codes

Fully protected fish species are protected under Section 5515; fully protected amphibian and reptile species are protected under Section 5050; fully protected bird species are protected under Section 3511; and fully protected mammal species are protected under Section 4700. The California Fish and Game Code defines take as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Except for take related to scientific research, all take of fully protected species is prohibited.

Section 3503 of the California Fish and Game Code prohibits the killing of birds or the destruction of bird nests. Section 3503.5 prohibits the killing of raptor species and the destruction of raptor nests. Sections 2062 and 2067 define endangered and threatened species.

California Department of Fish and Wildlife Species of Concern

In addition to formal listing under FESA and CESA, species receive additional consideration by CDFW and local lead agencies during the CEQA process. Species that may be considered for review are included on a list of “Species of Special Concern,” developed by the CDFW. It tracks species in California whose numbers, reproductive success, or habitat may be threatened.

Western Bat Working Group Priority Species

The Western Bat Species Regional Priority Matrix is a product of the Western Bat Working Group Workshop held in Reno, Nevada, February 9-13, 1998. The matrix is intended to provide states, provinces, federal land management agencies, interested organizations and individuals a better understanding of the overall status of a given bat species throughout its western North American range. Subsequently, the importance of a single region or multiple regions to the viability and conservation of each species becomes more apparent. The matrix should also provide a means to prioritize and focus population monitoring, research, conservation actions, and the efficient use of limited funding and resources currently devoted to bats.

Appendix B

Natural Histories of Special-Status Species

Obscure Bumble Bee – Obscure bumble bee occurs from southern California to southern British Columbia, with only scattered records from the east side of California’s Central Valley (Williams et al. 2014). This species is uncommon throughout its range (Williams et al. 2014).

Obscure bumble bee inhabits open grassy coastal prairies and meadows throughout the Coast Range. Nesting occurs primarily underground, though abandoned bird nests above ground are also used. Males patrol circuits in search of mates. This species is classified as a medium long-tongued species, whose food plants include *Ceanothus*, *Cirsium*, *Clarkia*, *Keckiella*, *Lathyrus*, *Lotus*, *Lupinus*, *Rhododendron*, *Rubus*, *Trifolium*, and *Vaccinium* (Williams et al. 2014).

Climate change and extensive development (at least in California) are likely to threaten this species. Habitat loss may be more serious for this species than most because it does not appear to do well in heavily agricultural regions and may fail to persist at all in more urbanized places. McFrederick and LeBuhn (2006) document an apparent decline around San Francisco, suggesting the species does not do well in urban parks, and that it is out competed by yellow-faced bumblebee (*B. vosnesenskii*) which can be very abundant in urban habitats.

Bumble bees, as a whole, are threatened by a number of factors including pesticide use, pathogens from managed pollinators, competition with non-native bees, and climate change (reviewed in Goulson 2010, Williams et al. 2009, Cameron et al. 2011 and Fürst et al. 2014). Reduced genetic diversity resulting from any of these threats can be particularly concerning for bumble bees, since their method of sex-determination can be disrupted by inbreeding, and since genetic diversity already tends to be low in this group due to the colonial life cycle (i.e., even large numbers of bumble bees may represent only one or a few queens) (Goulson 2010, Hatfield et al. 2012).

Western Bumble Bee – Historically, western bumble bee occurred from the Pacific coast to the Colorado Rocky Mountains. A severe population decline has occurred west of the Sierra-Cascade crest but populations are known from the Great Basin, the Rocky Mountains and Alaska. Several subspecies have also been suggested. Although rare throughout much of its range, the species can be locally common (Hatfield et al. 2015, Koch et al. 2012).

Western bumble bee typically nests underground in abandoned rodent burrows, typically of squirrels, or other cavities. Most reports of nests are from open west-southwest slopes bordered by trees, although a few nests have been reported from above-ground locations such as in logs among railroad ties (Hatfield et al. 2015, Hobbs 1968, MacFarlane et al. 1994, Plath 1922, Thorp et al. 1983).

Suitable habitat for this species occurs in open grassy areas, urban parks and gardens, chaparral and shrub areas and mountain meadows (Williams et al. 2014). Western bumble bees are generalist foragers and visit a wide variety of flowering plants. They require plants that bloom

and provide adequate nectar and pollen throughout the colonies life cycle, which is generally from early February to late November but likely varies by elevation (Hatfield et al. 2015).

Threats to this species include disease, habitat loss and alteration (primarily from agriculture), urban development, conifer encroachment (primarily from fire suppression), grazing, timber harvest, insecticides that kill individuals directly, herbicides that remove floral resources, and climate change (Evans et al. 2008).

Northern Red-legged Frog – The range of northern red-legged frog extends from southwestern British Columbia, including Vancouver Island in Canada, south along the coast of the United States (primarily west of Cascade-Sierran crest), to northwestern California (Shaffer et al. 2004).

Suitable habitat occurs in the vicinity of quiet permanent waters of streams, marshes, or (less often) ponds and other quiet bodies of water. They are less commonly found in damp woods and meadows some distance from water, especially during wet weather. This species occurs in sites with dense vegetation (e.g., willows) close to water and some shading. Red-legged frogs may occupy ephemeral pools if the water remains until late spring or early summer. Aestivation sites include small mammal burrows and moist leaf litter in dense riparian vegetation up to 26 meters from water (Rathbun et al. 1993). Desiccation cracks in dry pond bottoms may be used as refuges (Alvarez 2004). Breeding sites most often are in permanent water; eggs are attached to stiff submerged stems at the surface of the water.

Wetland destruction and degradation/fragmentation, urbanization, residential development, reservoir construction, stream channelization, livestock grazing of riparian vegetation, off-road vehicle activity, drought, and exotic fishes (bass, mosquito fish) and bullfrogs (to some extent) contribute to local population declines (Kiesecker and Blaustein 1998; USFWS 1994, 1996, 2001; Adams 1999, 2000; Lawler et al. 1999; Cook and Jennings 2001; Kiesecker et al. 2001 and Cook 2002).

