COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: October 7, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Dank Ape Farm, LLC Special Permit**
Application Number 15222
Record Number PLN-2018-15222
Assessor's Parcel Number (APN): 208-241-019-000
740 River Road, Mad River, CA 95552

Table of Contents **Page**

Please contact Portia Saucedo, Planner, at 707-268-3745 or by email at psaucedo1@co.humboldt.ca.us, should you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 7, 2021	Special Permit	Portia Saucedo

Project Description: Dank Ape Farm, LLC seeks a Special Permit for an existing 8,830 square foot (SF) full-sun outdoor commercial cannabis cultivation. 900 square feet of ancillary nursery space is also proposed. Water is sourced from a rainwater catchment pond with an approximate capacity of 202,500 gallons. There are nine (9) 2,500-gallon and five (5) 1,500- gallon HDPE hard water tanks on site, totaling to 30,000-gallons of water storage. Total water storage is 230,500 gallons. Estimated annual water usage is 58,500 gallons (6.6 gal/SF/year). Drying and bucking occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. Two (2) cultivation cycles are anticipated annually. One (1) employee is anticipated. Power is provided exclusively by solar power.

Project Location: The project is located in the Mad River area, on the north side of River Road, approximately 2000 feet northwest from the intersection of River Road and Ridge Road, on the property known as 740 River Road (APN: 208-241-019).

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

Present Zoning: Forestry Recreation with a Special Building Site Combining Zone which requires a 40-acre minimum parcel size (FR-B-5(40))

Record Number: PLN-15222-SP

Assessor's Parcel Number: 208-241-019-000

Applicant	Owner	Agents
Dank Ape Farm, LLC P.O. Box 348058 Sacramento, CA 95834	Richard Shelton and Leonel & Elsa Flores P.O. Box 348058 Sacramento, CA 95834	Elsa Romo-Flores 2213 Del Paso Blvd, Suite 188 Sacramento, CA 95815

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

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

Major Issues: None

Dank Ape Farm, LLC
Record Number: PLN-15222-SP
Assessor's Parcel Number: 208-241-019-000

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

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

Executive Summary: Dank Ape Farm, LLC seeks a Special Permit for 8,830-square feet of existing Open-Air commercial cannabis cultivation on a 40-acre parcel, located north of River Road in Mad River, CA on Assessor's Parcel Number 208-241-019-000. The project parcel is 40-acres. Elevation is approximately 2400-2720 feet above sea level with a range of sloping from 15 to 50 percent. The project is located within areas of high instability and high fire hazard. The Applicant anticipates one (1) seasonal employee for daily operations. The Applicant sources water from a rain catchment pond on the parcel. The rain catchment pond has a water storage capacity of 232,500-gallons:

- Nine (9) 2,500-gallon
- Five (5) 1,500- gallon HDPE hard water tanks
- One (1) 202,500-gallon rainwater catchment pond

There are four (4) domestic buildings onsite that with no nexus to cannabis cultivation. Cultivation irrigation will be administered via timed drip irrigation. The anticipated annual water use is 58,500 gallons, which is approximately 6.60 gallons per square foot per year. The "Barn" referenced on the Site Plan is a 600 square (20'x30') foot building (circa 2011) that will be used for chemical storage and harvested cannabis storage. All cultivation related activities are powered exclusively by photovoltaic panels. Backup Generators on site are exclusively used for domestic use. Trash is stored in an enclosed container. Cannabis soils/spoils and general waste will be hauled off to the Recology Fortuna Transfer Station on a weekly basis or as needed.

Cultivation Areas and Remediation
All proposed cultivation areas will be set back from all parcel boundaries ≥ 30 feet. There are two locations of Existing Cultivation totaling 8,830 square feet. CA #1 & CA #2 are in the northern section the parcel while CA #3-#6 are located in the southern section. CA #1 & #2 will be relocated outside of the Riparian buffer and merged into the proposed CA #6. The locations of cultivation areas can be viewed on the site map.

Processing
Processing will be conducted by a licensed third-party processor.

Water Resources
Water for irrigation is provided by a rainwater catchment pond with an approximate holding capacity of 202,500 gallons. There are nine (9) 2,500-gallon and five (5) 1,500- gallon HDPE hard water tanks on site, totaling to 30,000-gallons of water storage. Total proposed water storage is 230,500 gallons. The Applicant irrigates using a timed, metered drip irrigation system, preventing over watering or run-off.

There are a total of five (5) crossings on parcel, with three (3) stream crossings that are the responsibility of the property owner. Stream crossing #1 & #2 flow underneath Salyer Mad River Road, which is a Humboldt County maintained road. The applicant is not responsible for these crossings therefore they are disclosed but are not included as project features. Stream crossing #3 is on an easement road which

has a 24-inch cement culvert set to stream grade and aligned. The section of road associated with the crossing has drainage issues which have led to concentrated water that head cuts above the outlet. The road leading to the crossing shall have rolling dips installed at the locations shown on the Site Plan. The nearest watercourse to any cultivation site is 187-feet away. A lake and streambed alteration agreement (LSAA) has been submitted and accepted from CDFW regarding the replacement of stream crossings #4 & #5. The final agreement with CDFW states that the crossings shall be replaced with 18-inch corrugated metal pipes with rock armoring at the inlet and outlet. The final agreement was reached in 2018, therefore the culverts shall be replaced by October 2021 at the latest. Culverts shall be monitored and cleared out seasonally as a winterization method to prevent failure. A jurisdictional wetland delineation was not conducted, but has been added as a condition of project approval.

A Site Management Plan (SMP) was prepared by Green Road Consulting April 27, 2020. The SMP summarized the site characteristics, access roads, stream crossings, legacy waste discharges, erosion prevention and sediment capture, water uses, fertilizers/pesticides/herbicides, petroleum, cultivation waste, trash/refuse, domestic wastewater, winterization measures, monitoring, remediation summery, and Best Practices Treatment or Control (BPTC) Measures. The remediation recommendations included nine (9) map points assigned a treatment priority and completion date (Table 1):

Table 1. Remediation Summary Table

Map Point (MP)	Topic	Issue	Remediation Measure	Treatment Priority	Expected Completion Date	Actual Completion Date
1	Stream Crossing Installation and Maintenance	Crossing with a perched and incised outlet. The crossing is under the Salyer Mad River Road which is believed to be a Humboldt County Road.	Crossing need to be assessed by Humboldt County to determine the corrective action.	High	Depending on the County's timeframe.	
2	Land Development and Maintenance, Erosion Control, and Drainage Features.	140-foot segment of driveway that requires drainage features to prevent continued erosion that has the potential to effect surface waters. The road was created by a through cut which has resulted in embankments on either side which prevent the outlet of storm water.	The road will need to be bladed to even the surface. The inside berm should be removed to allow water to exit the road. If needed install a waterbar or rolling dip 50-feet up the road to promote drainage. The chosen drainage feature outlet location should be stable and have gravel applied to prevent continued erosion.	High	October 2021	
3	Stream Crossing Installation and Maintenance	Crossing that has hydrological connection at the outlet due to road runoff concentrating and head-cutting the fill above the culvert.	Rolling dips should be installed every 100-feet or the locations shown on the project features map.	High	October 2021	
4	Refuse and Domestic Waste	Two locations that have previously used privies which are unauthorized in Humboldt County.	Stop use immediately and use the septic system attached to the residence. Properly abandon and disassemble the privies.	Moderate	October 2021	
5	Land Development and Maintenance, Erosion Control, and Drainage	Rainwater pond with an improperly maintained outlet that has caused erosion downslope.	Connect the overflow pipe to the 8-inch culvert that passes under the road. Apply gravel at the outlet location for approximately 25-feet to slow flow and prevent erosion.	High	October 2021	

Map Point (MP)	Topic	Issue	Remediation Measure	Treatment Priority	Expected Completion Date	Actual Completion Date
6	Land Development and Maintenance, Erosion Control	Invasive yellow star-thistle (*Centaurea solstitialis*) population which was potentially brought in with some seeded straw when the pond was created.	See Appendix A for proper invasive species control techniques.	High	October 1, 2020	
7	Stream Crossing Installation and Maintenance	Undersized 10-inch CMP crossing culvert and road showing hydrological connection. Previous applicant has a LSAA Agreement with CDFW to replace the culvert.	Replace the undersized culvert with the permitted 18-inch corrugated metal pipe according to CDFW final agreement standards.	High	October 1, 2021	
8	Stream Crossing Installation and Maintenance	Undersized 10-inch CMP crossing culvert and road showing hydrological connection. Previous applicant has a LSAA Agreement with CDFW to replace the culvert.	Replace the undersized culvert with the permitted 18-inch corrugated metal pipe according to CDFW final agreement standards.	High	October 1, 2021	
9	Land Development and Maintenance, Erosion Control, and Drainage	Previously developed cultivation area within the riparian setback of a Class II watercourse.	Remove the cultivation related materials and restore the disturbance within the riparian setbacks according to the disturbed area stabilization plan.	High	October 1, 2020	

Biological Resources

A Biological Resource Analysis was conducted by TransTerra Consulting at a time outside the window of protocol level surveys for most species. Therefore, the report is preliminary in nature. Protocol-level surveys of the project parcel have been added as conditions of approval. A habitat assessment was conducted November 1, 2019. The California Natural Diversity Database (CNDDB) RareFind and Spotted Owl Database, and California Native Plant Society (CNPS) databases were used to assess potential rare species. Species of concern were observed in the project area as well as potential habitat for those and others. However, the timing of the field visit did not coincide with ideal survey seasons based on phenology and life history cycles for all potential species. Full floristic surveys and/or protocol-level surveys were not conducted in the project area. Based on the timing of the survey, all plant species growing within the study area may not have been observed due to varying flowering phonologies and life forms, such as bulbs, biennials, and annuals. As a condition of project approval, species-specific surveys will be required prior to the proposed relocation of cultivation area #1 and #2.

Northern Spotted Owl was recorded in the CDFW database within 1 mile. Foraging habitat was present on-site for nesting spotted owls, nesting habitat was marginal due to stand age and structure. An activity center is located approximately 0.89 miles to the southeast of the parcel. An additional activity center is just over one mile from southeast property. Critical habitat for NSO is not located within 0.05 miles southwest of the project area.

The project is conditioned to adhere to Dark Sky Standards for security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and prohibits use of anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CCLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

An analysis was conducted by the County and Applicant that supported there had been no timber conversion on the project parcel in previously utilized or currently proposed cultivation areas.

Tribal Cultural Resource Coordination
The project is located within the Bear River of the Rohnerville Rancheria Aboriginal Ancestral Territory. A Cultural Resource Study was completed by Archaeological Research and Supply Company in April of 2021. The report indicated that the project would not affect significant or historic resources and that there were no significant restraints regarding the survey of the project area. No further archaeological studies on the project parcel were recommended. The recommendation in the event of an inadvertent discovery of any cultural artifact, all work should cease within 100 feet of the discovery and both a qualified archaeologist and tribal representative should be immediately contacted to evaluate the discovery. The Bear River Tribal Historic Preservation Officer reviewed the CRS and recommended the ongoing conditions of approval incorporate the Inadvertent Discoveries Protocol to protect cultural resources.

Access
The site has 0-miles of permanent roads, 0.49-miles of seasonal access roads, and 0.08-miles of skid roads. The roads are only used during cultivation season, May through October. The roads are used minimally by workers navigating the site and bringing in supplies. Workers are on the site daily and most supplies are brought in the beginning of the season. The roads are in a good condition with the except for two sections which require additional work to minimize erosion and hydrological connection to surface waters. The access roads to the project parcel were evaluated by a Professional Engineer and determined to be less than equivalent to a Category 4 Standard for the segment of River Road that runs east-west from the Trinity County Line. The engineer's Road Evaluation Report (RER) completed by David Nicoletti outlined detailed measures that must be completed to ensure safe travel along the road. A condition of approval has been incorporated that requires that the RER measures be completed. The project is accessed from a non-county-maintained road that originates in Trinity County. The Trinity County portion of the access road begins at the first crossing of the Mad River off Highway 36 in onto a US Forest Service Road for approximately 500 feet then branches off to the left to County Line Creek Road. County Line Creek Road is a non-county-maintained private road that is maintained by the residents. A Road Evaluation was completed for this section of road by the property owner and applicant, Seth Adams, of an adjacent approved project (PLN-11514-CUP) and supplied the County with maps and photographs to show that the road is equivalent to Category 4 Standards. This RER for the segment of County Line Creek Road has been applied to several projects in the vicinity that utilize that access road.

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

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

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

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

RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-15222-SP
Assessor's Parcel Number: 208-241-019-000

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

WHEREAS, **Dank Ape Farm, LLC,** submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 8,830 square foot (SF) full-sun outdoor commercial cannabis cultivation, 900 square feet of ancillary nursery space, with appurtenant propagation and drying activities. Water is sourced from a rainwater catchment pond with an approximate capacity of 232,500 gallons. There are nine (9) 2,500-gallon and five (5) 1,500- gallon HDPE hard water tanks on site, totaling to 30,000-gallons of water storage as well as a 202,500 gallons. Estimated annual water usage is 58,500 gallons (6.6 gal/SF/year). Drying and bucking occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. Two (2) cultivation cycles are anticipated annually. One (1) employee is anticipated. Power is provided exclusively by solar power;

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

WHEREAS, the Humboldt County Zoning Administrator held a duly noticed public hearing on October 7, 2021, and reviewed, considered, and discussed the application for the Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. **FINDING:** **Project Description:** Special Permit for the continued operation of an existing 8,830 square foot (SF) full-sun outdoor commercial cannabis cultivation, 900 square feet of ancillary nursery space, with appurtenant propagation and drying activities. Total water storage on site is approximately 232,500 gallons. Water is sourced from a rainwater catchment pond with an approximate capacity of 202,500 gallons. There are nine (9) 2,500-gallon and five (5) 1,500- gallon HDPE hard water tanks on site, totaling to 30,000-gallons. Estimated annual water usage is 58,500 gallons (6.6 gal/SF/year). Drying and bucking occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. Two (2) cultivation cycles are anticipated annually. One (1) employee is anticipated. Power is provided exclusively by solar power.

   EVIDENCE: a) Project File: PLN-15222-SP

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

EVIDENCE: a) Addendum Prepared for the proposed project.

b) A *Site Management Plan* (SMP) was prepared by Green Road Consulting in April of 2020 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.

c) A Cultural Resources Investigation Report was carried out by Archaeological Research and Supply Company and determined not anticipated to impact any special status species or sensitive natural communities. A review of the Humboldt County Web GIS found that the project site is over one mile from any known sensitive receptor.

d) A Preliminary Biological Assessment Report was carried out by TransTerra Consulting February of 2020. The Assessment methods included a search of the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) database. Reference populations of species of concern were mapped within one (1) mile of the project site. Conditions of approval include the recommendations of the report to mitigate potential direct and indirect impacts. Due to the preliminary nature of the report, No relocation of cultivation areas #1 and #2 shall be authorized until floristic and /or protocol level species-specific surveys by a qualified professional to capture the seasonal dynamics of the number and distribution of biological species fluctuations and interannual variability.

e) A Road Evaluation Report (RER) was prepared for River Road and the private access road to APN 208-241-019 by DTN Engineering & Consulting January 22, 2019, which identified the roads is suitable for safe access to and from the project site with recommendations for improvements. As a condition of project approval, applicant shall implement the road improvement recommendations. An additional RER was completed for this section of access road, County Line Creek Road that runs through Trinity County, by an adjacently located applicant, Seth Adams (PLN-11514-CUP) with an approved permit.

FINDINGS FOR SPECIAL PERMIT

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

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

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

EVIDENCE a) The Residential Agricultural or FR Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.

b) Humboldt County Code section 314-55.4.8.2.2 allows between 5,000 SF and 10,000 SF of existing cannabis cultivation on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was

in existence prior to January 1, 2016. The application for 8,830 square feet of existing outdoor cultivation on a 40-acre parcel is consistent with the CMMLUO and with the cultivation area verification prepared by the County.

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

EVIDENCE

a) The legal parcel of land known as APN 208-241-019-000 is Parcel 150 recorded in Book 26 of Parcel Maps Page 135-143 on May 18, 1961.

b) The project will obtain water from a non-diversionary water source.

c) All road segments evaluated were found to be functionally appropriate for the expected traffic with the recommended improvements specified in the Road Evaluation Report completed by Nicoletti November 22, 2020 for the segment of River Road and the private drive.

d) The slope of the land where cannabis will be cultivated is less than 15%

e) The subject parcel is location in the State Fire Responsibility Area. To maintain compliance with the Humboldt County Fire Safe Ordinance a condition of approval will require the applicant to submit a revised site plan showing the location of the SRA turn around and the location of a 2,500-gallon water tank dedicated to fire suppression, within 60 days from the date of permit approval.

f) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in a secondary containment unit.

g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11(d). It is more than 30 feet from any property line, more than 600 feet from any school, school bus stop, church, or other place of worship, public park, or Tribal Cultural Resource.

6. FINDING The cultivation of 8,830 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

a) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.

b) The location of the cultivation complies with all setbacks required in Section 314-55.4.11(d). It is more than 30 feet from any property line and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

c) Irrigation water will come from a non-diversionary water source.

d) Provisions have been made in the applicant's *Site Management Plan* to minimize discharge of sediment off-site, improve the private access road, and remediate other historic cultivation areas and waste.

e) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in a secondary containment unit.

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

EVIDENCE

a) The parcel was not included in the housing inventory of Humboldt County's

2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

DECISION

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

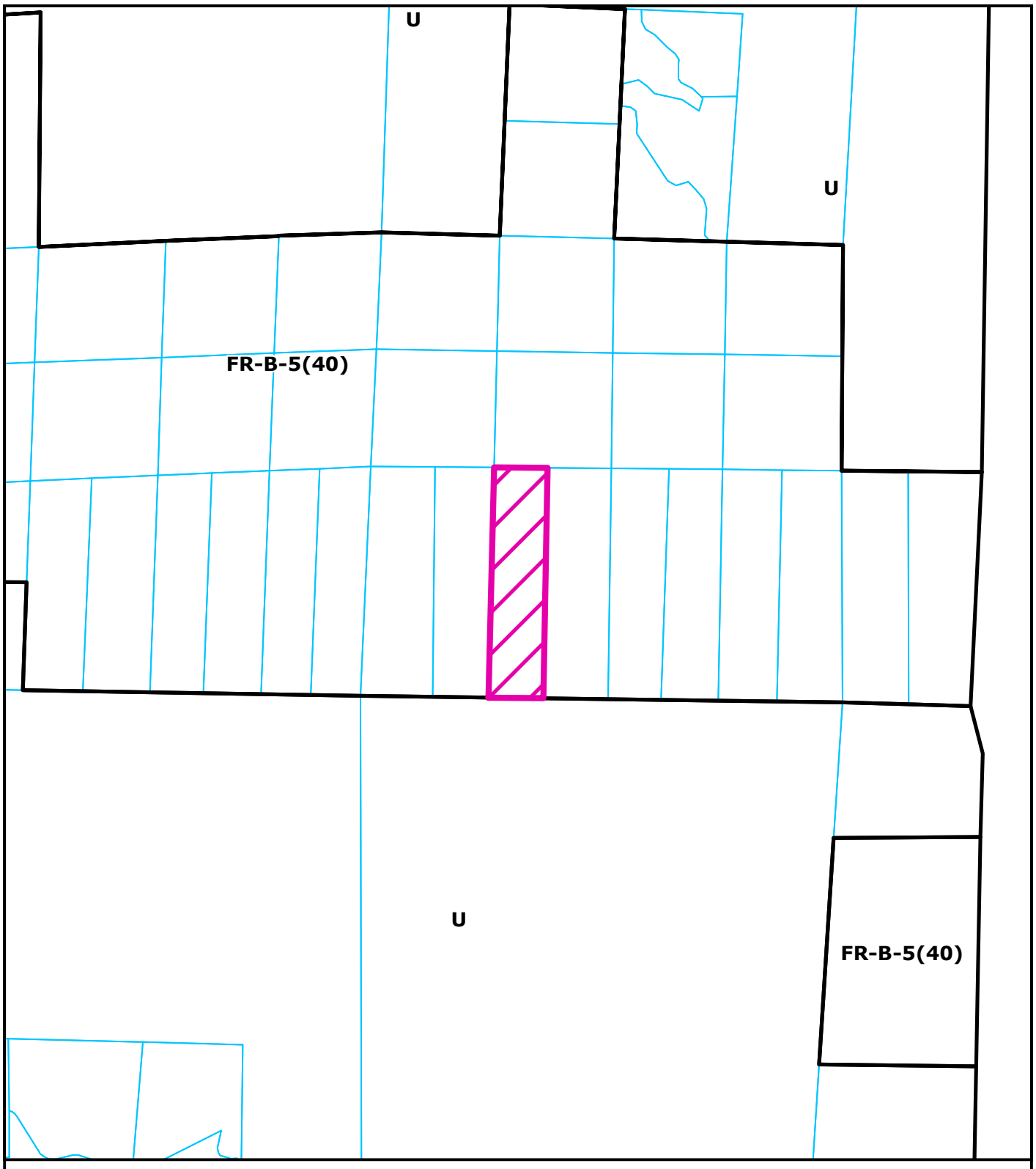
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Dank Ape Farm, LLC based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on October 7, 2021.

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

_____

John H. Ford, Zoning Administrator
Planning and Building Department



ZONING MAP
PROPOSED DANK APE FARM LLC
Mad River AREA
PLN--2018-15222
APN: 208-241-019-000
T02N R05E S36 HB&M (BLAKE MOUNTAIN)

Project Area =

N

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

0 1,000 2,000 4,000 Feet

DANK APE FARM, LLC

APN: 208-241-019

VICINITY MAP

1:10,000

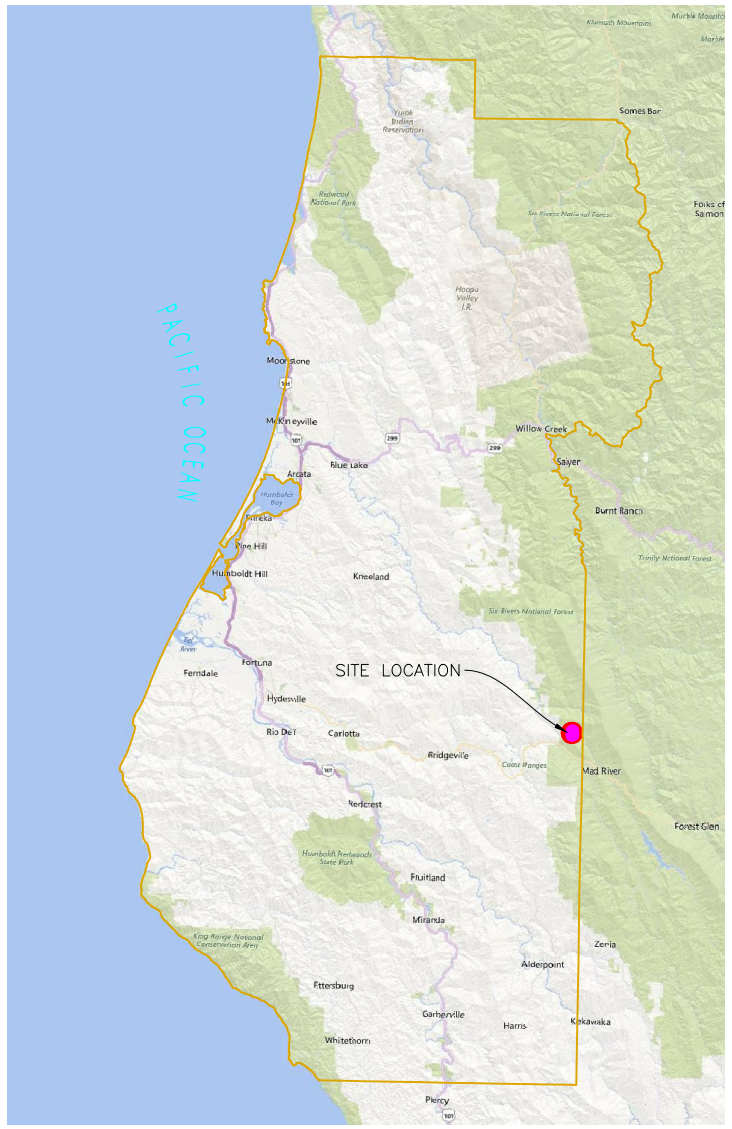


IMAGE SOURCE: BING 2020

AERIAL MAP

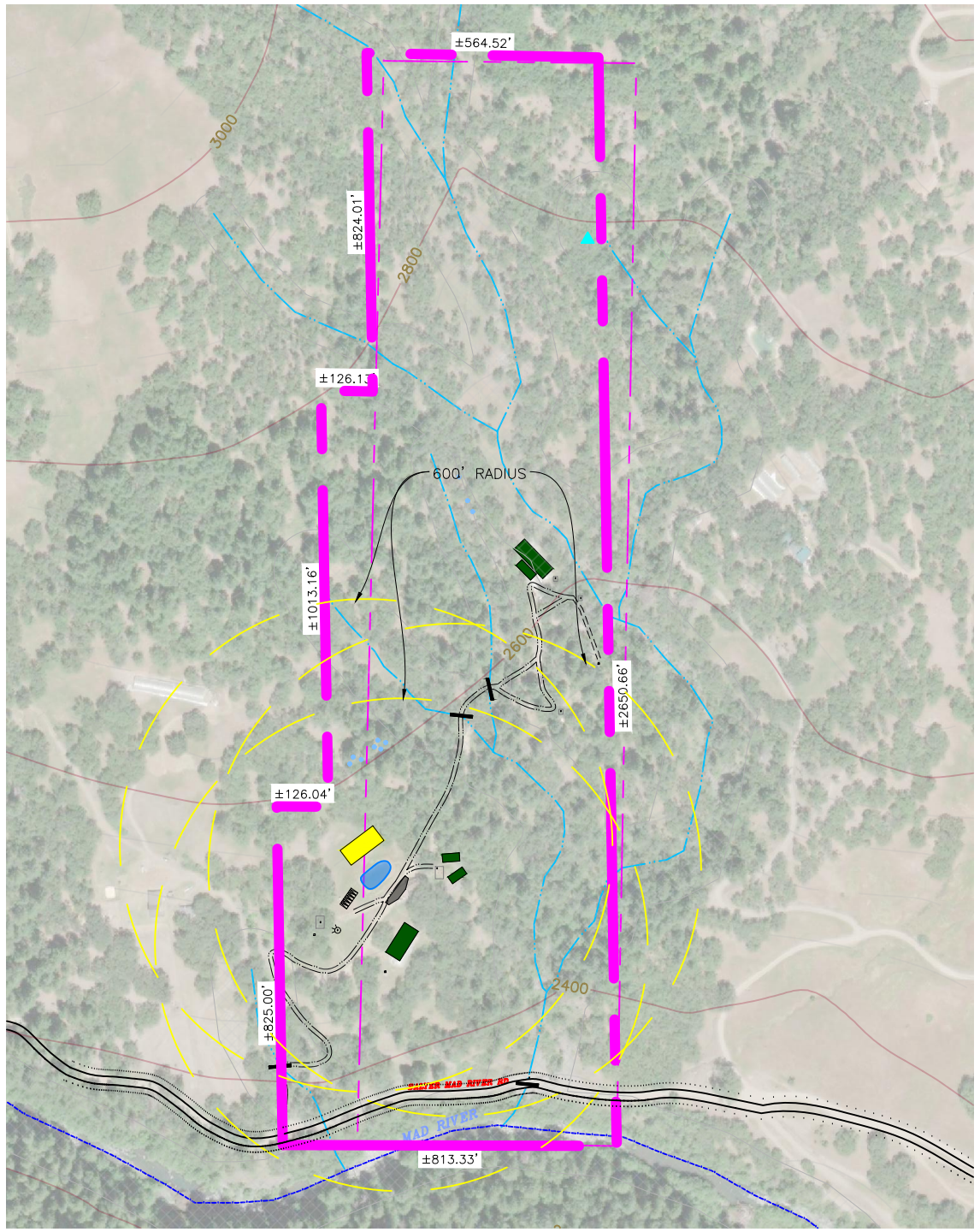


IMAGE SOURCE: BING 2020

200' 400' 800'

N

PROJECT DIRECTIONS

FROM: EUREKA, CA
-TAKE US-101 S (20.6 MI)
-TAKE EXIT 685 FOR CA-36 E AND TURN LEFT (48.2 MI)
-TURN LEFT ONTO US FIRST SERVICE RD 1 (0.2 MI)
-TURN LEFT ONTO COUNTY LINE CREEK RD (4.2 MI)
-CONTINUE ONTO SLYER MAD RIVER RD (1.0 MI)
-TURN RIGHT ONTO RIDGE RD (410 FT)

TRAVEL TIME

APPROXIMATELY: 1 H 52 MIN (74.8 MI)

SHEET INDEX

PROPERTY LINES, DISTANCES, AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.

