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: January 20, 2022

To: Humboldt County Planning Commission

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

Subject: **MDF Enterprises, Inc., Special Permit and Zoning Clearance Certificate**
Record Number: PLN-12095-ZCC
Assessor's Parcel Number (APN): 210-250-022
101 Larabee Valley Rd., Bridgeville, CA

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Please contact Desmond Johnston, Senior Planner, at 707-441-2622 or by email at djohnston@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 20, 2022	Special Permit and Zoning Clearance Certificate	Desmond Johnston

Project Description: A proposal to receive 60,000 s.f. of mixed light cultivation in 24 greenhouses from three retirement sites, which are different projects, and add 6,000 s.f. of additional propagation space in two greenhouse/nursery buildings, and add a 2,400 s.f. metal building for processing. The proposed uses would add to an existing approved 30,000 s.f. of mixed light cultivation and 3,000 s.f of propagation in 13 greenhouses. Existing and proposed cultivation will total 90,000 s.f in 37 greenhouses, and 9,000 s.f. of propagation in three greenhouses. The applicant anticipates two to three cycles per year of mixed light for all cultivation areas. An existing 1,500 s.f. metal building will be retrofitted to code as a cottage/office for a caretaker/manager who will be onsite 24 hours per day. An existing 1.5 million-gallon rainwater catchment pond which is capable of supporting all irrigation needs, and two existing back-up wells, will serve the existing and proposed cultivations. There are 16 existing water tanks, which, with the pond, provide 1,547,500 gallons of storage. The mixed light cultivation power is currently sourced from generator which will continue to be used for the expansion. The applicant has applied for a PG&E agricultural drop to obtain grid power. Six employees may be added to the existing six to serve the total facility. There is a 6' privacy fence interior to the property and surrounding the existing and proposed new cultivation and processing facilities.

Project Location: The project is located in Humboldt County, in the Bridgeville area, on the North side of State Hwy 36, at the intersection of State Hwy 36 and Larabee Valley Road, on the property known as 101 Larabee Valley Road.

Present Plan Land Use Designations: Residential Agriculture (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: Low Instability (1).

Present Zoning: Agricultural Exclusive (AE)

Record Number: PLN-12095-ZCC

Assessor's Parcel Number: 210-250-022

Applicant	Owners	Agent
MDF Enterprises, Inc. c/o Martin Falls P.O. Box 331 Trinidad, CA 95570	MDF Enterprises, Inc. c/o Martin Falls P.O. Box 331 Trinidad, CA 95570	Jeffrey Slack Janssen Malloy LLP 730 Fifth Street Eureka, CA 95501

Environmental Review: An Initial Study/Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission

Major Issues: None

MDF Enterprises, Inc.
Record Number: PLN-12095-ZCC
Assessor's Parcel Number: 210-250-022

Recommended Planning Commission Action

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

   (a) Find that the Planning Commission considered the Mitigated Negative Declaration prepared for the MDF Enterprises, Inc. project, together with all comments received during the public review process, pursuant to Section 15074 of the State CEQA Guidelines;
   (b) Make the findings in support of the Mitigated Negative Declaration;
   (c) Adopt the Mitigated Negative Declaration;
   (d) Make all the required findings for approval of the Special Permit and Zoning Clearance Certificate; and
   (e) Approve the MDF Enterprises, Inc., Special Permit and Zoning Clearance Certificate, and Mitigation Monitoring & Reporting Program as recommended by staff and subject to the recommended conditions.

Executive Summary: A proposal to receive 60,000 s.f. of mixed light cultivation in 24 greenhouses from three retirement sites (which are different projects), and add 6,000 s.f. of additional propagation space in two greenhouse/nursery buildings, and add a 2,400 s.f. metal building for processing. The proposed uses would add to an existing approved 30,000 s.f. of mixed light cultivation and 3,000 s.f of propagation in 13 greenhouses. Existing and proposed cultivation will total 90,000 s.f in 37 greenhouses, and 9,000 s.f. of propagation in three greenhouses. The applicant anticipates two to three cycles per year of mixed light for all cultivation areas. An existing 1,500 s.f. metal building will be retrofitted to code as a cottage/office for a caretaker/manager who will be onsite 24 hours per day. An existing 1.5 million-gallon rainwater catchment pond, and two existing back-up wells, will serve the existing and proposed cultivations. There are 16 existing water tanks, which, with the pond, provide 1,547,500 gallons of storage. The mixed light cultivation power is currently sourced from generator which will continue to be used for the expansion. The applicant has applied for a PG&E agricultural drop to obtain grid power. Six employees may be added to the existing six to serve the total facility. There is a 6' privacy fence interior to the property and surrounding the existing and proposed new cultivation and processing facilities. Because the project involves more than two receiving sites, a Special Permit is required pursuant to Section 314-55.4.6.5.9.4 of the Humboldt County Code (revisions adopted September 21, 2021).

Background

The project site was previously approved for 30,000 s.f. of cannabis cultivation with two ZCCs in 2018, with an additional 3,000 s.f. of propagation space, and processing facilities. The existing, approved uses are not subject to further discretionary review. The proposed project will add 60,000 s.f. of Mixed Light via three ZCCs under the County's RRR program, for a total of 90,000 s.f. of cannabis. The three RRR donation-remediation sites are separate projects on other properties and are not considered further under this application.

Cultivation Operations

The proposed 60,000 s.f. of cannabis and ancillary propagation will be fully integrated with the existing cannabis operation. The proposed cultivation and operations plan reflects a single, 90,000 s.f. of mixed light cultivation and a processing facility.

The applicant expects 2 to 3 cycles per year from its mixed light activities, with 9,000 sq. ft. of accessory propagation area. MDF has installed drip irrigation for the existing farm, and will extend this method to the new area. Timers are used to prevent overwatering and manual shutoff prevents watering during cool days when less water is needed. Water is applied at agronomic rates.

The mixed light cultivation power source currently comes from generator use. However, the applicant is applying for a PG&E Agriculture Drop to bring grid power to the site. Once the grid power is in place, generators will no longer be used for its mixed light power needs.

Applicant will shield greenhouses used in its mixed light cultivation operation so that little to no light escapes. In any event, light shall not escape at a level that is visible from neighboring properties between sunset and sunrise, and will comply with the International Dark Sky Association standards for lighting.

Water Source and Storage

A 1.5-million-gallon rainwater catchment pond that was previously approved by the County is on-site and will continue to be used for the cultivation and propagation of the 90,000 s.f. grow. There are two existing, permitted wells on site that have been demonstrated as being non-diversionary. These will be on hand for back-up if needed. Seventeen (17) water storage tanks of various size will store 47,500 gallons, for a total storage volume of 1,547,500-gallons.

Biological Resources

A biological resources assessment was prepared in 2019, a wetland delineation report in 2020, and three appropriately timed seasonal botanical surveys in 2021. The botanical surveys found no special status plants, and therefore there will be no impacts related to plant species. The aquatic resources delineation concluded there are no wetland features on site. The biological resources assessment determined that the project has the potential to impact habitat due to vegetation removal, and could disturb nesting birds causing them to abandon their nests. Also, the potential loss of birds and their nests resulting from the cumulative impact of cannabis projects would be potentially significant. No direct impacts to protected animal species, such as NSO and bald eagles, are identified. Lastly vegetated areas adjacent to streams but outside Streamside Management Areas could be disturbed, which may impact amphibious species. Mitigation measures reducing these potential impacts to a less than significant level were recommended by the biologist, and are included in this staff report in the recommended findings, and in recommended **Conditions of Approval Nos. 26 through 32**.

Cultural Resources

A cultural resources report (CRS) was requested by the Bear River Band, and was prepared in May 2018. Although few items of significance were identified in the field, due to the known presence of confirmed archaeological sites of significance in the area, measures were recommended to ensure no disturbance to resources that may be present. This includes onsite monitoring by an archaeologist or tribal representative during construction of the greenhouses. These are mitigation measures, as well a listed as proposed **Condition of Approval No. 33.** Under the provisions of AB 52, the CRS was subsequently referred to the tribes identified by the Native American Heritage Commission as being traditionally associated with the project site. These included the Bear River Band and Cher-Ae Heights. Neither tribe requested further consultation under AB 52, and the County's responsibilities under AB 52 were complied with and concluded.

Environmental Review

Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The IS/MND was circulated from July 27, 2021, to August 25, 2021, at

the State Clearinghouse. The Mitigated Negative Declaration concluded there are no impacts that could not be mitigated, and nine (9) mitigation measures were included addressing areas of biological resources, cultural and tribal cultural resources. The measures are listed in the IS/MND and the Mitigation Monitoring and Reporting Program attached to this staff report, and in the Findings contained in the draft Resolution. Comments were received from two agencies – the California Department of Cannabis Control, and Caltrans. No comments were received from members of the public. Comments received did not change the conclusions of the Mitigated Negative Declaration, but provided assistance in developing recommended conditions of approval **(Condition No. 20)**. The comment letters attached to the staff report and are summarized and addressed in the Findings.

RECCOMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies and responses to comments on the IS/MND, Planning staff believes that the that Mitigated Negative Declaration complies with the provisions of CEQA, that the findings in support of the MND can be made, and that the applicant has submitted evidence in support of making all of the required findings for approval of the Special permit and Zoning Clearance Certificate.

ALTERNATIVES:

1. Staff prepared a thorough environmental analysis which included the preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant unmitigable impacts.

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

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-12095-ZCC
Assessor's Parcel Numbers: 210-250-022

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the MDF Enterprises, Inc., Special Permit and Zoning Clearance Certificate.

WHEREAS, **MDF Enterprises,** submitted an application and evidence in support of approving a Zoning Clearance Certificate and Special permit for Record No, PLN-12095-ZCC; and

WHEREAS, Permits requested include a Zoning Clearance Certificate to receive three RRR projects consisting of 60,000 s.f.; and

WHEREAS, A Special permit is required under Section 55.4.6.5.9.4 of the Humboldt County Code for the relocation of more than two RRR sites to a single receiving property; and

WHEREAS, a Mitigated Negative Declaration was prepared for the proposed Zoning Clearance Certificate, and circulated for public review pursuant to Section 15074 of the CEQA Guidelines;

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

1. **FINDING:** **Project Description:** A proposal to receive 60,000 s.f. of mixed light cultivation in 24 greenhouses from three retirement sites, which are different projects, and add 6,000 s.f. of additional propagation space in two greenhouse/nursery buildings, and add a 2,400 s.f. metal building for processing. The proposed uses would add to an existing approved 30,000 s.f. of mixed light cultivation and 3,000 s.f of propagation in 13 greenhouses. Existing and proposed cultivation will total 90,000 s.f in 37 greenhouses, and 9,000 s.f. of propagation in three greenhouses. The applicant anticipates two to three cycles per year of mixed light for all cultivation areas. An existing 1,500 s.f. metal building will be retrofitted to code as a cottage/office for a caretaker/manager who will be onsite 24 hours per day. An existing 1.5-million-gallon rainwater catchment pond and two existing wells will serve the existing and proposed cultivations. There are 16 existing water tanks, which, with the pond, provide 1,547,500 gallons of storage. The mixed light cultivation power is currently sourced from generator which will continue to be used for the expansion. The applicant has applied for a PG&E agricultural drop to obtain grid power. Six employees may be added to the existing six to serve the total facility. There is a 6' privacy fence interior to the property and surrounding the existing and proposed new cultivation and processing facilities.

   EVIDENCE: a) Project File: PLN-12095-ZCC

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. A Mitigated Negative Declaration (MND) was prepared for the project and circulated for public review. The conclusion of the MND is that there are not any potentially significant impacts that

cannot be mitigated.

EVIDENCE: a) Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).

b) The CEQA document includes an analysis of the subject Zoning Clearance Certificate. The Initial Study and Draft Mitigated Negative Declaration (IS/MND) was circulated from July 27, 2021 to August 25, 2021 (SCH No. 2021070532).

c) The Planning Commission has considered the proposed mitigated negative declaration together with the analysis and all public and agency comments received during the public review process and the whole record.

d) The mitigated negative declaration reflects the County's independent judgment and analysis.

e) The project has complied with AB 52 requirements for tribal consultation.

f) The Initial Study/Mitigated Negative Declaration included nine (9) mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan which is being adopted as part of the project.

3. FINDING: **ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT- NO MITIGATION REQUIRED**. The following impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: aesthetics, agriculture and forest resources, air quality, geology and soils, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation. transportation and traffic, utilities and service systems, and wildfire.

EVIDENCE: a) There is no evidence of an impact to any of the above reference potential impact areas based on the project as proposed at this proposed location.

b) Initial Study/Mitigated Negative Declaration dated June 2021 and circulated for public review July 27, 2021 to August 25, 2021 (SCH No. 2021070532).

4. FINDING: **ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** – The Initial Study identified potentially significant impacts to biological resources, cultural resources, and tribal cultural resources which could result from the project as originally submitted. Mitigation Measures have been required to ensure potential impacts are limited to a less than significant level.

EVIDENCE: a) **Biological Resources**: Potentially significant impacts will be mitigated to a less that significant level with the implementation of the following mitigation measures for biological resources:

i. Forty-eight hours prior to proposed new development activities within 200 feet of any Streamside Management Area (SMA) or Other Wet Area, a preconstruction survey for special-status amphibians shall be conducted by a qualified biologist. The biologist shall be familiar with the life cycle of foothill yellow-legged frog, northern red-legged frog, Pacific tailed-frog, and Southern torrent salamander, and will conduct appropriate surveys for the applicable life stages (i.e., eggs, larvae, adults).

ii. Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a 400-fbuffer around the proposed development area. Surveys shall consist of "walk and turn" surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for newts and salamanders, and visual searches for frogs.

iii. If red bellied newt or southern torrent salamander or special status frogs are detected during the preconstruction survey, the proposed development area shall be relocated to be no closer than 200 feet from the occurrence(s) measured as a horizontal line perpendicular to and moving away from the SMA.

iv. Within 24 hours before beginning proposed new development activities within 200 feet of SMA or Other Wet Area, a qualified biologist shall survey areas of anticipated disturbance for the presence of western pond turtle. If pond turtles are found during the survey the proposed development area shall be relocated to be no closer than 200 feet from the occurrence(s) measured as a horizontal line perpendicular to, and moving away from, the SMA.

v. Prior to removal of any trees, or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting raptors and shall identify active nests within 500 feet of the proposed development area. The surveys shall be conducted between February 1 and August 31, if necessary.

vi. Impacts to nesting raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. The buffer areas shall be protected with construction fencing, and no activity shall occur within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. CDFW guidelines recommend implementation of a 500-foot buffer for raptors, but the size of the buffer may be adjusted if a qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.

vii. Prior to removal of any vegetation or any ground disturbance between February 1 and August 31, a qualified biologist shall conduct

preconstruction surveys for nests on any structure or vegetation slated for removal, as well as for potential special-status bird nesting habitat. The surveys shall be conducted no more than 14 days before construction commences. If no active nests or bank swallow colonies are found during focused surveys, no further action under this measure will be required. If active nests are located during the preconstruction surveys, the biologist shall notify the Planning Director and CDFW. If deemed necessary by the Planning Director in consultation with CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If the Planning Director determines in consultation with CDFW that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a minimum of 100 feet of the nest to avoid disturbance until the nest or colony is no longer active.

viii. Trees shall not be removed during the breeding season for nesting raptors unless a survey by a qualified biologist verifies that there is not an active nest in the tree.

b) **Cultural & Tribal Cultural Resources**: Potentially significant impacts in each of these two areas will be mitigated to a less that significant level with the implementation of the following mitigation measure for cultural and tribal cultural resources:

i. Any excavations associated with grading for greenhouse development be monitored for archaeological materials by tribally approved individuals such as an archaeologist or tribal member. If significant archaeological finds are made all work shall stop in the immediate vicinity until a qualified archaeologist and tribal representative have offered recommendations for preservation, if warranted. A monitoring report should be prepared and submitted to the NWIC database and a copy provided to the County.

5. FINDING: **CEQA Public Comments:** Letters of comment were received from two agencies. These comments have been considered and none of these comments change the conclusions of the Mitigated Negative Declaration.

EVIDENCE: a) A comment from the California Department of Transportation (CalTrans) recommended the County require the driveway to the site be improved to meet CalTrans current standards for a 20-foot commercial driveway to improve site distances towards the west at the intersection of road known as "Larabee Valley Road" and State Highway 36. The comment letter states that Larabee Valley Road may have been a public road approach, but that it no longer appears on Humboldt County's list of maintained roads. The applicant states that if this road is no longer a public road approach, then the applicant agrees to such condition as a condition of project approval. Applicant shall consult with Humboldt County Public Works Department and make such improvements as necessary to address the issues raised in CalTrans comment letter.

b) The California Department of Food and Agriculture (CDFA) commented that several additions to the Initial Study/Mitigated Negative Declaration

would improve the document. The comments are helpful but do not alter the conclusions of the Mitigated Negative Declaration. The information is taken as beneficial for future reference.

FINDINGS FOR SPECIAL PERMIT AND ZONING CLEARANCE CERTIFICATE

6. 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 uses such as cannabis cultivation are a planned and anticipated use in the Agricultural Exclusive (AE) land use designation. The use of an agriculturally designated property for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program.

b) The project is consistent with the Conservation and Open Space Scenic Resources policies as the only applicable policy is related to restricting light and glare. The project will comply with the CMMLUO which requires all night lighting be completely shielded in compliance with International Dark Sky Standards.

c) The project is consistent Conservation and Open Space Element Biological Resources as evidenced by compliance with the following polices and standards:

1. Streamside Management Areas (BR-P5, P6): There are mapped Streamside Management Areas (SMAs). All development associated with the project is located outside of SMAs.

2. Biological Resource Maps (BRP11): A biological assessment was prepared did not find potential impacts to Marbled murrelet or Northern Spotted Owl (NSO). No special status species were found on-site, a mitigation measure has been applied for preconstruction surveys for special status amphibians.

3. Agency Review (BR-P12): Consistent with this policy, the county has consulted with the California Department of Fish and Wildlife in the preparation of the Initial Study/Mitigated Negative Declaration and based on CDFW site visit the project is consistent with the protection of Biological Resources.

d) The project is consistent with the Water Resources Element through compliance with the following goals and policies:
i. Sustainable Management (WR-P1).
ii. Protection for Surface and Groundwater Uses (WR-P2).
The project does not utilize diversion from a surface water source but will use well water and captured rainfall from 1.5 million gallon rainwater catchment pond.

iii. Project Design (WR-P12. The project is not located in any SMA and thus will not detract from the function of rivers, streams, ponds, wetlands or their setback areas.

iv. Rain Catchment Systems (WR-P20). Rainwater catchment is a component of the project, providing approximately 1.5 million gallons of the annual water use.

7. FINDING The project is consistent with the Humboldt County Zoning Regulations and the Agriculture Exclusive (AE) Zone District.

EVIDENCE: a) The AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use. General agricultural uses are principally permitted uses in the AE Zone. Section 314-7.1.

