



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: March 24, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Angie Jeong, Zoning Clearance Certificates & Special Permits**
Record Number PLN-11898-SP
Assessor's Parcel Number's (APN) 314-222-005 & 314-223-009 (one legal parcel)
Kneeland Area

Record Number PLN-11899-ZCC
Assessor's Parcel Number (APN) 314-223-006
Kneeland Area

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Please contact Megan Acevedo, Planner, at 707-441-2634 or by email at macevedo@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

| Hearing Date | Subject | Contact |
|----------------|---|---------------|
| March 24, 2022 | Zoning Clearance Certificates & Special Permits | Megan Acevedo |

Project Description: Angie Jeong seeks two Zoning Clearance Certificates for a total of 20,000 square feet (sq. ft.) of outdoor cannabis cultivation, and 2,000 sq. ft. of ancillary propagation. 10,000 sq. ft. of cultivation will exist on two separate legal parcels each that are adjacent and contiguous, and owned and operated by the applicant. The applicant also seeks two Special Permits, one for the use of a spring diversion to be used for the pre-existing cultivation, and one for the restoration of a stream.

- PLN-11898-SP: Angie Jeong seeks a Zoning Clearance Certificate for 10,000 sq. ft. of outdoor commercial cannabis cultivation, and 2,000 sq. ft. of ancillary propagation (to supply immature plants on-site and on adjacent parcel APN: 314-223-006). Of that, 4,500 sq. ft. is pre-existing and 5,500 sq. ft. will be new cultivation. Light-deprivation methods (without the use of supplemental lights) will be utilized for 6,080 sq. ft. of cultivation within greenhouses, and 3,920 sq. ft. will be full-sun outdoor. Water for irrigation of pre-existing cultivation is sourced from a spring diversion on adjacent parcel 314-223-010, under Water Right Certificate H100720. The applicant is proposing to install a 180,000-gallon rain catchment pond to collect water for irrigation of all new cultivation areas on-site and on adjacent parcel 314-223-006. The total anticipated annual water usage is 120,000 gallons (10 gal/sq. ft./year). Total existing water storage on-site is 35,900 gallons for irrigation designated in hard tanks and one 2,500-gallon water tank designated for fire suppression. The site will be solely operated by the applicant and partner, and machine trimming will occur within the residence on-site. Electricity is provided from a solar array and two (2) on-site generators. A Special Permit is being applied for the use of a point of diversion from a spring, and an additional Special Permit for restoration activities within a streamside management area.
- PLN-11899-ZCC: Angie Jeong seeks a Zoning Clearance Certificate for 10,000 sq. ft. of new outdoor cannabis cultivation on APN: 314-223-006. Water is proposed to come from a proposed 180,000-gallon rain catchment pond on APN: 314-223-009. The total anticipated annual water usage is 100,000 gallons (10 gal/sq. ft./year). All other support facilities for drying and water storage will occur on adjacent parcel 314-223-009. No power is required for the full-sun outdoor cultivation and the site will be solely operated by the applicant. Trimming will occur off-site at a licensed processing facility.

Project Location:

PLN-11898-SP; APN: 314-222-005 & 314-223-009 (one legal parcel): The project is located in Humboldt County, in the Kneeland area, on the East side of Mountain View Road, approximately 600 feet East from the intersection of Mountain View Road and Butte Creek Road, and approximately 0.8 miles North from the intersection of Butte Creek Road and a Private Drive on the property known to be in Section 8, 9 of Township 03 North, Range 03 East, Humboldt Base & Meridian.

PLN-11899-ZCC; APN: 314-223-006: The project is located in Humboldt County, in the Kneeland area, on the East side of Mountain View Road, approximately 500 feet East from the intersection of Mountain View Road and Butte Creek Road, and approximately 1.4 miles Northeast from the intersection of Butte Creek Road and a Private Drive on the property known to be in Section 9 of Township 03 North, Range 03 East, Humboldt Base & Meridian.

Present Plan Land Use Designations:

PLN-11898-SP; APN: 314-222-005 & 314-223-009 (one legal parcel): Timberland (T), 2017 General Plan, Density: 40-160 acres per unit, Slope Stability: High Instability (3).