PROJECT INFORMATION

LAT/LONG: 40.5059, -123.5634
APN: 208-241-019
APPLICANT: RICHARD SHELTON
PARCEL SIZE: ± 40 ACRES
ZONING: FR-B-5(40)
APPLICATION TYPE: COUNTY CULTIVATION

COASTAL ZONE: N
100 YEAR FLOOD: N

AGENT:

KAYLIE SAXON
GREEN ROAD CONSULTING INC
1650 CENTRAL AVE. SUITE C
MCKINLEYVILLE, CA 95519
707-630-5041

GREEN ROAD CONSULTING

PROJECT INFORMATION

PROPERTY OWNER: RICHARD SHELTON
ADDRESS: APN: 208-241-019
SHEET INFO: COVER PAGE

REVISIONS

NO.	NOTES	DATE
1	NOTES-INITIALS	00-00-00
2	NOTES-INITIALS	00-00-00
3	NOTES-INITIALS	00-00-00
4	NOTES-INITIALS	00-00-00
5	NOTES-INITIALS	00-00-00
6	NOTES-INITIALS	00-00-00

DATE 10/6/20
DRAFTER DV
SCALE AS SHOWN

SHEET
CP

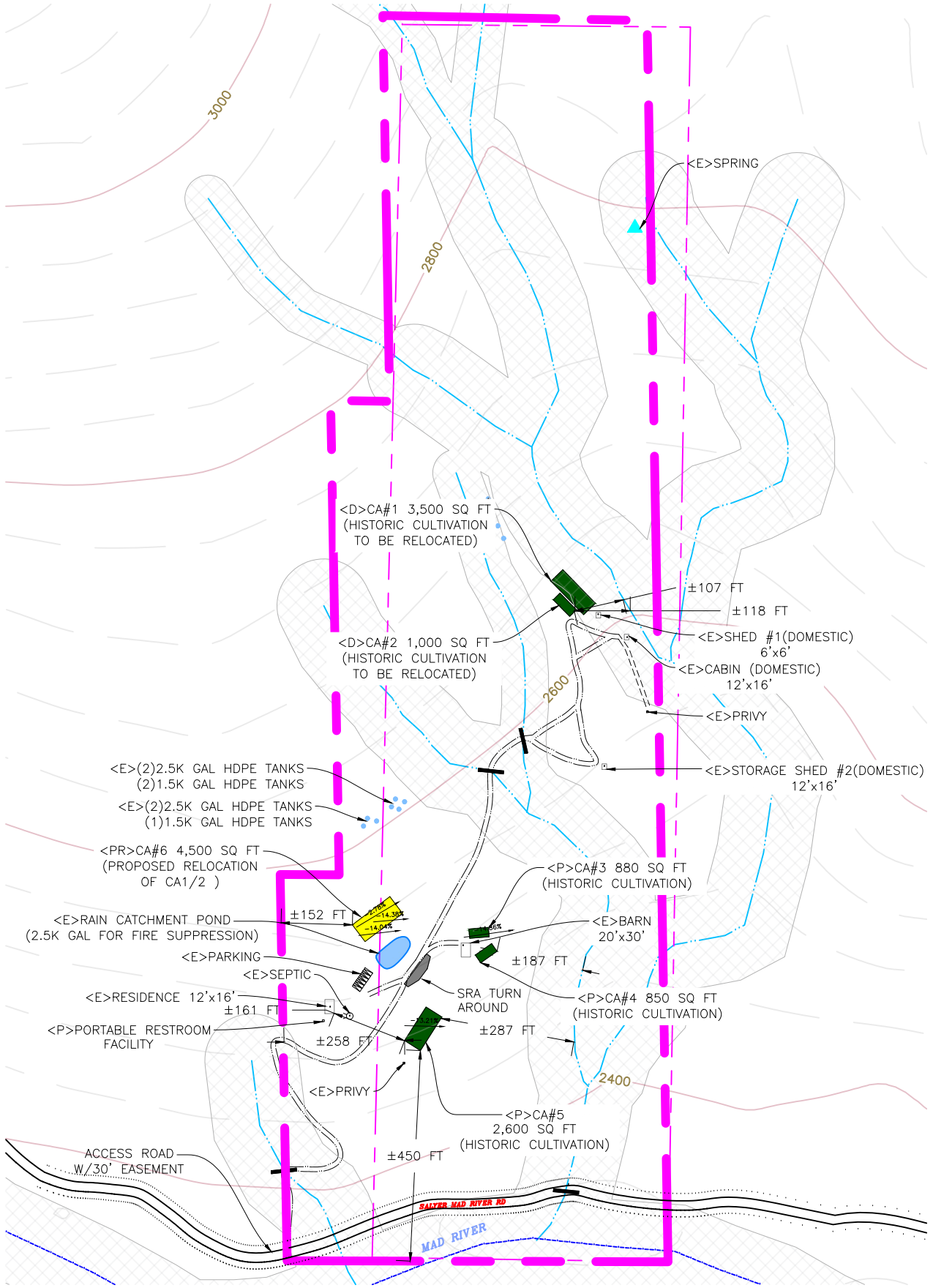
October 7, 2021

PLN-15222-SP Dank Ape Farm

10/6/2020 - X:_Projects\She.Hu.Mr.19.10\CAD\SHE.241-019-CUL.dwg - 10:05 AM - GRC

PARCEL OVERVIEW

APN: 208-241-019



CULTIVATION INFORMATION

HISTORIC OUTDOOR CULTIVATION AREA

CA	SQ FT
1	3,500
2	1,000
3	880
4	850
5	2,600
TOTAL OUTDOOR CULTIVATION AREA =	8,830 SQ FT

PROPOSED RECONFIGURATION OF OUTDOOR CULTIVATION AREA OF CA1 AND CA2 TO CA6

CA	SQ FT
6	4,500
OUTDOOR CULTIVATION AREA =	4,500 SQ FT

PLEASE NOTE

THE TOTAL CULTIVATION AREA FOR THIS PROJECT IS 8,830 SQUARE FEET OF OUTDOOR

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
BARN	CHEMICAL & HARVEST STORAGE	20'x30'	2011

DOMESTIC BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
CABIN	DWELLING	12'x16	2003
SHED #1	STORAGE	6'x6'	2003
SHED #2	STORAGE	12'x16	2003
RESIDENCE	DWELLING	12'x16	1993

WATER STORAGE AND USE

TYPE	DATE OF INSTALLATION	QUANTITY	GALLONS	TOTAL GALLONS
HDPE TANK	2015	9	2,500	22,500
HDPE TANK	2015	5	1,500	7,500
RAINWATER CATCHMENT POND	2014	1	202,500	202,500
		TOTAL AMOUNT OF WATER STORAGE=		232,500 GALLONS

WATER SOURCE

TYPE
RAIN CATCHMENT POND

POWER SOURCE (CULTIVATION)

SOLAR

SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.

THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

LEGEND

- MAD RIVER, CLASS I WATERCOURSE WITH REQUIRED 100 FT BUFFER
- UNNAMED CLASS II WATERCOURSE WITH REQUIRED 100 FT BUFFER
- UNNAMED CLASS III WATERCOURSE WITH REQUIRED 50 FT BUFFER
- MAIN ROAD
- SEASONAL ROAD
- SKID ROAD
- ADJUSTED PARCEL LINE
- ABANDONED PARCEL LINE
- CULVERT

***PLEASE NOTE**

THE DOES SITE DOES NOT CONTAIN ANY IDENTIFIABLE GRADED FLATS

THERE ARE NO EXISTING OR PROPOSED TIMBER CONVERSION AREAS

GREEN ROAD CONSULTING

PROJECT INFORMATION

PROPERTY OWNER: RICHARD SHELTON
ADDRESS: APN: 208-241-019
SHEET INFO: PARCEL OVERVIEW

REVISIONS

NO	NOTES	DATE
1	NOTES-INITIALS	00-00-00
2	NOTES-INITIALS	00-00-00
3	NOTES-INITIALS	00-00-00
4	NOTES-INITIALS	00-00-00
5	NOTES-INITIALS	00-00-00
6	NOTES-INITIALS	00-00-00

DATE 10/6/20
DRAFTER DV
SCALE AS SHOWN

SHEET C1

October 7, 2021

PLN-15222-SP Dank Ape Farm

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.

2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently $750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.

5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #16. 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. Within 60 days from the date of project approval, the applicant shall submit a revised Site Plan showing the following:

    a) The location of the SRA turnaround; and
    b) The location of a 2,500- gallon water tank dedicated to fire suppression

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

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 implement the road improvement recommendations as specified in the Road Evaluation Report competed by David Nicoletti November 22, 2020 for the segment of River Road and the private drive.

10. The applicant shall install water monitoring device on each source - well and surface diversion if/when utilized and storage tanks applicable - to monitor water used for cannabis irrigation sperate from domestic use.

11. No relocation of cultivation areas #1 and #2 shall be authorized until floristic and /or protocol level species-specific surveys by a qualified professional to capture the seasonal dynamics of the number and distribution of biological species fluctuations and interannual variability.

12. The applicant shall have the pond engineered for containment and compaction of soil to contain of water, per the Building Department recommendation.

13. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.

14. The applicant shall contact the local fire service provider [Ruth Lake Community Service District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. 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.

15. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

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

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

1. The combination of background, generator, or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance

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

2. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

4. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.

5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

8. The use of anticoagulant rodenticide is prohibited.

9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.

10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.

12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).

18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.

19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

21. Pay all applicable application, review for conformance with conditions and annual inspection fees.

22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.

23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

<u>Performance Standards for Cultivation and Processing Operations</u>

25. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

27. Cultivators engaged in processing shall comply with the following Processing Practices:
    a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
    b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
    c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
    d. Employees must wash hands sufficiently when handling cannabis or use gloves.

28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
    a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
        (1) Emergency action response planning as necessary;
        (2) Employee accident reporting and investigation policies;
        (3) Fire prevention;
        (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
        (5) Materials handling policies;
        (6) Job hazard analyses; and
        (7) Personal protective equipment policies, including respiratory protection.
    b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
        (1) Operation manager contacts;
        (2) Emergency responder contacts; and
        (3) Poison control contacts.
    c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
    d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

29. All cultivators shall comply with the approved processing plan as to the following:
    a. Processing practices
    b. Location where processing will occur
    c. Number of employees, if any
    d. Employee Safety Practices
    e. Toilet and handwashing facilities
    f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
    g. Drinking water for employees

h. Plan to minimize impact from increased road use resulting from processing
i. On-site housing, if any

30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
    a. Identifying information for the new owner(s) and management as required in an initial permit application;
    b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
    c. The specific date on which the transfer is to occur;
    d. Acknowledgement of full responsibility for complying with the existing permit; and
    e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance

or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

APN 208-241-019; 15222 Mad River Road, Mad River
County of Humboldt

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

September 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 Special Permit (PLN-2018-15222) for an existing 8,830 square foot (SF) full-sun outdoor commercial cannabis cultivation. 900 square feet of ancillary nursery space is also proposed. Water is sourced from a rainwater catchment pond with an approximate capacity of 202,500 gallons. There are nine (9) 2,500-gallon and five (5) 1,500- gallon HDPE hard water tanks on site, totaling to 30,000-gallons of water storage. Estimated annual water usage is 58,000 gallons (6.6 gal/SF/year). The total water storage is 232,500 gallons. Drying and bucking occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. Two (2) cultivation cycles are anticipated annually. One (1) employee is anticipated. Power is provided exclusively by solar power.

A Cultural Resources Investigation was prepared in April 2021 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

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 supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise. These standards are included as conditions of project approval.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 8,830 square feet of cultivation and 900 feet of ancillary nursery area with supplementary 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 prepared by the applicant July 12, 2019.
- Cultivation and Operations Plan prepared by Green Road Consulting dated 12/07/2020.
- Site Management Plan (SMP) prepared by Green Road Consulting dated April 2020 for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Road Evaluation Report by adjacent applicant, Seth Adams (PLN-11514-CUP) for County Line Creek Road that runs through Trinity County November 2019.
- Road Evaluation Report prepared by David Nicoletti November 22, 2019 for River Road.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- Preliminary Biological Assessment for Dank Ape Farm, LLC, Humboldt County Application #15222 prepared by Timberland Resource Consultants, received 10/24/19.
- Archaeological Study for County Application #15222 prepared Archaeological Research and Supply Company April 2021.
- Report of Interim Erosion Control prepared by Peggy Olofson November 2, 2018.
- Notification of Lake or Streambed Alteration submitted July 12, 2019.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)

2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)

3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Applicant received July 12, 2019 – **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 Green Road Consulting received December 7, 2020 and Addendum submitted 05.08.2020 -**Attached**)

5. Report of Interim Erosion Control prepared by Peggy Olofson November 2, 2018. (**Attached**)

6. Description of water source, storage, irrigation plan, and projected water usage. (Included in the Cultivation Operations Plan- item 4. above).

7. Road Evaluation Report by adjacent applicant, Seth Adams (PLN-11514-CUP) for County Line Creek Road that runs through Trinity County November 2019. Road Evaluation Report prepared by David Nicoletti November 22, 2019 for River Road. (both **Attached**)

8. Preliminary Biological Assessment for Dank Ape Farm, LLC, Humboldt County Application #15222 prepared by Timberland Resource Consultants, received 10/24/19. (On file and Confidential)

9. Archaeological Study for County Application #15222 prepared by Archaeological Research and Supply Company April 2021. (On file and Confidential)

10. Notification of Lake or Streambed Alteration submitted July 12, 2019. (**Attached**)

11. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)

12. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 15 below)

13. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the

Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2017-0365-R1 unexecuted July 12, 2019 – **Attached**)

14. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

15. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Site Management Plan (SMP) prepared by Green Road Consulting dated April 2020). (**Attached**)

16. North Coast Regional Water Quality Control Board Annual Report for Monitoring and Reporting Program under Order No. R1-2015-0023, WDID 1B16511CHUM, June 23, 2019. (**Attached**)

17. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (No Timber Conversion Imagery– **Attached**)

18. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)

19. 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)

20. 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)

21. 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)

22. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

RE: Dank Ape Farms – Humboldt County APPS 15222 – APN: 208-241-019

May 8th, 2020

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for Dank Ape Farms, APPS #15222, APN: 208-241-019.

Cultivation Area
**The Applicant is applying for 8,830 square feet of pre-existing outdoor cultivation.*

CA1
CA1 was a 3,500 square foot greenhouse structure, located in the middle of the parcel. CA1 was in existence prior to January 1st, 2016. It was historically located within the SMA and will have to relocated.

CA2
CA2 was a 1,000 square foot greenhouse structure, located in the middle of the parcel. CA2 was in existence prior to January 1st, 2016. It was historically located within the SMA and will have to relocated.

CA3
CA3 consisted of 880 square feet of outdoor cultivation, it will remain in the southern section of the parcel. CA3 was in existence prior to January 1st, 2016.

CA4
CA4 consisted of 850 square feet of outdoor cultivation, it will remain in the southern section of the parcel. CA4 was in existence prior to January 1st, 2016.

CA5
CA5 consisted of 880 square feet of outdoor cultivation, it will remain in the southern section of the parcel. CA5 was in existence prior to January 1st, 2016.

CA6

CA6 is the relocation and consolidation of CA1 and CA2. The area they will be relocated to is environmentally preferred as it is out of the streamside management area. To remediate the former areas of CA1 and CA2. It is recommended that the applicant revegetate the areas and straw and seed for stabilization.

Number of Employees

The Applicant anticipates using 2-3 employees as part of their operations.

Invasive Species Control Plan

The Following insert was taking from the Applicants Biological Assessment completes by TransTerra Consulting.

Power Source

The site is not grid tied and uses a generator as its main source of power. While in use, the generators will need to be stored with drip containment outside of riparian setbacks. Fueling of the generators, as well as any other equipment or vehicles, will also take place outside of the riparian setbacks. All equipment containing petroleum derivatives will be inspected regularly for leaks. When the generators are not in use they will be stored in a covered building.

Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

Dank Ape Farm, LLC.

PO Box 348058

APN: 208-241-019

Agent

Kaylie Saxon

Green Road Consulting

1650 Central Avenue, Suite C

McKinleyville, CA 95519

Table of Contents

I. Site Plan Overview

1.0 Project Information

Dank Ape Farm ("Applicant") is submitting this application for a Special Permit for 8,830-square feet of existing Open-Air commercial cannabis cultivation on a 40-acre parcel, located near Mad River, CA ("Parcel"), Assessor's Parcel Number 208-241-019.

Th Processing will be conducted by a licensed third-party processor. The Applicant anticipates 1 seasonal employee for daily operations.

The Applicant sources water from a rain catchment pond on the parcel. The rain catchment pond has a water storage capacity of 202,500-gallons. There are nine (9) 2,500-gallon and five (5) 1,500-gallon HDPE hard water tanks on site, totaling to 30,000-gallons of water storage.

There are four (4) domestic buildings onsite that will not have a nexus to cannabis cultivation. The Barn is a 600 square foot building that was constructed in 2011. It will be used for chemical storage, and harvested cannabis storage.

All cultivation related activities are powered exclusively by solar panels. Backup Generators on site are exclusively used for domestic use. Trash is stored in an enclosed container. Cannabis material and general waste will be hauled off to the Recology Fortuna Transfer Station on a weekly basis or as needed.

This application is submitted through their agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Special Permit would achieve the following results for the Applicant:

a. Permit 8,830 square feet of open-air commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Mad River, CA. The Parcel is comprised of 40-acres and is identified by Assessor's Parcel Number ("APN") 208-241-019. The street address for the Parcel is 740 River Road, Mad River 95552.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is FR with a Current General Plan Framework of RA. The CMMLUO permits existing commercial cannabis cultivation on land zoned as FR with open air cultivation sites under 10,000 square feet with a Special Permit.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following information is taken from Exhibit "A" of the Grant Deed, a copy of which is included in Evidence of Ownership and Authorization section of this application.

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 208-241-019

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE

Parcel 150 of Timberline Ranch Estates, as shown on the Amended Record of Survey filed May 18, 1961 in Book 26 of Surveys, pages 135 through 143, inclusive, in the office of the Humboldt County Recorder.

PARCEL TWO

A non-exclusive right of way for ingress, egress and public utilities 60 feet in width over the roads within the numbered parcels, as shown on the map referred to in Parcel One above, with the exception of the road over Parcels 27 and 36 and the Northwest corner of Parcel 38.

PARCEL THREE

A non-exclusive right of way for ingress, egress and public utilities 25 feet in width over the Southerly 300 feet of the Westerly 300 feet Parcel 151 of Timberline Ranch Estates referred to in Parcel One above.

PARCEL FOUR

A non-exclusive easement for ingress and egress for pedestrian and equestrian traffic as further described in, and subject to the terms of, that certain Easement Deed executed by Barbara Suzanne Villard in favor of Jeffrey and Giselle Hendrich, recorded March 26, 2007 as Instrument No. 2007-9758-2, Humboldt County Official Records.

4.0 Natural Waterways

There are a total of five (5) crossings which fall within the parcel boundaries, with three (3) stream crossings that are the responsibility of the property owner. Stream crossing 1 & 2 are underneath Salyer Mad River Road which is a Humboldt County maintained road. Stream crossing three is on an easement road which has a 24-inch cement culvert which is set to stream grade and aligned. The section of road associated with the crossing has drainage issues which have led to concentrated water which is head cutting above the outlet. The road leading to the

crossing shall have rolling dips installed at the locations shown on the Project Features Map. The applicant is not responsible for these crossings therefore they are disclosed but are not included as project features. A lake and streambed alteration agreement (LSAA) has been submitted and accepted from CDFW regarding the replacement of stream crossing 4 & 5. The final agreement with CDFW states that the crossings shall be replaced with 18-inch corrugated metal pipes with rock armoring at the inlet and outlet. The final agreement was reached in 2018 therefore the culverts shall be replaced by October 2021 at the latest. Culverts shall be monitored and cleared out seasonally as a winterization method to prevent failure.

5.0 Location and Area of Existing Cultivation

There are two locations of Existing Cultivation totaling 8,830 square feet. CA #1 & CA #2 are in the northern section the parcel while CA #3-#6 are located in the southern section. CA #1 & #2 will be relocated outside of the Riparian buffer and merged into the proposed CA #6. The locations of cultivation areas can be viewed on the site map.

Remediation Measures

**Map points called out are referencing maps provided in the Site Management Plan.*

The site has six (4) sites where cultivation previously took place that are grouped into two (3) cultivation Areas (**CA**). The total garden area across these sites totals to 8,830-ft^2.Cultivation area 1 had approximately 4,500-ft^2 of disturbed area that was located within riparian setback of a Class II watercourse. The current applicant has not cultivated in the buffer and plans to remove all cultivation related materials and restore the riparian zone. The applicant would like to relocate the square footage to the area associated with CA2 to get out of the riparian zone. Proper adherence to the erosion and sediment control measures specified in the "Disturbed Area Stabilization Plan" accompanying this report will be necessary to ensure that this area is sufficiently stabilized.

Furthermore, there is no clear evidence of timberland conversion on the former cultivation sites. Therefore replanting of native trees species should not be necessary.

6.0 Setbacks of Cultivation Area

The proposed Cultivation Area will be set back from all parcel lines by at least 30 feet. The portion of the cultivation area that is closest to the nearest watercourse is 187-feet away.

7.0 Access Roads

The site has 0-miles of permanent roads, 0.49-miles of seasonal access roads, and 0.08-miles of skid roads. The roads are only used during cultivation season, May through October. The roads are used minimally by workers navigating the site and bringing in supplies. Workers are on the site daily and most supplies are brought in the beginning of the season. The roads are in a good condition with the except for two sections which require additional work to minimize erosion and hydrological connection to surface waters.

8.0 Graded Flats

There are no graded flats on the Parcel that have been identified to require permitting.

9.0 Existing and Proposed Buildings

Domestic Buildings (No Domestic Building will have a nexus to cannabis activity)

Residence

The Residence is a 192-square foot place of living that was constructed in 1993.

Cabin

The Cabin is a 192-square foot place of living that was constructed in 2003.

Shed #1

The Shed is a 12'x16' structure that is used for storage and constructed in 2003.

Shed #1

The Shed is a 6'x6' structure that is used for storage and constructed in 2003.

Cultivation Related Buildings

Barn

The Multi-Use Building is a 20'x30' structure that was constructed in 2011. It is used for cultivation related chemical storage and drying harvested cannabis.

10.0 Water Source, Storage, Irrigation Plan and Projected Water Use

10.1 Water Source

The Applicant sources water from a rain catchment pond located near Cultivation Area #6. The capacity of the Rain Catchment Pond is 202,500 gallons.

10.2 Water Storage

The Applicant has 232,500-gallons of water storage as outlined below.

- Nine (9) 2,500-gallon HDPE tank
- Five (5) 1,500-gallon HDPE tank
- One (1) 202,500-gallon Rain Catchment Pond

10.3 Irrigation Plan

The Applicant irrigates using a timed, metered drip irrigation system, preventing over watering or run-off.

10.4 Projected Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's

cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

The Applicant estimates their annual water use to be approximately 58,500-gallons.

10.5 On-Site Water Conservation Measures

All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. Woodchips or rice straw will be used as mulch in cultivation areas that do not have vegetative ground cover to reduce evaporation and conserve water. The cultivator will use meters to record water usage and will these maintain records on site for a minimum of 5 years.

10.6 Water Use Record Keeping Practices

Per Sections 55.4.12.7.5 through 55.4.12.7.7, the applicant will adhere to the following metering and record keeping practices.

- A metering device shall be installed and maintained on all discrete points of diversion or other locations of water withdrawal (including wells). The meter shall be located at or near the point of diversion or withdrawal.
- A metering device shall be installed and maintained at or near the outlet of all water storage facilities utilized for Irrigation.
- Operators shall maintain a weekly record of water collected from Diversionary sources, as well as a record of all water used in Irrigation of permitted Cultivation Areas. A copy of these records shall be stored and maintained at the cultivation site and kept separately of differentiated from any record of water use for domestic, fire protection, or separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be reported to the County on an annual basis, at least thirty (30) days prior to the date of each annual permit inspection. Records shall also be made available for review during site inspections by local and state officials.

11.0 Site Drainage, Runoff, Erosion Control Measures and Watershed Protection

The following is taken from the Applicant's Site Management Plan created in compliance with the State Water Resources Control Board General Order. Any map points referenced are from the Site Management Plan.

