



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: November 4, 2021

To: Humboldt County Planning Commission

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

Subject: **Emerald Triangle Medicinal, Inc. Conditional Use Permit and Special Permits (2)**
Record Number PLN-12060-CUP
Assessor's Parcel Number (APN) 108-033-018
1160 Windy Ridge Lane, Eftersberg, CA

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	7
Maps	
Topo Map	12
Zoning Map	13
Aerial Map	14
Site Plans	15
Attachments	
Attachment 1: Recommended Conditions of Approval	16
Attachment 2: California Environmental Quality Act Addendum	23
Attachment 3: Applicant's Evidence in Support of the Required Findings	27
Attachment 4: Referral Agency Comments and Recommendations	105

Please contact Jordan Mayor, Senior Biologist and Contract Planner, at 707-683-4711 or by email at jordan.mayor@icf.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 4, 2021	Conditional Use Permit and Special Permits (2)	Jordan Mayor

Project Description: Emerald Triangle Medicinal, Inc. seeks a Conditional Use Permit for an existing 13,000-square-foot (SF) outdoor and 660-SF mixed-light cannabis cultivation operation. Irrigation water is sourced from a point of diversion on North Fork Bear Creek. A separate diversion supplies domestic needs. Existing available water storage for irrigation is 118,000 gallons with an additional 42,000 gallons of storage proposed to assure full forbearance with a total proposed storage of 160,000 gallons. Estimated annual water usage is 100,000 gallons (7.3 gallons/SF/year). Plants are bucked and dried in existing sheds on the property and all other processing will occur offsite at a licensed processing or manufacturing facility until a proposed two-story (1,800 total SF of floorspace) processing building is built. The site has three full-time workers and up to 10 employees may be utilized during peak operations. A portable bathroom is used until a permitted onsite wastewater treatment septic tank can be installed. Power is provided by propane and electric generators and two solar panels. There are also "satellite" small solar systems that run the water pump and some fans. Four additional solar panels are planned to allow more limited generator use in the near term and the applicant will commit to converting to exclusively solar power as a primary power source with generator and or Pacific Gas & Electric (PG&E) as backup as soon as feasible, conditioned on market recovery and or Federal Legalization, but in no case longer than 10 years as a condition of approval. A Special Permit is required to allow setback reduction for diversion maintenance and for restoration activities associated with two diversions in the Streambed Alteration Agreement and to reduce the setback distance to public lands managed by King Range National Conservation Area 420-feet to the south, on the other side of North Fork Bear Creek.

Project Location: The project is located in the Ethersburg area, on the southeast side of Windy Ridge Lane, approximately 4,400 feet southwest of the intersection of Windy Ridge Lane and Wilder Ridge Road, on the property known as 1160 Windy Ridge Lane (APN: 108-033-018).

Present Plan Land Use Designations: Residential Agriculture (RA40); Density: 40 acres per dwelling unit; Slope Stability: Moderate instability (2)

Present Zoning: Unclassified (U)

Record Number: PLN-12060-CUP

Assessor's Parcel Number: 108-033-018

Applicant

Emerald Triangle Medicinal, Inc.
3144 Broadway Street, Suite 4, #239
Eureka, CA 95501

Owner

Downing, Ron W
PO Box 1670
Redway, CA 95560

Agent

Rain and Zep, Plc
Beorn Zepp
Eureka, CA 95501

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

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

Major Issues: None

Recommended Commission Action

1. Describe the application as part of a public hearing.
2. Request that staff present the staff report.
3. Open the public hearing and receive testimony.
4. Close the public hearing and adopt the Resolution to:

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Conditional Use Permit and approve the Emerald Triangle Medicinal, Inc. Conditional Use Permit and Special Permits (2) as recommended by staff subject to the recommended conditions.

Executive Summary: Emerald Triangle Medicinal, Inc. seeks a Conditional Use Permit to allow the continued operation of an existing 13,000-square-foot (SF) outdoor and 660-SF mixed-light cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan and zoned Unclassified (U). Cultivation takes place in two main areas, an upper area in the north and a lower area in the south. The southern area includes 6,764 SF of outdoor cultivation with the remainder of cultivation taking place in the northern area. Proposed facilities in the northern area include two 160-SF harvest storage sheds, a two-story 900-SF processing building (1,800 SF total floor space), 1,200-gallon septic tank, ten 5,000-gallon water tanks, four solar panels, and a propane tank. Drying and bucking occurs onsite in a processing tent and all other processing will occur offsite at a licensed processing or manufacturing facility until the proposed processing building is built. Two to five harvests are anticipated annually in the 660-SF of mixed-light greenhouse cultivation for a growing season that extends from February through October. The site has three full-time workers and up to 10 employees may be utilized during brief periods at peak operations; carpooling will reduce road use during peak work seasons.

Power is provided by a Kohler propane generator and two solar panels. There are also "satellite" small solar systems that run the water pump and some fans. Additional low watt (2 to 7 kilowatt) Honda generators are used as necessary and four additional solar panels are planned to allow for more limited generator use. Per the applicant's agent, the applicant will commit to converting to exclusively solar power as a primary power source with generator and or Pacific Gas & Electric (PG&E) as backup as soon as feasible, conditioned on market recovery and or Federal Legalization, but in no case longer than 10 years as a condition of approval (COA #16). The applicant has a quote from Greenwired® Renewable Energy Solutions to address the upgrade which will be enough power to handle the complete project's needs. All generators are housed in an onsite shed with secondary fuel containment.

Toilets are provided in the form of an existing Americans with Disabilities Act-compliant Port-O-San facility that is regularly serviced; this facility will be upgraded, or a new permitted onsite wastewater treatment facility will be constructed. The operation is in a remote and isolated area, hidden from the road by trees and accessible only through a locked gate. An existing 2,500-gallon Fire Safe State Responsibility Areas water tank with fire valve exists on the property and two State Responsibility Area turn-arounds are proposed. All existing and proposed buildings and grading will be permitted as a condition of approval (COA # 6 – 8).

A Special Permit is required to allow setback reduction for diversion maintenance and for restoration activities associated with two diversions in the Streambed Alteration Agreement and to reduce the setback distance to public lands managed by King Range National Conservation Area 420-feet to the south, on the other side of North Fork Bear Creek.

Timber Conversion

It appears historic timber conversion occurred between approximately 2005 and 2009, a period of time that predates the January 1, 2016 CEQA baseline. To mitigate any potential issues related to this historic conversion, evaluation of the site by a registered professional forester is made a condition of approval to assure compliance with the Forest Practices Act (COA #12). Cal Fire submitted comments in 2019 recommending denial of the project if 7 trees were to be removed; this proposal was removed from the project during revision of the Site Plan and project description; no trees are to be removed for cannabis cultivation activities.

Water Resources

Water for irrigation is sourced from a point of diversion on North Fork Bear Creek, a Class I stream, for which the applicant filed an Initial Statement of Water Diversion and Use with the State Water Resources Control Board (SWRCB) in September 2015 and received a Right to Divert and Use Water in 2018 (Registration D032560, Certificate D1115) for three points of diversion (*Windy Ridge, Spring, and North Fork Bear*). Water diversion is limited to 4,500 gallons/day from January 1 to December 31 of each year and 0.45 acre-foot (146,633 gallons) each year by storage from December 1 of each year to March 31 of the succeeding year, not to exceed 0.99 acre-foot (322,592 gallons) per year. Monitoring of all water sources and abiding by the agreement are made a condition of approval (COA #9).

Existing available water storage for irrigation is currently built out to 118,000 gallons and an additional 42,000 gallons of storage is proposed to enable full forbearance from dry season diversion use, for a total storage of 160,000 gallons. Estimated annual water usage is 100,000 gallons (7.3 gallons/SF/year) with peak demand occurring in August at approximately 27,785 gallons. A separate diversion supplies domestic needs, and all water use will be monitored as a condition of approval (COA #9). A Final Lake or Streambed Alteration Agreement (LSAA 1600-2016-0029-R1) with the California Department of Fish and Wildlife (CDFW) (Attachment 3) was also obtained in November 2016 for two water diversion encroachments stating that the maximum instantaneous diversion rate from the water intake shall not exceed 10% of the total flow at any time; the Permittee shall forbear diverting stream flow from May 15 to October 15 of each year; the Permittee shall add sufficient water storage and/or water conservation measures by August 15, 2016; the Permittee shall submit a Water Management Plan by June 15, 2016; and other avoidance and minimization measures.

A WRPP (Attachment 3) was prepared by Compliant Farms in 2017 that details several recommended improvements to point of diversion intake screens, water meters, stream crossings, road drainage, and relocation of generators and associated containment areas necessary to meet the standard conditions of a Tier II discharger under the Regional Water Quality Control Order (WDID: 1B171227CHUM); these improvements are made a condition of approval (COA #10). A Site Management Plan will be prepared for the site as a condition of approval in accordance with updates to the SWRCB Cannabis Policy (COA #11).

Several areas of on the site are described as in need of restoration as detailed in the On-Site Relocation Project Proposal (Attachment 3) and the Water Resource Protection Plan (WRPP) prepared by Compliant Farms in 2018 and 2017, respectively. The relocation receiving area is within an environmentally superior location at the western portion of the northern cultivation area (Area A in the Cultivation Area Verification) and the area to be retired and remediated is in the western portion of the southern cultivation area on an area of historic landslides. In addition, the applicant shall prepare a Restoration Monitoring Plan documenting the results of retirement and restoration and ongoing monitoring of all areas of cultivation and associated access roads that were decommissioned and restored as a condition of approval (COA #14).

Humboldt County's WebGIS shows one mapped stream, North Fork Bear Creek, traversing the property near the southern parcel line along with its associated Streamside Management Area (SMA) buffers. The site plan shows that an unnamed Class II stream runs the length of the eastern parcel line and intersects with North Fork Bear Creek. Two additional Class III streams are also shown on the site plan. As mentioned

above, a Special Permit is required to allow setback reduction for diversion maintenance and for restoration activities associated with two diversions in the Streambed Alteration Agreement and to reduce the setback distance to public lands managed by King Range National Conservation Area 420-feet to the south, on the other side of North Fork Bear Creek.

Biological Resources

A biological survey has not been completed for the parcel. An Initial Biological Resource Assessment consisting of a California Natural Diversity Database (CNDDDB) search was included in the WRPP. The CNDDDB search found that there are potential sensitive species onsite, including the Pacific tailed frog (*Ascaphus truei*), known from the upper reaches of North Fork Bear Creek in the southeast corner of the subject parcel, approximately 466 feet from the southern cultivation area, and Townsend's big-eared bat (*Corynorhinus townsendii*) known from an area approximately 2,100 feet southeast of the southern cultivation area. The Initial Biological Resource Assessment in the WRPP includes avoidance and minimization measures which have been made conditions of approval. No work is planned in or near the North Fork Bear Creek watercourse or associated SMA buffer.

According to CDFW the project also the potential to affect other sensitive fish and wildlife resources. There are four northern spotted owl (*Strix occidentalis caurina*; NSO) activity centers within 1 mile of the project site and lands surrounding the site are heavily forested; thus, there is high potential for NSO habitat. The nearest NSO activity centers are approximately 0.87 mile south of the southern cultivation site and 1.9 miles northwest of the northern cultivation site according to CNDDDB. The proposed project is to continue use of existing developed sites, retirement of cultivation at the lower site, and the potential indirect impacts are mitigated through implementation of best management practices, the SMP required by the SWRCB and Final LSAA with CDFW. Power is provided by a Kohler propane generator and the small Honda generators are utilized as necessary until solar power is fully established. The propane generator is housed in a shed to protect it from the elements and to provide sound dampening. The project is conditioned to ensure that the combination of background, generator, and greenhouse fan or other operational equipment noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service.

Additional conditions of approval include but are not limited to, ensuring any 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 the NSO critical period (February 1–July 31) or perform protocol-level surveys prior to initiating that work. Additionally, based on comments received from CDFW on October 30, 2019, the project is conditioned meet the reporting requirements measures to protect fish and wildlife resources of the issued Final LSAA. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

Tribal Cultural Resources Coordination

The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council in April 2019. A Cultural Resources Investigation was not prepared for the project. The Tribal Historic Preservation Officer Assistant from the Bear River Band of the Rohnerville Rancheria in an email dated July 15, 2019 requested that the Inadvertent Discoveries Protocol be included ensure no cultural resources will be affected by the project. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

Access

Access to the site is via Windy Ridge Lane off Wilder Ridge Road. Windy Ridge Lane is a privately maintained roadway. A Road Evaluation report for Windy Ridge Lane was prepared by A.M. Baird Engineers (Attachment 3), which states that the entire road is developed to the equivalent of a category 4 road.

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 MND that was adopted for the CMMLUO and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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

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

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least 2 months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21 -
Record Number PLN-12060-CUP
Assessor's Parcel Number: 108-033-018**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the Emerald Triangle Medicinal, Inc., Conditional Use Permit and Special Permits (2).

WHEREAS, Emerald Triangle Medicinal, Inc., submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 13,000-square-foot (SF) outdoor and 660-SF mixed-light cannabis cultivation operation with appurtenant propagation and drying activities, and a Special Permit for setback reductions for water storage tanks within Streamside Management Areas and encroachments for maintenance of two diversions;

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on November 4, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and 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:** The application is a Conditional Use Permit to allow the continued operation of an existing 13,000-SF outdoor and 660-SF mixed-light cannabis cultivation operation with appurtenant propagation and drying activities. Plants are bucked and dried in the existing sheds on the property and all other processing will occur offsite at a licensed processing or manufacturing facility until a proposed two-story (1,800 total SF of floorspace) processing building is built. Power is provided by a Kohler propane generator housed in an onsite shed with additional low-watt Honda generators used, as necessary, and a solar panel. Additional solar panels are proposed. Water for irrigation is a point of diversion (gravity) on North Fork Bear Creek and 42,000 gallons of water storage capacity is proposed to be added to enable forbearance of dry season diversion of surface waters with a combined storage of 160,000 gallons.

EVIDENCE: a) Project File: PLN-12060-CUP

- 2. FINDING:** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum prepared for the proposed project.
b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial

importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines

- c) A Water Resource Protection Plan (WRPP) was prepared by Compliance Farms in 2017 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) An On-Site Relocation Project Proposal was prepared by Compliant Farms in 2018 to justify retirement, restoration, and relocation of areas of cannabis cultivation located on unstable slopes or in remote areas that lead to unnecessary habitat fragmentation and the endangerment of riparian habitat. Annual monitoring and reporting of restored areas shall be implemented as a condition of approval.
- e) A desktop-based Initial Biological Resource Assessment was carried out by Compliant Farms in 2017. The Assessment methods included a search of the California Natural Diversity Database (CNDDDB) and avoidance and minimization measures. According to CNDDDB, northern spotted owl activity centers are located approximately 0.87 mile south of the southern cultivation site and 1.9 miles northwest of the northern cultivation site. 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. The CNDDDB search found that there are potential sensitive species onsite such as the Pacific tailed frog and Townsend's big-eared bat, both known from the upper reaches of North Fork Bear Creek toward the southeast corner of the subject parcel, approximately 466 feet and 2,100 feet from the southern cultivation area, respectively. The Initial Biological Resource Assessment in the WRPP includes avoidance and minimization measures which have been made conditions of approval. No work is planned in or near the North Fork Bear Creek watercourse or associated Streamside Management Area (SMA) buffer. Proposed remediation of a portion of the lower cultivation area will reduce risk of unstable hillslope material from entering the North Fork Bear Creek watershed.
- f) It appears historic timber conversion occurred between approximately 2005 and 2009, a period that predates the CEQA baseline. To evaluate this historic conversion, a condition of approval will require a Registered Professional Forester evaluate the area and provide the results to the County.
- g) A Road Evaluation report for Windy Ridge Lane was prepared by A.M. Baird Engineers which concludes that although the roadway does not meet a category 4 equivalent standard, the roadway can accommodate the cumulative increased traffic from the project.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

EVIDENCE

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

Space Action Program.

4. FINDING

The proposed development is consistent with the purposes of the existing Unclassified (U-Zone) in which the site is located.

EVIDENCE

- a) The U-Zone is applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the U-Zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for an existing 13,000-SF outdoor and 660-SF mixed-light cannabis cultivation operation on a 48-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (Humboldt County Code Section 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded January 30, 2002, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) The project will obtain water from a diversionary water source from North Fork Bear Creek for which the applicant has filed an Initial Statement of Water Diversion and Use and a Final Lake and Streambed Alteration Agreement limits the maximum instantaneous diversion rates. Increased water tank storage is proposed that would enable forbearance from dry-season diversions.
- d) A Road Evaluation Report for Windy Ridge Lane was prepared by A.M. Baird Engineers which concludes that although the roadway does not meet a category 4 equivalent standard, the roadway can accommodate the cumulative increased traffic from the project.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland. As it appears historic timber conversion occurred between approximately 2005 and 2009, a Condition of Approval will require a Registered Professional Forester evaluate the area and provide the results to the County.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park, or tribal cultural resource. A Special Permit is required to allow setback reduction from portions of a tank farm within a Streamside Management Areas and two encroachments to maintain domestic and irrigation diversions.

6. FINDING

The 13,660 SF of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40

acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site 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 offsite residence.
- d) Irrigation water will come from a point of diversion (gravity) on North Fork Bear Creek. An Initial Statement of Water Diversion was submitted to the State Water Resources Control Board in September 2015 and a Final Lake and Streambed Alteration Agreement signed in 2016 limits maximum daily diversion rates and forbearance of diversion during the summer.
- 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.

8. FINDING

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

EVIDENCE

- a) The project site is located in the Depoe Bay Watershed, which under Resolution 18-43 is limited to 150 permits and 223 acres of cultivation. With the approval of this project, the total permitted permits in this Planning Watershed would be 196 permits and the total approved acres would be approximately 665 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Emerald Triangle Medicinal, Inc., based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

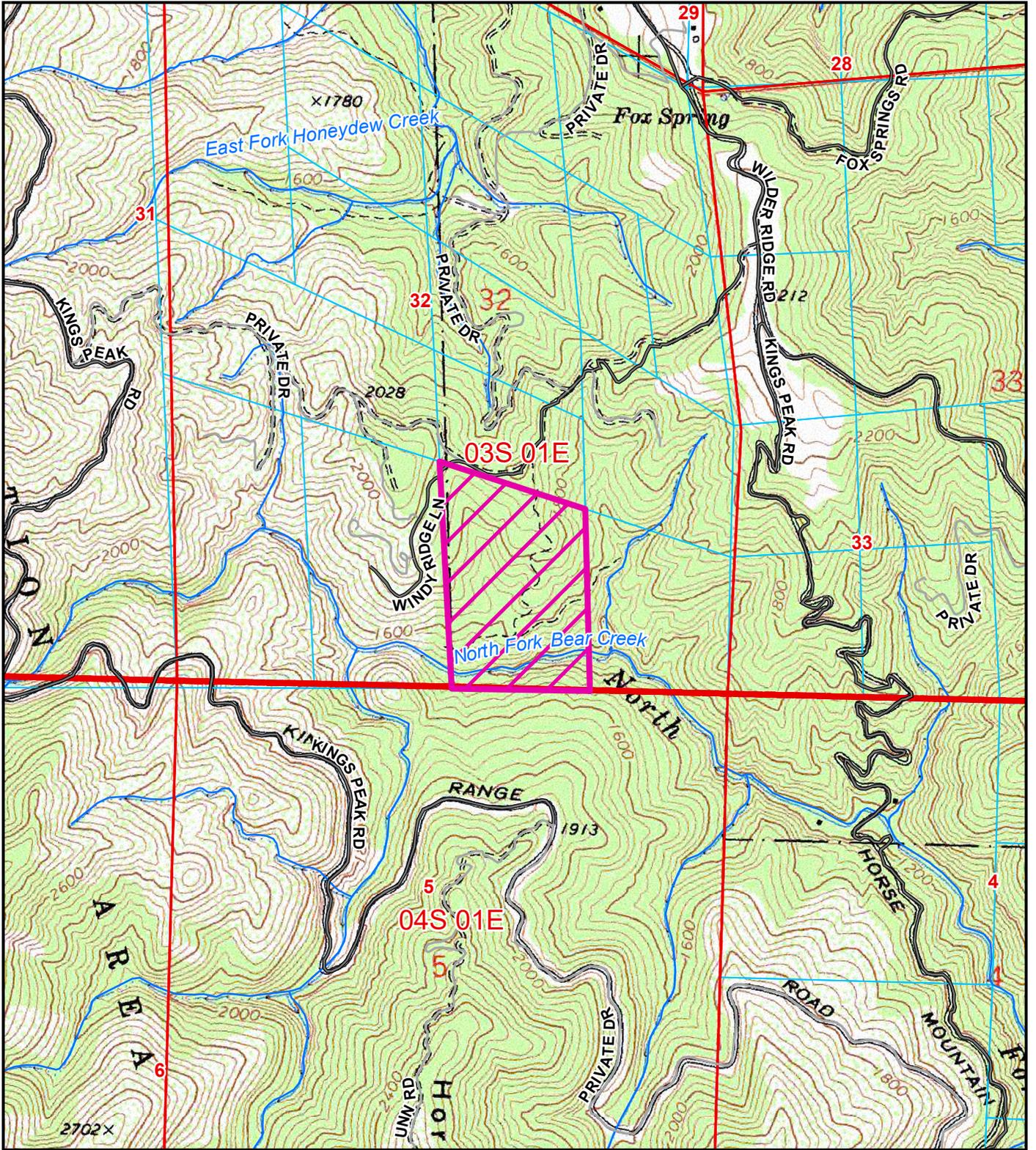
Adopted after review and consideration of all the evidence on November 4, 2021

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

AYES: COMMISSIONERS:
 NOES: COMMISSIONERS:
 ABSENT: COMMISSIONERS:
 ABSTAIN: COMMISSIONERS:
 DECISION:

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

John Ford, Director
 Planning and Building Department



**TOPO MAP
 PROPOSED EMERALD TRIANGLE MEDICINAL
 ETTERSBURG AREA**

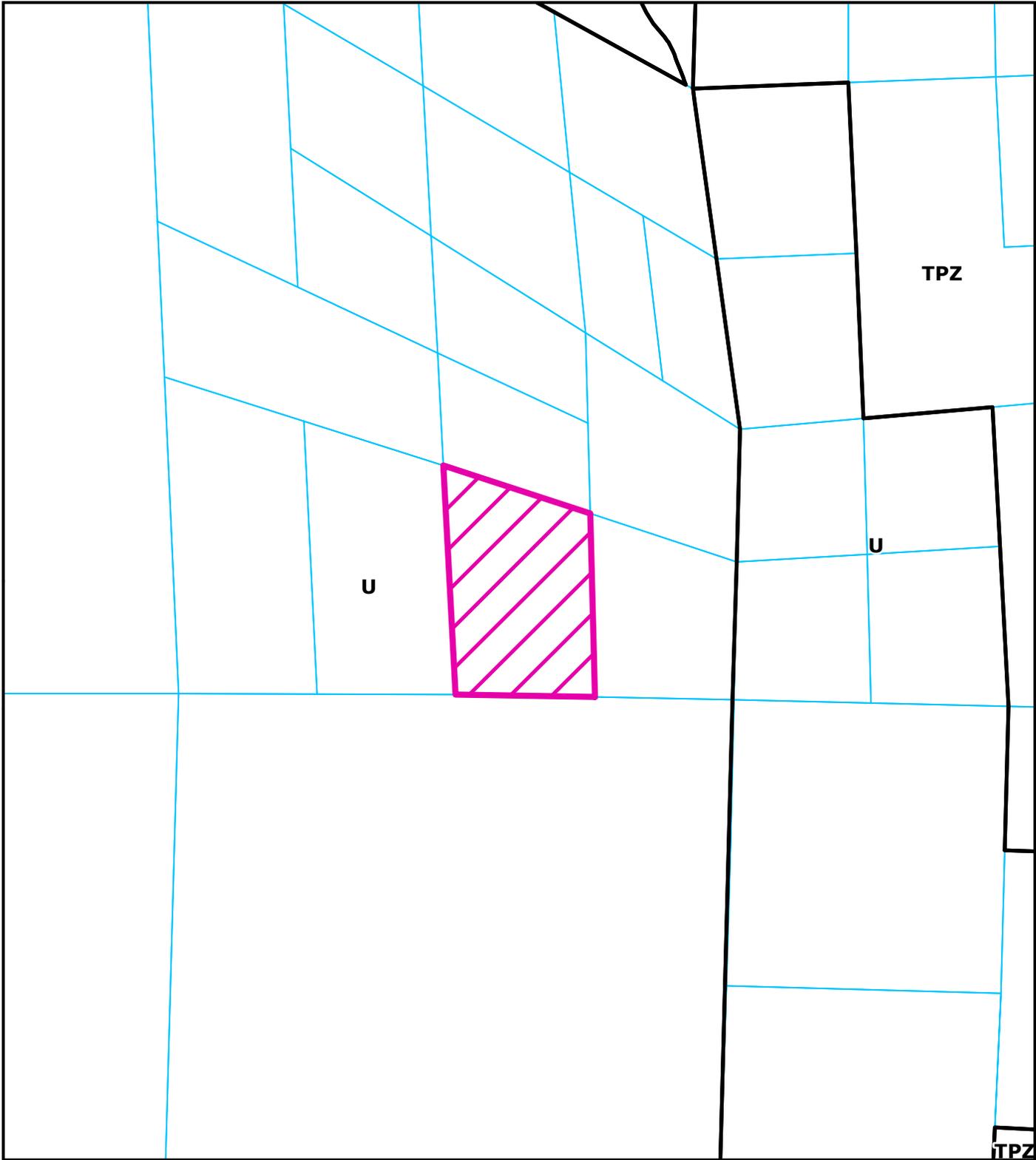
**PLN-12060-CUP
 APN: 108-033-018**

T03S R01E S32; T04S R01E S5 HB&M (HONEYDEW)

Project Area = 

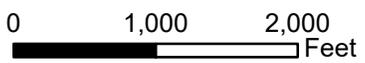


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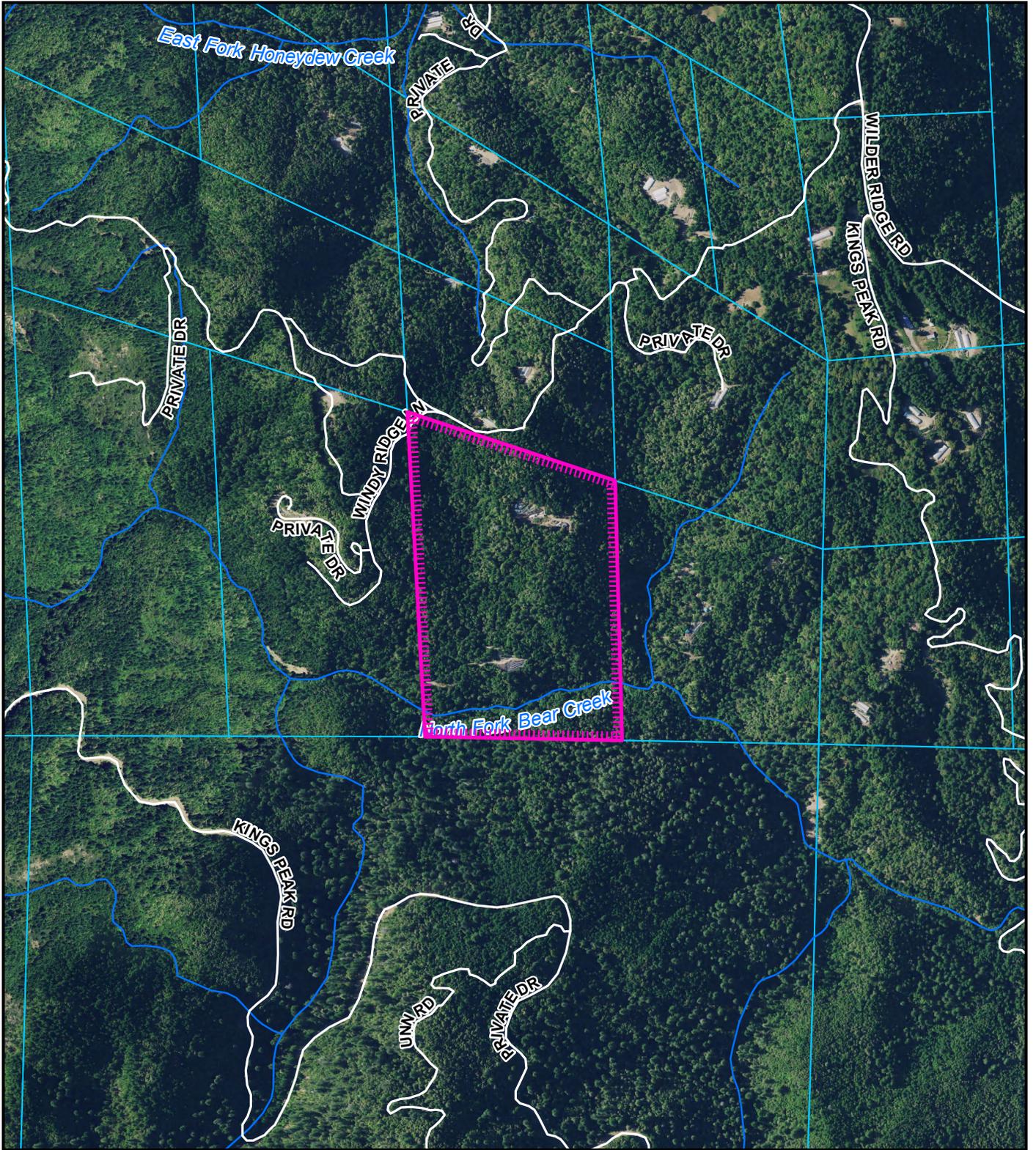


Project Area = 

ZONING MAP
PROPOSED EMERALD TRIANGLE MEDICINAL
ETTERSBURG AREA
PLN-12060-CUP
APN: 108-033-018
T03S R01E S32; T04S R01E S5 HB&M (HONEYDEW)



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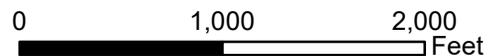


**AERIAL MAP
 PROPOSED EMERALD TRIANGLE MEDICINAL
 ETTERSBURG AREA**

**PLN-12060-CUP
 APN: 108-033-018**

T03S R01E S32; T04S R01E S5 HB&M (HONEYDEW)

Project Area = 



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

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 60 days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #18. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. The applicant shall submit a grading, erosion, and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all

grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.

9. The applicant shall install water monitoring device on each source—domestic and irrigation surface diversions if/when utilized and storage tanks as applicable—to monitor water used for cannabis irrigation separate from domestic use and abide by the Right to Divert and Use Water Certificate D1115 with the State Water Resources Control Board.
10. The applicant shall implement specific prescribed recommendations detailed in the Water Resources Protection Plan (WRPP) prepared by Compliant Farms in 2017. These measures include:
 - a. The culvert removal and restoration at location “CR” on the lower cultivation area and upgrading culverts at the two locations “UC” in the lower cultivation area. A revised Lake and Streambed Alteration Agreement (LSAA) will be required for instream work.
 - b. Installation of engineered discharge points along all access roads which are labeled as “EDP,” “RA,” or “RM” on the WRPP map.
 - c. Establishing a forest management or riparian buffer restoration plan around the remediation area on the lower flat labeled “FR,” “RB,” or “RR” on the WRPP map.
 - d. Removal, retirement, and restoration of approximately 2,500 SF of the lower cultivation site that is within the streamside management area labeled as “SB” on the WRPP map.
11. The applicant shall prepare a Site Management Plan (SMP) pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2019-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. A letter or similar communication from the SWRCB verifying that all their requirements have been met will satisfy this condition. A Special Permit is required to allow setback reduction from portions of a tank farm within Streamside Management Area (SMA) and for the diversion maintenance and for restoration activities associated with two diversions in the Lake and Streambed Alteration Agreement (LSAA).
12. As it appears historic timber conversion occurred between approximately 2005 and 2009, a Registered Professional Forester shall evaluate the area and provide the results to the County. The applicant shall implement recommendations in the report. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department.
13. The applicant shall implement the recommendations in the On-Site Relocation Project Proposal prepared in 2018 by Dan Mar, Compliant Farms. This includes:
 - a. Relocating 2,500 SF of existing outdoor cultivation from Area B, Subarea D (lower cultivation area) to Area A (upper cultivation area).
 - b. Removal of cultivation materials.
 - c. Employ temporary erosion control measures until the site is revegetated with native plant species.
 - d. Implement permanent strategies (log barriers, native vegetation) to eliminate hydrologic connectivity of the retired cultivation area.
14. The applicant shall prepare a Restoration Monitoring Plan documenting the results of retirement and restoration and ongoing monitoring of all areas of cultivation and associated access roads that were decommissioned and restored. A revised Site Plan showing the location of the restoration and retirement areas shall be provided with this submission to County Planning.
15. The avoidance and minimization measures from the Initial Biological Resource Assessment for the protection of Pacific Tailed Frog (*Ascaphus truei*) shall be implemented and adhered to, including the adherence to the LSAA with CDFW, adoption of the recommended corrective actions in the WRPP to prevent discharges of sediments and enhancement of Class-III riparian zones.

16. The applicant will commit to converting to exclusively solar power as a primary power source with generator and or Pacific Gas & Electric (PG&E) as backup as soon as feasible, conditioned on market recovery and or Federal Legalization, but in no case longer than 10 years.
17. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
18. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency 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.
19. 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 Commercial Medical Marijuana Land Use Ordinance (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 States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. The light source used in the nursery greenhouse shall comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, 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 has been repaired, inspected and corrected as necessary.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.

6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 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 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the California SWRCB and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
15. Maintain enrollment in Tier 1 or 2 certification with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife.
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection, if applicable.

18. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. 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).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets;
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:

- (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. Onsite housing, if any
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire 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.
30. 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 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 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.
31. 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.
32. 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.
33. 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.

34. 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 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 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 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APN 108-033-018; 1160 Windy Ridge Lane
County of Humboldt**

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

November 4, 2021

Background

Modified Project Description and Project History –

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

The modified project involves a Conditional Use Permit for an existing 13,000-square-foot (SF) outdoor and 660-SF mixed-light cannabis cultivation operation. Plants are cut down at harvest, then hung to dry and cure in the existing sheds on the property. Irrigation water is sourced from a point of diversion (gravity) on North Fork Bear Creek. A separate diversion supplies domestic needs. Existing available water storage for irrigation is 58,150 gallons with an additional 94,000 gallons of storage proposed, for a total storage of 152,150 gallons. Estimated annual water usage is 100,000 gallons (7.3 gallons/SF/year). Drying and bucking occurs onsite and all other processing will occur offsite at a licensed processing or manufacturing facility until the two-story processing building is built. The site has three full-time workers and up to 10 employees may be utilized during peak operations. Power is provided by a Kohler propane generator and two solar panels. Additional low watt (2 to 7 kilowatt) Honda generators are used as necessary. All generators are housed in an onsite shed with secondary fuel containment. Toilets are provided in the form of an existing Americans with Disabilities Act-compliant Port-O-San facility that is regularly serviced; this facility will be upgraded, or a new permitted onsite wastewater treatment facility will be constructed. Several areas of on the site are described as in need of restoration as detailed in the On-Site Relocation Project Proposal and the Water Resource Protection Plan prepared in 2018 and 2017, respectively. The relocation receiving area is within the western portion of the northern cultivation area (Area A in the Cultivation Area Verification) and the area to be retired and remediated is in the southern cultivation area on an area of historic landslides. A Special Permit is required to allow setback reduction from portions of a tank farm within Streamside Management Area and for the diversion maintenance and for restoration activities associated with two diversions in the Streambed Alteration Agreement.

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

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) Guidelines provides that the lead agency shall prepare an addendum to a previously certified MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a Subsequent Environmental Impact Report (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, based on substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 13,660 SF of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less-than-significant level.

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

- Site Plan prepared by A.M. Baird Engineering & Surveying dated 11/27/20 and revision dated 6/1/21.
- Cultivation and Operations Plan prepared by Rain & Zepp dated 2/18/19.
- Water Resource Protection Plan prepared by Compliant Farms in 2017 for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Engineer's Road Evaluation Report for Windy Ridge Lane prepared by A.M. Baird Engineering & Surveying Inc., dated 6/3/19 and received 6/17/19.
- Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits.
- Initial Biological Resource Assessment for Emerald Triangle Medicinals, prepared by Compliant Farms, undated.
- CDFW Streambed Alteration Agreement Notification No. 1600-2016-0029-R1, dated 11/16/16, received 11/14/16.
- On-Site Relocation Project Proposal prepared by Ron Downing, Emerald Triangle Medicinal, dated 6/26/18.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by A.M. Baird Engineering & Surveying dated 11/27/20 and Revision dated 6/1/21 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Rain & Zepp dated 2/18/19 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the SWRCB, Division of Water Rights, if applicable. (SWRCB Initial Statement of Water Diversion and Use application dated 9/16/15 – **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 SWRCB General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast RWQCB demonstrating enrollment in Tier 1, 2 or 3, North Coast RWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and WRPP prepared by Compliant Farms – On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the CDFW. (Notification No. 1600-2016-0029-R1 executed 11/16/16 – **Attached**)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the PRC, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by 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. (A Condition of Approval will require a Registered Professional Forester evaluate the area and provide the results to the County. CalFIRE correspondence – **Attached**)

10. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Engineer's Road Evaluation Report for Windy Ridge Lane prepared by A.M. Baird Engineering & Surveying Inc., dated 6/3/19 and received 6/17/19. (**Attached**)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). (On file)
16. Initial Biological Resource Assessment for Emerald Triangle Medicinals, prepared by Compliant Farms, undated (**Attached** Separately and On File).

Cultivation and Operations Plan

Item 24: Description of Water Source, Storage, Irrigation Plan, and Project Water Usage

The water source for this project is a reported diversion.

There are a series of water tanks clustered in two distinct locations on the property. One set near each distinct grow location. The northern most area has three existing hard poly storage tanks consisting of one 1,300 gallon tank, one 3,000 gallon tank, one 3,650 gallon tank, and a 47,000 gallon metal tank is proposed to meet forbearance requirements. There is an additional 2,500 gallon hard poly tank for SRA Fire water reserve. All of these tanks are featured on the site plan.

In the southern most cultivation area there are two clusters of hard poly tanks and one 47,000 gallon metal tank proposed. The existing hard poly tanks include two clusters of six and four tanks respectively. All tanks in this area are 5,000 gallon.

Total existing water storage available for irrigation is 58,150 gallons with an additional 94,000 gallons of storage under construction.

Projected water use for 2019 for the parcel leased by Emerald Triangle Medicinal, Inc. is as follows:

<u>Month</u>	<u>Monthly Total in Gallons</u>
February	0
March	0
April	0
May	15,000
June	15,000
July	20,000
August	20,000
September	20,000
October	10,000
November	0



517 Third Street, Suite 30 Eureka, CA 95501 Tel: (707) 442- 3034 Fax: (707) 445-5925
Email: tracyrain@rainzepplaw.com beornzepp@rainzepplaw.com

December 0

Water use as recorded from 2018 was:

<u>Month</u>	<u>Monthly Total in Gallons</u>
February	0
March	0
April	0
May	7,158
June	15,379
July	20,193
August	27,785
September	24,671
October	8,759
November	390
December	0

Total water usage for commercial cultivation in 2019 will be approximately 100,000 gallons.

Method of Irrigation

A combination of drip irrigation and hand watering will be implemented. Generally, plants will be watered with drip irrigation to conserve water. Hand watering will be implemented when supplemental watering is needed. Liquid feeding will be done primarily through the drip system with additional hand watering and feeding performed as needed. Mulch will also be applied as conditions warrant to increase water conservation and infiltration.

Description of Site Drainage

Sites are set well outside the required buffer of 100 feet for all surface watercourses. Set-backs are measured from the banks edge or break in water related vegetation whichever is further from the channel. Natural slopes are maintained. Drainage is into an adequate vegetative buffer and further buffering achieved with a series of swales and berms to collect sediment and help with water infiltration. Use of nutrient amendments according to label instructions, with a reduction in nutrient prior to harvest, prevents drainage of pollutants. Hand watering is

carefully controlled to prevent overwatering and runoff. Used soils are reclaimed per description below.

Detail of Measures taken to Ensure Protection of the Watershed and Nearby Habitat

Sites are set well outside the required buffer of 100 feet from watercourses with adequate vegetative buffer and further "swale/berm" buffer. Runoff is not hydrologically connected to watercourses. Watering is controlled by timers or by hand, exercising caution to not over water - both to conserve water and to prevent runoff. Nutrient solutions are kept at a low Parts Per Million (PPM), particularly towards the end of the growing season. Used soil is piled away from watercourses, contained with straw bale and or wattle perimeters and covered with tarps during the wet season. Used soil is then amended and re-used. Amendments, fertilizers and any chemicals are kept in the covered shed in secondary containment tubs. Any organic waste is composted and reclaimed.

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

Fertilizers, amendments and pesticides are all stored on pallets in tents or in covered sheds out of the weather. They are applied according to label specifications, with a reduction in PPM as harvest approaches to minimize left over nutrient loads. Watering is carefully monitored to prevent runoff. Cultivation sites are well maintained, with no improperly stored nutrients or fertilizers on site.

All on site propane tanks are registered with the EPA to 8123 Lawn and Landscape (an associated company).

The generators are kept in covered sheds with secondary containment sufficient to hold all fuel. Fuel is also kept in secondary containment with capacity sufficient to contain all fuel.

Used oil and coolant are stored in sealed 55 gallon barrels which are housed in a secondary containment tank of capacity well in excess of the materials stored in the barrels. Those barrels and secondary containment are housed safely in a secure shed. When needed barrels are transported to an appropriate waste receiving facility where they are emptied and returned to the farm for re-use as used oil and coolant receptacles.

See Appendix C, Monitoring and Reporting Program, Other Permits, Licenses and Documents section for details of chemical and amendments use.

A summary of that list of ingredients and its purpose provided here.

Product	Reason Applied
Age Old Bloom	High Phosphorous feeding solution used to encourage and support flower development.

Age Old Grow	High Nitrogen feeding solution use to encourage and support rigorous vegetative growth.
Age Old Kelp	Use to support soil vitality by encouraging bio-activity in the soil. Used to support plant immune system with foliar applications.
Alfalfa Meal	Mixed in soil to add loam and provide a rich and naturally available source of nitrogen to vegetative plants. Also used as mulch at times to provide water savings and a time release source of nitrogen.
Arc Bat Guano	A transitional fertilizer used to support vegetative rigor will simultaneously encouraging the plants to begin shifting to flower.
Biokashi	A fermented organic wheat bran used to top dress or in brewing of bio-active teas to encourage healthy soil and rich microbial activity.
Bud and Bloom	High phosphorous fertilizer used to encourage flower development.
Cal-Mag	Micro nutrient solution used to support the plants immune system.
Cal-Phos	Source of phosphorous for flower development.
Fish and Seaweed	A broad spectrum fertilizer that improves plant immune system and encourages a flower fragrance and tri-comb formation.
Fish Bone Meal	High Phosphorous fertilizer used to support flower development and formation.
Fish Hydrosolate	Soil Conditioner
Glacial Rock Dust	Soil Conditioner providing micronutrients.
Humic Acid	Soil Conditioner providing positively charged ions which help in nutrient uptake and prevent nutrient precipitation helping avoid nutrient leaching.
Humisoil	Mineralized organic matter that provides micro-organisms ample food and location to support healthy soil biota.
Insect Fras	Used to initiate the plants auto-immune response helping prevent pest and mold damage.
Jersey Greensand	Soil Conditioner
Malibu Compost	Soil building micro-organism rich compost used in soil conditioning mix and in compost tea brewing.
Molasses	Used to feed micro-organisms in soil and compost teas as well as support sugar development and storage in flowers.

Nitrogen Bat Guano	Soil additive used for its high nitrogen content to support rigorous vegetative growth. Added to soil at time of mixing and can be used as top dressing as well.
Oyster Shell	Rich source of calcium, PH balancing, and is a time release source of phosphorus among other important nutrients. Great soil conditioner with benefits that improve over time.
Phosphate Bat Guano	Rich Phosphorous fertilizer promoting and supporting large fragrant flowers.
Precip Bone Meal	High Phosphorous fertilizer, used to support flower development.
Steamed Bone Meal	Rich Phosphorous fertilizer with substantial nitrogen content used to transition from vegetative stages of growth to flower.
Trace Minerals	Available source of micronutrient to support plant immune system.
Worm Castings	Mild fertilizer used on young plants. Great soil conditioner; develops tilth and micro-organism abundance. Adds to overall plant vitality.
Serenade Rtu	Disease prevention and treatment.
Serenade Con	Disease prevention and treatment.
Green Cleaner	Disease prevention and treatment.

All products applied at or below manufactures suggested application rate to help avoid nutrient over-load and or leaching/runoff.

Description of Cultivation Activities

The project consists of 13,000 sf of outdoor cultivation and 660 sf of mix-light cultivation.

Power Source

Primary power is provided by a Kohler propane generator. The generator is housed in a shed to protect it from the elements and to provide sound dampening. Additional low watt Honda generators are used as necessary (2000 – 3000 watt mainly with a 5000 and a 7000 if need be).

The generators are kept in covered sheds with secondary containment sufficient to hold all fuel. Fuel is also kept in secondary containment with capacity sufficient to contain all fuel.

Generators will not be audible from nearby residences, and noise level will not exceed 60 decibels at the property line.