PLN-11899-ZCC; APN: 314-223-006: Timberland (T), 2017 General Plan, Density: 40-160 acres per unit, Slope Stability: High Instability (3).

Present Zoning:

PLN-11898-SP; APN: 314-222-005 & 314-223-009 (one legal parcel): Timberland Production Zone (TPZ), Agriculture Exclusive (AE).

PLN-11899-ZCC; APN: 314-223-006: Timberland Production Zone (TPZ), Agriculture Exclusive (AE).

Record Numbers: PLN-11898-SP PLN-11899-ZCC

Assessor's Parcel Numbers: 314-222-005 & 314-223-009 (one legal parcel), 314-223-006

| Record Numbers | Applicant | Owner | Agents |
|-----------------------|--|--|--|
| PLN-11898-SP | Angie Jeong 2328 5 th Ave. | Angie Jeong 2328 5 th Ave. | Mother Earth Engineering Kendra Miers |
| PLN-11899-ZCC | Los Angeles, CA 90018 | Los Angeles, CA 90018 | 425 I Street Arcata, CA 95521 |

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

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

Major Issues: None

Angie Jeong

Record Numbers: PLN-11898-SP & PLN-11899-ZCC
 Assessor's Parcel Number: 314-222-005, 314-223-009, & 314-223-006

Recommended Zoning Administrator Action

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

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

Executive Summary: Angie Jeong seeks two Zoning Clearance Certificates and two Special Permits for the operation of existing and new outdoor cannabis cultivation occurring across two adjacent and contiguous parcels, which are owned and operated by the same applicant.

PLN-11898-SP seeks a Zoning Clearance Certificate for 10,000 sq. ft. of total outdoor cultivation, and 2,000 sq. ft. of ancillary propagation. Two additional Special Permits are being requested for the use of a spring diversion, and for the restoration of a streamside management area.

PLN-11899-ZCC seeks a Zoning Clearance Certificate for 10,000 sq. ft. of new full-sun outdoor cultivation.

| Table 1. Project Summaries | | | | | | | |
|---|---|---|-------|---|---|--|---|
| Record Number and Assessor's Parcel Number | Cultivation Area | Irrigation Source | Water | Water Storage | Water Usage | Processing | Power |
| Record No.: PLN-11898-SP APN: 314-222-005 & 314-223-009 (1 legal parcel) | Outdoor Cultivation: 10,000 sq. ft. Ancillary Propagation: 2,000 sq. ft. | Spring diversion under water right certificate H100720, for pre-existing cultivation. A proposed 180,000 gallon rain catchment pond for new cultivation. | | Total: 35,900 gallons of hard tank storage, and a proposed 180,000-gallon rain catchment pond for irrigation. 2,500-gallon water tank for fire suppression. | 120,000 gallons (10 gal/sq. ft./year) | Drying will occur within three (3) sheds on-site. Trimming will occur on site in the residence. | Two (2) generators for pre-existing cultivation, solar array used for new cultivation activities. |
| Record No: PLN-11899-ZCC APN: 314-223-006 | Outdoor Cultivation: 10,000 sq. ft. | A proposed rain catchment pond for new cultivation, located on 314-223-009. | | Total: A proposed 180,000-gallon rain catchment pond, located on 314-223-009. 2,500-gallon water tank for fire suppression located on 314-223-009. | 100,000 gallons (10 gal/sq. ft./year) | Drying will occur within three (3) sheds on 314-223-009. Trimming will occur off-site at a licensed processing facility. | No power is required for the full-sun cultivation on-site. |
| Totals: | Outdoor: 20,000 sq. ft. Ancillary Propagation: 2,000 sq. ft. | Spring diversion under water right certificate H100720, for pre-existing cultivation. A proposed 180,000-gallon rain catchment pond on 314-223-009, for all new cultivation. | | 35,900 gallons of hard tank storage for pre-existing cultivation irrigation, and a 180,000 gallon proposed rain catchment pond for new cultivation irrigation. 2,500-gallon water tank for fire suppression located on 314-223-009. | 220,000 gallons (10 gal/sq. ft./ year) | Drying will occur within three (3) sheds on-site. Trimming will occur off-site at a licensed processing facility. | Two (2) generators and a solar array on 314-223-009. |

