



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

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

Hearing Date: June 17, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **MJJ Enterprises, LLC, Special Permits**  
Record Number: PLN-2019-15959  
Assessor's Parcel Number (APN): 222-091-002  
1128 Sprowel Creek Road, specifically on the portion located in the southwest quarter of Section 30 of Township 04 South, Range 04 East, Humboldt Base & Meridian, Garberville area

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Please contact Max Hilken, Assigned Planner, at 707-443-5054 or by email at [hilkenm@lacoassociates.com](mailto:hilkenm@lacoassociates.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 17, 2021	Special Permits	Max Hilken

**Project Description:** A Special Permit for 43,560 square feet (SF) of new outdoor cultivation. Ancillary nursery activities occur within four 1,000-square-foot temporary hoop house structures. Irrigation water will be sourced from a rainwater catchment system utilizing roof tops and one 550,000-gallon open top rainwater catchment tank. Water storage consists of a 550,000-gallon open top rainwater catchment tank. Estimated annual water usage is 435,600 gallons. Processing activities including drying, curing, and trimming will occur onsite in a proposed 4,500-square-foot commercial building. Up to forty (40) employees may be utilized during peak operations between this project and the project located on adjacent parcel APN: 223-061-049). Power will be provided by Pacific Gas and Electric. The proposed project includes a Special Permit for work within the Streamside Management Area associated with historic cultivation activities in accordance with the Streamside Management Area and Wetland Areas Ordinance (SMAWO).

**Project Location:** The project is located in Humboldt County, in the Garberville area, on the east side of Sprowel Creek Road, approximately 9,600 feet southeast from the intersection of Sprowel Creek Road and Camp Kimtu Road, on the property known as 1128 Sprowel Creek Road, specifically on the portion located in the southwest quarter of Section 30 of Township 04 South, Range 04 East, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Agricultural Grazing (AG) Density: Twenty acres per dwelling unit, Slope Stability: Mixed: High and Moderate instability (2/3).

**Present Zoning:** Agricultural Exclusive (AE-B-5(160)); Timber Production Zone (TPZ)

**Record Number:** PLN-2019-15959

**Assessor's Parcel Number:** 222-091-002

**Applicant**

MJJ Enterprises, LLC  
20993 Foothill BLVD  
Suite 409  
Hayward, CA 94541

**Owner**

Haris Land and Cattle, LLC  
Po Box 671  
Hayward, CA 94543

**Agents**

North Point Consulting, Inc  
117 Samoa Blvd.  
Arcata, CA 95521

**Environmental Review:** An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per §15164 of 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 Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the proposed MJJ Enterprises, LLC, project subject to the recommended conditions.*

**Executive Summary:** MJJ Enterprises, LLC, seeks a Special Permit to allow the operation of a new 43,560 square foot (SF) outdoor cannabis cultivation operation. The site is designated as Agricultural Grazing (AG) in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive (AE) and Timber Production Zone (TPZ) with cultivation occurring in the AE zone. Cultivation will take place in two distinct cultivation areas, cultivation Area 1, is a proposed 11,150-square-foot outdoor cultivation area west of the internal access road while cultivation Area 2, is a proposed 32,460-square-foot outdoor cultivation area east of the internal access road. One (1) harvest is anticipated annually utilizing full sun outdoor techniques for a growing season that extends from June through October.

Processing activities including drying, curing, and trimming will occur onsite in a proposed 4,200-square-foot commercial building. Up to forty (40) employees may be utilized during peak operations between this project and the adjacent parcels (Assessor's Parcel Number (APN): 223-061-049) cultivation activities. Power will be provided by Pacific Gas and Electric, with backup generators. The operation will be secured behind a gated road, the cultivation facilities will only be accessible through locked gate, the processing facility will have low-intensity motion-sensing lights to illuminate the entrance. All outdoor lighting will be fully shielded and directed downward to avoid adverse impact on neighboring properties and surrounding wildlife.

The location proposed for a 550,000-gallon rainwater catchment tank, sits on a landing that was developed in 2019, without authorization. Based on historical satellite imagery the southern ancillary support area as proposed will be located on a disturbed graded flat developed in 2018. Development included of these two locations were reviewed by POPE Engineering and a Grading and Erosion improvement plan was received Jun 1, 2020, which details the work performed and improvements required including an estimated 2,540 cubic yards (CY) of cut and 2,707 CY of fill for phase one and a total of 1,000 CY for phase two. The project is conditioned to implement the corrective measures described in the Grading and Erosion Control Plan (Attachment 3).

Water for irrigation will be provided by a rainwater catchment system comprised of one 550,000-gallon open top rainwater catchment tank, roof drainage from the proposed 4,500-square-foot processing building, and 900-square-foot drying barn. The average rainfall for the project area is 58 inches (4.9ft), 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 1-inch of rainfall or, .62 gallons per 1 SF. With a total impermeable rainwater catchment area of 11,759 SF, and an average rainfall amount of 58 inches, the sites potential capture amount totals 426,884 gallons per year on average. A detailed breakdown of proposed rainwater capture infrastructure and capture potentials are provided below in table 1. Although there are permitted on-stream ponds and a point of diversion on the subject parcel, these water sources will not be used for irrigation for the proposed project. Conditions of approval require the applicant the

meter each water source on the subject parcel to demonstrate the volume of water diverted to support operations. This information is required to be provided during the annual inspection.

*Table 1 Proposed Rainwater Capture Analysis APN 222-091-002*

<b>Capture Area ID</b>	<b>Description of proposed catchment infrastructure onsite</b>	<b>Potential Capture Area (ft2)</b>	<b>Potential Average (2010-2020) Rainfall Capture Amount (gallons)</b>
Area A	(1) 550,000-gal. open top, rainwater catchment water tank	6,359	232,700
Area B	(1) 45'x100' Commercial Building	4,500	161,820
Area C	(1) 30'x30' Drying Barn	900	32,364
<b>Totals:</b>	N/A	11,759	426,884

Rainwater that is captured through the proposed infrastructure improvements will be stored in the proposed 550,000-gallon open top rainwater catchment tank with estimated annual water usage totals of 435,600 gallons (12.8gal/sf) the proposed infrastructure improvements nearly meet the total water demands of the project as proposed. Additional water for irrigation will be sourced from the proposed rainwater catchment system on the adjacent property identified as APN 223-061-049. The following table (Table 2) describes the system as proposed on that parcel.

*Table 2 Proposed Rainwater Capture Analysis APN 223-061-049*

<b>Capture Area ID</b>	<b>Description of Catchment infrastructure on Adjacent Parcel 223-061-049</b>	<b>Potential Capture Area (ft2)</b>	<b>Potential Average (2010-2020) Rainfall Capture Amount (gallons)</b>
Area A	(1) 550,000-gal. open top, rainwater catchment water tank	6,359	232,700
Area B	(1) 50'x100' drying building	5,000	183,000
Area C	(2) 42'x96' greenhouses and (1) 24'x40' processing facility	9,024	330,300
Area D	(1) 42'x144' greenhouse and (1) 42'x96' greenhouse	10,080	369,000
Area E	(4) 42'x144' greenhouses and (1) 42'x108' greenhouse	28,728	1,051,800
<b>Totals:</b>	N/A	59,191	2,166,800

Rainwater that is captured through the proposed infrastructure improvements will be stored in the proposed 550,000-gallon open top rainwater catchment tank, twenty-eight (28) 5,000-gallon hard water tanks (140,000 gallons) and the existing twenty-four (24) 4,750-gallon and eight (8) 2,500-gallon water storage tanks totaling 824,000 gallons. With the additional 550,000-gallon rainwater catchment tank to be installed onsite, that total water storage will increase to 1,374,000 gallons. Estimated annual water usage between the two project totals 985,600 gallons which utilizes only 72% of proposed and existing water storage, and only 38% of potential rainfall catchment for an average year of rainfall through impermeable surfaces as proposed.

A review of the California Natural Diversity Database (CNNDDB) shows there is the potential for Western bumble bee and Long-eared myotis in the northwestern portion of the subject parcel. All cannabis related development is more than 0.4 miles from the edge of the boundary. The property is not located near mapped Northern Spotted Owl observations. A Biological Scoping Report (BSR) complete with owl survey conducted from May through August of 2018 (Attachment 3) was prepared by Hohman and Associates for the project site and adjacent parcel APN 222-061-049 in November 2018 and is superseded by a follow-up Biological Scoping Report prepared 11/23/20 (Attachment 3) that includes additional NSO surveys performed in 2019 and 2020 and a Botanical Survey Report dated 8/31/20.



The report concluded that while there is the potential for some sensitive and protected species to be present onsite, the proposed project potential direct and indirect impacts are mitigated through implementation six (6) additional site-specific surveys for raptors, nesting birds, Northern Spotted Owl, American Bullfrog, yellow legged frog, and a floristic survey. The project also must maintain adherence to biological best management practices, the conditions required in the SAA with CDFW. Furthermore, as a Tier 1 Low Risk operator (WDID 1\_12CC416190) the applicant is required to create and adhere to a site-specific Site Management Plan as required by the State Water Resources Control Board (SWRCB) Cannabis General Order (Order No. WQ 2019-0001-DWQ).

Conditions of approval require the applicant to adhere to and implement the recommendations contained in the Biological Scoping Report prepared by Hohman and Associates in November 2018. Further conditions include requirements to adhere to the SAA from the California Department of Fish and Wildlife, and SMP as required by the SWRCB Cannabis General Order. Submission of these documents to the Humboldt County Planning Department with evidence that all requirements are being implemented to the satisfaction of their respective agencies is required. By implementing the described site-specific recommendations, impacts to biological resources will be minimized.

Power to support operations will be provided by P. G. & E. No use of generators is authorized by this permit. Conditions of approval require the applicant to submit an energy budget showing the energy needs for the project pursuant to CCLUO requirements. Conditions of approval also require the applicant to 11. Prior to or during each annual inspection, the applicant shall provide proof of use of a renewable energy source, such as PGE RePower+, to demonstrate that energy used to support the project is consistent with CCLUO requirements.

Additionally, the project is conditioned to adhere to Dark Sky Standards for lighting and security lighting associated with the propagation and processing activities within the proposed 4,500-square-foot commercial building, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CCLUO performance standards and will not negatively impact NSO or other sensitive species.

Access to the site is via a private road that intersects Sprowel Creek Road west of the project site. Sprowel Creek Road is a paved and centerline striped road maintained by the County of Humboldt. The access to the private road is approximately 1.2 miles west of the project site. A Road Evaluation report for the private road which includes an aerial image showing the access route, supplemented with road level photographs to depict road widths and lines of sight along pinch points indicates the road can be considered equivalent to a Road Category 4 and is adequate to accommodate the proposed use. A previously approved permit (Record Number: PLN-12123-CUP) located on the adjacent parcel (APN: 223-061-049) required the applicant to improve to the driveway apron (encroachment) that connects to the County road (Sprowel Creek Road) to the private access road which included paving for a minimum width of 20 feet and a length of 50 feet per the request of Public Works, Land Use Division. This project utilizes the same access road as described above, as such this project is required to adhere to these conditions, and adopt similar conditions of approval per public concerns expressed below:

At the public hearing for the approval of (Record Number: PLN-12123-CUP), located on the adjacent parcel (APN: 223-061-049) public concerns were addressed to the Planning Commission regarding access to the site from Oakcrest Drive in the community of Benbow. To address those concerns, the following condition of approval was placed on the project:

*The applicant shall not use Oakcrest Drive for access associated with the commercial cannabis activities. The applicant may modify this permit to request Oakcrest Drive be utilized for additional site access.*

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 Environmental Impact Report that was adopted for the Commercial Cannabis 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 21-  
Record Number: PLN-2019-15959  
Assessor's Parcel Number: 222-091-002**

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

**WHEREAS, MJJ Enterprises, LLC** , submitted an application and evidence in support of approving a Special Permit for 43,560 square feet (SF) of new outdoor cultivation. Ancillary nursery activities occur within four 1,000-square-foot temporary hoop house structures. Irrigation water will be sourced from a rainwater catchment system utilizing roof tops and one 550,000-gallon open top rainwater catchment tank. Water storage consists of a 550,000-gallon open top rainwater catchment tank. Estimated annual water usage is 435,600 gallons. Processing activities including drying, curing, and trimming will occur onsite in a proposed 4,500-square-foot commercial building. Up to forty (40) employees may be utilized during peak operations between this project and the project located on adjacent parcel APN: 223-061-049). Power will be provided by Pacific Gas and Electric, with backup generators. The proposed project includes a Special Permit for work within the Streamside Management Area associated with historic cultivation activities in accordance with the Streamside Management Area and Wetland Areas Ordinance (SMAWO); and

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on June 3, 2021, 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 Planning Commission makes all the following findings:

- 1. FINDING:**                      **Project Description:** A Special Permit for a new 43,560-square-feet (SF) of outdoor cultivation. Ancillary nursery activities occur within four (4) 1,000-square-foot temporary hoop house structures. Irrigation water will be sourced from a rainwater catchment system utilizing roofs and one 550,000-gallon open top rainwater catchment tank. Water storage consists of a 550,000-gallon open top rainwater catchment tank. Estimated annual water usage is 435,600 gallons. Processing activities including drying, curing, and trimming will occur onsite in a proposed 4,500-square-foot commercial building. Up to forty (40) employees may be utilized during peak operations between this project and the project located on adjacent parcel APN: 223-061-049).. Power will be provided by Pacific Gas and Electric, with backup generators. The proposed project includes a Special Permit for remediation activity in the Streamside Management Area associated with historic cultivation activities and materials.

**EVIDENCE:**                      a) Project File: PLN-2019-15959

**2. FINDING:**

**CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Final Environmental Impact Report (FEIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

**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 FEIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resources Protection Plan was prepared by Compliance Farms to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. The WRPP addressed concerns to stormwater management, soil erosion and control measures, and proper waste management onsite. The applicant has enrolled in the State Cannabis Discharge program and is required to submit copies of all documents filed with the State Water Resources Control Board (SWRCB), including, but not limited to, a Notice of Applicability and a Site Management Plan. 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.
- d) A review of the California Natural Diversity Database (CNNDDB) shows there is the potential for Western bumble bee and Long-eared myotis in the northwestern portion of the subject parcel. The nearest NSO activity center is located approximately 2.7 miles from the proposed cultivation site. A Biological Scoping Report (Report) (Attachment 3) was prepared by Corrina Kamoroff for Hohman and Associates in May 2020 and concluded that there is the potential for some sensitive and protected species to be present onsite. Additionally, it was concluded the proposed project has potential direct and indirect impacts which can be mitigated through implementation of six biological recommendations included within the Report, which requests surveys for raptors, nesting birds, Northern Spotted Owl, American Bullfrog, yellow legged frog, and a floristic survey. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species, adherence to the International Dark-Sky Association standards for lighting in zone 1 or 2, full adherence to the applicant's Report, and the requirement for appropriate floristic and raptor surveys prior to vegetation or construction disturbance.
- e) A Cultural Resources Investigation Report was carried out by William Rich and Associates in November 2017. The Report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- f) A Road Evaluation report for the private road which includes an aerial image showing the access route, supplemented with road level photographs to depict road widths and lines of sight along pinch points indicates the road can be considered equivalent to a Road Category 4 and is adequate to accommodate the proposed use. A previously approved permit (Record Number: PLN-12123-CUP) located on the adjacent parcel (APN: 223-061-049) required the applicant to improve to

the driveway apron (encroachment) that connects to the County road (Sprowel Creek Road) to the private access road which included paving for a minimum width of 20 feet and a length of 50 feet per the request of Public Works, Land Use Division. This project utilizes the same access road as described above, as such this project is required to adhere to these conditions, additionally per public comments the following condition shall be applied to this project: The applicant shall not use Oakcrest Drive for access associated with the commercial cannabis activities. The applicant may modify this permit to request Oakcrest Drive be utilized for additional site access.

### **FINDINGS FOR SPECIAL PERMITS**

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

**EVIDENCE** a) General agriculture is a use type permitted in the Agricultural Grazing (AG) 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 located on a split zoned parcel Agriculture Exclusive and Timber Production Zone (AE-B-5(160);TPZ) with cultivation activities occurring within the AE zoned area which. The proposed development is consistent with the purposes of the existing Agriculture Exclusive zone in which the site is located.

**EVIDENCE** a) The Agriculture Exclusive or (AE) Zone is intended to be applied to areas of the County in which agriculture is and should be the desirable predominant use.

b) All general agricultural uses, including accessory agricultural uses and structures are principally permitted in the AE zone.

c) Humboldt County Code section 314-55.4.6.1.2 b) allows cultivation of up to 43,560 square feet of outdoor cannabis in areas zoned AE, AG, FR, and U and on parcels over 10 acres subject to approval of a Special Permit. The application for 21,700 square feet of outdoor cultivation on a 261-acre parcel is consistent with this code section.

- 5. FINDING** The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

**EVIDENCE** a) The CCLUO allows new cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.6.1.1).

b) The parcel known as APN 222-091-002 and a portion of APN 223-061-049 are one legal parcel Per Determination of Status 17-003. There is no evidence indicating there have been any subsequent acts to merger or divide either of these parcels. Therefore, the subject parcels were lawfully created in their

current configuration and can be developed as proposed.

- c) The source water used for irrigation will utilize a proposed rainwater catchment system with a total impermeable rainwater catchment area of 59,191 sf, and an average rainfall amount of 58 inches, the sites potential capture amount totals 2,166,800 gallons per year on average. Water captured this way will be stored in the proposed 550,000-gallon open top rainwater catchment tank. Additional water for irrigation will be sourced from the proposed rainwater catchment system on the adjacent property identified as APN 223-061-049 with a total impermeable rainwater catchment area of 11,759 sf, and an average rainfall amount of 58 inches, the sites potential capture amount totals 426,884 gallons per year on average. Water captured this way will be stored in the proposed 550,000-gallon open top rainwater catchment tank, twenty-eight (28) 5,000-gallon hard water tanks (140,000 gallons) and the existing twenty-four (24) 4,750-gallon and eight (8) 2,500-gallon water storage tanks totaling 824,000 gallons. With the additional 550,000-gallon rainwater catchment tank to be installed onsite, that total water storage will increase to 1,374,000 gallons. Estimated annual water usage between the two project totals 985,600 gallons which utilizes only 72% of proposed and existing water storage, and only 38% of potential rainfall catchment for an average year of rainfall.
- d) A Road Evaluation report for the private road which includes an aerial image showing the access route, supplemented with road level photographs to depict road widths and lines of sight along pinch points indicates the road can be considered equivalent to a Road Category 4 and is adequate to accommodate the proposed use. A previously approved permit (Record Number: PLN-12123-CUP) located on the adjacent parcel (APN: 223-061-049) required the applicant to improve to the driveway apron (encroachment) that connects to the County road (Sprowel Creek Road) to the private access road which included paving for a minimum width of 20 feet and a length of 50 feet per the request of Public Works, Land Use Division. This project utilizes the same access road as described above, as such this project is required to adhere to these conditions, additionally per public comments the following condition shall be applied to this project: The applicant shall not use Oakcrest Drive for access associated with the commercial cannabis activities. The applicant may modify this permit to request Oakcrest Drive be utilized for additional site access.
- e) Power to support operations will be provided by P. G. & E. No use of generators is authorized by this permit. Conditions of approval require the applicant to submit an energy budget showing the energy needs for the project pursuant to CCLUO requirements. Conditions of approval also require the applicant to 11. Prior to or during each annual inspection, the applicant shall provide proof of use of a renewable energy source, such as PGE RePower+, to demonstrate that energy used to support the project is consistent with CCLUO requirements.
- f) The slope of the land where cannabis will be cultivated is less than 15% as depicted by the Humboldt County WebGIS tool.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. 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 43,560 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

### **EVIDENCE**

- a) A Road Evaluation report for the private road which includes an aerial image showing the access route, supplemented with road level photographs to depict road widths and lines of sight along pinch points indicates the road can be considered equivalent to a Road Category 4 and is adequate to accommodate the proposed use. A previously approved permit (Record Number: PLN-12123-CUP) located on the adjacent parcel (APN: 223-061-049) required the applicant to improve to the driveway apron (encroachment) that connects to the County road (Sprowel Creek Road) to the private access road which included paving for a minimum width of 20 feet and a length of 50 feet per the request of Public Works, Land Use Division. This project utilizes the same access road as described above, as such this project is required to adhere to these conditions, additionally per public comments the following condition shall be applied to this project: The applicant shall not use Oakcrest Drive for access associated with the commercial cannabis activities. The applicant may modify this permit to request Oakcrest Drive be utilized for additional site access.
- b) The site is in a rural part of the County where the typical parcel size is over 100 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) The source water used for irrigation will utilize a proposed rainwater catchment system with a total impermeable rainwater catchment area of 59,191 sf, and an average rainfall amount of 58 inches, the sites potential capture amount totals 2,166,800 gallons per year on average. Water captured this way will be stored in the proposed 550,000-gallon open top rainwater catchment tank. Additional water for irrigation will be sourced from the proposed rainwater catchment system on the adjacent property identified as APN 223-061-049 with a total impermeable rainwater catchment area of 11,759 sf, and an average rainfall amount of 58 inches, the sites potential capture amount totals 426,884 gallons per year on average. Water captured this way will be stored in the proposed 550,000-gallon open top rainwater catchment tank, twenty-eight (28) 5,000-gallon hard water tanks (140,000 gallons) and the existing twenty-four (24) 4,750-gallon and eight (8) 2,500-gallon water storage tanks totaling 824,000 gallons. With the additional 550,000-gallon rainwater catchment tank to be installed onsite, that total water storage will increase to 1,374,000 gallons. Estimated annual water usage between the two project totals 985,600 gallons which utilizes only 72% of proposed and existing water storage, and only 38% of potential rainfall catchment for an average year of rainfall.