Compliance With International Dark Sky Standards

When lights are run to maintain vegetative growth patterns, greenhouses will be covered to shield light from escaping. Light from greenhouses will not be visible from neighboring properties between sunset and sunrise.

Staff Description

For most of the year (April – December) the farm has 3 full time workers. At peak of harvest that number can swell to an additional ten at times and normally 3-6 additional people are necessary. All work is performed by either members of Emerald Triangle Medicinal, Inc. or private contractors provided by a qualified staffing agency.

Safety Practices

Safety is encouraged on the farm at all times. All employees are given a thorough site safety training. Regular safety meetings are held. Specific safety measures are discussed. Safety equipment is demonstrated. Proper procedure for handling and use of all tools and materials is discussed and implemented. Chemicals are handled with care and safe handling protective measures are taken depending on the item/chemical in use (i.e. gloves, mask, goggles, protective suite, etc. depending on the chemical or task in question). MSDS sheets are maintained on site and are made available upon request.

Site Facilities

Toilet facilities are provided in the form of a Port-O-San. It is handy cap accessible, owned by the farm, and maintained by a local service provider on regular intervals with increased service visits at seasonal times of increased use.

Hand washing facilities are provided on site. A sink with grey water system is readily available near the Port-O-San.

The current septic system as proposed may not be sufficient to handle the seasonal increase in use. Either the existing septic plan may be upgraded such that it could handle that volume of use or the current Port-O-San will be maintained.

Drinking Water

Bottled drinking water will be provided.

Road Use Minimization

During peak work seasons (spring and fall) road use and impact is minimized by car-pooling from the top of the driveway. Workers meet at a specified time at a parking location before the main gate and drive in together in one vehicle or are picked up and brought to the site.

On Site Housing

No on-site housing is provided at this time.

Harvest Procedure

Plants are cut down at harvest, then hung to dry and cure in the existing sheds on the property. Flowers and other plant material is then sorted and stored in plastic tote bins. Waste is composted.

Once cured, the cannabis trimmed. Processed flowers are kept in a locked shed until moved by a licensed distributor.

If necessary, material will be transported, by a party licensed to do so, to a licensed processing facility.

Number of Mixed Light Cultivation Cycles Proposed

Proposed mixed light cultivation would likely have 2-4 cycles with no more than 5 cycles per growing season under any conditions. This detail will be annual weather dependent.

Schedule of Activities During the Season

For each mixed light cycle, plants are kept in vegetative growth for 3 – 20 days. The lighting is set at 20 hours on, 4 hours of dark and the nutrient is a high nitrogen mix (see product list above).

For 12 – 16 weeks, plants convert to flower. Lighting is switched to 12 hours on, 12 hours dark and the nutrient is switched to a lower nitrogen / higher phosphorous mix (see product list above).

Once the plants are ready for harvest, they are cut down and taken to the processing facility for processing by the members of Emerald Triangle Medicinal, Inc. The leftover organic matter is composted and reclaimed; the used soil is reclaimed per above described process.

Table Describing Detailed Schedule of Activities During the Season

Month	Activities
February	<ul style="list-style-type: none"> • Cut clone starts from pre-existing mother stock • Run lights to maintain vegetative growth cycle • Plant seeds • Transplant into pots as conditions require • At time of transplant lower fan leaves are removed to prevent disease and encourage vigor • Begin amending soil

March	<ul style="list-style-type: none"> • Further develop plant stock, cut more clone starts from mother plants • Run lights to maintain vegetative growth cycle • Plant seeds • Transplanting to larger pots as plants require • Plant out full term out door plants • Support all plants with high Nitrogen solution of one or more of the high nitrogen products (see product list above) • Annual weather dependent, a first round of mix light may be planted • Continue amending soil with dry soil amendments (see product list above) • Spray preventative foliar treatment of one or more of the following: Age Old Kelp, Biokashi, or Home Brewed Bio-Tea
April	<ul style="list-style-type: none"> • Further develop plant stock, cut more clone starts from mother plants • Run lights to maintain vegetative growth cycle as need be • Plant seeds • Transplant to larger pots as plants require • Plant out full term out door plants • Support all plants with high Nitrogen feeding solution (see product list above) • If weather permitted an early mixed light crop, covers will be drawn to manipulate the light cycle and trigger flower • Mix light feeding solution shifts from high Nitrogen to high Phosphorous feeding solution (see product list above) • Continue amending soil • Spray preventative foliar treatment of Age Old Kelp, Biokashi, or Home Brewed Bio-Tea unless substantial flower development is present • If conditions require Serenade will be used to treat any early on set of disease or pest
May	<ul style="list-style-type: none"> • Run lights to maintain vegetative growth cycle as need be • Complete all full term out door soil conditioning tasks • Plant out any remaining full term out door plants • Support all full term out door plants with high Nitrogen feeding solution (see product list above) • Top dress soil as conditions indicate (see product list above) • Continue light cover manipulation for mix light crop • Under ideal conditions a first mix light crop may be ready for harvest • If so harvest will commence in accord with the harvest and processing plan

	<ul style="list-style-type: none"> • Mix light feeding solution is high phosphorous (see product list above) and is tapered down as harvest approaches • Prepare second round mix light starts as needed • Spray preventative foliar treatment (see product list above) unless substantial flower development is present
June	<ul style="list-style-type: none"> • Plant out any remaining full term out door plants • Support all full term out door and second wave mix light plants with high Nitrogen feeding solution (see product list above) • Plant support infrastructure will be developed • Plants will be supported with cages, stakes and ties, or trellising as is best for the particular conditions • First mix light crop harvest will continue or commence, annual weather cycle dependent • At harvest plants are cut down and taken to the drying shed where flowers will be dried, stored, and made ready for processing in accord with the procedure described above • Second mix light cycle will shift to flower • Second round mix light feeding solution shifts from high Nitrogen to high Phosphorous feeling solution (see product list above) • Spray preventative foliar treatment (see product list above) unless substantial flower development is present • Once flowers are dry and ready trimming will be performed on site by corporate members
July	<ul style="list-style-type: none"> • Begin light deprivation on second round of mix light crop when plants have developed sufficiently • Mix light feeding solution shifts from high Nitrogen to high Phosphorous feeling solution (see product list above) • Continue with high nitrogen liquid fertilizer applications to full term out door plants • Add top dressing soil conditioners as plant and soil conditions indicate • Apply pest management techniques as needed in accord with the pest management plan • Spray preventative foliar treatment (see product list above) unless substantial flower development is present • Continue processing dry flowers in accord with processing protocol
August	<ul style="list-style-type: none"> • Apply liquid fertilizer as conditions indicate • Spray preventative foliar treatment (see product list above) unless substantial flower development is present • Remove lower fan leaves as conditions indicate to improve air flow and disease resistance

	<ul style="list-style-type: none"> • Continue processing dry flowers in accord with processing protocol
September	<ul style="list-style-type: none"> • Harvest cycle number two of light deprivation crop and dry in accord with drying protocol • Apply liquid fertilizer as conditions indicate • Spray preventative foliar treatment (see product list above) unless substantial flower development is present • Begin early strain harvest of full term out door crop
October	<ul style="list-style-type: none"> • Finish processing any remaining mix light crop in accord with processing plan • Cease Feeding plants prior to harvest to allow sufficient time to flush nutrients from crop • Begin harvesting mid length stains of full term plants • Dry in accord with drying procedure • Begin processing while continuing to harvest as conditions and time permit
November	<ul style="list-style-type: none"> • Remove and compost any post-harvest remaining plant material • Store soil per first step of reclamation plan (surround soil with straw bail and waddle berm and cover with tarp to protect soil from rain and run off) • Finish drying any remaining flowers • Begin processing full term dry flowers in accord with processing plan
December	<ul style="list-style-type: none"> • Finish first step of soil reclamation process (see above) • Put away irrigation system for winter • General Property maintenance including road and site run off mitigation and refuse disposal in accord with operations plan
January	<ul style="list-style-type: none"> • General property maintenance including further road and site run off mitigation

*Note: At all times when lights are run in the greenhouses, light shielding cover is implemented to prevent light escape and to comply with International Dark Sky Association Standards.

** Irrigation is installed at the time of planting in each mix light and full term planning cycle.

*** All plant foods will be applied at rates consistent with or below the manufacturer's suggested application rate.

Details About Tree Removal (Seven Trees)

The seven trees proposed for removal must be removed as a condition of approval of the permit for the proposed residence with attached porch and garage. The plans for the residence are approved and on file with the county planning department. Included in the plan is a new septic and leach field. Perk tests have been performed. Implementation of the plan to build

the residence will move forward as permitting, weather, and funding permits. All of these features are depicted as proposed (P) on the site plan.

Security Plan

The cultivation site is remote and isolated, hidden from the road by trees and accessible only through a locked gate.

State Water Resources Control Board
DIVISION OF WATER RIGHTS

Client Copy
 Filed 9/16/15

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

Page 1 of 3: INITIAL STATEMENT OF WATER DIVERSION AND USE
 SOURCE/TRIBUTARY Windy Ridge Creek / N.F. Bear Creek DIVERTER NAME Ron Downing
 DIVERSION WORKS NAME none

A. Diverter Information			
Diverter Name(s) Ron Downing			
Mailing Address PO Box 1670	City Redway	State CA	Zip 95560
Phone Number 707-502-0290	Email Address (if available) a123lawnnlandscape@hotmail.com		
Person Filing Statement (If Different From Diverter) Hollie Hall			
Mailing Address PO Box 5306	City Arcata	State CA	Zip 95518
Phone Number 707-502-4870	Email Address (if available) HollieRHall@gmail.com		
Land Owner Name Ron Downing			
Mailing Address PO Box 1670	City Redway	State CA	Zip 95560
Mail Receiver	<input type="radio"/> Diverter	<input checked="" type="radio"/> Person Filing	

B. Signature and Important Information

DATE: 9/16/15

SIGNATURE: Hollie Hall 

PRINTED NAME: Hollie Rebecca Hall
(first name) (middle name) (last name)

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

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 MUST BE FILED AT THREE-YEAR INTERVALS OR IF THERE IS A CHANGE IN THE NAME OR 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.)

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

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/. Revised January 2014. E

State Water Resources Control Board
DIVISION OF WATER RIGHTS
INITIAL STATEMENT OF WATER DIVERSION AND USE
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PAGE 2 OF 3: INITIAL STATEMENT OF WATER DIVERSION AND USE DIVERTER NAME Ron Downing
 SOURCE/TRIBUTARY Windy Ridge Creek / N.F. Bear Creek DIVERSION WORKS NAME none

1. Type of Claim
 Check the box(s) which describe the type of claim(s) under which you are diverting water.
 Riparian Pre-1914 Court Decree Pending Appropriative Application Pueblo Other: _____
 If you checked yes for Court Decree, Pending Appropriative Application or other, list the decree number, application ID or explanation:

2. Water Course Description
 Water Course Name at the point of diversion: Windy Ridge Creek
 Water Course is tributary to: North Fork Bear Creek

3. Legal Land Description
 Provide the location of the Point of Diversion using one of the following methods (check one box and enter coordinates, if applicable)
 Latitude/Longitude Measurements: 40.1522, -124.0892
 California Coordinate System (NAD 1983): _____
 USGS Topographic Map with point of diversion labeled on map (if checked yes, please attach map)

Assessor's Parcel Number(s), if assigned: 108-033-018 County: Humboldt

Provide Public Land Description to nearest 40 acres (if assigned)
 _____ 1/4 of the _____ 1/4 of Section 32, Township 3S, Range 1E, B&M Humboldt

4. Place of Use Description
 Provide a general description of the area in which the water was used
Water supplies small domestic needs associated with people, homestead, gardens, and land.
 Identify the location of the place of use on a specific United States Geological Survey (USGS) topographic map and on 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. (check box indicating each map attached)
 USGS Topographic Map County Assessor's parcel map

5. Purpose of Use Description (Please select all that apply below)

<input checked="" type="checkbox"/> Irrigation Number of Acres: <u>0.12</u>	<input checked="" type="checkbox"/> Domestic Persons Served: <u>3</u>	<input type="checkbox"/> Stock watering Number of stock and type: <u>--</u>	<input type="checkbox"/> Other Please Explain: <u>--</u>
--	--	--	---

6. Diversion Works Description
 Name of Diversion Works, if named: unnamed Year in which diversion commenced (or specify nearest known year): _____
 List any related existing water rights, if applicable (for example, an appropriative right using the same diversion works): _____

Type of Diversion Facility (select one)
 Gravity Water Course Pump Well Pump Other (please specify) _____
 Do you directly divert water? Yes No Capacity of Direct Diversion Works (specify unit and amount) 10 Cubic feet per second Gallons per minute Gallons per day
 Do you divert water to storage? On-stream storage (Complete Section B) Off-stream storage (Complete Sections A & B)
 A. Capacity of Storage Diversion Works (specify unit and amount) 5 B. Capacity of Storage Tank or Reservoir (specify unit and amount) 19000
 Cubic feet per second Gallons per minute Gallons per day Gallons Acre-feet

7. Quantity of Water Diverted. Note: Measurements must be made using best available technologies and best professional practices as listed in Section 8a unless documentation is provided to the State Water Resources Control Board that the implementation of those practices is not locally cost effective.

Provide the quantity of water diverted each month in the table below as a measured in (check one box) Gallons Acre-feet

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2014	0	0	0	1500	24000	24000	0	0	0	0	19000	0	68500

8. Measurement Device Description

Method used to measure water diverted (select one)

Water directly diverted and/or diverted to storage was measured with a measuring device.
 (if checked, proceed to section 8a and skip section 8b)

Direct measurement using a device listed in Section 8a is not locally cost effective for water directly diverted and/or diverted to storage.
 (If checked, skip section 8a and proceed to section 8b).

8a. Measuring Device

Indicate the types of measuring devices used (check all that apply):

Propeller Meter Sluice/Slide Gate Acoustic Meter Weir
 Staff gage and storage capacity curve Staff gage and floodable acreage
 Pressure transducer and storage capacity curve Other: _____

Indicate any additional technology used (check all that apply and explain below):

Flow totalizer Data Logger Telemetry Other: _____

Indicate who installed your measuring device(s) (check all that apply):

Representative using manufacturer's recommendations Licensed Civil or Agricultural Engineer
 Representative who is American Water Works Association (AWWA)-certified Hydrographer
 Representative using United States Geological Survey (USGS) techniques Other/Unknown: _____

List the make, model number, and last calibration date of your measuring device(s), if available:

8b. Explanation of why use of a measuring device is "not locally cost effective"

Indicate why you concluded that direct measurement using a device listed in Section 8a is not locally cost effective (check all that apply)

Diversion is small or minimal in size Diversions are infrequent Ungauged Siphon
 No power at diversion point Other: _____

Indicate method(s) used as an alternative to direct measurement in order to complete this report (check all that apply)

Electricity records dedicated to the pump Total facility electricity records minus estimated non-pump electricity
 Engine fuel use or hour meter records Crop duty estimates/consumptive use estimates
 Power generation estimates Other water duty estimates other than for crops
 Modeled/estimated flows Remote satellite imaging
 Pipe/trajectory method Bucket and stopwatch
 Float and stopwatch Other: _____

Explain your measurement alternatives:

9. Maximum Rate of Diversion (if available)

Provide the maximum rate of diversion achieved in each month as measured in (check one box) cfs gpm gpd

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

10. Recent Water Use

Provide the annual water use in recent years:	Maximum 68500	<input checked="" type="radio"/> Gallons	<input type="radio"/> Acre Feet
	Minimum 68500	<input checked="" type="radio"/> Gallons	<input type="radio"/> Acre Feet

11. Water Conservation Efforts (answer only sections applicable to your diversion)

Water Conservation: Are you currently employing any methods of water conservation? Yes No

If yes, describe any water conservation efforts in use:
Closely monitor water needs and use.

Water Quality and Wastewater Reclamation: 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

Coniunctive use of surface water and groundwater: Are you using groundwater in lieu of surface water? Yes No

END OF INITIAL STATEMENT FORM

Sign and Submit Form

Save Form (submit later)

State Water Resources Control Board
DIVISION OF WATER RIGHTS

Client Copy
Filed 9/16/15

INITIAL STATEMENT OF WATER DIVERSION AND USE
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Page 1 of 3: INITIAL STATEMENT OF WATER DIVERSION AND USE DIVERTER NAME Ron Downing
 SOURCE/TRIBUTARY North Fork Bear Creek / Bear Creek DIVERSION WORKS NAME None

A. Diverter Information			
Diverter Name(s) Ron Downing			
Mailing Address PO Box 1670	City Redway	State CA	Zip 95560
Phone Number 707-502-0290	Email Address (if available) a123lawnnlandscape@hotmail.com		
Person Filing Statement (If Different From Diverter) Hollie Hall			
Mailing Address PO Box 5306	City Arcata	State CA	Zip 95518
Phone Number 707-502-4870	Email Address (if available) HollieRHall@gmail.com		
Land Owner Name Ron Downing			
Mailing Address PO Box 1670	City Redway	State CA	Zip 95560
Mail Receiver	<input type="radio"/> Diverter	<input checked="" type="radio"/> Person Filing	

B. Signature and Important Information			
DATE:	<u>9/16/15</u>		
SIGNATURE:	<u>Hollie Hall</u> 		
PRINTED NAME:	<u>Hollie</u> <small>(first name)</small>	<u>Rebecca</u> <small>(middle name)</small>	<u>Hall</u> <small>(last name)</small>
I declare that the information in this report is true to the best of my knowledge and belief.		Submit Form Electronically 	
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 MUST BE FILED AT THREE-YEAR INTERVALS OR IF THERE IS A CHANGE IN THE NAME OR 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.)			

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

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/. Revised January 2014. e

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

PAGE 2 OF 3: INITIAL STATEMENT OF WATER DIVERSION AND USE DIVERTER NAME Ron Downing
 SOURCE/TRIBUTARY North Fork Bear Creek / Bear Creek DIVERSION WORKS NAME None

1. Type of Claim
 Check the box(s) which describe the type of claim(s) under which you are diverting water.
 Riparian Pre-1914 Court Decree Pending Appropriative Application Pueblo Other: _____
 If you checked yes for Court Decree, Pending Appropriative Application or other, list the decree number, application ID or explanation:

2. Water Course Description
 Water Course Name at the point of diversion: North Fork Bear Creek Water Course is tributary to: Bear Creek

3. Legal Land Description
 Provide the location of the Point of Diversion using one of the following methods (check one box and enter coordinates, if applicable)
 Latitude/Longitude Measurements: 40.15029, -124.09062
 California Coordinate System (NAD 1983): _____
 USGS Topographic Map with point of diversion labeled on map (if checked yes, please attach map)

Assessor's Parcel Number(s), if assigned: 108-033-018 County: Humboldt

Provide Public Land Description to nearest 40 acres (if assigned)
 _____ 1/4 of the _____ 1/4 of Section 32, Township 3S, Range 1E, B&M Humboldt

4. Place of Use Description
 Provide a general description of the area in which the water was used
Water supplies small domestic needs associated with people, animals, home, gardens, and land.
 Identify the location of the place of use on a specific United States Geological Survey (USGS) topographic map and on 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. (check box indicating each map attached)
 USGS Topographic Map County Assessor's parcel map

5. Purpose of Use Description (Please select all that apply below)

<input checked="" type="checkbox"/> Irrigation Number of Acres : 0.12	<input checked="" type="checkbox"/> Domestic Persons Served : 3	<input type="checkbox"/> Stock watering Number of stock and type: --	<input type="checkbox"/> Other Please Explain: --
--	--	---	--

6. Diversion Works Description
 Name of Diversion Works, if named: unnamed Year in which diversion commenced (or specify nearest known year): 1997

List any related existing water rights, if applicable (for example, an appropriative right using the same diversion works)

Type of Diversion Facility (select one)
 Gravity Water Course Pump Well Pump Other (please specify) _____

Do you directly divert water? Capacity of Direct Diversion Works (specify unit and amount) Do you divert water to storage?
 Yes No Cubic feet per second Gallons per minute Gallons per day **3** On-stream storage (Complete Section B)
 Off-stream storage (Complete Sections A & B)

A. Capacity of Storage Diversion Works (specify unit and amount) 10 B. Capacity of Storage Tank or Reservoir (specify unit and amount) 19000
 Cubic feet per second Gallons per minute Gallons per day Gallons Acre-feet

7. Quantity of Water Diverted Note: Measurements must be made using best available technologies and best professional practices as listed in Section 8a unless documentation is provided to the State Water Resources Control Board that the implementation of those practices is not locally cost effective.