PLN-11898-SP was determined to have a total of 4,500 sq. ft. of pre-existing cultivation and an additional 5,500 sq. ft. will be new cultivation. Of the 10,000 sq. ft. of total outdoor cultivation on-site, 6,080 sq. ft. will utilize light-deprivation methods within greenhouses, and 3,920 sq. ft. will be full-sun outdoor. The applicant plans to utilize light-deprivation techniques without the use of supplemental lights and anticipates two (2) harvests annually. All full-sun outdoor cultivation areas will have one (1) harvest annually. The project will be solely operated by the applicant and partner who reside within the residence on-site, and trimming will occur within the residence.

PLN-11899-ZCC will have 10,000 sq. ft. of new outdoor cultivation, which will be planted in the ground within the prime agricultural soils on-site. The project will be solely operated by the applicant, and trimming will occur off-site at a licensed processing facility, and the applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility (**Ongoing Condition B.1**).

Shared activities between the two projects will be the use of storage and drying structures, ancillary propagation area, and a proposed 180,000-gallon rain catchment pond, all to be located on APN: 314-223-009. In the event that one or more of the subject parcels are conveyed to a different owner and are no longer under the same ownership, shared facilities may no longer be used between the projects and PLN-11899-ZCC will be required to obtain an independent water source, drying and ancillary nursery facilities. PLN-11898-SP will be required to lower the ancillary nursery space on-site to only consist of 10% of the cultivation area on-site (1,000 sq. ft.) (**Ongoing Condition B.2**).

There are three (3) existing sheds located on APN: 314-223-009, which will be used for storage, and for drying cannabis product cultivated on APN: 314-223-009 & 314-223-006. The projects were referred to the Department of Environmental Health (DEH), and comments were received from the agency for PLN-11898-SP stating that seasonal cultivation without processing may use portable toilets to serve the operation, and that the permittee shall provide portable toilets to cultivation areas or install a permitted Onsite Wastewater Treatment System (OWTS) associated with a permitted structure. Additional comments were received from DEH for PLN-11899-ZCC, stating that the applicant must demonstrate that a properly functioning OWTS serves the operation, which can be accomplished by either installing a new permitted septic system, or by providing DEH with an assessment of the existing system performed by a qualified professional (engineer, geologist, soil scientist, or REHS) that certifies that the existing system complies with the State Regional Water Quality Control Board's definition of a Tier 0 system. The applicant shall provide receipts for portable toilet services to the Planning Division annually until an OWTS is provided and a septic permit has been obtained by DEH and is submitted to the Planning Division (**Ongoing Condition B.3**).

The projects were referred to the Building Division, and a site inspection was conducted on June 23, 2021. Comments from the Building Division included a recommendation of approval based on the condition that all required permits are obtained, and to submit a revised Site Plan. A revised Site Plan has been submitted to include all existing and proposed structures. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: four (4) light-deprivation greenhouse, one (1) proposed nursery greenhouse, two (2) storage sheds, one (1) generator shed, one (1) residence, and the solar array (**Condition A.6**). The applicant shall have all pre-existing and proposed grading associated with PLN-11898-SP (including grading associated with stream restoration work on APN: 314-222-005) permitted with the Building Division (**Condition A.7**). New cultivation associated with PLN-11898-SP & PLN-11899-ZCC will be full-sun outdoor planted directly within the Prime Agricultural Soils on-site, no new grading is anticipated, and if the new cultivation areas require grading of more than 50 cubic-yards, the applicant shall obtain a grading permit with the Building Division prior to commencing new cultivation on-site (**Ongoing Condition B.4**).

Zoning

The subject parcel's APN: 314-223-009 and 314-223-006 have a mixed zoning of Timberland Production Zone (TPZ) and Agriculture Exclusive (AE). All pre-existing cultivation areas exist within the TPZ zoned areas for the parcels, and all new cultivation areas will occur within the AE zoned areas of the parcels where the slope has been verified to be less than 15%, according to the Humboldt Web GIS.