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

**7. FINDING**

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

**EVIDENCE**

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

## DECISION

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

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

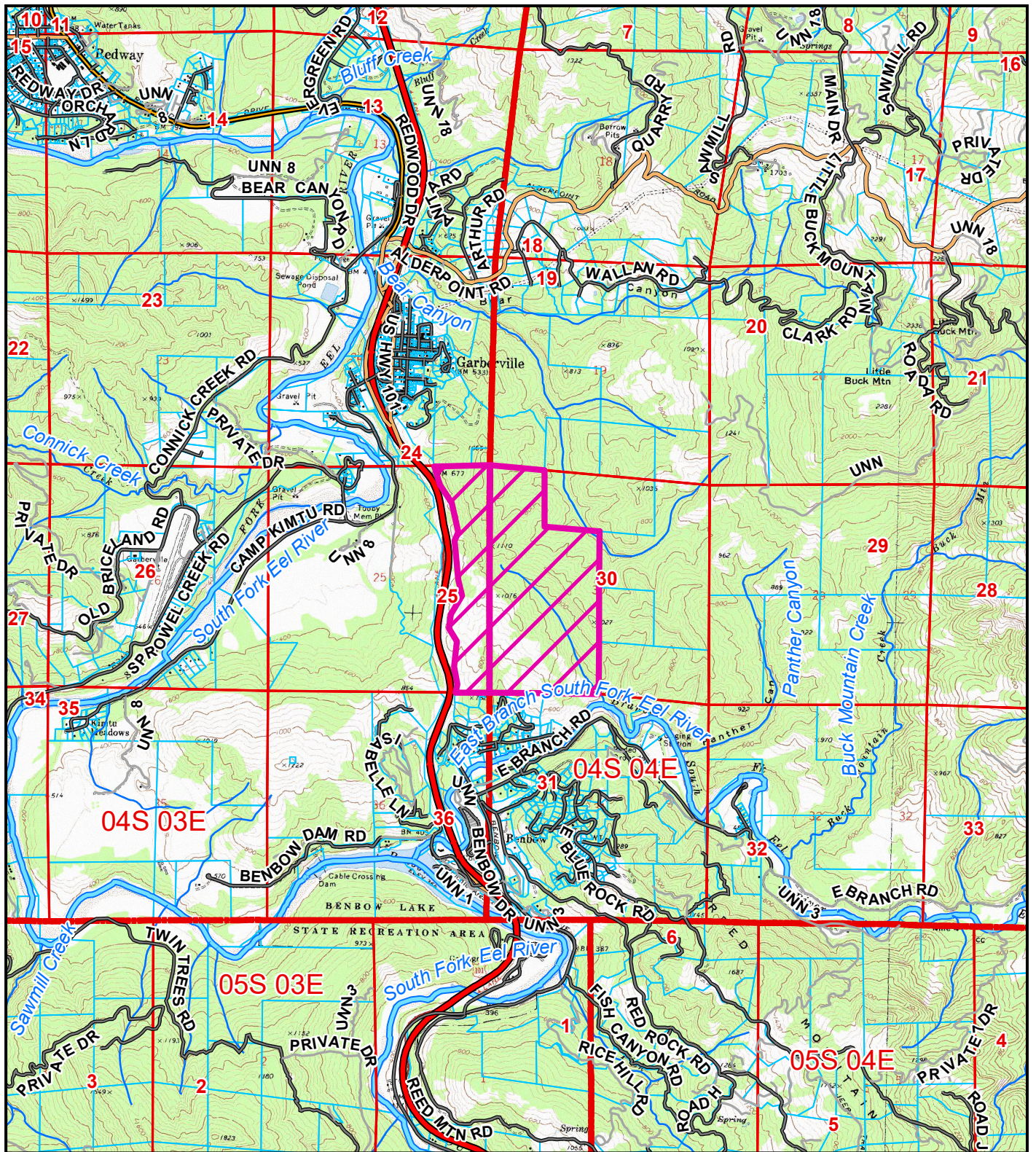
Adopted after review and consideration of all the evidence on June 17, 2021.

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

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John Ford, Zoning Administrator,  
Planning and Building Department





**TOPO MAP**  
**PROPOSED MJJ ENTERPRISES, LLC**  
**GARBERVILLE AREA**  
**PLN-2019-15959**

Project Area = 

**APN: 222-091-002; ET AL.**

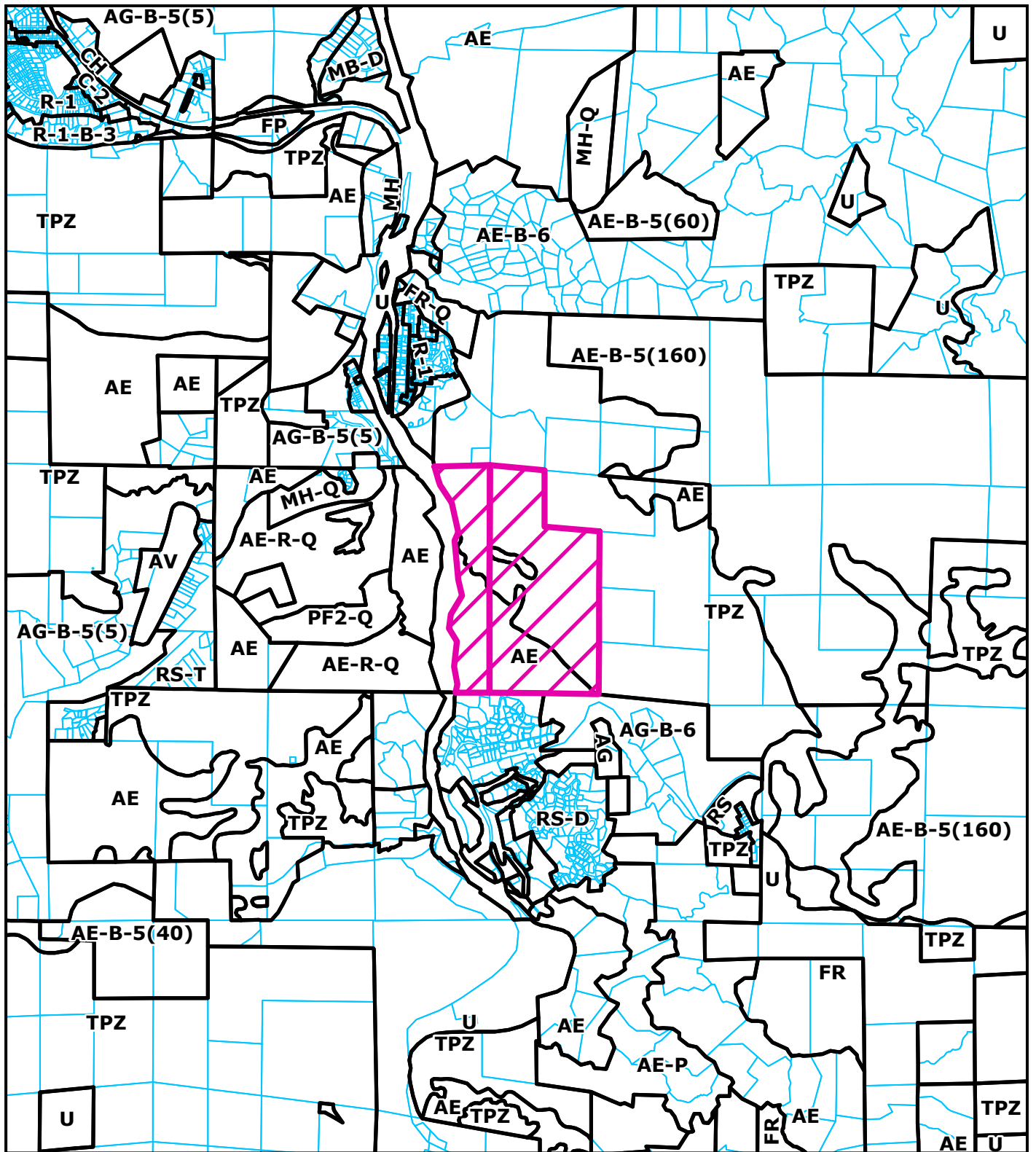
**T04S R03E S25; T04S R04E S30 HB&M (GARBERVILLE)**

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

0 0.35 0.7 1.4 Miles







**ZONING MAP  
PROPOSED MJJ ENTERPRISES, LLC  
GARBERVILLE AREA  
PLN-2019-15959**

**Project Area =** 

**APN: 222-091-002; ET AL.**

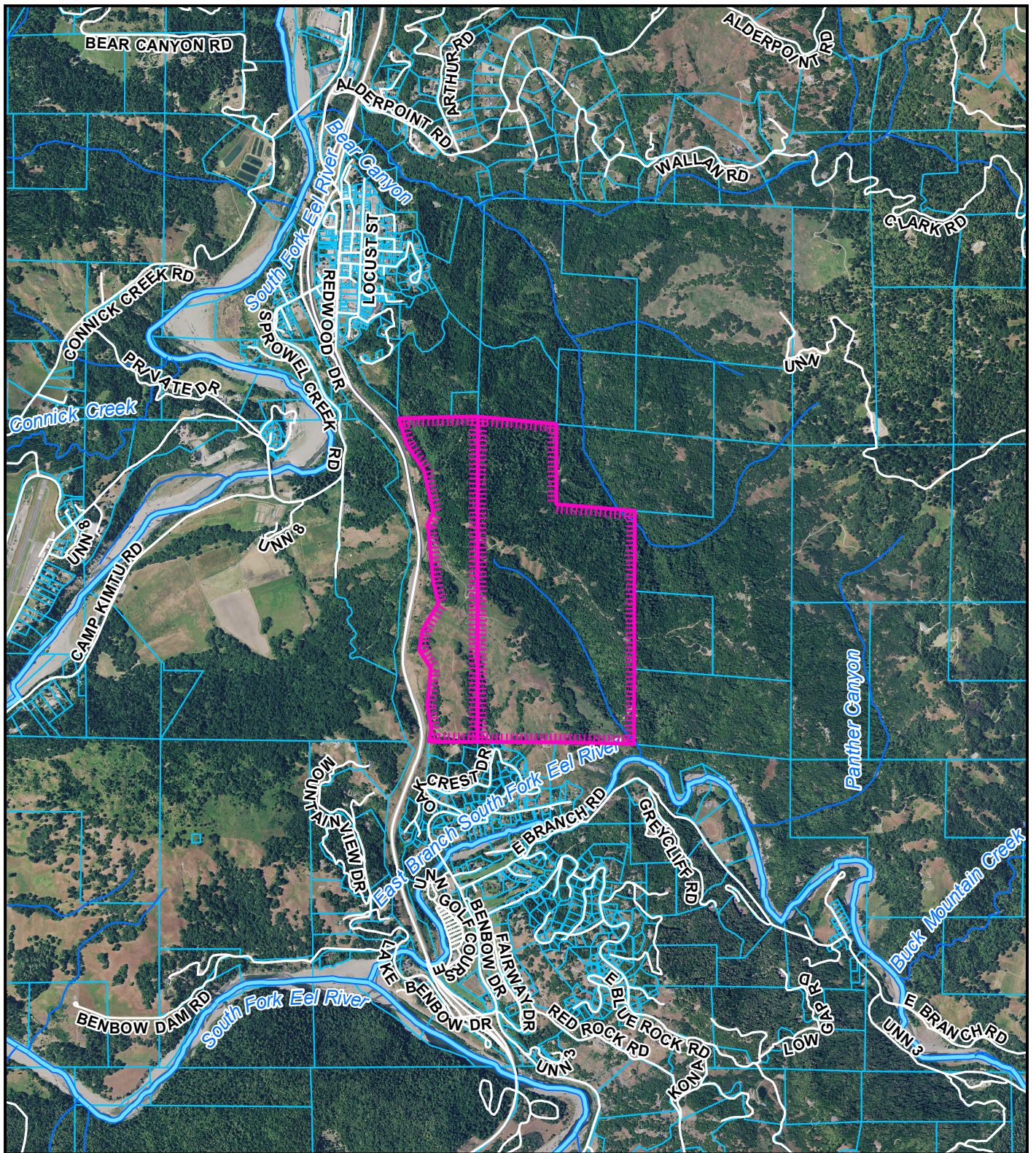
**T04S R03E S25; T04S R04E S30 HB&M (GARBERVILLE)**

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

0 0.35 0.7 1.4  
Miles







**AERIAL MAP  
PROPOSED MJJ ENTERPRISES, LLC  
GARBERVILLE AREA  
PLN-2019-15959**

**Project Area =** 

**APN: 222-091-002; ET AL.**

**T04S R03E S25; T04S R04E S30 HB&M (GARBERVILLE)**

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

0 1,000 2,000 4,000 Feet







**DIRECTIONS TO SITE:**  
FROM EUREKA, CA  
-HEAD SOUTH ON US-101  
-TAKE EXIT 636 TOWARDS  
BENBOW DR  
-CONTINUE ON BENBOW DR  
AND TURN LEFT ON  
OAKCREST CT  
-CONTINUE ON TO PRIVATE  
ROAD 0.6 MILES AND STAY  
RIGHT  
-CONTINUE 0.6 MILES AND  
TAKE HARD LEFT ONTO SITE

**VICINITY MAP**

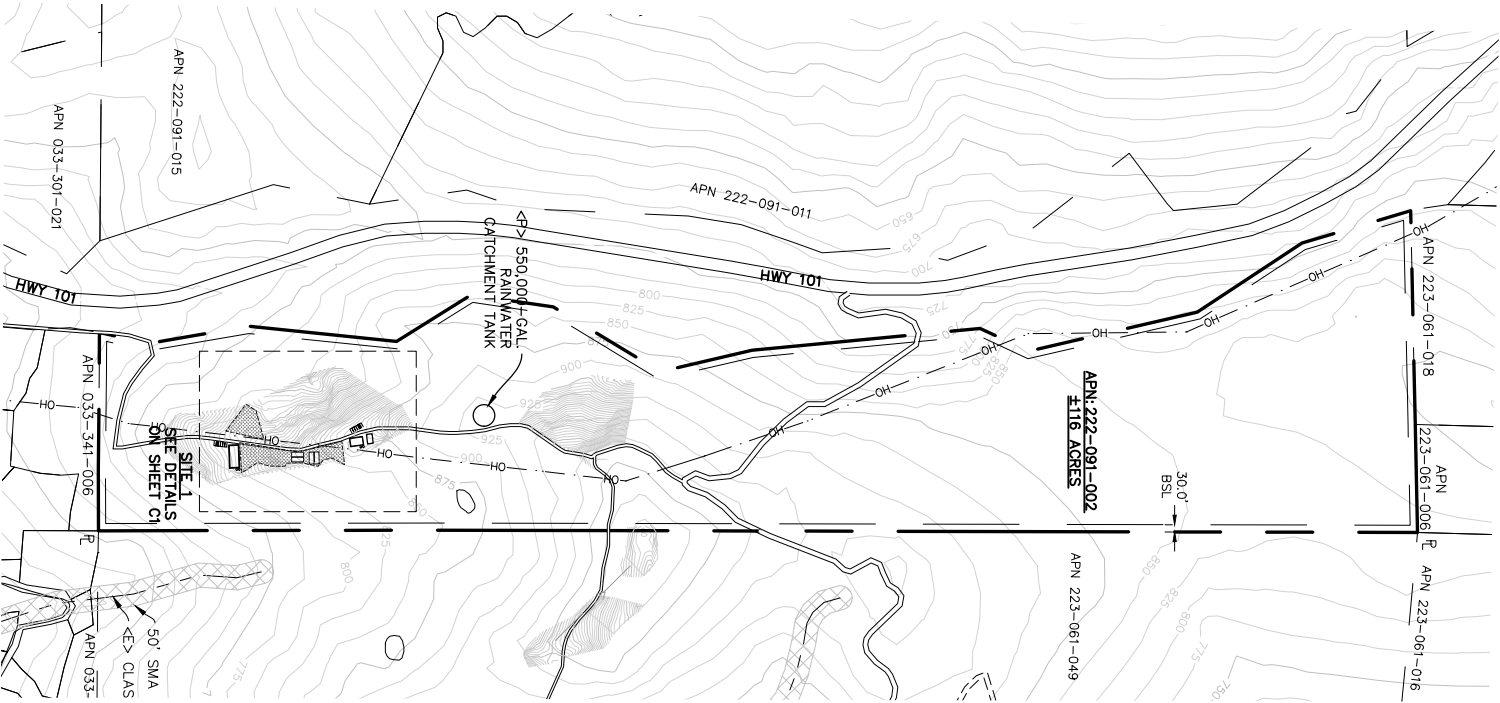
NOT TO SCALE

**PROJECT DESCRIPTION:**

M.J.J. ENTERPRISES IS PROPOSING TO PERMIT 43,560 SQUARE FEET (SF) OF NEW COMMERCIAL CANNABIS CULTIVATION IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL CANNABIS LAND USE ORDINANCE (CCLUD), AKA "ORDINANCE 2.0" ON APN: 222-091-002.

# M.J.J. ENTERPRISES NEW OUTDOOR ACRE

APN: 222-091-002



**PLOT PLAN**

22x34 SHEET: 1"=400'  
11x17 SHEET: 1"=800'

0 200 400 800



**PROJECT INFORMATION:**

**APPLICANT:**  
MJJ ENTERPRISES  
1449 TREAT WAY  
SAN FRANCISCO, CA 94110

**PROPERTY OWNER:**  
HARRIS LAND AND CATTLE, LLC  
PO BOX 671  
HAYWARD, CA 94543

**APPLICANT'S AGENT:**  
NORTHPOINT CONSULTING GROUP, INC  
1117 SAMOA BLVD.  
ARCATA, CA 95521  
(707) 798-6438

**SITE ADDRESS:**  
222-091-002  
BENBOW, CA 95542

TREES TO BE REMOVED = NONE

EXISTING OUTDOOR CULTIVATION AREA = 0 SQ.FT.  
EXISTING MIXED LIGHT CULTIVATION AREA = 0 SQ.FT.

PROPOSED OUTDOOR CULTIVATION AREA = 43,560 SQ.FT.  
PROPOSED MIXED LIGHT CULTIVATION AREA = 0 SQ.FT.