8. FINDING The proposed project is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

EVIDENCE: a) Section 55.4.14 et. seq. (authorizes RRR cannabis relocation by zoning clearance certificate for up to 20,000 s.f. per relocation site. The proposed zoning clearance certificate would add 60,000 s.f. of cultivation under the County's RRR program from three separate relocation sites to the receiving site.

b) The proposed cultivation site is flat with less than 15% slope.

c) The cultivation areas are setback more than 30 feet from all property lines.

d) The subject parcel has been determined to be a legal parcel under the provisions of the Subdivision Map Act.

e) The project is served by a County Maintained Road to the property. There will not be a decrease in the level of service of any roadway as a result of this project.

f) The proposed project will utilize renewable energy provided by P.G E. upon receiving an Agricultural Upgrade from P.G.E. upon project implementation.

g) Section 55.4.6.4.3 limits the use of prime soil on a parcel to 20%. The total area of prime soil on the parcel is 926,535 s.f., leaving 185,307 s.f. available for a cultivation site under the rule. The cumulative proposed cultivation is 90,000 s.f. plus a 9,700 s.f. drying building for a total cultivation site of 99,700 s.f. The proposed project is within the limitation on use of prime soils.

9. FINDING The cultivation of 60,000 square feet of cannabis and associated infrastructure including 6,000 square feet of propagation 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 The project is served by a County Maintained Road to the property. There will not be a decrease in the level of service of any roadway as a result of this project. The project has been designed to comply with all applicable standards of the Humboldt County Code which are intended to protect the public health, safety and welfare.

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

EVIDENCE The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element.

a)

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

EVIDENCE The project site is located in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 105 permits and the total approved acres would be 38 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit and Zoning Clearance Certificate, 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 **January 20, 2022**.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

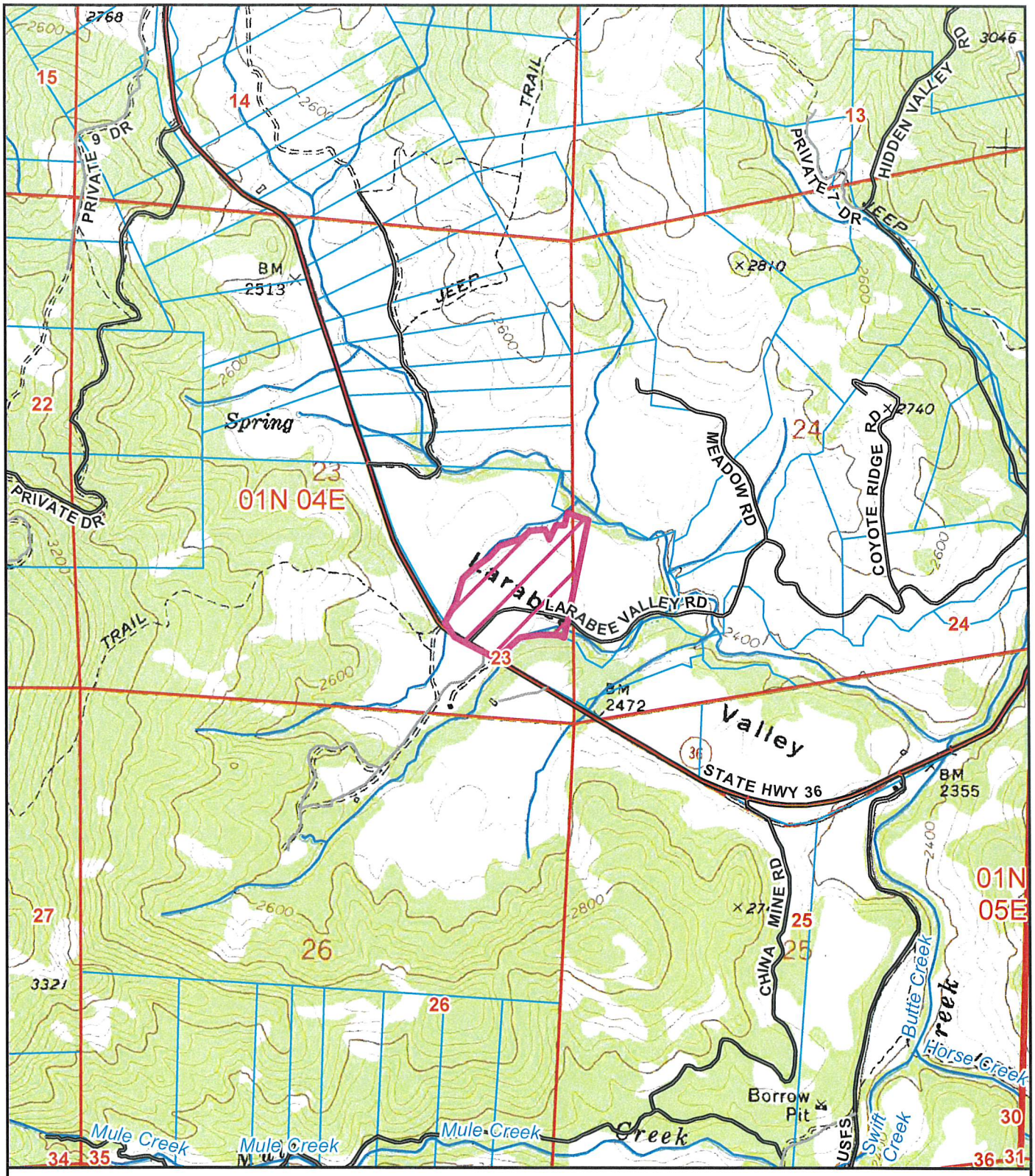
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

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

_____
John Ford, Director
Planning and Building Department



TOPO MAP
PROPOSED MDF ENTERPRISES, INC.
DINSMORE AREA
ZCC-335
APN: 210-250-022
T01N R04E S24; S23 HB&M (LARABEE VALLEY)

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.

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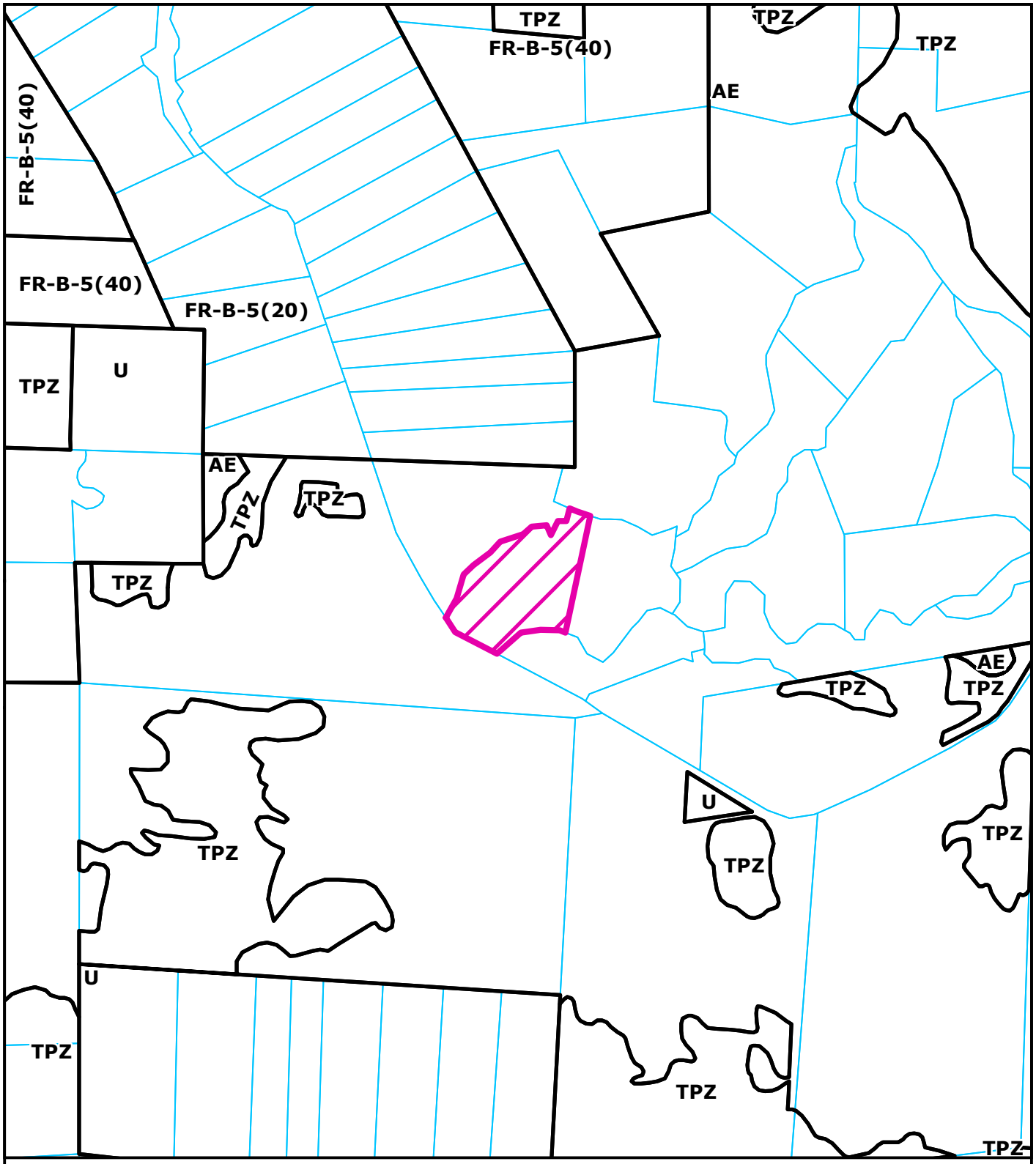

ZONING MAP
PROPOSED MDF ENTERPRISES, INC.
DINSMORE AREA
ZCC-335
APN: 210-250-022
T01N R04E S24; S23 HB&M (LARABEE VALLEY)

Project Area =

N

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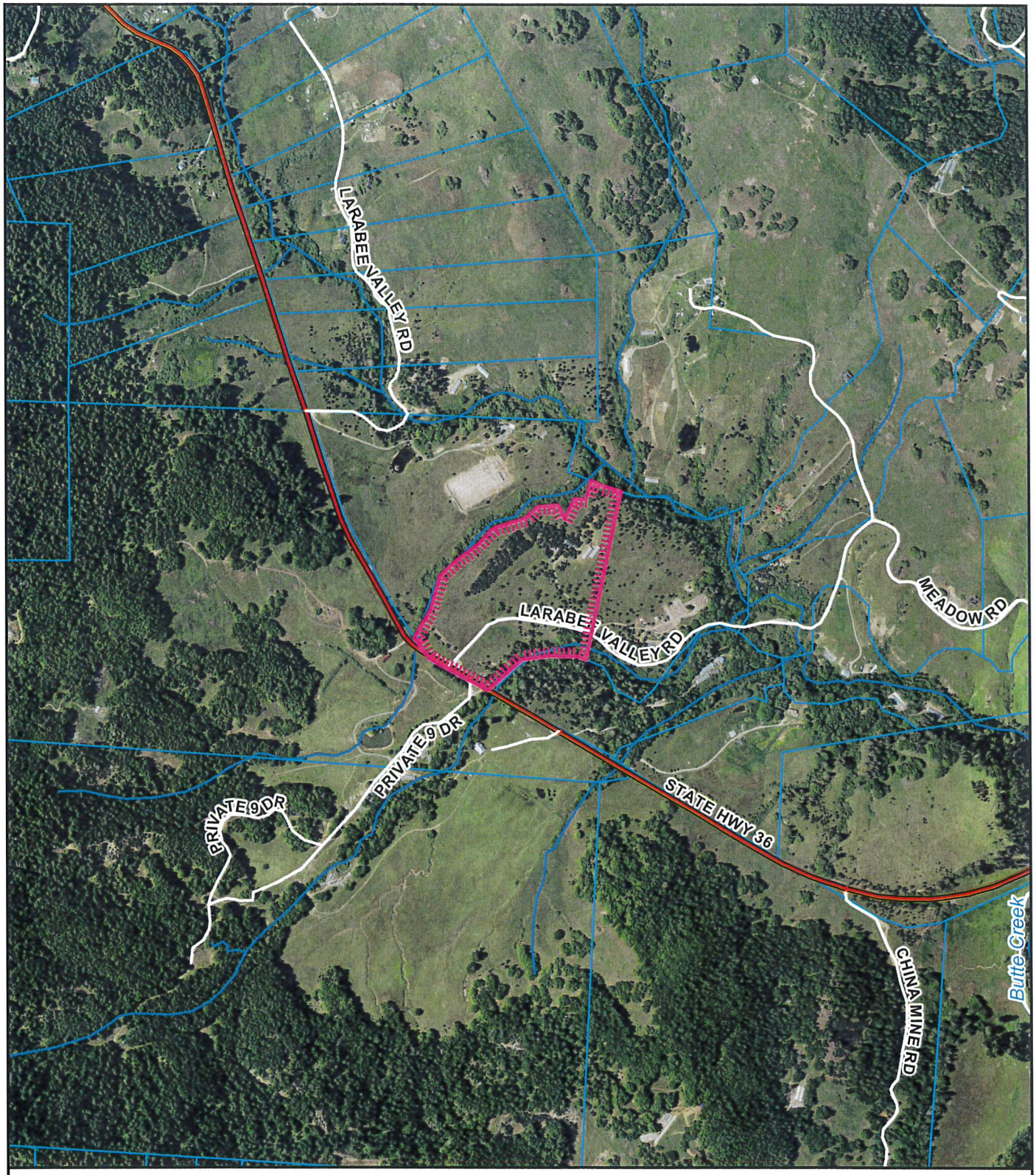

AERIAL MAP
PROPOSED MDF ENTERPRISES, INC.
DINSMORE AREA
ZCC-335
APN: 210-250-022
T01N R04E S24; S23 HB&M (LARABEE VALLEY)

Project Area =

N

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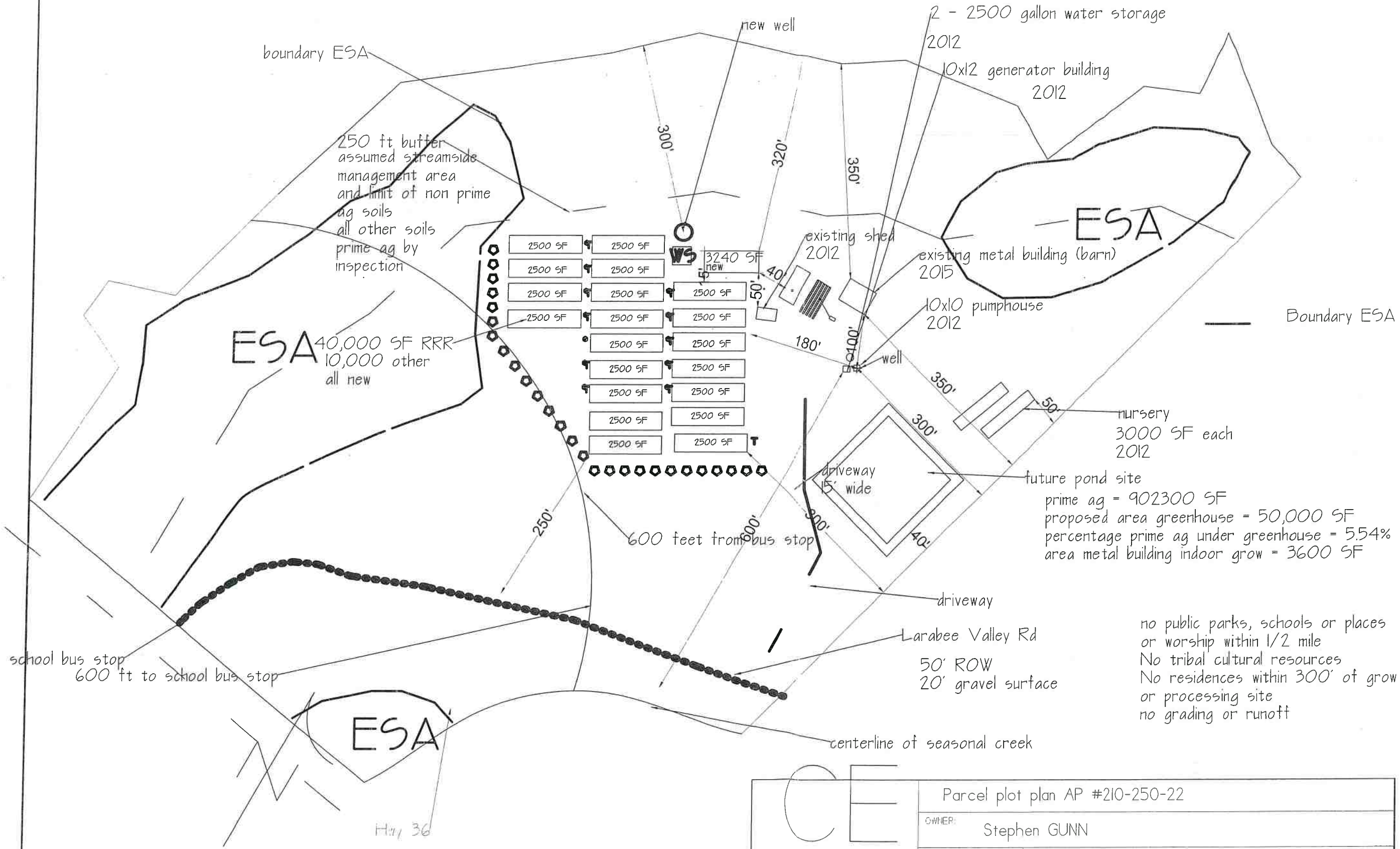


CHAPMAN ENGINEERING
RCE # 040310
P.O. Box 2756
McKinleyville, CA 95519
(707) 839-0298