Site Drainage, Runoff, Erosion Control Measures

Erosion Prevention and Sediment Capture

The disturbed areas consist of the cultivation areas, unstable road segments, and a processing area as shown on the Disturbed Area Map. Map points correspond to the Remediation Summary Table found in section 10 of this report. Proper adherence to the Disturbed Area Stabilization plan accompanying this report is required to prevent erosion and to properly

stabilize the disturbed areas.

Water Use

The applicant has not cultivated on the parcel since purchasing it therefore the amount of water needed can only be assumed based off the proposed square footage. Water for cannabis irrigation is proposed to be sourced from the sites rainwater catchment pond. The rainwater pond is approximately 75x45-foot and approximately 9-foot average depth giving the approximate holding capacity of 202,500-gallons. Given that the site requires approximately 130,000-gallons of water for the proposed 13,000-ft^2 the rainwater pond will supply enough water for the cultivation season. Water for domestic use is currently brought on site when the applicant is on site. The applicant shall continue to bring water on site the applicant may apply for a domestic water right if needed. All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. The cultivator will record daily irrigation water usage and maintain records on site for a minimum of 5 years. The estimated annual water use is summarized below in table 3.

Table 1. Projected annual water uses on the parcel.

Source	Use	Start Date	End Date	To Storage (gallons)	To Use (gallons)
Rainwater Pond	Cannabis	Jan. 1	Dec. 31	202,500	130,000

The site has a total of 30,000-gallons of water storage available which is summarized in Table 4. Water meters will be installed to monitor use. To conserve water, a straw or mulch ground cover should be applied to reduce water evaporation. Water should be applied by drip irrigation to conserve water. Water should be applied early in the morning to prevent evaporation and water loss. Water conservation methods such as watering method and timing will be employed to ensure water is applied at agronomic rates.

Table 2. Summary of water storage on the parcel.

Water Storage Type	Size (gallons)	Quantity	Total (gallons)
Hard Tank	1,500	5	7,500
Hard Tank	2,500	9	22,500
	Total		**30,000**

Fertilizers, Pesticides and Herbicides

Application, Storage and Disposal

The applicant plans to store all fertilizers, pesticides and herbicides in the garage near CA3. All fertilizers and pesticides will be mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Fertilizers and pesticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers and pesticides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in separate secondary containment. During the off season all chemicals will be stored in a covered building. Agricultural chemicals will not be applied within 48-hr of a predicted rain event with a 50% or greater chance of 0.25-

inches. Disposal of unused products will be consistent with labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored in the garage/shop. No restricted materials or pesticides will be used or stored on site. No greater than 319 pounds of nitrogen per acre per year shall be applied. The applicant has not begun cultivating and has not chosen a regiment.

Spill Prevention and Clean Up

A spill cleanup kit will be located near or made available wherever chemicals, fuels, or amendments are stored or used. In case of a major spill of fertilizers, or any petroleum products, the cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.

Petroleum

Use, Storage, and Disposal

The site is not grid tied and uses a solar as its main source of power with generators used for domestic purposes. While in use, the generators will need to be stored with drip containment outside of riparian setbacks. Fueling of the generators, as well as any other equipment or vehicles, will also take place outside of the riparian setbacks. All equipment containing petroleum derivatives will be inspected regularly for leaks. When the generators are not in use they will be stored in a covered building. A summary of annual petroleum is listed below in Table 6.

Table 6. Estimate of annual petroleum usage.

Product	Chemical Type	Annual Use (lbs. or gallons)
Gasoline	Petroleum	45 gallons
Motor Oil	Petroleum	2 gallons

Cultivation Waste, Trash/Refuse and Domestic Wastewater

Trash/Refuse Overview

All trash is locked up in containers on site and is removed on a weekly basis to an authorized landfill. No trash or debris will be allowed to enter a watercourse or riparian setback area. Compostable cultivation waste will be stored in a location and manner where it cannot be transported to surface waters. Spent growth medium (e.g. soil) shall either be reused, disposed of at an appropriate waste site, or be spread outside of riparian setbacks and planted with native vegetation.

Domestic Wastewater BPTC Measures

The residence on the site has a permitted septic system. Portable toilets will be brought onto the site for the seasonal workers if needed. Portable toilets will be serviced regularly and located outside of riparian setbacks and away from unstable areas.

Winterization Measures

It is required that winterization measures be completed annually before the onset of the winter rainy season. The SWRCB has defined the winter season as beginning November 1st and concluding April 1st. Winterization measures apply to cultivation areas, any additional disturbed areas including roads, and stream crossings. These measures aim to prepare the site for an extended period of heavy precipitation during which frequent access, monitoring, and maintenance can be challenging or infeasible. The end goal is to reduce the erosion of unstable areas and prevent the delivery of eroded sediment to sensitive waterways. One of the primary techniques of winterization consists of stabilizing all bare soils with straw and seed. Fiber rolls shall additionally be installed at grade breaks and along slopes of disturbed areas to break up flow paths, thereby reducing the speed and erosive energy of runoff. No heavy machinery shall be used during the winter season to avoid the degradation of saturated roadways and unstable surfaces. Soil stock piles shall be guarded before the onset of winter with a cover and/or perimeter controls such as fiber rolls. Culverts shall be inspected and maintained to ensure integrity during winter. This includes clearing inlets and outlets of sediment and/or debris and ensuring that sufficient energy dissipation exists at outlets to reduce bank erosion. Seasonal access roads shall be locked to ensure that roads are not in use during the wet season by trespassers. Aside from the erosion control components to winterization, a general and thorough site cleanup will be performed to remove all refuse from the site. Additionally, all fertilizers and petroleum products to be left on site will be stored in secondary containment and locked in the shipping container to avoid spillage and discharge to surface or groundwater. Winterization measures for Medium or High-Risk Sites are covered in more detail in the Site Erosion and Sediment Control Plan to be submitted for that site.

14.0 Energy Use

All cultivation related activities are powered exclusively by solar panels.

15.0 Distances from Significant Landmarks

There are no schools, school bus stops, places of worship, or state parks within 600 feet of the cultivation site. There are also no Tribal Lands, areas of Traditional Tribal Cultural Affiliation within 1,000 feet of the cultivation site.

Cultivation and Operations Plan

1.0 Materials Storage

All fertilizers and amendments are located in the Barn on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. All labels are kept and

directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

All cultivation related activities are powered exclusively by solar panels. Backup Generators on site are exclusively used for domestic use.

Trash and recycling is stored within an enclosed trailer next to the residence. Trash is removed weekly to the disposal center in Fortuna and recycling is removed bi-monthly.

Cannabis waste material will be composted onsite. The Applicant brings soil to the parcel to place in pots and beds. The Applicant reamends their soil prior to each cultivation cycle. Should the soil no longer be viable for cultivation, it will be removed and disposed of at Wes Green in Arcata, CA.

1.1 On-Site Waste Treatment System Information

The Applicant has an unpermitted septic system on-site. They system currently only is used for domestic purposes, should employees be on site, the Applicant will first have portable toilets and handwashing stations delivered for use.

2.0 Cultivation Activities

Cultivation activities may vary based on strain, climate and the Applicants' personal schedule. Please see the Cultivation Chart included as Attachment "B," for more detailed information.

Cultivation Standards

- Maintain compliance with all applicable state laws and County ordinances
- Maintain valid licenses issued by the appropriate state licensing authority or authorities for the type of activity being conducted, as soon as such licenses become available.
- Where subject to state licensures, participate in local and state programs for "Track and Trace" once available.
- Maintain a current, valid business license at all times.
- Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
- Pay all applicable application and annual inspection fees.

Comply with any special conditions applicable to the permit or Premises which may be imposed.

Employees Safety Practices

All those working on the property will be instructed in safe and proper techniques for performing any duties pretraining to cultivation. This includes the utilization of personal protective equipment and proper use of tools and necessary instruments required for the performance of one's duties. Personal protective equipment shall be provided for all employees and/or independent contractors via the proponent as well as having ample personal protective equipment in stock and onsite. Clean and safe drinking water will be in the form of filtered

spring water. For the safety of the public and employees working while intoxicated will not be tolerated. All Employee and/or independent contractors shall be made aware of the following.

I. Location of fire extinguishers and the "P.A.S.S" technique.
II. List of operations manager contacts;
III. List of emergency control contacts;
IV. List of poison control contacts;
V. Location of first aid kit;
VI. Location of Restroom and hand washing stations;
VII. Location of clean drinking water and;
VIII. Location of Personal protective equipment.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed.

3.0 Processing Practices

All processing will occur off-site by a licensed, third party processing facility.

4.0 Security Measures

The access to the parcel is gated and locked.

5.0 Energy Use

The Applicant utilizes solar panels to power cultivation related activities.

6.0 Noise Mitigation Plan

The Applicant anticipates minimal noise from daily operations. Noise sources include vehicle use and daily worker activity. No generators will be used on site for cultivation related activities.

ggy Olofson

From: Peggy Olofson
Sent: Thursday, November 15, 2018 3:51 PM
To: Ryan Bourque (ryan.bourque@wildlife.ca.gov)
Subject: Report of Interim Erosion Control for J. Hendrich, APN 208-241-019
Attachments: Interim Measures Report_Fin(20181102).pdf

Dear Ryan,

I am pleased to provide the attached Report of Interim Erosion Control on behalf of Mr. Jeffrey Hendrich of Mad River (APN# 208-241-019), pursuant to the Department's Notice of Violation NOV dated September 19, 2018 and subsequent guidance provided via email dated October 2, 2018.

Interim measures are comprised of four primary actions, including installation of a water diversion bar on a steep road, discontinuance of use of said road for the winter, and installation of erosion control materials (rock, fabric, wattles, and straw) to stabilize the inlets and outlets of the two culverts noted in the NOV.

Thank you for your review of this submission. Please let me know if you have any questions or would like additional actions taken.

Sincerely,

Peggy Olofson

EMERALD HILLS ENVIRONMENTAL

Peggy Olofson, P.E.
Senior Engineer | Co-founder
(707) 633-0420
920 Samoa Blvd #214, Arcata, CA 95521
emeraldhillsenvironmental.com

Cc: Jeffrey Hendrich, P.O. Box 67, Mad River, CA 95552

Mr. Mark Harris, Esq. 1160 G St B, Arcata, CA 95521

EMERALD HILLS
ENVIRONMENTAL

November 2, 2018

Ryan Bourque
Senior Environmental Scientist Specialist
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501

Subject: Report of Interim Erosion Control for Mr. Jeffrey Hendrich, Mad River, California (APN 208-241-019)

Dear Mr. Bourque,

I am pleased to provide this Report of Interim Erosion Control on behalf of Mr. Jeffrey Hendrich, pursuant to the Department's Notice of Violation NOV dated September 19, 2018 and subsequent guidance provided via email dated October 2, 2018. The NOV identified two unpermitted stream crossings and an associated threat of water pollution deleterious to fish at both locations. The guidance requested installation of interim erosion control measures by October 16, 2018, and submittal of a remediation plan and LSAN by December 3, 2018, describing how the issues will be resolved long-term.

I visited the property on October 20, 2018 and inspected the points of concern specified in the NOV (two undersized and misaligned culverts on the main property roadway) and surrounding area. I noted what appeared to be a Class III waterway uphill of the eastern culvert, although there was no natural channel or drainage noted downhill of the road. The drainage was altered by an excavated ditch extending approximately 54 feet upstream of the culvert. I noted no natural channel feature uphill or downhill at the western culvert – rather than draining channel flow, it appeared that the culvert had been placed in an effort to drain a boggy wetland area that was causing the road to become impassably muddy in the winter. Signs of other efforts to reduce the swampy condition of the road included an excavated ditch uphill from and parallel to the road, which would intercept subsurface seeps headed for the road and redirect them to the culvert, and an excavated trench leading from the culvert outlet which may have accelerated flow through the culvert and away from the road. I discussed with Mr. Hendrich the roadway conditions and potential interim and long-term solutions in context with protection of wildlife and water resources.

During my inspection, I identified four primary actions to provide interim erosion control over the winter, pending a long-term solution of the larger problem be implemented next season. The locations of the actions are shown in **Figure 1** and the Property Overview Map (attached). The work was completed by Mr. Hendrich between October 21, 2018 and October 30, 2018 using

920 Samoa Blvd • Suite 203 • Arcata • CA 95521 • 707.633.0420

State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023 (REV. 05/28/19) Page 1

RECEIVED
JUL 12 2019
Humboldt County
Planning Division

FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
	$	$		
Assigned to:				

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the instructions and submit ALL required enclosures, attachments, and fee(s) to the CDFW regional office that serves the area where the project will occur. Attach additional pages to notification, if necessary.

1. APPLICANT PROPOSING PROJECT

Name	Richard Pearson West Shelton
Business/Agency	
Mailing Address	P.O. Box 3218058
City, State, Zip	Sacramento CA 95834
Phone Number	(510) 876-1200
Email	Pearsonshelton@gmail.com

2. CONTACT PERSON (*Complete only if different from applicant.*)

Name	Elsa Romo-Flores
Business/Agency	
Mailing Address	
City, State, Zip	Sacramento CA, 95815
Phone Number	(916) 289-6156
Email	ms.elsaromo@yahoo.com

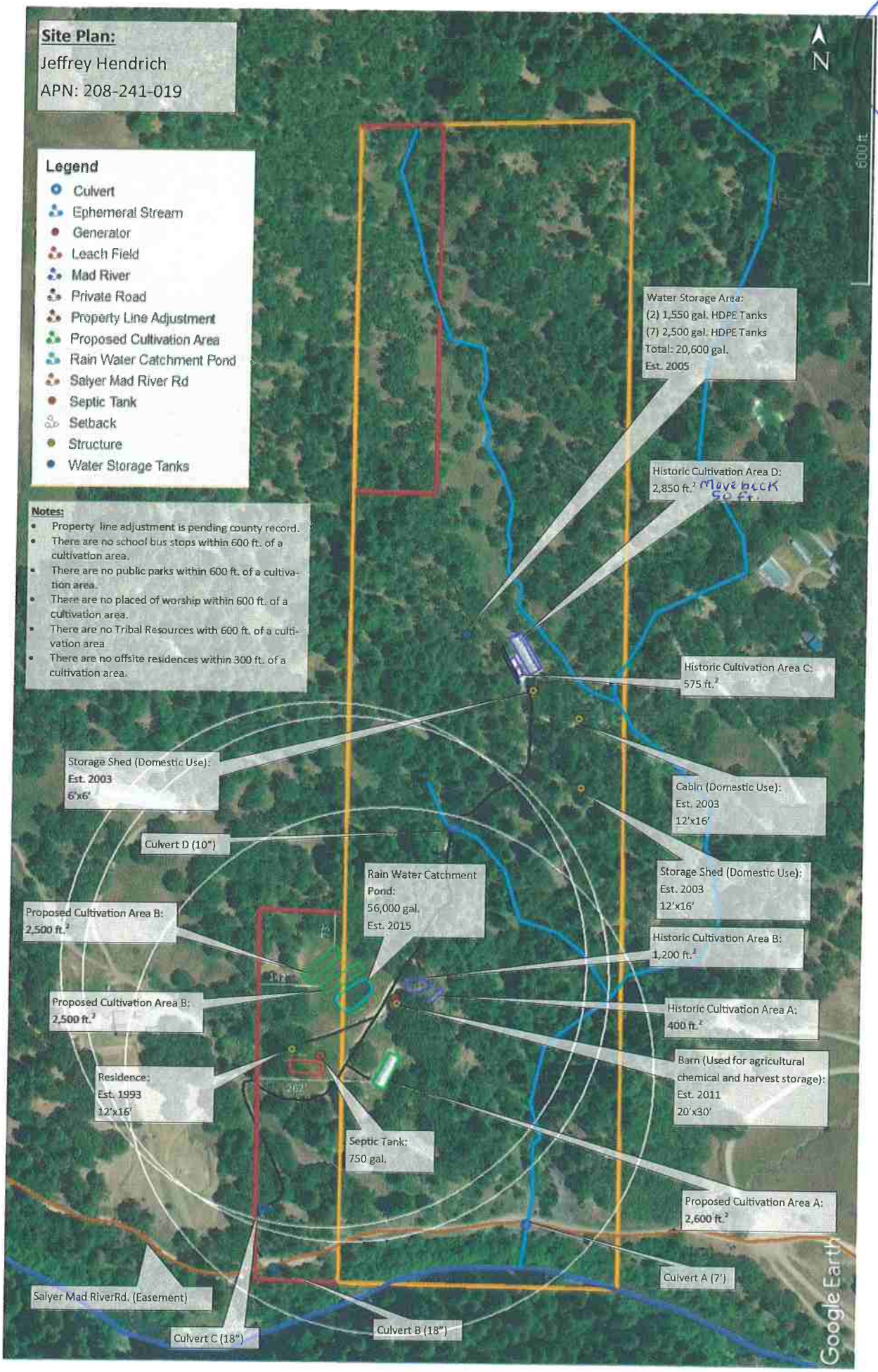
While an applicant is legally responsible for complying with Fish and Game Code section 1602 et seq., an applicant may designate and authorize an agent (e.g., lawyer, consultant, or other individual) to act as a Designated Representative. The Designated Representative is authorized to sign the notification and any agreement on behalf of the Applicant.

Do you authorize the Contact Person above to represent you as your Authorized Designated Representative?

☒ Yes, I authorize. ☐ No, I do not authorize.

3. PROPERTY OWNER (*Complete only if different from applicant*)

Name	
Mailing Address	
City, State, Zip	
Phone Number	
Email	



RECEIVED
JUL 12 2019
Humboldt County
Planning Division

Notification of Lake and Streambed Alteration

APN: 208-241-019

December 4, 2018

EMERALD HILLS
ENVIRONMENTAL

Prepared For:
Jeffrey Hendrich
482 Rock Pit Road
McKinleyville, CA 95519

Prepared By:
Peggy Olofson, PE# 56815
Emerald Hills Environmental
920 Samoa Blvd. #203, Arcata CA, 95521
polofson@emeraldhillsenvironmental.com
707-633-0042

State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023 (REV. 05/01/18) Page 1

FOR DEPARTMENT USE ONLY				
Date Received	*Amount Received*	*Amount Due*	*Date Complete*	*Notification No.*
	$	$		
Assigned to:				

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the enclosed instructions and submit ALL required enclosures. Attach additional pages, if necessary.

1. APPLICANT PROPOSING PROJECT

Name	Jeffrey Hendrich		
Business/Agency			
Mailing Address	482 Rock Pit Road		
City, State, Zip	McKinleyville, CA 95519		
Telephone	707-502-9912	Fax	
Email	jhhendrich@hotmail.com		

2. CONTACT PERSON (*Complete only if different from applicant*)

Name	Peggy Olofson		
Street Address	Emerald Hills Environmental, 920 Samoa Blvd., Suite 203		
City, State, Zip	Arcata, CA 95521		
Telephone	707-633-0042	Fax	
Email	polofson@emeraldhillsenvironmental.com		

3. PROPERTY OWNER (*Complete only if different from applicant*)

Name			
Street Address			
City, State, Zip			
Telephone		Fax	
Email			

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name				
B. Agreement Term Requested		☑ Regular (*5 years or less*) ☐ Long-term (*greater than 5 years*)		
C. Project Term		D. Seasonal Work Period		E. Number of Work Days
Beginning (*year*)	Ending (*year*)	Start Date (*month/day*)	End Date (*month/day*)	
2019	2019	05/1	10/15	3

5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, E, or F is checked, complete the specified attachment.	
A.	☑ Standard *(Most construction projects, excluding the categories listed below)*
B.	☐ Gravel/Sand/Rock Extraction (*Attachment A*) *Mine I.D. Number:* _____
C.	☐ Timber Harvesting (*Attachment B*) *THP Number:* _____
D.	☐ Water Diversion/Extraction/Impoundment (*Attachment C*) *SWRCB Number:* _____
E.	☐ Routine Maintenance (*Attachment D*)
F.	☐ Cannabis Cultivation (*Attachment E*)
G.	☐ Department Grant Programs *Agreement Number:* _____
H.	☐ Master
I.	☐ Master Timber Operations

6. FEES

See the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. ***Note: The Department may not process this notification until the correct fee has been received.***

	A. Project	B. Project Cost	C. Project Fee
1	Culvert Replacement #1	<$5,000	$577.25
2	Culvert Replacement #2/Rock Ford	<$5,000	$577.25
3			
4			
5			
6			
7			
8			
9			
10			
		D. Base Fee *(if applicable)*	
		E. TOTAL FEE*	$1,154.50

** Check, money orders, or any debit/credit card with the Visa or Mastercard logo are accepted.*

7. PRIOR NOTIFICATION AND ORDERS

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?

☐ Yes (*Provide the information below*) ☑ No

Applicant	Notification Number	Date

B. Is this notification being submitted in response to a court or administrative order or notice, or a notice of violation (NOV) issued by the Department?

☐ No ☑ Yes (*Enclose a copy of the order, notice, or NOV. If the applicant was directed to notify the Department verbally rather than in writing, identify the person who directed the applicant to submit this notification and the agency he or she represents, and describe the circumstances relating to the order.*)

NOV dated 8/16/2018 Attached

☑ *Continued on additional page(s)*

8. PROJECT LOCATION

A. Address or description of project location.

(*Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway*)

740 River Road, Dinsmore, CA
APN# 208-241-019
40° 30.103'N, 123° 33.896'W
From town of Mad River, head east on CA-36 (0.4 mi), turn left onto US Forest Service Road 1 (0.2 mi), turn left onto County Line Creek Road (4.2 mi), destination on the right. Map attached.

☑ *Continued on additional page(s)*

B. River, stream, or lake affected by the project.	Unnamed Class III Waterway
C. What water body is the river, stream, or lake tributary to?	Mad River
D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?	☐ Yes ☑ No ☐ Unknown
E. County	Humboldt

F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Blake Mountain	T2N	R5E	S36	NE 1/4 of SW 1/4

☐ *Continued on additional page(s)*

K. Meridian (*check one*) ☑ Humboldt ☐ Mt. Diablo ☐ San Bernardino

L. Assessor's Parcel Number(s)

APN# 208-241-019

☐ *Continued on additional page(s)*

M. Coordinates (*If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes*)			
Latitude/Longitude	*Latitude:* 40° 30.103'N	*Longitude:* 123° 33.896'W	
	☐ Degrees/Minutes/Seconds	☐ Decimal Degrees	☑ Decimal Minutes
UTM	*Easting:*	*Northing:*	☐ Zone 10 ☐ Zone 11
Datum used for Latitude/Longitude or UTM	☐ NAD 27	☑ NAD 83 or WGS 84	

9. PROJECT CATEGORY

WORK TYPE	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR-MAINTAIN-OPERATE EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	☐	☐	☐
Bank stabilization – rip-rap/retaining wall/gabion	☐	☐	☐
Boat dock/pier	☐	☐	☐
Boat ramp	☐	☐	☐
Bridge	☐	☐	☐
Channel clearing/vegetation management	☐	☐	☐
Culvert	☐	☑	☐
Debris basin	☐	☐	☐
Dam	☐	☐	☐
Filling of wetland, river, stream, or lake	☐	☐	☐
Geotechnical survey	☐	☐	☐
Habitat enhancement – revegetation/mitigation	☐	☐	☐
Levee	☐	☐	☐
Low water crossing	☐	☐	☐
Road/trail	☐	☐	☑
Sediment removal: pond, stream, or marina	☐	☐	☐
flood control	☐	☐	☐
Storm drain outfall structure	☐	☐	☐
Temporary stream crossing	☐	☐	☐
Utility crossing: horizontal directional drilling	☐	☐	☐
jack/bore	☐	☐	☐
open trench	☐	☐	☐
Water diversion without facility	☐	☐	☐
Water diversion with facility	☐	☐	☐
Other *(specify)*:	☐	☐	☐

10. PROJECT DESCRIPTION

A. Describe the project in detail. Include photographs of the project location and immediate surrounding area.

- Written description of all project activities with detailed step-by-step description of project implementation.
- Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
- Specify volume, and dimensions of all materials and features (e.g., rip rap fields) that will be used or installed.
- If water will be diverted or drafted, specify the purpose or use.
- Enclose diagrams, drawings, plans, and maps that provide all of the following: site specific construction details; dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, stockpile areas, areas of temporary disturbance, and where the equipment/machinery will access the project area.

This project is proposed to address two previously unpermitted stream crossings, including hydrologically connected road surfaces, that were noted on the subject property in a Notice of Violation (NOV) dated September 19, 2018 (Attachment 7B).

Interim measures to prevent sediment discharge from the stream crossings during the winter period were installed in October 2018 and reported in a letter report dated November 2, 2018 via email on November 15, 2018 (Attachment 10A-1).

Interim measures implemented included reducing road runoff and sediment delivered to the culvert area via an adjacent steep road segment, and installing erosion control materials, including rock, fabric, wattles, and straw, to stabilize the inlets and outlets of the two culverts.

This project makes permanent the decommissioning of the steep road segment and improved runoff diversion and replaces the undersized culverts with an upsized culvert in one instance, and either an upsized culvert or a rock ford crossing in the other. The choice of treatments for the second crossing will be made based on the analysis of data collected over the winter on the performance of interim measures.

The remediation plan is included as Attachment 10A-2. Construction will be initiated after they rainy season once the roadway and channel are dry and will be completed within a week.

☑ *Continued on additional page(s)*

B. Specify the equipment and machinery that will be used to complete the project.

Backhoe, shovels. Access to construction area will be via the driveway.

☐ *Continued on additional page(s)*

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B).	☐ Yes ☑ No (*Skip to box 11*)
D. Will the proposed project require work in the wetted portion of the channel?	☐ Yes (*Enclose a plan to divert water around work site*) ☑ No

11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

Prior to the driveway being constructed, both waterways were perennial drainages with no defined bank, channel, or bed. the watersheds are small, totalling 3-3.5 acres each.

☐ *Continued on additional page(s)*

B. Will the project affect any vegetation? ☐ Yes (*Complete the tables below*) ☑ No (*Include aerial photo with date supporting this determination*)

Vegetation Type	Temporary Impact	Permanent Impact
Native and non-native naturalized grasses	Linear feet: 40 LF Total area: 800 SF	Linear feet: 0 Total area: 0
	Linear feet: Total area:	Linear feet: Total area:

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)
n/a		

☐ *Continued on additional page(s)*

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

☑ Yes (*List each species and/or describe the habitat below*) ☐ No ☐ Unknown

Accipiter gentilis, Oncorhynchus mykiss irideus pop. 36, Corynorhinus townsendii, Monadenia infumata setosa. For other see Attachment 11C

☑ *Continued on additional page(s)*

D. Identify the source(s) of information that supports a "yes" or "no" answer above in Box 11.C.

California Natural Diversity Data Base (CNDDB), including RareFind 5.

☐ *Continued on additional page(s)*

E. Has a biological study been completed for the project site?

☐ Yes (*Enclose the biological study*) ☑ No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.