Foothill Yellow-legged Frog – Foothill yellow-legged frog occurs primarily in the Coast Ranges from Oregon south to the Transverse Mountains in Los Angeles County, California, in most of northern California west of the Cascade crest, and along the western slopes of the Sierra Nevada, south to Kern County in a variety of habitats including valley hardwood, valley-foothill hardwood-conifer, valley-foothill riparian, ponderosa pine, mixed conifer, coastal scrub, mixed chaparral, and wet meadow types (CNDDDB 2018, Zeiner et al. 1990).

The species prefers partly shaded, shallow streams and riffles with a rocky substrate but inhabits a variety of aquatic habitats (depending on their life stage and the time of year) including: pools, riffles, and runs in rivers and smaller tributary streams. Adults generally occur along the mainstem of rivers during spring when they are breeding in pools and then return to basking and foraging sites at stream tributaries. Juvenile frogs tend to migrate to upstream tributaries in late summer and early fall.

Foraging habitat includes areas that support both terrestrial and aquatic invertebrates. Foothill yellow-legged frog appears to prefer adult insect prey but will also predate snails and consume pieces of molted skin (Fitch 1936). Tadpoles graze on algae and diatoms along rocky stream bottoms (Zeiner et al. 1990).

Cover objects are an important component of foothill yellow-legged frog habitat. Individuals seek cover under submerged refugia such as rocks or sediments when disturbed or during periods of inactivity and/or hibernation, especially during cold weather (Zeiner et al. 1990).

Breeding habitat is typified by areas where gravel and/or rocks provide structure for egg cluster attachment near stream margins in moving water (Zeiner et al. 1990). Breeding occurs from April through late June in California and metamorphosis is attained 3-4 months after hatching (July-September).

Foothill yellow-legged frog is highly aquatic in comparison to other ranid frogs in California and is always found near permanent water, even during wet times of the year. Tadpoles require water for at least 3-4 months while metamorphosing.

Western Pond Turtle – The western pond turtle occurs in a variety of habitat types associated with permanent or nearly permanent water (Holland 1991) and is often concentrated in low flow regions of rivers and creeks, such as side channels and backwater areas. They typically inhabit permanent water bodies and adjacent mud banks. However, females often climb hillsides, sometimes moving 1,500 feet or more from the streamside to nest during the spring or early summer (Holland 1991, Zeiner et al. 1990).

Nesting occurs in upland habitats consisting of dry grassy areas with a predominantly south or southwest aspect and including appropriate soils, thermal conditions, and basking sites. Nests are constructed four inches below ground in moist areas in sandy to very hard soil types and are usually found in undisturbed areas of duff or mud. Eggs are laid from March to August, and take 73 to 80 days to incubate. Turtles leave the water in late September and spend the winter in burrows up to 500 feet away from the stream. Hatchlings are poor swimmers and require shallow edgewater areas with minimal current. Basking sites such as rocks and logs are an important component of western pond turtle habitat. Overwintering habitat is variable and includes forested areas.

Vaux's Swift – Vaux's swift is a summer resident of northern California. It breeds fairly commonly in the Coast Ranges from Sonoma County north and very locally south to Santa Cruz County, in the Sierra Nevada and possibly in the Cascade Range. It prefers redwood and Douglas-fir habitat with nest sites occurring in large hollow trees and snags, especially tall, burned-out stubs. A fairly common migrant throughout most of the state in April and May and in August and September, a few winter irregularly in the southern coastal lowlands (Grinnell and Miller 1944, McCaskie et al. 1979, Garrett and Dunn 1981).

Nests are communal, typically in redwood and Douglas-fir, occasionally in chimneys and buildings. Appropriate nest sites in large, hollow trees are likely the most important habitat requirement for this species. Breeding occurs from early May to mid-August, with clutch sizes of usually 4-5 eggs. Incubation is 18-20 days. Altricial young are tended by both parents and leave the nest tree at approximately 28 days (Zeiner et al. 1990).

Foraging is exclusively on flying insects taken in long, continuous foraging flights. Vaux's swift feed high in the air over most terrains and habitats and commonly at lower levels as well in forest openings, above burns, and especially along rivers (Grinnell and Miller 1944) and lakes (Terres 1980).

This species migrates to wintering grounds in Mexico and Central America, but a few winter irregularly in coastal lowlands of southern California. It may enter torpor in periods of cold weather, when flying insects are scarce, as some other swift do (Terres 1980).

Threats to this species include timber harvest activities that remove older tree and hollow snags and eliminate nest and roost habitat and other management activities that reduce the incidence of

heartrot and aerial insects thus reducing potential habitat and prey for Vaux's swift (Bull and Collins 2007).

Osprey – Osprey are fish-eating raptors whose distribution in the Americas includes a breeding range that is widespread and expanding throughout Canada and the United States.

Breeding habitat varies greatly but common components are: 1) adequate supply of accessible fish within energetically adequate commuting distance (10–20 km) of nest; shallow waters (0.5–2 m deep) generally provide most accessible fish; 2) open nest sites free from predators (especially mammalian)—such sites generally elevated (e.g., trees, large rocks, especially over water, or bluffs), or predator-free islands, or, increasingly, artificial structures such as nest platforms, towers supporting electrical lines or cellphone relays, and channel markers; 3) ice-free season of sufficient duration to allow fledging of young.

Eggs are laid soon after the nest takes shape and clutch size is 1-4 eggs (typically 3). Incubation is 37 days on average. Fledging is about 62 days among ospreys in the Gulf of California.

Threats to this species include ingestion of lead, plastics and other contaminants, collisions with vehicles and aircraft, fishing nets/line and habitat degradation. The species is tolerant of development but some regional population declines have been associated with loss of nest sites resulting from timber harvest and agricultural activities.

Golden Eagle - The Golden Eagle is listed as a Species of Special Concern by the CDFG and occurs primarily in western North America from Alaska to south-central Mexico (Kochert et al. 2002). It is known from a variety of habitats throughout California, including resident and breeding populations in Humboldt County where occurrences are mostly outside of the fog belt (Hunter et al. 2005). In Humboldt County, nesting and wintering habitat includes rolling foothills and mountain areas where cliff-walled canyons and large trees in open areas provide habitat for nest sites

Sharp-shinned Hawk – Sharp-shinned hawk is a relatively common migrant and winter resident throughout California, except in areas with deep snow. However, breeding distribution for the species is poorly documented. There are very few breeding records for the Cascades/Sierra Nevada. It is thought to breed south in the Coast Ranges to about 35 ° latitude and at scattered locations throughout the Transverse and Peninsular Ranges. It is an uncommon winter migrant to the Channel Islands and an uncommon permanent resident and breeder in med-elevation habitats (Zeiner et al. 1990).