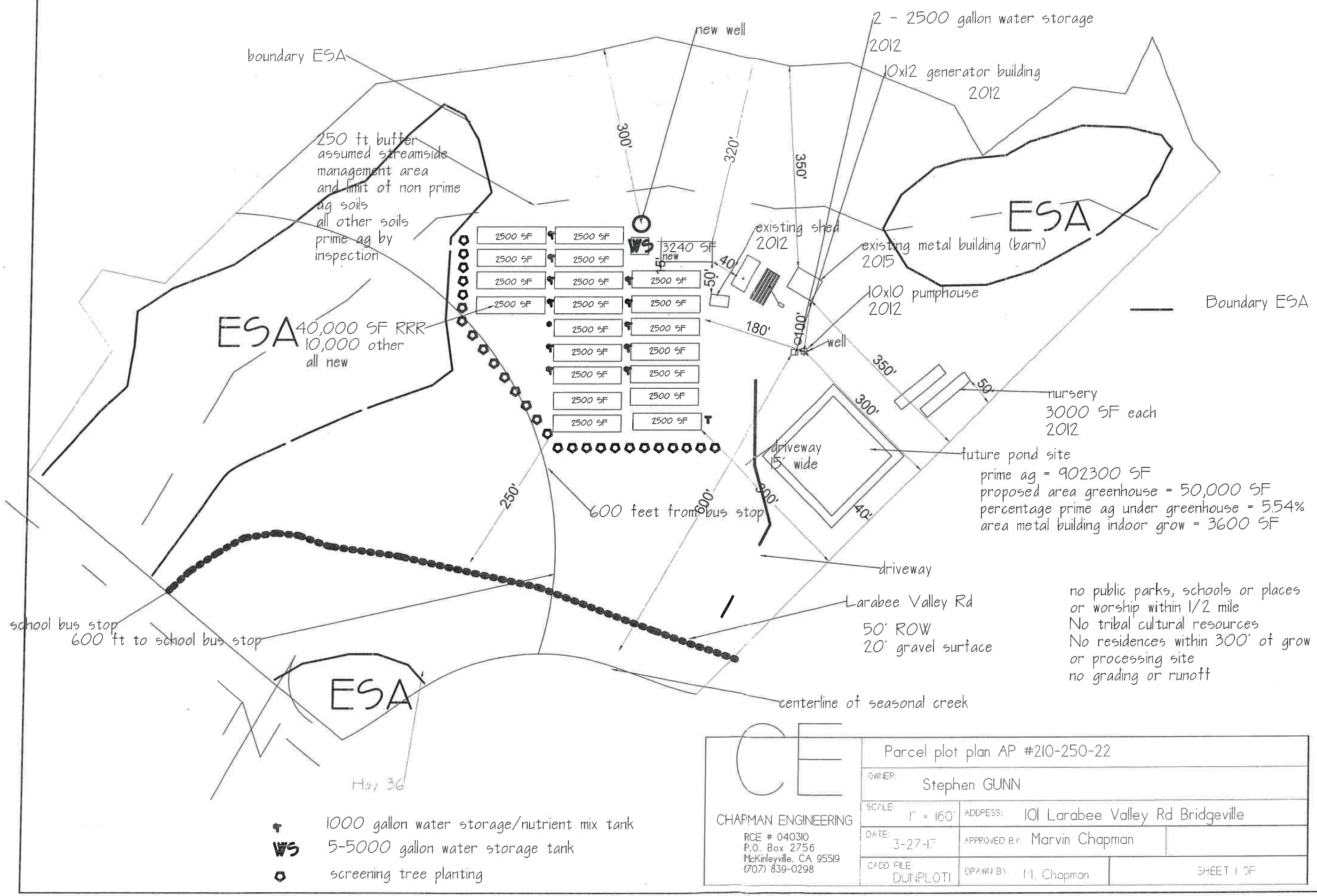
Parcel plot plan AP #210-250-22

OWNER: Stephen GUNN

SCALE: 1" = 160' | ADDRESS: 101 Larabee Valley Rd Bridgeville

DATE: 3-27-17 | APPROVED BY: Marvin Chapman

CADD FILE: DUNPLOT1 | DRAWN BY: M. Chapman | SHEET 1 OF



CHAPMAN ENGINEERING
RCE # 040310
P.O. Box 2756
McKinleyville, CA 95519
(707) 839-0298

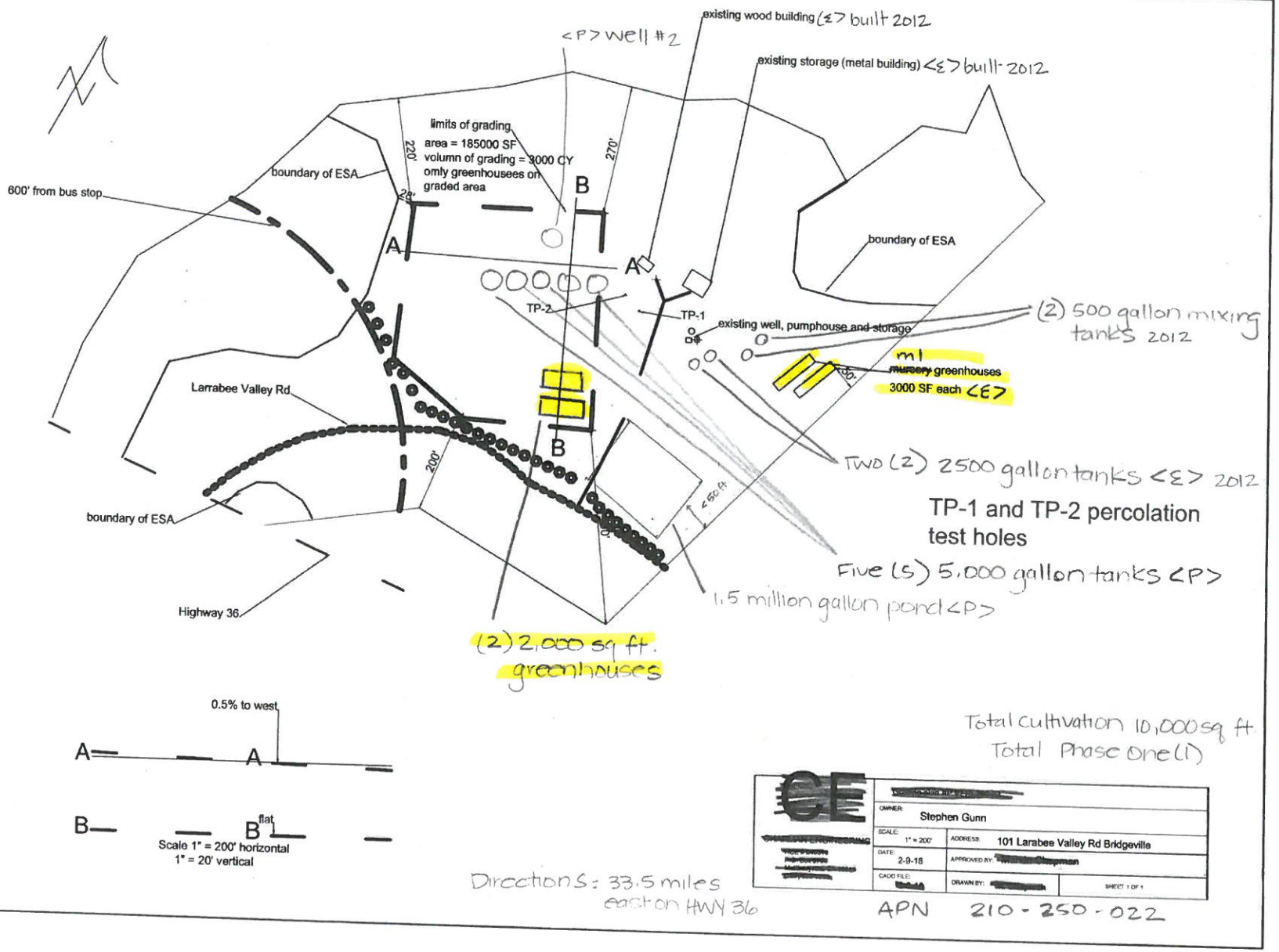
Parcel plot plan AP #210-250-22

OWNER: Stephen GUNN

SCALE: 1" = 160' | ADDRESS: 101 Larabee Valley Rd Bridgeville

DATE: 3-27-17 | APPROVED BY: Marvin Chapman

CADD FILE: DUNPLOT1 | DRAWN BY: M. Chapman | SHEET 1 OF


<P> well #2
existing wood building (E) built 2012
existing storage (metal building) <E> built 2012
limits of grading
area = 185000 SF
volumn of grading = 3000 CY
omly greenhousees on
graded area
220'
270'
boundary of ESA
600' from bus stop
A
B
A
boundary of ESA
TP-2
TP-1
existing well, pumphouse and storage
(2) 500 gallon mixing tanks 2012
m1
nursery greenhouses
3000 SF each <E>
Larrabee Valley Rd
B
200'
Two (2) 2500 gallon tanks <E> 2012
TP-1 and TP-2 percolation test holes
boundary of ESA
<50 ft
Five (5) 5,000 gallon tanks <P>
1.5 million gallon pond <P>
Highway 36
(2) 2,000 sq ft. greenhouses
0.5% to west
A
A
B
B
flat
Scale 1" = 200' horizontal
1" = 20' vertical
Total cultivation 10,000 sq ft
Total Phase One (1)
Stephen Gunn
1" = 200'
101 Larrabee Valley Rd Bridgeville
2-9-18
Directions: 33.5 miles
east on HWY 36
APN 210-250-022

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 CANNABIS CULTIVATION CAN BEGIN OPERATION AND BEFORE ISSUANCE OF ANY BUILDING PERMITS.

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 project shall be developed and operated in accordance with the Operations Plan and project site development plans and all conditions of approval and mitigation measures.

3. 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.

4. 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.

5. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of $2,480.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the $50 document handling fee to the Clerk. This fee is effective through December 31, 2021, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at www.wildlife.ca.gov for a determination stating the project will have no effect on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the $2,480.25 fee payment requirement. In this instance, only a copy of the CDFW form and the $50.00 handling fee is required.

6. The applicant shall submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.

7. The project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.

8. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.

9. The applicant shall obtain from the Building Inspection Division any Building or other required permits prior to commencing construction activities or the approved use.

10. The approved building plans shall address odor management by incorporating a ventilation/air filtration system that limits potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer for review and approval by the Building Official.

11. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before release of the Building Permit and initiation of operations. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

12. Prior to cultivation, the applicant shall submit a soils management plan describing the amount of soil imported to the site, how the soil will be managed while in use and how often and where the soil used during operations will be disposed.

13. Prior to initiating operation the applicant shall meet all of the requirements and obtain all necessary permits from the Division of Environmental Health. The applicant shall submit written verification from that agency verifying this requirement has been met.

14. All imported soil located onsite shall be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.

15. Adhere to International Dark-Sky Standards, which 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. See: https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/

16. All signage shall comply with Section 314-87.2 of the Humboldt County Code, and shall be subject to review and approval by the Planning Director. Signage shall be compatible with surrounding uses and not distract from visitor serving uses in the area.

17. All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

18. All recommendations in the Road Evaluation Report for non-county maintained roads shall be

constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required. Check with the Building Division of the Planning and Building Department for any permit requirements.

19. The driveway shall be improved to Caltrans current standards for a 20-foot commercial driveway to improve site distances towards the west at the intersection of the road known as "Larabee Valley Road" and State Highway 36. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts if needed; minimum size is typically 18 inches. The exact design, dimensions, and location of improvements shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencingoperations or final sign-off for a building permit.

20. Surfaced parking lots shall have an oil-water filtration system prior to discharged into any County-maintained facilities.

21. 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.

22. The applicant shall provide portable toilet(s) to cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system associated with a permitted structure. A letter from DEH stating that the applicant has obtained a permitted septic system will excuse the applicant from this condition. Continued compliance with this condition will be assessed at the applicant's annual inspection.

23. The applicant shall maintain a weekly record of water used for cultivation. A copy of these records shall be stored and maintained at the cultivation site and kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be kept onsite and made available at the applicant's annual inspection.

24. Noise generated from the operation, including fans and dehumidifiers, shall not exceed 50db at 100 feet from the generator as required by Section 314-55.4.12.6 Humboldt County Code.

25. **MM Bio 1(a):** Forty-eight hours prior to proposed new development activities within 200 feet of any Streamside Management Area (SMA) or Other Wet Area, a preconstruction survey for special-status amphibians shall be conducted by a qualified biologist. The biologist shall be familiar with the life cycle of foothill yellow-legged frog, northern red-legged frog, Pacific tailed-frog, and southern torrent salamander, and will conduct appropriate surveys for the applicable life stages (i.e., eggs, larvae, adults).

26. **MM Bio 1(b):** Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a 400-foot buffer around the proposed development area. Surveys shall consist of "walk and turn" surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for newts and salamanders, and visual searches for frogs.

27. **MM Bio 1(c):** If red-bellied newt or southern torrent salamander or special status frogs are detected during the preconstruction survey, the proposed development area shall be relocated to be no closer than 200 feet from the occurrence(s) measured as a horizontal line perpendicular to, and moving away from, the SMA.

28. **MM Bio 1(d):** Within 24 hours before beginning proposed new development activities within 200 feet of SMA or Other Wet Area, a qualified biologist shall survey areas of anticipated disturbance for the presence of western pond turtle. If pond turtles are found during the survey the proposed development area shall be relocated to be no closer than 200 feet from the occurrence(s) measured as a horizontal line perpendicular to, and moving away from, the SMA.

29. **MM Bio 2(e):** Prior to removal of any trees, or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting raptors and shall identify active nests within 500 feet of the proposed development area. The surveys shall be conducted between February 1 and August 31.

30. **MM Bio 2(f):** Impacts to nesting raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. The buffer areas shall be protected with construction fencing, and no activity shall occur within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. CDFW guidelines recommend implementation of a 500-foot buffer for raptors, but the size of the buffer may be adjusted if a qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.

31. **MM Bio 2(g):** Prior to removal of any vegetation or any ground disturbance between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nests on any structure or vegetation slated for removal, as well as for potential special-status bird nesting habitat. The surveys shall be conducted no more than 14 days before construction commences. If no active nests or bank swallow colonies are found during focused surveys, no further action under this measure will be required. If active nests are located during the preconstruction surveys, the biologist shall notify the Planning Director and CDFW. If deemed necessary by the Planning Director in consultation with CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If the Planning Director determines in consultation with CDFW that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a minimum of 100 feet of the nest to avoid disturbance until the nest or colony is no longer active.

32. **MM Bio 2(h):** Trees shall not be removed during the breeding season for nesting raptors unless a survey by a qualified biologist verifies that there is not an active nest in the tree.

33. **MM Cul-1 & Tri-1:** Any excavations associated with grading for greenhouse development shall be monitored for archaeological materials by tribally approved individuals such as an archaeologist or tribal member. If significant archaeological finds are made all work shall stop in the immediate vicinity until a qualified archaeologist and tribal representative have offered recommendations for preservation, if warranted. A monitoring report should be prepared and submitted to the NWIC database and a copy provided to the County.

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

1. The combination of background, greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

3. 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 any back-up generators are located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.

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

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

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

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

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

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

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

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

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

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

Performance Standards for Cultivation and Processing Operations

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

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

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

27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
    a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
        (1) Emergency action response planning as necessary;
        (2) Employee accident reporting and investigation policies;
        (3) Fire prevention;
        (4) Hazard communication policies, including maintenance of material safety data sheets (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.

28. All cultivators shall comply with the approved processing plan as to the following:
    a. Processing practices
    b. Location where processing will occur
    c. Number of employees, if any
    d. Employee Safety Practices
    e. Toilet and handwashing facilities
    f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
    g. Drinking water for employees
    h. Plan to minimize impact from increased road use resulting from processing
    i. On-site housing, if any

29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO 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.

30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within 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.

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

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

33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
    a. Identifying information for the new owner(s) and management as required in an initial permit application;

b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
c. The specific date on which the transfer is to occur;
d. Acknowledgement of full responsibility for complying with the existing permit; and
e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.5.7 of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.

Mitigation Monitoring/ Reporting Program

(MMRP)

Humboldt County Planning and Building Department (HCPBD)

This Mitigation Monitoring/Reporting Program (MMRP) has been prepared for the project described below in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA) and Section 15097 of the CEQA Guidelines and was adopted by the Humboldt County Planning and Building Department (HCPBD) on January 6, 2022.

PROJECT TITLE: MDF Enterprises Cannabis Cultivation Project APN 210-250-022/Application #s12095-ZCC

STATE CLEARINGHOUSE NUMBER: SCH 2021070532

LEAD AGENCY: Humboldt County Planning and Building Department 3015 H St. Eureka, CA 95501

PROJECT LOCATION: 101 Larabee Valley Road, Bridgeville area, California.

GENERAL PLAN LAND USE DESIGNATION: Residential Agricultural / Inland GP

ZONING: Agricultural Exclusive / Improved, Rural Residential, 10 to 20 ac

INTRODUCTION: The purpose of this MMRP is to ensure the mitigation measures approved in connection with project approval are effectively implemented. This MMRP establishes the framework that HBHRCD and others will use to implement the approved mitigation measures and the monitoring and reporting of such implementation.

ENFORCEMENT: In accordance with CEQA, the primary responsibility for making a determination with respect to potential environmental effects rests with HCPBD. As such, HCPBD is identified as the primary enforcement agency for this MMRP. The Department shall ensure that compliance language is incorporated into design and contract documents prepared for the project.

MMRP FEE SCHEDULE: To offset the costs incurred by HCPBD for permit compliance monitoring, an initial monitoring fee and an annual routine compliance monitoring fee will be charged. These fees will be set by the HCPBD Fee Schedule and adopted annually by the Board of Supervisors.

MMRP IMPLEMENTATION TABLE: To ensure this MMRP is effectively implemented, the table on the following pages establishes the framework that HCPBD and others will use to implement the adopted migration measures and the monitoring and reporting of such implementation.