F. Has a hydrological study been completed for the project or project site?

☐ Yes (*Enclose the hydrological study*) ☑ No

Note: A hydrological study or other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) may be required to evaluate potential project impacts on hydrology.

G. Have fish or wildlife resources or waters of the state been mapped or delineated on the project site?

☐ Yes (*Enclose the mapped results*) ☑ No

Note: Check "yes" if fish and wildlife resources or waters of the state on the project site have been mapped or delineated. "'Wildlife' means and includes all wild animals, birds, plants, fish, amphibians, reptiles and related ecological communities, including the habitat upon which the wildlife depends." (Fish & G. Code, § 89.5.) If "yes" is checked, submit the mapping or delineation. If the mapping or delineation is in digital format (e.g., GIS shape files or KMZ), you must submit the information in this format for the Department to deem your notification complete. If "no" is checked, or the resolution of the mapping or delineation is insufficient, the Department may request mapping or delineation (in digital or non-digital format), or higher resolution mapping or delineation for the Department to deem the notification complete.

12. MEASURES TO PROTECT FISH, WILDIFE, AND PLANT RESOURCES

A. Describe the techniques that will be used to prevent sediment from entering watercourses during and after construction.

All work will be completed during the dry season to avoid possible release of sediment into downstream waters inhabited by fish. In the future, the correctly sized culvert, bank protection, and corrected grade will prevent sediment from being created or transported due to the waterway crossings.

☐ *Continued on additional page(s)*

B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.

There are no fish or aquatic animal species present in the Class III waterways at the locations in which work will be conducted. All work will be completed during the dry season to avoid possible release of sediment into (downstream) waters inhabited by fish.

☐ *Continued on additional page(s)*

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

This project is repairing a potential problem and preventing future potential impacts. No mitigation is proposed.

☐ *Continued on additional page(s)*

13. PERMITS

List any local, State, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

A. No County permit required ☐ Applied ☐ Issued

B. _____ ☐ Applied ☐ Issued

C. _____ ☐ Applied ☐ Issued

D. Unknown whether ☐ local, ☐ State, or ☐ federal permit is needed for the project. (*Check each box that applies*)

☐ *Continued on additional page(s)*

14. ENVIRONMENTAL REVIEW

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA) and/or National Environmental Protection Act (NEPA)?

☐ Yes (*Check the box for each CEQA or NEPA document that has been prepared and enclose a copy of each.*)

☑ No (*Check the box for each CEQA or NEPA document listed below that will be or is being prepared.*)

☐ Notice of Exemption	☐ Mitigated Negative Declaration	☐ NEPA document (*type*):
☐ Initial Study	☐ Environmental Impact Report	_____
☐ Negative Declaration	☐ Notice of Determination *(Enclose)*	
☐ THP/ NTMP	☐ Mitigation, Monitoring, Reporting Plan	

B. State Clearinghouse Number (*if applicable*)

C. Has a CEQA lead agency been determined? ☐ Yes (*Complete boxes D, E, and F*) ☑ No (*Skip to box 14.G*)

D. CEQA Lead Agency

E. Contact Person | F. Telephone Number

G. If the project described in this notification is not the "whole project" or action pursuant to CEQA, briefly describe the entire project (Cal. Code Regs., tit. 14, § 15378).

n/a

☐ *Continued on additional page(s)*

H. Has a CEQA filing fee been paid pursuant to Fish and Game Code section 711.4?

☐ Yes (*Enclose proof of payment*) ☑ No (*Briefly explain below the reason a CEQA filing fee has not been paid*)

No County or state discretionary permit is required for this minor private grading project on an ephemeral water drainage with no water or sensitive species present during construction. We propose that the project wiil have no effect on fish and wildlife and request waiver of the fee pursuant to F&G section 711.4, subd. (c)(2)(A). Thank you for your consideration of this proposal.

Note: If a CEQA filing fee is required, the Lake or Streambed Alteration Agreement may not be finalized until paid.

15. SITE INSPECTION

Check one box only.

☐ In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry.

☑ I request the Department to first contact (*insert name*) Jeffrey Hendrich at (*insert telephone number*) 707-502-9912 to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or the Department's issuance of a draft agreement pursuant to this notification.

16. DIGITAL FORMAT

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

☑ Yes (Please enclose the information via digital media with the completed notification form)

☐ No

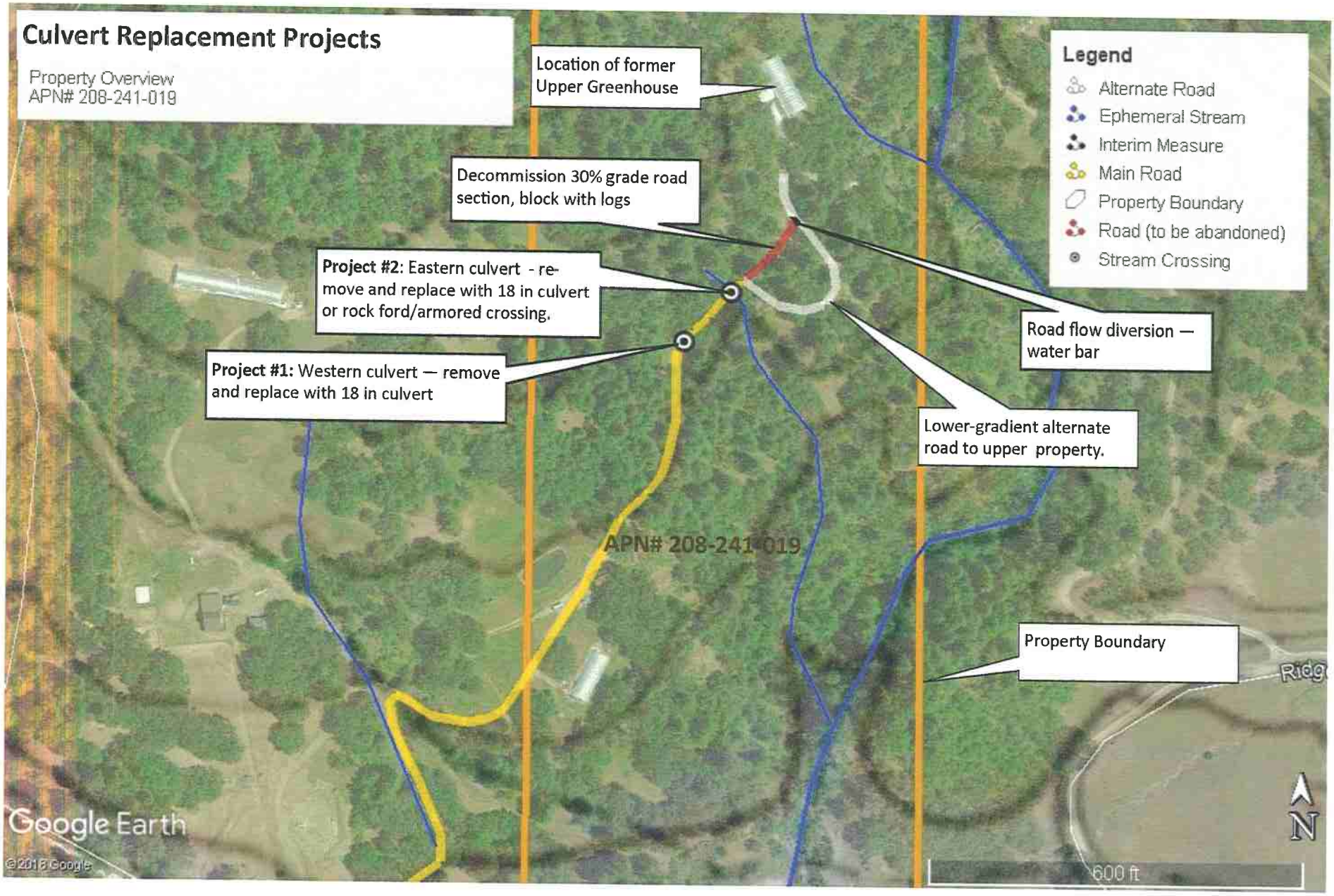
17. SIGNATURE

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, the Department may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless the Department has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

Signature of Applicant or Applicant's Authorized Representative

Date

Jeffrey H. Hendrich
Print Name


Culvert Replacement Projects
Property Overview
APN# 208-241-019
Location of former Upper Greenhouse
Decommission 30% grade road section, block with logs
Project #2: Eastern culvert - remove and replace with 18 in culvert or rock ford/armored crossing.
Project #1: Western culvert — remove and replace with 18 in culvert
Road flow diversion — water bar
Lower-gradient alternate road to upper property.
APN# 208-241-019
Property Boundary
Legend
Alternate Road
Ephemeral Stream
Interim Measure
Main Road
Property Boundary
Road (to be abandoned)
Stream Crossing
Google Earth
©2018 Google
600 ft
N

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 - Northern
619 Second Street
Eureka, California 95501
(707) 445-6493
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

September 19, 2018

Certified Mail:
7011 3500 0002 2331 3759

Jeffrey Hendrick
P.O. Box 67
Mad River, California 95552 .

Subject: Notice of Violation of Fish and Game Code Sections 1602 and 5650 in Conjunction with Cannabis Cultivation

Dear Jeffrey Hendrick:

On August 16, 2018, Department of Fish and Wildlife (Department) staff visited your property at Assessor's Parcel Number (APN) 208-241-019 (Property) within the Mad River watershed, County of Humboldt, State of California. During the visit, staff observed activities that are in violation of Fish and Game Code sections 1602 and 5650. Staff also observed active cannabis cultivation in conjunction with these activities.

Fish and Game Code (FGC) Section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Hence, any person who engages in an activity subject to FGC Section 1602 without first notifying the Department violates Section 1602.

FGC Section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment.

In the Department's view, notification under FGC Section 1602 was required for two activities that affected unnamed tributaries to the Mad River. However, the Department was unable to locate a notification for these activities. The locations and descriptions of these activities are provided below (Table 1).

Conserving California's Wildlife Since 1870

Table 1. Summary of Fish and Game Code (FGC) violations documented during CDFW staff visit on August 16, 2018.

Violation #	FGC Violation Type	Latitude*	Longitude*	Violation Description
1	1602	40.5045	-123.5629	Unpermitted stream crossing (type= culvert) resulting in substantial change to bed and banks of a stream. Culvert is misaligned, undersized, and banks altered along 54 feet of stream.
2	5650^	40.5045	-123.5629	Water pollution from hydrologically connected road surface resulting in the deposition of sediment (material deleterious to fish) into waters of the state and potential for future delivery.
3	1602	40.5043	-123.5633	Unpermitted stream crossing (type= culvert) resulting in substantial change to bed and banks of a stream. Culvert is misaligned, undersized, and without rock armor.
4	5650^	40.5043	-123.5633	Water pollution from hydrologically connected road surface resulting in the deposition of sediment (material deleterious to fish) into waters of the state and potential for future delivery.

* Units = decimal degrees. Datum = WGS 84. ^ Location is same as above violation.

The Department also observed two activities on the Property that are violations of FGC Section 5650. The locations and descriptions of these activities are provided above (Table 1).

A person who violates FGC sections 1602 or 5650 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty of $8,000 for each violation of FGC Section 1602, and $20,000 for each violation of FGC Section 5650. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish & G. Code, § 12025, subds. (b)(1)(A), (2); (e)). Also, the District Attorney or the Attorney General may enforce a violation of FGC Section 1602 and FGC Section 5650 civilly. Specifically, under FGC sections 1615 and 5650.1, a person who violates FGC Section 1602 or Section 5650 is subject to a maximum civil penalty of $25,000 for each violation. The District Attorney or the Attorney General may also enforce a violation of FGC sections 1602 or 5650 criminally. Under FGC Section 12000, each violation is a misdemeanor.

Be advised that absent provisions intended to protect patients and qualified caregivers, commercial cannabis cultivation without a state license is illegal. (Bus. & Prof. Code, § 26032.) The California Department of Food and Agriculture (CDFA) is the state licensing authority for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the state's resources from the adverse impact of cannabis cultivation. (Fish & G. Code, § 12029.) **Pursuant to state**

law, failure to address these violations may affect your ability to obtain a commercial cannabis cultivation license or license renewal from CDFA. (Bus. & Prof. Code, §§ 26057, 26060.1.)

As a first step to address this matter, the Department requests you contact Fish and Game Warden Bradley Padilla at bradley.padilla@wildlife.ca.gov and Senior Environmental Scientist Specialist Ryan Bourque at ryan.bourque@wildlife.ca.gov within 14 days of the date of this letter. Mr. Bourque may propose certain actions to protect fish and wildlife resources that have been or could be affected by the activities described above, and may ask you to submit a written notification and fee for these activities. While the Department, District Attorney, or Attorney General may still decide to initiate an enforcement action against you if they determine these activities are in violation of FGC section 1602 and/or 5650, we encourage you to respond to this notice so that we may better assess the activity and limit any damage to resources.

The Department appreciates your cooperation.

Sincerely,

Warden Brendan Lynch

Warden Brendan Lynch
Watershed Enforcement Team

ec: Brendan Lynch, Bradley Padilla, Scott Bauer, Curt Babcock, Jeremy Valverde, Laurie Harnsberger, and Ryan Bourque
Department of Fish and Wildlife
steve.white@wildlife.ca.gov, bradley.padilla@wildlife.ca.gov, scott.bauer@wildlife.ca.gov, curt.babcock@wildlife.ca.gov, jeremy.valverde@wildlife.ca.gov, laurie.harnsberger@wildlife.ca.gov, and ryan.bourque@wildlife.ca.gov

Diana Henrioulle and Kason Grady,
Northcoast Regional Water Quality Control Board
diana.henrioulle@waterboards.ca.gov and kason.grady@waterboards.ca.gov,

Taro Murano
State Water Resources Control Board
taro.murano@waterboards.ca.gov

Adrian Kamada
Humboldt County District Attorney's Office
AKamada@co.humboldt.ca.us

VDT ID: 174

Steven Santos and Robert Russell
Humboldt County Planning and Building Department
sasantos@co.humboldt.ca.us and rrussell@co.humboldt.ca.us

Sargent K. Ireland, and Deputy S. Stallworth
Humboldt County Sheriff's Office
kireland@co.humboldt.ca.us, and sstallworth@co.humboldt.ca.us

From: Bourque, Ryan@Wildlife <ryan.bourque@wildlife.ca.gov>
Sent: Tuesday, October 2, 2018 11:44 PM
To: Jeffrey Hendrich; Padilla, Bradley@Wildlife
Subject: RE: Notice of violation of fish and game code sections 1602 and 5650 in conjunction with cannabis cultivation Jeffrey Hendrich

Mr. Hendrich,

Thank you for responding to the Notice of Violation (NOV) you received from the Department. Your email on September 24, 2018, satisfies the first step towards resolving the Fish and Game Code (FGC) violations documented by Department of Fish and Wildlife (Department) staff and described in the NOV.

The purpose of this letter is to explain the next steps the Department is requesting to resolve the FGC violations documented on your property. The next steps, descriptions, and reasonable deadlines are provided below (Table 1).

Table 1. Summary of requested next steps to resolve documented Fish and Game Code (FGC) violations on APN 208-241-019.

Request #	NOV Violation #	Request Description	Request Deadlin
1	1 & 3	Submit a Notification of Lake and Streambed Alteration drafted by a qualified professional including proposed resolution(s) to the violation(s) and other jurisdictional encroachments (e.g., stream crossings or water diversions) on the property.	12/3/2018
2	2 & 4	Implement interim erosion control measures to prevent sediment discharge during the winter period and submit work completion report to the Department.	10/16/2018
3	2 & 4	Submit a remediation plan the Department describing how sediment discharge will be resolved and anticipated work completion dates. Include with LSA notification.	12/3/2018

Information about submitting an Lake or Streambed Alteration notification can be found at the following website: https://www.wildlife.ca.gov/conservation/lsa.

Feel free to contact me if you have any questions.
The Department appreciates your cooperation.

Sincerely,

Ryan Bourque
Senior Environmental Scientist Specialist
Watershed Enforcement Team
619 Second Street
Eureka, CA 95501
(707) 441-2064

P.S., My apologies for the spelling error of your last name. There is an error in the records I referenced for owner name associated with the parcel number.

#8 Project Location

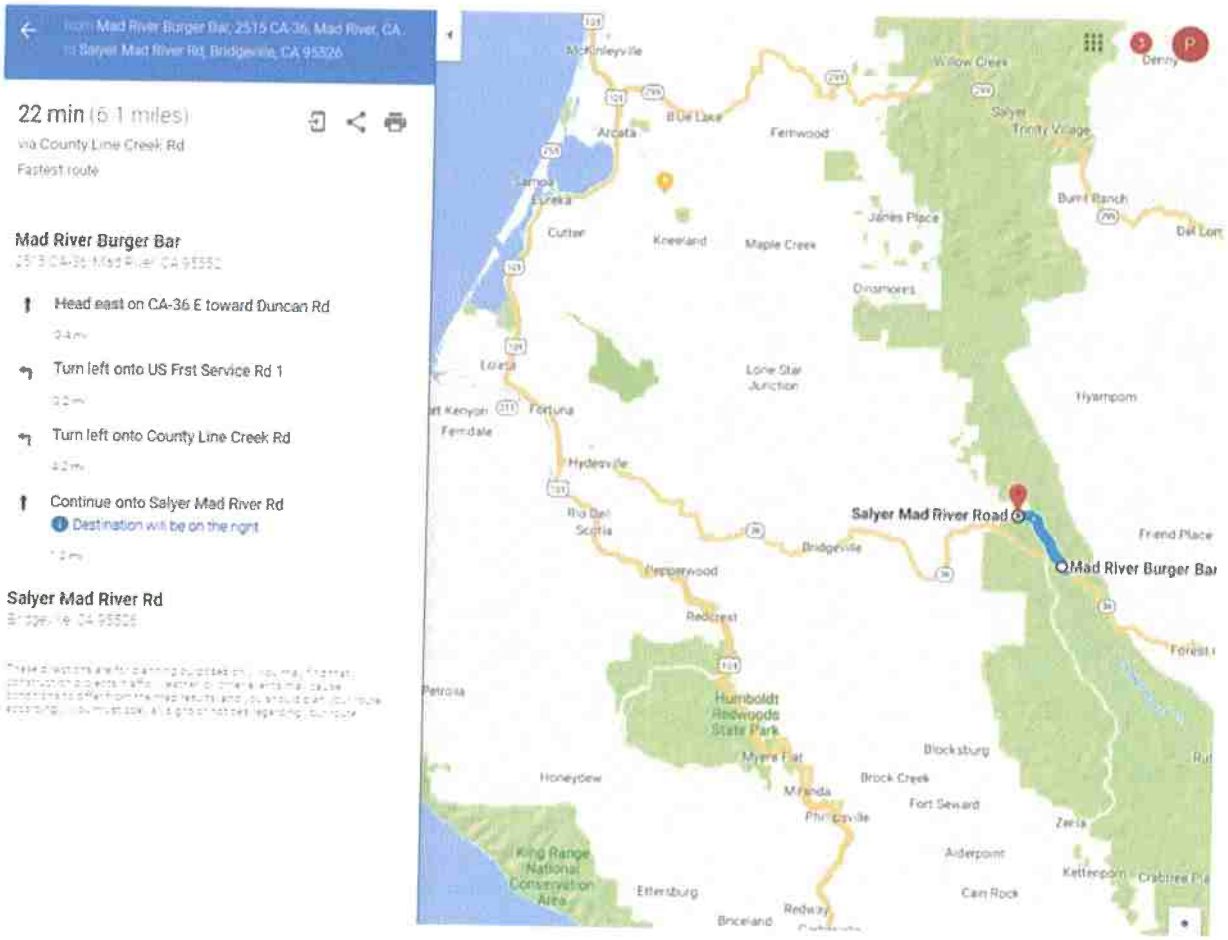
Map and directions to

740 River Road, Dinsmore, CA

APN# 208-241-019

40° 30.103'N, 123° 33.896'W

From town of Mad River, head east on CA-36 (0.4 mi), turn left onto US Forest Service Road 1 (0.2 mi), turn left onto County Line Creek Road (4.2 mi), destination on the right.



ggy Olofson

From: Peggy Olofson
Sent: Thursday, November 15, 2018 3:51 PM
To: Ryan Bourque (ryan.bourque@wildlife.ca.gov)
Subject: Report of Interim Erosion Control for J. Hendrich, APN 208-241-019
Attachments: Interim Measures Report_Fin(20181102).pdf

Dear Ryan,

I am pleased to provide the attached Report of Interim Erosion Control on behalf of Mr. Jeffrey Hendrich of Mad River (APN# 208-241-019), pursuant to the Department's Notice of Violation NOV dated September 19, 2018 and subsequent guidance provided via email dated October 2, 2018.

Interim measures are comprised of four primary actions, including installation of a water diversion bar on a steep road, discontinuance of use of said road for the winter, and installation of erosion control materials (rock, fabric, wattles, and straw) to stabilize the inlets and outlets of the two culverts noted in the NOV.

Thank you for your review of this submission. Please let me know if you have any questions or would like additional actions taken.

Sincerely,

Peggy Olofson

EMERALD HILLS ENVIRONMENTAL
Peggy Olofson, P.E.
Senior Engineer | Co-founder
(707) 633-0420
920 Samoa Blvd #214, Arcata, CA 95521
emeraldhillsenvironmental.com

Cc: Jeffrey Hendrich, P.O. Box 67, Mad River, CA 95552

Mr. Mark Harris, Esq. 1160 G St B, Arcata, CA 95521

EMERALD HILLS
ENVIRONMENTAL

November 2, 2018

Ryan Bourque
Senior Environmental Scientist Specialist
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501

Subject: Report of Interim Erosion Control for Mr. Jeffrey Hendrich, Mad River, California (APN 208-241-019)

Dear Mr. Bourque,

I am pleased to provide this Report of Interim Erosion Control on behalf of Mr. Jeffrey Hendrich, pursuant to the Department's Notice of Violation NOV dated September 19, 2018 and subsequent guidance provided via email dated October 2, 2018. The NOV identified two unpermitted stream crossings and an associated threat of water pollution deleterious to fish at both locations. The guidance requested installation of interim erosion control measures by October 16, 2018, and submittal of a remediation plan and LSAN by December 3, 2018, describing how the issues will be resolved long-term.

I visited the property on October 20, 2018 and inspected the points of concern specified in the NOV (two undersized and misaligned culverts on the main property roadway) and surrounding area. I noted what appeared to be a Class III waterway uphill of the eastern culvert, although there was no natural channel or drainage noted downhill of the road. The drainage was altered by an excavated ditch extending approximately 54 feet upstream of the culvert. I noted no natural channel feature uphill or downhill at the western culvert – rather than draining channel flow, it appeared that the culvert had been placed in an effort to drain a boggy wetland area that was causing the road to become impassably muddy in the winter. Signs of other efforts to reduce the swampy condition of the road included an excavated ditch uphill from and parallel to the road, which would intercept subsurface seeps headed for the road and redirect them to the culvert, and an excavated trench leading from the culvert outlet which may have accelerated flow through the culvert and away from the road. I discussed with Mr. Hendrich the roadway conditions and potential interim and long-term solutions in context with protection of wildlife and water resources.

During my inspection, I identified four primary actions to provide interim erosion control over the winter, pending a long-term solution of the larger problem be implemented next season. The locations of the actions are shown in **Figure 1** and the Property Overview Map (attached). The work was completed by Mr. Hendrich between October 21, 2018 and October 30, 2018 using

920 Samoa Blvd • Suite 203 • Arcata • CA 95521 • 707.633.0420

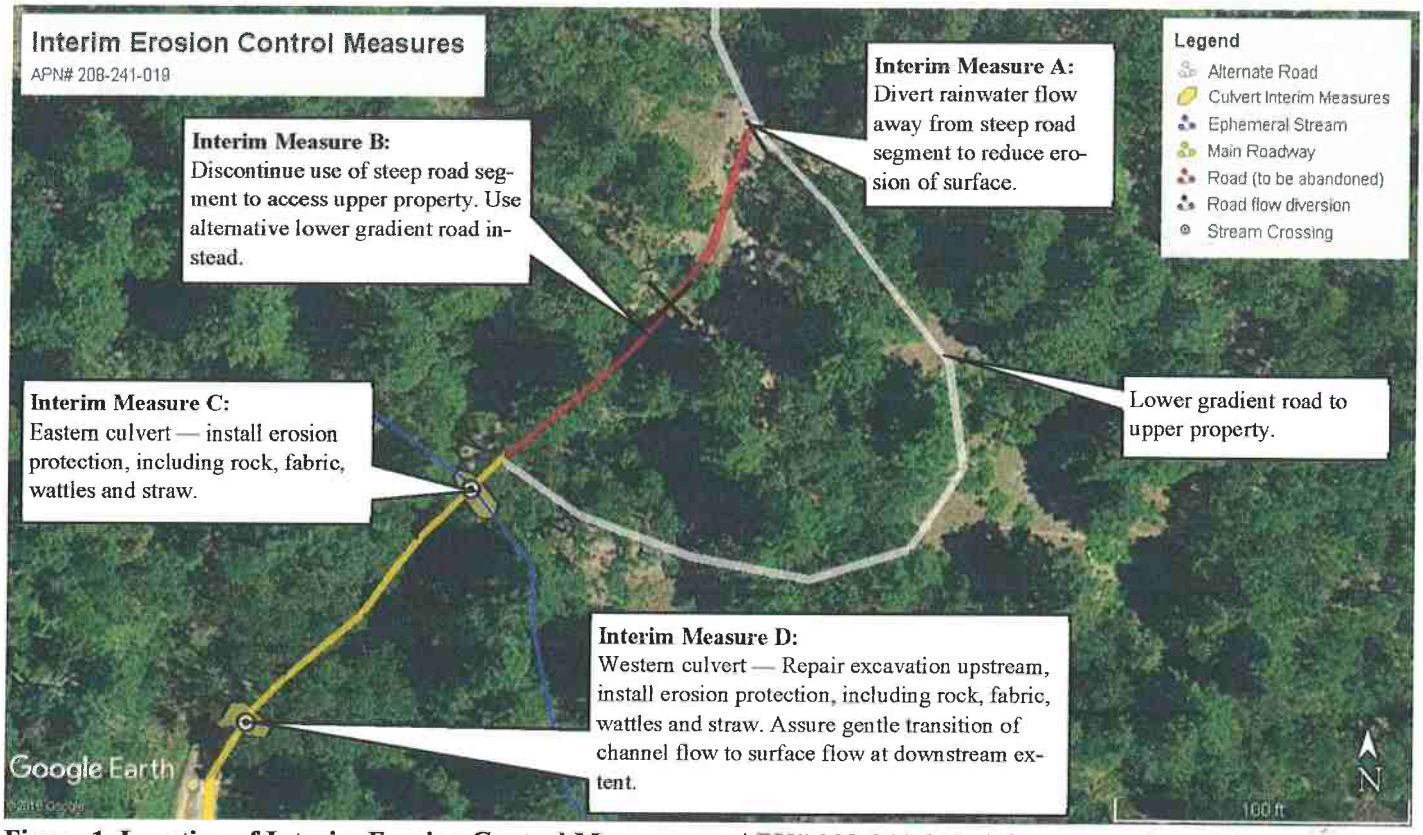


Figure 1. Location of Interim Erosion Control Measures on APN# 208-241-019. A larger overview of the property is provided in the attached property map.

hand tools. Confirmation photographs were provided by Mr. Hendrich on November 2, 2018. A description of the conditions and implemented erosion control measures, including photographs, follows.