EARTHWORK QUANTITIES = 0 CY FILL

WATER = PRIVATE  
SEWER = PRIVATE

PROPERTY SIZE: = 4.116 ACRES  
APN: 222-091-002

ZONING = AE, TPZ  
GENERAL PLAN DESIGNATION = AG

**BUILDING SETBACKS:**

	AG	TPZ	AE	SRA
FRONT	20'	20'	30'	30'
SIDE	6'	30'	20'	30'
REAR	20'	30'	10'	30'

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

**SHEET INDEX:**

- C0 - PLOT PLAN, VICINITY MAP, & PROJECT NOTES
- C1 - SITE #1 DETAILS
- C2 - SETBACKS FROM PROPOSED CULTIVATION

DATE	REVISIONS	DRAWN BY

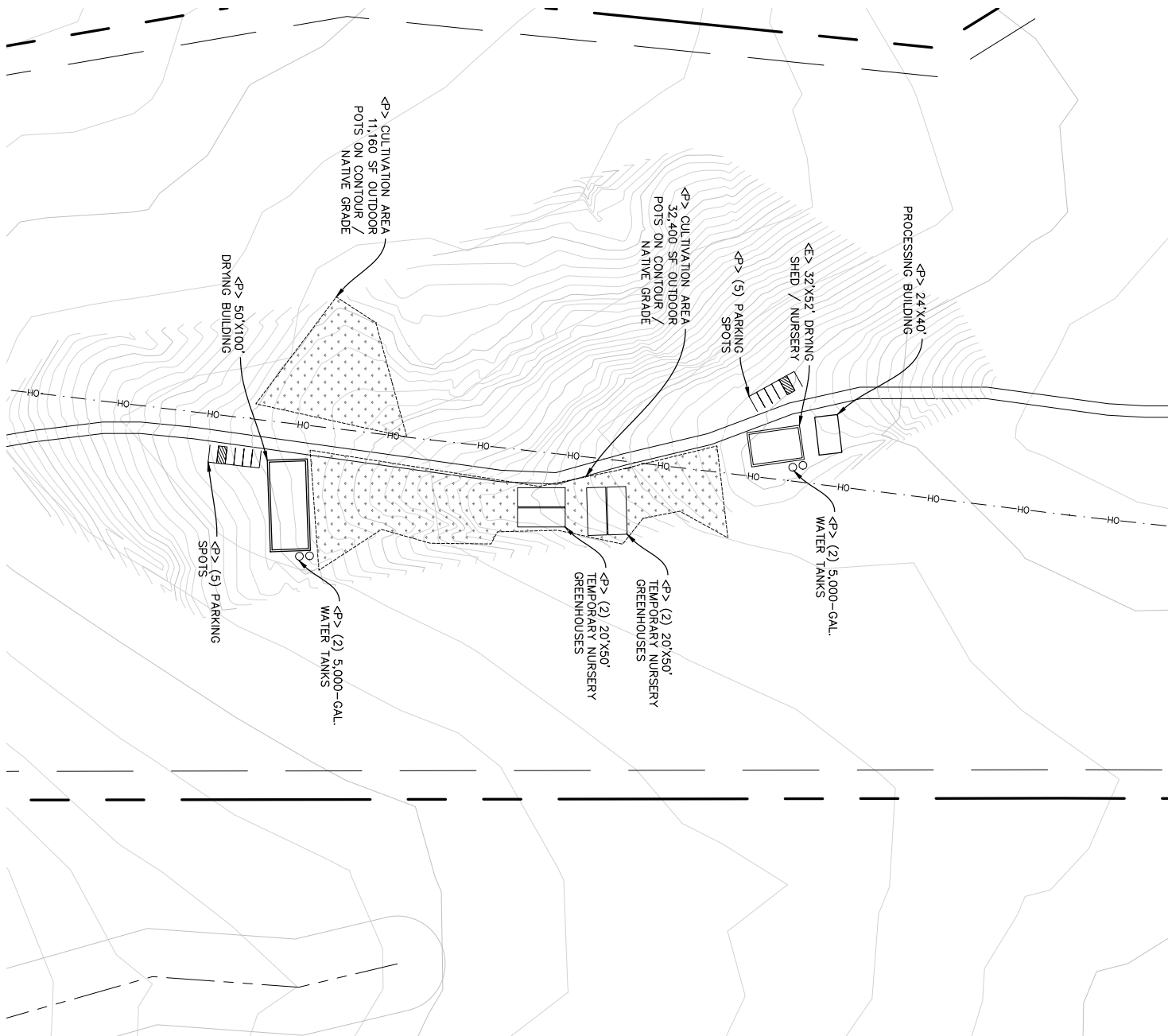


M.J.J. ENTERPRISES - NEW OUTDOOR ACRE	
APN: 222-091-002 - BENBOW, CA	
PLOT PLAN, VICINITY MAP & PROJECT NOTES	
PROJ. MGR.: POW	
DRAWN BY: DGR	
DATE: 05/05/2021	
SCALE: AS SHOWN	
SHEET	
C0	
20-049	

# M.J.J. ENTERPRISES

## SITE #1 - DETAILS

APN:222-091-002



22x34 SHEET: 1"=80'  
11x17 SHEET: 1"=160'

0 40 80 160

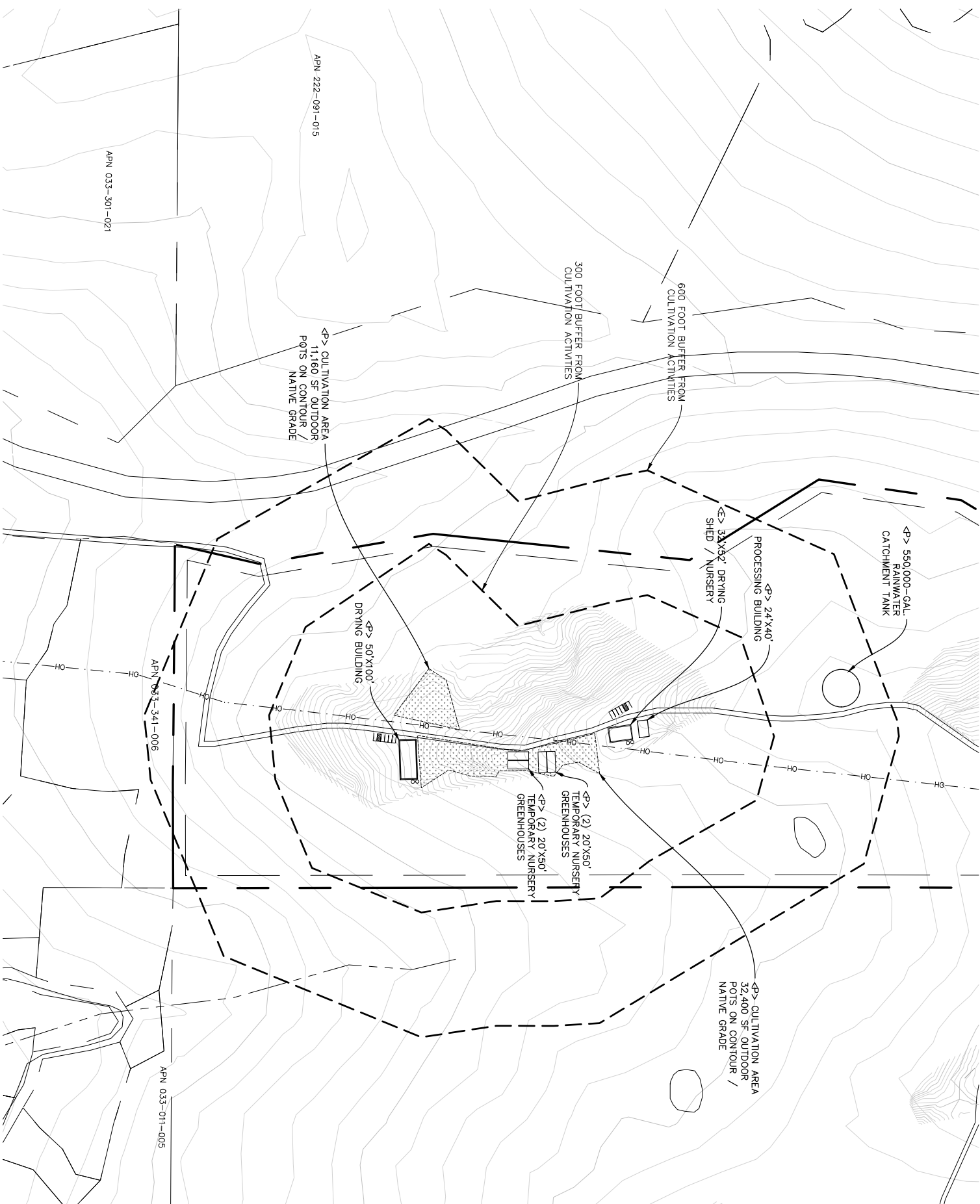


<b>20-049</b> <b>C1</b> SHEET	PROJ. MGR.: POW	<b>NORTHPOINT</b> CONSULTING GROUP, INC. 1117 Samoa Blvd., Arcata, CA 95521	<table><thead><tr><th>DATE</th><th>REVISIONS</th><th>DRAWN BY</th></tr></thead><tbody><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></tbody></table>	DATE	REVISIONS	DRAWN BY																																							
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M.J.J. ENTERPRISES - NEW OUTDOOR ACRE																																													
APN: 222-091-002 - BENBOW, CA																																													
SITE #1 DETAILS																																													

# **A.S. ENTERPRISES**

## **SETBACKS FROM PROPOSED CULTIVATION**

APN:223-061-049

**PROPOSED SITE**

22x34 SHEET: 1"=150'

11x17 SHEET: 1"=300'

[illegible]

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

**M.J.J. ENTERPRISES - NEW OUTDOOR ACRE**  
**APN: 222-091-002 - BENBOW, CA**  
**SETBACKS FROM PROPOSED CULTIVATION**

PROJ. MGR.: POW  
DRAWN BY: DDR  
DATE: 05/05/2021  
SCALE: AS SHOWN

**SHEET**  
**C2**  
20-049

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

#### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. The applicant shall not use Oakcrest Drive for access associated with the commercial cannabis activities. The applicant may modify this permit to request Oakcrest Drive be utilized for additional site access.
6. The applicant, to the satisfaction of Humboldt County Public Works, shall do the following:
  - a. Ensure that all fences and gates are relocated out of the County right-of-way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when opening/closing the gate. In addition, no materials shall be stored or placed in the County right-of-way.
  - b. Ensure that all driveways and private road intersection onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance); and
  - c. Ensure that any existing or proposed non-county-maintained access roads that serve as access for the proposed project that connect to a county-maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right-of-way:
    - i. If the County road has a paved surface at the location of the access road, the access road shall be paved at a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

- ii. If the County road has a gravel surface at the location of the access road, the access road shall be rocked a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
7. The applicant shall demonstrate the driveway and emergency vehicle turn around, signing and building numbers, conforming access to one of the two existing ponds (or dedicated tanks) for emergency water, and fuel modification standards conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvement to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
  - a. If the applicant chooses to utilize one of the ponds for emergency water, the applicant shall ensure that an adequate volume and depth of water exists to satisfy the requirements of the aforementioned County Code Section for Fire Safe Regulations.
  - b. In lieu of the above, the applicant shall provide dedicated water storage tank(s) with adequate storage and access to satisfy the requirements of the aforementioned County Code Section for Fire Safe Regulations.
8. Until such time that the applicant can permit an onsite wastewater treatment system associated with a permitted structure, processing activities are prohibited. The applicant shall secure the approval of the Division of Environmental Health (DEH) for the proposed Onsite Wastewater Treatment System (OWTS) for the proposed 4,500sf processing facility. The applicant shall provide an invoice, receipts, or equivalent documentation to the DEH to confirm the continual use of portable toilets to serve the needs of the cultivation staff prior to the reissuance of the annual permit. A letter or similar communication from DEH indicating approval has been issued will satisfy this condition.
9. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply from the rain catchment system to meet the demands of the project without having to rely on surface water diversions during the forbearance period and shall provide results prior to or during the annual inspection. The water use for cultivation is limited to the amount of water captured through the rainwater catchment system as proposed.
10. The applicant is to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board (SWRCB), including, but not limited to, a Notice of Applicability and 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 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.
11. Prior to or during each annual inspection, the applicant shall provide proof of use of a renewable energy source, such as PGE RePower+, to demonstrate that energy used to support the project is consistent with CCLUO requirements. A sign-off from the Planning Department will satisfy this condition.
12. 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.
13. 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.
14. The applicant shall adhere to the Invasive Species and Soils Management Plan for the life of the project.

15. As applicable, the applicant shall adhere to the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
16. The applicant is to adhere to the recommendations made on page 15 of the Biological Scoping Report for the project site, prepared by Corrina Kamoroff, dated 11/23/20. The applicant shall provide evidence of compliance, by submitting a letter from a qualified biologist. A sign-off from the Planning Department will satisfy this condition.
17. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, graded flats, 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.
18. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
19. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
20. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.



3. The applicant shall abide by recommendations of the Biological Assessment prepared by Timberland Resource Consultants (TRC) and received October 24, 2019 which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.
4. 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.
5. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
6. 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.
7. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. 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.
16. 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).
17. 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.
18. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
19. 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.
20. 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).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. 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.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

26. 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."

27. 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).
28. Cultivators engaged in processing shall comply with the following Processing Practices:
- Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- 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:
    - Emergency action response planning as necessary;
    - Employee accident reporting and investigation policies;
    - Fire prevention;
    - Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - Materials handling policies;
    - Job hazard analyses; and
    - Personal protective equipment policies, including respiratory protection.
  - Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - Operation manager contacts;
    - Emergency responder contacts; and
    - Poison control contacts.
  - 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.
  - On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
30. All cultivators shall comply with the approved processing plan as to the following:
- Processing practices
  - Location where processing will occur
  - Number of employees, if any
  - Employee Safety Practices
  - Toilet and handwashing facilities
  - Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - Drinking water for employees
  - Plan to minimize impact from increased road use resulting from processing
  - On-site housing, if any
31. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection

has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

32. 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.
33. 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.
34. 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.
35. 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.
36. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

#### **Informational Notes:**

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

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

**ATTACHMENT 2**

**CEQA ADDENDUM TO THE  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

*Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR) (State  
Clearinghouse # 2017042022), January 2018*

**APN 222-091-002; 1128 Sprowel Creek Road, specifically on the portion located in the southwest  
quarter of Section 30 of Township 04 South, Range 04 East, Humboldt Base & Meridian, Garberville,  
County of Humboldt**

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

**May 2021**



## Background

**Modified Project Description and Project History –** The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO 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. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for a new 43,560-square-feet (SF) of outdoor cultivation. Ancillary nursery activities occur within four (4) 1,000-square-foot temporary hoop house structures. Irrigation water will be sourced from a rainwater catchment system utilizing roof tops and one 550,000-gallon open top rainwater catchment tank. Water storage consists of a 550,000-gallon open top rainwater catchment tank. Estimated annual water usage is 435,600 gallons. Processing activities including drying, curing, and trimming will occur onsite in a proposed 4,500-square-foot commercial building. Up to forty (40) employees may be utilized during peak operations. Power will be provided by Pacific Gas and Electric, with backup generators. The proposed project includes a Special Permit for work within the Streamside Management Area associated with historic cultivation activities in accordance with the Streamside Management Area and Wetland Areas Ordinance (SMAWO).

No known significant archaeological or historic period cultural resources are located in the project area. A Cultural Resources Investigation was conducted by William Rich and Associates in November 2017. A comprehensive field survey of parcels 223-061-049 (project parcel) and 222-091-002 (westerly adjacent parcel) was conducted which included review of the legacy ponds. No artifacts, features, or sites which would be considered a historical resource under CEQA were identified during the survey. Although the Cultural Resources Investigation concludes that it is not anticipated to encounter significant buried archaeological materials at this location during implementation of the permit, it is noted that the potential for inadvertent discovery of such resources exists. A condition of project approval has been incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.

The project site contains riparian habitat associated with a watercourse extends from the legacy pond onsite. The project includes legacy pond improvements that is located within the Streamside Management Area (SMA). All approved cannabis cultivation activities would occur outside of required SMA setbacks and on slopes less than 15%. A Biological Scoping Report (Report) (Attachment 3) was prepared by Corrina Kamoroff for Hohman and Associates in November 2018 and concluded that there is the potential for some sensitive and protected species to be present onsite. Additionally, it was concluded the proposed project has potential direct and indirect impacts which can be mitigated through implementation six (6) additional site specific surveys for raptors, nesting birds, Northern Spotted

Owl, American Bullfrog, yellow legged frog, and a floristic survey. The project also must maintain adherence to biological best management practices, the conditions required in the SAA with CDFW. Furthermore, as a Tier 1 Low Risk operator (WDID 1\_12CC416190) the applicant is required to create and adhere to a site-specific Site Management Plan as required by the State Water Resources Control Board (SWRCB) Cannabis General Order (Order No. WQ 2019-0001-DWQ). Per review of the California Natural Diversity Database (CNDDDB), the nearest NSO activity center is located approximately 2.5 miles from the proposed cultivation site. Conditions of approval will require adherence to the International Dark-Sky Association standards for lighting in zone 1 or 2, full adherence to the applicant's Invasive Species Management Plan, and the requirement for appropriate floristic and raptor surveys prior to vegetation or construction disturbance.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new cannabis operations. These include complying with County Fire Safe regulations, and light attenuation measures to limit disturbance to wildlife, limiting activities to daylight hours (8 am to 5 pm), supplying irrigation water from a non-diversionary source and electricity from renewable sources.

**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 EIR 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 EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize consisting of 43,560 square feet (sf) of outdoor cannabis cultivation and to construct minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

In reviewing the application for consistency with the adopted EIR the County considered the following information and studies, among other documents:

- Plot Plans prepared by NorthPoint Consulting Group dated 3/18/2021.
- Cultivation and Operations Plan prepared by NorthPoint Consulting dated March 2021.
- Grading and Drainage Plan prepared by Pope Engineering received 06/01/20.
- Right to Divert and Use Water, Certificate H100470 with the State Water Resources Control Board, Division of Water Rights.
- Right to Divert and Use Water, Certificate H100633 with the State Water Resources Control Board, Division of Water Rights.
- Road Evaluation Report for Private Road prepared by applicant., dated 11/06/2019.
- Final Streambed Alteration Agreement Notification No. 1600-2017-0621-R1, dated 8/17/2018 through the California Department of Fish and Wildlife.
- Rainwater Catchment Analysis prepared by NorthPoint Consulting Group, dated March 2021.
- Biological Scoping Report for AS Enterprises, Humboldt County Application #15958 prepared by Hohman and Associates prepared 11/14/2018.
- Cultural Resources Investigation for the MJJ Enterprises, LLC Commercial Cannabis Cultivation, Humboldt County California, County Application #15958 prepared William Rich, M.A., RPA, Principal Investigator, William Rich & Associates, Bayside, CA, received 11/13/2017.

### **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 EIR was adopted. Based upon this review, the following findings are supported:

### **FINDINGS**

1. The proposed project will permit a new 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 EIR was adopted as complete.

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, remain in full force and effect on the original project.

### ATTACHMENT 3

#### Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by NorthPoint Consulting Group, dated 5/14/2021– **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by NorthPoint Consulting dated May 2021 - **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Certificate No. H100470 & H100633 dated 9/4/18) – **Attached**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Condition of Approval)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2017-0621-R1 notification 8/17/2018 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or

timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not Applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resources Investigation for the MJJ Enterprises, LLC Commercial Cannabis Cultivation, Humboldt County California, County Application #15958 prepared William Rich, M.A., RPA, Principal Investigator, William Rich & Associates, Bayside, CA, received 11/13/2017.
16. Road Evaluation Report for Private Road prepared by applicant., dated 11/06/2019. (**Attached**)
17. Biological and Botanical Scoping Report for AS Enterprises, Humboldt County Application #15959 prepared by Corrina Kamoroff for Hohman and Associates, dated 11/14/2018 (Attached Separately and On File).
18. Invasive Species Control and Management Plan, prepared by James Regan Consulting, prepared 07/19/2019. (Attached)
19. Grading and Drainage Plan prepared by Pope Engineering, received 6/1/20 (**Attached**)
20. Rainwater Catchment Analysis prepared by NorthPoint Consulting dated 5/14/2021 (**Attached**)



**M.J.J. ENTERPRISES, LLC**

**2.0 APPLICATION**

**APN: 222-091-002**

**PLN-2019-15959**

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

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**COMMERCIAL CANNABIS  
CULTIVATION FACILITIES**

**PREPARED FOR:**



**May 2021**

**Commercial Cannabis Cultivation Facilities**

APN: 222-091-002

PLN-2019-15959

Lead Agency:

***Humboldt County Planning Department***

3015 H Street

Eureka, CA 95501

Prepared By:



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Hayward, CA 94542

**May 2021**

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Appendix A: Site Map

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Appendix C: Rainwater Catchment Budget Analysis

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## 1. PROJECT SUMMARY

### 1.1. PROJECT OBJECTIVE

M.J.J. Enterprises, LLC is proposing to permit commercial cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Cannabis Land Use Ordinance* (CCLUO), aka "Ordinance 2.0" on APN: 222-091-002 in Garberville, California. The project requires a Special Permit for 1 acre (43,560-sf) of new outdoor cultivation.

This project proposal includes permitting of existing and proposed facilities appurtenant to the cultivation, which will be shared for new and existing cultivation. Appurtenant facilities include an existing 32'x52' drying/storage/nursery barn, a proposed 24'x40' processing building, a proposed 50'x100' drying building, four (4) proposed 20'x50' temporary hoop-house nurseries and a proposed 550-000-gallon rainwater catchment tank. Power will be sourced PG&E and water will be sourced from rainwater catchment. See Site Map in Appendix A for location of all existing and proposed cultivation facilities. The applicants aim to become fully compliant with State and Local cultivation regulations.

### 1.2. SITE DESCRIPTION

The project site is located at APN: 222-091-002 near the community of Garberville (40.0846, -123.7819) in the South Fork Eel River watershed (HUC-12 #180101060202). The project site occupies an area of approximately 116-acres, outside the Coastal Zone and within the State Responsibility Area (SRA) for fire protection. The northern portion of the parcel is wooded with two gravel roads that run west to east across the property. Cultivation will be located in the open grasslands in the southern portion the parcel. The parcel has a general plan land use designation of Agricultural Land (AG) and is zoned Agriculture Exclusive (AE-B-5(160)) and Timber Production Zone (TPZ) as per Humboldt County Web GIS.