Suitable breeding habitat is ponderosa pine, black oak, riparian deciduous, mixed conifer and Jeffrey pine habitats. It prefers, but is not restricted to, riparian habitats. Critical elements of breeding habitat include the presence of north-facing slopes and plucking perches. It typically nests in dense small-tree stands of conifers, which are cool, moist, well shaded and with little ground cover, near water. The nest itself is a platform or cup in dense foliage against the trunk of the nest tree, or in the main crotch of the tree, usually 6-80 feet above ground. Its nests are the least conspicuous of the accipiters (Call 1978).

Sharp-shinned hawk breeds April-August, peaking late May-July. Clutch sizes average 4-5 eggs with incubation lasting 34-35 days, shared by both parents. The male brings food to the female and the semi-altricial young. Fledging occurs at approximately 60 days and coincides with the fledging of prey birds, providing a food supply for young, inexperienced hunters. Nests may be reused in subsequent breeding seasons (Zeiner et al. 1990).

Prey items are mostly small birds, usually no larger than jays, but also includes small mammals, insects, reptiles and amphibians. It hunts by perching and then darting out in sudden flight to surprise prey, as well as rapidly cruising in search flights. It frequently forages in openings at edges of woodlands, hedgerows, brushy pastures and shorelines, especially where migrating birds are found. This species is an important predator of small birds and may compete with Cooper's hawk (Zeiner et al. 1990).

Threats to this species include pesticides and other contaminants, collisions with human-made objects and habitat degradation, primarily from timber harvest.

Cooper's Hawk – The Cooper's hawk is a crow-sized woodland raptor that breeds throughout much of the United States, southern Canada, and northern Mexico. Despite its broad distribution, it is a secretive, inconspicuous species, particularly in the breeding season, even in areas where it is a common nester. In California the species' breeding range is from Siskiyou County south to San Diego County, with scattered nesting in interior valleys and woodlands of the Coast Range from Humboldt County south, and in western foothills of the Sierra Nevada.

Preferred breeding habitat is deciduous, mixed, and evergreen forests (Bent 1937, Titus and Mosher 1981, Reynolds et al. 1982 and Rosenfield et al. 1991), and deciduous stands of riparian habitat (Call 1978, Kennedy 1988b). This species is tolerant of human disturbance and habitat fragmentation (Beebe 1974, Clark 1977, Rosenfield et al. 1991, Rosenfield et al. 1992). In conifer forests in Oregon, principal habitat differences among the three North American accipiters were linked to the age of the nesting stand, with Sharp-shins in the youngest (25–50 yr old) and densest (1180 trees/ha) stands, Cooper's in intermediate (30–70 yr, 907 trees/ha), and goshawks in the oldest (= 150 yr) and more open stands (482 trees/ha) (Reynolds 1983).

Breeding pairs are typically present at the nest site as early as the beginning of March with nest building and copulation by mid- to late March. Nest construction generally takes about 2 weeks to complete but can take significantly less time. First eggs are usually early to late April. Incubation is 30-36 days and fledging at 26 -29 days. Pairs often re-nest if the initial clutch is lost in early incubation or before.

Prey items are typically medium-sized birds and some small mammals. Cooper's hawk relies on concealment and uses a series of brief perch-and-scan episodes to find prey, but also flies close to ground, using bushes to shield its approach; a sudden burst of speed is the usual pursuit when hunting from a perch (Meng 1951, Beebe 1974, Fischer 1986, Kennedy and Gessaman 1991). Also known to hunt from higher flight, stooping on prey in open habitat (Mead 1963, Clark 1977); occasionally pursues prey on foot (Bent 1937, Rosenfield 1988).

Threats to this species include pesticides and other contaminants, collisions with human-made objects and habitat degradation, primarily from timber harvest.

American Peregrine Falcon – This species was formerly extirpated from much of its original range by synthetic organic chemicals such as DDT. Reoccupancy and restoration is still incomplete. The species current breeding distribution is local and spotty throughout most of North America, found most commonly in areas of Alaska and the western United States including Utah, Arizona, western Colorado and northern California (White et al. 2002). The species is a long-distance migrant that travels one of the longest distances of any raptor and may undertake long water crossings. Peregrine falcons hunt during migration and may stay as long as eight days at stopover sites for this purpose. Satellite tracked individuals have been shown to

migrate distances of between 87-124 miles per day. Migration for Peregrine falcons occurs mostly from morning through late afternoon, at heights at or below 2,953 ft. (Goodrich and Smith 2008).

Preferred habitat includes many terrestrial biomes in North America. Most often, breeding pairs utilize habitats containing cliffs, almost always nest near water (Wheeler 2003, White et al. 2002). Peregrine falcons build their nests in substrates on ledges of cliffs ranging from 8-400 m in height and will often use ledges used by other Peregrines in previous years. Open habitats, such as bays and fields, are generally used for foraging.

In Humboldt County, Peregrines have been known to use large redwood trees, which imitate cliffs, for nesting (Hunter 2005).

Peregrines arrive at nest sites around April or May and egg laying may begin from two weeks to two months later depending on the latitude.

Peregrine falcons prey on a select group of species in regional and local areas, and their selections may vary seasonally. Their prey mainly consists of birds ranging from small passerines to mid-sized waterfowl. They may also feed on bats. Juveniles primarily feed on large flying insects (Wheeler 2003). Peregrine falcons are active throughout the day from dawn to dusk and can even be nocturnal, though they typically hunt in the morning and late evening (Wheeler 2003). Peregrine falcons are aerial and perching hunters that rarely scavenge. From perches, Peregrines dive quickly to capture prey. In an aerial attack, Peregrine falcons will dive at high speed while gliding, soaring or kiting at a low altitude. Prey is often eaten while soaring, gliding or kiting (Wheeler 2003).