Provide the quantity of water diverted each month in the table below as a measured in (check one box) Gallons Acre-feet

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2014	0	0	0	0	0	0	19000	19000	19000	15000	0	0	72000

8. Measurement Device Description													
Method used to measure water diverted (select one)													
<input type="radio"/> Water directly diverted and/or diverted to storage was measured with a measuring device. (if checked, proceed to section 8a and skip section 8b)													
<input checked="" type="radio"/> Direct measurement using a device listed in Section 8a is not locally cost effective for water directly diverted and/or diverted to storage. (if checked, skip section 8a and proceed to section 8b).													
8a. Measuring Device													
Indicate the types of measuring devices used (check all that apply):													
<input type="checkbox"/> Propeller Meter			<input type="checkbox"/> Sluice/Slide Gate			<input type="checkbox"/> Acoustic Meter			<input type="checkbox"/> Weir				
<input type="checkbox"/> Staff gage and storage capacity curve			<input type="checkbox"/> Staff gage and floodable acreage			<input type="checkbox"/> Pressure transducer and storage capacity curve			<input type="checkbox"/> Other: _____				
Indicate any additional technology used (check all that apply and explain below):													
<input type="checkbox"/> Flow totalizer			<input type="checkbox"/> Data Logger			<input type="checkbox"/> Telemetry			<input type="checkbox"/> Other: _____				
Indicate who installed your measuring device(s) (check all that apply):													
<input type="checkbox"/> Representative using manufacturer's recommendations						<input type="checkbox"/> Licensed Civil or Agricultural Engineer							
<input type="checkbox"/> Representative who is American Water Works Association (AWWA)-certified						<input type="checkbox"/> Hydrographer							
<input type="checkbox"/> Representative using United States Geological Survey (USGS) techniques						<input type="checkbox"/> Other/Unknown: _____							
List the make, model number, and last calibration date of your measuring device(s), if available:													
8b. Explanation of why use of a measuring device is "not locally cost effective"													
Indicate why you concluded that direct measurement using a device listed in Section 8a is not locally cost effective (check all that apply)													
<input type="checkbox"/> Diversion is small or minimal in size				<input type="checkbox"/> Diversions are infrequent				<input type="checkbox"/> Ungauged Siphon					
<input checked="" type="checkbox"/> No power at diversion point				<input type="checkbox"/> Other: _____									
Indicate method(s) used as an alternative to direct measurement in order to complete this report (check all that apply)													
<input type="checkbox"/> Electricity records dedicated to the pump				<input type="checkbox"/> Total facility electricity records minus estimated non-pump electricity									
<input type="checkbox"/> Engine fuel use or hour meter records				<input type="checkbox"/> Crop duty estimates/consumptive use estimates									
<input type="checkbox"/> Power generation estimates				<input type="checkbox"/> Other water duty estimates other than for crops									
<input type="checkbox"/> Modeled/estimated flows				<input type="checkbox"/> Remote satellite imaging									
<input type="checkbox"/> Pipe/trajjectory method				<input type="checkbox"/> Bucket and stopwatch									
<input type="checkbox"/> Float and stopwatch				<input type="checkbox"/> Other: _____									
Explain your measurement alternatives:													
9. Maximum Rate of Diversion (if available)													
Provide the maximum rate of diversion achieved in each month as measured in (check one box) <input type="checkbox"/> cfs <input checked="" type="checkbox"/> gpm <input type="checkbox"/> gpd													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2014	NA	NA	NA	NA	NA	NA	3	3	3	3	NA	NA	
10. Recent Water Use													
Provide the annual water use in recent years:		Maximum 72000					<input checked="" type="checkbox"/> Gallons		<input type="checkbox"/> Acre Feet				
		Minimum 72000					<input checked="" type="checkbox"/> Gallons		<input type="checkbox"/> Acre Feet				
11. Water Conservation Efforts (answer only sections applicable to your diversion)													
<u>Water Conservation:</u> Are you currently employing any methods of water conservation?										<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No	
If yes, describe any water conservation efforts in use: Closely monitor water needs and use.													
<u>Water Quality and Wastewater Reclamation:</u> 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?										<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No	
<u>Conjunctive use of surface water and groundwater:</u> Are you using groundwater in lieu of surface water?										<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No	

END OF INITIAL STATEMENT FORM

Sign and Submit Form

Save Form (submit later)

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2016

Primary Owner: Ron Downing
 Statement Number: S025212
 Date Submitted: 06/30/2017

1. Water is used under	Riparian Claim
2. Year diversion commenced	1997

3. Purpose of Use	
Domestic	3 people, fire protection, 0.12 garden.
Other	cannabis irrigation.

4. Changes in Method of Diversion	

Special Use Categories	
C1. Are you using any water diverted under this right for the cultivation of cannabis?	Yes
C2. Total amount of water used under this water right for cannabis cultivation	0.177995 acre-feet
C3. Total irrigated acreage of cannabis cultivated	15000 square feet
C4. Amount of cannabis cultivated by lighting condition type	
Outdoor Cultivated Canopy Size	15000 square feet
Outdoor Total Number of Plants Harvested	300
Outdoor Number of Harvests	2
Indoor Cultivated Canopy Size	
Indoor Total Number of Plants Harvested	
Indoor Number of Harvests	
Mixed Light Cultivated Canopy Size	
Mixed Light Total Number of Plants Harvested	
Mixed Light Number of Harvests	
C5. Irrigation methods that are used to cultivate cannabis	Hand water
C6. Is your cultivation of cannabis a commercial cannabis activity?	No

5-6. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used				
Month	Rate of diversion (GPM)	Amount directly diverted (Acre-Feet)	Amount diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January	3	0.004603	0.04449875	0.004603
February	3	0.004603	0.04449875	0.004603
March	3	0.004603	0	0.004603
April	3	0.004603	0	0.025426
May	3	0.004603	0.003069	0.025426
June	3	0.004603	0	0.025426
July	3	0.004603	0	0.025426
August	3	0.004603	0	0.025426
September	3	0.004603	0	0.025426
October	3	0.004603	0	0.025426

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

November	3	0.004603	0.04449875	0.004603
December	3	0.004603	0.04449875	0.004603
Total		0.055236	0.181064	0.200997
Type of Diversion	Both Direct Diversion and Diversion to Storage			
Comments				

Water Transfers	
6d. Water transfered	No
6e. Quantity transfered (Acre-Feet)	
6f. Dates which transfer occurred	/ to /
6g. Transfer approved by	

Water Supply Contracts	
6h. Water supply contract	No
6i. Contract with	
6j. Other provider	
6k. Contract number	
6l. Source from which contract water was diverted	
6m. Point of diversion same as identified water right	
6n. Amount (Acre-Feet) authorized to divert under this contract	
6o. Amount (Acre-Feet) authorized to be diverted in 2016	
6p. Amount (Acre-Feet) projected for 2017	
6q. Exchange or settlement of prior rights	
6r. All monthly reported diversion claimed under the prior rights	
6s. Amount (Acre-Feet) of reported diversion solely under contract	

7. Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	No
b. Is diversion measured?	Yes
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

8. Conservation of Water	
a. Are you now employing water conservation efforts?	Yes
Describe any water conservation efforts you have initiated	Water storage, forbearance of direct diversion during dry season, water conservation in general.
b. Amount of water conserved	
I have data to support the above surface water use reductions due to conservation efforts.	No

9. Water Quality and Wastewater Reclamation	
a. 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 which unreasonably affects such water for other beneficial causes?	No
b. Amount of reduced diversion	
Type of substitute water supply	
Amount of substitute water supply used	
I have data to support the above surface water use reductions due to the use of a substitute water supply	

10. Conjunctive Use of Surface Water and Groundwater

a.	Are you now using groundwater in lieu of surface water?	No
b.	Amount of groundwater used	
	I have data to support the above surface water use reductions due to the use of groundwater.	

Additional Remarks

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Hollie
Last Name	Hall
Relation to Water Right	Other: Agent
The information in the report is true to the best of his/her knowledge and belief	Yes

**NOTICE OF INTENT FORM
FOR ENROLLMENT UNDER
WAIVER OF WASTE DISCHARGE REQUIREMENTS
ORDER NUMBER R1-2015-0023**

Submission of this Notice of Intent (NOI) to the North Coast Regional Water Quality Control Board (Regional Water Board) or an approved third party constitutes notice that a discharger, identified in Section I of this form, requests and receives authorization to discharge pursuant to the Waiver of Waste Discharge Requirements Order number R1-2015-0023 (Order). Upon submittal of the NOI, waste discharges are authorized pursuant to the conditions of the Order. Order coverage is required for existing Tier 1, 2, and 3 cultivation sites by February 15, 2016. Dischargers who begin operations after February 15, 2016, must file an NOI prior to commencement of cultivation activities.

To obtain authorization, dischargers must complete and submit this NOI form, encompassing sections I and II, complete and submit the reporting information required in Appendix C of the Order, and submit the appropriate fee. The reporting form in Appendix C must be submitted annually by March 31 thereafter and an annual fee is subject to a separate invoicing from the State Water Board. Any additional documentation required by the Order, such as a water resource protection plan, site map, and monitoring records must be completed and secured on-site, to be made available upon request by the Regional Water Board. This NOI form must be submitted upon enrollment and the discharger shall amend and resubmit the NOI within 30 days of changed site conditions that result in a change in Tier status.

Completed forms must be signed and submitted to the Regional Water Board or an approved third party.

Forms submitted to the Regional Water Board shall be submitted electronically to NorthCoast@waterboards.ca.gov or, if electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

Fee payments shall be made payable either to an approved third party or the State Water Resource Control Board (SWRCB) according to the schedule in section 2200.7 of the Water Code. Approved third parties that collect fees from their enrollees are required to submit the fees to the Regional Water Board. Initial payments shall be submitted to: North Coast Regional Water Quality Control Board 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403. Invoices will be issued annually, thereafter.

I. Discharger Information

First Name, Middle Initial

Synestra, LLC

Last Name

Mailing Address:

Street

PO Box 211

City

Myers Flat

State

CA

ZIP

95554

Phone Number:

707

502

0292

Email:

II. Site Information

Site Address:

Street

1160 Windy Ridge Ln

City

Ettersberg

State

CA

ZIP

95542

Subwatershed (HUC-12)

* 12-digit HUC-12 code available at http://iaspub.epa.gov/apex/grts/f?p=110:95:::NO::APP_SHOW_HIDE:

180101070201

Assessor's Parcel Number (APN)

108-033-018-000

Please check one of the following boxes to indicate which Tier you are enrolling under:

Tier 1 Tier 2 Tier 3

Under Tier 2, water resource protection plans must be developed within 180 days of submittal of this NOI form. Under Tier 3, cleanup and restoration plans must be submitted to the Regional Water Board within 45 days of submittal of this NOI form. Tier 3 enrollees that are cultivating must also be enrolled and comply with Tier 2 conditions.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information contained in this document and all attachments is, to the best of my knowledge and belief, true, accurate, and complete. I agree to monitor and report on my site in compliance with the Order, including the Monitoring and Reporting Program (Appendix C) truthfully, accurately, and completely; complete Sections I and II, above; keep a copy of the Order, this NOI, the annual monitoring and reporting documents and, if applicable, the water resource protection plan and cleanup and restoration plan document(s) on site, and make them available to Water Board staff upon request. If there is a change in Tier status based on changed site conditions, the changes must be documented, appended to this document, and resubmitted to either the Regional Water Board or, if applicable, an approved third party.

Print name: Ron Downing

Signature: Ron Downing

Date: 3-30-17

**MONITORING AND REPORTING PROGRAM
FOR
WAIVER OF WASTE DISCHARGE REQUIREMENTS
ORDER NUMBER R1-2015-0023**

The Monitoring and Reporting Program has two components (Monitoring and Reporting), reflected in the two sections below. The information collected through site monitoring and inspections, per Section I and reporting forms completed per Section II must be retained on site and made available upon request by Regional Water Board staff. As part of the initial enrollment, a filled copy of the Annual Reporting form in Section II must be submitted, in addition to the Notice of Intent and filing fee. Following enrollment, the Annual Reporting form shall be submitted annually by March 31.

Monitoring, including periodic site inspections and reviews of operational practices, helps to ensure that standard conditions are being met, that management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly. Whether submitted directly to the Regional Water Board or through an approved third party program, the required reporting elements allow the Regional Water Board to assess general program implementation and compliance by tier category and by subwatershed. For example, reporting form information can allow staff to determine how many Tier 2 Dischargers are in the process of developing water resource protection plans, how many have developed and are implementing plans, how many are in compliance with standard conditions, how effectively BMPs are performing, and what changes or improvements are needed to improve program effectiveness or compliance rate.

On a sub-watershed-wide scale, this information enables the Regional Water Board staff to comprehensively track activity from Tier 3 cleanup and restoration sites and individual instream work proposed under Tier 2 water resource protection plans to help correlate cleanups and activities or restoration or remediation work in streams or wetlands that are proposed and underway in individual watersheds and subwatersheds. It may be necessary to limit the number of individual potential construction-related impacts occurring at any given time in any given subwatershed.

I. Monitoring

This information below is applicable to all sites and may also be part of or incorporated into the water resource protection plan for Tier 2 sites.

A. Site Map:

Please create a legible map identifying the features listed below where applicable. You may need to use a full-page satellite map (e.g. Bing, Google, or similar) and one or more additional maps at appropriate scales. The map(s) may be preliminary upon enrollment and refined upon completion of a thorough site inventory:

1. Property topography
2. Perimeter of land owned or leased
3. Watercourses and stream crossings
4. Roads, clearings, and developed areas
5. Perimeters of cultivation areas
6. Water source types and locations (surface water diversion, well, rainwater catchment) and water storage types and locations (storage tanks, ponds, bladders)¹
7. Nutrient and chemical storage locations (i.e. fertilizers, pesticides, petroleum)
8. Buildings
9. Garbage/refuse storage facilities/locations
10. Human waste facilities (e.g. septic tanks and leach fields, privy, composting toilet)
11. Unstable earthen features
12. Soil or spoils storage/stockpile/disposal areas
13. Controllable sediment discharge sources identified for upgrade, cleanup, remediation, or restoration (as part of Tier 2 Water Resource Protection Plan or Tier 3 Cleanup and Restoration Plan)
14. Mark or highlight those locations where wastes or pollutants, whether spilled, placed, or stored could be transported into surface water or leached into groundwater
15. Management measures to control wastes and other water quality factors
16. Map legend

¹ A basis of water right and relevant documentation shall be kept on site with the site map and monitoring records. Relevant documentation may include:

- A letter, or email from the State Water Board acknowledging that a statement has been filed with the State Water Board in support of a pre-1914 or riparian water right claim.
- A copy of an appropriate water permit, license, registration, or filed statement.
- A true and correct copy of an application, or other documentation verifying that an application has been submitted to the State Water Board to obtain such a right, permit, registration, or license.
- Explanation of why such documentation cannot be provided.

Note: Copies of documents may be downloaded from the State Water Board's Electronic Water Rights Information Management System (eWRIMS).

B. Monitoring Inspections:

Sites shall be inspected periodically to ensure conformance with standard conditions. Site inspections should include visual inspection of the site, including any management measures, to ensure they are being implemented and are functioning as expected. Inspections include photographic documentation of any controllable sediment discharge sites, as identified on the site map, and a visual inspection of those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. At a minimum, sites shall be inspected at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to prevent or minimize discharges of waste to surface water:

1. Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
2. Prior to October 15 to evaluate site preparedness for storm events and stormwater runoff.
3. By December 15.
4. Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

Note that Tier 2 Dischargers must include a monitoring element in their water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 3 Dischargers must incorporate monitoring and reporting elements into their cleanup and restoration plans for approval by the Executive Officer.

II. Annual Reporting

The information in the following form must be submitted upon initial enrollment, and annually thereafter by March 31. The reported information shall be reflective of site conditions.

Enrollees shall submit this information either directly to the Regional Water Board or through an approved third party program.

The preferred method of submittal is electronically via e-mail to NorthCoast@waterboards.ca.gov or on disk (CD or DVD) in Portable Document Format (PDF) file in lieu of paper-sourced documents. The guidelines for electronic submittal of documents can be found on the Regional Water Board website at <http://www.waterboards.ca.gov/northcoast>.

If electronic submission is infeasible, hard copies may be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Blvd. Suite A, Santa Rosa, CA 95403.

The Regional Water Board is developing a method for submittal of reporting information directly to the CIWQS Program Web site at <http://www.waterboards.ca.gov/ciwqs/index.html>.

Information about this alternative submittal process will be made available on the North Coast Regional Water Board website at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/. Once this method is established, direct submittal to CIWQS will be available for enrollees and approved third party programs, and will become the preferred reporting mechanism.



REPORTING FORM BEGINS ON NEXT PAGE. PLEASE COMPLETE AND SUBMIT THE REPORTING FORM UPON ENROLLMENT AND ANNUALLY THEREAFTER

Order No. R1-2015-0023
REPORTING FORM

A. Site WDID: _____

B. Subwatershed (HUC-12)²: 180101070201

C. Enrollment date: May 18, 2017

D. Reporting date: _____

E. Please check the box corresponding to the enrolled site's current tier (Tier 3 sites with cultivation must also check Tier 2).

Tier 1 Tier 2 Tier 3

Has the site's tier status changed since the last reporting period? Y / N

If YES, briefly explain: _____

F. Check all fields that apply to the enrolled site:

i. Tier 1 sites:

(see Order at page 6 for details on Tier 1 characteristics)

- Average slope of each individual cultivation area is no more than 35% slope.
- Total cultivation area is no more than 5,000 square feet.
- No cultivation areas or associated facilities are located within 200 feet of a surface water. (Surface waters include wetlands and Class I, II, and III watercourses.)
- No surface water diversion from May 15 through October 31.
- The site is in compliance with all Standard Conditions under Order R1-2015-0023, section I.A.

ii. Tier 2 sites:

a. A Water Resource Protection Plan has been developed and is being implemented?
Y / N

If NO, expected date when plan will be ready and implementation will begin:
Within 180-days of enrollment.

If YES, have there been changes to the implementation schedule since the prior year of reporting? Y / N

² 12-digit HUC-12 subwatershed codes are available online at http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP_SHOW_HIDE:

REPORTING FORM
Page 3/5

d. Will work to bring site into compliance with Standard Conditions require disturbance to a stream or wetland over the coming year? Y / N

If YES, indicate status of work authorization by Regional Water Board. Specifically, check one or more of the following and provide the date if/as applicable.

I plan to submit my project plans to the Regional Water Board by the following date: _____

I submitted my project plans to the Regional Water Board on the following date: _____

The Regional Water Board Executive Officer authorized my project plans on the following date: _____

I have elected to receive authorization for instream work under a different Regional Water Board permitting mechanism as follows:

Instream work anticipated to occur between the following dates: _____

iii. Tier 2* sites:

Total cultivation area is less than 10,000 square feet? Y / N

Water resource protection plan developed and fully implemented? Y / N

All Standard Conditions met? Y / N

Site was inspected and verified as Tier 2* by Regional Water Board staff (NAME) _____ or approved third party program (NAME): _____ on (DATE) _____.

iv. Tier 3 Sites:

A Cleanup and Restoration Plan has been submitted to the Regional Water Board for approval.

The Cleanup and Restoration Plan has been approved by the Regional Water Board.

The timeline for the approved Cleanup and Restoration plan is being followed.

Will restoration work require disturbance to a stream or wetland in the coming year? Y / N

Instream work anticipated to occur between the following dates: _____

Cannabis cultivation is occurring or will occur on the site over the coming year. (If this box is checked, ensure that Tier 2 portions of the reporting form are completed as well).

REPORTING FORM

Page 4/5

v. For All Sites:

Annual Reporting Period (Calendar Year), or CHECK HERE if this is the report accompanying initial enrollment.

0	1	0	1			TO	1	2	3	1		
Month/Day/Year							Month/Day/Year					

(See Order at page 6 for details regarding cultivation area and slope measurements, and watercourse definitions).

Total cultivation area (square feet)	See Attached																								
Distance to surface waters (feet) from nearest edge of each cultivation area or associated facility. Provide distance measurement for each cultivated area separately, as appropriate.	See Attached																								
Average slope (percent slope) of each cultivated area List each cultivated area separately, as appropriate.	See Attached																								
Total number of road crossings of surface waters Surface waters include wetlands and Class I, II, or III watercourses.	3																								
Annual soil amendment and chemical use (pounds or gallons). Total mass and/or volume of soil amendment and/or chemical usage by type, product name, and nutrient content such as N-P-K ratio, if applicable.*	See Attached																								
Total water storage capacity (gallons or acre feet)	58,150*-gallons																								
Total surface water diversion by month (gallons or acre feet)* Additional 94,000-gallons under construction.																									
	<table border="1"> <thead> <tr> <th>Jan</th><th>Feb</th><th>Mar</th><th>April</th><th>May</th><th>June</th><th>July</th><th>Aug</th><th>Sept</th><th>Oct</th><th>Nov</th><th>Dec</th> </tr> </thead> <tbody> <tr> <td>0</td><td>0</td><td>25,000</td><td>23,150</td><td>0</td><td>94,000</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td> </tr> </tbody> </table>	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	0	0	25,000	23,150	0	94,000	0	0	0	0	0	0
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec														
0	0	25,000	23,150	0	94,000	0	0	0	0	0	0														

Water input to storage by source and month (gallons or acre-feet) Report water volume input to storage, listing each source separately. This may include inputs from rainfall catchment, surface water diversions, groundwater pumping, or water delivery. If water is delivered, list delivery date, delivery volume, and name and address of water purveyor.*

Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Surface Water	0	0	25,000	23,150	0	94,000	0	0	0	0	0	0

Water use by source and month (gallons or acre feet) Report water volume used, listing each source separately. This may include use of stored water, immediate use of pumped groundwater, diverted surface water, or delivered water. If water is delivered, list delivery date, delivery volume, and name and address of water purveyor.*

Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Storage	0	0	0	0	15,000	15,000	20,000	20,000	20,000	10,000	0	0

* Upon initial enrollment only, a best estimate is acceptable for reporting annual soil amendment and chemical use, monthly water stored, and monthly water use. Attach additional sheets if more space is needed for your responses.

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

RECEIVED

NOV 14 2016

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2016-0029-R1

North Bear Creek and Unnamed Tributary to North Bear Creek,
Tributaries to Bear Creek, Tributary to the Mattole River and the Pacific
Ocean

Mr. Ron Downing
Downing Water Diversion Project
2 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on January 27, 2016, that the Permittee intends to complete the project described herein.

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

WHEREAS, the Permittee has reviewed the Agreement and 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 Bear Creek watershed, approximately 4.9 miles west/northwest of the town of Etnersburg, County of Humboldt, State of California. The project is located in Section 32, T3S, R1E, Humboldt Base and Meridian; in the Honeydew U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 108-033-18; latitude 40.1502 N and longitude 124.0895 W at the Point of Diversion (POD)-1, and latitude 40.1519 N and longitude 124.0891 W at the POD-2.

PROJECT DESCRIPTION

The project is limited to two encroachments for water diversion. The first project for water diversion occurs from the North Fork of Bear Creek, a Class I stream. The second

project for water diversion is located on a Class III stream. Water is diverted for domestic use and irrigation. A groundwater well is used to augment water supplies during the dry summer season.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), 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;

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

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

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

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement

to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

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

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on January 27, 2016, with additional information received February 22, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 10% of the total flow at any time.
- 2.3 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.

- 2.4 Forbearance Period: Unnamed Tributary (Class III). The Permittee shall add sufficient water storage and/or water conservation measures by May 15, 2016, and the Permittee shall forbear diverting stream flow from May 15 to October 15 of each year beginning in 2016.
- 2.5 Forbearance Period: North Fork Bear Creek (Class I). The Permittee shall add sufficient water storage and/or water conservation measures by August 15, 2016, and the Permittee shall forbear diverting stream flow for irrigation from August 15 to October 15 in 2016. The Permittee shall forbear diverting stream flow for irrigation from May 15 to October 15 of each year beginning in 2017.
- 2.6 Water Management Plan. The Permittees shall submit a **Water Management Plan no later than June 15, 2016**, that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain irrigation 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.
- 2.7 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.8 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.9 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.
- 2.10 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.11 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.12 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this

registration is found at:

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

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the storage system. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage. Copies of the **water diversion records** shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 office **no later than December 31 of each year beginning in 2016**.
- 3.2 Water Management Plan. The Water Management Plan, as described in Section 2.7 of this Agreement, shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 by June 15, 2016.

CONTACT INFORMATION

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

To Permittee:

Mr. Ron Downing
P.O. Box 1670
Redway, California 95560
707-502-0290
A123lawnlandscape@hotmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2016-0029-R1

LIABILITY

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

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Mr. Ron Downing

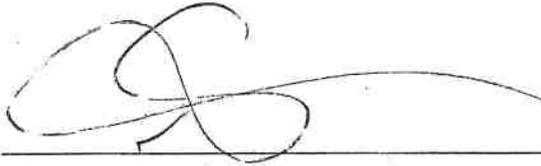


Ron Downing

11/9/16

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Gordon Leppig

Senior Environmental Scientist Supervisor

11/16/16

Date

Water Resources Protection Elements Recommendations

Overview

The following recommendations are based on site specific conditions related to the management of waste discharge on cannabis farms. The intention of these design elements is to protect water quality while enhancing ecologic resources.