Mitigation Measure	Responsibility for Implementation	Timing of Implementation	Responsibilityfor Confirming Completion	Verification of Compliance
Mitigation Measure BIO-1: special status amphibian pre-construction. Implementation of Mitigation Measure BIO-1 is intended to reduce potential impacts to terrestrial species to less than significant. • Forty-eight hours prior to proposed new development activities within 200 feet of any Streamside Management Area (SMA) or Other Wet Area, a preconstruction survey for special-status amphibians shall be conducted by a qualified biologist. The biologist shall be familiar with the life cycle of foothill yellow-legged frog, northern red-legged frog, Pacific tailed-frog, and southern torrent salamander, and will conduct appropriate surveys for the applicable life stages (i.e., eggs, larvae, adults). • Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a 400-foot buffer around the proposed development area. Surveys shall consist of "walk and turn" surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for newts and salamanders, and visual searches for frogs. • If red-bellied newt or southern torrent salamander or special status frogs are detected during the preconstruction survey, the proposed development area shall be relocated to be no closer than 200 feet from the occurrence(s) measured as a horizontal line perpendicular to, and moving away from, the SMA. • Within 24 hours before beginning proposed new development activities within 200 feet of SMA or Other Wet Area, a qualified biologist shall survey areas of anticipated disturbance for the presence of western pond turtle. If pond turtles are found during the survey the proposed development area shall be relocated to be no closer than 200 feet from the occurrence(s) measured as a horizontal line perpendicular to, and moving away from, the SMA.	The Applicant has contracted with Leopardo Wildlife Associates (LWA) to carry out special status amphibian pre-construction surveys	No more than forty-eight hours prior to new development	HCPBD	Comments: Date Inspected: _____ Comments: Date Inspected: _____ Comments: Date Inspected: _____ Comments: Date Inspected: _____

Mitigation Measure	Responsibility for Implementation	Timing of Implementation	Responsibilityfor Confirming Completion	Verification of Compliance
Mitigation Measure BIO-2: Special status preconstruction survey and establishment of protective buffers Implementation of Mitigation Measure BIO-2 is intended to reduce potential impacts to nesting raptors and other special status birds to less than significant. • Prior to removal of any trees, or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting raptors and shall identify active nests within 500 feet of the proposed development area. The surveys shall be conducted between February 1 and August 31. • Impacts to nesting raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. The buffer areas shall be protected with construction fencing, and no activity shall occur within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. CDFW guidelines recommend implementation of a 500-foot buffer for raptors, but the size of the buffer may be adjusted if a qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest. • Prior to removal of any vegetation or any ground disturbance between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nests on any structure or vegetation slated for removal, as well as for potential special-status bird nesting habitat. The surveys shall be conducted no more than 14 days before construction commences. If no active nests or bank swallow colonies are found during focused surveys, no further action under this measure will be required. If active nests are located during the preconstruction surveys, the biologist shall notify the Planning Director and CDFW. If deemed necessary by the Planning Director in consultation with CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If the Planning Director determines in consultation with CDFW that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a minimum of 100 feet of the nest to avoid disturbance until the nest or colony is no longer active. • Trees shall not be removed during the breeding season for nesting raptors unless a survey by a qualified biologist verifies that there is not an active nest in the tree.	The Applicant has contracted with Leopardo Wildlife Associates (LWA) to carry out pre-construction Migratory Bird Treaty Act (MBTA) Nesting Bird surveys as required	Between February 1 and August 31	HCPBD	Comments: Date Inspected: _____ Comments: Date Inspected: _____ Comments: Date Inspected: _____ Comments: Date Inspected: _____

Mitigation Measure	**Responsibility for Implementation**	**Timing of Implementation**	**Responsibilityfor Confirming Completion**	**Verification of Compliance**
Mitigation Measure CUL-1 and Tri-1: Substantial Adverse Change to Culturally Significant Sites, and Archaeological Resources Despite minimal plans for clearing or digging, it is possible that buried concentration of archeological resources may be uncovered due to the concentration of archaeological sites. • Any excavations associated with grading for greenhouse development shall be monitored for archaeological materials by tribally approved individuals such as an archaeologist or tribal member. If significant archaeological finds are made all work shall stop in the immediate vicinity until a qualified archaeologist and tribal representative have offered recommendations for preservation, if warranted. A monitoring report should be prepared and submitted to the NWIC database and a copy provided to the County.	An agreement between the applicant and Bear River Band of the Rohnerville Rancheria is in place for all ground disturbance to be monitored	Concurrent with grading for greenhouse development	HCPBD	Comments: Date Inspected: _____

ATTACHMENT 2

Initial Study/Mitigated Negative Declaration

SCH No. 2021070532

(Attached Separately)

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. Site plan shows the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation and buildings on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan also includes all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached with project Maps**)

3. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached**)

4. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (**Attached**).

5. A Stormwater Pollution Prevention Plan (SWPPP) was prepared 11/9/2019 (on file)

6. 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. (Not Applicable)

7. If the source of water is a well, a copy of the County well permit, if available. (on file)

8. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not Applicable)

9. 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)

10. 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. Found in Cultivation Operations Plan (**Attached**)

11. 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)

12. 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)

13. A Road Evaluation Report prepared by Stephan Gunn dated 11/20/2017. (on file)

14. Cultural Resources Investigation was prepared by William Rich and Associates dated May 2018. (On-file and Confidential)

15. A biological reconnaissance survey report prepared by Leopardo Wildlife Associates, May 5, 2019 (see **Attached** IS/MND Appendix F).

16. An Updated Botanical Survey Results report prepared by Kyle Wear, Botanical Consultant, June 1, 2021 (see **Attached** IS/MND Appendix F).

17. An Aquatic Resource Delineation report prepared by Timberland Resource Consultants, July 1, 2020 (see **Attached** IS/MND Appendix F).

18. Will Serve Letter (Not applicable).

19. Environmental Site Assessment (Not applicable).

20. Initial Study/Mitigated Negative Declaration for MDF Enterprises, APN 210-250-022, SCH No. 2021070532 (**Attached**).

21. Non-Jurisdictional Well Letter revised by Timberland Resource Consultants, September 29, 2021 (**Attached**).

MDF ENTERPRISES, INC.

CULTIVATION, OPERATIONS, AND SECURITY PLAN

PROJECT SUMMARY

MDF Enterprises, Inc. (Applicant) is applying for three permits on APN 210-250-022. The parcel is assessed at 31 acres and zoned Agricultural Exclusive (AE). The parcel is accessed off of State Highway 36 and Larabee Valley Road.

The parcel has approximately 926,535 sq. ft. of prime agricultural soils mapped on the property per the Humboldt County GIS. Twenty percent of the prime agricultural soils on the property is equivalent to 185,307 sq. ft.

Applicant has applied for three permits on this property and is proposing two additional RRR permits on the property. Proposed total cultivation on the property is 90,000 sq. ft. Application #12091 is for a zoning clearance certificate for mixed light cultivation at 10,000 sq. ft. This permit has been issued. Application #12093 is for a "RRR" zoning clearance certificate for 20,000 sq. ft. of mixed light. This permit has been issued. Application #12095 is for a "RRR" zoning clearance certificate for 20,000 sq. ft. of mixed light. This application remains pending. Two additional RRR applications are being proposed. The relocation sites bear APNs 104-192-001 and 104-192-019. These two RRR applications will be proposed for 20,000 sq. ft. of mixed light cultivation, respectively, on the relocation site.

The present location is an appropriate relocation site to receive cultivation pursuant to Humboldt County Commercial Medical Cannabis Land Use Ordinance Section 55.4.14 et. seq. ("RRR"). The slope of the areas of cultivation is less than 15%, the property has a permitted non-diversionary source of water, and the proposed area of cultivation is less than 20% of the area of prime agricultural soils on the property.

One structure on the property, labeled existing shed structure has been previously associated as a cannabis cultivation facility. Applicant plans to submit an Alternative Owner Builder (AOB) on the existing building. Plans have been drawn and energy calculations made for such a transition. The AOB would serve as a "caretaker cottage/office. A septic system that has been inspected and approved by Chapman Engineering will provide the building with sewage disposal.

CULTIVATION AND OPERATIONS PLAN

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

WATER SOURCE AND STORAGE: Applicant has two permitted wells on the site. The first well has a production rate of 4-gallons per minute. The well's depth is 120-feet and is used for both domestic and irrigation purposes. The second well has an estimated yield of 7-gallons per minute and has a total depth of boring of 180 feet. The second well's output has the potential to increase once a well pump is installed.

Current water storage on the property consists of six (6) 5,000-gallon hard storage tanks and ten (10) 1,000-gallon hard storage tanks for a total of 40,000 gallons. The water tanks are properly placed such that they will not release into waters of the state in the event of a containment failure. Proposed water storage will be increased by an additional 30,000 gallons consisting of six (6) 5,000 gallon tanks to service the additional 40,000 sq. ft. of cultivation being relocated to the Property.

Applicant is in communication with and has entered into contract with Trinity Valley Consulting Engineers, Inc. (TVCE) to design an acceptable pond plan for upwards of 1,500,000 gallons of volume for future water storage. The location of the pond is reflected on the site plan on file with the County. The selected location of the pond is the best possible site taking into account setbacks, county, state, and federal (Fish/ Game and Wildlife) regulations. The chosen site will be sufficient to store enough water for the existing and proposed cultivation and provide an area large enough for secondary containment for runoff storage in the wetter months. The pond will act as a rain catchment storage area. The County of Humboldt has already conducted a site inspection of the chosen site and the applicant has not received negative feedback.

Total proposed/current water storage on site is 1,570,000 gallons.

IRRIGATION PLAN: Applicant intends to use drip irrigation to irrigate cannabis on site. Timers are used to prevent overwatering and manual shutoff prevents watering during cool days when less water is needed. Water is applied at agronomic rates and Applicant intends to install water meters to accurately monitor water usage. Additional watering is done by hand as needed.

In the months outside the forbearance period, well water will be used to directly irrigate crops. Until such time applicant's Lake and Streambed Notification is processed by CDFA and the hydrologic connectivity of the wells is determined, Applicant will forbear from using the wells during the forbearance period pursuant to the Humboldt County Commercial Medical Marijuana Ordinance and rely on stored water in the tanks and the pond.

PROJECTED WATER USAGE: For its 10,000-sq. ft. new mixed light cultivation, Applicant expects water usage to be approximately 2,000 gallons every other day on average during the peak/highest temperatures of the growing season. Applicant is basing these estimates on water consumption exhibited in the past years of existing use. Applicant feels that more efficiency will be achieved by incorporating a drip irrigation system. Depending on seasonal temperatures, water usage will be less in the cooler months.

Based on prior usage, Applicant anticipates using approximately 153,000 gallons between June and October. Applicant expects water usage to be approximately 10,000 gallons (2,500/month) during the wetter months (November-February). Applicant anticipates water usage to be approximately 45,500 (1/2 peak month usage rate) in March-May. Applicant's yearly expected water usage will be approximately 208,500 gallons.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2500	2500	15166	15166	15166	30600	30600	30600	30600	30600	2500	2500
										Total	208498

Applicant's four relocation cultivation areas will be 20,000 sq. ft. each, for a total of 80,000 sq. ft. of cultivation. Based on the daily rate of 1,000 gallons a day per 10,000 sq. ft., Applicant expects water usage for its RRR sites to be approximately 8,000 gallons of water per day on average during the growing season. Based on that usage, Applicant anticipates using approximately 1,216,000 gallons between June and October. Applicant anticipates using approximately 40,000 gallons of water during the wetter months (November- February). Applicant anticipates approximately 182,000 gallons during the months of March-May. Applicant's yearly expected water usage will be approximately 834,000 gallons for its two RRR sites (including water needs for nursery propagationneeds).

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10000	10000	60666	60666	60666	243200	243200	243200	243200	243200	10000	10000
										Total	1,437,998

Water usage for domestic uses is expected to be 5-50 gallons/day.

2. Description of Site Drainage, including Runoff and Erosion Control Measures

SITE DRAINAGE: There are two Class II watercourses located on the property. The Class II watercourses are tributaries to Butte Creek, which drains to the Van Duzen River, which drains to the main stem Eel River. There are no stream crossings or culverts located on

the property. The cultivation areas and associated facilities will be located at least 180 feet from any watercourse.

RUNOFF AND EROSION CONTROL MEASURES: As stated above, cultivation areas are located 180 feet from any watercourse and Applicant applies water and fertilizers at or below standard agronomic rates to prevent irrigation runoff. Likewise, all cleared and developed areas on the property are not hydrologically connected to any surface waters. If runoff does occur, there are sufficient vegetative buffers to filter wastes from runoff between all wetlands, streams, drainage ditches, or other conveyances to prevent contamination of any water course. The buffers have been maintained at natural slope with native vegetation. Applicant intends to use mulch in the cultivation areas to prevent erosion and minimize evaporative loss.

There are no ditch relief drains, rolling dips, or terrace surfaces on the property. There are no unstable slopes or earthen fills on the property, and all cleared or developed areas of the property are not hydrologically connected to any surface waters. Although surface ruts are beginning to develop on the lone dirt driveway, there is no apparent risk for sediment delivery. Applicant intends to rock the dirt road to prevent and minimize any erosion occurring and maintain road integrity for year-round use. All road surfaces will be maintained to promote infiltration/dispersal of outflows and to minimizeerosion.

3. Details of Measures Taken to Ensure Protection of Watershed and Nearby Habitat

PROTECTION OF WATERSHED AND HABITAT: Applicant uses water conservation measures such as drip and timer systems to conserve water and will maintain at least a 180-foot buffer between cultivation related areas and riparian zones. These buffers will be maintained at natural slope with native vegetation.

CULTIVATION RELATED WASTE AND SPOILS MANAGEMENT: Applicant intends to reuse grow bags and grow pots and soil will be re-amended and reused in cultivation. Plant waste is composted in containers to prevent escapement to watercourses or is burned. Any residual waste is recycled and transported to Humboldt Waste Management on a weekly basis. If the waste cannot be recycled, it is put in garbage cans and disposed of properly.

Applicant stores soil spoils on the property. Applicant is allowing soil pile to become naturally vegetated, preventing soil from being blown into surface waters.

REFUSE AND HUMAN WASTE: Applicant stores all trash cans in the area marked on the attached map. Garbage will be removed on a weekly basis and taken to Humboldt

Waste Management. The trash cans are covered from rain to prevent garbage and contaminant runoff.

Applicant utilizes an ADA compliant portable commercial toilet at the cultivation sites. The toilet is serviced weekly by the supplier, so it does not pose a threat to surface or ground water quality. Applicant will provide service records for the portable toilet to comply with Humboldt County ordinances. The parcel also has a septic system which has been inspected and approved by Chapman Engineering. The septic capacity is expected to be sufficient to handle employee use and commercial food waste and any bathroom facilities will be ADA Compliant.

4. Protocols for Proper storage and Use of Fertilizers, Pesticides, and Other Regulated Products Utilized

STORAGE AND USE OF FARM PRODUCTS: Applicant utilizes the soil amendments, fertilizers, and pesticides listed on the attached page labeled "fertilizers, amendments, and pesticides." Pesticides, fertilizers, and soil amendments are used per the label. Pesticides and fertilizers are applied only during dry days, when the threat of runoff is lowest, and is applied at agronomic rates to minimize any runoff. Pesticides and fertilizers applied via hand watering.

Pesticides, fertilizers, and soil amendments are stored inside in the building marked on the attached map. Applicant uses sealed plastic bags placed in plastic bins as secondary containment for fertilizers, pesticides, and soil amendments to minimize escapement. The secondary containers are stored off ground in pallets to prevent leaching.

PETROLEUM USAGE AND STORAGE: Applicant's anticipated yearly usage of petroleum products is reflective of the time of year and temperature. In previous years the applicant has used around 12-18 gallons a day of diesel between the months of May thru September. The harvest months require more air flow to prevent mold, so the generator burns around 24 gallons a day starting at the end of September thru harvest completion. Small Honda generators take the place of the large generator burning only a gallon of fuel throughout the night (9-12hrs). Applicant has a generator with built in diesel storage mounted on a trailer. The generator's fuel storage capacity is 100 gallons and has a built-in secondary containment unit. The generator and trailer is housed in the building marked on the attached map. Gasoline is stored in five-gallon plastic containers which are stored in large totes for secondary containment. Applicant does not use any fuel storage tanks that require implementation of spill prevention, control, and countermeasures or to have appropriate cleanup materials available onsite. Applicant has taken measures that are not

required and provides spill prevention and counter measures in case of an unforeseeable accident. Clean up materials are located in the generator shed. These include gloves, spill absorber, and towels/rags which are contained in bins. Applicant registered with CERS (California Environmental Reporting System) and has had inspectors to property to view storage and existing environment where these events take place. Additional 4x8 hard plastic totes act as further containment for any hard plastic petroleum containers on site

CULTIVATION PLAN
(e.g. Outdoor, Indoor, Mixed Light)

CULTIVATION ACTIVITIES: Applicant will be cultivating 90,000 sq. ft. of mixed light cultivation. As stated above, Applicant is applying for a "new" mixed light cultivation area of 10,000 sq. ft. and four (4) RRR cultivation sites with mixed light cultivation area of 80,000 sq. ft. Applicant expects 2-3 cycles per year from its mixed light activities. Applicant is proposing 7,500 sq. ft. of accessory propagation area.

The mixed light cultivation power source currently comes from generator use. However, Applicant is applying for a PG&E Agriculture Drop to get on grid power to the site. Once Applicant obtains on-grid power, Applicant will no longer use generators for its mixed light power needs.

Applicant will shield greenhouses used in its mixed light cultivation operation so that little to no light escapes. In any event, light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. Further, Applicant's light source for the mixed light cultivation will comply with the International Dark Sky Association standards for lighting as provided in the CMMLUO Performance Standards for mixed light cultivation.

5. Schedule of Activities During Each Month of the Growing and Harvesting Season

January
- Repairing equipment and correcting infrastructureflaws
- Cleaning the property
- Maintaining rainwater catchment and containment systems
- Preparing and maintaining clones and vegging plants
- Amending soil and preparing growing environment
- Less than one (1) hour of generator use per day

February
- Prepare and strive to transplant into greenhouses by Feb.15
- Adjust plants to new environment
- Repairing equipment and correcting infrastructureflaws

- Cleaning the property
- Maintaining rainwater catchment and containment systems
- At least 18 hours of generator use per day

March

- Start flowering 1st run on March 1st
- Prune and trellis plants by March 15th
- Maintaining plants in vegetative cycle
- Day-to-day infrastructure and equipment maintenance
- Maintaining property
- Less than eighteen (18) hours of generator use per day

April

- Cloning
- Maintaining plants in vegetative and flowering cycles
- Day-to-day infrastructure and equipment maintenance
- Maintaining property
- At least eighteen (18) hours of generator use per day
- Preparing for 1st run harvest

May

- Harvest 1st run
- Clean and amend soil in greenhouses
- Prepare and transplant 2nd run by May 15th
- Maintaining healthy growing environment
- Maintaining genetics
- Day-to-day infrastructure and equipment maintenance
- Less than eighteen (18) hours of generator use per day

June

- Start filing 2nd run
- Prune and trellis plants by June 15th
- Maintaining healthy growing environment
- Maintaining established plants
- Day-to-day infrastructure and equipment maintenance
- Approximately eighteen (18) hours of generator use per day

July

- Maintaining healthy growing environment
- Maintaining mothers and clones
- Trellising and otherwise structurally supporting establishedplants
- Pruning and thinning established plants
- Preparing for 2nd run harvest
- least eighteen (18) hours of generator use per day

August

- Harvest 2nd run
- Clean and amend soil in greenhouses
- Prepare and transplant 3rd run by August 15th
- Day-to-day infrastructure and equipmentmaintenance
- Maintain genetics
- At least eighteen (18) hours of generator use per day

September

- Start flowering 3rd run
- Prune and trellis by September 15th
- Maintaining healthy growing environment
- Day-to-day infrastructure and equipmentmaintenance
- At least eighteen (18) hours of generator use per day

October

- Maintaining healthy growing environment
- Maintenance of mothers and clones
- Trellising and otherwise structurally supporting establishedplants
- Pruning and thinning established plants
- Prepare for 3rd run harvest
- Twenty-four (24) hours of generator use per day

November

- Harvest 3rd run
- Day-to-day infrastructure and equipmentmaintenance
- Maintain genetics
- Start winterizing (if applicable)
- Making property and equipment improvements
- At least eighteen (18) hours of generator use per day

December

- Winterizing all equipment and structures
- Maintaining rainwater catchment and containment systems

PROCESSING PLAN

OFF-SITE PROCESSING: Processing will be done at an off-site processing facility. Applicant will identify that processing facility once a permitted facility is ascertained.

EMPLOYEE PLAN

EMPLOYEES: Applicant anticipates hiring six (6) employees for the cultivation operation. Applicant will comply with all performance standards for employees including providing sufficient potable water and bathroom facilities (ADA compliant portables, see above). Parking will be provided as designated on the site plan with sufficient vehicle space for anticipated number of employees. An additional six (6) employees may be added once additional cultivation is approved and applicant is operating 90,000 sq. ft. of cultivation.