Threats include illegal shooting in North America and on wintering grounds. Poisoning, especially from organochlorides was historically responsible for severe population declines; however, following the DDT ban, levels of this poison significantly decreased, and Peregrines have since made a full recovery (Wheeler 2003). Peregrine Falcons still fall victim to poisoning, but no poisons are presently known to have impacts to Peregrine falcons at the population level in North America (White et al. 2002). Adult mortality sources also include electrocution from utility wires and poles, as well as collisions with anthropogenic structures and vehicles including windows, cars and trains (Wheeler 2003). Human disturbance near nests can also cause decreased nest success (Wheeler 2003).

Northern Spotted Owl – Northern spotted owl was listed as Threatened June 26, 1990 (USDI FWS 1990). Critical Habitat was designated on January 15, 1992 and most recently revised on May 11, 2016 (USDI FWS 1990, 1992).

This species occurs along the Pacific coast from southwestern British Columbia to central California in forested habitats. Typically, northern spotted owl is strongly associated with late-successional/old-growth forests. In northern California it also occurs in some types of relatively young forests, especially where those forests are structurally similar to late-successional/old-growth forest stands (Solis and Gutierrez 1990). Interference competition resulting from the range expansion of barred owl (*Strix varia*) into the Pacific Northwest where northern spotted owl is endemic has forced the latter into lower quality habitat. However, research suggests extinction rates are higher and nest colonization rates lower in fragmented forests and that older forest at the core of northern spotted owl territories is necessary for suitable nest sites (Dugger et al. 2005, Dugger et al. 2011, Swindle et al. 1999).

Spotted owls generally select nesting and roosting habitat in areas that exhibit dense canopy closure, complex forest structure, decadence (snags, downed logs and large woody debris, broken top trees), and open understory suitable to sub-canopy flight (Solis and Gutierrez 1990, Hunter and Gutierrez 1995). In the region of northwestern California where the action is proposed, dusky-footed woodrat (*Neotoma fuscipes*) is the primary prey species of northern spotted owl (Zabel et al. 1993). Current data suggest that northern spotted owl foraging habitat in the project region generally tends to follow the distribution of habitats with abundant dusky-footed woodrat populations (Gutierrez et al. 1998, Ward and Gutierrez 1998). Primarily, these are areas with conifers that exhibit comparatively smaller basal areas than those of nesting and roosting habitats (Solis and Gutierrez 1990) and generally occur at ecotones between late and early seral stage mixed conifer forests (Ward and Gutierrez 1998, Zabel et al. 1993).

Spotted owls are monogamous and exhibit prolonged parental care (Gutierrez et al. 1995). Long-lived and territorial, pairs are typically spaced 1-2 miles apart in uniform habitat depending on local topographic conditions and demonstrate breeding site fidelity. The breeding season generally begins with pair bond formation from February to early March and ends with fledging of young through August with variation among pairs dependent upon nest initiation date (Gutierrez et al. 1995).

The decline of the northern spotted owl has been attributed to loss of nesting habitat due to commercial timber harvest and more recently to competition from the barred owl, which is expanding its range in the western United States (Dugger et al. 2011).

Purple Martin – In California, the purple martin is an uncommon to rare local summer resident in variety of wooded low-elevation habitats throughout the state, a rare migrant in spring and fall and absent in winter. It occupies valley foothill and montane hardwood, valley foothill and montane hardwood-conifer and riparian habitats. It also occurs in coniferous habitats, including closed-cone pine-cypress, ponderosa pine, Douglas-fir and redwood. In the south, it now only occurs as a rare and local breeder on the coast and in interior mountain ranges, with few breeding locations (Garrett and Dunn 1981). In the north, it is an uncommon to rare local breeder on the coast and inland to Modoc and Lassen Counties (McCaskie et al. 1979 and Airola 1980). Purple martins inhabit open forests, woodlands and riparian areas during the breeding season and in a variety of open habitats during migration, including grassland, wet meadow and fresh emergent wetland, usually near water (Zeiner et al. 1990).

Breeding habitat includes old-growth, multi-layered, open forest and woodland with snags. Nesting occurs primarily in old woodpecker cavities and sometimes in human-made structures, in nest boxes, under bridges and in culverts. Nests are often located in a tall, old, isolated tree or snag in open forest or woodland (Dawson 1923). The species is not as likely to use nest boxes in California as it is in the eastern U.S. (Zeiner et al. 1990). Nesting occurs from April into August, with peak activity in June. Pairs nest colonially or singly, depending on nest site availability. Clutch size averages from 4-5 eggs, and in some years they may raise up to 2 broods. Altricial young are tended by both parents and leave the nest at 24-31 days (Harrison 1978).

Foraging is mostly on flying insects which purple martin hawks on long, gliding flights 100-200 feet above the ground (Airola 1980). They will occasionally forage on the ground for ants and other insects (Bent 1942).

Threats to this species include the continued loss of riparian habitat that has already resulted in marked declines in recent decades, removal of snags and competition for nest cavities from

introduced European starlings (*Sturnus vulgaris*) and house sparrows (*Passer domesticus*). It has been eliminated from much of its historical range in California (Remsen 1978).

Townsend's Big-eared Bat – Townsend's big-eared bat is found throughout California in all but subalpine and alpine habitats, most abundantly in mesic habitats (Zeiner et al. 1990). They may be found at any season throughout its range. Once considered common, the species is now considered uncommon in California though details of its distribution are not well known.

Small moths constitute the principal food source of Townsend's big-eared bat, though beetles and a variety of soft-bodied insects also are taken. Prey is captured in flight using echolocation, or by gleaning from foliage. Flight is slow and maneuverable and the species is capable of hovering.

Townsend's big-eared bat is nocturnal and hibernates. Peak activity is late in the evening preceded by flights close to the roost. Hibernation occurs from October to April (Zeiner et al. 1990).

Caves, mines, tunnels, buildings, or other human-made structures are required for roosting. This species may use separate sites for night, day, hibernation, or maternity roosts. Hibernation sites are cold, but not below freezing. Individuals may move within the hibernaculum to find suitable temperatures. Roosting sites are the most important limiting resource for this species (Zeiner et al. 1990).

Small clusters or groups (usually fewer than 100 individuals) of females and young form the maternity colony. Maternity roosts are in relatively warm sites. Most mating occurs from November-February, but many females are inseminated before hibernation begins. Births occur in May and June, peaking in late May. A single litter of 1 is produced annually. Young are weaned in 6 weeks and fly by 2.5-3 weeks after birth. Growth rates depend on temperature. The maternity group begins to break up in August. Females mate in their first autumn, males in their first or second autumn. About half of young females return to their birth site after their first hibernation. Subsequent return rates are 70-80%. The maximum recorded age is 16 years.