Culvert Removal (CR)

The removal of a culvert must fit within the overall operations design to protect water quality. The removal must include the complete restoration of the channel and riparian zone, the decommissioning of road approaches to meet natural grade and slope and a revegetation plan. Culvert removal will also require permitting and monitoring until the full scope of habitat restoration is met.

Engineered Discharge Points (EDP)

The discharge points of roads (inboard ditches, rolling dips, outsloping) require protected points of discharge to prevent the sedimentation of surface waters and the recharge of groundwater supplies. Discharge points should include velocity dissipators and vegetation to promote the infiltration of runoff. Rolling dips are wide, broad humps that facilitate the discharge of stormwater from roads and flats. The wide, broad design prevents stormwater from concentrating by matching the sheet flow from the drainage area. The discharge point must be armored and integrated with some form of groundwater recharge system.

Forest Restoration (FR)

Forest should be managed for a healthy matrix of hard and soft woods as well as vertical integration from canopy to ground cover. The management of buffers beyond the restoration site and prior to the riparian zone must be of natural slope and native vegetation. This will facilitate a tertiary system of discharge protection from surface waters. Utilize large woody debris as velocity dissipators and natural areas of depression as infiltration sites. The infiltration of rainwater is a key component in recharging groundwater supplies that can have positive, cumulative effects on forest health and in-stream flows. A professional restorationist is recommended for establishing a management plan and some sites may be within the *Stream Side Management Area* which requires specific protocols to management.

Island of Refugia (IOR)

Development of natural habitats results in the fragmentation of forests. The loss of connectivity may have negative affects on native fauna. In an effort to off-set this disturbance it is recommended that an *Island(s) of Refugia* be established. *IORs* provide habitat and protection for native fauna as they move across large clearings. *IORs* also provide beneficial aspects to cultivation actives in the form of Integrated Pest Management by hosting beneficial species that target “pests”.

Road Approach (RA)

Sections of roads leading up to and inboard ditches connected to stream crossings must have elements of design that protect water quality. These elements include, but are not limited to: velocity dissipators, sediment traps and vegetated road, fill prism and ditch margins.

Remediation Buffer (RB)

Remediation buffers, in conjunction with appropriate setbacks from water resources, serve to off-set and mitigate the surface and subsurface discharge from human-based activities. Examples include: on-contour swales, filter-strips and hedge-rows. On-contour swales (linear ditches) that evenly distribute water throughout the length of the system due to their on-contour (same elevation, level bed) design. Swale size is determined by the infiltration rate of the native soil (high infiltration rate, smaller volume; low infiltration rate, larger volume). All on-contour swales require redundant, armored overflow points to facilitate discharge during high stormwater events. The material removed to create the swale is deposited on the downslope side to act as a berm with its downslope side shaped to match the natural slope and contour of the land. The newly exposed soil should be protected with mulch as soon as possible and a revegetation plan based on seasonal timeline implemented. The berm is an ideal location to plant *Integrated Pest Management* species (*IPM*). The swales should be backfilled with woody, chip material to facilitate the breakdown of nitrogenous runoff. These chips can be spread throughout the cultivation area after the wet season to enhance soil quality for future plant nutrition. Filter-strips are linear plantings of dense native grasses to serve as sediment traps, habitat for beneficial insects and biomass accumulators. Hedge-rows are linear plantings of diverse, perennial species that serve as wind-blocks, habitat, visual and auditory barriers, sediment traps and enhanced areas of infiltration.

Riparian Buffer Zone (RBZ)

A professional restorationist is recommended for establishing a management plan. This management plan should include elements that protect bed and bank from erosion, manage invasive species and serve as an ecological offset to the loss of habitat as a result of cultivation activities. The plan should also include elements that promote riparian functionality that include but are not limited to: temperature, microclimate, filtration, nutrient cycling, woody debris recruitment, groundwater recharge, bank stability, flood attenuation and flood water storage.

Road Management (RM)

Roads must be managed to prevent the destabilization of slopes, the sedimentation of watercourses and minimize the footprint of forest disturbance. A road assessment by a licensed professional is recommended to identify discharge strategies (i.e. outsloping, inboard ditch with relief culvert, etc.), frequency and location of discharge points and surfacing with high grade aggregate material. All road approaches relative to stream crossings must direct the runoff of sediment into engineered sediment trap features prior to entering the water course. Road management should also include fuel modification zones along each shoulder. The margins between the road and stream

banks require discharge protection, revegetation and riparian zone management. See *Standard Conditions Compliance Requirements* for more recommendations and seek the advice of a professional restorationist.

Remediate and Restoration (RR)

Grading, discharge and roads have impacted natural habitat areas. The identified areas should be remediated and restored. If they are to serve as sites of infrastructure, then appropriate planning and systems implementation should be exercised. Forest should be managed for a healthy matrix of hard and soft woods as well as vertical integration from canopy to ground cover. The management of buffers beyond the remediation site and prior to the riparian zone must be of natural slope and native vegetation. This will facilitate a tertiary system of discharge protection from surface waters. Utilize large woody debris as velocity dissipators and natural areas of depression as infiltration sites. A professional restorationist is recommended for establishing a management plan and some sites may be within the Stream Side Management Area which requires specific protocols to management.

Setbacks (SB)

The present cultivation boundary is within the required minimum setbacks of a watercourse/wetland. It is required that the cultivation boundary be moved upslope to exceed the minimum setback requirements. The removal of this portion of the cultivation site will require remediation and restoration. This includes, but is not limited to: restoring slope and drainage features to protect water quality, revegetation to prevent erosion and surface discharge, and margins that facilitate the transition from developed/cultivated sites to natural riparian zones. The minimum setbacks for surface water and wetlands are:

- 50-feet from a Class-III stream or wetland
- 100-feet from a Class-I or Class-II stream.

However, if conditions exist, setbacks should exceed the minimum requirements and aim to achieve the recommended setbacks of 200-feet from any watercourse or wetland. The buffer between the cultivation site and surface water, post remediation buffer, must be of natural slope and native vegetation.

Upgrade Culvert (UC)

The identified culvert requires upgrades based on one or more of the following criteria: 1) does not meet 100-year storm event classification, 2) does not match slope, gradient or angle of stream bed, 3) structural failure, 4) is not constructed of an approved stream crossing material.

Wetland Enhancement (WE)

The identified site has elements that are consistent with wetland and/or spring habitat. An assessment by a professional is recommended to establish a management plan to enhance and protect this area. Minimum setbacks must be maintained in conjunction with development and cultivation.

Lower Parcel Design Recommendations Beyond Minimum Requirements

Cultivation Site

1. Relocate and restore the 2,500ft² of OG1 within the Riparian Buffer Zone.
2. Remaining portion of OG1 is a swale/berm, in-ground cultivation site. This site is primed for *regenerative cannabis farming* practices that will further decrease water resource, plant nutrition and daily maintenance requirements. This will eliminate the need for daily vehicle traffic.

Access Road

1. Due to the steep grade, cut-throughs and threats to forest resources it is recommended that this road be decommissioned to serve only as a quad-trail/foot-path to service the cultivation site (OG1) and Point of Diversion (POD).
2. Complete decommission of access road from OG1 that services the trail to the Point of Diversion (POD).

Culverts

1. Removal, channel restoration and riparian buffer restoration of Unnamed Creek culverts.

Other Recommended Water Resource Protection Elements

Ecological Offsets

Soils compaction, forest fragmentation and water resource extraction are the results of roads, developed sites and cultivation activities. In the interest of offsetting the impacts to the natural environment it is recommended that forest management, groundwater recharge and habitat restoration plans be implemented by a ratio of 2:1 (two square feet of offsets for every one square foot of disturbance).

Water Conservation

In an effort to reduce the irrigation requirements for the cultivation site and thus the forbearance storage and demand on surface water diversions the following water conservation strategies are recommended. Increase the organic material in the potting soil to enhance the water holding capacity of the medium. Protect the soil surface from direct insolation through the use of natural and/or living mulches. Irrigate less frequently and at a greater depth to encourage wide and deep root growth. Utilize offseason protocols such as living soil methods that increase the biological and moisture levels to facilitate plant growth with reduced irrigation requirements.

Integrated Pest Management - IPM

In an effort to reduce and ultimately eliminate the need for pesticides - chemical, natural, organic or otherwise - it is recommended that the cultivation site buffers be planted with native and analog plant species that attract and host pest predator species of invertebrates and birds. It is further recommended that habitat be created to attract and host reptile species that also prey on agricultural pests. Through the management of microclimates the need for fungicides can be reduced and ultimately eliminated.

Ecological is Economical

The existing cultivation site (OG1/Area 14) requires extensive road systems which cross numerous topographical drainages. It is recommended that the attached *Cultivation Site Matrix* be used to facilitate the consolidation of cultivation sites relative to supporting infrastructure. This consolidation will require less road distances, fewer crossings of topographical drainages and less cumulative fragmentation of natural habitats. Economically, this will reduce the time and expensive of managing extensive infrastructure. Therefore, *ecological is economical*.

The above are recommendations and not prescriptions of method and manner. Your WRPP provides short term strategies to prevent the discharge of sediment and cultivation related wastes from entering surface waters until permanent systems can be deployed during the appropriate time of year. All features should be engineered and implemented by licensed professionals where applicable.

Standard Conditions Compliance Requirements

Emerald Triangle Medicinal Farms / WDDID: 1B171227CHUM / APN: 108-033-018-000

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
1. Site Maintenance, Erosion Control and Drainage Feature						
All	Roads Ditch Relief Culvert	Road Maintenance Other Corridors	<p>Triage Items</p> <ul style="list-style-type: none"> • Full road assessment by a licensed professional. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> • Hand-dig water bars at frequent intervals to discharge road runoff into protected discharge points. • Lay straw-flake checkdams or straw wattles at frequent intervals to discharge road runoff into protected discharge points. • Seed margins and discharge points with erosion mix per manufacturers instructions and mulch with straw. • Clear in-board ditches and the head of relief culverts of accumulated sediment dams and only enough vegetative debris to facilitate functionality. • Install small, rock checkdams in in-board ditches as a sediment control device. • Install trash-track at the head of the relief culvert. <p>Design</p> <ul style="list-style-type: none"> • See <i>Water Resources Protection Elements</i> document. • See the attached document <i>Cannabis Cultivation Site Matrix</i> to determine the decommissioning of roads and other corridors. • See attached documents for more information related to <i>short term strategies for protecting water quality</i>. • See attached documents for information related to <i>monitoring requirements</i>. 	4		
OG1	Satellite Road					

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
All	Roads	Discharge Points	<p>Triage Items</p> <ul style="list-style-type: none"> Assessment by a licensed professional. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> Utilize riprap or large woody debris at points of discharge to prevent erosion and disperse flow to promote infiltration. Install straw bales or straw wattles per erosion prevention protocol. Establish revegetation protocol. <p>Design</p> <ul style="list-style-type: none"> See <i>Water Resources Protection Elements</i> document. See attached documents for more information related to <i>short term strategies for protecting water quality</i>. See attached documents for information related to <i>monitoring requirements</i>. 	4		
MCS OG1	Cultivation Site					
MS	Developed Sites					
OG1	Satellite Road					
					August 2019	
			<p>Permanent Strategies</p> <ul style="list-style-type: none"> Implement road drainage, discharge and maintenance per licensed professional's assessment. Road elements to include but not limited to: <ul style="list-style-type: none"> Shape and grade road to outslope to continually shed stormwater so as not to overwhelm in-board drainage features. Increase number of rolling dips and/or other discharge strategies. Upgrade size of ditch relief culvert per assessment. Surface road with appropriate, high quality rock. Revegetate margins with native species. Decommission roads and other corridors based on <i>Cannabis Cultivation Site Matrix</i> results. Decommissioning to include regrading to natural slope and revegetating with native species. Temporary erosion control strategies must be implemented before and immediately after earthworks. 			

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
All	Roads Ditch Relief Culvert	Hydrologic Disconnection	<p>Triage Items</p> <ul style="list-style-type: none"> Assessment by a licensed professional. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> Reestablish connectivity with designed discharge strategy (i.e. install waterbar to reconnect road runoff with in-board ditch). Protect discharge point with checkdam, straw flakes, large woody debris, etc. to slow the flow of discharge and allow sediment to fall out of suspension. Hand-dig water bars at frequent intervals to discharge road runoff into protected discharge points. Lay straw-flake checkdams or straw wattles at frequent intervals to discharge road runoff into protected discharge points. Establish straw-flakes or straw wattles along the entire perimeter of developed or cultivated sites (Flats) at all potential points of hydrologic connectivity. <p>Design</p> <ul style="list-style-type: none"> See <i>Water Resources Protection Elements</i> document. Establish revegetation protocol. See attached documents for more information related to <i>short term strategies for protecting water quality</i>. See attached documents for information related to <i>monitoring requirements</i>. 	4	August 2019	
MCS OG1	Cultivation Site					
MS	Developed Sites					
OG1	Satellite Road					

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
MS	Materials Storage	Stockpiled Materials	<p>Permanent Strategies</p> <ul style="list-style-type: none"> Implement hydrologic disconnection strategies per licensed professional's assessment. Disconnection elements to include but not limited to: <ul style="list-style-type: none"> Replace waterbars with rolling dips. Install infiltration basins at points of discharge. Increase frequency of discharge points. Regrade flats to shed stormwater into protected infiltration areas. Implement revegetation protocol. <p>Triage Items</p> <ul style="list-style-type: none"> Place all petroleum-based materials in secondary containment (put gas and oil containers into totes) within a secure structure. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> Utilize secure structure for potentially hazardous materials (materials that pose a threat to water quality). Organize benign materials (materials that do not pose a threat to water quality). Remove refuse and other unwanted materials from the property and dispose of offsite at an appropriate disposal facility. Process byproducts related to road/site maintenance. <p>Design</p> <ul style="list-style-type: none"> See attached documents for more information related to <i>short term strategies for protecting water quality</i>. See attached documents for information related to <i>monitoring requirements</i>. <p>Permanent Strategies</p> <ul style="list-style-type: none"> 		On Going	

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date	
2. Stream Crossing Maintenance							
C1-3	Culverts Ford	Functionality	<p>Triage Items</p> <ul style="list-style-type: none"> Assessment by a licensed professional. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> Ensure that road surfaces approaching the crossing drain into protected discharge points prior to watercourse. Remove vegetative debris from the head of the culvert. <p>Design</p> <ul style="list-style-type: none"> See <i>Water Resources Protection Elements document</i>. File permits with appropriate agencies (i.e. LSA 1602 with CDFW). Establish revegetation protocol for bank of riparian zone. See attached documents for more information related to <i>short term strategies for protecting water quality</i>. See attached documents for information related to <i>monitoring requirements</i>. <p>Permanent Strategies</p> <ul style="list-style-type: none"> Implement stream crossing maintenance strategies or upgrade per licensed professional's assessment. Assure that pipe diameter will facilitate a 100-year storm event and is sufficient for the passage of aquatic life during all life stages. Crossing elements to include but not limited to: <ul style="list-style-type: none"> Increase basin size at culvert head and protect with riprap. Install riprap at the toe of the culvert to reduce erosive force. Surface road with appropriate, high quality rock. Install appropriate size and scope of high quality rock in low-water crossing (ford). Ensure that road surfaces approaching the crossing drain into protected discharge points prior to watercourse. Install critical dip or other redundant system to protect the fill prism in the event of a plugged crossing. Implement revegetation protocol for riparian zone. 	2		July 2019	

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
3. Riparian and Wetland Protection and Management						
MCS OG1	Cultivation Site	Discharge	<p>Triage Items</p> <ul style="list-style-type: none"> Establish straw-flakes or straw wattles along the entire perimeter of developed or cultivated sites (flats) at all potential points of hydrologic connectivity. Immediate relocation of cultivation materials and other sites of similar effect to beyond the required minimum riparian setbacks (50-feet for Class III watercourses; 100-feet for Class II watercourses (including wetlands); and 150-feet for Class I watercourses (including lakes, ponds and springs). See attached document <i>Cannabis Cultivation Site Matrix</i> for more information. Soil nutrition testing to guide feeding regimen to prevent the overuse of fertilizers and amendments thus preventing excessive leaching. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> Deploy temporary strategies to disconnect cultivation site from surface water via surface runoff. Mulch all exposed and disturbed soil including pathways, slope faces and pads or deploy other forms of erosion prevention. Relocate fertigation system to a site greater than 200-feet from a watercourse. <p>Design</p> <ul style="list-style-type: none"> See <i>Water Resources Protection Elements</i> document. Establish a remediation and restoration plan with a licensed professional for the area of disturbance within the required riparian setbacks. Establish riparian restoration plan with a licensed professional to restore the functionality of riparian buffer. See attached documents for more information related to <i>short term strategies for protecting water quality</i>. See attached documents for information related to <i>monitoring requirements</i>. 	3		
SD	Ancillary Site Associated Facilities	Setbacks Remediation and Restoration				

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
			<p>Permanent Strategies</p> <ul style="list-style-type: none"> Remediation and restoration of cultivation site, associated facilities and other sites of similar effect to beyond the required minimum riparian setbacks (50-foot for Class III watercourses; 100-foot for Class II watercourses (including wetlands); and 150-foot for Class I watercourses (including lakes, ponds and springs) to natural slope and native vegetation. Restoration of disturbed riparian buffer that resulted from relocation activities. Install remediation buffer at all downslope points of discharge to riparian zones. Install remediation basin at fertigation tank to process discharge from clean out. Implement riparian restoration plan. 		Per On-Site Relocation Approval of County CAV	
4. Spoils Management						
SSP	Soil and Spoils Processing Site	Discharge Setbacks	<p>Triage Items</p> <ul style="list-style-type: none"> Cultivation related spoils can not be burned. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> Contain used soil pile with a straw bale or wattle perimeter. Seed and mulch or tarp used soil pile. Contain non-compostable byproducts, such as rock-wool rooting medium, to be disposed of properly offsite. <p>Design</p> <ul style="list-style-type: none"> Create an on-site resource plan for processing forest side-cast material based on seasonal prescriptions. See attached documents for more information related to <i>short term strategies for protecting water quality</i>. See attached documents for information related to <i>monitoring requirements</i>. 			
MCS OGI	Cultivation Site	Side-Cast Material	<p>Permanent Strategies</p> <ul style="list-style-type: none"> Establish a 3-tiered composting system for vegetative byproducts. Rip compacted soils prior to placing spoils to promote the infiltration of tailwater. Process forest side-cast material based on seasonal prescriptions and on-site resource planning. 		On Going	

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
5. Water Storage and Use						
POD	Point of Diversion	Water Quality	<p>Triage Items</p> <ul style="list-style-type: none"> • Install an appropriate organism exclusion device at the point of diversion that includes 3/32" stainless steel screen. • Install a water meter and collect monthly data. Separate domestic use from agricultural use. • Establish a secure structure and secondary containment for gas powered pump and/or pump generator. • Relocate gas powered pump and/or pump generator to a site greater than 50-feet from watercourse. • Install pressure gauge to monitor conveyance system for leaks. • Install back flow prevention device. • Remove all old plumbing from nonuse water systems. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> • Monitor take rates to not exceed 10-gallons per minute and 10% of the stream flow. • Check organism exclusion device for functionality. • Divert water to storage during the wet months (Jan-Apr). • Check pressure gauge to monitor conveyance system for leaks. • Mulch all exposed soil to reduce evaporative rates. <p>Design</p> <ul style="list-style-type: none"> • See <i>Water Resources Protection Elements document</i>. • Assessment for microclimate enhancement plan. • Assess total water volume required for full forbearance period. • Assess an alternative source of water such as rainwater catchment. • Assessment for <i>Living Soils</i> style of cultivation to reduce irrigation. • See attached documents for more information related to <i>short term strategies for protecting water quality</i>. • See attached documents for information related to <i>monitoring requirements</i>. 	1		
TT	Transfer Tank	Water Quantity				
WS	Water Storage	Water Conservation				
MCS OGI	Cultivation Site	Size and Scope				
		Wetland Protection				

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
			<p>Permanent Strategies</p> <ul style="list-style-type: none"> Increase water storage to meet a full period of forbearance (May 15 - November 15). Armor valves and conveyance. Install irrigation system so that water is applied at the root zone to promote deep, wide root growth. Install float valve and redundant overflow at transfer tank. Overflow plumbing should return water to point of diversion. Replace plastic valves at tank with metal gate valves. Install rainwater harvesting systems on the upslope perimeter and within the cultivation site to recharge groundwater supplies. Implement microclimate enhancement plan. Implement <i>Living Soils</i> design plan. 		September 2018	
6. Irrigation Runoff						
MCS OGI	Cultivation Site	Discharge	<p>Triage Items</p> <ul style="list-style-type: none"> Monitor irrigation volumes to avoid runoff. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> Soil nutrition testing to guide feeding regimen to prevent the overuse of fertilizers and amendments thus preventing excessive leaching. Maintain and update irrigation system to prevent leaks. Employ rain-triggered shutoff devices for automated irrigation systems. Mulch all exposed soil including planting areas, pathways and pads. <p>Design</p> <ul style="list-style-type: none"> See attached documents for more information related to <i>short term strategies for protecting water quality</i>. See attached documents for information related to <i>monitoring requirements</i>. <p>Permanent Strategies</p> <ul style="list-style-type: none"> Install remediation buffer at all downslope points of discharge. 		On Going	