Prime Agricultural Soils

The applicant has obtained a Prime Agricultural Soils Report (PASR) prepared by Dirty Business Soils, dated August 14, 2016. The PASR determined that for PLN-11898-SP, the legal parcel (APN's: 314-222-005 314-223-009) contains approximately 192,149 sq. ft. of prime agricultural soils on-site, and the proposal to have 10,000 sq. ft. of outdoor cultivation and 2,000 sq. ft. of ancillary propagation on-site is less than 20% of that (38,429 sq. ft.).

For PLN-11899-ZCC, the PASR determined that the legal parcel (APN: 314-223-006) contains approximately 53,143 sq. ft. of prime agricultural soils on-site. The proposal to add 10,000 sq. ft. of full-sun outdoor cultivation will not cover more than 20% of that (10,628 sq. ft.).

Timber Conversion

Both projects were referred to CalFire, and the agency replied stating that they had no comments. Proposed greenhouses will be located within the pre-existing flats, and no tree removal is required. There was approximately 0.41 acres of tree removal that occurred between 2009 and 2010, within the TPZ zoned area on parcel 314-223-009. The area where tree removal occurred is within the footprint for pre-existing cannabis cultivation, and all new cultivation areas will occur within non-forested areas on-site. The applicant shall obtain a Timber Conversion Report (TCR) prepared by a Registered Professional Forester to evaluate the 0.41 acres of potential timber conversion that occurred on-site, shall submit to the final TCR to the Planning Division and shall adhere to any recommendations within the final TCR (**Condition A.8**).

Energy

All power for cultivation activities will be sourced primarily from a solar array, and two (2) mobile solar trailers and two (2) generators are used for emergency backup purposes. For PLN-11899-ZCC, cultivation activities will consist of full-sun outdoor, and does not require additional power. The applicant will utilize the drying facilities available on APN: 314-223-009.

Fire Hazard

The project is located within an area designated to have a Very High Fire Hazard Severity, and is within the Kneeland Fire Response Area. The applicant has designated a 2,500-gallon hard tank for fire suppression needs, and has designated several fire truck turn arounds on-site. The projects were referred to the Kneeland Fire Protection District and no response was received by the agency.

Water Resources

The project will source water for pre-existing cultivation on-site from a spring diversion located on the adjacent parcel APN: 314-223-010. The applicant has obtained a Water Right for the spring diversion under Water Right Certificate H100720, which allows up to 192,252 gallons of water to be used for irrigation needs on APN's: 314-223-009 & 314-223-006. The applicant shall adhere to the terms and conditions set forth in the Water Right Certificate H100720, or any subsequent Water Right (**Ongoing Condition B.5**). The Water Right Certificate incorrectly shows that the spring exists on APN: 314-223-006, does not include the use for domestic water source, and shows the use of a stream diversion on APN: 314-223-009, which has been discontinued. The applicant shall contact the Division of Water Rights in order to update and correct the Water Right document to correctly show the spring diversion on APN: 314-223-010 to be used for irrigation and domestic uses, and to remove the stream diversion that is no longer in use. The updated Water Right document shall be submitted to the Planning Division, and the applicant shall adhere to the terms and conditions within the updated Water Right Certificate (**Condition A.9**). As well, the applicant shall meter the water used for pre-existing cannabis irrigation from the spring diversion separate from the domestic uses (**Condition A.10**).

The applicant also has an easement allowing the right to access the spring diversion and associated water tanks. Exhibit A of the Grant Deed states: "the right to take water from the exiting spring in the Southwest Quarter of the Southwest Quarter of Section 9, Township 3 North, Range 3 East, Humboldt Meridian, together with the right to use, maintain and replace the two existing water tanks the existing 2 inch water line running northerly to the south line of the Northwest Quarter of the Southwest Quarter of

said Section 9." Approximately 33,000 gallons of water will be used to irrigate the 4,500 sq. ft. of pre-existing outdoor cultivation on APN: 314-223-009, and the applicant has a total of 35,900 gallons of water storage available to meet the forbearance period. The applicant shall not use the spring diversion for the irrigation of new cannabis cultivation (**Ongoing Condition B.6**).