This species is extremely sensitive to disturbance of roosting sites. A single visit may result in abandonment of the roost. All known nursery colonies in limestone caves in California apparently have been abandoned. Numbers reportedly have declined steeply in California and they are especially sensitive to injury by wing banding (Humphrey and Kunz 1976, Zeiner et al. 1990).

Long-eared Myotis – The long-eared myotis is widespread in California, but is uncommon in most of its range. It avoids the arid Central Valley and hot deserts, occurring along the entire coast and in the Sierra Nevada, Cascades, and Great Basin from the Oregon border south through the Tehachapi Mountains to the Coast Ranges.

Suitable habitat can be found in nearly all brush, woodland, and forest habitats, from sea level to at least 2,700 m (9,000 ft), but coniferous woodlands and forests seem to be preferred.

This species roosts in buildings, crevices, spaces under bark, and snags. Caves are used primarily as night roosts. The long-eared myotis roosts singly, or in fairly small groups. Nursery colonies consist of 12-30 individuals and are found in buildings, crevices, snags, and behind bark.

Foraging occurs along habitat edges, in open habitats and over water. Long-eared myotis feeds on a variety of arthropods including beetles, moths, flies, and spiders, consuming more beetles

than other myotis species (Black 1974, Husar 1976). Insects are caught in flight, gleaned from foliage, or occasionally taken from the ground. Foraging flight is slow and maneuverable. This species is capable of hovering. It forages among trees, over water, and over shrubs, usually less than 12 meters above the ground.

A nocturnal species, long-eared myotis emerges late in the evening. It is known to hibernate, but little is known about its winter habits although it likely makes local movements to suitable hibernacula.

North American Porcupine – The North American Porcupine is one of the most widely distributed mammals in North America, but recent reports have suggested declines in parts of its range in the west. In California, little is known about the historical or current status of the porcupine and maps of its distribution conflict considerably. For much of the 1900s, foresters and others primarily treated porcupines as pests because of the undesirable damage they inflict feeding on trees and gnawing on man-made items in search of salt. More recently, porcupines have been recognized for their role in promoting forest structure and diversity, and as a source of prey for the fisher (*Pekania pennanti*) (Appel et al. 2017).

North American porcupine requires forested habitats with an understory of herbs, grasses and shrubs (Woods 1973), preferring open stands of conifers. In the spring and summer they will use meadows, brushy and riparian habitats for feeding. In winter, throughout much of its range, it is restricted to forest habitats. In relatively arid regions, it is somewhat restricted to riparian habitats (Zeiner et al. 1990).

The species uses caves, large rock crevices, hollow logs and trees for denning. Dens are occupied primarily in the winter when daytime temperatures drop below 0° C. It will occupy several different dens during the winter, moving every few weeks. Winter dens in caves are usually protected by rocks that keep warm and dry (Shapiro 1949). Simultaneous occupation of den sites by 2 animals was generally observed only during the breeding season (Dodge and Barnes 1975).

North American porcupines mate in the fall or winter. Gestation is nearly 7 months. Births usually take place from April through May, but may occur from February through June. There is generally a single litter of 1 (Struthers 1928, Spencer 1950, Costello 1966, Dodge 1975, Dodge 1982, Roze 1989). Their precocial young are capable of climbing and assuming a defensive posture soon after birth and can survive off a diet of vegetation by 2 weeks of age. Females are sexually mature as yearlings and reproduce for the remainder of their lives, which may be up to 10 years (Brander 1971, Woods 1973, Dodge 1982, Roze 1989).

This species was thought to be a generalist herbivore, consuming a wide range of plant species and materials including leaves, bark, needles, forbs, grasses and mast (Woods 1973, Roze 2009). However, recent studies suggest that the species should be classified as a facultative specialist due to its seasonal dependence on cambium and conifer needles (Coltrane 2012). This seasonal specialization distinguishes it from other herbivores (Rasmussen et al. 1975) and allows it to survive and persist where many other species cannot. The wide distribution of porcupines is often attributed to their impressive physiological tolerance for heat and cold as well as their broad diet (Roze 2009).

Mobility is apparently strongly influenced by habitat and thus varies from one area to another. Territories are not defended but males may fight over estrous females. Winter feeding trees are also sometimes defended.

Reasons for the decline of this species are unknown but likely related, at least in part, to extermination efforts by foresters.

Sonoma Tree Vole – Sonoma tree vole distribution is along the North Coast from Sonoma County north to the Oregon border, being more or less restricted to the fog belt. It is reported to be rare to uncommon throughout its range but the difficulty of locating nests and capturing individuals makes abundance hard to assess. It occurs in old-growth and other forests, mainly Douglas-fir, redwood, and montane hardwood-conifer habitats.

It constructs nest of Douglas-fir needles in preferably tall trees. Nest may be situated on whorls of limbs against the trunk, or at the outer limits of branches. In young second-growth Douglas-fir, the broken tops of trees are frequently used (Maser et al. 1981). Nest sites vary from about 45 cm in length, breadth and height, to 0.9 m in diameter, and 0.6 to 0.9 m in height (Howell 1926). Older nursery nests may encircle entire tree.

The species breeds year-round, but mostly from February through September. Gestation is 26 days for non-lactating females, up to 48 days for lactating females, including delayed implantation. Females may breed 24 hours after giving birth. Litter size averages 2. There are one, or more, litters per year, and two litters of different ages may occupy a nest at the same time. Young are altricial, cared for by the female only. Weaning occurs at 30-40 days. The lengthy gestation and weaning periods may be related to the physiological cost of obtaining nutrients from coniferous foliage.

Sonoma tree vole specializes on needles of Douglas-fir and grand fir for foraging. Needles and twigs are gathered primarily during the night, and may be consumed where found, or brought to the nest, and may be stored. Needle resin ducts are removed. The remaining part is eaten, and the resin ducts may be used to line the nest cup. Young, tender needles are often eaten entirely. Tender bark of terminal twigs may be eaten as well (Maser 1965, Maser et al. 1981). Drinking water is required and probably obtained from food, but individuals also lick dew and rain off needles of coniferous trees in the vicinity of nests (Maser 1965).