Interim Measure A: Diversion of Water from Steep Roadway Segment

During inspection, I observed that the roadway to the east of the culverts (shown in red on Figure 1) becomes very steep (19% over 100 feet) and shows signs of rutting and erosion. Significant runoff may be contributed to this road segment by the steep road to the upper property intersected at the segment terminus – an unmaintained water bar was noted at this point. The proximity of the road segment to the eastern stream channel is such that storm water runoff could deliver sediment to the waterway and ultimately cause potential harm to wildlife. Interim Measure A addresses this by re-establishing a water bar, in this case, a 20' straw wattle secured at the top of the steep road segment, to divert water off the road and into a stable vegetated area (**Figure 2**). The use of the wattle, rather than digging a typical water bar ditch, is possible in this application because use of the road is being discontinued (per Interim Measure B).

Interim Measure B: Discontinued Use of Steep Road Segment

Associated with Interim Measure A, Interim Measure B is the discontinued use of the steep road segment (location shown in red on Figure 1, and in photograph in **Figure 3**), and the use of an alternative lower-gradient road to access the upper property. After a full assessment can be completed, this road section may be abandoned and restored, or otherwise treated to eliminate erosion and runoff problems.

Interim Measure C. Eastern Culvert – Installation of Suitable Treatments Upstream and Downstream of Culvert

Interim Measure C includes installation of erosion protection within the altered drainage uphill from the eastern culvert inlet (**Figures 4-6**), and rock protection around the inlet (**Figure 7**). Downstream measures include rock protection around the outlet of the culvert, and installation of a fabric dispersion surface at < 4% gradient to return the culverted water flow back to slower surface flow without erosion (**Figure 8**). Mr. Hendrich will install rock on the fabric to further retard flows if indicated during winter inspection.

Interim Measure D. Western Culvert –Installation of Suitable Treatments Upstream and Downstream of Culvert

Interim Measure D includes repairing an excavated ditch uphill from the western culvert inlet (**Figure 9**) and installing rock protection and erosion control at the inlet and outlet of the culvert (**Figure 10**).

Mr. Hendrich has committed to inspecting the installed measures during and after the first rains and throughout the winter season and making any necessary repairs or adjustments. He will submit a remediation plan to address the sediment discharge issues and a Notification of Lake and Streambed Alteration by December 4, 2018.

Thank you for your review of this submission. Please let me know if you have any questions or would like additional actions taken.

Sincerely,

Peggy Olofson, P.E. (CA# 56815)

Project Engineer/Owner

Cc: Jeffrey Hendrich, P.O. Box 67, Mad River, CA 95552

Mr. Mark Harris, Esq. 1160 G St B, Arcata, CA 95521

Figure 2. Interim Measure A – Installation of a 20', 9" diameter straw wattle at the top of the steep road segment (right) to direct runoff from the upper road (behind photographer in these photos) into a stable vegetated area (top), and prevent additional erosion problems.

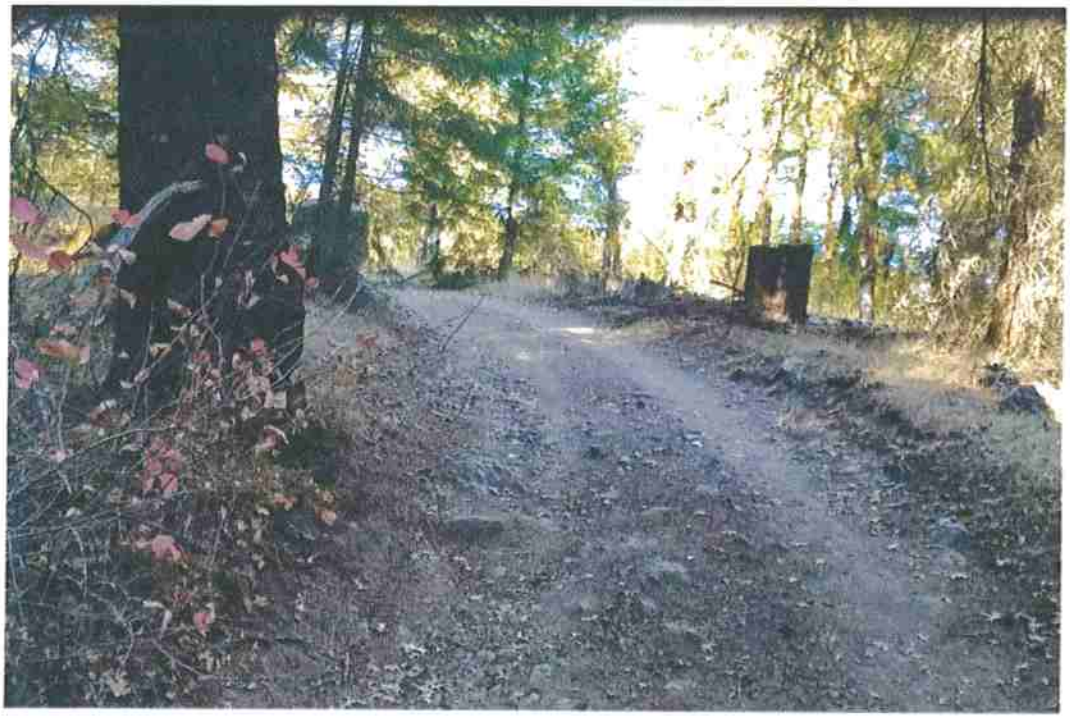


Figure 3. Interim Measure B – View of the steep (19% grade) road segment east of the culverts. Use of the road will be discontinued pending assessment for potential restoration or other measures to eliminate erosion.

Figure 4. Interim Measure C – View of watershed above eastern culvert. The combined watershed for both eastern and western culverts is 7.25 acres. The eastern portion of the watershed is less than 5 acres, with an estimated 100-year peak flow rate of less than 5 cfs, and 5-year rate of less than 3 cfs.

Figure 5. Interim Measure C – View of connection of natural drainage to excavated channel upstream of eastern culvert. Interim measure includes installing erosion control fabric to protect channel from further erosion and installing rock and straw wattles.

Figure 6. Interim Measure C – View of protected channel looking downstream towards culvert inlet.

Figure 7. Interim Measure C – View of eastern culvert inlet after installation of erosion protection and flow control.

Figure 8. Interim Measure C – View of eastern culvert downstream from outlet. The objective is to return the culverted flow to sheet flow over are where there was no natural channel prior to construction.

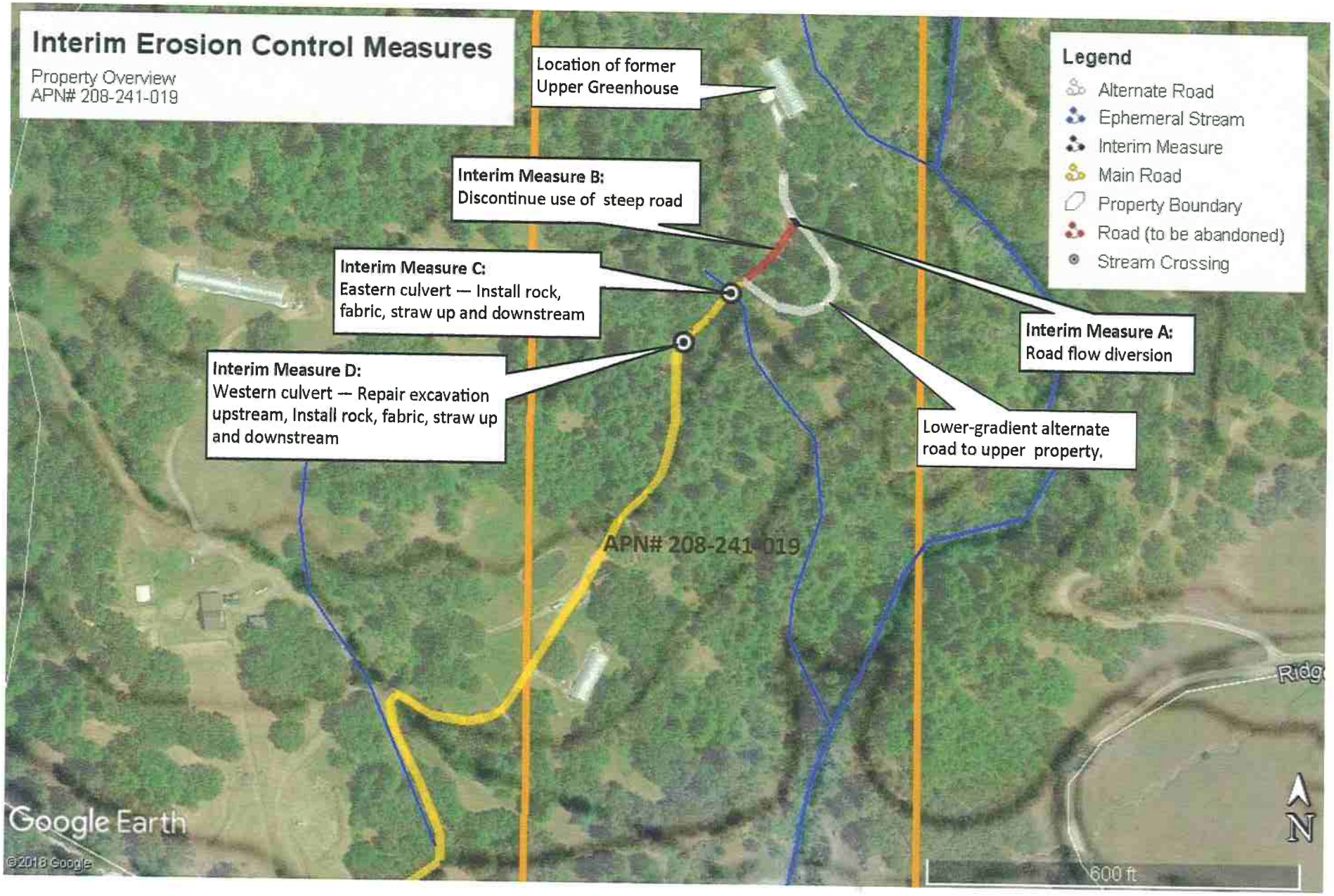
Figure 9. Interim Measure D – Repair of excavated ditch upstream of western culvert and protection of culvert inlet.

Top: View of culvert inlet, road ditch (left), ditch excavated up adjacent embankment to capture subsurface flows, and unprotected inlet in early spring 2018. Note wood formation with red arrow in each image for reference.

Middle: Excavation filled, and road features contoured.

Bottom: Previous excavation seeded and mulched, rock protection placed at inlet of culvert.

Figure 10. Interim Measure D – Western culvert, view of culvert and channel protection at outlet (left) and inlet (below).


Interim Erosion Control Measures
Property Overview
APN# 208-241-019
Location of former Upper Greenhouse
Interim Measure B: Discontinue use of steep road
Interim Measure C: Eastern culvert — Install rock, fabric, straw up and downstream
Interim Measure D: Western culvert — Repair excavation upstream, Install rock, fabric, straw up and downstream
Interim Measure A: Road flow diversion
Lower-gradient alternate road to upper property.
Legend
Alternate Road
Ephemeral Stream
Interim Measure
Main Road
Property Boundary
Road (to be abandoned)
Stream Crossing
APN# 208-241-019
Google Earth
©2018 Google
600 ft
N

Remediation Plan

APN# 208-241-019

Background

This project is proposed to address two previously unpermitted stream crossings, including hydrologically connected road surfaces, that were noted on the subject property in a Notice of Violation dated September 19, 2018. Interim measures to prevent sediment discharge from the stream crossings during the winter period were installed in October 2018 (Attachment 7B to the LSA Notification) and reported in a letter report dated November 2, 2018 via email on November 15, 2018 (Attachment 10A-1 to LSA Notification). Interim measures included reducing road runoff and sediment delivered to the culvert area via an adjacent steep road segment, and installing erosion control materials, including rock, fabric, wattles, and straw, to stabilize the inlets and outlets of the two culverts. This final plan makes permanent the decommissioning of the steep road segment and improved runoff diversion and replaces the undersized culverts with an upsized culvert in one instance, and either an upsized culvert or a rock ford crossing in the other. The choice of treatments for the second crossing will be made based on the analysis of data collected over the winter on the performance of interim measures. Construction will be initiated after they rainy season once the roadway and channel are dry and will be completed within two weeks.

Design Considerations

Site Use

The culverts and severely degraded road condition noted by the CDFW on August 16, 2018 were the cumulative result of failed efforts in recent years to address increasing drainage problems on a road that was being more heavily used during rainy periods than it had been previously. The degradation was exacerbated by an attempt to improve drainage during a rain event. The result has been near complete loss of roadbed integrity and reliable drainage. The property owner no longer uses the upper property that was accessed by the road during the winter, and it may be appropriate to return the road design to one suitable for only light usage during winter months. A consideration of construction methods and materials that would be needed to create an all-weather high-usage road concluded that the cost would be high, and it may not be possible to implement because of difficulty delivering needed materials to the location.

Topography

Prior to the relatively recent alteration of the flow pathway leading to and from the eastern culvert, the grade of the drainage was very gradual and "swale-like", without distinct channel or bed. One of the problems with trying to bring this crossing up to standard for an all-weather higher-usage road is that substantial additional roadbed material and/or concrete would need to be imported to raise the road grade sufficiently above the natural flow line to install a suitably sized culvert underneath it. Alternatively, a drop inlet could be installed on the upstream side of the road, with a pipe running under the road and sufficiently beyond (perhaps 30 feet or more), to where it would daylight and discharge to the hillside (where there is not a channel). Flow could be dissipated with rock at this point, but there would still be a risk of causing erosion of the hillside with release of sediment into the stream below. With these considerations and if it is no longer desired to use the roadway much during the winter, it might be less costly and environmentally friendlier to re-establish the more natural gradient and install a rock ford crossing for the drainage. The desirability of this approach versus the culvert installation option might be better determined after observation of the performance of the installed interim measures after several rain events.

Figure 1. View of channel upstream of eastern culvert (top) and road bed over eastern culvert (bottom) showing gentleness of terrain and swale-like (rather than channeled) natural topography.

Plan

Western Culvert

The western culvert will be removed and replaced with an 18-inch diameter corrugated metal pipe, installed in line with the natural stream channel following criteria established

by CDFW and consistent the attached typical drawings (**Attachment 10A-3**) Calculation of the culvert size is provided in a subsequent section.

Eastern Culvert

The eastern culvert will be removed and replaced either with an 18-inch diameter corrugated metal pipe, as above, or with an armored fill stream crossing or rock ford, as described previously. If the rock ford approach is used, the altered stream bed above and below the roadway would be restored to a more natural grade and form and will be revegetated with suitable native grasses and other plants. Standard drawings and specs for the rock crossing are included in **Attachment 10A-3.**

Road Abandonment

The steep (30%) road to the east of the culvert crossings was closed off from usage for the winter under the interim measures installed in October. As part of this measure, a temporary water bar was installed across the top of the road segment to prevent water from the upper road from flowing down this steep surface and causing erosion. A more substantial and permanent water bar will now be installed to replace the temporary one, and logs will be placed across the road to prevent further use. Future road improvements will include installing dips and other improved drainage features on roads throughout the property.

Culvert Sizing

The watershed comprising the two stream crossing locations was delimited using the USGS Quad map (Blake Mountain) overlain by the watershed map for the recipient Class II stream as delimited by StreamStats® to define the upper watershed limit (**Figure 2**). The watershed area was determined to be 7.25 acres. Topographic information was insufficient to determine the split of the watershed area between the two sub-watersheds. As a first cut, we calculated the minimum culvert size assuming all flow went through a single culvert. The Flow Transference Method was applied to determine Q_{100}, using $b_{(northcoast)}$=0.866, and StreamStats® peak-flow statistics for a nearby watershed of approximately 64 acres, with a Q_{100} of 70.9 CFS. **Figure 3Error!**

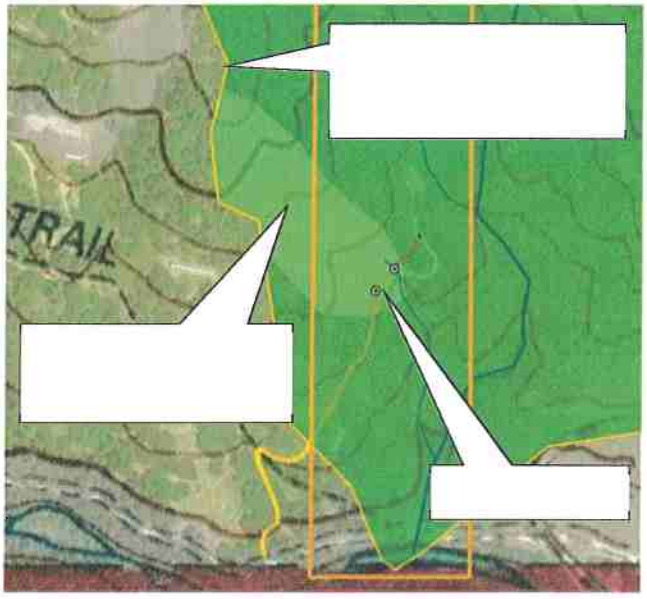


Figure 2. Watershed area for project culverts.

Reference source not found. shows calculations with different assumptions for watershed area "A", drainage area exponent "b", and headwall to culvert diameter ratio "HW/D". There is little sign of significant debris in the upstream channel to warrant using a conservative HW/D ratio. Eliminating the effect of drainage area exponent (by setting it equal to zero) results in reducing the calculated Q100 by 25% and the associated culvert sizes by 10-20%. Based on consideration of these factors and the site condition, a minimum culvert size of 18" diameter is recommended for both crossings.

Schedule

Construction will begin in 2019 after the rainy season, when the channels and mud on the roadway are dry. Work will take 2-3 days.

		Mean Annual Precip (in)=			71.5				HW/D=1	HW/D=0.67
		Watershed size source	Watershed size		Q100 Calculation Method	Au/Ag (calculated)	b	Q100 (calculated)	Min Dia. Culvert(3) (FHWA Nomograph)	Min Dia. Culvert(3) (FHWA Nomograph)
			Sq mi	acres				cfs	in	in
Nearby drainage (Streamstats)		Streamstats	0.1	64	Streamstats (1)			70.9		
Subject Waterway 1	Culvert 1+2	Topo Map (2 culverts)		7.25	Flow Transference (2)	0.113	0.866	10.8	22	33
Subject Waterway 2	Culvert 1b	0.67 of Topo Map		4.8575	Flow Transference (2)	0.076	0.866	7.6	20	26
Subject Waterway 3	Culvert 1c	0.5 of Topo Map		3.625	Flow Transference (2)	0.057	0.866	5.9	18	23
Subject Waterway 4	Culvert 1+2	Topo w b=1		7.25	Flow Transference (2)	0.113	1.000	8.0	20	26

Key:
(1) Streamstats: https://streamstats.usgs.gov/ss/ 40.50696, -123.57250
(2) Flow Transference Method
Q100u = Q100g * (Au/Ag)^b b northcoast = 0.866 b= 0.866
Guaged watershed area (Ag) and Q100 (Q100g) from Streamstats (see "Model Drainage")
sq mi Ag= 0.1
cfs Q100g= 70.9
(3) CDFW recommended abslolute minimum is 18" in forested areas

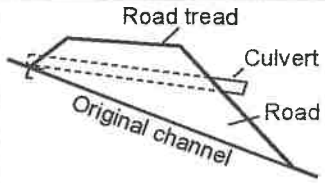
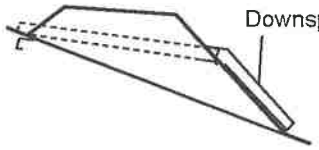
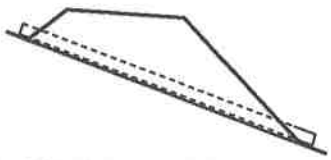
Figure 3. Calculations to determine minimum culvert size using the Flow Transference Method with various assumptions

CDFW CULVERT INSTALLATION REQUIREMENTS

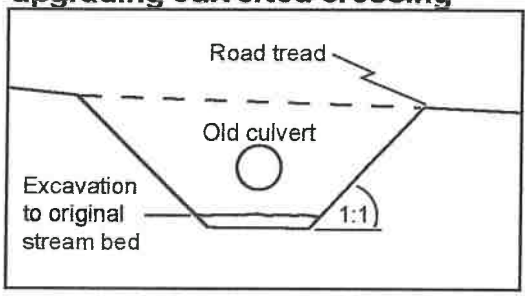
Replacement Culverts must be installed to the following specifications:

- Culverts shall be aligned with natural stream channels to ensure proper function, and prevent bank erosion and plugging by debris.
- Culverts shall be placed at the base of the fill and the grade of the original streambed, or downspouted past the base of the fill.
- Culverts shall be set slightly below the original stream grade so that the water drops several inches as it enters the pipe.
- To allow for sagging after burial, a camber shall be between 1.5 to 3 inches per 10 feet culvert pipe length.
- Backfill material shall be free of rocks, limbs or other debris that could dent or puncture the pipe or allow water to seep around pipe.
- First one end then the other end of the culvert shall be covered and secured.; The center is covered last.
- Backfill material shall be tamped and compacted throughout the entire process:
    - Base and side wall material will be compacted before the pipe is placed in its bed.
    - Backfill compacting will be done in 0.5 - 1 foot lifts until 1/3 of the diameter of the culvert has been covered. A gas powered tamper can be used for this work.
- Inlets and outlets shall be armored with rock or mulched and seeded with grass as needed.

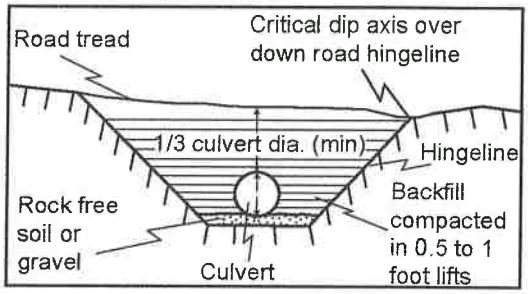
Typical Design of a Non-fish Bearing Culverted Stream Crossing

Existing	Upgraded	Upgraded (preferred)
		
1. Culvert not placed at channel grade. 2. culvert does not extend past base of fill.	1. Culvert not placed at channel grade. 2. Downspout added to extend outlet past road fill.	1. Culvert placed at channel grade. 2. Culvert inlet and outlet rest on, or partially in, the originial streambed.

Excavation in preparation for upgrading culverted crossing



Upgraded stream crossing culvert installation



Note:
Road upgrading tasks typically include upgrading stream crossings by installing larger culverts and inlet protection (trash barriers) to prevent plugging. Culvert sizing for the 100-year peak storm flow.should be determined by both field observation and calulations using a procedure such as the Rational Formula.

Stream crossing culvert installation

1. Culverts shall be aligned with natural stream channels to ensure proper function, and prevent bank erosion and plugging by debris.
2. Culverts shall be placed at the base of the fill and the grade of the original streambed, or downspouted past the base of the fill.
3. Culverts shall be set slightly below the original stream grade so that the water drops several inches as it enters the pipe.
5. To allow for sagging after burial, a camber shall be between 1.5 to 3 incher per 10 feet culvert pipe length.
6. Backfill material shall be free of rocks, limbs or other debris that could dent or puncture the pipe or allow water to seep around pipe.
7. First one end then the other end of the culvert shall be covered and secured. The center is covered last.
8. Backfill material shall be tamped and compacted throughout the entire process:
   - Base and side wall material will be compacted before the pipe is placed in its bed.
   - Backfill compacting will be done in 0.5 - 1 foot lifts until 1/3 of the diameter of the culvert has been covered. A gas powered tamper can be used for this work.
9. Inlets and outlets shall be armored with rock or mulched and seeded with grass as needed.
10. Trash protectors shall be installed just upstream from the culvert where there is a hazard of floating debris plugging the culvert.
11. Layers of fill will be pushed over the crossing until the final designed road grade is achieved, at a minimum of 1/3 to 1/2 the culvert diameter.

Erosion control measures for culvert replacement

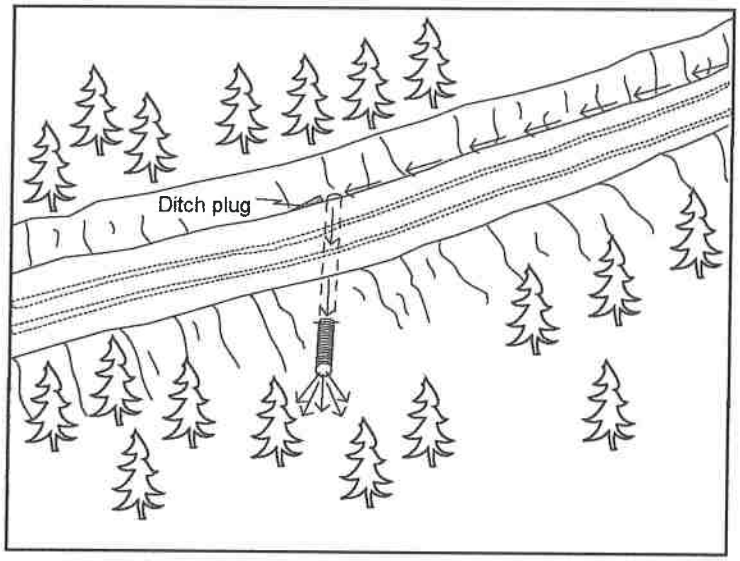
Both mechanical and vegetative measures will be employed to minimize accelerated erosion from stream crossing and ditch relief culvert upgrading. Erosion control measures implemented will be evaluated on a site by site basis. Erosion control measures include but are not limited to:

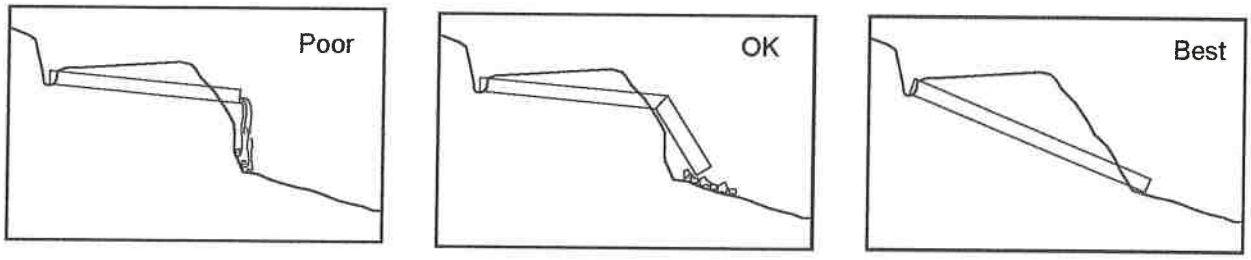
1. Minimizing soil exposure by limiting excavation areas and heavy equipment distrubance.
2. Installing filter windrows of slash at the base of the road fill to minimize the movement of eroded soil to downslope areas and stream channels.
3. Retaining rooted trees and shrubs at the base of the fill as "anchor" for the fill and filter windrows.
4. Bare slopes created by construction operations will be protected until vegetation can stabilize the surface. Surface erosion on exposed cuts and fills will be minimized by mulching, seeding, planting, compacting, armoring, and/or benching prior to the first rains.
5. Excess or unusable soil will be stored in long term spoil disposal locations that are not limited by factors such as excessive moisture, steep slopes greater than 10%, archeology potential, or proximity to a watercourse.
6. On running streams, water will be pumped or diverted past the crossing and into the downstream channel during the construction process.
7. Straw bales and/or silt fencing will be employed where necessary to control runoff within the construction zone.