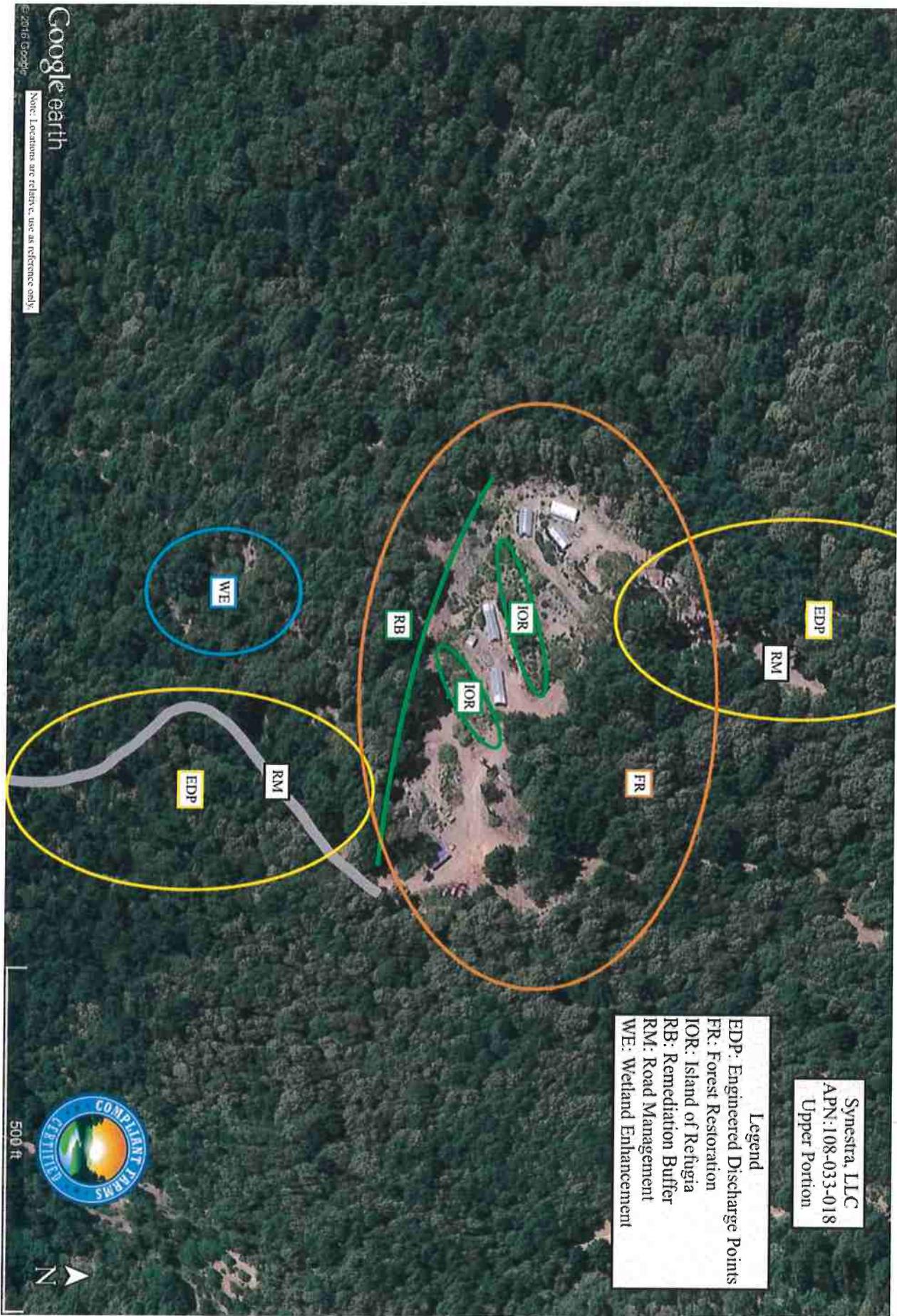
Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
7. Fertilizers and Soil Amendments						
MCS OG1	Cultivation Site	Discharge	<p>Triage Items</p> <ul style="list-style-type: none"> Utilize a secure storage facility for all cultivation related materials. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> Place all liquid-based materials in secondary containment (totes). Products shall be labeled properly and applied according to the label. Periodically calibrate application equipment. Post inventory of cultivation related materials with application rates. Store spill-kit at each storage facility. <p>Design</p> <ul style="list-style-type: none"> Develop a <i>Living Soils</i> program to replace packaged products. See attached documents for more information related to <i>short term strategies for protecting water quality</i>. See attached documents for information related to <i>monitoring requirements</i>. <p>Permanent Strategies</p> <ul style="list-style-type: none"> Install remediation basin for fertigation system discharge/clean-out. Implement <i>Living Soils</i> program. 		On Going	
8. Pesticides and Herbicides						
Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
MCS OG1	Cultivation Site	Discharge	<p>Triage Items</p> <ul style="list-style-type: none"> Reference Department of Pesticide Regulations Guidance. Utilize a secure storage facility for all cultivation related materials. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> Place all liquid-based materials in secondary containment (totes). Products shall be labeled properly and applied according to the label. Post inventory of cultivation related materials with application rates. Store spill-kit at each storage facility. <p>Design</p> <ul style="list-style-type: none"> Develop an <i>Integrated Pest Management</i> program. See attached documents for more information related to <i>short term strategies for protecting water quality</i>. See attached documents for information related to <i>monitoring requirements</i>. 			
MS	Materials Storage					

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
			<p>Permanent Strategies</p> <ul style="list-style-type: none"> • Implement <i>Integrated Pest Management</i> program. 		On Going	
9. Petroleum Products and Other Chemicals						
MS	Materials Storage	Discharge	<p>Triage Items</p> <ul style="list-style-type: none"> • Utilize a secure storage facility for all petroleum-based materials. • Store spill-kit at each storage facility. • Provide appropriate fire prevention strategies and fire suppression equipment at each facility. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> • Place all liquid-based materials in secondary containment (totes). • Assess solar battery system for leaks. <p>Design</p> <ul style="list-style-type: none"> • Assess alternative sources of power such as solar, wind or propane. • See attached documents for more information related to <i>short term strategies for protecting water quality</i>. • See attached documents for information related to <i>monitoring requirements</i>. <p>Permanent Strategies</p> <ul style="list-style-type: none"> • Install alternative source of power system. 		On Going	

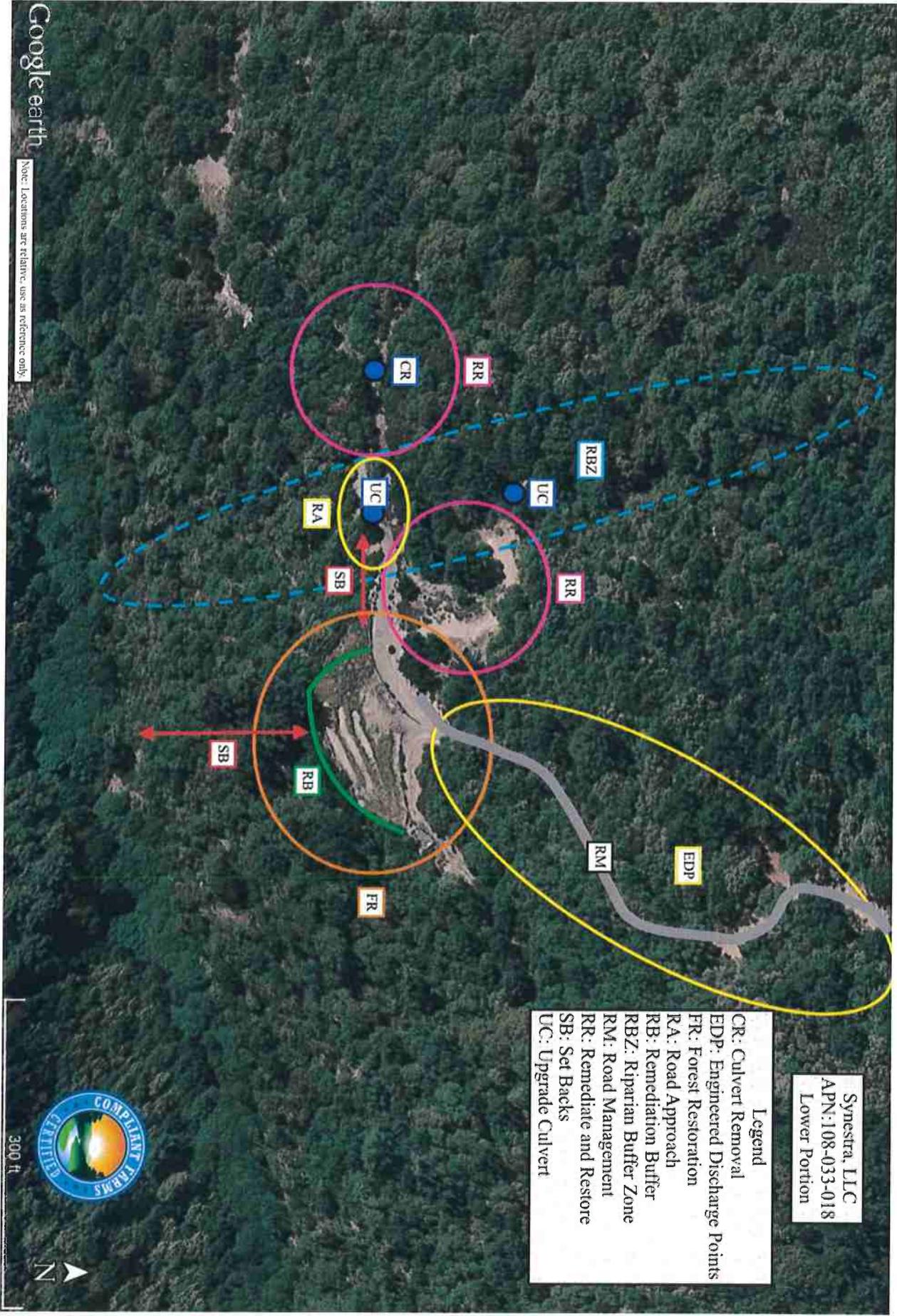
Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
10. Cultivation Related Wastes						
SSP	Soil and Spoils Processing Site	Discharge	<p>Triage Items</p> <ul style="list-style-type: none"> Cultivation related spoils can not be burned. Establish a 3-tiered composting system for vegetative byproducts. <p>Monitoring, Maintenance and Protocols</p> <ul style="list-style-type: none"> Contain used soil pile with a straw bale or wattle perimeter. Seed and mulch or tarp used soil pile. Contain non-compostable byproducts such as rock-wool rooting medium to be disposed of properly offsite. <p>Design</p> <ul style="list-style-type: none"> Establish a soil management plan for the purpose of reducing off-site soil. See attached documents for more information related to <i>short term strategies for protecting water quality</i>. See attached documents for information related to <i>monitoring requirements</i>. <p>Permanent Strategies</p> <ul style="list-style-type: none"> Rip compacted soils prior to placing spoils to promote the infiltration of tailwater. Install remediation buffer at all downslope points of discharge to riparian zones. Terminate swale at an infiltration basin. Plant remediation buffer berm and infiltration basin with appropriate management species. Implement <i>living-soils</i> management for the purpose of eliminating the need for off-site soil. 		On Going	
MCS OGI	Cultivation Site					

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
11. Refuse and Human Waste						
MS	Materials Storage	Discharge	<p>Triage Items</p> <ul style="list-style-type: none"> Utilize a secure storage facility for all refuse to be disposed of offsite. Assessment of permanent human-waste facility (septic system). <p>Design</p> <ul style="list-style-type: none"> See attached documents for more information related to <i>short term strategies for protecting water quality</i>. See attached documents for information related to <i>monitoring requirements</i>. <p>Permanent Strategies</p> <ul style="list-style-type: none"> Establish a secure storage facility for all refuse to be disposed of offsite. Install mulch basin at greywater system discharge point. Installation of permanent human-waste facility (septic system,). 	5	TBD	

These are recommendations only and not prescriptions for method or manner. All work should be designed and implemented by licensed professionals. We accept no liability for owner-build work based on this management plan.



Note: Locations are relative, use as reference only.



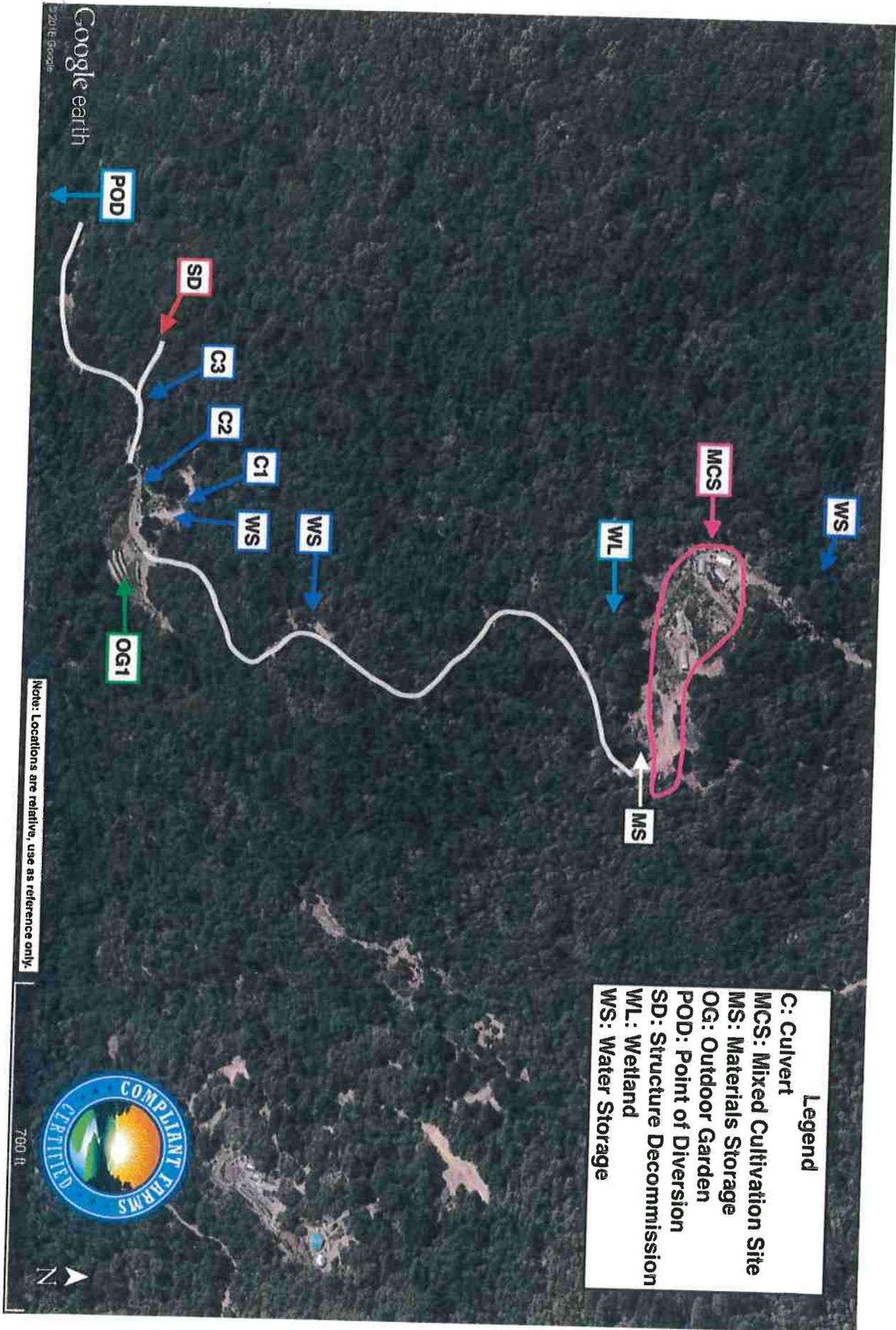
Synestra, LLC
 APN: 108-033-018
 Lower Portion

- Legend**
- CR: Culvert Removal
 - EDP: Engineered Discharge Points
 - FR: Forest Restoration
 - RA: Road Approach
 - RB: Remediation Buffer
 - RBZ: Riparian Buffer Zone
 - RM: Road Management
 - RR: Remediate and Restore
 - SB: Set Backs
 - UC: Upgrade Culvert



300 ft







HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: RON DOWNING/ EMERALD TRIANGEL MEDICINAL INC. APN: 108-033-018

Planning & Building Department Case/File No.: 12060

Road Name: WINDY RIDGE LANE (complete a separate form for each road)

From Road (Cross street): WINDY RIDGE LANE

To Road (Cross street): PRIVATE

Length of road segment: 0.68 MILE miles Date Inspected: 4/17/2019

Road is maintained by: County Other PRIVATE
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

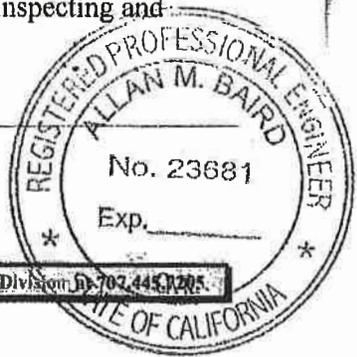
The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Allan M Baird
Signature

6-13-19
Date

ALLAN M BAIRD - PE

Name Printed



Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.2205.

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

Road Name: WINDY RIDGE LANE Date Inspected: 3/27/2019 APN: 108-033-018
 From Road: WINDY RIDGE ROAD (Post Mile) Planning & Building
 To Road: PRIVATE (Post Mile 0.68) Department Case/File No.:
 12060

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:
 (Contact the Planning & Building Department for information on other nearby projects.) TWO

ADT: <100 Date(s) measured: 4/17/2019

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

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

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

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

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

A. Pattern of curve related crashes.

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

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

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

C. Substantial edge rutting or encroachment.

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

D. History of complaints from residents or law enforcement.

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

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

Check one: No. Yes.

F. Need for turn-outs.

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

3. Conclusions/Recommendations per AASHTO. Check one:

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

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

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

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

Signature of Civil Engineer

Date

6-13-19



Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707-445-7205.

Initial Biological Resource Assessment

Emerald Triangle Medicinals

APN: 108-033-018-000

Apps: 12060

Species of Interest

1. Pacific Tailed Frog (*Ascaphus truei*)

Ascaphus truei, Pacific Tailed Frog¹

Species Description¹

A. truei is a long-lived, delayed maturity species of aquatic frog of swift mountain streams with cobble substrates. Their unique breeding pattern of females storing sperm until the fall makes them susceptible to fluctuations in water quality during the end of the dry season. Due to their long larval period, tadpoles require Class-I and Class-II streams that have areas of cold water seeps.

Threats¹

The largest threats to *A. truei* is sedimentation of breeding streams and warm water temperatures. Historically the greatest threat to populations was catastrophic events such as extreme forest fires and volcanic events. However, this coevolution has increased their resiliency and ability to recover from disturbances to habitat like large scale timber harvest.

Mitigation Methods

An initial survey using the CNDDDB method demonstrated the presence of *A. truei* at the southeast corner of the subject parcel. This is consistent with suitable habitat on the parcel in the form of a Class-I and a Class-II stream. The North Fork of Bear Creek flanks the entire southern parcel line and an unnamed Class-II stream runs the length of the eastern parcel line. The confluence of the two water courses is in the southeastern corner of the parcel.

Avoidance and minimization of impacts to *A. truei*.

- a. The subject parcel does not divert from the unnamed Class-II stream at the eastern boundary; therefore, this tributary provides late season cold water refuge during breeding.
- b. Both cultivation sites exceed the recommended setbacks from the above listed water courses.
- c. The subject parcel does not have any infrastructure (developed sites or roads) in the above listed habitat areas.
- d. The subject parcel has an agreement with the Department of Fish and Wildlife related to upgrades to culverts and water storage as well as a Water Resource Protection Plan that outlines mitigation methods to further protect potential habitat of *A. truei*.

Management Recommendations

- Carry out the elements of the Fish and Wildlife agreement as well as those in the Water Resources Protection Plan.
- Deploy winterization and erosion prevention strategies prior to the first rains of the wet season to prevent the discharge of sediments into watercourses.
- Conduct a professional assessment of Class-III riparian zones to establish management protocols for the enhancement of in stream flows during the latter half of the dry season.

Attachements

California Natural Diversity Database (CNDDDB) maps prepared by Laura Hall Consulting at 1-mile, 5-mile and 10-mile radii.

References

¹Michael J. Adams
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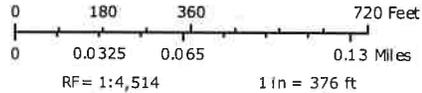
<https://amphibiaweb.org/species/2049>



ArcGIS Web Map

Humboldt County Planning and Building Department

- | | | |
|---------------------|---------------------------|---------------------------------|
| Highways and Roads | — Private or Unclassified | --- Intermittent |
| Principal Arterials | — Major River or Stream | --- Subsurface |
| Minor Arterials | Blue Line Streams | --- City Boundary |
| Major Collectors | — Perennial 1-3 | --- Counties |
| Minor Collectors | — Perennial >4 | --- Parcels |
| Local Roads | | --- Streamside Management Areas |



Printed: March 29, 2017

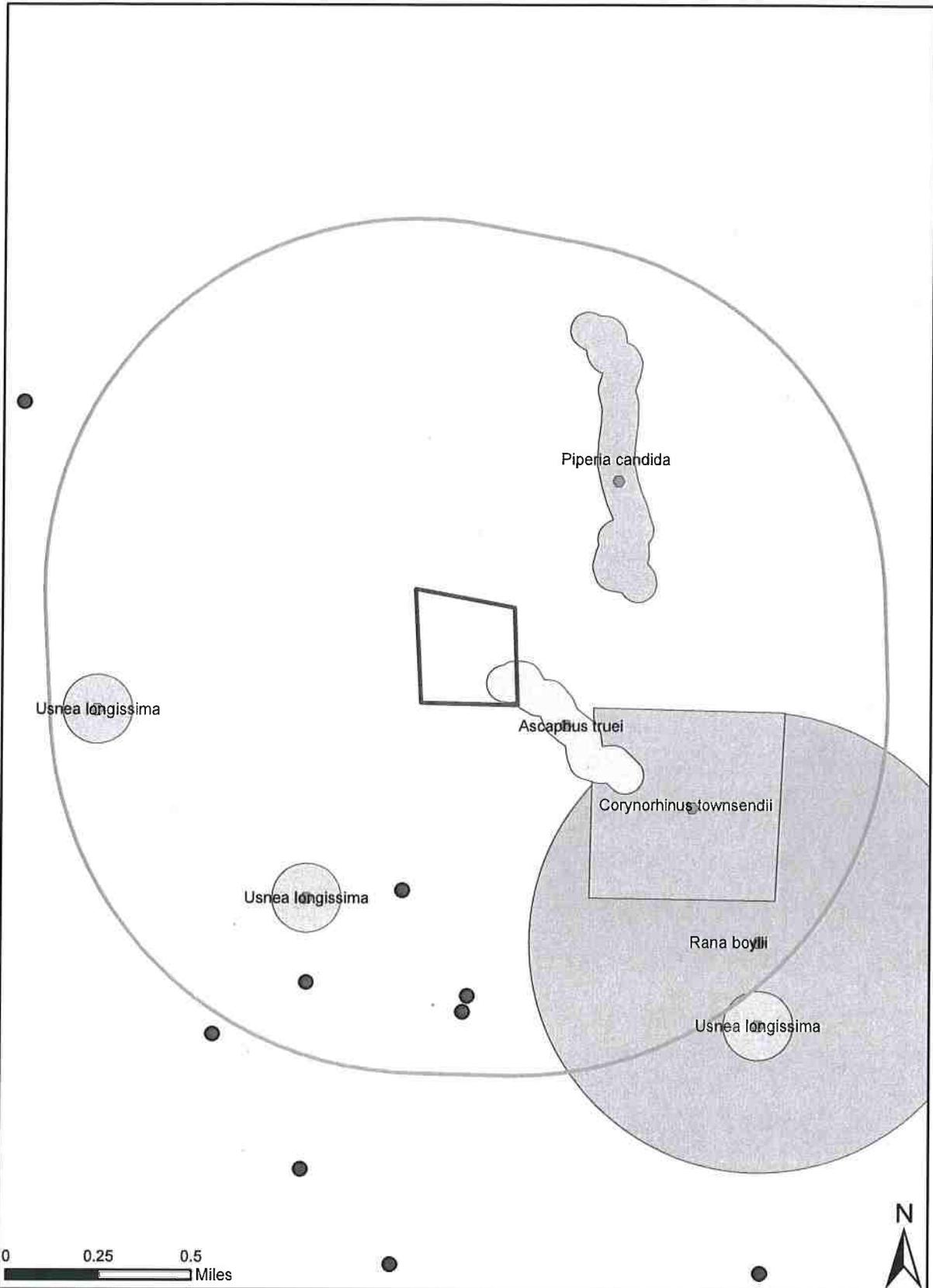
Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: NRCS, Humboldt County GIS, Healthy Rural Roads, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS

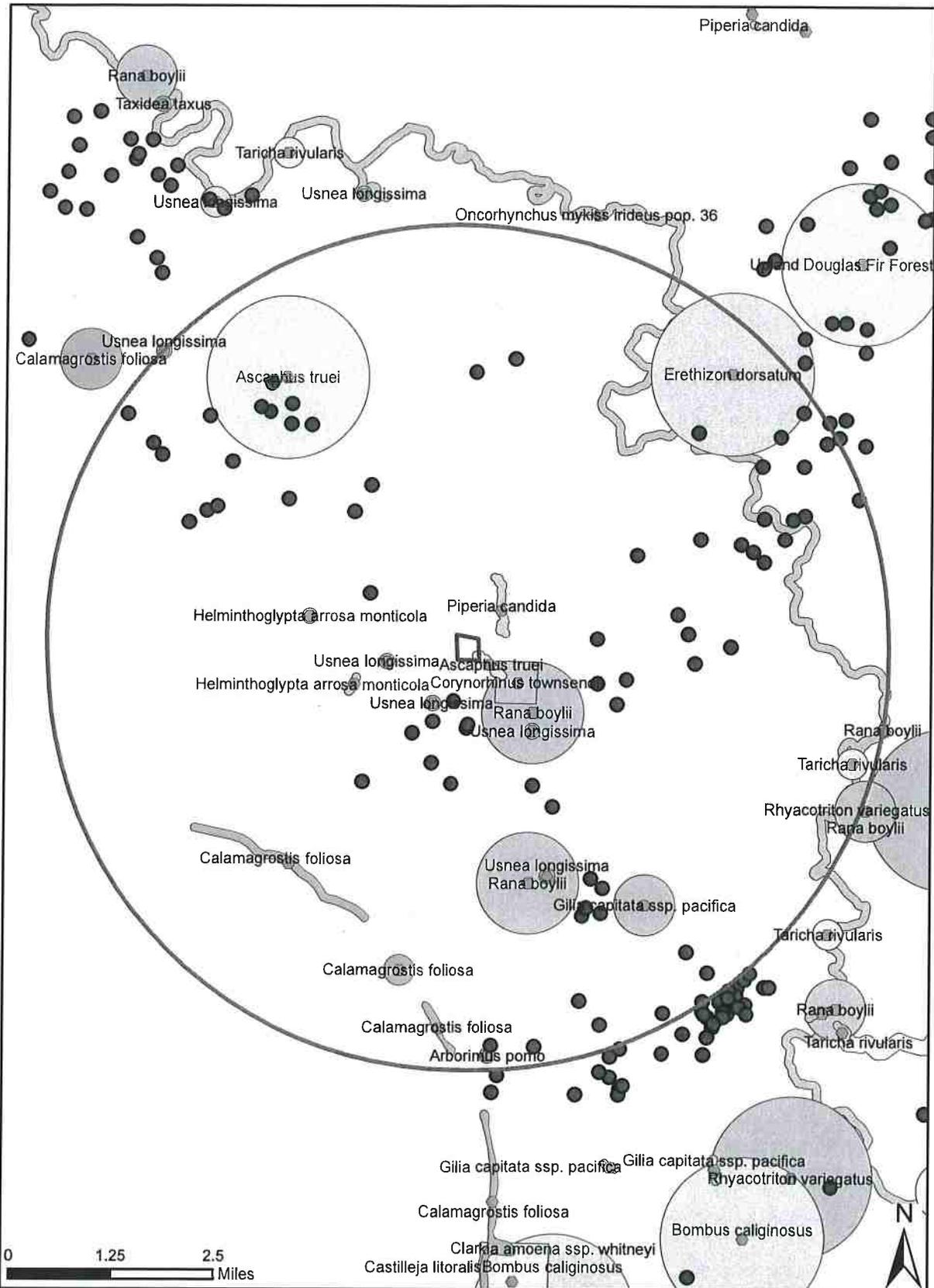
CNDDDB 1-Mile Buffer: Emerald Triangle Medicinal
 APN 108-033-018-000



Sources: California Department of Fish and Wildlife, 2018; County of Humboldt, 2018. Prepared by Laura Hall Consulting on December 26, 2018. Note: Boundary line is approximate.

parcel boundary
 1-mile buffer
 spotted owl
 plants

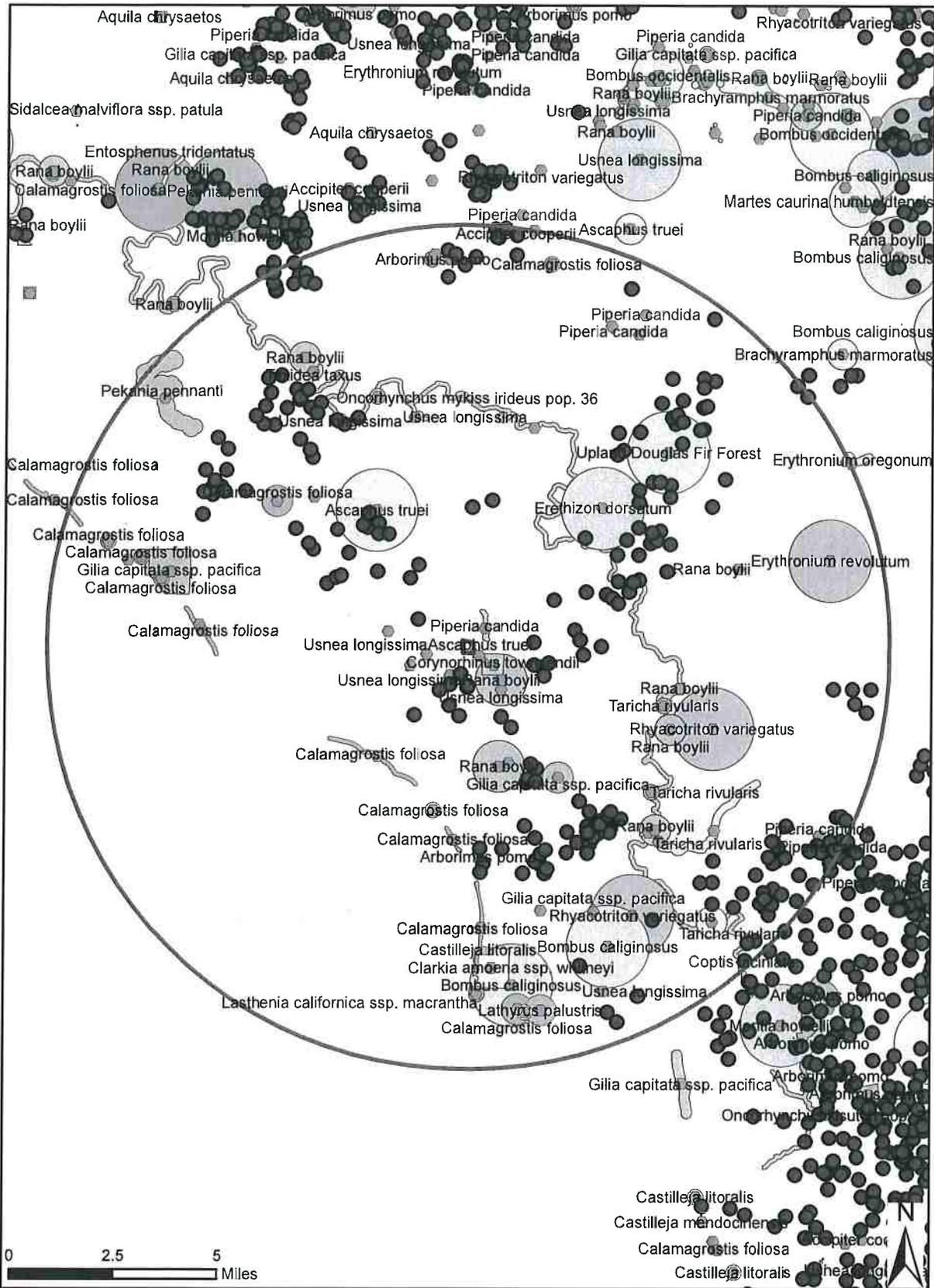
CNDDDB 5-Mile Buffer: Emerald Triangle Medicinal APN 108-033-018-000



Sources: California Department of Fish and Wildlife, 2018; County of Humboldt, 2018. Prepared by Laura Hall Consulting on December 26, 2018. Note: Boundary line is approximate.

parcel boundary
 5-mile buffer
 spotted owl
 plants

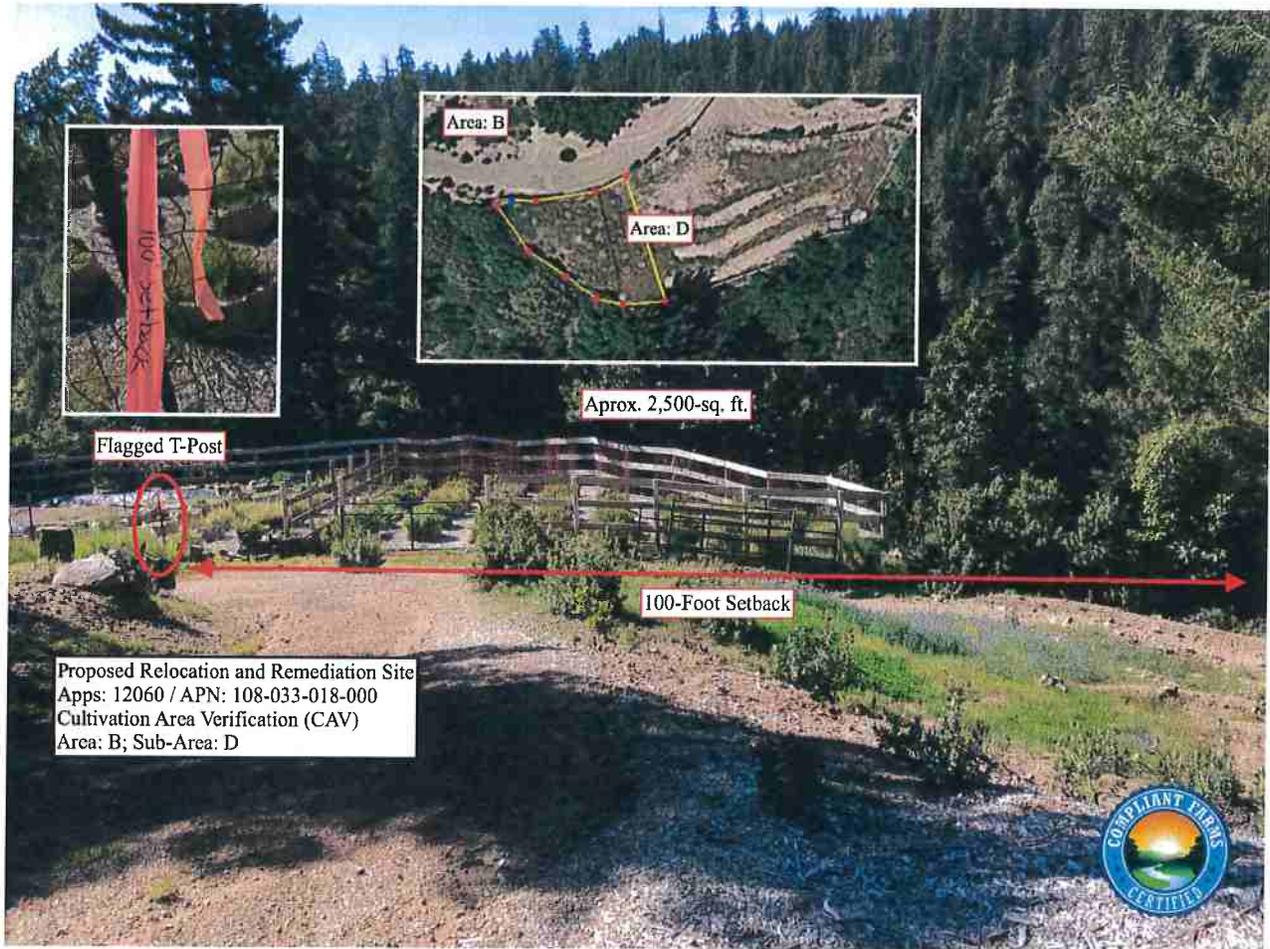
CNDDDB 10-Mile Buffer: Emerald Triangle Medicinal APN 108-033-018-000



Sources: California Department of Fish and Wildlife, 2018; County of Humboldt, 2018. Prepared by Laura Hall Consulting on December 26, 2018. Note: Boundary line is approximate.

parcel boundary
 10-mile buffer
 spotted owl
 plants

EMERALD TRIANGLE MEDICINAL



On-Site Relocation Project Proposal

Prepared for: Ron Downing, Emerald Triangle Medicinal

Prepared by: Dan Mar, Compliant Farms

June 26, 2018

Co. App. No.: 12060

APN: 108-033-018-000

EXECUTIVE SUMMARY

Objective

To provide an assessment and recommendations for the “on-site relocation of existing cultivation” on Parcel APN: 108-033-018-000 / App. No. 12060 per the Humboldt County Commercial Medical Marijuana Land Use Ordinance to an area that is “environmentally superior to the present conditions”.

Findings

The relocation site (Area: A) for existing cultivation (Area: B, SubArea: D) has been determined to be environmentally superior to the present conditions of the site to be relocated. See App. No. 12060 Cultivation Area Verification (CAV) for site location specifics. In the interest of protecting water and habitat resources a preliminary list of environmental conditions has been established including recommendations for the restoration of the existing site.

Solution

Relocate approximately 2,500ft² of existing outdoor cultivation to a site that is environmentally superior to the present conditions. Plan and implement remediation and restoration prescriptions based on adaptive management principles, passive and active restoration systems and seasonal timelines.

Goals

- Establish remediation prescriptions based on existing features of grading, access roads, slope stability, erosion, compacted soils, removal of vegetation, loss of topsoil, loss of mulch, side cast materials, increased insolation, chemical/biological/pH thresholds, invasive species, and decrease of native fauna.
- Establish removal of cultivation materials and the removal of equipment and improvements prescriptions based on existing features.
- Establish contour prescriptions based on existing features.
- Establish habitat restoration prescriptions based on existing features of forage, water, protection, reproduction, fragmentation/connectivity/corridors, and invasive species.
- Establish timeline prescriptions based on planning and permitting, seasons and economics.

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Project Outline

- Site assessment of existing features related to areas of existing cultivation.
- Creation and submittal of project proposal.
- Oversight with related agencies.
- Update project proposal and schedule implementation.
- Implementation of prescriptions.
- Monitoring and evaluation.

PRESENT CONDITIONS

Area: B, SubArea: D

- Does not meet the minimum (100-foot) setbacks from a Streamside Management Area (Streamside Management Area Ordinance of the County of Humboldt (SMAO)).
- Does not meet the recommended (200-foot) setbacks from a surface water course (NCRWQCB Order No. 2015-0023).
- Threat to water quality related to the discharge of nutrients from porous pots/bags onto compacted soils with slope directing towards surface waters.
- Requires the continual cutting of trees to maintain insolation.
- Rocky soil requires cultivation in pots/bags which is water resource intensive.
- Cultivation in pots/bags requires daily management and thus greater impact to roads, greater threat to the release of hydrocarbons (gas, oil) into the watershed from vehicles and greater threat to potential wildfire ignition from vehicle use.
- Valuable wildlife habitat related to the water and land resources of streamside margins.
- Access road is hydrologically connected to surface water.

ON-SITE RELOCATION

Area: A

- Can meet all setback requirements (100 and 200-feet) from surface water.
- Requires no new grading.
- Access is via a road that is not hydrologically connected to surface waters.
- Sufficient space for parking and structures for materials storage are present.
- The consolidation of cultivation areas reduces the impact to roads as well as the threats of hydrocarbon release and wildfire ignition.
- Relocation facilitates the transition from cultivating in pots/bags to raised beds which are less water resource intensive.

EMERALD TRIANGLE MEDICINAL

REMEDICATION AND RESTORATION PLAN

Remediation and Restoration Plan for Area B, SubArea: D

- See the attached *Emerald Triangle Medicinal Remediation and Restoration Matrix* for specific elements related to the “on-site relocation of existing cultivation”.

If you have any questions about the findings, present conditions or the remediation and restoration plan, please don't hesitate to contact Dan Mar (707) 633-5403.

Sincerely,



Dan Mar
Agent, Compliant Farms
dan@compliantfarms.com

Emerald Triangle Medicinal / APN: 108-033-018-000 / App. No. 12060
Remediation and Restoration Matrix

System	Elements	Map Site	Existing Features	Prescription
Remediation	Grading	Area: B Sub-Area: D	Grading: minimal and not requiring the use of heavy equipment.	<ol style="list-style-type: none"> Maintain slope vegetation and limit activities that can compact soil and thus reduce infiltration rates and promote erosion and slope instability. See Erosion. Road requires surface grading, engineered discharge points and strategies.
		Access Road	Requires maintenance.	
	Slope Stability	Area: B Sub-Area: D	No slumping or soil creep present.	<ol style="list-style-type: none"> Maintain slope vegetation and limit activities that can compact soil and thus reduce infiltration rates and promote erosion and slope instability. See Erosion.
		Access Road	Rills and Ruts present. Bank cuts in fill prism.	
	Erosion	Area: B Sub-Area: D	Minimal erosion present.	<ol style="list-style-type: none"> Maintain slope vegetation and limit activities that can compact soil and thus reduce infiltration rates and promote erosion and slope instability. Maintenance required on margins for fuels management, overstock and invasive species. Revegetation of margins required to protect from erosion, provide habitat, decrease insolation, promote topsoil growth and manage fuel loads. Road requires surface grading, engineered discharge points and strategies.
		Access Road	Rills and Ruts present. Bank cuts in fill prism.	
	Compacted Soils	Area: B Sub-Area: D	Compacted soils have decreased infiltration rates and the presence of native plants.	<ol style="list-style-type: none"> Maintain native species and promote immigration. Maintain woody or living mulches. Implement stormwater infiltration strategies.
	Removal of Vegetation	Area: B Sub-Area: D	Native vegetation removed for cultivation.	<ol style="list-style-type: none"> Plant native vegetation and limit activities that can compact soil and thus reduce infiltration rates and promote erosion and slope instability. Maintenance required on margins for fuels management, over crowding and invasive species. Revegetation of margins required to protect from erosion, provide habitat, decrease insolation, promote topsoil growth and manage fuel loads.
	Loss of Topsoil	Area: B Sub-Area: D	Reduced and absent in some areas.	<ol style="list-style-type: none"> Cover site with woody mulch from fuel management activities. Revegetate site with native species.

**Emerald Triangle Medicinal / APN: 108-033-018-000 / App. No. 12060
Remediation and Restoration Matrix**

System	Elements	Map Site	Existing Features	Prescription
	Loss of Mulch	Area: B Sub-Area: D	Reduced and absent in some areas.	<ol style="list-style-type: none"> Cover site with woody mulch from fuel management activities. Revegetate site with native species to promote passive mulch recruitment.
	Sidecast Materials	Area: B Sub-Area: D	Native vegetation and forest materials.	<ol style="list-style-type: none"> Removal of side cast material in conjunction with fuel management, overstock and invasive species.
	Increased Insolation	Area: B Sub-Area: D	Removal of native vegetation to facilitate cultivation activities has promoted overstock.	<ol style="list-style-type: none"> Maintain insolation protection during fuel management activities. Revegetate site with native species. Plan to promote topsoil and mulch management.
	Chemical, Biological and pH Thresholds	Area: B Sub-Area: D	Unknown.	<ol style="list-style-type: none"> Soil samples of cultivated native soil of site tested to determine chemical and biological components. Compare to soil sample test results of control site.
	Invasive Species	Area: B Sub-Area: D	Thistle, grasses, other herbaceous species.	<ol style="list-style-type: none"> Removal protocols are specific to species. Monitor for effectiveness of removal protocols. Protect against future immigration through the establishment of prescribed species and mulches.
Removal of Cultivation Materials	Decrease of Native Fauna	Area: B Sub-Area: D	Many bird, reptile and invertebrate species are present.	<ol style="list-style-type: none"> Informal catalogue of species present. Monitoring of species with restoration efforts.
	Plant Supports	Area: B Sub-Area: D	Metal cages.	<ol style="list-style-type: none"> Store in an appropriate location, recycle or use at new cultivation site.
	Irrigation	Area: B Sub-Area: D	Irrigation conveyance.	<ol style="list-style-type: none"> Store in an appropriate location, recycle or use at new cultivation site.
Removal of Equipment and Improvements	Amendments and Fertilizers	Area: B Sub-Area: D	Present in pots/bags at site.	<ol style="list-style-type: none"> Store in an appropriate location, recycle or use at new cultivation site.
	Various	Area: B Sub-Area: D	Fencing, gates.	<ol style="list-style-type: none"> Store in an appropriate location, reuse or take off-site for proper recycling/disposal.

**Emerald Triangle Medicinal / APN: 108-033-018-000 / App. No. 12060
Remediation and Restoration Matrix**

System	Elements	Map Site	Existing Features	Prescription
Contour Prescriptions	Erosion	Area: B Sub-Area: D Access Road	Some evidence on fill prism. Rills and Ruts present. Bank cuts in fill prism.	<ol style="list-style-type: none"> 1. Cease vehicle activity once "Removal of Cultivation Materials" is complete. 2. Deploy temporary erosion control measures while remediation activities are taking place. 3. Implement permanent strategies to eliminate hydrologic connectivity of site with surface water. Examples include: log barriers, topsoil recruitment, and native revegetation. 4. Road requires surface grading, engineered discharge points and strategies.
	Habitat Restoration	Area: B Sub-Area: D	Minimal understory species as a result of no forest management strategies (i.e. overstock of upper-canopy).	<ol style="list-style-type: none"> 1. Plant native vegetation and limit activities that can compact soil and thus reduce infiltration rates and promote erosion and slope instability. 2. Maintenance required on margins for fuels management, overstock and invasive species. 3. Revegetation of margins required to protect from erosion, provide habitat, decrease insolation, promote topsoil growth and manage fuel loads.
	Water	Area: B Sub-Area: D Access Road	<p>Within setbacks of surface water.</p> <p>Hydrologic connectivity with surface water.</p>	<ol style="list-style-type: none"> 1. Revegetation of margins required to protect from erosion, provide habitat, decrease insolation, promote topsoil growth and manage fuel loads. 2. Implement permanent strategies to eliminate hydrologic connectivity of site with surface water. Examples include: log barriers, topsoil recruitment, and native revegetation. 3. Implement stormwater infiltration strategies. 4. Road requires surface grading, engineered discharge points and strategies.
	Protection	Area: B Sub-Area: D Access Road	Fragmentation has affected the natural habitat structure.	<ol style="list-style-type: none"> 1. Revegetation of margins with multistory layering required to provide protection.