The home range of Sonoma tree vole probably encompasses one to several fir trees, with females often living in one tree and males visiting several trees (Howell 1926).

The spotted owl has historically been the main predator of Sonoma tree voles throughout its geographical distribution (Forsman 1976), but northern saw-whet owls are also predators and perhaps even raccoons. Howell (1926) suggested that Steller's jays may be the most important predators of tree voles. Severe winter storms probably also affect local populations adversely.

Pacific Fisher – The fisher is a medium-sized, forest carnivore associated with late-seral and old-growth forest stands. In California, it has been extirpated from 50% of its former range as a result of trapping, habitat loss, and loss of prey species (i.e., porcupine). Fisher has become extinct in Oregon and Washington, causing the northern California population (West Coast DPS) to be reproductively isolated from conspecifics in the rest of North America. The species' current range in northern California includes Del Norte, Humboldt, Mendocino, Siskiyou, Shasta, and Trinity Counties (Center for Biological Diversity 2008).

Strongly associated with mature and late-successional forests, fisher inhabits stands exhibiting high canopy closure, large trees and snags, large woody debris, large hardwoods, and multiple canopy layers (Buskirk et al. 1994b). Denning and resting sites are important components of fisher habitat. Denning sites are utilized for giving birth and raising kits and resting sites are

critical for resting between foraging bouts. Females give birth in natal dens and subsequently move their kits to one or several maternal dens over the breeding season (Nichol 2006). The breeding season is mid-April to late-May (Frost et al. 1997). Denning and resting sites are large physical structures such as live trees, snags, and logs. Average home range size in northern California was 14,349 acres for males and 3,701 acres for females and is often typified by characteristics associated with mature and late-successional forests (Dark 1997, Jones and Garton 1994, Zielinski 1999 in Center for Biological Diversity 2008, Zielinski et al. 2004).

Pacific fisher has been shown to avoid areas with little forest cover or significant human disturbance, preferring large areas of contiguous interior forest (Dark 1997, Jones and Garton 1994, Powell 1993, Carroll et al. 1999, Weir and Harestad 2003). Seglund (1995) found that a majority of fisher rest sites (83%) were further than 328 feet from human disturbance and Dark (1997) documented that fishers used and rested in areas with less habitat fragmentation and less human activity.

Fisher is an opportunistic, generalist predator, capturing a variety of prey items including birds, porcupines, snowshoe hares, squirrels, mice and voles, shrews, insects, deer carrion and fruit (Bowman et al. 2006, Martin 1994, Powell 1993, Zielinski et al. 1999). In northern California, fisher has been found to have a slightly different diet than elsewhere across its range. Snowshoe hare and porcupine are less abundant and make up less of the fisher diet (Golightly et al. 2006).

Petitions to list fisher in the western United States under FESA have been submitted three times (Beckwill 1990, Carlton, 1994, Greenwald et al. 2000). The USFWS determined that there was insufficient information to indicate that the Pacific fisher (*Pekania pennanti*) is a valid, genetically distinct, subspecies. However the agency did recognize the West Coast Range as a Distinct Population Segment (DPS) (USDI FWS 1991).

Addendum to Operations Plan (on Deficiency letter #1 and #2)

Permit Application 12546

APN: 210-022-044

Clarification of the amount of cultivation

1. Description of Cultivation Activities

The Greenhouses currently measure one at 32x100=3200 sqft and one at 25x125=3125 sq ft for a total foot print of =6325 sqft. A full Sun Garden Area will measure at 50 x 53.5 to total 2675 sqft. With a Total Cultivation size of 9,000 sq ft.

2. *Number of Employees and Average Daily Trips*

Employees

The farm is owner operated and there will be a maximum of two employees. The two employees will **not** live on site and will commute to and from the farm on a daily basis M-F regular business hours.

8.

"If Greenhouses are proposed, indicate how their construction complies with Humboldt County Code."

The Greenhouses proposed will have no impermeable materials on the floors.

Megan Marruffo

From: De Ivo Ivanov <30568hwy36@gmail.com>
Sent: Monday, March 28, 2022 9:53 AM
To: Megan Marruffo
Subject: Re: APPS #12546 (Winnetka Ranch, LLC) - Project Questions

We plan on adding the storage by the end of this year and use only rainwater catchment for irrigation.

On Mon, Mar 28, 2022 at 9:50 AM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Good morning,

Thank you for the information! I'll work on incorporating this into the staff report.

Regarding Question #6, I understand 70,000 gallons of storage for rainwater catchment is proposed onsite, which is equivalent to the total estimated annual usage. When/what year do you expect to have all tanks in place? After the rainwater catchment tanks are in place, will you continue use of the well for irrigation? Or will irrigation water solely come from the rainwater catchment?

Thank you,
Megan

LACO



Megan Marruffo

Senior Planner / Project Manager

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From: De Ivo Ivanov <30568hwy36@gmail.com>
Sent: Monday, March 28, 2022 9:44 AM
To: Megan Marruffo <marruffom@lacoassociates.com>
Subject: Re: APPS #12546 (Winnetka Ranch, LLC) - Project Questions

1. Please confirm if the below project description is accurate and revise as needed.

Project Description: A Special Permit for 9,625 square feet (SF) of existing outdoor cultivation, including 8,365 SF grown within three (3) greenhouses utilizing light deprivation techniques and 1,260 SF of full-sun outdoor. Ancillary propagation (XXX SF) occurs within XXXX. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 16,000 gallons in a series of hard-sided tanks, with 5,000 gallons dedicated for domestic use. Estimated annual water usage is 162,000 gallons. Drying occurs onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of ## people may be onsite during peak operations. Power is provided by two (2) 2,000-watt generators.

Ancillary propagation is 10% of mature canopy or 900 sq ft whichever is less. Existing storage was increased to 25,000 and we will plan on adding more to reach a total of 70,000 gallons of hard sided tanks. We will be utilizing better irrigation techniques and highly efficient drip sprayers, further we have added straw to each organic smart pot and will cultivate strains requiring less water. Thus the new estimate for annual usage is 70,000 gallons. Drying occurs onsite, with all other processing offsite. A maximum of 4 people may be onsite during peak operations. Power is provided by a 45kw generator, that is registered with Humboldt county hazmat (CERSA). Further we have plans to update to grid power once the license is issued and we generate some income.