Pacific Watershed Associates Inc.
Geologic and Geomorphic Studies • Watershed Restoration • Wildland Hydrology • Erosion Control • Environmental Services
PO Box 4433, Arcata, CA 95518 / Ph: 707-839-5130 / FAX: 707-839-8168 / www.pacificwatershed.com

Typical Drawing #2

Typical Ditch Relief Culvert Installation





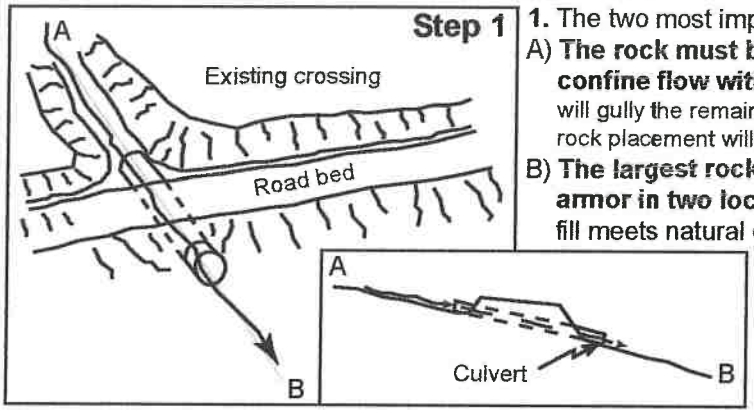
Ditch relief culvert installation

1) The same basic steps followed for stream crossing installation shall be employed.
2) Culverts shall be installed at a 30 degree angle to the ditch to lessen the chance of inlet erosion and plugging.
3) Culverts shall be seated on the natural slope or at a minimum depth of 5 feet at the outside edge of the road, whichever is less.
4) At a minimum, culverts shall be installed at a slope of 2 to 4 percent steeper than the approaching ditch grade, or at least 5 inches every 10 feet.
5) Backfill shall be compacted from the bed to a depth of 1 foot or 1/3 of the culvert diameter, which ever is greater, over the top of the culvert.
6) Culvert outlets shall extend beyond the base of the road fill (or a flume downspout will be used). Culverts will be seated on the natural slope or at a depth of 5 feet at the outside edge of the road, whichever is less.

Pacific Watershed Associates Inc.
Geologic and Geomorphic Studies • Watershed Restoration • Wildland Hydrology • Erosion Control • Environmental Services
PO Box 4433, Arcata, CA 95518 / Ph: 707-839-5130 / FAX: 707-839-8168 / www.pacificwatershed.com

Typical Drawing #8

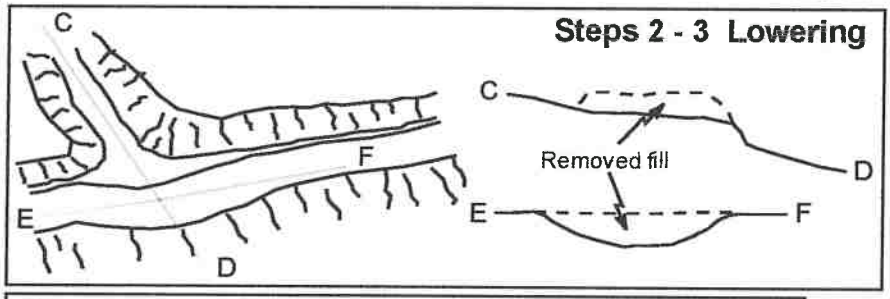
Ten Steps for Constructing a Typical Armored Fill Stream Crossing



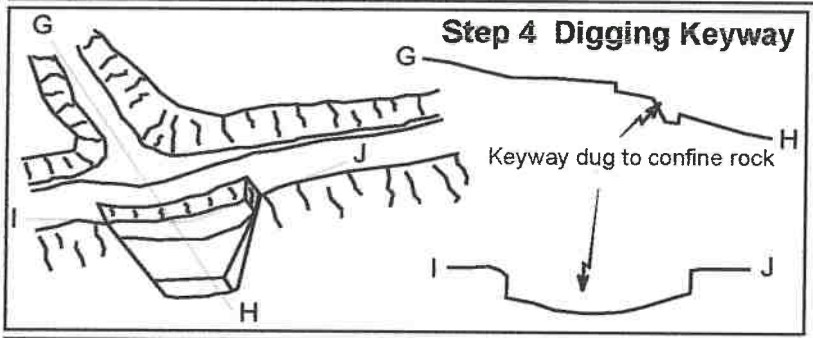
1. The two most important points are:

A) **The rock must be placed in a "U" shape across the channel to confine flow within the armored area.** (Flow around the rock armor will gully the remaining fill. Proper shape of surrounding road fill and good rock placement will reduce the likelihood of crossing failure).

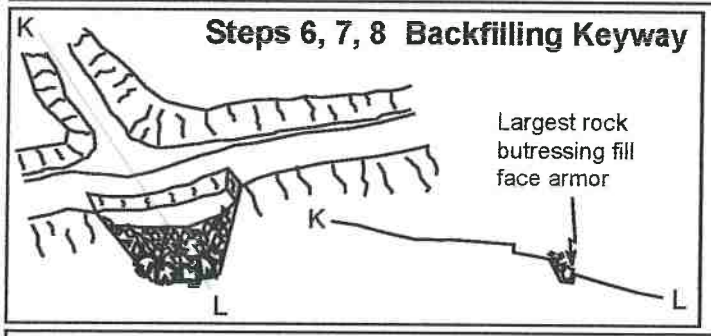
B) **The largest rocks must be used to butress the rest of the armor in two locations:** i) The base of the armored fill where the fill meets natural channel. (This will butress the armor placed on the outboard fill face and reduce the likelihood of it washing downslope). ii) The break in slope from the road tread to the outer fill face. (This will butress the fill placed on the outer road tread and will determine the "base level" of the creek as it crosses the road surface).



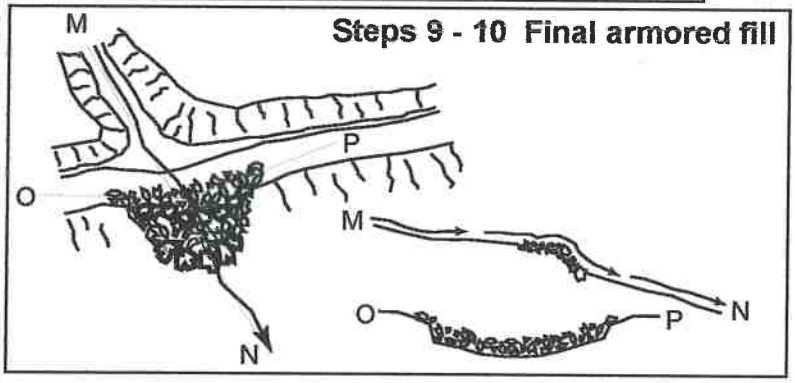
2. **Remove any existing drainage structures** including culverts and Humboldt logs.
3. **Construct a dip** centered at the crossing that is large enough to accomodate the 100-year flow event and prevent diversion (C-D, E-F).



4. **Dig a keyway** (to place rock in) that extends from the outer 1/3 of the road tread down the outboard road fill to the point where outbaord fill meets natural channel (up to 3 feet into the channel bed depending on site specifics) (G-H, I-J).
5. **Install geofabric (optional)** within keyway to support rock in wet ares and to prevent winnowing of the crossing at low flows.



6. **Put aside the largest rock** armoring to create 2 butresses in the next step.
7. **Create a butress using the largest rock** (as described in the site treatments specifications) at the base of fill. (This should have a "U" shape to it and will define the outlet of the armored fill.)
8. **Backfill the fill face** with remaining rock armor making sure the final armored area has "U" shape that will accomodate the largest expected flow (K-L).



9. **Install a second butress** at the break in slope between the outboard road and the outboard fill face. (This should define the base level of the stream and determine how deep the stream will backfill after construction) (M-N).
10. **Back fill the rest of the keyway** with the unsorted rock armor making sure the final armored area has a "U" shape that will accomodate the largest expected flow (O-P).

Pacific Watershed Associates Inc.
Geologic and Geomorphic Studies • Watershed Restoration • Wildland Hydrology • Erosion Control • Environmental Services
PO Box 4433 Arcata, CA 95518 / Ph: 707-839-5130 / FAX: 707-839-8168 / www.pacificwatershed.com

Wildlife

The California Natural Diversity Database RareFind was queried for sitings of listed species within the Blake Mountain Quad, and the eight surrounding Quads as shown.

USGS Quads:

1. Blake Mountain
2. Board Camp Mtn.
3. Sims Mtn.
4. Hyampom Mtn.
5. Hyampom
6. Sportshaven
7. Dinsmore
8. Larabee Valley
9. Showers Mtn

Results from the query follow.

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Blake Mountain (4012355) OR Sims Mountain (4012365) OR Board Camp Mtn. (4012366) OR Hyampom Mtn. (4012364) OR Hyampom (4012354) OR Sportshaven (4012344) OR Dinsmore (4012345) OR Showers Mtn. (4012356) OR Larabee Valley (4012346))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Accipiter gentilis northern goshawk	ABNKC12060	None	None	G5	S3	SSC
Arborimus pomo Sonoma tree vole	AMAFF23030	None	None	G3	S3	SSC
Arctostaphylos manzanita ssp. elegans Konocti manzanita	PDERI04271	None	None	G5T3	S3	1B.3
Ascaphus truei Pacific tailed frog	AAABA01010	None	None	G4	S3S4	SSC
Astragalus umbraticus Bald Mountain milk-vetch	PDFAB0F990	None	None	G4	S2	2B.3
Atractelmis wawona Wawona riffle beetle	IICOL58010	None	None	G1G3	S1S2	
Bensoniella oregona bensoniella	PDSAX02010	None	Rare	G3	S2	1B.1
Bombus caliginosus obscure bumble bee	IIHYM24380	None	None	G4?	S1S2	
Buxbaumia viridis buxbaumia moss	NBMUS1B040	None	None	G4G5	S1	2B.2
Calileptoneta briggsi Briggs' leptonetid spider	ILARAU6010	None	None	G1	S1	
Calycadenia micrantha small-flowered calycadenia	PDAST1P0C0	None	None	G2	S2	1B.2
Carex arcta northern clustered sedge	PMCYP030X0	None	None	G5	S1	2B.2
Coptis laciniata Oregon goldthread	PDRAN0A020	None	None	G4?	S3?	4.2
Corynorhinus townsendii Townsend's big-eared bat	AMACC08010	None	None	G3G4	S2	SSC
Emys marmorata western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
Epilobium oreganum Oregon fireweed	PDONA060P0	None	None	G2	S2	1B.2
Erethizon dorsatum North American porcupine	AMAFJ01010	None	None	G5	S3	
Eriastrum tracyi Tracy's eriastrum	PDPLM030C0	None	Rare	G3Q	S3	3.2

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Erigeron maniopotamicus Mad River fleabane daisy	PDASTE1050	None	None	G2?	S2?	1B.2
Erythranthe trinitiensis pink-margined monkeyflower	PDPHR01070	None	None	G2	S2	1B.3
Erythronium revolutum coast fawn lily	PMLIL0U0F0	None	None	G4G5	S3	2B.2
Falco peregrinus anatum American peregrine falcon	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP
Gilia capitata ssp. pacifica Pacific gilia	PDPLM040B6	None	None	G5T3	S2	1B.2
Haliaeetus leucocephalus bald eagle	ABNKC10010	Delisted	Endangered	G5	S3	FP
Harmonia doris-nilesiae Niles' harmonia	PDAST650L0	None	None	G2G3	S2S3	1B.1
Helminthoglypta talmadgei Trinity shoulderband	IMGASC2630	None	None	G2	S2	
Hosackia yollabolliensis Yolla Bolly Mtns. bird's-foot trefoil	PDFAB2A1F0	None	None	G2	S2	1B.2
Iliamna latibracteata California globe mallow	PDMAL0K040	None	None	G2G3	S2	1B.2
Kopsiopsis hookeri small groundcone	PDORO01010	None	None	G4?	S1S2	2B.3
Lasionycteris noctivagans silver-haired bat	AMACC02010	None	None	G5	S3S4	
Lasiurus cinereus hoary bat	AMACC05030	None	None	G5	S4	
Lathyrus biflorus two-flowered pea	PDFAB25180	None	None	G1	S1	1B.1
Lupinus elmeri South Fork Mountain lupine	PDFAB2B1G0	None	None	G2	S2	1B.2
Lycopodium clavatum running-pine	PPLYC01080	None	None	G5	S3	4.1
Meesia triquetra three-ranked hump moss	NBMUS4L020	None	None	G5	S4	4.2
Monadenia infumata setosa Trinity bristle snail	IMGASC7080	None	Threatened	G2T2	S2	
Montia howellii Howell's montia	PDPOR05070	None	None	G3G4	S2	2B.2
Myotis evotis long-eared myotis	AMACC01070	None	None	G5	S3	
Myotis thysanodes fringed myotis	AMACC01090	None	None	G4	S3	

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Myotis volans long-legged myotis	AMACC01110	None	None	G5	S3	
Myotis yumanensis Yuma myotis	AMACC01020	None	None	G5	S4	
North Central Coast Summer Steelhead Stream North Central Coast Summer Steelhead Stream	CARA2634CA	None	None	GNR	SNR	
Oncorhynchus mykiss irideus pop. 36 summer-run steelhead trout	AFCHA0213B	None	None	G5T4Q	S2	SSC
Oncorhynchus tshawytscha pop. 30 chinook salmon - upper Klamath and Trinity Rivers ESU	AFCHA02056	None	None	G5	S1S2	SSC
Pekania pennanti fisher - West Coast DPS	AMAJF01021	None	Threatened	G5T2T3Q	S2S3	SSC
Piperia candida white-flowered rein orchid	PMORC1X050	None	None	G3	S3	1B.2
Ptilidium californicum Pacific fuzzwort	NBHEP2U010	None	None	G4G5	S3S4	4.3
Rana aurora northern red-legged frog	AAABH01021	None	None	G4	S3	SSC
Rana boylii foothill yellow-legged frog	AAABH01050	None	Candidate Threatened	G3	S3	SSC
Rhyacotriton variegatus southern torrent salamander	AAAAJ01020	None	None	G3G4	S2S3	SSC
Sanicula tracyi Tracy's sanicle	PDAPI1Z0K0	None	None	G4	S4	4.2
Sedum laxum ssp. flavidum pale yellow stonecrop	PDCRA0A0L2	None	None	G5T3Q	S3	4.3
Sidalcea malviflora ssp. patula Siskiyou checkerbloom	PDMAL110F9	None	None	G5T2	S2	1B.2
Sidalcea oregana ssp. eximia coast checkerbloom	PDMAL110K9	None	None	G5T1	S1	1B.2
Thermopsis robusta robust false lupine	PDFAB3Z0D0	None	None	G2	S2	1B.2
Upland Douglas Fir Forest Upland Douglas Fir Forest	CTT82420CA	None	None	G4	S3.1	

Record Count: 56

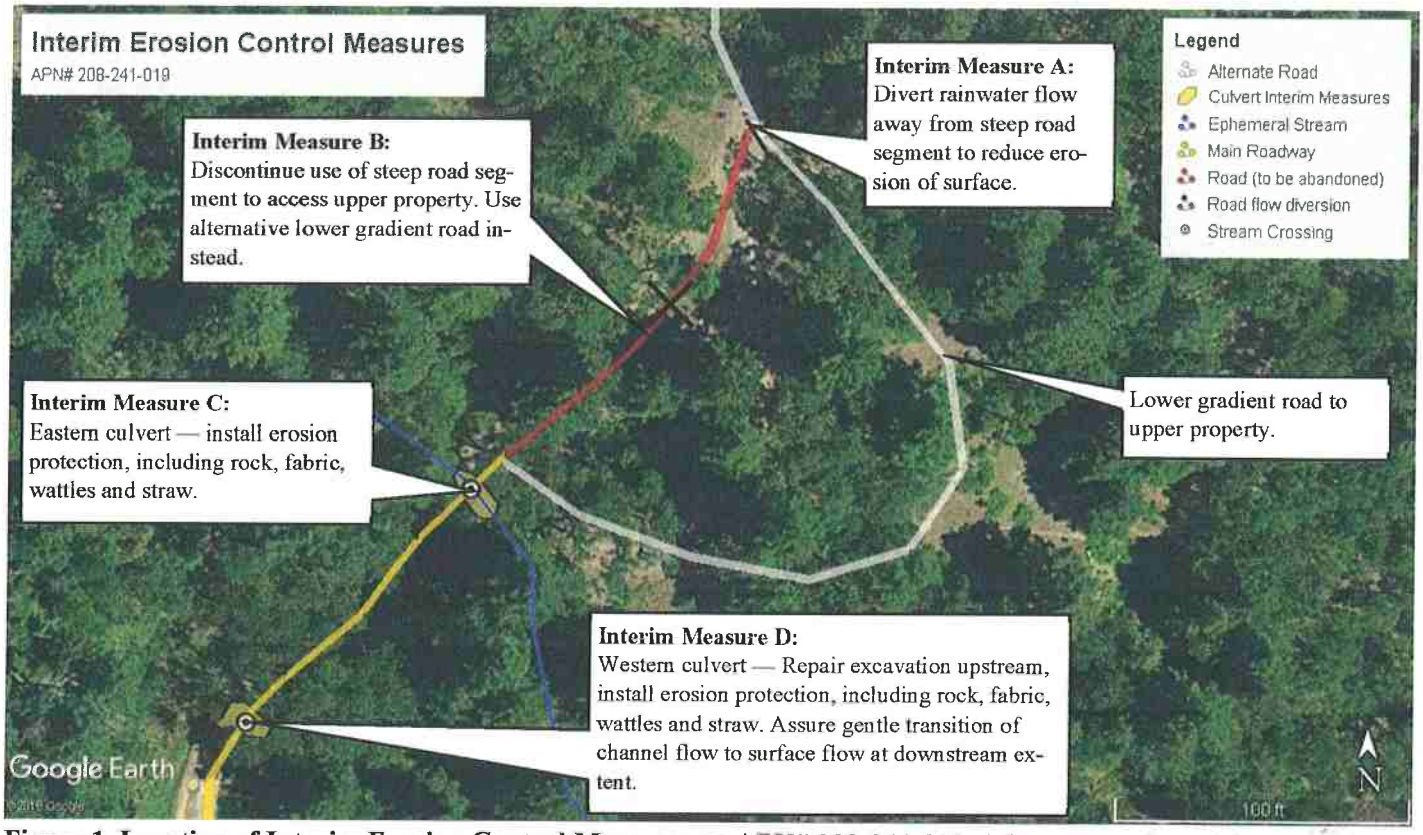


Figure 1. Location of Interim Erosion Control Measures on APN# 208-241-019. A larger overview of the property is provided in the attached property map.

hand tools. Confirmation photographs were provided by Mr. Hendrich on November 2, 2018. A description of the conditions and implemented erosion control measures, including photographs, follows.

Interim Measure A: Diversion of Water from Steep Roadway Segment

During inspection, I observed that the roadway to the east of the culverts (shown in red on Figure 1) becomes very steep (19% over 100 feet) and shows signs of rutting and erosion. Significant runoff may be contributed to this road segment by the steep road to the upper property intersected at the segment terminus – an unmaintained water bar was noted at this point. The proximity of the road segment to the eastern stream channel is such that storm water runoff could deliver sediment to the waterway and ultimately cause potential harm to wildlife. Interim Measure A addresses this by re-establishing a water bar, in this case, a 20' straw wattle secured at the top of the steep road segment, to divert water off the road and into a stable vegetated area (**Figure 2**). The use of the wattle, rather than digging a typical water bar ditch, is possible in this application because use of the road is being discontinued (per Interim Measure B).

Interim Measure B: Discontinued Use of Steep Road Segment

Associated with Interim Measure A, Interim Measure B is the discontinued use of the steep road segment (location shown in red on Figure 1, and in photograph in **Figure 3**), and the use of an alternative lower-gradient road to access the upper property. After a full assessment can be completed, this road section may be abandoned and restored, or otherwise treated to eliminate erosion and runoff problems.

Interim Measure C. Eastern Culvert – Installation of Suitable Treatments Upstream and Downstream of Culvert

Interim Measure C includes installation of erosion protection within the altered drainage uphill from the eastern culvert inlet (**Figures 4-6**), and rock protection around the inlet (**Figure 7**). Downstream measures include rock protection around the outlet of the culvert, and installation of a fabric dispersion surface at < 4% gradient to return the culverted water flow back to slower surface flow without erosion (**Figure 8**). Mr. Hendrich will install rock on the fabric to further retard flows if indicated during winter inspection.

Interim Measure D. Western Culvert –Installation of Suitable Treatments Upstream and Downstream of Culvert

Interim Measure D includes repairing an excavated ditch uphill from the western culvert inlet (**Figure 9**) and installing rock protection and erosion control at the inlet and outlet of the culvert (**Figure 10**).

Mr. Hendrich has committed to inspecting the installed measures during and after the first rains and throughout the winter season and making any necessary repairs or adjustments. He will submit a remediation plan to address the sediment discharge issues and a Notification of Lake and Streambed Alteration by December 4, 2018.

Thank you for your review of this submission. Please let me know if you have any questions or would like additional actions taken.

Sincerely,

Peggy Olofson, P.E. (CA# 56815)

Project Engineer/Owner

Cc: Jeffrey Hendrich, P.O. Box 67, Mad River, CA 95552

Mr. Mark Harris, Esq. 1160 G St B, Arcata, CA 95521

Figure 2. Interim Measure A – Installation of a 20', 9" diameter straw wattle at the top of the steep road segment (right) to direct runoff from the upper road (behind photographer in these photos) into a stable vegetated area (top), and prevent additional erosion problems.

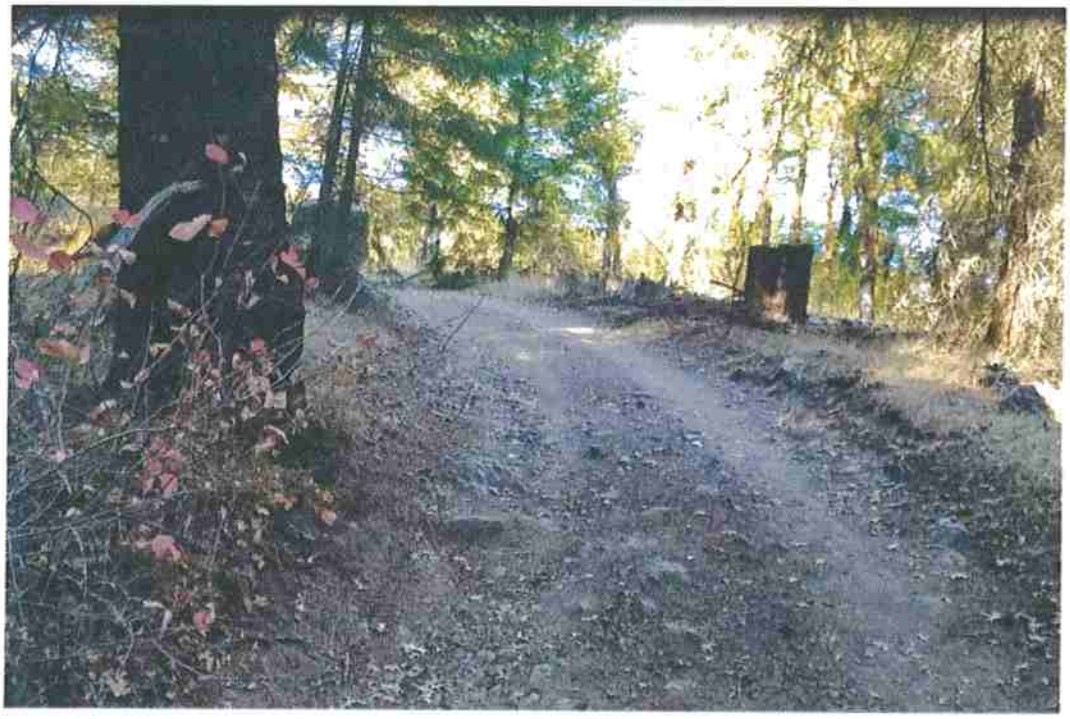


Figure 3. Interim Measure B – View of the steep (19% grade) road segment east of the culverts. Use of the road will be discontinued pending assessment for potential restoration or other measures to eliminate erosion.

Figure 4. Interim Measure C – View of watershed above eastern culvert. The combined watershed for both eastern and western culverts is 7.25 acres. The eastern portion of the watershed is less than 5 acres, with an estimated 100-year peak flow rate of less than 5 cfs, and 5-year rate of less than 3 cfs.

Figure 5. Interim Measure C – View of connection of natural drainage to excavated channel upstream of eastern culvert. Interim measure includes installing erosion control fabric to protect channel from further erosion and installing rock and straw wattles.

Figure 6. Interim Measure C – View of protected channel looking downstream towards culvert inlet.

Figure 7. Interim Measure C – View of eastern culvert inlet after installation of erosion protection and flow control.

Figure 8. Interim Measure C – View of eastern culvert downstream from outlet. The objective is to return the culverted flow to sheet flow over are where there was no natural channel prior to construction.