To mitigate increased road traffic to and from the site, applicant is proposing hours of operation between 9 AM and 9 PM with employees working split shifts, with the first shift beginning at 9 AM and ending at 5:30 PM, and the second shift beginning at 12:30 PM and ending at 9:00 PM. Deliveries shall be planned around shift schedules to reduce overall volume of traffic at one time to the cultivation site. Carpooling will be encouraged to further reduce traffic volume.

Applicant will comply with all required Employee Safety Practices including preparing an Emergency action response plan as necessary, accident reporting and investigation policies, fire prevention, maintaining MSDS sheets on site, provide training on materials handling and maintain personal protective equipment.

Further, operating manager, emergency responder, and poison control contacts will be maintained at the site.

SECURITY PLAN

Applicant has installed fencing located on the interior of the property at or less than 6 feet in height surrounding the cultivation areas. Fencing will be locked to prevent unauthorized access. One main driveway entrance is the only access point for vehicles. The main driveway entrance has a locked gate leading to the cultivation site. The keys to access the gate will be held by Applicant's manager. Only authorized visitors will be allowed access by the Manager.

Applicant has installed video monitoring devices on grid power from Highway 36. Applicant will keep signage warning of video surveillance and denoting restricted access areas. All licensed premises will be surveilled at all times.

The property is a rural property and although it is fronted by Highway 36, the cultivation areas are kept out of site from traveling motorists. Applicant will keep a manager on site 24 hours per day. Security cameras and a locking vault will be on site to protect stored any cash and product prior to shipping.

Cameras are placed as to confirm all secure access doors are monitored on both the interior and exterior of the building and secure storage. The main access road and entry gate will be monitored by cameras for both entry and exit from the site.

The cultivation area will be monitored at the rear of the greenhouse area along the fence line used to secure the area.

Refer to the included security maps for the location of cameras and the secure access gate.

ATTACHMENT to
CULTIVAITON, OPERATIONS, AND SECURITY PLAN

FERTILIZERS, PESTICDES, AMENDMENTS

Applicant utilizes the following pesticides at the cultivation site:

Green Clean: single container
Neem Oil: single container
Sodium Bicarbonate: single container
Azatrol EC Insecticide: single container

Applicant utilizes the following fertilizers at the cultivation site:

Botanicare: Pure Blend Pro Bloom 1-4-5: 5-gallon containers
Botanicare: Pure Blend Pro Grow 3-2-4: 5-gallon containers
Botanicare: Liquid Karma 0.1-0.1-0.5:
Botanicare: Cal-Mag Plus 2-0-0:
Botanicare: Silica Blast 0-0-0.5:
Technaflora: Thrive Alive: 1-gallon container
Nutrilife: SM 90: 1-gallon container
Dyna Gro: Pro Tekt 0-0-3:
SN-12, 12-0-0:
Compost teas, brewed on-site

Applicant utilizes the following soil amendments at the cultivation site:

Earthworm castings: yard tote
Royal Gold: Re-Amendo: bulk tote broken down on-site into lidded plastic 5-gallon buckets
Anasasi Gold: Humic Acid:

MDF Enterprises Inc.
Stephen Gunn
1714 Franklin St. #100
Oakland, CA. 94612

September 29, 2021

APN 210-250-022 Well Log Evaluation

At your request, I have reviewed the well logs prepared by Fisch Drilling: Permit No. 16/17-0940 & Permit No. 11/12-0324 to assess the potential for direct hydrologic connection between the two wells and nearby surface waters. Based upon my evaluation of the evidence, neither well appears to be diverting surface water based upon the following:

1. The presence of a stratum of alluvium within the screened interval does not exist. The presence of rounded rocks or gravels is a strong indication that the driller intersected an area that was formerly a stream channel. No alluvium was encountered within the "screened interval" of 40-120 feet" for the 2012 well, and 40-180 feet for the 2018 well.

2. Positive pore pressures are present in the borehole at both wells. If the depth to the first encountered water is greater than the depth to the static water level after the well has been completed, developed, and pumped; this would suggest positive pore pressure in the aquifer and is an indicator that the well has been completed in a confined aquifer. The presence of observable positive pore pressure in an aquifer precludes a direct connection to surface water. If a direct connection did exist, pore pressures would be in equilibrium with the ambient atmospheric pressure. Positive pore pressures were present in the aquifer at both well sites.

3. A confining layer is present. In the geologic logs, the screened interval for both wells lay below a substantial aquitard, which in this case is Franciscan bedrock (2012 well) and bedrock shale and sandstone (2018 well). In order for a confined aquifer to exist, there must be an aquitard that allows some level of positive pore pressure to develop in an aquifer. A confining layer was encountered by the driller at both sites.

4. The wells were developed within an upland valley at an elevation of approximately 2,700 feet above mean sea level. The wells are located greater than 300 feet from any surface waters. In addition, the wells are located greater than approximately 1 mile from Butte Creek and greater than 1.5 miles from the Little Van Duzen River; both larger Class I watercourses. Based upon both well's geologic log, underlying geology, and distance from surface water; neither well appears capable of intercepting a "subterranean stream" underlying Butte Creek or the Little Van Duzen River. In determining the legal classification of groundwater, the following physical conditions must exist for the State Water Board to classify groundwater as a subterranean stream flowing through a known and definite channel:

   (1) A subsurface channel must be present;
   (2) The channel must have a relatively impermeable bed and banks;
   (3) The course of the channel must be known or capable of being determined by reasonable inference; and

(4) Groundwater must be flowing in the channel.

For reference, subterranean streams occur within the contact point between the stream's bedrock canyon and the underlying alluvium. In these cases, the "hypothetical" subsurface channel has relatively impermeable bed and banks that demonstrate a significant difference in permeability between the blue clay or shale and the alluvium filling the channel. Further, the course of such a hypothetical channel is known by reasonable inference, by projecting the slopes of the canyon to a point where they meet beneath the alluvium. Groundwater in these cases is flowing in the subterranean stream formed by the channel.

Based upon the two well logs, none of these conditions exist in the underlying formation per each well log.

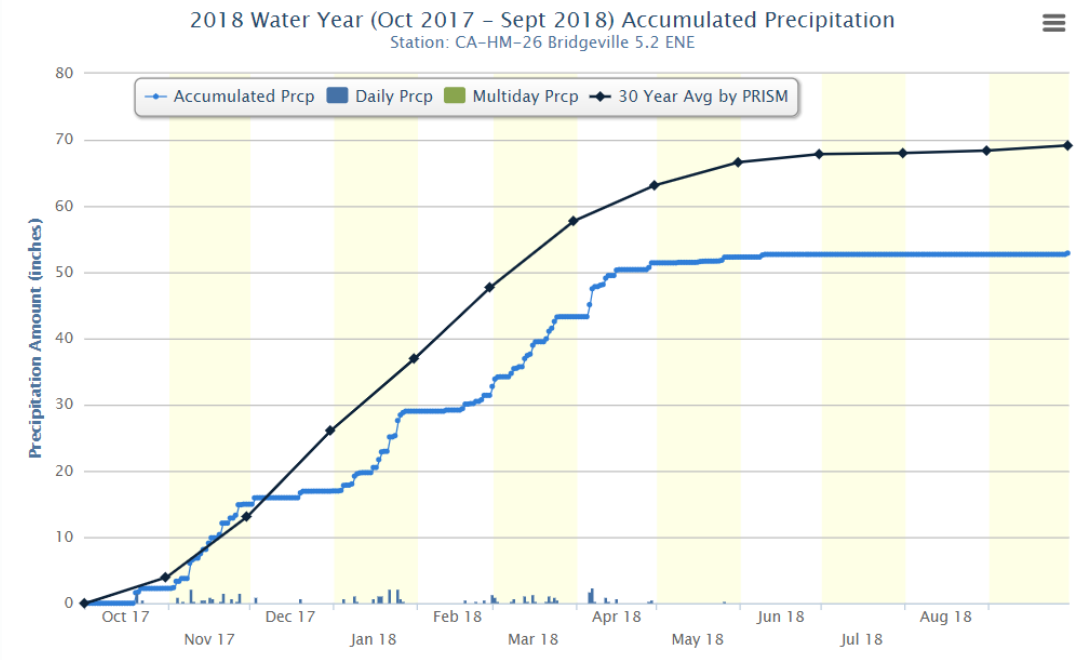
Water Storage and Use:

As stated in the Cultivation and Operations Plan, total current water storage on site is 1,570,000 gallons, which includes a rain catchment pond that is approximately 1,500,000 gallons in size with the balance in various-sized plastic tanks. The pond's dimensions are 236-feet x 236 feet by 16 feet deep. Based upon the 30-year average, Bridgeville receives approximately 70 inches of precipitation annually. More recently, the average has been closer to approximately 50 inches of precipitation annually. The area of the pond (55,696 ft^2) can potentially capture up to 2,428,902 gallons of water. The amount of annual rainfall needed to fill the pond to 1,500,000 gallons is 43 inches.

2018 CoCoRaHS Water Year Summary for Station CA-HM-26

Station Number	CA-HM-26	Latitude	40.47343
Station Name	Bridgeville 5.2 ENE	Longitude	-123.70131
County	Humboldt	Elevation	2675 feet

Monthly Prcp Totals Chart | Accumulated Prcp Chart | Daily Prcp Chart



As stated in the Cultivation and Operations Plan, projected annual water usage for 90,000 ft^2 of cannabis cultivation is 1,437,998 gallons. This equates to approximately 16 gallons of water per square foot of cannabis cultivation per year. This amount of projected water use, although on the higher end of the bell-shaped curve, is consistent with Water Board and CDFW water use reporting done by TRC annually for hundreds of clients. Moreover, several recent studies that are based on an analysis of North Coast Regional Water Quality Control Board data, have found that water usage for cannabis cultivation range from 7-15 gallons per square foot.

- Data reported in Dillis (2020) can be extrapolated to estimate average water usage for outdoor farmers at 7.4 gallons/square foot/year, and average water usage for mixed-light farmers at 10.1 gallons/square foot/year.

- A joint publication from New Frontier Data, the Resource Innovation Institute, and Berkeley Cannabis Research Center estimates outdoor water usage at 11.3 gallons/square foot/year and mixed-light water usage at 14.9 gallons/square foot/year.

The amount of potential water storage contained in the rain catchment pond, not including the use of two permitted groundwater wells, appears capable of supporting the water requirements of the project. In years of drought, when the total season's rainfall is less than 75% of the long-term mean (70 inches); the pond can still be filled even when the season's rainfall is approximately 61% of the long-term normal.

Groundwater Well Use and Potential Cumulative Impacts

As discussed above, the rain catchment pond appears capable of supporting the water requirements of the project without the use of the two groundwater wells, even in years of drought. The number of permitted and unpermitted groundwater wells in Larabee Valley and its contributing watershed are unknown. Although groundwater wells are not subject to Water Board authority, the Sustainable Groundwater Management Act (SGMA) was enacted in 2014 to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. SGMA requires local agencies adopt sustainability plans for high- and medium-priority groundwater basins. Under SGMA, basins must reach sustainability within 20 years of implementing their plans. The long-term planning required by SGMA will provide a buffer against drought and climate change and contribute to reliable water supplies regardless of weather patterns in the State.

Humboldt County has one medium-priority groundwater basin; the Eel River Valley groundwater basin. The Humboldt County Groundwater Sustainability Agency is developing a comprehensive groundwater sustainability plan for the Eel River Valley groundwater basin as required by the Sustainable Groundwater Management Act. No requirement for Larabee Valley's underlying groundwater basin exists at this time. Despite the lack of any State or County jurisdiction on the use of the two permitted wells; the Applicant's reliance and use of rain catchment will avoid or significantly minimize any potential cumulative impacts to Larabee Valley's groundwater basin.

Sincerely,

Chris Carroll, RPF #2628
Timberland Resource Consultants

Aquatic Resource Delineation

APN 210-250-022-000

Prepared for:
Stephen Gunn

Prepared by:
Jack A. Henry

Wildlife Biologist
jhenry@timberlandresource.com
July 1, 2020

Timberland Resource Consultants

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1.0 Introduction

This document discloses and discusses the results of an aquatic resource delineation conducted on APN 210-250-022-000 in Humboldt County, California. The purpose of this report is to assess the project parcel for any potential wetland features so that protections may be accurately applied if present.

Location

The study area is located off State Route Highway 36 in the Larabee Valley, approximately 5 aerial miles northwest of Dinsmore, California. The study area occurs in the SE ¼ of Section 23, T1N, R4E, Humboldt County in the Larabee Valley, CA 7.5' USGS Quad.

2.0 Definitions

Waters of the United States

Under Section 404 of the Clean Water Act the U.S. Army Corps of Engineers regulate "Waters of the United States" as defined in the Code of Federal Regulations as waters susceptible to use in commerce, including interstate waters and wetlands, all other waters (intrastate waterbodies, including wetlands), and their tributaries (33 CFR 328.3). Areas that are inundated at a sufficient depth and for a sufficient duration to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as "other waters" and are often characterized by an ordinary high water mark, and herein referred to as non-wetland waters. Non-wetland waters, for example, generally include lakes, rivers, and streams.

Section 404 of the CWA protects wetlands federally. In 1989 George H.W. Bush implemented the national "No-net Loss of Wetlands" policy which either avoids the filling of wetlands or mitigates the destruction and/or degradation of wetlands. U.S. Army Corps of Engineers defines wetlands as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

Waters of the State

Although very similar, the term "Waters of the State" is defined by the Porter-Cologne Water Quality Control Act (401) as "any surface water or groundwater, including saline waters, within the boundaries of the state." The State Water Resources Control Board (SWRCB) protects all waters in its regulatory scope and has special responsibility for wetlands, riparian areas, and headwaters. These waterbodies have high resource value, are vulnerable to filling, and are not systematically protected by other programs. SWRCB jurisdiction includes wetlands and waters that may not be regulated by the Corps under Section 404.

Until recently, Waters of the State did not include specific language regarding wetlands and any potential deviation from federal regulations. Resolution No. 2019-0015 solidified SWRCB state protections for wetlands along with a state definition. The SWRCB defines wetlands as "An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation." Per Section II.3.c. of Procedures for Discharge of Dredged or Fill Material to Waters of the State; the jurisdiction of artificial wetlands does not include incidental wetlands that have resulted from human activity subject to ongoing maintenance (e.g. inboard ditches, landing surfaces, road surfaces). Assuming these features are not an alteration of pre-existing waters of the state, they do not receive protection under Resolution No. 2019-0015.

3.0 Methods

Data Collection

Sample points within the study area were delineated using standard methods defined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region Version 2.0* (U.S. Army Corps of Engineers 2010) and the *1987 Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987).

Field work and data collection was conducted on June 30, 2020. Five sample points were assessed for the three wetland parameters: wetland hydrology, hydrophytic vegetation, and hydric soils. All sample points were conducted on the flat riparian terrace on which the property is located.

4.0 Environmental Setting

Topography

The property containing the study area is located along the lower slopes of Larabee Valey. The topography at this location is relatively flat, ranging from 2-5% at the base of the drainage. Surface water on property drains NE into an unnamed intermittent watercourse that eventually flows into Little Van Duzen River.

Vegetation

The study area occurs within Annual Grassland habitat. Planted pine trees are present on-site but are not considered a natural feature. This habitat is dominated by naturalized nonnative annual grasses, with other graminoids and forbs present in small proportions. Individual or small stands of trees may be present but occupy less than 10% of the area. Riparian areas display dense willow communities and the occasional hydrophytic plant.

Soils

The project parcel contains multiple soil types, however sample points occurred within one soil type. (U.S. Department of Agriculture, Natural Resources Conservation, 2016):

- 1001 – Frostvalley, 0 to 2% slopes. This soil type's parent material consists of alluvium derived from metasedimentary rock. Typical soil profiles are dominated by loam textures with varying degrees of gravel present.

Hydrology

Surface hydrology on property is sourced from both direct and indirect rainfall. No evidence of percolating groundwater was observed on-site. Precipitation on-site drains in lateral directions to the unnamed watercourses that border the property on the east and west. Precipitation in the watershed upslope of the property flows within intermittent watercourses along the east and west boundaries. Although the winter has been relatively dry (See AgACIS Precipitation Accumulation Graph), precipitation accumulation for 2020 falls within the normal ranges.

5.0 Results and Discussion

No wetland features were delineated on APN 210-250-022-000. Sample points (SP) 1 and 2 met hydrophytic vegetation because of facultative species. SP 3 and 4 contained upland plant communities. SP5 was the only location on property that contained obligate species and met hydrophytic vegetation. No SP met hydric soils. Soils consisted of brown colors (10YR3/3 and 4/3) with sandy loam textures. No redox features were observed in any of the sample points. SP5 did contain dark colored soils (10YR2/1) but contained no evidence of anaerobic processes. Wetland hydrology was only met at SP5. All sample points met the secondary indicator Geomorphic Position (D2), given the flat topography. SP1-4 did not meet any other indicators of wetland hydrology. SP5 did pass the FAC Neutral test, meeting two secondary indicators of wetland hydrology.

List of Appendices

1) General Location Map
2) Aquatic Resource Map
3) Site Photographs
4) AgACIS Rainfall Accumulation Graph
5) NRCS Web Soil Survey Map
6) National Wetland Inventory Map
7) Wetland Delineation Data Sheets (Western Mountain, Valleys, and Coast Region)

6.0 References

Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. Vicksburg, MS: U.S. Army Engineer Waterways Experimental Station.

San Francisco Estuary Institute and Aquatic Science Center. 2012. Technical Memorandum No. 4: Wetland Identification and Delineation, Version 14. 4911 Central Avenue, Richmond CA 94804.