2. Per the attached correspondence from the County, is a surface water diversion also utilized for irrigation? If so, please provide water right documentation. **THE DIVERSION WAS FOR DOMESTIC USE ONLY. HOWEVER PER COUNTY AND CDFW REQUEST IT WAS REMOVED AND THE VIOLATION ADDRESSED.**
3. Is there an ancillary nursery space onsite? If so, what is the size and dimensions, and where is it located on the subject site? **15x60 area located right next to one of the greenhouses.**
4. Are there any long-term plans to switch to an alternative power source (such as PG&E, solar, etc.)? **Once the license is issued and we begin operations and generate income we plan on upgrading and switching to PG&E. We have already reached out to the power company a couple of times to inquire for estimates. However, the cost for such an upgrade will be substantial and it is not feasible for us to commit to it unless we are operational.**

5. What is the maximum number of people that will be onsite during peak operations? **4 . It is a family owned and operated farm.**

6. Please note that because the primary water source is a groundwater well, we cannot move the project forward for decision without a report from a geologist or hydrogeologist that addresses minimum basic hydrogeologic conditions of the well and area. Alternatively, you may consider changing your primary water source to another source, such as rainwater catchment. **We have reached out to the county and proposed to add more storage to meet our annual water usage of 70,000 in rainwater catchment storage alone. However, our state application is still under review and we can not cultivate until it is finalized. Therefore we can not afford to purchase the additional storage all at once. We will rather do it in a couple stages. Each tank is around \$5,000, so we will be buying 3 tanks at a time for a total of 3 orders.**

On Thu, Mar 24, 2022 at 1:22 PM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Good afternoon,

I am the assigned planner currently working on the staff report for the Winnetka Ranch, LLC project (APPS #12546) through the County of Humboldt. I have some questions regarding the project that I'm hoping you can help address:

1. Please confirm if the below project description is accurate and revise as needed.

Project Description: A Special Permit for 9,625 square feet (SF) of existing outdoor cultivation, including 8,365 SF grown within three (3) greenhouses utilizing light deprivation techniques and 1,260 SF of full-sun outdoor. Ancillary propagation (XXX SF) occurs within XXXX. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 16,000 gallons in a series of hard-sided tanks, with 5,000 gallons dedicated for domestic use. Estimated annual water usage is 162,000 gallons. Drying occurs onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of ## people may be onsite during peak operations. Power is provided by two (2) 2,000-watt generators.

2. Per the attached correspondence from the County, is a surface water diversion also utilized for irrigation? If so, please provide water right documentation.

3. Is there an ancillary nursery space onsite? If so, what is the size and dimensions, and where is it located on the subject site?

4. Are there any long-term plans to switch to an alternative power source (such as PG&E, solar, etc.)?

Megan Marruffo

From: De Ivo Ivanov <30568hwy36@gmail.com>
Sent: Monday, March 28, 2022 4:12 PM
To: Megan Marruffo
Subject: Re: APPS #12546 (Winnetka Ranch, LLC) - Project Questions

The 10% is additional. I was told that if I have 9431 sq ft of cultivation I am allowed up to 943 sq ft of nursery space.

On Mon, Mar 28, 2022 at 4:10 PM De Ivo Ivanov <30568hwy36@gmail.com> wrote:

Attached is the newest site plan.

Light deprivation: 8431 sq ft and FULL SUN: 1000 sq ft

On Mon, Mar 28, 2022 at 12:27 PM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Hello! I have some additional questions I was hoping you could help address to ensure I have the project details correct:

1. Is the attached the latest version of the Site Plan? Do you have a version that shows the size and location of the ancillary propagation as well as the size and location of the additional water storage tanks that are proposed?

2. There appears to be some differing information regarding the cultivation area sizes. Please confirm which is correct.
 - The Site Plan shows there is 3,500 square feet (SF) of full-sun outdoor and 6,125 SF of light deprivation.
 - Elsewhere I read there is currently 8,365 SF of light deprivation within (3) greenhouses and 1,260 SF of full-sun outdoor (which is what I noted in the Project Description, below).

3. Does the 9,625 SF of cultivation illustrated on the Site Plan include the 10% nursery space? Or is that in addition to the cultivation that is depicted?

Thank you for your help!
Megan

LACO



Megan Marruffo

Senior Planner / Project Manager

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From: De Ivo Ivanov <30568hwy36@gmail.com>
Sent: Monday, March 28, 2022 10:00 AM
To: Megan Marruffo <marruffom@lacoassociates.com>
Subject: Re: APPS #12546 (Winnetka Ranch, LLC) - Project Questions

Thank you. Have a nice day!

On Mon, Mar 28, 2022 at 9:55 AM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Okay, great - thank you. This should be sufficient for us to wrap up the staff report and get the project scheduled for hearing. We will be sure to reach out with any other questions and once a hearing date has been determined.

Have a great day!

Thank you,

Megan

Megan Marruffo

From: De Ivo Ivanov <30568hwy36@gmail.com>
Sent: Tuesday, March 29, 2022 10:01 AM
To: Megan Marruffo
Subject: Re: APPS #12546 (Winnetka Ranch, LLC) - Project Questions

That's an estimate if we water every 2nd day with 1 gallon per plant and use strains that flower in 56 days.

January: None
February: None
March: None
April: 3,000 gallons
May: 9,000 gallons
June: 12,000 gallons
July: 12,000 gallons
August: 12,000
September: 11,000
October: 11,000
November: None
December: None

On Tue, Mar 29, 2022 at 7:31 AM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Good morning,

Thank you again for the information you provided yesterday afternoon. Can you please also provide updated monthly water use estimates associated with the revised annual water usage estimate of 70,000 gallons?

Thank you,
Megan

LACO



Megan Marruffo

Senior Planner / Project Manager

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Megan Marruffo

From: De Ivo Ivanov <30568hwy36@gmail.com>
Sent: Tuesday, April 19, 2022 9:21 AM
To: Megan Marruffo
Subject: Re: APPS #12546 (Winnetka Ranch, LLC) - Rainwater Catchment

We will be using the single family home rooftop that is approximately 34x70 and the small cabin rooftop that is approximately 20x20

On Tue, Apr 19, 2022 at 9:14 AM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Good morning! We are working on finishing up the staff report this morning. I was hoping to get a bit more information regarding the proposed rainwater catchment system and how the water will be collected. Will you be collecting rain from rooftops? If so, which roofs do you plan to utilize? If not, how will the rainwater be collected?