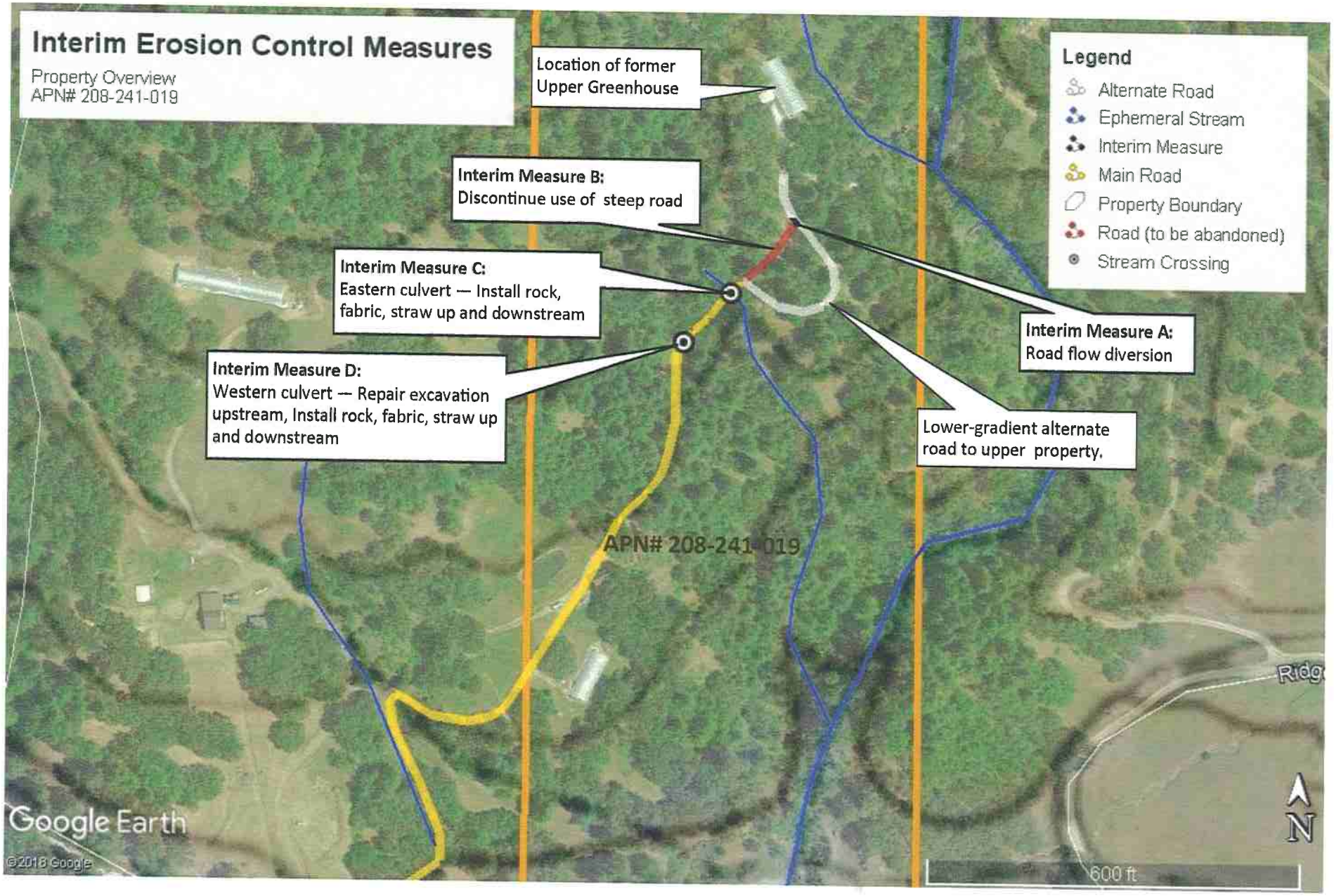
Figure 9. Interim Measure D – Repair of excavated ditch upstream of western culvert and protection of culvert inlet.

Top: View of culvert inlet, road ditch (left), ditch excavated up adjacent embankment to capture subsurface flows, and unprotected inlet in early spring 2018. Note wood formation with red arrow in each image for reference.

Middle: Excavation filled, and road features contoured.

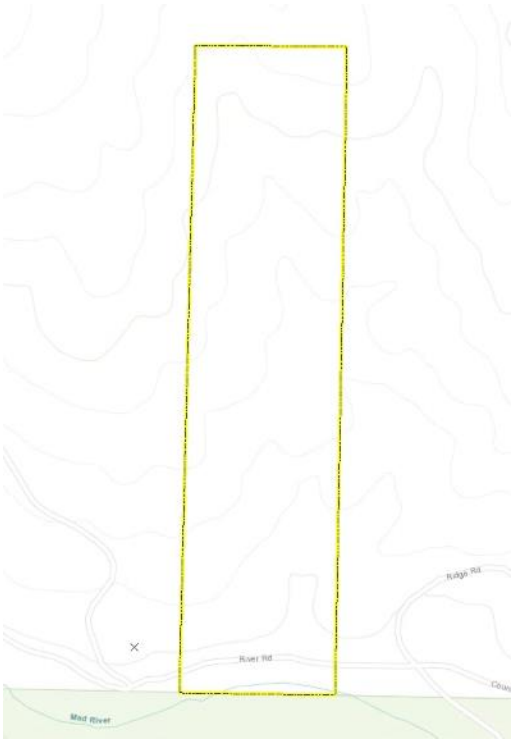
Bottom: Previous excavation seeded and mulched, rock protection placed at inlet of culvert.

Figure 10. Interim Measure D – Western culvert, view of culvert and channel protection at outlet (left) and inlet (below).


Interim Erosion Control Measures
Property Overview
APN# 208-241-019
Location of former Upper Greenhouse
Interim Measure B: Discontinue use of steep road
Interim Measure C: Eastern culvert — Install rock, fabric, straw up and downstream
Interim Measure D: Western culvert — Repair excavation upstream, Install rock, fabric, straw up and downstream
Interim Measure A: Road flow diversion
Lower-gradient alternate road to upper property.
Legend
Alternate Road
Ephemeral Stream
Interim Measure
Main Road
Property Boundary
Road (to be abandoned)
Stream Crossing
APN# 208-241-019
Google Earth
©2018 Google
600 ft
N

Site Management Plan

WDID: Pending



Prepared for:

State Water Resources Control Board (SWRCB)

North Coast Regional Water Quality Control Board (NCRWQCB)

Prepared by:

Green Road Consulting

1650 Central Ave., Suite C, McKinleyville CA, 95519

(707) 630-5041

Date of completion:

4/27/2020

General Site Information

Discharger: Richard Shelton

Land Owner: Richard Shelton

Site Address: 740 River Road, Mad River CA 95552

Mailing Address: PO Box 348059, Sacramento Ca 95834

Parcel Number: 208-241-019

General Plan Designation: RA20-160

Zone: FR-B-5(40)

Parcel Size: 40 Acres

HUC12 Watershed:

Disturbed Area: 38,423-ft.^{2}

Cultivation Area: 8,830-ft.^{2}

Tier Level: 1

Risk Level: High

Abbreviations

CA	**Cultivation Area**
CPP	**Corrugated Plastic Pipe**
CMP	**Corrugated Metal Pipe**
CDFW	**California Department of Fish and Wildlife**
DRC	**Ditch Relief Culvert**
GRC	**Green Road Consulting**
IBD	**In-board Ditch**
NCRWQCB	**North Coast Regional Water Quality Control Board**
PWA	**Pacific Watershed Associates**
SWRCB	**State Water Resources Control Board**
STX	**Stream Crossing**

Table of Contents

1. Introduction

This document was prepared by Green Road Consulting (GRC) for Richard Shelton of Dank Ape Farms; parcel number 208-241-019, as required by the SWRCB Order WQ 2017-0023-DWQ[1]. The purpose of the order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the Site Management Plan is to identify conditions present on a parcel that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set forth in the order.

Green Road Consulting (GRC) has made an initial assessment of this parcel through field work as well as through a variety of county, state, and private websites (e.g. USDA web soil survey, USGS stream stats program, Google Earth, Humboldt County Web GIS). The parcel boundaries are approximate and obtained from Humboldt County. The site was surveyed with a GPS unit (2 to 4-meter accuracy) to document roads, buildings, cultivation sites, watercourses, and areas requiring remediation. Maps were created using the software ESRI ArcMap.

2. Site Characteristics

2.1. General

The site is in eastern Humboldt County, approximately 2-miles northeast of the town of Dinsmore and can be accessed from County Line Creek Road, just off CA HWY-36. The elevation of the site is approximately 2,600-feet above sea level. The parcel was used for cultivation prior to being sold to the current owner. The parcel is not going to be cultivated on until the applicant receives permission from the Humboldt County planning and building department (potentially 2021). The parcel is located on a mountainous hillslope facing east with unnamed drainages that flow from northwest to southeast into the Mad River. The Mad River is on the USEPA's Section 303(d) list for impairment or threat of impairment to water quality associated with elevated sediment and temperature levels. The Mad River Watershed is known to have Coho and Chinook Salmon as well as Steelhead trout which are designated as a Federally and State threatened species. Slopes on the site range from 10% to 50%. The hillslopes in the region are known to have moderate to high instability. The site geology is part of the Franciscan Complex which is primarily composed of Late Cretaceous to Pliocene sandstone, shale and minor conglomerate. The region was historically logged with legacy logging roads and landings throughout the site.

2.2. Site Overview

Structures on the approximately 40-acre property include a residence, guest cabin, three (3) storage sheds, and a garage. Other developments include a septic system, fourteen (14) HDPE tanks, four (4) cultivation areas and a rainwater catchment pond. Water for irrigation will be drawn from the rainwater catchment pond. Water for domestic uses is being brought in until the applicant lives on site and is able to cultivate, the applicant may pursue a Small Domestic right to store water for domestic needs. The parcel is not grid tied and currently uses generators as its source of power. There are no large fuel storage tanks

[1] Order entitled "STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2017-0023-DWQ GENERAL WASTE DISCHARGE REQUIREMENTS AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES"

on the site.

The site has six (4) sites where cultivation previously took place that are grouped into two (3) cultivation Areas (**CA**). The total garden area across these sites totals to 8,830-ft^2.Cultivation area 1 had approximately 4,500-ft^2 of disturbed area that was located within riparian setback of a Class II watercourse. The current applicant has not cultivated in the buffer and plans to remove all cultivation related materials and restore the riparian zone. The applicant would like to relocate the square footage to the area associated with CA2 to get out of the riparian zone. Proper adherence to the erosion and sediment control measures specified in the "Disturbed Area Stabilization Plan" accompanying this report will be necessary to ensure that this area is sufficiently stabilized.

Table 1. Cultivation area overview.

Cultivation Area (CA)	Cultivation Area (ft^2)	Natural Slope (%)	Distance to Water Body (ft)	Water Body Classification
Historic Area 1 (CA1)	4,500	18	45	Class II
Relocated CA1	4,500	22	325	Class II
Area 2 (CA2)	1,730	23	175	Class II
Area 3 (CA3)	2,600	22	275	Class II

2.3. Access Roads

The site has 0-miles of permanent roads, 0.49-miles of seasonal access roads, and 0.08-miles of skid roads. The roads are only used during cultivation season, May through October. The roads are used minimally by workers navigating the site and bringing in supplies. Workers are on the site daily and most supplies are brought in the beginning of the season. The roads are in a good condition with the except for two sections which require additional work to minimize erosion and hydrological connection to surface waters.

MP2 refers 140-foot segment of driveway that requires drainage features to prevent continued erosion that has the potential to effect surface waters. The road was created by a through cut which has resulted in embankments on either side which prevent the outlet of storm water. The road will need to be bladed to even the surface. The inside berm should be removed to allow water to exit the road. If needed install a water-bar or rolling dip 50-feet up the road to promote drainage. The chosen drainage feature outlet location should be stable and have gravel applied to prevent continued erosion. The section of road leading to crossing 3 has led to erosion above the outlet. The road leading to the crossing needs rolling dips installed prior to the crossing to prevent continued sediment delivery (see Project Features Map).

The segment of road associated with **MP7 & 8** denotes a flat section of road which has undersized crossings which have contributed to hydrological connection to surface waters. Water accumulates on the roads surface and causes pooling, the road requires additional material to build up the prism. The road shall be crowned or out sloped to prevent pooling and sediment delivery to surface waters. Once the crossings are replaced the road shall be surfaced with gravel up to a minimum of 50-feet on either side to prevent sediment delivery to the adjacent watercourses. See the section following for additional details on the crossings.

2.4. Stream Crossings

There are a total of five (5) crossings which fall within the parcel boundaries, with three (3) stream crossings that are the responsibility of the property owner. Stream crossing 1 (**MP1**) & 2 are underneath Salyer Mad River Road which is a Humboldt county maintained road. Stream crossing three **MP3** is on an easement road which has a 24-inch cement culvert which is set to stream grade and aligned. The section of road associated with the crossing has drainage issues which have led to concentrated water which is head cutting above the outlet. The road leading to the crossing shall have rolling dips installed at the locations shown on the Project Features Map. The applicant is not responsible for these crossings therefore they are disclosed but are not included as project features. A lake and streambed alteration agreement (LSAA) has been submitted and accepted from CDFW regarding the replacement of stream crossing 4 & 5 (**MP7 & 8** respectively). The final agreement with CDFW states that the crossings shall be replaced with 18-inch corrugated metal pipes with rock armoring at the inlet and outlet. The final agreement was reached in 2018 therefore the culverts shall be replaced by October 2021 at the latest. Culverts shall be monitored and cleared out seasonally as a winterization method to prevent failure.

Table 2. Overview of stream crossing on the property.

Crossing Number	Existing Size (inch)	Type	Watercourse Class	Action
1	48-inch	Corrugated Metal Culvert	Class II	Humboldt County maintained crossing. Crossing is in working order.
2	48-inch	Corrugated Metal Culvert	Class II	Humboldt County maintained crossing. County needs to perform upgrades on the crossing
3	24-inch	Cement Culvert	Class II	Disconnect the hydrological connection from the road. Monitor the crossing as part of the winterization process.
4	10-inch	Corrugated Metal Culvert	Class II	Replace the undersized crossing with an 18-inch CMP set to grade and aligned at the inlet and outlet.
5	10-inch	Corrugated Metal Culvert	Class III	Replace the undersized crossing with an 18-inch CMP set to grade and aligned at the inlet and outlet.

2.5. Legacy Waste Discharges

The parcel has unused skid roads located on the parcel which are evident of previous logging activity. Some of the seasonal roads could have been previous skid roads which have been upgraded for use. The skid roads which are not being used by the applicant are shown on the Project Features map as "skid road". The skid roads are stable and do not show any signs of continued erosion. The roads shall be periodically monitored to ensure that erosion and failure is not evident.

3. Erosion Prevention and Sediment Capture

The disturbed areas consist of the cultivation areas, unstable road segments, and a processing area as shown on the Disturbed Area Map. Map points correspond to the Remediation Summary Table found in section 10 of this report. Proper adherence to the Disturbed Area Stabilization plan accompanying this report is required to prevent erosion and to properly stabilize the disturbed areas.

4. Water Uses

The applicant has not cultivated on the parcel since purchasing it therefore the amount of water needed can only be assumed based off the proposed square footage. Water for cannabis irrigation is proposed to be sourced from the sites rainwater catchment pond. The rainwater pond is approximately 75x45-foot and approximately 9-foot average depth giving the approximate holding capacity of 202,500-gallons. Given that the site requires approximately 130,000-gallons of water for the proposed 13,000-ft.^{2} the rainwater pond will supply enough water for the cultivation season. Water for domestic use is currently brought on site when the applicant is on site. The applicant shall continue to bring water on site the applicant may apply for a domestic water right if needed. All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. The cultivator will record daily irrigation water usage and maintain records on site for a minimum of 5 years. The estimated annual water use is summarized below in table 3.

Table 3. Projected annual water uses on the parcel.

Source	Use	Start Date	End Date	To Storage (gallons)	To Use (gallons)
Rainwater Pond	Cannabis	Jan. 1	Dec. 31	202,500	130,000

The site has a total of 30,000-gallons of water storage available which is summarized in Table 4. Water meters will be installed to monitor use. To conserve water, a straw or mulch ground cover should be applied to reduce water evaporation. Water should be applied by drip irrigation to conserve water. Water should be applied early in the morning to prevent evaporation and water loss. Water conservation methods such as watering method and timing will be employed to ensure water is applied at agronomic rates.

Table 4. Summary of water storage on the parcel.

Water Storage Type	Size (gallons)	Quantity	Total (gallons)
Hard Tank	1,500	5	7,500
Hard Tank	2,500	9	22,500
	Total		**30,000**

5. Fertilizers, Pesticides and Herbicides

5.1. Application, Storage and Disposal

The applicant plans to store all fertilizers, pesticides and herbicides in the garage near CA3. All fertilizers and pesticides will be mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Fertilizers and pesticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers and pesticides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in separate secondary containment. During the off season all chemicals will be stored in a covered building. Agricultural chemicals will not be applied within 48-hr of a predicted rain event with a 50% or greater chance of 0.25-inches. Disposal of unused products will be consistent with labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored in the garage/shop. No restricted materials or pesticides will be used or stored on site. No greater than 319 pounds of nitrogen per acre per year shall be applied. The applicant has not begun cultivating and has not chosen a regiment.

5.2. Spill Prevention and Clean Up

A spill cleanup kit will be located near or made available wherever chemicals, fuels, or amendments are stored or used. In case of a major spill of fertilizers, or any petroleum products, the cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.

6. Petroleum

6.1. Use, Storage, and Disposal

The site is not grid tied and uses a generator as its main source of power. While in use, the generators will need to be stored with drip containment outside of riparian setbacks. Fueling of the generators, as well as any other equipment or vehicles, will also take place outside of the riparian setbacks. All equipment containing petroleum derivatives will be inspected regularly for leaks. When the generators are not in use they will be stored in a covered building. A summary of annual petroleum is listed below in Table 6.

Table 6. Estimate of annual petroleum usage.

Product	Chemical Type	Annual Use (lbs. or gallons)
Gasoline	Petroleum	45 gallons
Motor Oil	Petroleum	2 gallons

7. Cultivation Waste, Trash/Refuse and Domestic Wastewater

7.1. Trash/Refuse Overview

All trash is locked up in containers on site and is removed on a weekly basis to an authorized landfill. No trash or debris will be allowed to enter a watercourse or riparian setback area. Compostable cultivation waste will be stored in a location and manner where it cannot be transported to surface waters. Spent growth medium (e.g. soil) shall either be reused, disposed of at an appropriate waste site, or be spread outside of riparian setbacks and planted with native vegetation.

7.2. Domestic Wastewater BPTC Measures

The residence on the site has a permitted septic system. Portable toilets will be brought onto the site for the seasonal workers if needed. Portable toilets will be serviced regularly and located outside of riparian setbacks and away from unstable areas.

8. Winterization Measures

8.1. Summary

It is required that winterization measures be completed annually before the onset of the winter rainy season. The SWRCB has defined the winter season as beginning November 1st and concluding April 1st. Winterization measures apply to cultivation areas, any additional disturbed areas including roads, and stream crossings. These measures aim to prepare the site for an extended period of heavy precipitation during which frequent access, monitoring, and maintenance can be challenging or infeasible. The end goal is to reduce the erosion of unstable areas and prevent the delivery of eroded sediment to sensitive waterways. One of the primary techniques of winterization consists of stabilizing all bare soils with straw and seed. Fiber rolls shall additionally be installed at grade breaks and along slopes of disturbed areas to break up flow paths, thereby reducing the speed and erosive energy of runoff. No heavy machinery shall be used during the winter season to avoid the degradation of saturated roadways and unstable surfaces. Soil stock piles shall be guarded before the onset of winter with a cover and/or perimeter controls such as fiber rolls. Culverts shall be inspected and maintained to ensure integrity during winter. This includes clearing inlets and outlets of sediment and/or debris and ensuring that sufficient energy dissipation exists at outlets to reduce bank erosion. Seasonal access roads shall be locked to ensure that roads are not in use during the wet season by trespassers. Aside from the erosion control components to winterization, a general and thorough site cleanup will be performed to remove all refuse from the site. Additionally, all fertilizers and petroleum products to be left on site will be stored in secondary containment and locked in the shipping container to avoid spillage and discharge to surface or groundwater. Winterization measures for Medium or High-Risk Sites are covered in more detail in the Site Erosion and Sediment Control Plan to be submitted for that site.

9. Monitoring

Monitoring is broken up into 3 reports; Facility Status, Site Maintenance, and Storm Water Runoff Monitoring. For Low Risk sites the only monitoring report required is the Facility Status Report. For Moderate and High-Risk sites all three monitoring reports need to be completed. See “Site Erosion and Sediment Control Plan” for details on the Site Maintenance and Storm Water Runoff Monitoring. Annual

reports for the cultivation site will be submitted to the North Coast Regional Water Quality and Control Board (NCRWQCB) prior to March 1 of the following year. The annual report shall include the following: Facility Status, Site Maintenance, and Storm Water Runoff Monitoring; Name and contact information for the person responsible for operation, maintenance, and monitoring. Reporting documents can be emailed to northcoast@waterboards.ca.gov or mailed to 5550 Skylane Blvd., Ste. A, Santa Rosa, CA 95403.

Table 7. Facility status monitoring requirements.

Monitoring Requirement	**Description**
Winterization Measures Implemented	Report winterization procedures implemented, any outstanding measures, and the schedule for completion.
Tier Status Confirmation	Report any change in tier status. (Stabilization of disturbed areas may change the tier status of a facility. Contact the Regional Water Board if a change in status is appropriate.)
Third Party Identification	Report any change in third party status as appropriate.
Nitrogen Application	Report monthly and annual total nitrogen use for bulk, solid, and liquid forms of nitrogen. Provide the data as lbs./canopy acre/time (month or year) as described in Nitrogen Management Plan.

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Legally Responsible Person_____ Date_____

10. Remediation Summary Table

Map Point (MP)	Topic	Issue	Remediation Measure	Treatment Priority	Expected Completion Date	Actual Completion Date
1	**Stream Crossing Installation and Maintenance**	Crossing with a perched and incised outlet. The crossing is under the Salyer Mad River Road which is believed to be a Humboldt County Road.	Crossing need to be assessed by Humboldt County to determine the corrective action.	**High**	Depending on the County's timeframe.	
2	**Land Development and Maintenance, Erosion Control, and Drainage Features.**	140-foot segment of driveway that requires drainage features to prevent continued erosion that has the potential to effect surface waters. The road was created by a through cut which has resulted in embankments on either side which prevent the outlet of storm water.	The road will need to be bladed to even the surface. The inside berm should be removed to allow water to exit the road. If needed install a waterbar or rolling dip 50-feet up the road to promote drainage. The chosen drainage feature outlet location should be stable and have gravel applied to prevent continued erosion.	**High**	**October 2021**	
3	**Stream Crossing Installation and Maintenance**	Crossing that has hydrological connection at the outlet due to road runoff concentrating and head-cutting the fill above the culvert.	Rolling dips should be installed every 100-feet or the locations shown on the project features map.	**High**	**October 2021**	
4	**Refuse and Domestic Waste**	Two locations that have previously used privies which are unauthorized in Humboldt County.	Stop use immediately and use the septic system attached to the residence. Properly abandon and disassemble the privies.	**Moderate**	**October 2021**	
5	**Land Development and Maintenance, Erosion Control, and Drainage**	Rainwater pond with an improperly maintained outlet that has caused erosion downslope.	Connect the overflow pipe to the 8-inch culvert that passes under the road. Apply gravel at the outlet location for approximately 25-feet to slow flow and prevent erosion.	**High**	**October 2021**	

Map Point (MP)	Topic	Issue	Remediation Measure	Treatment Priority	Expected Completion Date	Actual Completion Date
6	**Land Development and Maintenance, Erosion Control**	Invasive yellow star-thistle (*Centaurea solstitialis*) population which was potentially brought in with some seeded straw when the pond was created.	See Appendix A for proper invasive species control techniques.	**High**	**October 1, 2020**	
7	**Stream Crossing Installation and Maintenance**	Undersized 10-inch CMP crossing culvert and road showing hydrological connection. Previous applicant has a LSAA Agreement with CDFW to replace the culvert.	Replace the undersized culvert with the permitted 18-inch corrugated metal pipe according to CDFW final agreement standards.	**High**	**October 1, 2021**	
8	**Stream Crossing Installation and Maintenance**	Undersized 10-inch CMP crossing culvert and road showing hydrological connection. Previous applicant has a LSAA Agreement with CDFW to replace the culvert.	Replace the undersized culvert with the permitted 18-inch corrugated metal pipe according to CDFW final agreement standards.	**High**	**October 1, 2021**	
9	**Land Development and Maintenance, Erosion Control, and Drainage**	Previously developed cultivation area within the riparian setback of a Class II watercourse.	Remove the cultivation related materials and restore the disturbance within the riparian setbacks according to the disturbed area stabilization plan.	**High**	**October 1, 2020**	

11. Appendices

A. Invasive Star Thistle (*Centaurea solstitialis*) Management
B. Maps (Site Overview, Disturbed Area & Project Features)
C. Biological Resource Assessment
D. Final Lake and Streambed Alteration Agreement
E. Best Practical Treatment or Control (BPTC) Measures

Appendix A: Invasive Star Thistle (*Centaurea solstitialis*) Management

An isolated *Centaurea solstitialis* (Yellow Star thistle) population approximately 2,200-ft^2 has been observed near the most northern cultivation area. It is believed that the invasive plants could have been brought in with the straw that was used for stabilization within this area when it was previously disturbed. Invasive plants out-complete native plant species for sunlight, space, water and nutrients. Management for both species must include timely removal, monitoring and follow-up treatment plan for missed plants and seedlings. In most instances it takes 3 or more years of intensive management to significantly reduce the invasive population. Since the affected area is near commercial crops chemical means are not recommended for the management of this area. Manual mechanical means shall be used to remove the invasive plants. Hand pulling or hoeing is the most effective technique in removal and maintenance. The whole tap root shall be removed to prevent the regeneration of the below ground plant. Manual removal shall take place annually in June when both invasive plants are in flower prior to the mature stage when seeds are present. Initial maintenance should be followed with a repeated treatment within 2 weeks of the initial treatment. Care should be taken to minimize soil disturbance and to properly dispose of plant debris by bagging and/or burning. The area shall be seed casted with native seeds and covered with **weed free** straw to prevent predation from wildlife and to allow for optimal germination conditions. Rice straw is typically the best straw to prevent invasive weeds, any straw works if it's certified seedless. The area shall be monitored and maintained annually to prevent the spread of invasive plants. The parcel should be assessed for more areas with these invasive plants present. A high priority should be the treatment of small sporadic populations which can grow into larger populations.