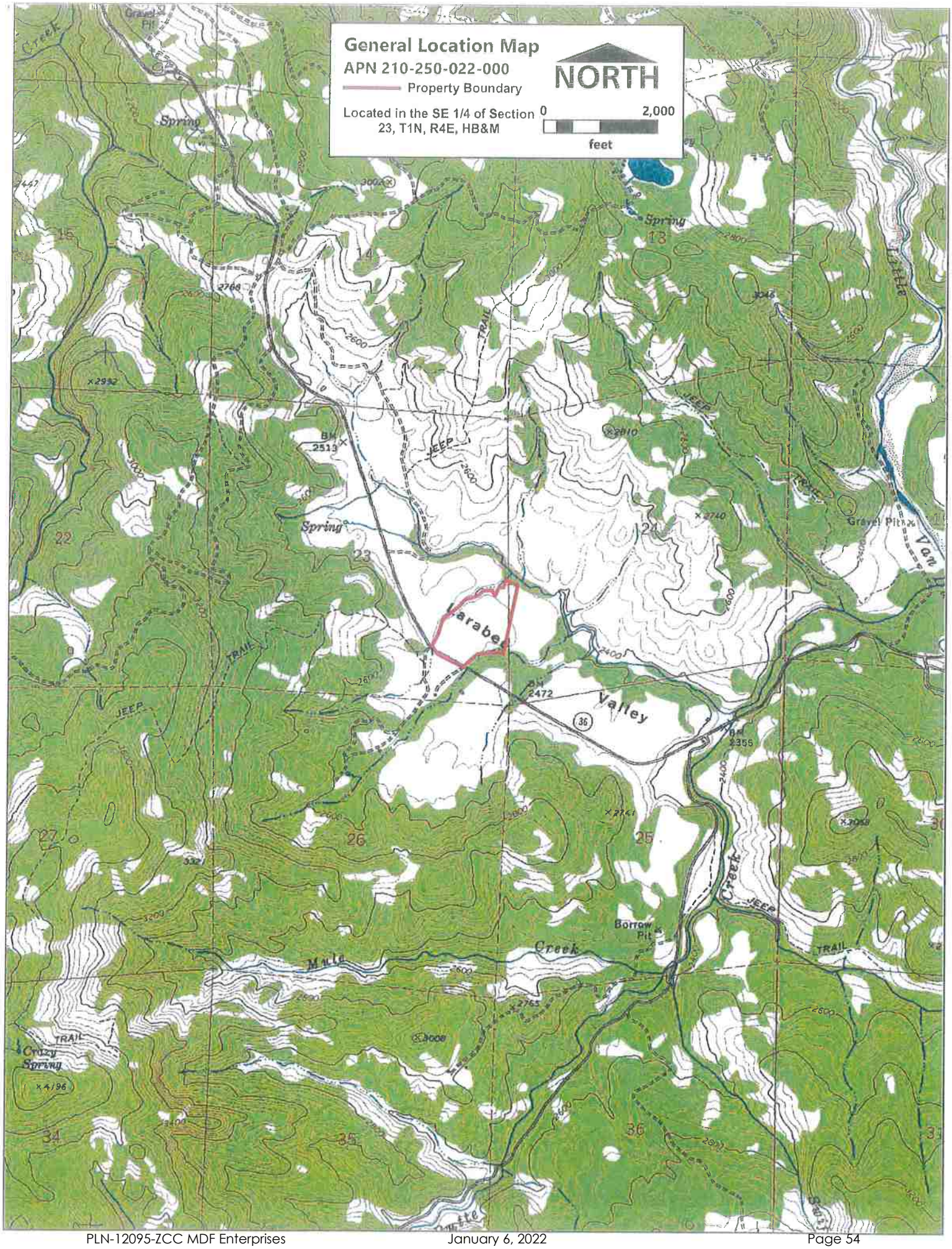
State Water Resource Control Board. 2019. Staff Report, Including Substitute Environmental Documentation, State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Sacramento, CA.

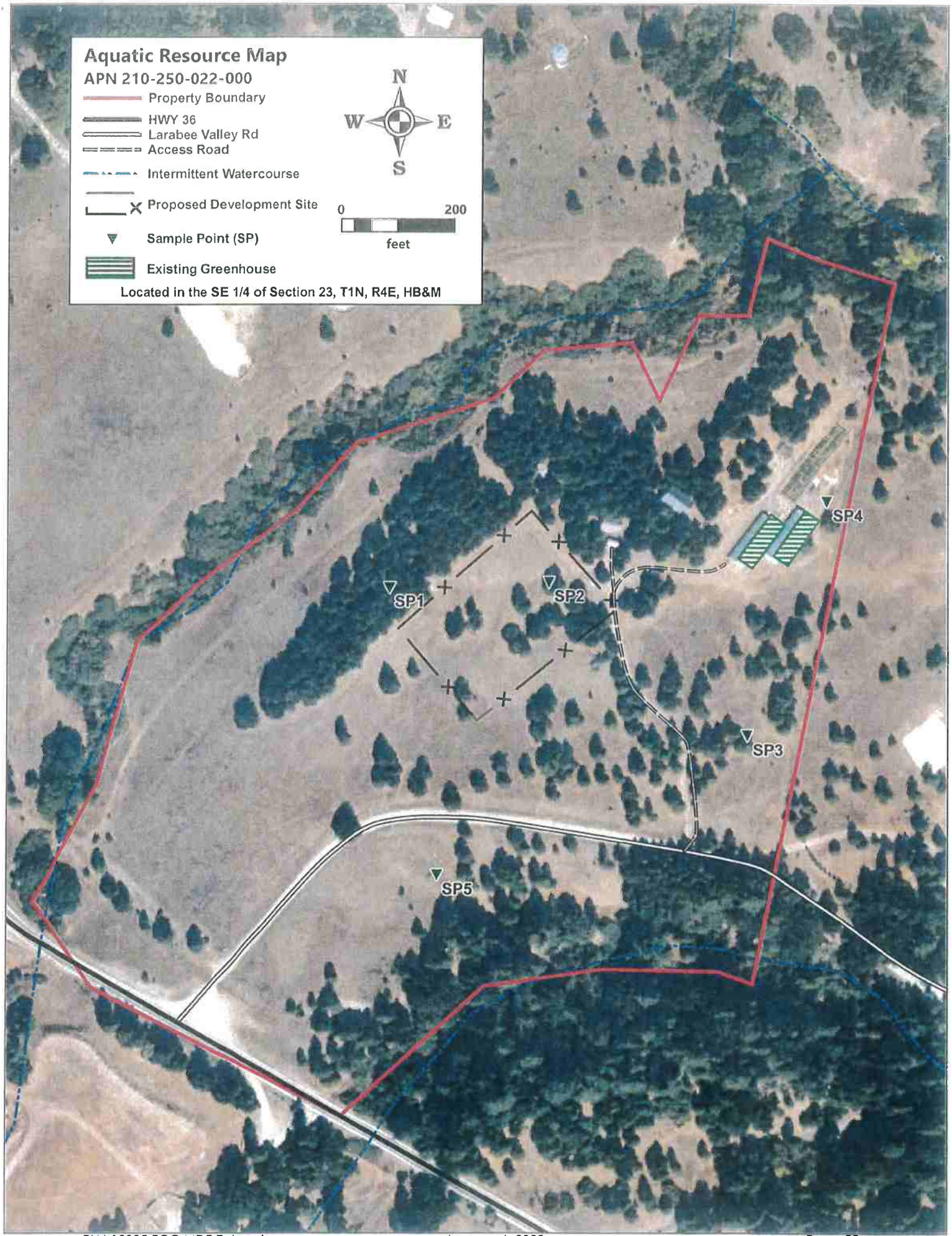
State Water Resource Control Board. 2019. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Sacramento, CA.

U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), eds. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

U.S. Army Corps of Engineers. 2016. Western Mountains, Valleys, and Coast Region 2016 Regional Plant List. http://wetland_plants.usace.army.mil/

U.S. Department of Agriculture, Natural Resources Conservation Service. 2016. Web Soil Survey http: //websoilsurvey.sc.egov.usda


General Location Map
APN 210-250-022-000
Property Boundary
Located in the SE 1/4 of Section 23, T1N, R4E, HB&M
NORTH
0
2,000
feet
Larabee
Valley
Spring
Gravel Pit
Van
Creek
Mule
Borrow Pit
Crazy Spring
TRAIL
JEEP


Aquatic Resource Map
APN 210-250-022-000
Property Boundary
HWY 36
Larabee Valley Rd
Access Road
Intermittent Watercourse
Proposed Development Site
Sample Point (SP)
Existing Greenhouse
Located in the SE 1/4 of Section 23, T1N, R4E, HB&M
N
W
E
S
0
200
feet
SP1
SP2
SP3
SP4
SP5

Appendix 3 – Site Photographs

Photo #1: Drone photograph of the project parcel. Photo date: 06/30/2020.