Thank you,

Megan



Megan Marruffo

Senior Planner / Project Manager

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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	✓	Approval	Attached
CAL FIRE	✓	No Comment	On file with Planning (Accela)
Bridgeville Fire Protection District		No Response	
California Department of Fish & Wildlife		No Response	
Caltrans District 1	✓	Comments	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Bridgeville School District		No Response	
Humboldt County Sheriff	✓	Approval	On file with Planning (Accela)
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	✓	Comments	Attached – see Planning staff request for copy of comments



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

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

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

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Elizabeth Moreno, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 12/16/2020

RE:

Applicant Name	MATTHEW PIPIS
APN	210-022-044
APPS#	PLN-12546-SP

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:

Review Item #1 and #8 on Exhibit C

Applicant has submitted road evaluation reports, dated 05/28/19, with Part A –Box 2 checked, certifying that the roads are equivalent to a road Category 4 standard.

// END //

Task	Due Date	Assigned Date
Environmental Health	12/18/2020	12/02/2020
Assigned to Department	Assigned to	Status
Environmental Health	Joey Whittlesey	Approved with Conditions
Action by Department	Action By	Status Date
Environmental Health	Joey Whittlesey	12/08/2020
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources.

Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No		<input type="checkbox"/> All ACA Users <input type="checkbox"/> Record Creator <input type="checkbox"/> Licensed Professional <input type="checkbox"/> Contact <input type="checkbox"/> Owner

Estimated Hours	Action	Workflow Calendar
0.0	Updated	

Additional Review is Required by Planning & Building Staff

APPS # 12546

All of the following questions are to be answered by Planning and Building Department staff.

No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

- 1. **ROADS – PART 1.** Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

YES NO

If **YES**, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the *Road Evaluation Report(s)* for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

- 2. **ROADS – PART 2.** Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

YES NO

If **YES**, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

- 3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads?

YES NO

If **YES**, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

- 4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? YES NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel ___ of Parcel Map No. ___" then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If **YES** then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

- 5. **AIRPORT:** If the project is located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer **or** if the project is located within the County Code Section 333 GIS layer **AND** the project is proposing to construct (or permit) a fence, building or other structure. YES NO

If **YES**, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the Humboldt County Airports Department.

- 6. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? YES NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

Additional Review is Required by Planning & Building Staff

7. 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.

8. ROAD GRADES:

Whether specifically addressed or not within the road evaluation report, 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 //

DEPARTMENT OF TRANSPORTATION

DISTRICT 1
P O BOX 3700
EUREKA, CA 95502-3700
PHONE (951) 616-4101
TTY 711
www.dot.ca.gov/dist1



Making Conservation
a California Way of Life.

December 18, 2020

1- HUM- 101- 30.22
Pipis Cultivation
PLN-12546-SP

Elizabeth Moreno, Planner
Humboldt County
3015 H St.
Eureka, CA 95501

Dear Ms. Moreno,

Thank you for the opportunity to comment on the proposed Use Permit to allow the development of a cannabis cultivation site located at APN: 210-022-044-000, including 9,625 SF of outdoor cannabis cultivation. This project is located in Humboldt County, in the Larabee Valley area, on the south side of State Highway 36, approximately 467 feet west from the intersection of McClellan Mountain Road and State Highway 36, then southwest on a private road for approximately 0.85 miles, on the property known as 30568 State Highway 36. The existing driveway used to access the applicant parcel is via a private road approach (driveway) at PM 30.22 (right). We have the following comments:

- The existing driveway approach at PM 30.217, is required to meet current Caltrans standards for a commercial driveway. Please refer to the Caltrans Encroachment Permits Manual, Appendix J, "Road Connections and Driveways" for details. Appendix J can be found here <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/appendix-j-ada.pdf> and in the Highway Design manual Section 205, at <https://dot.ca.gov/-/media/dot-media/programs/design/documents/chp0200-a11y.pdf>

Informational Comments

- Any features that deviate from the HDM will require a design exception. Design exceptions are covered in the PDPM in Appendix BB, found here: <https://dot.ca.gov/programs/design/manual-project-development-procedures-manual-pdpm>

From: [Meghan Ryan](#)
To: ["cannabisreg@waterboards.ca.gov"](mailto:cannabisreg@waterboards.ca.gov)
Cc: [Megan Marruffo](#)
Subject: APN 210-022-044 - Humboldt County - APPS 12546
Date: Tuesday, April 19, 2022 10:54:00 AM

Good morning! I am reviewing a staff report and see that the Division provided a referral response, however, I do not have a copy of the response on file. If possible, can you please forward a copy of the response to me? The comments are dated December 18, 2020, according to Humboldt County Accela.

Please let me know if you have any questions.

Thanks!
Meghan



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443-5054
<http://www.lacoassociates.com>

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Ms. Elizabeth Moreno
December 18, 2020
Page 2

- For more information regarding exceptions to policy, please refer to the (EPM) Chapter 300 – Exceptions to Policy, found here: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-3-ada.pdf>
- Permits to construct, upgrade, own, and operate road approaches to the State highway system are issued to the individual or legal entity with ownership rights of that road approach. If the applicant has ownership/easement rights, they will need to submit proof of ownership/easement with their application for an encroachment permit. If the applicant does not have ownership/easement rights, then they may, with the property owner's written permission, apply for a permit on behalf of the owner as an authorized agent of the property owner.
- Encroachment permit applications are reviewed for consistency with State standards and are subject to Department approval. To streamline the permit application and review process, we require the applicant to consult with our Permit staff prior to submitting an application. Requests for permit applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 498-5684. For additional information, the Caltrans Encroachment Permit Manual and Standard Application is available online at: <https://dot.ca.gov/programs/traffic-operations/ep>

While the Caltrans District Planning staff telework, feel free to contact me regarding the above comments by email at: <jacob.rightnar@dot.ca.gov>.

Sincerely,



Jacob Rightnar
Transportation Planning
Caltrans District 1

c: Heidi Quintrell, Chief, Caltrans District 1 Encroachment Permits