### 1.3. LAND USE

The parcel is zoned Agriculture Exclusive (AE-B-5(160)) and Timber Production Zone (TPZ), with a general plan land use designation of Agricultural Land (AG). Land uses surrounding the parcel are comprised of Agriculture, Timber, and Rural designations.

### 1.4. STATE AND LOCAL COMPLIANCE

#### 1.4.1. CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE – CALCANNABIS

M.J.J. Enterprises, LLC will obtain a Commercial Cannabis Activity license from the State of California once the local approval has been received.

#### 1.4.2. STATE WATER RESOURCES CONTROL BOARD – WATER RIGHTS

The applicant proposes to source all irrigation water from rainwater catchment.

#### 1.4.3. STATE WATER RESOURCES CONTROL BOARD AND NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD – WATER QUALITY

The applicants enrolled for coverage as a Tier 1, Low Risk under the State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities* "Order") on March 15<sup>th</sup>, 2020 (Application Number 426264). The assigned statewide Waste Discharger Identification (WDID) number is 1\_12CC416190. The purpose of the



SWRCB Order is to implement the requirements for waste discharges associated with cannabis cultivation as described in SWRCB's *Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation* ("Policy"). A Site Management Plan will be developed for the property to describe how the discharger is complying with the applicable Best Practicable Treatment or Control (BPTC) Measures listed in Attachment A of the Order/Policy.

The current Tier 1, Low Risk discharger status reflects current operations that disturb less than one acre. The applicants intend to keep all cultivation activities out of riparian setbacks to maintain Low Risk status with SWRCB.

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

Upon project approval, all necessary building permits will be obtained from the Humboldt County Building Department for all existing/proposed structures and supporting infrastructure.

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

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including management of trees and vegetation around existing structures to maintain the required 100-foot defensible space and the installation of a 2,500-gal. water tank and fire riser dedicated for fire suppression. All structures on the property meet the 30-foot SRA setback requirement from property lines.

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

There are not items or natural features that fall under CDFW jurisdiction within the site.

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

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

## **2. CULTIVATION AND PROCESSING**

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

The applicants propose to propagate juvenile plants on-site from seeds and mother plants, along with obtaining juvenile plants from off-site. Mother plants will be located within the existing 32'x52' drying/storage/nursery barn (see site map in Appendix A). Mother plants will remain in the vegetative stage solely for propagation. Cuttings will be sampled from the mother plants and rooted into a growing medium (e.g. oasis cubes) to produce clones. Clones will be kept within the 32'x52' barn until they are ready to be transferred to the nursery areas. The clones will be transferred to the vegetative nursery areas, and after 2-3 weeks will be transplanted into one-gallon pots or similar. The nursery areas are comprised of four (4) 20'x50' temporary hoop-house structures. The nursery hoop-houses

are constructed of PVC, constructed on natural grade with no required grading, will have natural baren floors. The temporary nursery structures will be erected each cultivation season (April 1<sup>st</sup>), and will be removed by the end of the cultivation season (October 15<sup>th</sup>).

The juvenile plants will be irrigated using hand watering methods, and after three weeks they will be transplanted into their final location where they will continue their vegetative cycle and eventually flower.

## **2.2. CULTIVATION PLAN**

Cultivation will outdoors, under full sun and will not use artificial light. Plants will be grown in raised beds and/or fabric pots, which will be placed on natural grade with slopes of 15% or less. See the Site Map for the proposed cultivation areas. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with the operation for a typical year.

## **2.3. IRRIGATION PLAN AND SCHEDULE**

Irrigation and fertigation of plants will occur using top-feed hand watering methods. Irrigation and fertigation may be more efficiently managed via hand watering, which allows for daily inspection of each plant by the cultivator. Daily inspection of each plant allows the cultivator to tailor irrigation and nutrient application based on the needs of each individual plant. The monthly Cultivation Schedule in Appendix B details the irrigation activities associated with all cultivation.

## **2.4. PROCESSING PLAN (HARVESTING, DRYING, AND TRIMMING)**

Plants that are ready for harvest will have their flowering branches removed and placed in the proposed Drying Building (see site map in Appendix A), where they will be suspended and left to dry for approximately one week. The dried flowers will be bucked into manageable buds and trimmed using a trimming machine; the machine-trimmed buds receive a finishing trim by hand before being weighed, labeled, logged, packaged, and sealed before being transported to a licensed distribution facility. Trimming and processing will occur on-site in a proposed 24'x40' processing facility. The proposed processing facility will be equipped with an ADA restroom.

## **2.5. EMPLOYEE PLAN**

The applicant is an "agricultural employer" as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 of Division 2 of the Labor Code), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

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

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

- Seasonal Laborer: Provides cultivation, harvesting, and drying support. This is a part-time to full-time, seasonal position.

### **2.5.2. STAFFING REQUIREMENTS**

In addition to the *Agent in Charge, Lead Cultivator, and Assistant Cultivator positions*, up to five (5) seasonal labors may be employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest, and processing season. At any time, up to ten (10) employees may be onsite.

### **2.5.3. EMPLOYEE TRAINING AND SAFETY**

On-site cultivation, harvesting and drying will be performed by employees trained on each aspect of the procedure including cultivation/harvesting techniques, use of pruning tools, and proper application/storage of pesticides and fertilizers. All cultivation staff will be provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the on-site cultivation and drying facilities will be limited to authorized and trained staff. All employees will be trained on proper safety procedures including fire safety, use of PPE, proper hand washing guidelines, and emergency protocol. Contact information for the local fire department, Cal Fire, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted in the proposed processing building near the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets are kept on site and accessible to employees.

### **2.5.4. TOILET AND HANDWASHING FACILITIES**

The proposed 24'x40' processing facility will be equipped with an ADA restroom facility. Until the ADA-compliant restroom has been developed, cultivation employees will be served by a portable restroom and handwashing facility where anti-bacterial liquid soap and paper hand towels will be made available. Restroom and handwashing units will be serviced at regular intervals by a licensed contractor. Work will occur at a distance no greater than 900 feet from the restroom facility. A septic suitability analysis has been completed to develop the ADA-restroom and a shower facility once expansion of the cultivation area has been approved.

### **2.5.5. ON SITE HOUSING**

All full-time and seasonal employees will live off-site and commute daily to the cultivation site. In the future, a residence may be constructed for the Agent in Charge if the property is excluded from the Williamson Act.

### **2.5.6. PARKING PLAN**

Parking is proposed to be located at Site 1. At least ten (10) parking spaces, including one (1) ADA parking space, will be available for employees (see site map in Appendix A).

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

### **2.6.1. FACILITY SECURITY**

The property is accessed through an entry gate that remains locked at all times. Cultivation facilities (cultivation areas, storage sheds, drying facility) will only be accessible through the locked gate. Access to the area is limited to employees and approved personnel including agency staff, consultants, and distributors. The processing facility area will have low-intensity motion-sensing lights to illuminate the entrance. All outdoor lighting is proposed to be fully shielded and directed downward to avoid adverse impact on properties and wildlife surrounding the project site.

### 2.6.2. HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as harvesting and drying typically occur no earlier than 8 AM and extend no later than 8 PM.

### 2.6.3. LIGHT POLLUTION CONTROL PLAN

The nursery and any other area that may use supplemental lighting will be blocked with the use of blackout tarps or other materials to achieve Dark Sky standards. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.

## 3. ENVIRONMENT

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

All water for new proposed cultivation will be sourced from rainwater catchment. Rainwater will be collected from the rooftops of buildings, collected from a large open top rainwater catchment tank, and stored in storage tanks. Storage facilities will be comprised of a 570,000-gallon, open top, rainwater catchment tank and four (4) 5,000-gallon storage tanks.

Annual water demand for the entire cultivation season is estimated to be approximately 457,000-gallons. Table 1 outlines the estimated irrigation water usage for cultivation during a typical year.

Table 1: Estimated Annual Irrigation Water Usage (gallons)

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
5,000	5,000	7,000	12,000	30,000	55,000	55,000	75,000	75,000	75,000	58,000	5,000	457,000

#### 3.1.1. RAINWATER CATCHMENT ANALYSIS

This section details the quantity of rainwater that can be captured and stored on the property for the proposed final build-out of the project. After full build out, there will be a total of 13,983-sf of surface available to capture rainfall. These surfaces include roofs of buildings and the surface area of the open top, rainwater catchment tank.

The estimated amount of potential rainwater capture was based on the amount of available roof area and historic rainfall data. Rainfall data was collected from PRISM Climate Group (*PRISM, 2021*), which provides site-specific average annual rainfall data based on topography and historic precipitation values. Based on rainfall values from 2010-2020, the average rainfall for the project area is 58 inches (4.9 ft.).

On an average rainfall year, the proposed catchment area surfaces totaling 13,984-sf has the potential to capture approximately 511,700 gallons of rainwater.

See the Rainwater Catchment Budget Analysis in Appendix C for full details of the proposed rainfall capture system and water balance.

### **3.2. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL**

The applicant has enrolled with the State Water Resources Control Board (SWRCB) for coverage under the General Order. The Site Management Plan (SMP) for existing site conditions is in the process of being revised; the SMP will detail erosion control and sediment capture measures, as well as road maintenance and runoff activities.

#### **3.2.1. STORMWATER MANAGEMENT PLAN**

The site contains a ridge line that bisects the property into two watersheds, with a forested area to the northeast and a white oak grassland to the southwest. Both halves of the property drain to the southeast towards the east branch of the south fork of the Eel River.

The existing gravel roads are adequately armored, and the greenhouses are proposed in locations away from riparian zones. Fertilizers and pesticides will be stored in a storage shipping container with secondary containment to prevent contamination in runoff.

Stormwater management for the remainder of the property will be addressed in the SMP, which will also include recommendations for road network maintenance. Existing and proposed structures are located over 150-feet from any watercourses, providing a sufficient buffer to prevent potential sediment or nutrient delivery.

#### **3.2.2. EROSION CONTROL**

The SMP will include erosion and sediment control best practicable treatment controls (BPTCs) designed to prevent, contain, and reduce sources of sediment. Additionally, the SMP will include site-specific corrective actions to reduce sediment delivery potential. BPTC prescriptions may include rocking roads, maintaining rolling dips/water bars, and unplugging ditch relief culverts.

### **3.3. WATERSHED AND HABITAT PROTECTION**

All proposed cultivation activities will be set back at least 50-ft from any drainages and watercourses on site. These setbacks should provide a suitable buffer between the cultivation operation and habitat. Adherence to the Site Management Plan will ensure that erosion control and sediment capture BPTC measures are in place to prohibit water quality degradation of the nearby river. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

### **3.4. INVASIVE VEGETATIVE SPECIES CONTROL PLAN**

Once proposed cultivation activities commence, the cultivation area will be monitored for invasive species. If invasive species are located, hand tools (shovels, weed wrenches, trowels, or hand saws) may be used to remove them. The exact rate and method of invasive species removal will be determined based on the species identified. The areas of disturbance shall be surveyed and maintained twice each year, at a minimum, as part of the invasive species control plan.

The following is a partial list of websites to be used for proper identification and treatment:

1. <https://calflora.org/>
2. <https://plants.usda.gov/java/>
3. <https://www.cal-ipc.org/>
4. <https://www.cal-ipc.org/solutions/>
5. <http://www.rareplants.cnps.org/>
6. <https://www.wildlife.ca.gov/Conservation/Plants#22064102-california-native-plant-information>



7. <http://ucjeps.berkeley.edu/>
8. [http://wetland-plants.usace.army.mil/nwpl\\_static/v33/home/home.html](http://wetland-plants.usace.army.mil/nwpl_static/v33/home/home.html)
9. <https://www.fws.gov/invasives/partnerships.html>

### **3.5. MATERIALS MANAGEMENT PLAN**

Cultivation, harvesting, and drying shall be performed by employees trained on each aspect of the procedure, including cultivation and harvesting techniques, the use of pruning tools, and proper application/storage of pesticides/ and fertilizers. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities are limited to authorized and trained staff. Mixing of fertilizers in small storage tanks is solely conducted in a designated area where the mix will not enter surface waters. For young plants, the mix is applied via watering wand and mature plants are fertigated at agronomic rates by drip emitters or hand watering methods. Spent soil is amended and reused as needed. The application of any agricultural chemical products will be conducted according to the manufacturer's recommendation.

Employees are trained on usage and handling procedures of associated equipment and cleaning procedures. Chemicals and hazardous materials are only used with equipment as recommended by manufacturers. Cleaning will occur regularly with instructions based on the manufacturer's recommendations. All cleaning materials will be put away and stored properly within secondary containment when not in use and hazardous containers will be properly disposed of. Additionally, if there are any spills on site, there will be a spill kit with sorbent pads will be accessible.

On-site inventory is kept for all chemical. Chemicals are used and stored based on manufacturer's recommendations and requirements. Any materials required for use of chemicals will be provided to employees. The material safety data sheets (MSDS) are kept on site and accessible to employees.

All hazardous waste will be stored within secondary containment. Additionally, a log will be kept in order to keep the volume of hazardous waste accounted for. Fertilizers and pesticides are being stored in a separate location from petroleum products. No rodenticides will be used on site. At the end of the season, any unused liquid products are stored in secondary containment and will be applied the following year. Before unused products are stored at the end of the season, an employee will take inventory on the volumes and products. Additionally, all waste will be properly disposed of off-site and the correct facility. All trash, empty product containers, and recycling are hauled off-site bi-weekly to nearest licensed waste management facility.

Appropriate BPTC measures are being utilized when storing, handling, mixing, applying, and disposing of all fertilizers, pesticides, herbicides, rodenticides, or any other hazardous materials. Each year an inventory will be conducted prior to the beginning of the grow season and necessary products are delivered to the site as needed.

### **3.6. SOILS MANAGEMENT PLAN**

The applicant is proposing to plant all cultivation in pots or beds within the greenhouses. The applicant will account for and keep records of annual and seasonal volumes of soil imported and exported on and off site. Any purchased soils will be reamended for use the following year. During the wet season, any soil piles will be located in a flat area outside of riparian setbacks and winterized, likely with a tarp underneath the pile and straw wattles located around the pile to prevent leachate from entering surface waters. Potential spent soils will be properly disposed of off-site at an appropriate facility.

### **3.7. HAZARDOUS WASTE STATEMENT**

There are no hazardous materials mapped onsite. The site has been historically utilized for a residential property. No industrial activities have occurred on site. A search of the EnviroSTOR database shows no GeoTracker Cleanup Programs on-site.

### **3.8. ENERGY PLAN**

Power for new cultivation will be sourced from PG&E. A backup generator will be kept onsite in the event of a power outage.

### **3.9. WASTE MANAGEMENT**

#### **3.9.1. DOMESTIC & CULTIVATION WASTE**

Waste generated from domestic activities will be stored in garbage cans located adjacent to cultivation areas and processing areas; the waste will be transported to an appropriate facility weekly as needed. Organic cultivation-related waste is composted on site. Trash and recycling from cannabis operations, including empty soil or fertilizer bags, liquid fertilizer bottles, cultivation supplies, etc., will be stored in appropriate receptacles and taken to the nearest waste management facility once per week or as needed.

#### **3.9.2. SEWAGE DISPOSAL PLAN**

The proposed processing facility will be equipped with an ADA restroom, which will be connected to an onsite wastewater treatment system (OWTS). See the site map in Appendix A for the location of the proposed OWTS. Portable toilets and handwashing stations will be utilized until the OWTS is installed and permitted. The portable toilet and wash station will be serviced at least once weekly and will be sized and maintained to meet the expected needs of the family-run operation.

## **4. PRODUCT MANAGEMENT**

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

Samples will be selected from individual harvested cannabis strains and tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled and will include tracking ID's provided by the California Cannabis Track-and-Trace (CCTT) METRC system.

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

The applicants will follow all regulations and requirements set by the CCTT-METRC system. After approval of state licenses related to the proposed cultivation, the applicants will request credentials and order unique identifiers (UIDs) which will be assigned to each immature lot, flowering plant, and distinct cannabis product.

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

Transportation will be handled by a licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed commercial cannabis dispensaries. The CCTT-METRC system will be used for all transactions with distributors or transporters.



# APPENDIX B: CULTIVATION ACTIVITIES SCHEDULE

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drainage, Runoff, and Erosion Control	Winterization (storage of pots/greenhouse covers)												
	Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc.)												
	Road maintenance												
	Culvert and inboard ditch maintenance/inspection												
	Cover soil beds and seed / straw with cover crop												
Irrigation Activities	Irrigation of juvenile mother plants/clones												
	Irrigation of flowering plants												
Cultivation and Harvest Schedule	Cultivation Cycle												
	Harvest activities												
	Drying Activities												

**APPENDIX C: RAINWATER  
CATCHMENT BUDGET  
ANALYSIS**



## APPENDIX D: REFERENCES

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

California Code of Regulations. Health and Safety Code Section 11357-11362.9.

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>.

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.

<http://www.canorml.org/laws/sb420.html>.

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

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

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.

<http://www.boe.ca.gov/news/pdf/173.pdf>.

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.

[http://www.ag.ca.gov/cms\\_attachments/press/pdfs/n1601\\_medicalmarijuanaguidelines.pdf](http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf)

**State Water Resources Control Board**  
**DIVISION OF WATER RIGHTS**  
**INITIAL STATEMENT OF WATER DIVERSION AND USE**

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT  
READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM  
FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

Diverter Information			
Diverter Name(s) A.E. Enterprises			
Mailing Address P.O. Box 671	City Hayward	State CA	Zip 94543
Phone Number 510.362.8984	Email Address (if available) tell77@comcast.net		

Person Filing Statement			
(If different from diverter information above)			
Person Filing Statement Name Tyler Ledwith, Manhard Consulting Ltd			
Mailing Address 517 3rd Street	City Eureka	State CA	Zip 95501
Phone Number (707) 444-3800	Email Address (if available) tledwith@manhard.com		

Land Owner Name			
Land Owner Name A.E. Enterprises			
Mailing Address P.O. Box 671	City Hayward	State CA	Zip 94543
Phone Number 510.362.8984	Email Address (if available) tell77@comcast.net		

Mail Receiver:	
(Select one only)	
<input type="radio"/> Diverter	<input checked="" type="radio"/> Person Filing Statement

Checklist for Submission of an Initial Statement of Water Diversion and Use	
<input checked="" type="checkbox"/> Answer each question completely	
<input checked="" type="checkbox"/> Attach map referenced in Section 4 with outline of Place of Use. Include Point of Diversion location if not identified in Section 3	
<input checked="" type="checkbox"/> Sign and Date form	

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

State Water Resources Control Board  
Division of Water Rights  
PO Box 2000  
Sacramento, CA 95812-2000

Or email to

DWR-statements@waterboards.ca.gov

Additional copies of this form, instructions on how to complete this form, and water right information can be obtained at  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/).

Revised March 2017

Initial Statement of Water Diversion and Use  
Page 2 of 4

**Section 1: Type of Claim**

(Select all that apply to the type of claim(s) under which you are diverting water)

☒ Riparian ☐ Pre-1914 ☐ Court Decree\* ☐ Pending Appropriative Application\* ☐ Pueblo ☒ Other\*: \_\_\_\_\_

\*If you checked Court Decree, Pending Appropriative Application, or Other, list the Decree Number, Application ID Number or Status or provide an explanation  
Will file SIUR when available

List any related existing water rights, if applicable (e.g. Appropriative Water Right ID: A012345)  
N/A

**Section 2: Water Course Description**

Water Course Name at the Point of Diversion (POD)

Trib to East Branch SF Eel River

Water Course is tributary to

SF Eel River

**Section 3: Point of Diversion and Legal Land Description**

Provide the location of the POD using one of the following methods (check one box and enter data if applicable)

☒ Latitude/Longitude Measurements: Latitude: 40.0814 Longitude: -123.7844

☐ California Coordinate System (NAD1983) North: \_\_\_\_\_ East: \_\_\_\_\_ Zone: \_\_\_\_\_

☒ USGS Topographic Map with Point of Diversion labeled on map (if checked, map must identify Point of Diversion)

Assessor's Parcel Number (APN) where Point of Diversion is located (if APN has been assigned)

223-061-049

County

Humboldt

Provide Public Land Description to nearest 40 acres (if assigned)

NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 30 Township 4S Range 4E B&M Humboldt

**Section 4: Place of Use Description**

(Check boxes indicating each map to be provided)

Identify the location of the place of use on a specific United States Geological Survey (USGS) Topographic Map, or County Assessor's parcel map or any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number.

☒ USGS Topographic Map ☒ County Assessor's Parcel Map ☐ Map with identifiable landmarks

Provide a general description of the area in which the water was used (e.g. Domestic water supply for house, and irrigated crops, campground, etc.)