ANNUAL REPORT FOR MONITORING AND REPORTING PROGRAM UNDER ORDER NO. R1-2015-0023

Note: This form must be electronically validated prior to submission. Failure to utilize the "Validate and Create Submittal" button at the bottom of the page may result in errors that delay the processing of your Annual Report.

Enrollment and Site Information

WDID	1B16511CHUM	
County	Humboldt	
[1]APN(s)	208-241-019	
Tier	2	
Reporting Date	06/23/2018	
Discharger Name	*First* Jeff	*Last* Hendrich
Discharger Relationship to Property	Owner	
Report Preparer	Discharger	
[2]Report Preparer Organization		
[3]Date Water Resource Protection Plan submitted		
[3]Date instream work performed		
[3]Date instream work planned		

[1]Separate multiple APNs using a semicolon (";").
APN formats by county are as follows: ***XXX-XXX-XXX-000****: Del Norte, Glenn, Humboldt, Lake, Modoc, Sonoma, Siskiyou*
XXX-XXX-XX-00*: Mendocino, Trinity*
XXX-XXX-XXX*: Marin*

[2]Required only if report is prepared by an Authorized Representative.
[3]Dates required only if applicable.

[4]Site in Compliance with Standard Conditions?

Standard Condition	Yes/No	Expected Date of Compliance
1) Site maintenance, erosion control, and drainage features	No	10/15/2019
2) Stream crossing maintenance	No	10/15/2019
3) Riparian and wetland protection management	Yes	
4) Spoils management	Yes	
5) Water storage and use	No	10/15/2019
6) Irrigation runoff	Yes	
7) Fertilizers and soil amendments	Yes	
8) Pesticides and herbicides	Yes	
9) Petroleum products and other chemicals	Yes	
10) Cultivation-related wastes	Yes	
11) Refuse and human waste	No	10/15/2020

[4]If a standard condition is not met, indicate "No" and provide expected date of compliance in the adjoining box to the right. If a standard condition has been met or is not applicable (for instance, if there are no stream crossings onsite) indicate "Yes" the standard condition has been met and leave adjoining space blank.

If you are experiencing problems completing this form electronically please contact the Cannabis Unit at the North Coast Regional Water Quality Control Board for assistance at (707) 576-2676 or by email at northcoast.cannabis@waterboards.ca.gov.

Quantitative Site Characterization	
Total sum of all cultivation areas (ft^2)	10,000
[5]Distance from cultivation area (ft) to nearest Class I Watercourse	200+ ft
[5]Distance from cultivation area (ft) to nearest Class II Watercourse	200+ ft
[5]Distance from cultivation area (ft) to nearest Class III Watercourse	50 - 99 ft
Average slope of cultivated area (%)	15
Number of road crossings of surface waters	4
[6]Total water storage capacity (gallons)	200,000
[7]Total nitrogen used (lbs)	160
[7]Total phosphorus used (lbs)	305

[5]Report minimum distance from ANY cultivation area to this watercourse.
Watercourse Class definitions can be found in the footnotes on page 6 of NCRWQCB Order No. R1-2015-0023.
[6]One acre-foot is 325,851 gallons.
[7]Calculate nitrogen (and phosphorus) content for individual products and sum all products used.
Dry and liquid forms of products can be calculated as follows:
Dry Fertilizer: ***Nitrogen (lbs) = (%N / 100) x weight of product (lbs)***
Liquid Fertilizer: ***Nitrogen (lbs) = (%N / 100) x density of product (lbs / gal) x volume of product (gal)***

[8]Water Use

Total surface water diversion ([6]gallons)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0	0	0	0	0	0	0	0	0	0	0	0

Water input to storage ([6]gallons)

[9]Input Source	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Rain	40,000	40,000	40,000	0	0	0	0	0	0	0	40,000	40,000

Water use ([6]gallons)

[9]Application Source	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Pond(s)	0	0	0	3,000	6,000	9,000	9,000	9,000	9,000	9,000	4,500	0

[8]Water use reporting includes domestic water if the residence is associated with cannabis cultivation.
[9]Combine multiple cases (e.g. multiple tanks) of a single source category (e.g. "Tank(s)") into a single row. If water is applied from storage, indicate the type of storage (Bladder(s), Pond(s), Tank(s), or Other) as the application source. If "Other" is selected for either Input Source or Application Source please provide a brief description here:

[10]Digital Signature

Jeff Hendrich

[10]Type full legal name to sign form

Form Successfully Validated

If you are experiencing problems completing this form electronically please contact the Cannabis Unit at the North Coast Regional Water Quality Control Board for assistance at (707) 576-2676 or by email at northcoast.cannabis@waterboards.ca.gov.

Conversion Analsysis


7/2010
40.5059,-123.5634
Image USDA Farm Service Agency
Google Ea
1993
Imagery Date: 5/24/2009 40°30'17.58" N 123°33'47.85" W elev 2616 ft eye alt 49

Based on the ariel images available, I can see no clear evidence of tree clearing/forestland conversion.

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	✓	Comments	**Attached**
Division Environmental Health			
Public Works, Land Use Division	✓	Approval	On file
CalFIRE			
California Department of Fish & Wildlife			
Northwest Information Center	✓	Comments	On file and confidential
Bear RiverTribe	✓	Comments	On file and confidential
Southern Trinity Unified School District		No response	
County Counsel		No Response	
Humboldt County Sheriff	✓	Comment	On file
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
County Counsel		No response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	
Ruth Lake Community Service District		No response	

Building Inspection Notes

- PLAN REFER
- 1/8/19
- VERIFIED WATER STORAGE AREA NO GRADING INVOLVED FOR SITE
- HISTORIC CULTIVATION AREA (D) HOOPS STRUCTURE REMOVED
- HISTORIC CULTIVATION AREA (C) HOOPS STRUCTURE REMOVED
- DOMESTIC CABIN EST. 2003, APPEARS TO BE WITHIN THE 100' SMA SIZE: 12'X16'
- STORAGE SHED (DOMESTIC USE) 2003, 12'X16' will REQUIRE A BLDG PERMIT AND will NEED A SOILS REPORT, it is within 40' OF A SLOPE OF OVER 15% OR REMOVE. MAY GO AS ACCESSORY STRUCTURE.
- HISTORIC CULTIVATION AREA (A&B) ALL STRUCTURES REMOVED DOES NOT APPEAR TO BE IN USE.

208-241-019 15222

COUNTY OF HUMBOLDT
Planning and Building Department – Current Planning
3015 H Street, Eureka, CA 95501 ~ PHONE (707) 445-7541

PROJECT TRANSMITTAL

55

APPLICANT KEY PARCEL 208-241-019-000 Mad River DATE 12/26/2018 CONTACT APPS# PLN-2018-15222

PROJECT INFORMATION

SUBJECT Hendrich - SP

PROJECT TYPE Special Permit (CCLUO2)

PROJECT DESCRIPTION Special Permit for 7500 SF existing outdoor cannabis cultivation

PROJECT LOCATION

PRESENT PLAN DESIGNATIONS Residential Agriculture - 20 to 160 acres Density: Density range is 20 to 160 acres per unit.

PRESENT ZONING FR-B-5(40)

KEY PARCEL NUMBER 208-241-019-000

ADDITIONAL PARCEL #S

APPLICANT INFORMATION

Name Jeffrey Hendrich
Address 1 482 Rock Pit Road
Address 2
City Fieldbrook **State** CA **Zip** 95519
Phone **E-Mail** jhhendrich@hotmail.com

OWNER INFORMATION

Name Hendrick Jeffrey H
Address 1 Po Box 67
Address 2
City Mad River **State** CA **Zip** 95552
Phone **E-Mail**

AGENT INFORMATION

Name
Address 1
Address 2
City **State** **Zip**
Phone **E-Mail**

ADDITIONAL PROJECT INFORMATION

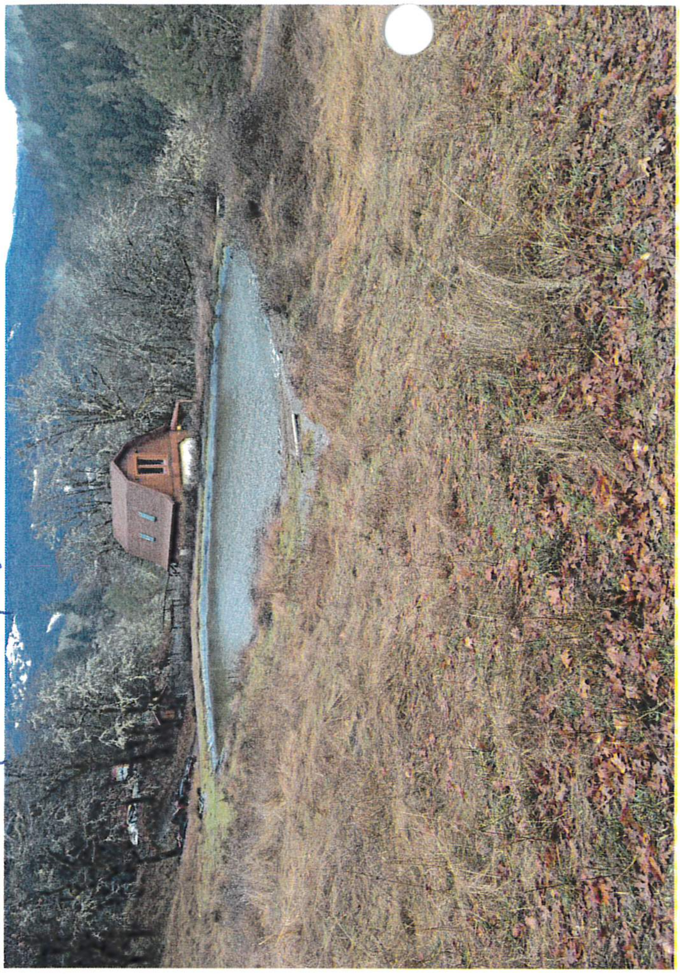
ADDITIONAL OWNERS

DECISION MAKER
ENVIRONMENTAL REVIEW REQUIRED?
MAJOR ISSUES
STATE APPEAL STATUS
PRELIMINARY CEQA FINDINGS
CEQA EXEMPTION SECTION
EXEMPTION DESCRIPTION

Approved

Not in Referals Issac

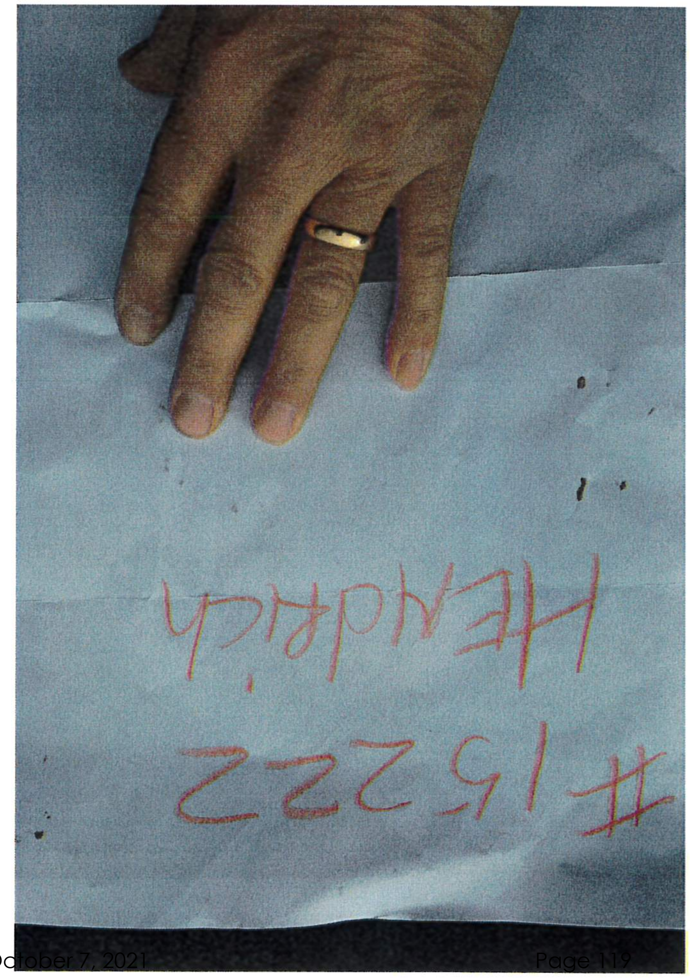
- ~~RATTLESNAKE / IN15~~
- BURGER BAR.
- JACOB GRAY TRUCK toyota



Pond / BARN 20'x30' Est. 2011

Pond Site

Cultivation site #B



APN # 208-241-019 A# 15333

Historic Cultivation Area "A"

BARN / 20'x30' Est. 2011

Proposed Cultivation Area "A"

Historic Cultivation Area "B"

WATER CATCHMENT.

RESIDENCE EST. 1983

APN # 208-241-019 A # 15222

WATER CATCHMENT. POND.

INSIDE DOMESTIC CABIN
12'X16' EST. 2003

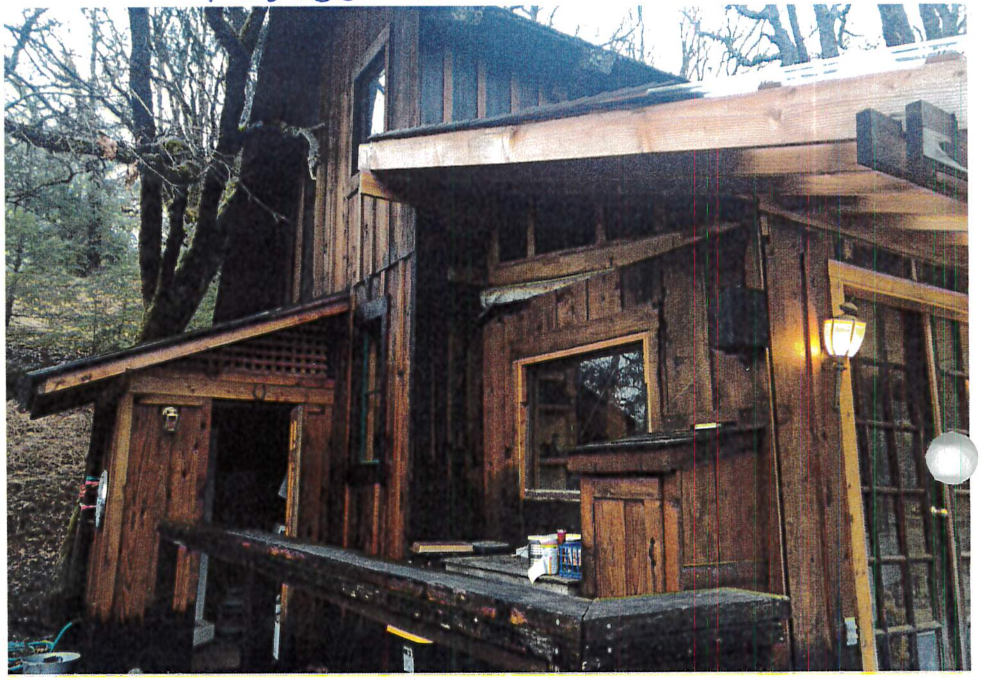
Historic Cultivation Area "D"

DOMESTIC CABIN 16'X12' - 2003
APN # 208-241-019 A# 15222

DOMESTIC CABIN 12'X16' EST. 2003

WATER STORAGE AREA
2-1550 GALLON TANKS
1-2500

RESIDENCE Est. 2003



6'X6 STORAGE SHED

RESIDENCE Est. 2003

10" CULVERT "D" 10"

STORAGE SHED - DOMESTIC USE 12'X16'

STORAGE SHED / DOMESTIC USE 12'X16'

APN# 208-241-019

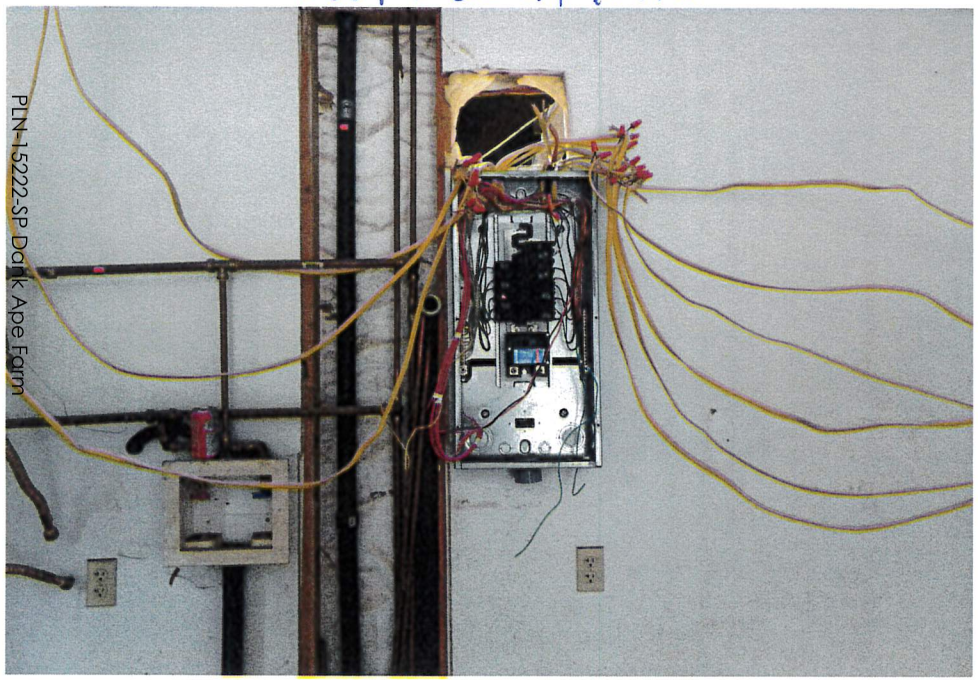
A# 15222

DOMESTIC CABIN 12'X16' EST. 2003

INSIDE DOMESTIC SHED 12'X16' EST. 2003

WATER FLOWING 100' OR MORE FROM HISTORIC CULTIVATION AREA "D"

SUBPANEL IN BARN.

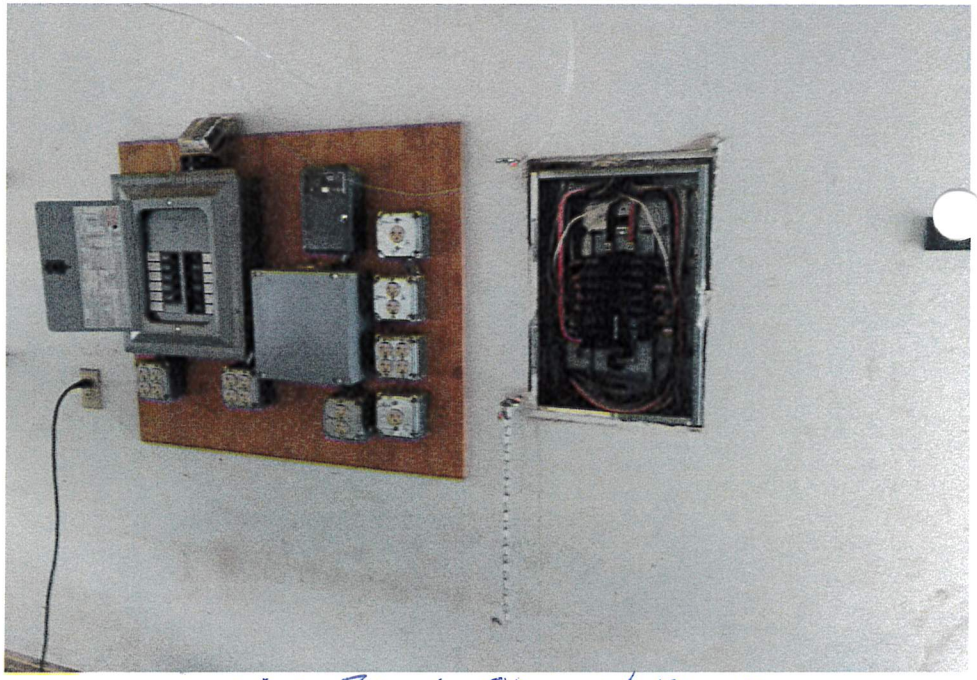


2ND FLOOR ABOVE BARN 20'X30' EST. 2011

BARN 20'X30' ESTABLISHED 2011

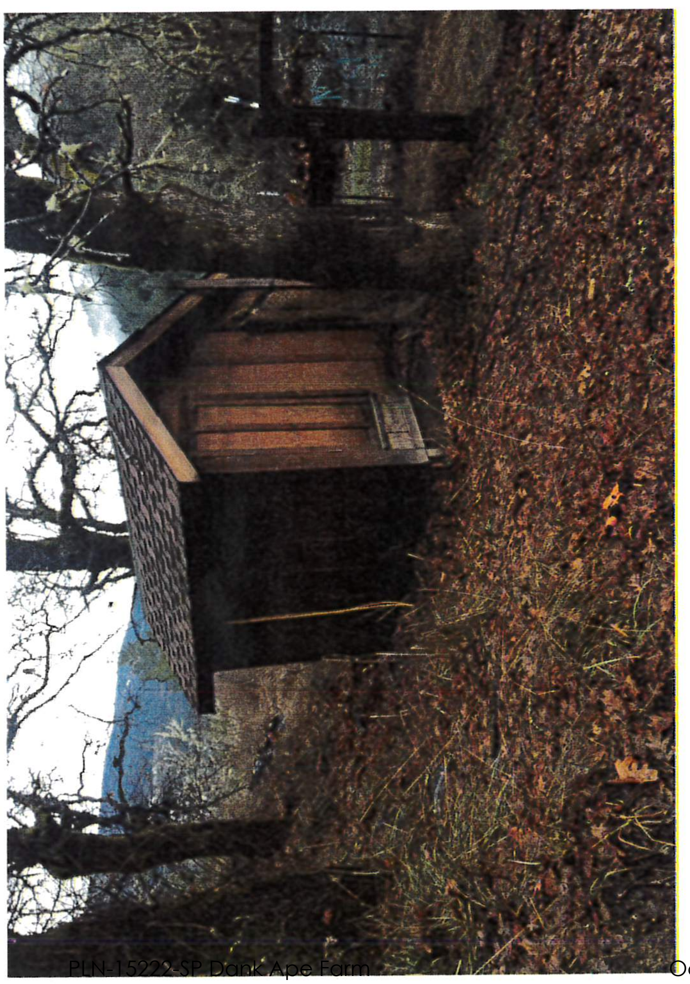
APN # 208-241-019

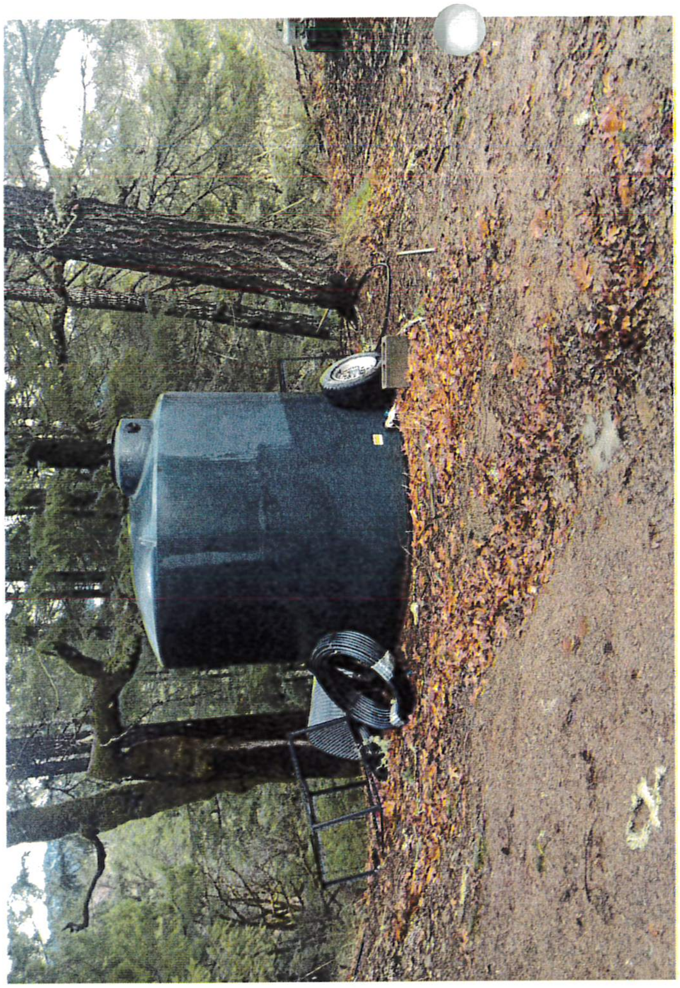
A # 15222



INSIDE BARN SECOND FLOOR

WATER PUMP SHED 6'X6'





SECOND FLOOR OF BARN.

CONTAINER

Site Plan:
Jeffrey Hendrich
APN: 208-241-019

Legend

- Culvert
- Ephemeral Stream
- Generator
- Leach Field
- Mad River
- Private Road
- Property Line Adjustment
- Proposed Cultivation Area
- Rain Water Catchment Pond
- Salyer Mad River Rd
- Septic Tank
- Setback
- Structure
- Water Storage Tanks

Notes:

- Property line adjustment is pending county record.
- There are no school bus stops within 600 ft. of a cultivation area.
- There are no public parks within 600 ft. of a cultivation area.
- There are no placed of worship within 600 ft. of a cultivation area.
- There are no Tribal Resources with 600 ft. of a cultivation area
- There are no offsite residences within 300 ft. of a cultivation area.

N

600 ft

Water Storage Area:
(2) 1,550 gal. HDPE Tanks
(7) 2,500 gal. HDPE Tanks
Total: 20,600 gal.
Est. 2005

Historic Cultivation Area D:
2,850 ft.^{2}

Historic Cultivation Area C:
575 ft.^{2}

Storage Shed (Domestic Use):
Est. 2003
6'x6'

Culvert D (10")

Cabin (Domestic Use):
Est. 2003
12'x16'

Rain Water Catchment Pond:
56,000 gal.
Est. 2015

Storage Shed (Domestic Use):
Est. 2003
12'x16'

Proposed Cultivation Area B:
2,500 ft.^{2}

73'

142'

Historic Cultivation Area B:
1,200 ft.^{2}

Proposed Cultivation Area B:
2,500 ft.^{2}

Historic Cultivation Area A:
400 ft.^{2}

Residence:
Est. 1993
12'x16'

262'

Barn (Used for agricultural chemical and harvest storage):
Est. 2011
20'x30'

Septic Tank:
750 gal.

Proposed Cultivation Area A:
2,600 ft.^{2}

Culvert A (7')

Salyer Mad RiverRd. (Easement)

Culvert C (18")

Culvert B (18")

Google Earth