Emerald Triangle Medicinal / APN: 108-033-018-000 / App. No. 12060
Remediation and Restoration Matrix

System	Elements	Map Site	Existing Features	Prescription
	Reproduction	Area: B Sub-Area: D Access Road	Fragmentation has affected the natural habitat structure.	<ol style="list-style-type: none"> Maintain slope margins, parcel margins and interior of parcel's diversity of flora species, topography and geology to serve as a resource for nesting materials and den sites.
	Fragmentation /Connectivity/ Corridors	Area: B Sub-Area: D Access Road	Fragmentation has affected the natural habitat structure.	<ol style="list-style-type: none"> Plant native vegetation and limit activities that can compact soil and thus reduce infiltration rates and promote erosion and slope instability. Maintenance required on margins for fuels management, overstock and invasive species. Revegetation of margins required to protect from erosion, provide habitat, decrease insolation, promote topsoil growth and manage fuel loads. Road requires surface grading, engineered discharge points and strategies.
	Invasive Species	Area: B Sub-Area: D	Thisistle, grasses, other herbaceous species.	<ol style="list-style-type: none"> Removal protocols are specific to species. Monitor for effectiveness of removal protocols. Protect against future immigration through the establishment of prescribed species and mulches.
Timeline	Planning and Permitting		The outlined recommendations do not require permitting. Planning and implementation are based on seasonal and ecological timelines.	<ol style="list-style-type: none"> Plan Approval Implementation Monitoring
	Seasonal		Various aspects of the recommendations are seasonally-based. Deviation would incur greater ecological and economic costs.	<ol style="list-style-type: none"> Fuels, crowding and invasive species: F/W/Sp Planting: W/Sp Soil: F/W/SP
	Economic		Passive and active restoration based on adaptive management principles will reduce the economic costs.	<ol style="list-style-type: none"> Costs per plan and implementation.

The above are recommendations and not prescriptions of method and manner. Your WRPP provides short term strategies to prevent the discharge of sediment and cultivation related wastes from entering surface waters until permanent systems can be deployed during the appropriate time of year. All features should be engineered and implemented by licensed professionals where applicable.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No response	
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Comments	Attached
CalFIRE	✓	Comments (denial)	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file
Humboldt County Sheriff	✓	Approved	
State Water Resources Control Board – Division of Water Rights	✓	Approved	
Intertribal Sinkiyone Wilderness Council		No response	
Southern Humboldt Joint Unified School District		No response	
County Counsel		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	
Federal Bureau of Land Management		No response	
Telegraph Ridge Fire Protection District		No response	



Division of Environmental Health

100 H Street - Suite 100 - Eureka, CA 95501
Phone: 707-445-6215 - Toll Free: 800-963-9241
Fax: 707-441-5699
envhealth@co.humboldt.ca.us

Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits

Applications for CMM Clearances and/or Permits are reviewed by the Division of Environmental Health (DEH) for compliance with regulations intended to protect public health and the environment. Submit this form to the Planning Division with your CMM Permit Application for referral to DEH. If the requested information is already provided in other documents submitted to the Planning Division, provide the title of the document with page and section numbers where it is located.

Name of Business: Emerald Triangle Medicinal, Inc. Primary Contact Person: Kenneth Aaron
Site Address: 1160 Windy Ridge Ln., Ettersberg Phone: 707-502-0290
APN: 108-033-018 Email: emeraldtrianglemed@gmail.com

General Project Description (cultivation, processing, manufacturing; seasonal vs year round etc.)
Seasonal outdoor and mixed light commercial cannabis cultivation occupying 17,665 square feet.

Planning Application (APPS#): 12060

Wastewater (Doc. Title _____ page _____ section _____)

- Connected to public sewer No. Onsite waste water system Septic
- Number of Employees: average _____ peak operations: _____
- Hours of Operation/shifts per day: average _____ peak operations: _____
- Additional flow from processing: 0 GPD. Description of effluent Minimal from cultivation.
- Describe the proposed and existing wastewater generating structures and method(s) of effluent disposal.

Water Source (Doc. Title Initial Statement of Diversion and Use page 2 section Other Documents)

- Describe and show the water source(s) available on the property and what they serve.
 - Public Water System
 - Well Permit Number(s): _____
 - Unpermitted Well
 - No Existing Water Source
 - Spring
 - Approved Surface Water/Description _____
 - Unapproved Surface Water/Description _____
 - Other: _____
- Describe the approximate daily water demand for the current and projected uses on the property and method used to calculate demand: _____

Consumer Protection (Doc. Title _____ page _____ section _____)

- List/Describe any food production or service: None.
- Describe and show on site plan, any existing or proposed kitchen infrastructure: None.

Note: DEH does not currently regulate edible cannabis products. Any other food production may require a Plan Check and permitting.

Hazardous Materials (Doc. Title _____ page _____ section _____)

- List/describe production/cultivation machinery (e.g. generator, tractor, OHV, trimmer, heaters etc.): Generator, trim machine

 - Equipment Maintenance/Service (e.g., changing oil, antifreeze, etc.): Onsite or Offsite
 - List/describe fuel/oil(s) used or produced onsite (e.g. gasoline, diesel, propane, other?). Provide amounts and storage method(s): See Cultivation and Operations Plan

 - List/describe all compressed gases, cleaners, solvents and sanitizers (including, but not limited to, household chemicals, bleach and alcohol). Provide amounts and storage method(s): _____
See Cultivation and Operations Plan
 - List/describe fertilizers, soil amendments and biocides (including organic ones). Provide amounts and storage method/area(s): See Cultivation and Operations Plan

- *Attach Safety Data Sheets (SDS)

Solid Waste/Recycling (Doc. Title _____ page _____ section _____)

- List/describe the different anticipated solid waste/recycling, composting products and anticipated amounts: Standard garbage and recycling

- Describe, and show on the site plan, the designated area for storage of recycling and solid waste (containers stored outside must be covered): Containers stored inside of enclosed area

- Describe waste removal plan including frequency and destination
 - Garbage (1x/week) _____
 - Recycling(x/month) _____ (avoid nuisances including odors and vermin)
 - Hauling via Garbage/Recycling Service: _____ or Self Haul _____
- Preferred permitted solid waste/recycling facility: Redway

Note: Spent growth medium with no further agricultural use is considered solid waste. It must be stored under cover until it can be hauled to a waste facility.

All spent growth medium is amended and reclaimed the next season. All leftover vegetative matter is composted or burned.

MRP: Reporting Form, page 4/5, Attachment

Cultivation Sites	Area (square feet)	Distance to Surface Water (feet)	Average Slope (%)
Site A	3,106	300	35
Site B	1,223	120	30
Site C	2,032	200	35
OG1	9,000	50	35
Total	15,361		
Associated Facilities	2,000		
Grand Total	17,361		

Annual Soil Amendment and Chemical Use

Amendment	Amount	Chemical Makeup	Use
Age Old Bloom	90-gallons	5-10-5 Fish solubles, feather meal & Colloidal Phosphates. Micronutrients derived from: Seaweed extracts, Borax, and complex sugars of Glucoheptonate of Copper, Manganese, Molybdenum and Zinc.	Bloom is an odorless formula that supplies plants with a fast-acting, natural source of nutrients high in phosphorus. The high phosphate levels encourage early flowering and better fruitset for most fruiting plants and vegetables. Liquid Bloom may be used in both foliar feed and soil drench applications, soak roots in diluted Liquid Bloom before transplanting for a greater root mass.
Age Old Grow	78-gallons	12-6-6 Fish Solubles, Feather meal & Colloidal Phosphates. Micronutrients derived from: seaweed extracts, Borax, and complex sugars of Glucoheptonate of Copper, Manganese, Molybdenum, and Zinc.	Grow is a natural based, odorless, high nitrogen, plant fertilizer. It has a 2-1 nitrogen ratio to enhance a plants growth and vigor. It encourages early growth, greater flowering and better fruit set for all indoor and outdoor plants. Liquid Grow may be used as both a foliar feed and a soil drench. Use Grow on your plants during the vegetative stage.
Age Old Kelp	40-gallons	.3 - .25 - .15 Norwegian Sea Kelp (Ascophyllum Nodosum)	Age Old Liquid Kelp is the original soil and plant bio-stimulant. Apply as a soil drench to build soil tilth and restore biological life to damaged soils. Use as a foliar spray to improve nutrient uptake, provide needed micronutrients and combat a wide range of environmental stresses.
Alfalfa Meal	200-pounds	2-1-2	Fertilizer
Arc Bat Guano	50-pounds	4-6-1 Bat Guano	This guano encourages plants to begin blooming, while still providing the necessary nitrogen for vigorous growth.
Biokashi	70-gallons	Fermented Organic Wheat Bran	Top Dress & Compost Tea Brewing
Bud and Bloom	1,300-pounds	3-7-4 Alfalfa meal, bone meal, dehydrated manure, kelp meal, humid acid, potassium sulfate, mycorrhizal inoculant, bacterial inoculant.	perfect organic fertilizer to kick-start your flowering plants. With its high phosphorous content, this organic fertilizer is blended with natural ingredients that help flowering plants produce vibrant blooms that any gardener would be proud to show.
Cal-Mag	25.5-pounds	2-0-0 Calcium nitrate, magnesium nitrate, iron	A highly beneficial bio-catalyst for plants. Botanicare Cal-Mag Plus (2-0-0) is a custom plant supplement designed to correct the inherent problem of calcium, magnesium and iron mineral deficiencies found in most soil fertilizers and some hydroponic nutrient formulas. Now with trace minerals.
Cal-Phos	450-pounds	0-3-0 It is comprised of the bony structures of prehistoric marine creatures mined in Florida from the best deposit in the country.	An immediately available and a long-term source of phosphorus.

Amendment	Amount	Chemical Makeup	Use
Fish and Seaweed	35-gallons	2-3-1 Made from hydrolyzed fish fertilizer from fresh fish remains from the North Atlantic Ocean. It also contains seaweed (<i>Ascophyllum Nodosum</i>).	Growers using our fish/seaweed blend fertilizer on a regular basis have reported increased marketable yields and improved shelf life on fruits and vegetables. Fish and Seaweed are known to build the natural sugar in plants. Flowers and foliage will be stronger and more colorful. Blooms will be more plentiful, fragrant and longer lasting.
Fish Bone Meal	925-pounds	3-18-0 Pasteurized Fish Bone Meal infused with five strains of beneficial soil microbes.	Fertilizer
Fish Hydrolysate	46-gallons	2-4-0 hydrolyzed fish, phosphoric acid	Soil Conditioner
Glacial Rock Dust	500-pounds	A broad range of trace minerals,	Soil Conditioner
Humic Acid	20-gallons	Derived from the ancient remains of decomposed organic plant materials	By supplying the soil with sufficient humic acid, we help to bind cations (positively charged elements). The ability to chelate positively charged multivalent ions (Mg, Ca, Fe and other "trace minerals" of value to plants) is probably the most important role of humic acid, with respect to your soil. By chelating the ions, humic acid facilitates the uptake of the ions by means of several mechanisms, one of which is preventing their precipitation (leaching through the soil).
Humisoil	6-cubic feet	naturally occurring biologically active heat based humus	The mineralization process that converts raw organic matter to the relatively stable substance that is humus feeds the soil population of micro-organisms and other creatures, thus maintaining high and healthy levels of soil life
Insect Frass	75-pounds	Herbivores insect guano.	Pest and mold deterrent by increasing plant's natural auto-immune response.
Jersey Greensand	150-pounds	Glauconite, which is high in iron, potassium and magnesium	Soil Conditioner
Malibu Compost	25-cubic feet	Organic dairy cow manure based compost	Fertilizer
Molasses	87.5-gallons	Molasses	Molasses for plants! Earth Juice Hi-Brix is the original source of plant carbohydrates and nutrients that has been specially made for indoor and outdoor gardens. May be used with other fertilizers and is highly recommended for brewing teas.

Amendme ni	Amount	Chemical Makeup	Use
Nitro Bat Guano	425-pounds	9-3-1 100% Natural Bat Guano	Nitro Bat Guano has been specially selected (and harvested using bat friendly methods) to contain a high quantity of available nitrogen, as well as smaller amounts of phosphorous, potassium and calcium. It provides a comprehensive nutrient charge to your plants with organic bat guano which is also known for increasing the taste of consumables.
Oyster shell	200-pounds	Contains 96% calcium carbonate plus a natural balance of 10 other nutrients and micronutrients.	High quality ag/lime soil conditioner which provides immediate and long term release of nutrients that control pH levels. Oystershell lime promotes healthy root growth, and improves soil compaction. Natural, organic source of calcium is used to correct Ca deficiencies and raise pH in acidic soils.
Phosphate Bat Guano	110-pounds	0-7-0 Fossilized bat guano.	Fertilizer
Precip Bone Meal	100-pounds	0-18-0 Derived from bones from ruminant animals, this water soluble powdered precipitated bone meal (0-18.5-0) offers 18.5 % Phosphorus and 20% Calcium.	Fertilizer
Streamed Bone Meal	50-pounds	3-15-0 Ground and steamed beef bones.	Fertilizer
Trace Minerals	350-pounds	0.02-0.05-0.40	Sparetime Supply Trace Mineral Additive provides necessary micronutrients to the soil that increase the overall health of both the soil and plants.
Worm Castings	23-cubic feet	0.67 - 0.10 - 0.07 Worm casting	Fertilizer Soil Conditioner
Serenade Rtu	480-ounces	Contains a unique, patented strain (QST 713) of Bacillus subtilis	Controls diseases such as Fire Blight, Botrytis, Sour Rot, Rust, Sclerotinia, Powdery Mildew, Bacterial Spot and White Mold and more.
Serenade Con	160-ounces	Contains a unique, patented strain (QST 713) of Bacillus subtilis	Controls diseases such as Fire Blight, Botrytis, Sour Rot, Rust, Sclerotinia, Powdery Mildew, Bacterial Spot and White Mold and more.
Green Cleaner	8-gallons	all natural, soybean oil-based pesticide with sodium laurel sulfate, alcohol and citric acid	Foliar Spray

REPORTING FORM

Page 5/5

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information contained in this document and all attachments is, to the best of my knowledge and belief, true, accurate, and complete.

Print name: Ron Downing

Signature: [Handwritten Signature] Date: 3-30-17

Preparer: Complete if MRP was prepared by someone other than the discharger, including an approved third-party

Organization Name (if applicable): Compliant Farms

Prepared by:
First Name, Middle Initial
Daniel J

Last Name
Mar

Preparer Address:

Street PO Box 5306

City Arcata

State CA ZIP 95518

Phone Number: 707 633 5403

Email: hightidepermaculture@gmail.com



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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 287-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Stephen Luther, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 05/01/2019

RE:

Applicant Name	EMERALD TRIANGLE
APN	108-033-018
APPS#	PLN-12060-CUP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, stamped received by the Humboldt County Planning Division on April 18, 2019, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

The road evaluation report form appears to have an incorrect road name for the road being evaluated, an inconsistency in the boxes checked (box 2 **and** part B completed) and is missing information. The Department recommends that the Engineer resubmit a completed road evaluation report form. Find attached the submitted road evaluation form with comments from Public Works.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12060

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

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

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: RON DOWNING/ EMERALD TRIANGEL MEDICINAL INC. APN: 108-033-018

Planning & Building Department Case/File No.: 12060

Road Name: WILDER RIDGE LANE (complete a separate form for each road)

From Road (Cross street): WILDER RIDGE ROAD

To Road (Cross street): PRIVATE

Length of road segment: 0.68 MILE miles Date Inspected: ? missing

Road is maintained by: County Other ? missing
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

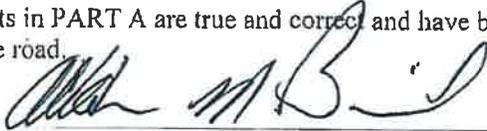
Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

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

Signature



4-18-19

Date

ALLAN M BAIRD - PE

Name Printed

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

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

Road Name: WILDER RIDGE LANE ? Date Inspected: 3/27/2019 APN: 108-033-018
 From Road: WILDER RIDGE ROAD (Post Mile _____) Planning & Building
 To Road: PRIVATE (Post Mile 0.68) Department Case/File No.:
 12060

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

16 verify appears to be alot for this road.

MISSING ?

ADT: _____ Date(s) measured: _____
 Method used to measure ADT: Counters Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? Yes No
 If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400). Complete sections 2 and 3 below.
 If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO A Policy on Geometric Design of Highways and Streets, commonly known as the "Green Book". Complete section 3 below.

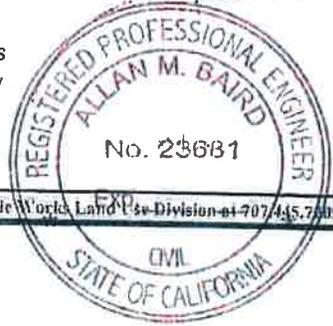
2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400) for guidance.)

- A. Pattern of curve related crashes.
 Check one: No. Yes, see attached sheet for Post Mile (PM) locations.
- B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles
 Check one: No. Yes, see attached sheet for PM locations.
- C. Substantial edge rutting or encroachment.
 Check one: No. Yes, see attached sheet for PM locations.
- D. History of complaints from residents or law enforcement.
 Check one: No. Yes (check if written documentation is attached)
- E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)
 Check one: No. Yes.
- F. Need for turn-outs.
 Check one: No. Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:
 The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.
 The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a Neighborhood Traffic Management Plan is also required and is attached.)
 The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

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

Signature of Civil Engineer: Allan M. Baird Date: 4-18-19



Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works, Land Use Division at 707/445-7605.

u:\pwrk\landdev\projects\referrals\forms\road evaluation report form (02-24-2017).docx

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:



Applicant: Emerald Triangle Medicinal		Date: 10/30/2019	
APPS No.:12060	APN:108-033-018	DFW CEQA No.: 2019-0224	
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 13,000 <input checked="" type="checkbox"/> Mixed-light (SF): 660		

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

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

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

- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. Surveys should be conducted in order to identify and establish buffers for any sensitive natural communities, such as wetlands, springs, seeps, and riparian areas, or plants with a State Rare Plant Rank of 1 or 2. CDFW databases such as the California Natural Diversity Database (CNDDDB), and the Biogeographic Information and Observation System (BIOS), can be used as scoping tools for minimum baseline information regarding sensitive biological resources within the 7.5-minute quadrangle and all adjoining quadrangles. Biological, botanical, and/or wetland delineation surveys should be conducted by a qualified biologist with appropriate training. Botanical surveys should follow the protocol in CDFW’s 2009 “Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities” (See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>)
- All or part of the Project appears to be located within the CDFW recommended minimum stream setback area. CDFW recommends that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft buffer from Class I streams/perennial wetlands, 100ft from Class II streams, and 50ft from Class III streams/seasonal wetlands) measured from the outer edge of the riparian or top of bank, whichever results in a greater buffer. These areas should be identified as no-disturbance buffers. CDFW requests confirmation of this setback prior to Project approval.

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

- The proposed Existing Project may have a potentially significant adverse effect on biological resources, specifically Northern Spotted Owl (*Strix occidentalis caurina*; NSO). Consistent with CEQA Guidelines, Section 15380, Northern Spotted Owl (NSO) has been identified as a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and under the

California Endangered Species Act (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA. The Project proposes to utilize Mixed-light (artificial light and fans in greenhouse structures) cultivation within NSO habitat. Mixed-light cultivation methods allow for an extension of the growing season which increases the period of overlap between cultivation operations and the NSO breeding season. Components of Mixed-light cultivation methods, such as artificial light, may disrupt nocturnal foraging and nesting of NSO through disorientation as well as decreased activity of prey species (Brown et al. 1988, Longcore and Rich 2004, 2016). Noise from road use, generators, fans, and other equipment may disrupt hunting of NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011).

CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include, but are not limited to, the prohibition of generators, project lighting and fans, including those used in ancillary structures (e.g. nurseries) during the breeding season (February 1 to July 9), each year. Following the breeding season, CDFW requests the succeeding measures, as conditions of Project approval:

- The construction of noise containment/dampening structures for to all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. CDFW further requests, a noise attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
 - That artificial light used for cannabis cultivation operations (including ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting 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. CDFW further requests, a light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
- CDFW requests that the applicant be required to submit a **Noise and Light Attenuation Plan** to the County in consultation with CDFW, for review and approval by both agencies prior to use of lights, fans, and generators.
 - 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.
 - The project site was constructed in the riparian zone, as described in the onsite cultivation relocation plan, and has resulted in vegetation removal within the Streamside Management Area.

The applicant should re-establish an appropriate 150-foot buffer from top of bank or outer edge of riparian, whichever results in a greater buffer. If, as aerial imagery indicates, vegetation was removed from the buffer area when the site was developed, the buffer should be remediated using an appropriate re-planting plan developed by a qualified professional, or an alternative re-planting area should be identified on the parcel to mitigate for the reduced buffer area. Please note, replanting within the riparian zone of a stream requires notification, pursuant to Fish and Game Code Section 1602.

- A Final Lake or Streambed Alteration Agreement (1600-2016-0029-R1) has been issued to the applicant.
- This project has the potential to affect sensitive fish and wildlife resources such as White Flower Rein Orchid (*Piperia candida*), , Fisher - West Coast DPS (*Pekania pennanti*), Long-eared Myotis (*Myotis evotis*), North American Porcupine (*Erethizon dorsatum*), Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

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

References

- Brown, J. S., B. P. Kotler, R. J. Smith, and W. O. Wirtz II. 1988. The effects of owl predation on the foraging behavior of Heteromyid rodents. *Oecologia* 76:408–415.
- Franklin, A. B., P. C. Carlson, A. Rex, J. T. Rockweit, D. Garza, E. Culhane, S. F. Volker, R. J. Dusek, V. I. Shearn-Bochsler, M. W. Gabriel, and K. E. Horak. 2018. Grass is not always greener: rodenticide exposure of a threatened species near marijuana growing operations. *BMC Research Notes* 11:1–8.
- Gabriel, M. W., L. V. Diller, J. P. Dumbacher, G. M. Wengert, J. M. Higley, R. H. Poppenga, and S. Mendia. 2018. Exposure to rodenticides in Northern Spotted and Barred Owls on remote forest lands in northwestern California: evidence of food web contamination. *Avian Conservation and Ecology* 13:art2.
- Hayward, L. S., A. E. Bowles, J. C. Ha, and S. K. Wasser. 2011. Impacts of acute and long-term vehicle exposure on physiology and reproductive success of the northern spotted owl. *Ecosphere* 2:art65.
- International Dark-Sky Association (IDA) 2018.
- Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment* 2:191–198.