Irrigated Crops

Assessor's Parcel Number(s), where the water was used (if APNs have been assigned)

223-061-049

**Section 5: Purpose of Use Description**

(Select all that apply)

☒ Irrigation  
Number of acres:

0.16

☐ Domestic  
Maximum number of persons served:

☐ Stock watering  
Number and type of stock:

☐ Other  
Explain:



## Initial Statement of Water Diversion and Use

Page 3 of 4

**Section 6: Special Use**(If you have selected Yes to the question below, please fill out **Special Use Attachment** at the end of this form)

During the previous calendar year, were you using any water diverted under this statement for the cultivation of cannabis?

☐

Yes

☒

No

**Section 7: Diversion Works Description**

Name of Diversion Works, if you wish to name (e.g. Bob's Pump)

EA Instream Pond #1

Year in which diversion began, to the best of your knowledge. (Specify single year)

2012

Type of Diversion Facility. (Select one only)\*

\*A separate Initial Statement of Water Diversion and Use must be filed for EACH diversion

☐

Gravity

☒

Water Course Pump

☐

Well Pump

☐

Other: \_\_\_\_\_

**Direct Diversion Information**

Do you directly divert water?

(Direct refers to water taken and used immediately)

If Yes, identify Direct Diversion Works flow rate and Unit

☒

Yes

☐

No

Rate: 3.00

☐

Cubic Feet per Second

☒

Gallons per Minute

☐

Gallons per Day

**Storage Diversion Information**

Do you divert to storage?

(If no, skip to Section 8)

If Yes, identify type of Storage

☐

Yes

☒

No

☐ On-stream Storage (if on-stream, fill in Subsection A below)☐ Off-stream Storage (if off-stream, fill in subsections A and B below)

(A) Capacity of Storage Tank(s) or Reservoir identified in Acre-Feet or Gallons

Quantity: \_\_\_\_\_

☒

Gallons

☐

Acre-Feet

(B) Maximum Diversion Rate of Storage Diversion Works

Rate: \_\_\_\_\_

☐

Cubic Feet per Second

☒

Gallons per Minute

☐

Gallons per Day

**Section 8: Quantity of Water Diverted**

(Provide the quantity of water diverted each month of the prior calendar year for all purposes)

Data being provided for calendar year: 2016

Measurement provided in:

☒

Gallons

☐

Acre-Feet

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	

**Section 9: Maximum Rate of Diversion per month**

(If data is available)

Data being provided for calendar year: \_\_\_\_\_

Measurement provided in:

☐Cubic Feet  
per Second☐Gallons per  
Minute☐Gallons  
per Day

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

**Section 10: Recent Water Use**

Provide data of annual water use in recent years

Minimum: \_\_\_\_\_

☒

Gallons

☐

Acre-Feet

Maximum: \_\_\_\_\_

☒

Gallons

☐

Acre-Feet



## Initial Statement of Water Diversion and Use

Page 4 of 4

## Section 11: Water Conservation Efforts/Conjunctive Use

(Answer only fields applicable to your diversion)

Are you currently employing any methods of water conservation?

☐ Yes ☒ No

If Yes, describe any water conservation efforts in use:

Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses?

☐ Yes ☒ No

Are you using groundwater in lieu of surface water?

☐ Yes ☒ No

## Section 12: Water Diversion Measurement

As a diverter, you may be required to measure your diversion rate and use of water. Details on your obligation to measure diversions are located at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/water\\_use.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.shtml) or in the instructions at the end of this form on page 5 of 5.

I have reviewed the measurement requirements; I certify that I understand and will comply with the measurement regulations.

(Initial here to certify)

TL

Based on the measurement regulations, check the appropriate box below:

- ☐ I am **required** to measure as of the date this form is submitted
- ☒ I am **not required** to measure as of the date this form is submitted

Additional information regarding measurement of diversions

- If you are required to measure your diversion, you will need to provide information about your measurement device, the accuracy of your device, method of installation and other questions on a supplemental statement of water diversion and use during the next calendar year. Samples of questions regarding measurement for supplemental statements are located at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/docs/statement.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/docs/statement.pdf)
- If you have or will be cultivating cannabis, measurement of your diversions and storage will be required in accordance with the Cannabis Cultivation Policy (Policy), which is currently under development. Updates on the Policy are located at [http://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_rights.shtml](http://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.shtml)

## Section 13: Signature

I declare that the information in this report is true to the best of my knowledge and belief.

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD. (Wat. Code, §5106, subd. (b)(1).)

SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE SHALL BE FILED ANNUALLY, BEFORE JULY 1 OF EACH YEAR OR IF THERE IS A CHANGE IN THE NAME OF ADDRESS OF THE DIVERTER. (Wat. Code, §5104.)

THE MAKING OF A WILLFUL MISSTATEMENT ON A STATEMENT OF WATER DIVERSION AND USE IS A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING \$1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM (Wat. Code §5107.)

Signature:

Tyler Scott Ledwith

Date:

6/23/17

Printed Name:

Tyler

Scott

Ledwith

(first name)

(middle name)

(last name)

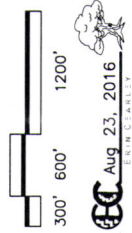
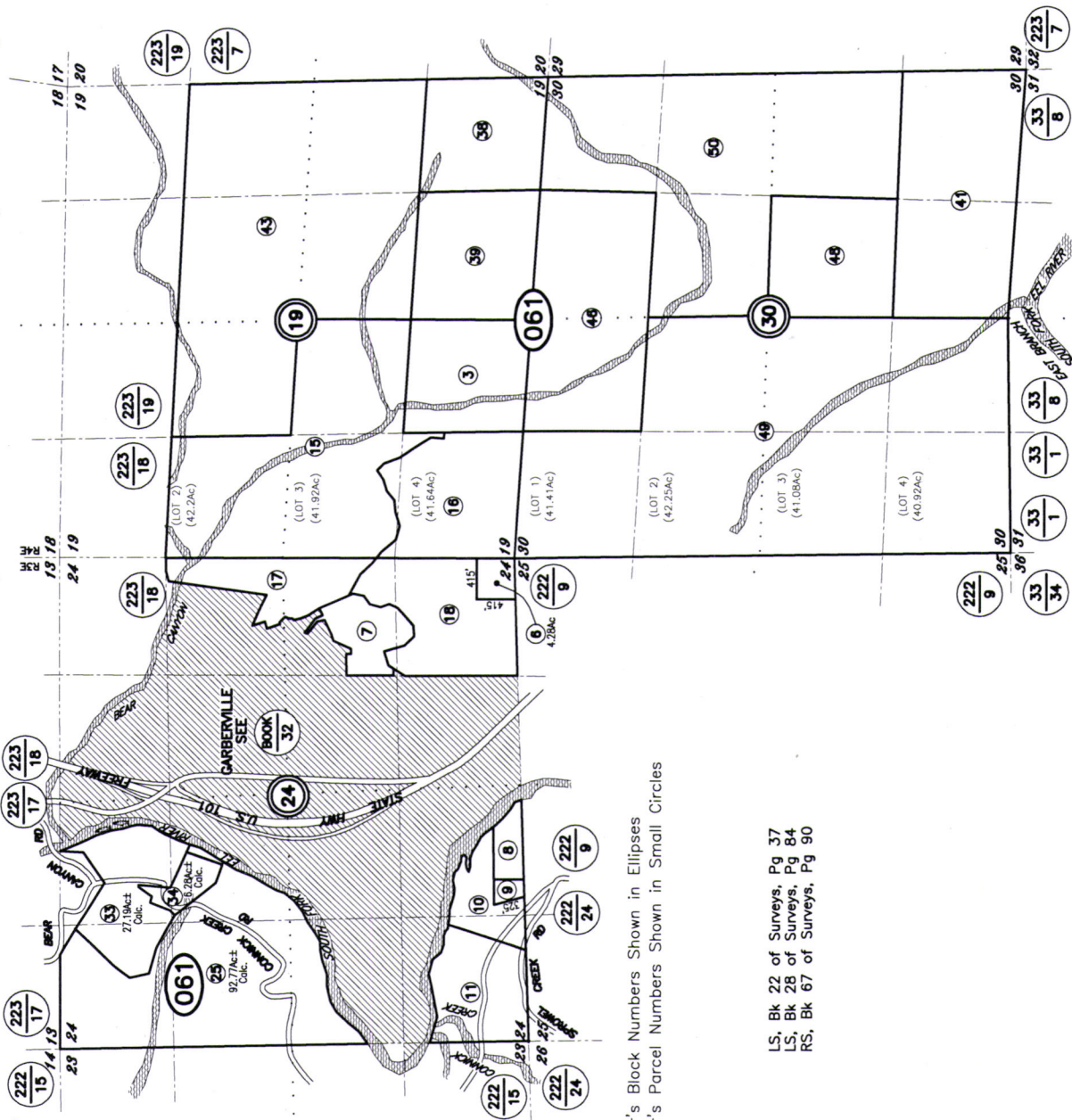


**State Water Resources Control Board  
DIVISION OF WATER RIGHTS  
INITIAL STATEMENT OF WATER DIVERSION AND USE  
SPECIAL USE ATTACHMENT**

**This attachment is for additional information related to the special use of diverted water for cannabis cultivation, and must be attached to the Statement of Water Diversion and Use form for the claimed right under which water was diverted.**

Cannabis Cultivation Information													
(This section should only be filled out if Yes was selected in <b>Section 6: Special Use</b> regarding the prior year usage of diverted water for cannabis cultivation)													
Subsection 1: Special Use													
Provide the calendar year associated with reporting under this water right: 20__													
Provide the total amount of water used under this water right for cannabis cultivation during the calendar year Quantity _____ <input checked="" type="radio"/> Gallons <input type="radio"/> Acre-Feet													
Subsection 2: Cultivation Size and Lighting Conditions													
Provide the APN(s) for all parcel(s) where cannabis is cultivated with water used under this right:													
Provide the amount of cannabis cultivated under this water right during the calendar year by lighting condition type.													
	Indoor	Outdoor	Mixed Light										
Cultivated canopy size in square feet				Square Feet									
Total number of plants harvested during the calendar year				Plants harvested									
Number of Harvests				Harvests									
Subsection 3: Watering Method													
Check all irrigation methods that have been used to cultivate cannabis? (Check all that apply)													
<input type="checkbox"/> Hand water <input type="checkbox"/> Drip/micro-spray irrigation <input type="checkbox"/> Flood Irrigation <input type="checkbox"/> Row Irrigation <input type="checkbox"/> Other: _____													
Subsection 4: Commercial Use													
Is your cultivation of cannabis a commercial cannabis activity? <input checked="" type="radio"/> Yes <input type="radio"/> No													
If you intend to apply for a license under California Department of Food and Agriculture's Medical Cannabis Cultivation Program, your response will help the State Water Board to efficiently coordinate with the California Department of Food and Agriculture to verify your water source as required under Business and Professions Code section 19332.2.													
Subsection 5: Quantity of Water Diverted for the Purpose of Cannabis Cultivation													
Provide monthly diversion data specific to the cultivation of cannabis. If this is the same data as identified in the Initial Statement of Water Diversion and Use: Section 8: Quantity of Water Diverted, check this box <input type="checkbox"/> and leave the rest of this subsection blank.													
Data being provided for calendar year: _____ Measurement provided in: <input type="radio"/> Gallons <input type="radio"/> Acre-Feet													
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	

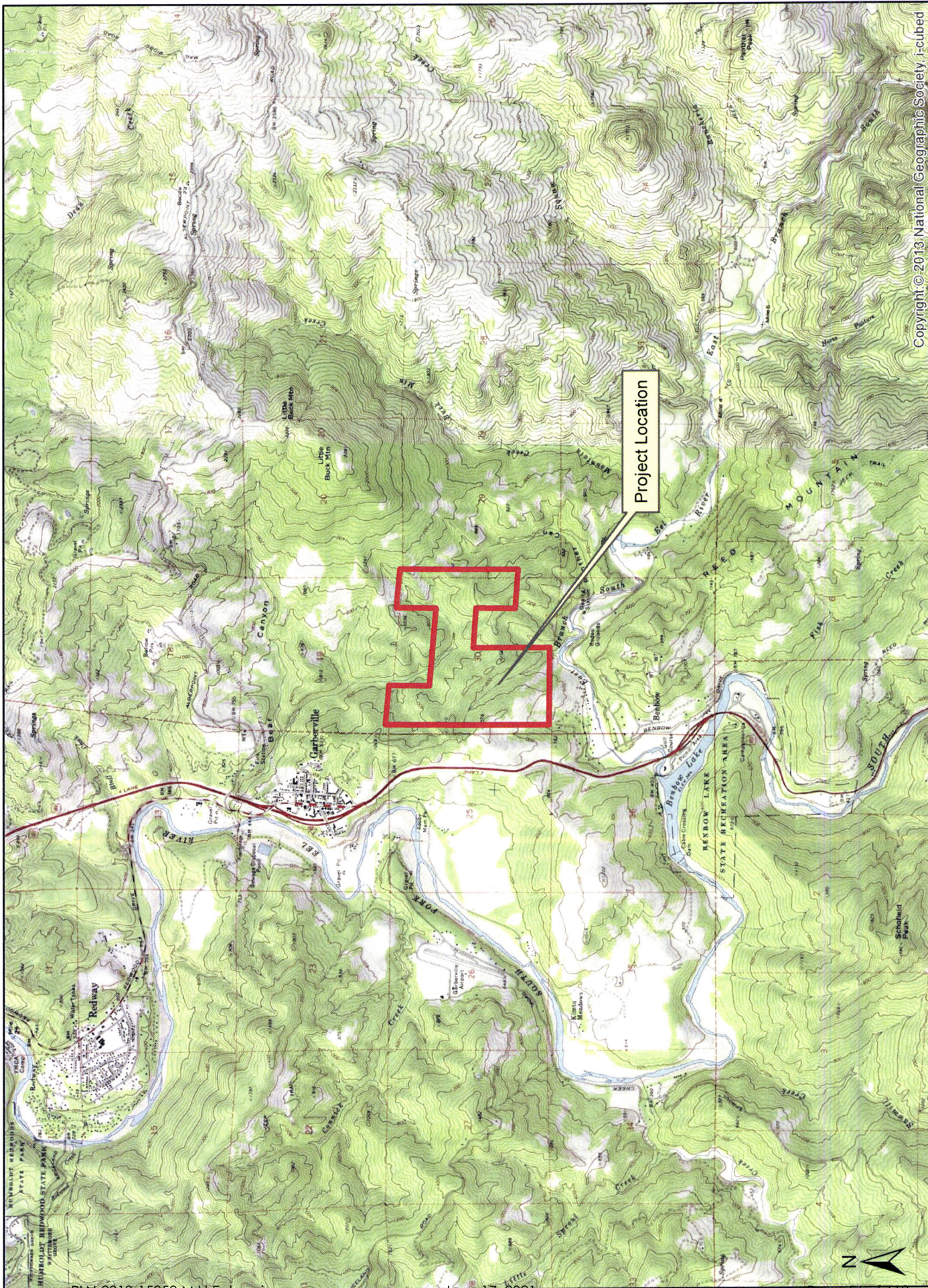




NOTE - Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Small Circles

LS, Bk 22 of Surveys, Pg 37  
 LS, Bk 28 of Surveys, Pg 84  
 RS, Bk 67 of Surveys, Pg 90





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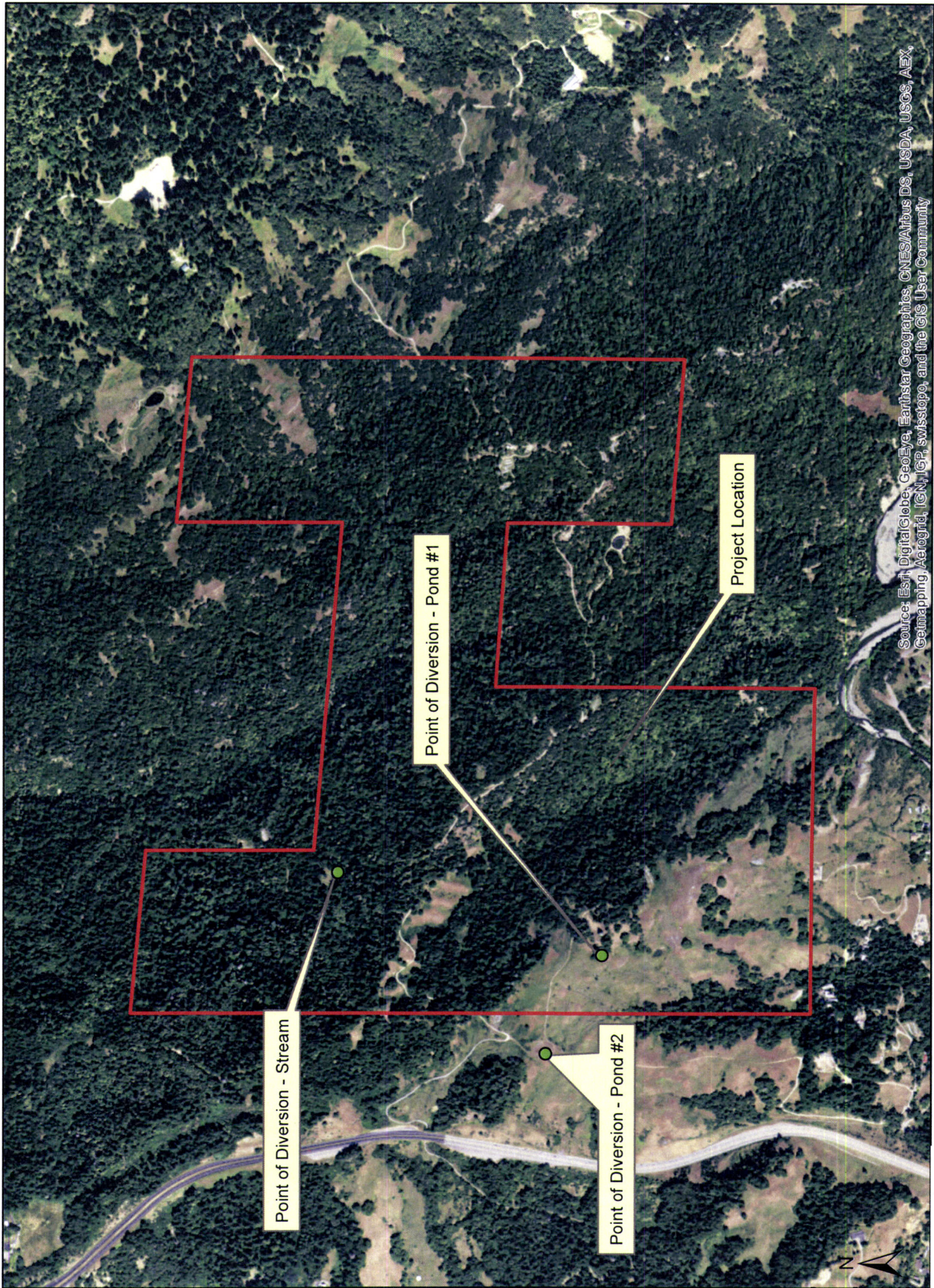
Journey Aquarian  
Humboldt APN 223-061-049



S026557







Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

A.E. Enterprises

Humboldt APN 223-061-049

0.3 0.15 0 0.3 Miles



**Borsh, Christopher@Waterboards**

From: Tyler S. Ledwith <tlewith@manhard.com>  
Sent: Monday, June 26, 2017 9:29 AM  
To: WB-DWR-Statements  
Subject: FW: Initial Statement of Water Diversion and Use Registration  
Attachments: AQU IS POND 2 SUBMITTED.PDF; AQU IS SPRING SUBMITTED.PDF; AQU IS POND 1 SUBMITTED\_2.pdf

Dear DWR


Attached are three Initial Statement of Water Diversion and Use Registration for:

E.A Enterprises      APN: 223-061-049, 222-091-02

Please contact me if you have any questions or comments.

Sincerely,

Tyler Ledwith

 **Tyler S. Ledwith**  
**Project Manager**  
d: 707.444.3800 | c: 707.616.0768  
[manhard.com](http://manhard.com)



This email has been scanned for email related threats and delivered safely by Mimecast.  
For more information please visit <http://www.mimecast.com>



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H502420

CERTIFICATE H100470

Right Holder: *Shantell Ledbetter*  
20993 Foothill Boulevard 409  
Hayward, CA 94541

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 04/18/2019. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
EA Stream Diversion	Unnamed Stream	South Fork Eel River	Eel River	40.088299	-123.781978	Humboldt	223-061-049

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	223-061-049	0.459

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 09/04/2018.

The place of use is shown on the map filed on 09/04/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.43 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.46 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

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

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

The current version of the State Water Board's *Cannabis Policy* is available online at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf).

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



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

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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

Dated: 09/04/2018 17:19:54

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



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION No. 1600-2017-0621-R1

Unnamed Tributary to East Branch South Fork Eel River, Tributary to  
South Fork Eel River, Tributary to the Eel River and the Pacific Ocean

Shantell Ledbetter  
Ledbetter Water Diversion, Stream Crossings, and ponds Project  
5 Encroachments

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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on September 15, 2017, that the Permittee intends to complete the project described herein.