Appendix 3 – Site Photographs

Photo #2: Picture of SP1. Photo date: 06/30/20

Appendix 3 – Site Photographs

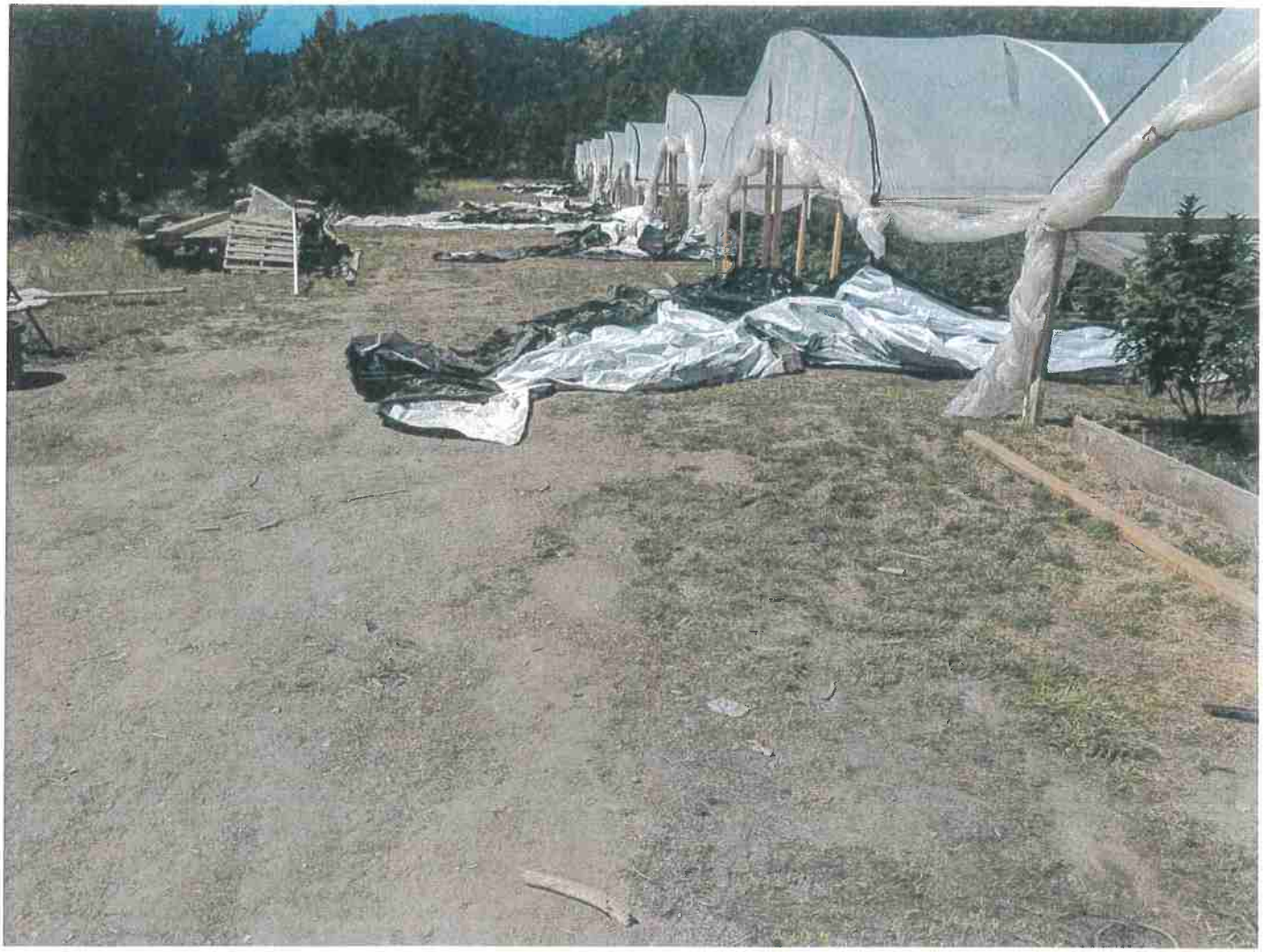


Photo #3: Picture of SP2. Photo date: 06/30/20

Appendix 3 – Site Photographs

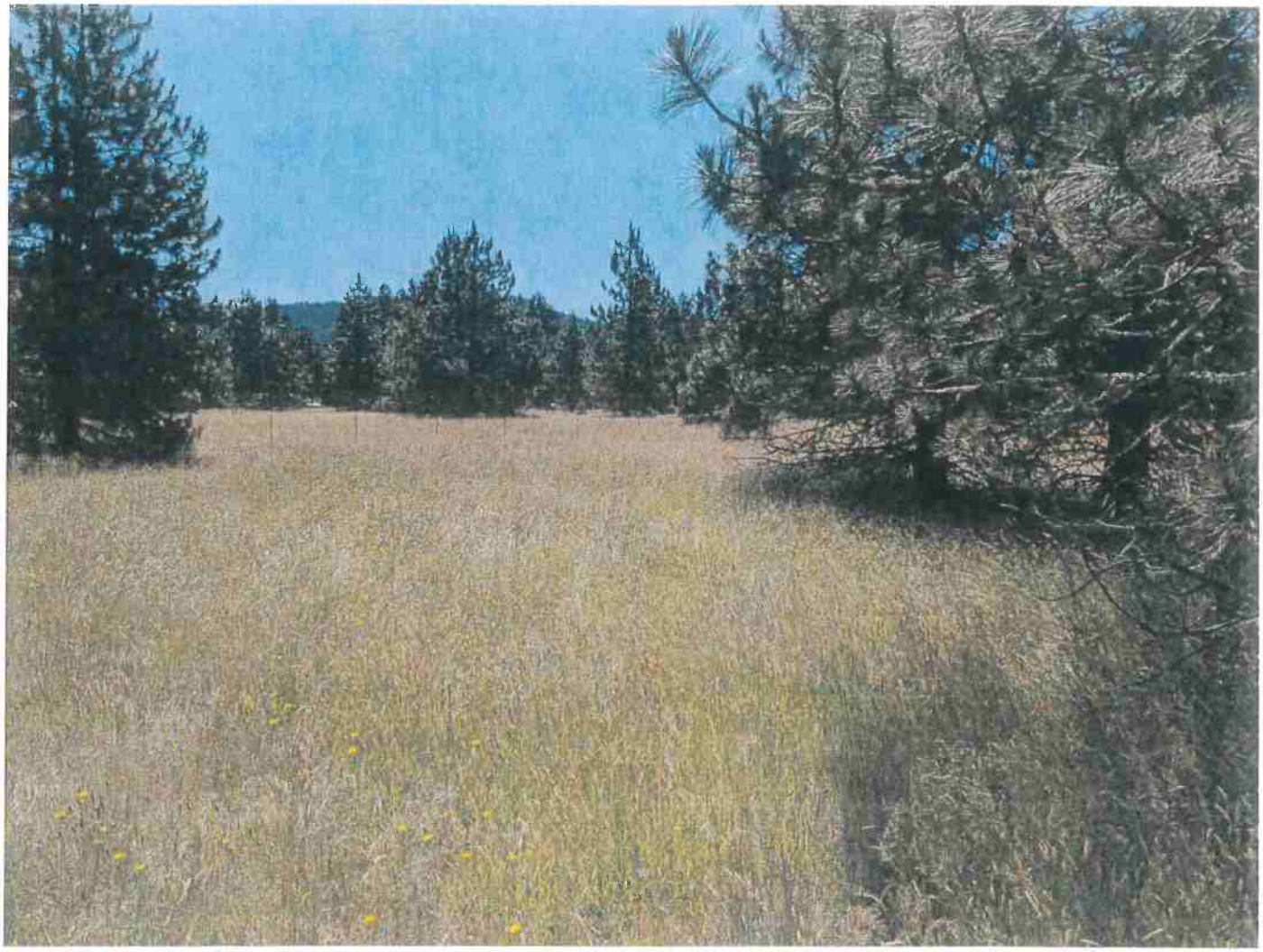


Photo #4: Picture of SP3. Photo date: 06/30/20

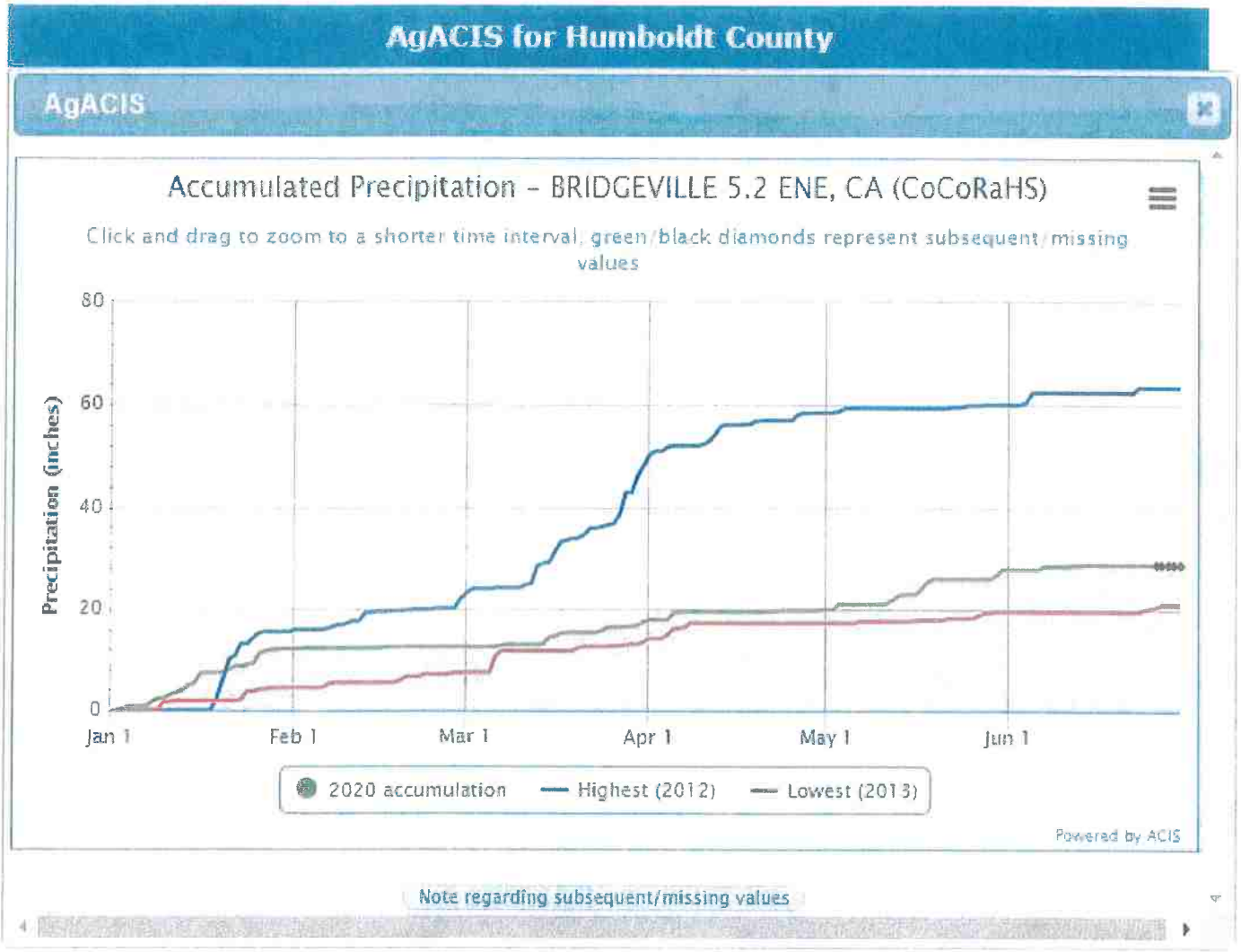
Appendix 3 – Site Photographs

Photo #5: Picture of SP4. Photo date: 06/30/20

Appendix 3 – Site Photographs

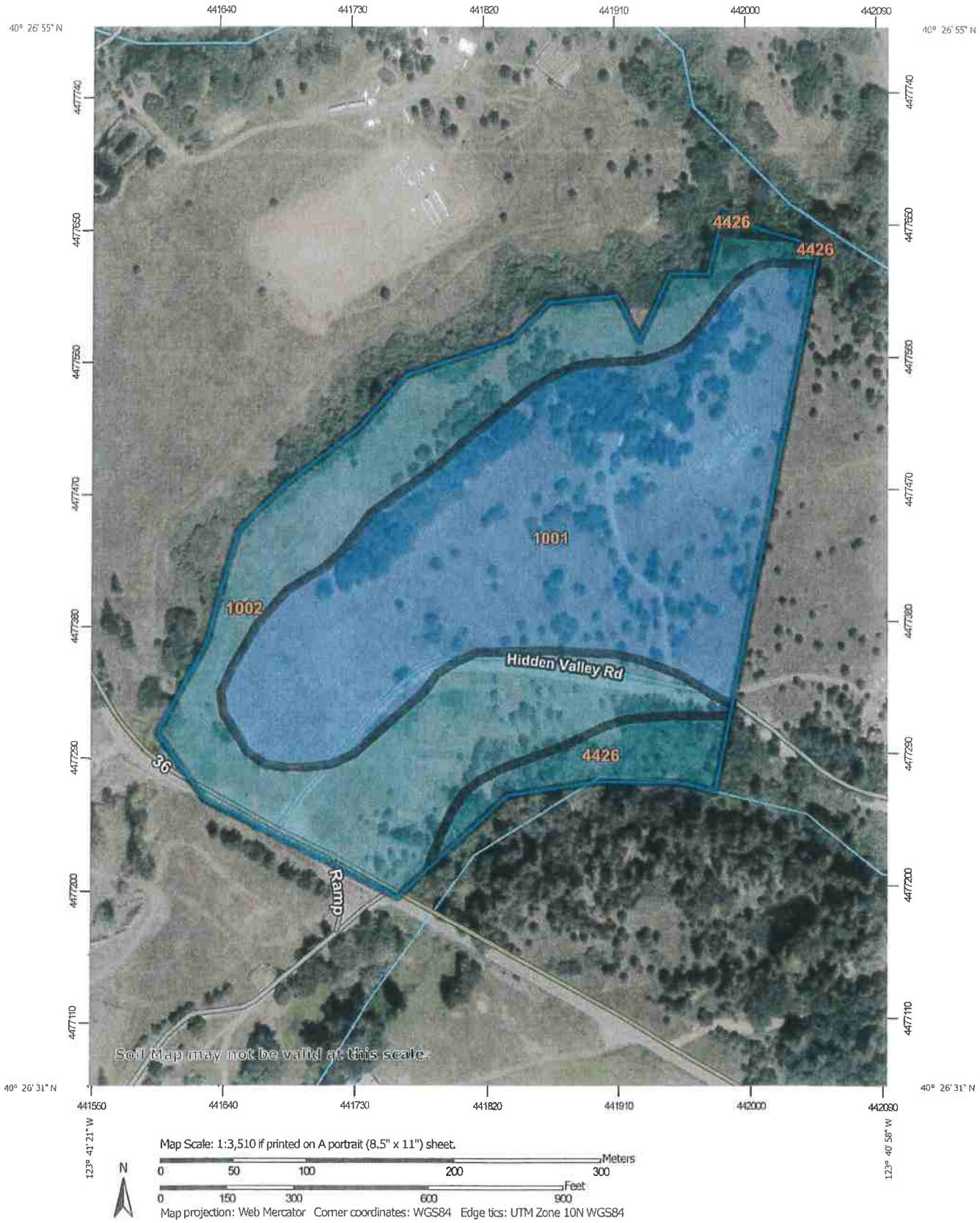
Photo #6: Picture of SP5. Photo date: 06/30/20

Appendix 4 – Rainfall Data



Precipitation accumulation data for a rain gauge in Bridgeville, California.
Sourced: Applied Climate Information Center (ACIS) – NOAA Regional Climate Center: http://agacis.rcc-acis.org/
Date Sourced: 06/30/2020

Hydrologic Soil Group—Humboldt County, Central Part, California
(APN 210-250-022-000)



USDA Natural Resources Conservation Service

Web Soil Survey
National Cooperative Soil Survey

6/30/2020
Page 1 of 4

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Humboldt County, Central Part, California
Survey Area Data: Version 5, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 30, 2014—Nov 6, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
1001	Frostvalley, 0 to 2 percent slopes	B	16.4	54.9%
1002	Frostvalley-Mulecreek complex, 2 to 9 percent slopes	C	11.8	39.3%
4426	Pasturerock-Coyoterock-Maneze complex, 15 to 50 percent slopes, dry	C	1.7	5.8%
Totals for Area of Interest			30.0	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

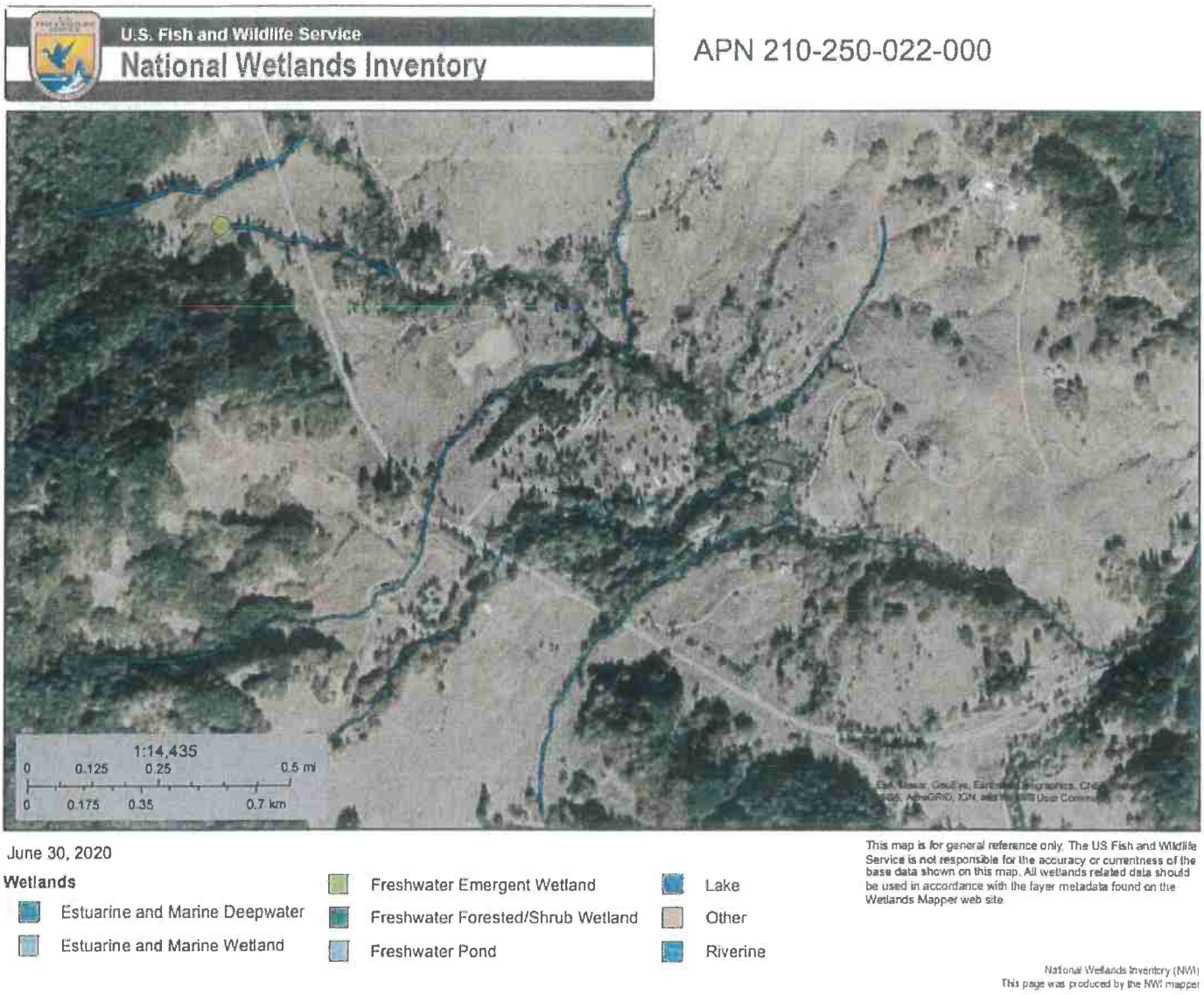
Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Appendix 6 – National Wetland Inventory



Data Sourced: National Wetland Inventory Wetlands Mapper. https://www.fws.gov/wetlands/data/mapper.html

Appendix 7 – Wetland Delineation Data Sheets
(Western Mountains, Valleys, and Coast Region)

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Gunn Delineation City/County: HUM Sampling Date: 06/30/20
Applicant/Owner: Stephen Gunn State: CA Sampling Point: SP1
Investigator(s): Jack Henry Section, Township, Range: SE¼ 23, T1N, R1E, HB&M
Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 2
Subregion (LRR): A Lat: 40.44587 Long: -123.68648 Datum: NAD83
Soil Map Unit Name: 1001 NWI classification: N/A
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ____	Is the Sampled Area within a Wetland? Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks: SP located in planted grove of pinus contorta.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: r = 30')	Absolute % Cover	Dominant Species?	Indicator Status
1. Pinus contorta	90	D	FAC
2. Pinus ponderosa	2	–	FACU
3.			
4.			
	92 = Total Cover		

Sapling/Shrub Stratum (Plot size: r = 15')			
1.			
2.			
3.			
4.			
5.			
	= Total Cover		

Herb Stratum (Plot size: r = 5')			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	= Total Cover		

Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	= Total Cover		

% Bare Ground in Herb Stratum 95%

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: ____ (A)
Total Number of Dominant Species Across All Strata: ____ (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: ____ (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species	x 1 =	
FACW species	x 2 =	
FAC species	x 3 =	
FACU species	x 4 =	
UPL species	x 5 =	
Column Totals: (A)		(B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:
- ____ 1 - Rapid Test for Hydrophytic Vegetation
- ✓ 2 - Dominance Test is >50%
- ____ 3 - Prevalence Index is ≤3.0[1]
- ____ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ____ 5 - Wetland Non-Vascular Plants[1]
- ____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No ____

Remarks: Planted lodgepole pines, probably as a wind break. This species is not native to this area of Humboldt

SOIL

Sampling Point: SP1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12"	10YR 4/3	100%					Sandy Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks: Colors not indicative of anerobic processes

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Failed FAC Neutral

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Gunn Delineation City/County: HUM Sampling Date: 06/30/20
Applicant/Owner: Stephen Gunn State: CA Sampling Point: SP2
Investigator(s): J. Henry Section, Township, Range: SE¼ 23, T1N, R4E, HBAM
Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 2
Subregion (LRR): A Lat: 40.44591 Long: -123.68548 Datum: NAD83
Soil Map Unit Name: 1001 NWI classification: N/A
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation Yes, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X No ____	Is the Sampled Area within a Wetland? Yes ____ No X
Hydric Soil Present?	Yes ____ No X	
Wetland Hydrology Present?	Yes ____ No X	

Remarks: Sampled in project area. No veg present at time of sampling. Veg community likely reflects SP3 and SP4 Veg.

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
	____ = Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____ = Total Cover		
Herb Stratum (Plot size: r=5')			
1. Alopecurus pratensis	?	?	FAC
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	____ = Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ = Total Cover		

% Bare Ground in Herb Stratum 95%

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: ____ (A)
Total Number of Dominant Species Across All Strata: ____ (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: ____ (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species	x 1 =	
FACW species	x 2 =	
FAC species	x 3 =	
FACU species	x 4 =	
UPL species	x 5 =	
Column Totals:	(A)	(B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:
__ 1 - Rapid Test for Hydrophytic Vegetation
__ 2 - Dominance Test is >50%
__ 3 - Prevalence Index is ≤3.0[1]
__ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
__ 5 - Wetland Non-Vascular Plants[1]
__ Problematic Hydrophytic Vegetation[1] (Explain)
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No ____

Remarks: Small green bunches dispersed on bare earth. Likely alopecurus pratensis. Giving hydrophytic because of disturbed veg.

SOIL

Sampling Point: SP2

Profile Description: (Describe to the depth needed to document the Indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-16"	10YR 3/3	100					Sandy Gravelly Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ____ No X Depth (inches): _____

Water Table Present? Yes ____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ____ No X Depth (inches): _____

Wetland Hydrology Present? Yes ____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: No FAC Neutral, but unlikely to pass given that veg on-site is FAC and upland species.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Gunn Delineation City/County: HUM Sampling Date: 06/30/20
Applicant/Owner: Stephen Gunn State: CA Sampling Point: SP3
Investigator(s): J. Henry Section, Township, Range: SE¼ 23, T1N, R4E, HB&M
Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 2
Subregion (LRR): A Lat: 40.44518 Long: -123.68423 Datum: NAD83
Soil Map Unit Name: 1001 NWI classification: N/A
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____ No X	Is the Sampled Area within a Wetland? Yes ____ No X
Hydric Soil Present?	Yes ____ No X	
Wetland Hydrology Present?	Yes ____ No X	

Remarks: Sampled in foxtail meadow where pond is proposed.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: r=30')	Absolute % Cover	Dominant Species?	Indicator Status
1. Pinus ponderosa	15%	D	FACU
2.			
3.			
4.			
	15 = Total Cover		
Sapling/Shrub Stratum (Plot size: r=15')			
1.			
2.			
3.			
4.			
5.			
	____ = Total Cover		
Herb Stratum (Plot size: r=5')			
1. Alopecurus pratensis	70	D	FAC
2. Hypochaeris glabra	5	–	UPL
3. Poa pratensis	10	–	FAC
4. Rumex acetosella	5	–	FACU
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	90 = Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ = Total Cover		

% Bare Ground in Herb Stratum 5%

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: ____ (A)
Total Number of Dominant Species Across All Strata: ____ (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: ____ (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species ____	x 1 = ____
FACW species ____	x 2 = ____
FAC species ____	x 3 = ____
FACU species ____	x 4 = ____
UPL species ____	x 5 = ____
Column Totals: ____ (A)	____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:
__ 1 - Rapid Test for Hydrophytic Vegetation
__ 2 - Dominance Test is >50%
__ 3 - Prevalence Index is ≤3.0[1]
__ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
__ 5 - Wetland Non-Vascular Plants[1]
__ Problematic Hydrophytic Vegetation[1] (Explain)
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks: Native uplands intermixed with nonnative annuals

SOIL

Sampling Point: SP3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-14	10YR 4/3	100						Sandy Loam

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix **(F2)**
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Failed FAC Neutral

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Gunn Delineation City/County: HUM Sampling Date: 06/30/20
Applicant/Owner: Stephen Gunn State: CA Sampling Point: SP4
Investigator(s): J. Henry Section, Township, Range: SE1/4 23, T1N, R4E, HB&M
Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 2
Subregion (LRR): A Lat: 40.44631 Long: -123.68385 Datum: NAD83
Soil Map Unit Name: 1001 NWI classification: N/A
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	Is the Sampled Area within a Wetland? Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks: Sampled area near nursery greenhouses.

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
	____ = Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____ = Total Cover		
Herb Stratum (Plot size: r=5')			
1. Alopecurus pratensis	60	D	FAC
2. Rumex acetosella	40	D	FACU
3. Hypochaeris radicata	30	–	FACU
4. Lupinus bicolor	15	–	UPL
5. Aira caryophylla	15	–	FACU
6.			
7.			
8.			
9.			
10.			
11.			
	80/32 160 = Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ = Total Cover		

% Bare Ground in Herb Stratum 10%

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: ____ (A)
Total Number of Dominant Species Across All Strata: ____ (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: ____ (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species	x 1 =	
FACW species	x 2 =	
FAC species	x 3 =	
FACU species	x 4 =	
UPL species	x 5 =	
Column Totals: (A)		(B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:
__ 1 - Rapid Test for Hydrophytic Vegetation
__ 2 - Dominance Test is >50%
__ 3 - Prevalence Index is ≤3.0[1]
__ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
__ 5 - Wetland Non-Vascular Plants[1]
__ Problematic Hydrophytic Vegetation[1] (Explain)
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

SOIL

Sampling Point: SP4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12"	10YR 4/3	100					Sandy Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Failed FAC Neutral

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Gunn Delineation City/County: HUM Sampling Date: 06/30/20
Applicant/Owner: Stephen Gunn State: CA Sampling Point: SP5
Investigator(s): J. Henry Section, Township, Range: SE¼ 23, T1N, R4E, HB&M
Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): 5
Subregion (LRR): A Lat: 40.44451 Long: -123.68616 Datum: NAD83
Soil Map Unit Name: 1001 NWI classification: N/A
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ____	Is the Sampled Area within a Wetland? Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes X	No ____	

Remarks: Sampled in potentially hydrophytic vegetation over 300' from development.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	____ = Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____ = Total Cover		
Herb Stratum (Plot size: r = 5')			
1. Carex densa	40	D	OBL
2. Dipsacus fullonum	30	D	FAC
3. Alopecurus pratensis	10	–	FAC
4. Holcus lanatus	8	–	FAC
5. Poa pratensis	2	–	FAC
6.			
7.			
8.			
9.			
10.			
11.			
	90 = Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	8 = Total Cover		

% Bare Ground in Herb Stratum 20%

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: ____ (A)
Total Number of Dominant Species Across All Strata: ____ (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: ____ (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species ____	x 1 = ____
FACW species ____	x 2 = ____
FAC species ____	x 3 = ____
FACU species ____	x 4 = ____
UPL species ____	x 5 = ____
Column Totals: ____ (A)	____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:
___ 1 - Rapid Test for Hydrophytic Vegetation
✓ 2 - Dominance Test is >50%
___ 3 - Prevalence Index is ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ 5 - Wetland Non-Vascular Plants[1]
___ Problematic Hydrophytic Vegetation[1] (Explain)
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No ____

Remarks: Nonnative grasses with about 40 sq. ft. of carex densa in lowest point

SOIL

Sampling Point: SPS

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-20"	10YR 2/1	100					Silty Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ____ No X

Remarks: Dark soils but no redox features observed.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ____ No X Depth (inches): _____

Water Table Present? Yes ____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ____ No X Depth (inches): _____

Wetland Hydrology Present? Yes X No ____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Passes FAC Neutral 1:0

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No Response	
Building Inspection RRR	✓	Approved	On file
Division Environmental Health		No Response	
Public Works, Land Use Division	✓	Approved w conditions	**Attached**
Northwest Information Center	✓	Comments	On file and confidential
Bear River Band THPO	✓	Comments	On file and confidential
Humboldt County Sheriff		No Response	
California Department of Fish & Wildlife		No Response	
Bridgeville School District		No Response	
Fortuna Union High School District		No Response	
Humboldt County Agricultural Commissioner		No response	

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596
AVIATION 839-5401

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

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

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388
LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 1-22-2018

RE:

Applicant Name	MDF ENTERPRISES, INC.
APN	210-250-022
APPS#	12095

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

☐ The Department's recommended conditions of approval are attached as **Exhibit "A"**.

☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**

☑ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**

☑ *Road Evaluation Reports(s)* are required; See **Exhibit "D"**. **No re-refer is required.**

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Items 1&4 on Exhibit "C"

// END //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 12095

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

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

   ☐ YES ☐ NO

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

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

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

   ☐ YES ☐ NO

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

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? ☐ YES ☐ NO

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

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

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

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

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? ☐ YES ☐ NO

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

   The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? ☐ YES ☐ NO

   If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

   - If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
   - If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
   - If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
   - If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

     Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

     Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

     Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

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

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

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

// END //

Exhibit "D"

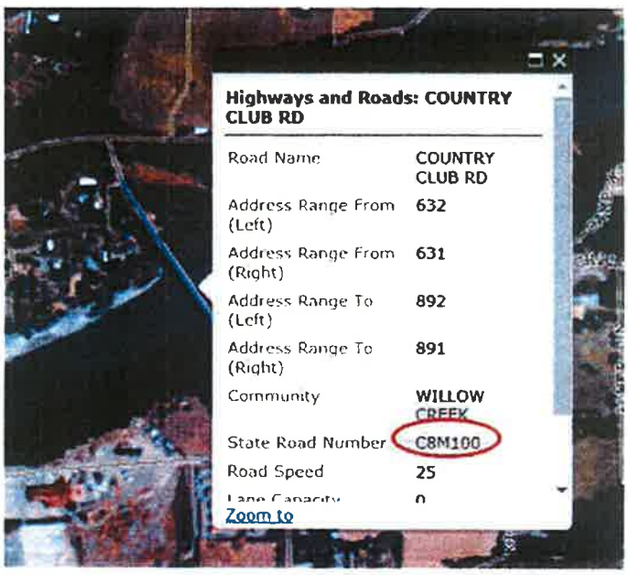
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** **Planning and Building Department staff shall request that the applicant provide *Road Evaluation Reports* for the project.** The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

   The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

   When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

   The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in RED.

A County maintained road will have a 5 or 6 character identifier. The general format is **ABCDDD** where:

- **A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- **B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- **C** is a grid identifier letter for the Y-axis for the grid.
- **DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD	
A3M020	Murray Road
F6B165	Alderpoint Road
6C040	Thomas Road

ATTACHMENT 5

CEQA Comments

August 23, 2021

Desmond Johnston
Humboldt County
Department of Planning and Building
3015 H Street
Eureka, CA 95501

Re: Initial Study/Mitigated Negative Declaration (IS/MND) for MDF Enterprises Cannabis Cultivation Project (SCH No. 2021070532)

Dear Desmond Johnston:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the County of Humboldt for the proposed MDF Enterprises Cannabis Cultivation Project (Proposed Project).

DCC has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. DCC issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within the California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: https://cannabis.ca.gov/resources/rulemaking/.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain an annual cultivation license from DCC. In order to ensure that the IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in Humboldt County.

DCC offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Acknowledgement of DCC Regulations

The IS/MND does not acknowledge that the Proposed Project requires a cultivation license from DCC. The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cultivation activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation (Bus. & Prof. Code, § 26103(a)). Additionally, the IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation regulations, similar to the discussion provided with regard to County regulations. In particular, the impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (*See* 3 California Code of Regulations § 16304(c); § 16304(g).)
- Air Quality and Greenhouse Gas Emissions (*See* § 16102(s); § 16304(e); § 16305; § 16306.)
- Biological Resources (*See* § 16102(w); § 16102(dd); § 16216; § 16304(a-c); § 16304(g).)
- Cultural Resources (*See* § 16304(d).)
- Energy (*See* § 16102(s); § 16305; § 16306.)
- Hazards and Hazardous Materials (*See* § 16102(q); § 16106(a)(3); § 16304(f); § 16307.)
- Hydrology and Water Quality (*See* § 16102(p); § 16102(v); § 16102(w); § 16102(dd); § 16107(b); § 16216; § 16304(a and b); § 16307.)
- Noise (*See* § 16304(e); § 16306.)
- Utilities and Service Systems (*See* § 16102(s); § 16108; § 16308.)
- Cumulative Impacts (related to the above topics).

GC 2: Impact Analysis

Several comments provided in the comment table below relate to the absence of information or support for impact statements in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with "substantial evidence." Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/MND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology, impact assessment, etc.) was provided to support the impact statements in the checklist, including the sources of information relied upon to make conclusions.

GC 3: Resource Topics Added to 2019 CEQA Guidelines

On December 28, 2018, the Governor's Office of Planning and Research issued revised CEQA Guidelines (14 Cal. Code of Regs. §15000 et. seq.) including a revised Appendix G checklist. These revised Guidelines include some reorganization intended to reduce redundancies, but also incorporate changes resulting from legislation and case law since the prior update. The IS/MND prepared by Humboldt County contains the resource topics added to the 2019 Guidelines (Energy and Wildfire), but does not contain the updated impact questions for each of the existing resource topics. (See e.g., Aesthetics, Air Quality, Cultural Resources, Hydrology and Water Quality, Noise,

Transportation, and Utilities and Service Systems.) For this and any future CEQA documents prepared by Humboldt County, the County should determine whether operation of the cultivation project would result in any significant impacts related to these topics, and propose mitigation, as applicable. A copy of the updated Appendix G checklist can be found at: https://www.califaep.org/docs/CEQA_Handbook_2021.pdf.

GC 4: Site-Specific Reports and Studies

The IS/MND references several project-specific plans, studies, and project-specific data, including a Cultivation, Operations and Security Plan, Biological Survey, Aquatic Resource Delineation, Well Data, Noise Study, and Cultural Report. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for an annual cultivation license to DCC.

GC 5: Evaluation of Cumulative Impacts

It is important for CEQA analyses to consider the cumulative impacts of cannabis cultivation in Humboldt County. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- cumulative impacts related to transportation; and
- cumulative impacts related to air quality and objectionable odors.

The IS/MND would be improved by acknowledging and analyzing the potential for cumulative impacts resulting from the Proposed Project coupled with other cannabis cultivation projects being processed by the County, and any other reasonably foreseeable projects in Humboldt County that could contribute to cumulative impacts similar to those of the Proposed Project.

Specific Comments and Recommendations

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

THIS SPACE INTENDED TO BE LEFT BLANK

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
1	Introduction: Question 10	9-10	Other public agencies whose approval is required	N/A (General Comment)	The IS/MND could be more informative if it listed the DCC as an agency whose approval is required to operate the Proposed Project. In addition, the document would be strengthened if it identified the permit(s) or approval(s) required from each of the agencies listed.
2	Introduction	22	Environmental Factors Potentially Affected	N/A (General Comment)	The table indicates the Proposed Project would have potentially significant impacts to Agriculture/Forestry Resources, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology, Noise, Tribal Cultural Resources, Utilities, and Wildfire. However, mitigation measures are proposed only for Biological Resources, Cultural Resources, and Tribal Cultural Resources; and the text for the remaining resources indicates that impacts would be less than significant. The document would be improved if the table was consistent with the document.
3	3.1.1	29	Aesthetics	MDF intends to keep all greenhouse out of site from traveling motorists (MDF).	The document would be improved if it described what methods will be used to keep greenhouses out of site from traveling motorists (e.g., fences, trees, placement or location of greenhouses).

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
4	3.1.1(a)	30	Aesthetics	Though not officially designated [as a scenic highway], Highway 36 is considered eligible in the Humboldt County General Plan.	The document would be more informative if it clarified that because Highway 36 is listed as eligible for official designation it is part of the Scenic Highway System, and also provided an analysis of potential impacts of the Proposed Project to the scenic highway.
5	3.1.1(c)	31	Aesthetics	Removal of non-native conifer plants and encroaching forests would help to restore grassland and woodland habitat of the area.	The IS/MND would be improved if it clarified whether trees or other vegetation will be removed as part of the Proposed Project.
6	3.1.1(d)	31	Aesthetics	N/A (General Comment)	The IS/MND would be improved if it referenced DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 3 §§ 16304(c), 16304(g)).
7	3.1.3	37	Air Quality	The Humboldt County EIR states that PM10 emissions from individual cultivation sites would remain below recommended threshold levels and that the cumulative impacts of cannabis	The document would be improved if it provided an analysis, supported by substantial evidence, of whether the Proposed Project would make a considerable contribution to cumulative air quality impacts.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				throughout the county are unavoidable.	
8	3.1.3(d)	39	Air Quality	There are potential sensitive receptors within a mile of the project area including residential areas (0.18 mi). There is a slight forested buffer between these locations which will help minimize the impact to these receptors.	The document would be strengthened if it described potential impacts to sensitive receptors and provided an analysis of whether the forested buffer is adequate to ensure impacts to sensitive receptors would be less than significant.
9	3.1.3(d)	39	Air Quality	While the odor from flowering cannabis plants can be strong within the immediate vicinity of cultivation sites, the distance of the operation from sensitive receptors (0.18 mi) and the application of standard conditions of approval for cannabis cultivation, nursery development and distribution operations outlined in the County Cannabis Ordinances, will result in cannabis odors from the operations not being a significant issue to	The document would be more informative if it described the standard conditions of approval for cannabis cultivation operations that would ensure cannabis odors would result in less than significant impacts.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				offsite sensitive receptors.	
10	3.1.3 Findings	39	Air Quality	Chemical applications will have a less than significant impact if used during low winds, indoors, and with proper application techniques.	The IS/MND would be improved if it referenced DCC's requirements for pesticide applications (Cal. Code Regs., tit. 3 § 16307).
11	3.1.3. Findings	39	Air Quality	An effort to contain processing odors will be implemented in the form of a sealed, insulated, and California compliant drying facility, as well as minimal driving on unpaved roads to reduce particulate and gas emissions.	The IS/MND would be more informative if it described the drying facility and analyzed how it would ensure odors would not impact sensitive receptors. In addition, the document would be improved if it contained specific information on how the Proposed Project would ensure "minimal" driving on unpaved roads during project operations, and whether such measures would be adequate to prevent significant impacts to air quality. The document should also clearly indicate whether these are mitigation measures, conditions of approval, or recommendations.
12	3.1.4	44	Biological Resources	The loss of special-status wildlife species and their habitat due to the cumulative impact	The document would be improved if it provided an analysis, supported by substantial evidence, of whether the Proposed Project would make a

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				projects in the county would be a potentially significant impact. (p.44) Deer, birds, and other wildlife may currently use the pasture and trees for foraging and habitat. This project could impact the availability of the pasture for this purpose but is not expected to impact wildlife corridors or mobility. (p.45)	considerable contribution to cumulative Biological Resources impacts.
13	3.1.5(b)	52	Cultural Resources	N/A (General Comment)	The analysis for section 3.1.5(b) indicates that impacts would be less than significant with mitigation measures added. However, no mitigation measures are included. If mitigation measures are required, these should be specified, and the document should contain an analysis of how such mitigation measures would reduce impacts to less than significant levels.
14	3.1.5(d)	52	Cultural Resources	If human remains are unearthed during future development of the site, the provisions of California Health and Safety Code Section 7050.5 shall apply along	The impact conclusion for section 3.1.5(d) states that no impact would occur as a result of Proposed Project operations. However, the text indicates that mitigation is required. If mitigation measures are required, these should be specified, and the document should

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				with the proper mitigations.	contain an analysis of how such mitigation measures would reduce impacts to less than significant levels.
15	3.1.6	53-54	Energy	N/A (General Comment)	The IS/MND would be improved if it provided an analysis of all equipment that uses energy, including lighting, generators, pumps, heavy machinery, and vehicles. The document should provide a description of the energy source(s) that will supply the Proposed Project, and a description of any energy conservation features that may be a part of the Proposed Project. In addition, the document would be strengthened if it described how the Proposed Project will comply with DCC regulations relating to the use of renewable energy in cultivation projects. (Cal. Code Regs., tit. 3 §§ 16203(g), 16305.)
16	3.1.6	53-54	Energy	N/A (General Comment)	The document would be strengthened if it described how the Proposed Project will comply with DCC regulations relating to the use of generators in cultivation projects. (Cal. Code Regs., tit. 3 § 16306.)
17	3.1.6(a) and (b)	54	Energy	N/A (General Comment)	The IS/MND does not contain any analysis of energy impacts for sections 3.1.6(a) and 3.1.6(b). The document would be improved if it included an

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					impact analysis to support its conclusions.
18	3.1.7(a)	60	Greenhouse Gas Emissions	The combustion of gasoline in these generators contribute to the carbon footprint of this business operation.	The IS/MND should provide an analysis, supported by substantial evidence, of whether the Proposed Project would generate greenhouse gas emissions in excess of the threshold of significance, or would make a considerable contribution to cumulative GHG emissions impacts.
19	3.1.8(b)	60	Greenhouse Gas Emissions	As noted above, there are no local plans that have been adopted for the purpose of reducing the emissions of greenhouse gases.	If the County has not adopted a local plan for reducing GHG emissions, the IS/MND should identify a threshold of significance used by another agency, such as the local air quality district.
20	3.1.8(b)	60	Greenhouse Gas Emissions	Legal mandates to reduce per capita water consumption and impose waste management standards to reduce methane and other GHGs from solid wastes, are all examples of mandates that reduce GHGs.	The document would be improved if it described which legal mandates will apply to the Proposed Project, and provide an analysis of whether these requirements will ensure that GHG impacts will be less than significant.
21	3.1.8 Findings	61	Greenhouse Gas Emissions	The proposed project is unlikely to have a major contribution to GHGs, but measures to reduce these emissions shall	The IS/MND would be improved if it clarified whether these measures will be required for the Proposed Project; and if so, whether they are conditions

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				be taken wherever possible including purchasing carbon offsets or employing clean energy as part of energy supplied by PGE. Further reduction can be achieved through carpooling of employees.	of approval, legal requirements, or mitigation measures.
22	3.1.9(a)	64	Hazards and Hazardous Materials	Preventive measures have been listed to reduce the chance of chemical spills or leaching upon the property (MDF). Compliance with standard transport, handling procedures of the chemical manufacturers, and the standard conditions of approval through the various County cannabis ordinances will help reduce the impacts.	The document would be improved if it listed the measures that will be taken by the Proposed Project to reduce impacts resulting from spills of hazardous materials, and provided an analysis of whether such measures will be adequate to ensure impacts would be less than significant.
23	3.1.9(b)	64	Hazards and Hazardous Materials	Accidental releases of these substances could potentially contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard.	The document would be improved if it listed the safety procedures that will be taken by the Proposed Project to reduce impacts resulting from spills of hazardous materials, and provided an analysis of whether such measures will

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				Compliance with standard safety procedures and hazardous materials handling regulations will help reduce any impacts.	be adequate to reduce impacts to less than significant levels.
24	3.1.10(b)	70	Hydrology and Water Quality	The County ordinance provisions include requirements for testing and protection of neighboring wells as part of new well installation.	The document would be strengthened if it described the requirements for well testing and protection of neighboring wells.
25	3.1.10(c) and (d)	72	Hydrology and Water Quality	The HCC DEIR and FEIR contain provisions to attenuate the increases in drainage flows and reduce impacts to less than significant.	The IS/MND would be improved if it described the provisions to attenuate the increases in drainage flows and specified how the Proposed Project will comply with these requirements.
26	3.1.14	80	Noise	N/A (General Comment)	The document would be improved if it described the sources of noise (e.g., equipment, operation and maintenance activities) expected to occur during project operations and the levels of noise those sources are likely to generate.
27	3.1.19	89	Utilities and Service Systems	Approximately 1,547,500 gallons of water storage in the form of tanks and a pond currently exist on the project site (MDF).	The document would be improved if it provided an estimate of water use for the Proposed Project. In addition, the document would be strengthened if it provided an analysis, supported by

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				This water storage is sufficient to serve the project.	data, of whether the Proposed Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
28	3.1.21(b)	93	Mandatory Findings of Significance (Cumulative Impacts)	N/A (General Comment)	The IS/MND should identify whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project, and provide an analysis of whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects. (See GC 5.)

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Lindsay Rains
Licensing Program Manager

California Department of Transportation

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August 19, 2021

HUM-36-33.507L
MDF Enterprises
PLN-12095-ZCC

Desmond Johnston, Senior Planner
Planning and Building Department
Humboldt County
3015 H Street
Eureka, CA 95501

Dear Mr. Johnston:

Thank you for the opportunity to comment on the proposed MDF Enterprises Major Use Permit on Assessor's Parcel 210-250-022. The project proposes to develop 60,000 ft2 of mixed light cultivation with an additional 6,000 ft2 of propagation space, as well as processing facilities. The estimated number of employees for this operation is 6 with potential to add an additional 6 employees upon future cultivation expansions. The project is located is located at 101 Larabee Valley Road, Bridgeville. We have the following comments:

The proposed project site appears to utilize an improved road approach at Post Mile 33.5. Caltrans records indicate this may have been a public road approach, named Larabee Valley Road. However, it appears to have been relinquished at some point as it no longer appears on Humboldt County's list of maintained roads.

We recommend that the County, as a condition of the project permit approval, require the driveway be improved to meet Caltrans current standards for a 20-foot commercial driveway. The primary deficiency in regard to the current driveway, is inadequate sight distance towards the west at the intersection of Larabee Valley Road and State Highway 36. Detailed information regarding Caltrans driveway standards can be found in Appendix J "Road Connections and Driveways" of the Caltrans Encroachment Permits Manual.

Any work within Caltrans right of way will require an encroachment permit from Caltrans. Permits to construct, upgrade, own, and operate road approaches to the state highway system are issued to the individual or legal entity with ownership rights of that road approach. Proof of ownership/easement must be submitted with the application for a permit. If there are no ownership/easement rights, then the applicant

may, with the property owner's written permission, apply for a permit on behalf of the owner as an authorized agent of the property owner.

As part of the encroachment permit application, a deposit of $1640 will be required as well as a performance bond in an amount to be determined.

Please note that if archaeological resources are encountered within the Caltrans Right of Way during activities related to the encroachment permit, the property owner will be responsible, required to comply with Public Resources Code 5024 and mitigate for any impacts to those state-owned resources.

To streamline the permit approval process, we require the applicant arrange and participate in a pre-submittal meeting with the Caltrans encroachment permits staff in Eureka, prior to submitting a permit application. Requests for permit applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6390. For additional information, the Caltrans Encroachment Permit Manual and Standard Application is available online at: https://dot.ca.gov/programs/traffic-operations/ep

Please contact me with questions or for further assistance with this letter by email at: <Jacob.rightnar@dot.ca.gov>.

Sincerely,

Jacob Rightnar

Jacob Rightnar
Transportation Planning
Caltrans District 1

c: Heidi Quintrell, Chief, Caltrans District 1 Encroachment Permits (e-copy)