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

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

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

**PROJECT LOCATION**

The project to be completed is located within the Eel River watershed, approximately 1 mile southeast of the town of Garberville, County of Humboldt, State of California. The project is located in Section 30, T4S, R4E, Humboldt Base and Meridian; in the Garberville U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 223-061-049; latitude 40.0883 N and longitude -123.7819 W at the first point of diversion (POD).

**PROJECT DESCRIPTION**

The project is limited to 5 encroachments (Table 1). One encroachment is for water diversion from a small existing shallow pool area on an unnamed stream tributary to the East Branch South fork Eel River. The depth of the pool is determined by a 24 inch

stream crossing culvert (encroachment 3). Water is diverted to storage for cannabis cultivation. A second encroachment is to replace an 18 inch diameter culvert with a 24 inch diameter culvert along with critical dips and rock armoring. A third encroachment is to replace an undersized 24 inch culvert with a minimum 30 inch culvert, install critical dips and rock armoring. A fourth encroachment is to improve an unlined pond located at the headwaters of an unnamed stream and used for cannabis cultivation by rock armoring a 40 ft. x 4 ft. outlet. A fourth encroachment is to improve an unlined pond located on an unnamed stream and used for cannabis cultivation by rock armoring a 25 ft. x 4 ft. outlet. Work for the water diversion and stream crossing will include use and maintenance of the infrastructure. Work for these encroachments will include excavation, removal of the culvert, and replacement with new properly sized culvert, backfilling and compaction of fill, and rock armoring as necessary for culvert and ponds to minimize erosion.

**Table 1. Project Encroachments with Description**

ID	Latitude/Longitude	Description
POD-1	40.0883/-123.7819	Diversion by gas powered pump from a stream (excavated shallow pool) for storage and cannabis cultivation
Crossing-1	40.0890/-123.7820	Replace an undersized 18 inch culvert with a minimum 24 inch culvert, install critical dips and rock armoring
Crossing-2	40.0883/-123.7819	Replace an undersized 24 inch culvert with a minimum 30 inch culvert, install critical dips and rock armoring
Pond-1	40.0813/-123.7844	Rock armor a 40 ft. x 4 ft. outlet on a stream unlined pond
Pond-2	40.0821/-123.7868	Rock armor a 25 ft. x 4 ft. outlet on a stream unlined pond

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: coastal tailed frog (*Ascaphus truei*), Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), foothill yellow-legged frog (*Rana boylei*), and other amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

### Impacts to water quality:

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

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

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

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

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

**MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

**1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

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

- 1.6 **Project Site Entry.** The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

## **2. Avoidance and Minimization Measures**

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on September 15, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of dry weather. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.3 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.4 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2018**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.5 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

## **Vegetation Management**

- 2.6 **Minimum Vegetation Removal.** Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.7 **Vegetation Management.** Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

## **Water Diversion**

- 2.8 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.9 **Bypass Flow.** The Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.10 **Seasonal Diversion Minimization.** No more than **150 gallons per day** shall be diverted during the 2018 low flow season from **May 15 to October 31**. After October 31, 2018, Permittee shall confine the period of diversion to **December 15 through March 31**. Water shall be diverted only if the Permittee can adhere to conditions 2.8 and 2.9 of this Agreement.
- 2.11 **Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion including, but not limited to the following: the date and time diversion occurred, the amount of water used per day, and the rate of diversion in gallons per minute or cubic feet second.
- 2.12 **Water Management Plan.** The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.



- 2.13 **Intake Structure.** No polluting materials (e.g., particle board, plastic sheeting, and bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.14 **Intake Structure Placement.** Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel.
- 2.15 **Intake Screening.** The Permittee shall regularly inspect, clean, and maintain screens in good condition. The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
- 2.16 **Intake Shall Not Impede Aquatic Species Passage.** The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.17 **Diversion Intake Removal.** Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.18 **Water Conservation.** The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.19 **Water Storage.** All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.20 **Water Storage Maintenance.** WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.

### **Water Storage Ponds**

- 2.21 **Bullfrog Management Plan.** The Permittee shall monitor pond(s) each year for invasive bullfrogs. If bullfrogs are or become present, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of ponds, shall follow the guidelines in **Exhibit A**. A copy of the annual monitoring report, shall be submitted to CDFW in accordance with the reporting measures described in **Exhibit A** and below (Reporting Measure 3.4.) in the pond as a reference for water level thresholds.
- 2.22 **No Stocking.** Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.

## **Stream Crossings**

- 2.23 Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.24 Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.25 Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.26 Dewatering for Construction or Maintenance.**
- 2.26.1 Coffer Dams.** Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately
- 2.26.2 Maintain Aquatic Life.** When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
- 2.26.3 Stranded Aquatic Life.** The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in

the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.

**2.26.4 Minimize Turbidity, Siltation, and Pollution.** Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.

**2.26.5 Remove any Materials upon Completion.** Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

## **2.27 Culvert Installation.**

**2.27.1** The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. Culvert materials shall consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe shall be prohibited.

**2.27.2** Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

**2.27.3** Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

**2.27.4** Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

**2.27.5 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.**

**2.27.6 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e.  $\geq 1.0$  times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.**

**2.28 Rock Armor Placement.**

**2.28.1 No heavy equipment shall enter the wetted stream channel.**

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

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

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

**2.29 Road Approaches.** The Permittee shall treat road approaches to new or re-constructed permanent crossings to minimize erosion and sediment delivery to the stream. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site. Road approaches shall be armored from the crossing to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock.

**2.30 Project Inspection.** The Project shall be inspected by a California licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

**Erosion Control and Pollution**

**2.31 Erosion Control.** Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.

**2.32 Seed and Mulch.** Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub

seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

- 2.33 Erosion and Sediment Barriers.** Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15.
- 2.34 Prohibition on Use of Monofilament Netting.** To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament 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.
- 2.35 Site Maintenance.** Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.36 Cover Spoil Piles.** Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.
- 2.37 No Dumping.** Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

### **3. Reporting Measures**

- 3.1 Work Completion.** The proposed work shall be completed by no later than **October 1, 2018**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW within seven (7) days of project completion.
- 3.2 Measurement of Diverted Flow.** Copies of the **Water Diversion Records** (condition 2.11) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2018**.

- 3.3 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.12) within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.4 Bullfrog Management Plan. To comply with Condition 2.24, the Permittee shall submit all required documents described in the **Bullfrog Management Plan** (Exhibit A) no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.5 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.37) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

## CONTACT INFORMATION

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

To Permittee:

Shantell Ledbetter  
20993 Foothill Blvd #409  
Hayward, CA 94543  
510-362-8984  
Tell77@comcast.net

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2017-0671-R1

## LIABILITY

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

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



## **SUSPENSION AND REVOCATION**

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

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

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

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

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

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

## **AMENDMENT**

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

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

## **TRANSFER AND ASSIGNMENT**

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

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

## **EXTENSIONS**

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

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

## **EFFECTIVE DATE**

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the

applicable FGC section 711.4 filing fee listed at  
[http://www.wildlife.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html).

## TERM

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

## AUTHORITY

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

## AUTHORIZATION

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

## CONCURRENCE


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

**FOR Shantell Ledbetter**

  
Shantell Ledbetter

8-10-18  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
Cheri Sanville  
Senior Environmental Scientist Supervisor

8/17/18  
Date

## **EXHIBIT A.**

### **BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2017-0621-R1**

#### **GENERAL BULLFROG INFORMATION**

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

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

#### **MONITORING**

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

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

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

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

#### **SUCCESS CRITERIA**

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

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

## OPTIONS FOR MANAGEMENT

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

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

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with T.O. Smith [timothy.smith@wildlife.ca.gov](mailto:timothy.smith@wildlife.ca.gov).

### Direct Removal

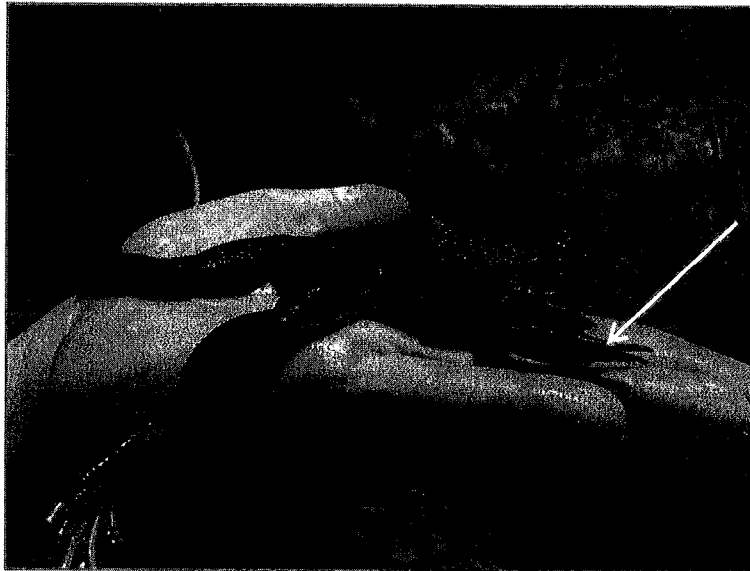
All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

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

### Management Authorization

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

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



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



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

### **Pond Dewatering**

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

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

### **REPORTING**

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

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

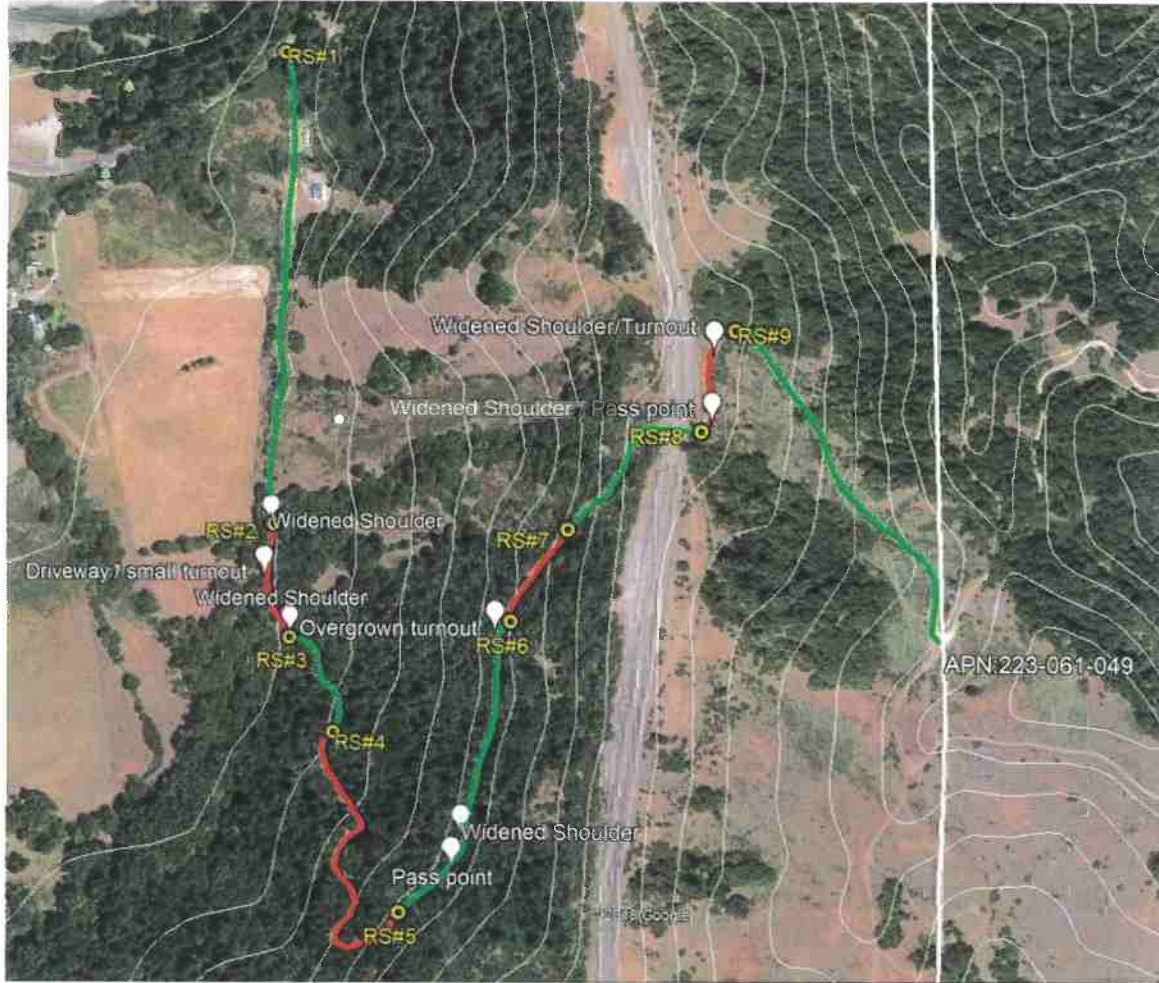


This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



## ROAD EVALUATION DOCUMENTATION: APN 223-061-049

This road is a private road and the evaluation begins at the intersection of the private road with Sprowl Creek Road and ends at the subject parcel.



### Road Segment #1

Starting STA: 0+00

Ending STA: 16+35

Length: 0.31 miles

Typical Width: 20+ feet

Estimated average grade: 0%

Turnouts: Present but not required.

Description:

Gravel road in good condition, no substantial curves, meets category IV equivalent standard.



*Figure 1: Typical Road Section*

**Road Segment #2**

Starting STA: 16+35FT

Ending STA: 20+65FT

Length: 0.1 miles

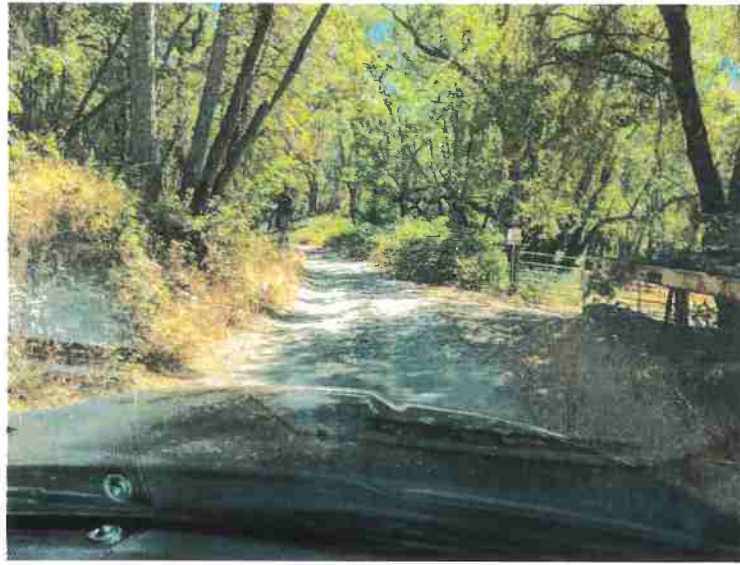
Typical Width: 18 feet

Estimated average grade: 5%

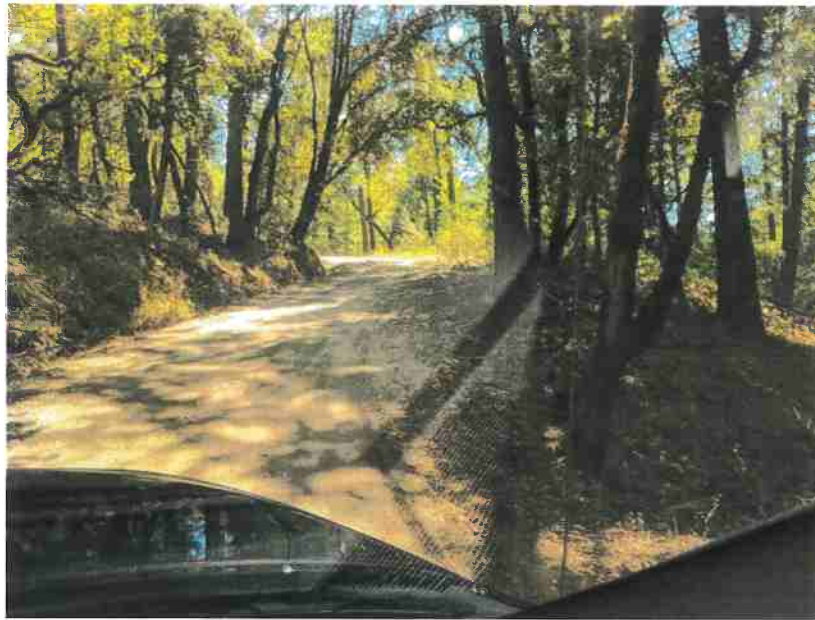
Turnouts: Road width narrows in sections, and turnouts and visibility appear sufficient to allow vehicles to pass.



*Figure 2: Widened shoulder / parking area STA:16+35FT sufficient to park a semi trailer and allow vehicles to pass*



*Figure 3: Driveway / turnout area, STA: 18+31FT*



*Figure 4: Road and widened shoulder sufficient to allow vehicles to pass.*

**Overall Description:**

Gravel road in good condition, one curve of approximate radius 300 feet, meets category IV equivalent standard.





*Figure 5: Typical Section, road segment #2*

**Road Segment #3**

Starting STA: 20+65FT  
Ending STA: 24+71FT  
Length: 0.1 miles  
Typical Width: 18-20 feet  
Estimated average grade: 5%

Turnouts: Road width narrows in sections but visibility appears sufficient to allow vehicles to pass in 20 foot sections.

Description: Gravel road in good condition, several curves with minimum ~60 feet per aerial analysis, meets category IV equivalent standard.

**Road Segment #4**

Starting STA: 24+71FT  
Ending STA: 36+44FT  
Length: 0.21 miles  
Typical Width: ~20 feet  
Estimated average grade: 10.5%

Turnouts: Not required.

Description: Gravel road in good condition, several curves with minimum radius ~35-40 feet per aerial analysis, meets category IV equivalent standard.



*Figure 6: Road segment 4 typical section*

**Road Segment #5**

Starting STA: 36+44FT

Ending STA: 47+01FT

Length: 0.20 miles

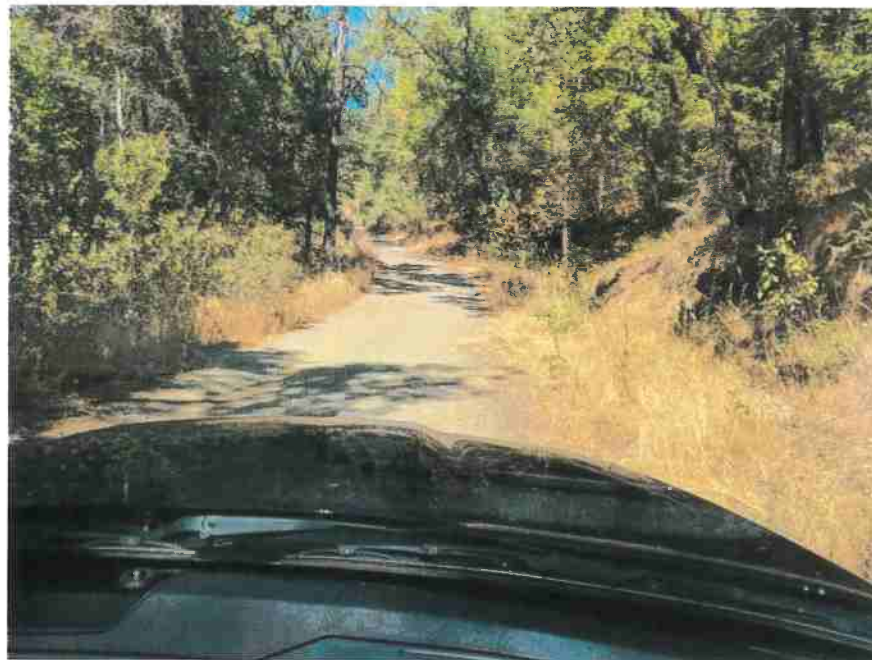
Typical Width: ~16 feet

Estimated average grade: 0-5%

Turnouts:



*Figure 7: Vehicle pass point with good visibility STA:38+59FT*



*Figure 8: Widened shoulder to the right sufficient to allow vehicles to pass. STA:39+71FT*



*Figure 9: Overgrown turnout to the left. STA:46+55FT*

Description: Gravel road in good condition, few large radius curves, meets category IV equivalent standard.

#### **Road Segment #6**

Starting STA: 47+01FT

Ending STA: 50+75FT

Length: 0.20 miles

Typical Width: ~16 feet

Estimated average grade: 0-5%

Turnouts: Visibility is probably sufficient for one vehicle to remain on the turnout located near the end of Road Segment #5, STA 46+55FT while passing through this section. The turnout itself will need to be cleared of brush which has been allowed to overgrow in order to function for this purpose.

Description: Gravel road in good condition, no significant curves, may meet category IV equivalent standard after routine maintenance on passing points.





Figure 10: Typical section, road segment 6

#### Road Segment #7

Starting STA: 50+75FT

Ending STA: 56+87FT

Length: 0.12 miles

Typical Width: ~16 feet

Estimated average grade: 5-10%

Turnouts:

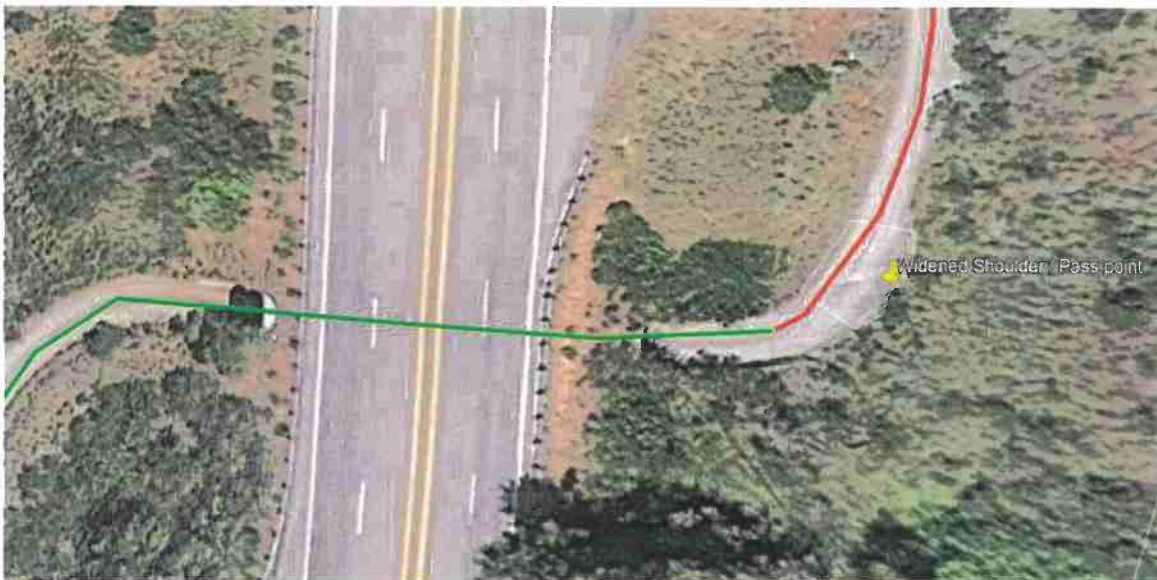


Figure 11: Location of possible pass-point near tunnel. STA: 57+02FT near transition point from road segment 7 to 8.

Description: Gravel road in good condition. Tunneled freeway crossing near STA: 55+54FT pictured below. The road bends 90 degrees at both ends of the tunnel with approximate 60FT radius of curvature. There is a limited turnout on the Eastern side of the tunnel. The rest of the road segment has good visibility, but limited opportunities to allow vehicles to pass. Approximate locations of STA: 52+50FT and 54+00FT would be useful additions for additional turnouts. This road segment does not meet category IV road equivalent, but likely could with improvements and further study.



*Figure 12: Typical Section, Road segment 7*



*Figure 13: Single Lane Tunnel Section, road segment 7*

#### **Road Segment #8**

Starting STA: 56+87FT

Ending STA: 60+76FT  
Length: 0.1 miles  
Typical Width: 18-20 feet  
Estimated average grade: 5-10%  
Turnouts: See Figure 11, above.



*Figure 14: Turnout area to the right to allow vehicle passing, ~STA 59+38FT.*

Description: The ending station is at subject parcel, though road is a through road to alternative access route and neighboring parcels. It is a gravel road in good condition with gentle curves with minimum 180FT radius of curvature per aerial analysis. Road narrows to 18FT width in brief sections with good visibility to 20FT or wider sections with areas with widened shoulders. Meets category IV equivalent.

# **Invasive Species Management Plan**

Humboldt County, California

19 July 2019

Prepared by

James Regan Consulting

And

Mad River Properties Inc.

McKinleyville CA 95519

For

A.S. Enterprises

APN# 223-061-049 & 222-091-002

# **Invasive Plant Management Protocols**

## **Humboldt County, California**

19 July 2019

### **Introduction**

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

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

### **Management**

The control and eradication for invasive plants is necessary for several reasons. In both wildland and managed landscapes invasive plants take up space and resources that could be used by native plants or planted crops. Invasive plants may affect the physical environment creating a setting that has increased fire risk, increases disease vectors, alters the hydrology and available water supply, and out competes desired vegetation. Invasive plants may not provide the food supply and suitable habitat for native animals or livestock and the presence of invasive plants may disrupt pollinator activity by either not providing adequate supply of necessary nutrients or by pulling pollinators away from planted crops or native plants potentially reducing the viability of planted or native plant reproduction.

Early detection and rapid response (EDRR) is a management approach that capitalizes on our ability to most effectively eradicate invasive plant populations when they are small. By detecting a new invasive plant before it has a chance to spread or build a large seed bank, managers can respond early enough in the invasion process to fully eradicate the species from a given area (CAL-IPC 2019). Thorough survey of the managed areas by persons trained in invasive plant identification on a regular basis is key to early detection and documentation of invasive plant occurrences.

Invasive plant management requires a multi-faceted approach especially when plants have become established and eradication is not likely due to factors out of the landowner's control such as seed and



propagule sources outside of the lands managed by the landowner. IPM (Integrated Pest Management) is a management methodology which is defined as

*“A science-based decision-making process that incorporates management goals, consensus building, pest biology, monitoring, environmental factors, and selection of the best available technology to achieve desired outcomes while minimizing effects to non-target species and the environment and preventing unacceptable levels of pest damage” (USFWS 2010)*

Land managers need to be aware of the types of invasive plants, their locations, the biology and life history of those target invasive species, how they could affect planned operations or development, and the variety of methodologies for control of those species. In general, there are four management types, these may also be considered management goals and landowners are often going to use a combination of management types and a variety of management tools to achieve these goals.

**Types of Management – General Categories (adapted from Humboldt WMA 2010)**

1. Prevention – preventing the establishment of invasive plants through enacting BMPs to reduce or remove the potential vectors which allow the introduction of weedy plants to the specific management area. Vectors include any activity which may bring invasive plant propagules (seeds, plant parts, etc.) to the management area or create situations in which invasive plants can colonize and establish.
2. Eradication – complete removal of target invasive plants that are present in the management area. This management strategy is more effective with small populations, larger infested areas may become costly and less successful to treat.
3. Containment – control of a known population of invasive plants usually when eradication is infeasible or improbable due to extent of infested area. This management type seeks to keep the weeds where they are and prevent the infested area from expanding or spreading to other areas.
4. Asset-based Protection – limiting invasive control to specific areas in order to protect or enhance high-conservation assets such as sensitive habitats, areas occupied by sensitive species, or areas with specific management goals that include the removal of invasive species. This management technique is generally used when invasive species are widespread and there is little chance of eradication or containment.

Landowners have a variety of tools at their disposal and depending on the size of the affected area, type of invasive species to control, management goals, time, and budget constraints. They will have to choose a management technique or combination of techniques that can be employed to reach management goals. A short summary of management techniques is included in Table 1 below.

**Table 1 .** Summary of invasive plant control techniques (adapted from Tu and Robinson 2013 from CAL-IPC 2018).

Technique	Advantage	Disadvantage
Manual: physical removal of invasive plants using nonmechanical tools such as hands, shovels, picks, axes, hand-saws, or machetes.	Little training is needed for safe use of many tools, and they can be used in a variety of situations; hand tools are relatively low cost and can provide very specific and targeted control. Ideal for smaller infestations.	May be time and labor-intensive for moderate to large infestations. Some manual tools may be dangerous to use. Potential nontarget effects: inadvertent disturbance to or removal of non-target species.
Mechanical: physical removal of invasive plants using mechanized tools such as mowers, brush-cutters, chainsaws, or earth-moving equipment.	Many tools/equipment can be used in a variety of situations and have low implementation costs. Can provide very specific and targeted control. Ideal for small infestations.	May be time- and labor-intensive for moderate to large infestations. May require qualified individuals or training to operate some mechanized tools or equipment. Potential non-target effects: inadvertent disturbance to or removal of non-target species.
Cultural: land management practices such as grazing, prescribed fire, or irrigation/flooding	Control of moderate to large infestations may be possible. Can be low effort and cost per unit acre relative to other techniques. In some cases, may lead to positive response by native plants.	In some cases, may lead to an increase in invasive plants if not used appropriately. Often will not completely eliminate the target species from an area. Potential non-target effects: inadvertently disturbs or removes non-target species and promotes invasive plant spread.
Biological: introduction of novel predators, parasites, and pathogens such as insects, fungi, or microbes, to attack an invasive plant species	Relatively low cost per unit acre. May keep invasive plants at a low level across large landscapes. Long-term effectiveness is limited; must repeatedly treat invasive plant infestations once biocontrol agents are established.	May be expensive to develop. Often does not lead to eradication of the target invasive species. High risk of unintended consequences to native species and communities.

Technique	Advantage	Disadvantage
Chemical: application of herbicides to kill invasive plants	May be a cost-effective approach for larger infestations and lead to effective control when used appropriately. Often a variety of application mechanisms available (ground and aerial).	High risk of unintended consequences to native species and communities. Unintended consequences may include contamination of soil or water, harm to or removal of nontarget species, human exposure, and health issues for applicators. May be expensive to obtain and/or apply chemicals. Often more regulatory requirements to apply. May be controversial in some areas.
Restoration of ecosystem processes or composition	Works to bring the project site to a desired and/or native state that is more resistant to invasion over the long term.	High cost. There may be a time lag to realized benefits. May not lead to elimination of the target invasive species.

In all cases the biology of the target species and the management goals will determine which, where, and when each management technique is used.

## Invasive Plant Management Plan Protocols

1. Identify Needs
  - a. Reason for management
    - i. Permit Requirement – the action is required by land use permit
    - ii. Restoration/Revegetation Goal – attempt to establish or re-establish native vegetation
    - iii. Fuel Management – invasive plants can increase fire hazard
    - iv. Reduce Competition – for planted crops or preferred vegetation (culturally important vegetation, livestock or wildlife food sources)
    - v. Environmental degradation – removal of invasive plants to restore environmental features and/or processes
2. Identify areas to be managed (include on project maps)
  - a. Areas with established invasive plants – these may be within or adjacent to the project site and will be a source of invasive plant propagules

- b. Areas that will be disturbed or developed during land use activities – roadsides, parking lots, any area where native or naturalized vegetation will be removed or altered creating space for invasive plants to establish and spread. Some areas may be subjected to periodic disturbance and may have a higher chance of invasive species contamination (roadsides)
  - c. Restoration Areas – these sites will have specific restoration goals which will include invasive species management
  - d. Areas containing sensitive plants or habitats – could include watercourses, wetlands, sensitive native plant sites, or sensitive natural vegetation communities
- 3. Species to be managed
  - a. Initial survey by personal trained in invasive plant identification
  - b. Locate, identify, and map all potential invasive plants within and directly adjacent to the project footprint
  - c. Identify highest priority target species
- 4. Establish Management Goals
  - a. Prevention of invasive plants – areas where no invasive plants have yet been found
    - i. Use BMPs to reduce the chance of infestation
      - 1. Do not use invasive or potentially invasive plants for erosion control or ornamental planting
      - 2. Tools and equipment (including all vehicles) should be periodically cleaned and inspected to reduce the chance of introducing invasive plants or plant propagules from outside the project footprint
      - 3. Plant and mulch all disturbed soils with native or non-invasive plants
      - 4. Conduct periodic survey of project site for target invasive plants and plan for early treatment if found
      - 5. Landowners should attempt to source all materials such as mulch, compost, and soils from distributors which follow BMPs for invasive species control –invasive plant propagules may be transported to the project site in these materials
  - b. Eradication – sites known to contain invasive plants

- i. Plan treatment before working in or adjacent to these sites
    - ii. Treat site in time of year to best impact target species – preferably as soon as is detectable and before reproduction and seed/propagule dispersal
    - iii. Map site prior to treatment and conduct periodic survey of the site to assess effectiveness of treatment technique – re-treatment is usually necessary
    - iv. If eradication of the target species proves difficult or impossible given project/budget constraints another management goal and associated strategy should be formed
  - c. Containment of invasive species – when eradication is infeasible or impossible
    - i. Map infected areas
    - ii. Create buffer zone in which containment treatments occur
    - iii. Treat target species in the buffer zone to reduce chance of spread, treat plants in the infected area to reduce viability and ability to spread (ex. mowing or treating target species before seed production or propagule dispersal)
    - iv. Conduct periodic survey to assess effectiveness of management techniques
  - d. Asset-based Protection – when invasive species are difficult or impossible to eradicate or contain
    - i. Define areas or assets to be protected
      - 1. Specific crop fields
      - 2. Sensitive habitat areas
      - 3. Sensitive plants or vegetation communities
      - 4. Restoration sites
      - 5. High traffic areas and roads – places where invasive plants may be introduced to the project site
    - ii. Treat targets within and adjacent to those defined areas with suitable technique
    - iii. Conduct periodic survey to assess the effectiveness of management technique
- 5. Select Control Technique (see Table 1.)
  - a. Controls offer a variety of options and should be considered based on factors including



- i. Area to be treated – size of treatment area is an important consideration
- ii. Species to be treated – specific control techniques may be better suited to specific invasive species, areas with multiple invasive species may require multiple control techniques
- iii. Timing – some control techniques require specific weather or temperature conditions, some areas may not be accessible by equipment in certain seasons (saturated soils, seasonal access), some control techniques work best when target plants are in a specific condition or life stage
- iv. Budget constraints – control techniques have a range of expenses
- v. Environmental factors – weather, terrain, access, sensitive plant sites, sensitive vegetation communities, watercourses, wetlands and other sensitive habitats will have restrictions and limitations on which control techniques may be used
- vi. Specialized training – control techniques like herbicide treatment require trained and licensed personal, heavy equipment operators are specially licensed

#### 6. Sanitation

- a. Tools and equipment entering the project site should be periodically cleaned and inspected to prevent invasive plant parts or propagules from entering the project site.
- b. Materials such as mulch, compost, soil, and erosion control seed should be sourced from a supplier that follows proper BMPs for invasive species control to prevent or reduce vectoring of invasive plant propagules to the project site
- c. Invasive plants that are physically removed should be packed in plastic bags or other sealed containers for transport off site, some species can reproduce from small plant parts, all portions of removed plants should be contained to reduce the chance of re-establishment on site or elsewhere.
- d. Some invasive plants and plant parts may be buried deep and covered with mulch or native vegetation
- e. Some invasive plants and plant parts may be piled and burned after hand or mechanical removal

- f. Any areas treated for invasive plants should be re-planted with native species or mulched (preferably both) to reduce the possibility of re-establishment of invasive plant species

7. Monitoring

- a. Periodic survey and mapping of invasive plants within the treatment areas is necessary to gauge the effectiveness of any control technique and to assess the whether the management goals are being met or if alterations to the management plan are necessary to meet those goals
- b. Monitoring should include
  - i. Periodic survey of the project area
  - ii. A comparison of the baseline and current extent of invasive species distribution (map/maps with infected areas showing changes over time)
  - iii. Discussion of control techniques used
  - iv. Recommendations for any changes necessary to reach management goals
- c. Monitoring should be conducted until management goals are reached

Please feel free to call with any questions or concerns,

James Regan



Lead Botanist  
J Regan Consulting  
P.O. Box 6034  
Eureka, CA

Qualifications:

James Regan is a professional botanist and has worked in Humboldt, Mendocino, Trinity, and Del Norte Counties in Northern California since 2003. Mr. Regan holds a Bachelor's degree in Botany from Humboldt State University.

Mr. Regan began his career as a seasonal botanical technician for The Pacific Lumber Co. in 2003 and by 2008 was the Lead Botanist in charge of the management of the rare and endangered plant survey program. Responsibilities included the survey, documentation, and protection of rare plant species on 210,000 acres of commercial timberland. Pacific Lumber was purchased by Humboldt Redwood Co. in 2008 and James was hired as Lead Botanist after the transition. Since becoming Lead Botanist James has overseen the survey of over 200 Timber Harvest Plans (THPs) and numerous other projects including the development of rock-pits, gravel extraction activities, road construction/re-construction, crossing upgrades/decommissions, and any other projects requiring botanical survey. During the tenure with Pacific Lumber and Humboldt Redwood James has received training on wetland delineation, hydric soils, re-vegetation using native plants, road assessment, erosion void sampling, hydrological survey and sampling (water samples, discharge measurement, maintenance of automated water samplers and data loggers), timber marking for site specific silviculture in sensitive areas, and survey protocols for Northern Spotted Owl. In the last five years James has conducted pre-operation surveys for rare and endangered plants for at least five salmon habitat restoration projects including work

In Grizzly Creek, Root Creek, Jordan Creek, Lawrence Creek, Bear Creek, and Elk River. These projects generally include the installment of woody debris and the creation of off channel habitat. James holds permits for collection of rare plant vouchers and survey for Northern Spotted Owl.

In addition, James also runs a small consulting business (J Regan Consulting) specializing in botanical survey, wetland delineations, biological assessments, re-vegetation plans, mitigation and monitoring of rare plants and the monitoring of native species installations. J Regan Consulting has handled the survey and reporting for at least 105 THPs since 2008 and has participated in wetland delineations and permitting for development in the Cities of Fortuna, McKinleyville, Willow Creek, Garberville, Phillipsville, and Arcata among others in Humboldt County as well as projects in Mendocino and Trinity Counties. J Regan Consulting has also done projects for the clean-up and restoration of sites impacted by unpermitted activities. These projects generally involve heavy agency interaction and strict timelines.

## References

California Invasive Plant Council Website Accessed July 2019.

Cal-IPC. 2006. California Invasive Plant Inventory. Cal-IPC Publication 2006-02. California Invasive Plant Council: Berkeley, CA. Available: [www.cal-ipc.org](http://www.cal-ipc.org)

Humboldt County Weed Management Area. 2010. Invasive Weeds of Humboldt County: A Guide for Concerned Citizens (2nd Edition). Arcata, California.

U.S. Fish and Wildlife Service and California Invasive Plant Council. 2018. Land Manager's Guide to Developing an Invasive Plant Management Plan. Cal-IPC Publication 2018-01. National Wildlife Refuge System, Pacific Southwest Region, Inventory and Monitoring Initiative, Sacramento, CA. California Invasive Plant Council, Berkeley, CA. Available at [www.cal-ipc.org](http://www.cal-ipc.org) and [data.gov](http://data.gov).

USFWS. 2010. *Integrated Pest Management Policy*. No. U.S Fish and Wildlife Service Policy 569 FW1.

Appendix A  
CAL-IPC Priority Invasive Plants

Scientific Name	Common Name	Rating
<i>Aegilops triuncialis</i>	barb goatgrass	High
<i>Alternanthera philoxeroides</i>	alligatorweed	High
<i>Ammophila arenaria</i>	European beachgrass	High
<i>Arundo donax</i>	giant reed	High
<i>Brassica tournefortii</i>	Sahara mustard, Morrocan mustard	High
<i>Bromus madritensis ssp. rubens</i>	red brome, foxtail chess	High
<i>Bromus tectorum</i>	cheatgrass, downy brome	High
<i>Carpobrotus edulis</i>	highway iceplant	High
<i>Centaurea maculosa</i> , <i>Centaurea stoebe ssp. micranthos</i>	spotted knapweed	High
<i>Centaurea solstitialis</i>	yellow starthistle	High
<i>Cortaderia jubata</i>	jubatagrass, pampasgrass	High
<i>Cortaderia selloana</i>	pampasgrass, white pampasgrass	High
<i>Cytisus scoparius</i>	Scotch broom, English broom	High
<i>Delairea odorata</i>	Cape-ivy, German ivy	High
<i>Egeria densa</i>	Brazilian egeria, egeria	High
<i>Ehrharta calycina</i>	purple veldtgrass, African veldtgrass	High

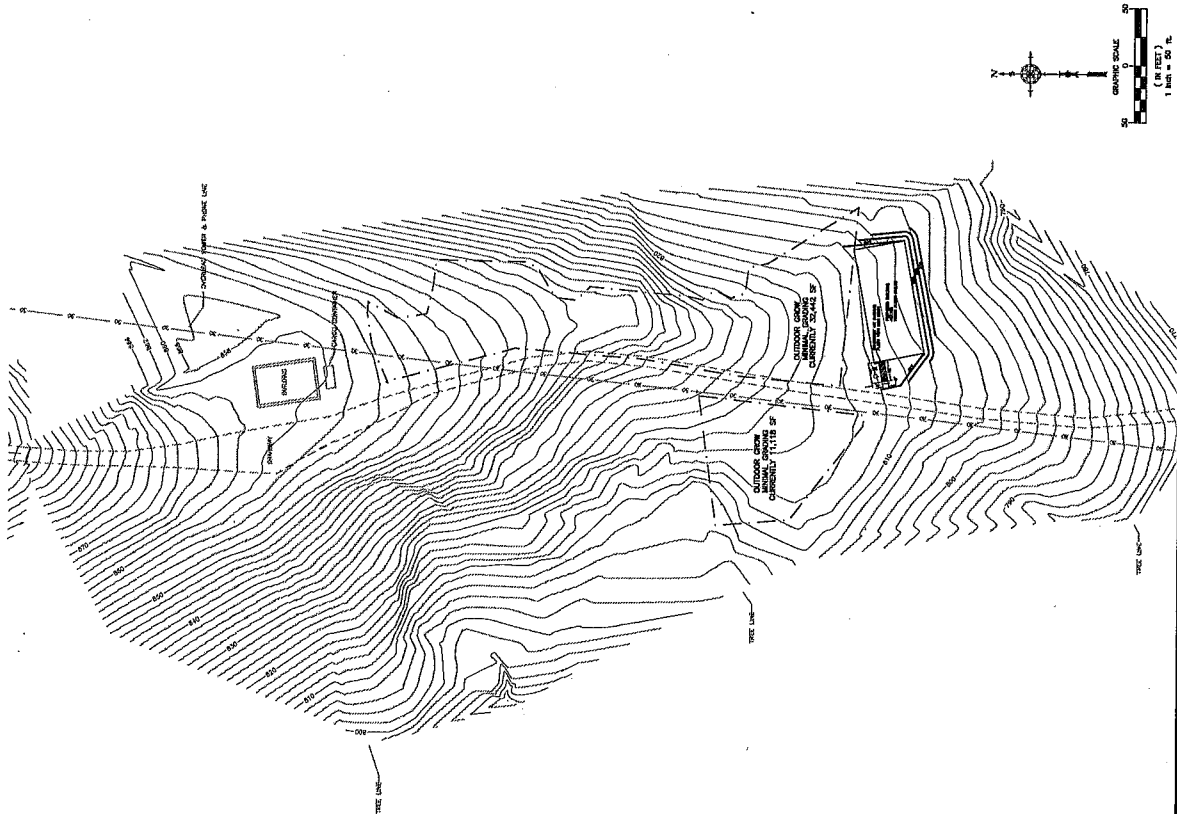


Scientific Name	Common Name	Rating
<i>Eichhornia crassipes</i>	water hyacinth,	High
<i>Foeniculum vulgare</i>	Fennel, sweet Fennel	High
<i>Genista monspessulana</i>	French broom, soft broom	High
<i>Hedera helix</i> , <i>H. canariensis</i>	English ivy and Algerian ivy	High
<i>Hydrilla verticillata</i>	hydrilla, water thyme	High
<i>Lepidium latifolium</i>	perennial pepperweed, tall whitetop	High
<i>Limnolobos laevigatus</i>	South American spongeplant, West Indian spongeplant	High
<i>Ludwigia hexapetala</i>	creeping waterprimrose, Uruguay waterprimrose	High
<i>Ludwigia peploides</i>	creeping waterprimrose, California waterprimrose	High
<i>Lythrum salicaria</i>	purple loosestrife	High
<i>Myriophyllum aquaticum</i>	parrotfeather, Brazilian watermilfoil	High
<i>Myriophyllum spicatum</i>	spike watermilfoil	High
<i>Onopordum acanthium</i>	scotch thistle, cotton thistle	High

Scientific Name	Common Name	Rating
<i>Rubus armeniacus</i>	Himalayan blackberry	High
<i>Salvinia molesta</i>	giant salvinia, karibaweed	High
<i>Sesbania punicea</i>	scarlet wisteria, red sesbania	High
<i>Spartina alterniflora</i> x <i>foliosa</i> , <i>S. alterniflora</i>	smooth cordgrass and hybrids	High
<i>Spartina densiflora</i>	dense-flowered cordgrass, Chilean cordgrass.	High
<i>Spartium junceum</i>	Spanish broom	High
<i>Taeniatherum caput-medusae</i> , <i>Elymus caput-medusae</i>	medusahead	High
<i>Tamarix parviflora</i>	smallflower tamarisk	High
<i>Tamarix ramosissima</i> , <i>T. gallica</i> , <i>T. chinensis</i>	saltcedar, tamarisk	High
<i>Ulex europaeus</i>	gorse, common gorse	High









**A.S. ENTERPRISES, LLC & M.J.J. ENTERPRISES, LLC**

**APNs: 223-061-049 & 222-091-002**

**PLN-2019-15958 & PLN-2019-15959**

**RAINWATER CATCHMENT ANALYSIS**

---

Prepared By:



1117 Samoa Blvd.  
Arcata, CA 95521  
(707) 798-6438

In Consultation with:

**A.S. Enterprises, LLC & M.J.J. Enterprises, LLC**  
Hayward, CA 94542

**May 2021**

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## Attachments

Rainwater Catchment Site Map

## Introduction & Project Description

This report was prepared as a rainwater catchment analysis conducted for AS Enterprises, LLC's and MJJ Enterprises, LLC's proposed projects located in Benbow, CA. This report is to summarize the proposed water harvesting methods to support irrigation needs for both of the proposed projects. The total water use for the two projects is estimated to be 864,000 gallons per year. This estimate is based on using 10 gallons of water per square foot (SF) of cultivation, per year. The two projects and anticipated water needs are described in more detail below.

Project	Description	Estimated Water Use per Year (Estimates from Cultivation & Operations Plan)	Estimated Water Use per Year (Estimates using 10-gal/SF/year)
<b>A.S. Enterprises, LLC</b> APN: 223-061-049 PLN-2019-5958	Proposing to permit a total of 42,840 square feet (SF) of cannabis cultivation.	550,000 gallons	428,400 gallons
<b>M.J.J. Enterprises, LLC</b> APN: 222-091-002 PLN-2019-15959	Proposing to permit a total of 43,560 square feet (SF) of cannabis cultivation.	457,000 gallons	435,600 gallons

The proposed projects include a total of 73,174 ft<sup>2</sup> of available area to capture rain. These areas include roofs of buildings, roofs of greenhouses, and the surface area of open-top rainwater catchment tanks. After full build out, there will be a total of 1,374,000 gallons of hard storage between both projects, which will be dedicated to rainwater storage.

Storage of rainwater will occur in two (2) 550,000-gallon rainwater catchment tanks, and many smaller storage tanks ranging from 2,500 gallons to 5,000 gallons. One 550,000-gallon rainwater tank will be located on APN: 223-061-049 and one 550,000-gallon tank will be located on APN:222-091-002. Both of these large tanks will be plumbed together, allowing the transfer, and sharing of water between both projects.

There is more potential for rainwater capture on 223-061-049 compared to that on 222-091-002. Having the two systems plumbed together will allow both projects to rely on rainwater to meet irrigation demands.

## Methods

The estimated amount of available rainwater was based on the proposed roof area and historic rainfall data. Rainfall data was collected from PRISM Climate Group (*PRISM Climate Data, 2021*), which provides site-specific average annual rainfall data based on topography and historic precipitation values. Based on rainfall values from 2010-2020, the average rainfall for the project area is 58 inches (4.9 ft.).



Areas of available rainfall capture are comprised of eight (8) areas: Capture Area A through Capture Area H. See the attached Rainwater Catchment Site Map for details of the locations of the Capture Areas. The areas were delineated based on the feasibility of connecting infrastructure to gutter/holding tank systems. Each Capture Area will be equipped with gutter systems that will convey water to a series of holding tanks. See Table 1 below for details of each Capture Area.

**Table 1: Capture Area Details**

Capture Area	Infrastructure Description	Potential Capture Area (ft <sup>2</sup> )
A	(1) 550,000-gal. open top, rainwater catchment water tank	6,359
B	(1) 50'x100' drying building	5,000
C	(2) 42'x96' greenhouses and (1) 24'x40' processing facility	9,024
D	(1) 42'x144' greenhouse and (1) 42'x96' greenhouse	10,080
E	(4) 42'x144' greenhouses and (1) 42'x108' greenhouse	28,728
F	(1) 550,000-gal. open top, rainwater catchment water tank	6,359
G	(1) 32'x52' Drying/Nursery Building and (1) 24'x40' Processing Facility	2,624
H	(1) 50'x100' drying building	5,000
<b>Total Proposed Capture Area (ft<sup>2</sup>)</b>		<b>73,174</b>

## Average Rainfall Year Analysis

The average rainfall was analyzed by month, to verify that the available rainfall volume is adequate for proposed activities. Table 2 below contains the estimated rainfall volume per month, in gallons, that is available for capture during an average rainfall year.

**Table 2: Estimated rainfall volume available for capture during an average rainfall year by month (gal.)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Capture Area A	42,200	33,000	44,100	17,900	7,100	2,600	300	300	4,200	14,000	26,700	40,300
Capture Area B	33,100	26,000	34,700	14,000	5,600	2,100	200	300	3,300	11,000	21,000	31,700
Capture Area C	59,800	46,900	62,600	25,300	10,100	3,800	400	500	6,000	19,800	37,900	57,200
Capture Area D	66,800	52,400	69,900	28,300	11,300	4,200	500	500	6,700	22,100	42,400	63,900
Capture Area E	190,500	149,300	199,200	80,700	32,300	12,000	1,300	1,500	19,100	63,100	120,800	182,000
Capture Area F	42,200	33,000	44,100	17,900	7,100	2,600	300	300	4,200	14,000	26,700	40,300
Capture Area G	17,400	13,600	18,200	7,400	2,900	1,100	100	100	1,700	5,800	11,000	16,600
Capture Area H	33,100	26,000	34,700	14,000	5,600	2,100	200	300	3,300	11,000	21,000	31,700
<b>Monthly Total</b>	<b>485,100</b>	<b>380,200</b>	<b>507,500</b>	<b>205,500</b>	<b>82,000</b>	<b>30,500</b>	<b>3,300</b>	<b>3,800</b>	<b>48,500</b>	<b>160,800</b>	<b>307,500</b>	<b>463,700</b>
<b>Yearly Total:</b>												<b>2,678,400</b>

On an average rainfall year, it has been estimated that there is a potential of approximately 2.68 million gallons of rainfall to be captured from the eight Capture Areas. It is evident that there is more than adequate rainfall potential to fill all 1,374,000 gallons of storage dedicated to rainwater catchment, and



fulfill irrigation demands for the proposed projects during a typical rainfall year. Although there is plenty of rainfall potential to fulfill project demands on an average year, there record low year was also analyzed to demonstrate the available rainfall potential during a low rainfall year.

## Record Low Rainfall Year Analysis

The record low rainfall between 2010 and 2020 occurred in 2013, which resulted in 20.1 inches (1.7 ft.) of rainfall. Table 3 below contains the estimated rainfall volume per month, in gallons, that is available for capture during a record low rainfall year.

**Table 3:** Estimated rainfall volume available for capture during record low rainfall year by month (gal.)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Capture Area A</b>	9,600	6,600	17,900	11,200	1,900	5,200	-	600	14,800	100	9,300	2,700
<b>Capture Area B</b>	7,500	5,200	14,100	8,800	1,500	4,100	-	500	11,700	100	7,300	2,100
<b>Capture Area C</b>	13,600	9,300	25,400	15,900	2,600	7,400	-	800	21,000	200	13,200	3,800
<b>Capture Area D</b>	15,200	10,400	28,400	17,700	3,000	8,200	-	900	23,500	200	14,700	4,300
<b>Capture Area E</b>	43,300	29,700	80,900	50,500	8,400	23,500	-	2,700	67,000	500	41,900	12,200
<b>Capture Area F</b>	9,600	6,600	17,900	11,200	1,900	5,200	-	600	14,800	100	9,300	2,700
<b>Capture Area G</b>	4,000	2,700	7,400	4,600	800	2,100	-	200	6,100	-	3,800	1,100
<b>Capture Area H</b>	7,500	5,200	14,100	8,800	1,500	4,100	-	500	11,700	100	7,300	2,100
<b>Monthly Total</b>	110,300	75,700	206,100	128,700	21,600	59,800	-	6,800	170,600	1,300	106,800	31,000
<b>Yearly Total:</b>												918,700

On an record low rainfall year, it has been estimated that there is a potential of approximately 919,000 gallons of rainfall to be captured from the eight Capture Areas. This ...

## Conclusion

In conclusion, it has been demonstrated that, on an average rainfall year, there is adequate rainfall potential to be captured, that will provide sufficient water demands for the proposed project. On an average rainfall year, the proposed catchment area surfaces totaling 73,174 ft<sup>2</sup> has the potential to capture approximately 2.68 million gallons of rainwater. On a record low rainfall year, (which was in 2013) the rainfall capture potential is approximately 918,700 gallons, which is more than the projected water demand, at the rate of 10-gallons/SF/year.

The water use estimates in the Cultivation and Operations Plans are conservative and using 10-gallons/SF/year is more reasonable to estimate demand. Furthermore, a large amount of proposed cultivation will occur in greenhouses. The greenhouses will be equipped with climate control capabilities, resulting in reduced evaporation, and minimizing required water. All watering for both projects will be optimized by using hand watering techniques and drip emitter systems.





## References

PRISM Climate Data. (2021, March). Northwest Alliance for Computational Science and Engineering based at Oregon State University. Retrieved from <http://prism.oregonstate.edu/explorer/>

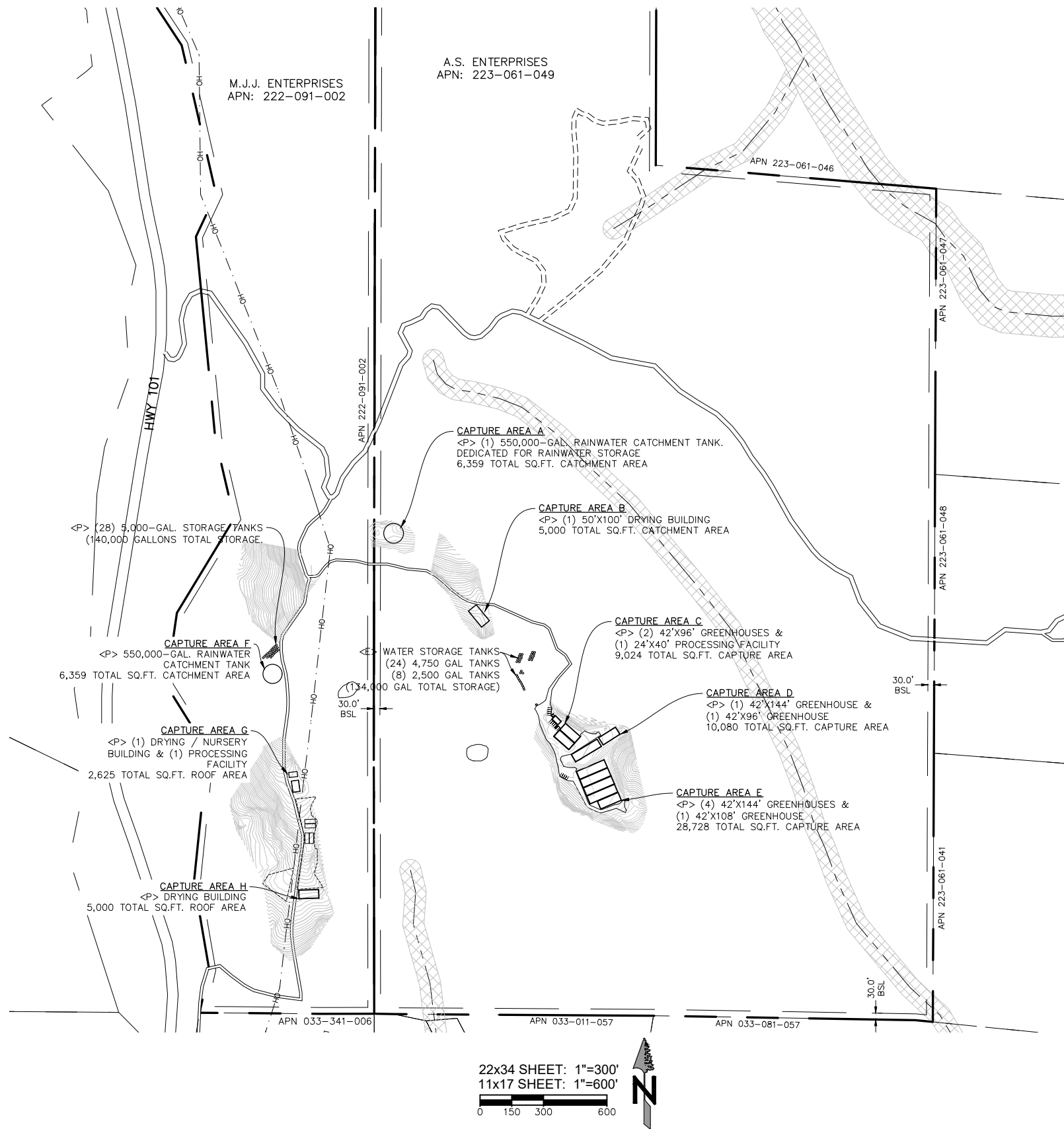


## Attachment A: Rainwater Catchment Site Map



## RAINWATER CATCHMENT SITE MAP

APNs:222-091-002 & 223-061-049

[illegible]

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

## RAINWATER CATCHMENT ANALYSIS

**APNs: 222-091-002 & 223-061-049**

## RAINWATER CATCHMENT SITE MAP

PROJ. MGR.: POW  
DRAWN BY: ###DDR  
DATE: 5/14/2021  
SCALE: AS SHOWN

**SHEET**  
**RC0**

## 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		No Response	
Public Works, Land Use Division	✓	Conditional Approval	On File
CAL FIRE	✓	No Comments	On File
Alderpoint FPD		No Response	
California Department of Fish & Wildlife		No Response	Attached – Planning staff request for comments
Northwest Information Center		No Response	
Bear River Band	✓	Comments	On file and confidential
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



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

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

ON-LINE WEB: CO.HUMBOLDT.CA.US	PUBLIC WORKS BUILDING SECOND & L ST., EUREKA FAX 445-7409				CLARK COMPLEX HARRIS & H ST., EUREKA FAX 445-7388	
	ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741	LAND USE	445-7205
	BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540		
	ENGINEERING	445-7377	PARKS	445-7651		
	FACILITY MANAGEMENT	445-7493	ROADS	445-7421		

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Meghan Ryan, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 06/17/2020

RE:

Applicant Name	MJJ ENTERPRISES LLC
APN	223-061-049
APPS#	PLN-2019-15959

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

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

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

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation, no date stamped received by the Humboldt County Planning Division. The road evaluation did not include the required Road Evaluation Report Form developed by the Department. Once submitted please provide to the Department for review and approval.

// END //



---

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 15959

☐ COUNTY ROADS- PROXIMITY OF FARMS:

Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

☒ COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

☐ COUNTY ROADS- DRIVEWAY (PART 1):

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

☐ COUNTY ROADS- DRIVEWAY (PART 2):

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

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.

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

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

☐ COUNTY ROADS- DRIVEWAY (PART 3):

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

☐ COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

☒ COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

☒ COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)

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

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

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

☐ COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //



**From:** [Meghan Ryan](#)  
**To:** ["Bauer, Scott@Wildlife"](mailto:Scott@Wildlife)  
**Cc:** [Johnson, Cliff](#)  
**Subject:** APPS #15959 - MJJ Enterprises, LLC - APN: 222-091-002: PROJECED HEARING DATE: June 3, 2021  
**Date:** Monday, May 17, 2021 10:09:00 AM

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Good morning, Scott – I hope you had a great weekend! I am reaching out to see if CDFW has comments on the MJJ Enterprises, LLC, project located near the community of Garberville. The proposed project description is as follows:

A Special Permit for 43,560 square feet (SF) of new outdoor cultivation. Ancillary nursery activities occur within four 1,000-square-foot temporary hoop house structures. Irrigation water will be sourced from a rainwater catchment system utilizing roof tops and one 550,000-gallon open top rainwater catchment tank. Water storage consists of a 550,000-gallon open top rainwater catchment tank. Estimated annual water usage is 435,600 gallons. Processing activities including drying, curing, and trimming will occur onsite in a proposed 4,500-square-foot commercial building. Up to forty (40) employees may be utilized during peak operations. Power will be provided by Pacific Gas and Electric, with backup generators. The proposed project includes a Special Permit for work within the Streamside Management Area associated with historic cultivation activities in accordance with the Streamside Management Area and Wetland Areas Ordinance (SMAWO).

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

Best,  
Meghan



Meghan Ryan  
Planning Director  
LACO Associates  
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*Advancing the quality of life for generations to come*  
707 443-5054  
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**We have reviewed the above application and recommend the following (please check one):**

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**