The applicant is proposing a 180,000-gallon rain catchment pond on APN: 314-223-009 to supply water for irrigation of all new cultivation associated with PLN-11898-SP and PLN-11899-ZCC. The applicant shall permit the proposed rain catchment pond with the Building Division, and no new cultivation activities shall occur until the pond is constructed and filled with rain water (**Condition A.11**). As well, the applicant shall install a water meter to meter water used for new cannabis cultivation irrigation from the rain catchment pond separate from the spring diversion used for existing cannabis cultivation (**Condition A.12**).

The projects were historically enrolled in the North Coast Regional Water Quality Control Boards Regional Order No. R1-2015-0023 under WDID: 1B171100CHUM. The applicant has also enrolled in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ, as a Tier 1 Low Risk site. A Notice of Applicability letter dated September 1, 2020, was submitted as proof of enrollment under WDID: 1_12CC425952. There is one Class II stream and several Class III streams that run through the property, and all cultivation areas exist outside of the streamside management areas. There is one Class III stream where expansion activities occurred, and the applicant has a Stream Restoration Plan that was approved by the California Department of Fish & Wildlife (discussed below). The applicant has a Site Management Plan (SMP) that was prepared by Mother Earth Engineering to assess any mitigation measure needed to comply with the SWRCB General Order. The SMP outlines the following site specific recommendations for APN's: 314-222-005 & 314-223-009, which are included in the Conditions of Approval for the project PLN-11898-SP (**Condition A.13**):

- The application of native grass seeds on a bi-annual basis, in October and March, shall be applied at Cultivation Area 1 (CA1) and Cultivation Area 2 (CA2), in areas of exposed earth, until grass is well established. Grass seeds should be native bunch grasses (blue wildrye, California brome, and California meadow barley etc. After the application of seeds, a layer of mulch should be applied to the seeded area, and mulch shall be weed free.
- Straw wattles should be placed along the toe at Greenhouses B & C shown on the Site Plan of the SMP, as directed in Attachment C of the SMP. A layer of straw and jute mesh should be applied as an additional erosion control measure to help seeds establish.
- The replacement or installation of three (3) culverts on-site to meet the need for a 100-year flood.
- Where water is channelizing at the outfall of each drainage relief culvert, these outfalls should be armored with rip rap to prevent further channelization and erosion.
- The installation of two (2) rolling dips on the road at CA1 shown on the Site Map. The road should be regraded and have out-sloping where it is not. Out-sloping should be done to at least a 2 % gradient on portions of the road set at <4% and increase to up to 5% as the road steepens.
- The inside ditch along the access road at CA1 (Photo 17 in the SMP) should be out-sloped.
- At CA2, water bars and rolling dips shall be installed at areas shown on the Site Map in the SMP. Water bars should be placed on steep grades (12-18%) every 100 feet, rolling dips should be placed on segments of the road <12% every 115-160 feet depending on road grade. Guidance on the proper installation of these features is included in Attachments D, E, and F in the SMP. All portions of road should be out-sloped at CA2, and out-sloping should be done to at least a 2 % gradient on portions of the road set at <4% and increase to up to 5% as the road steepens.
- Two-inch angular rock should be laid down in the entirety of the lower road segment at CA2. The depth of this surfacing should be a minimum of 6 inches and will require approximately 130 cubic yards of rock.
- Once the culvert is excavated, restore the road bed at ditch relief culvert G shown on the Site Map in the SMP.
- Revegetation of the area affected by erosion from the outfall of culvert G with sward fern. Revegetation should occur in the rivulets to stop erosion and ensure a good survival rate of the ferns. Ferns should be placed two (2) feet apart.
- The petroleum storage shed (generator shed) shall be fully enclosed and permitted.

The SMP also outlines the following ongoing recommendations for maintenance and monitoring on the sites, which have been included in the Ongoing Conditions of Approval for the projects (**Ongoing Condition B.7**):

- Ditches and culverts shall be inspected before and after the winter season and after storm events that produces at least 0.5 inch/day or 1.0 inch/7 days of precipitation, as well as before and after the winter season to ensure they are not worn down and are still properly functioning. Accumulated sediment and debris blockage/accumulation should be removed regularly.
- Wattles around cultivation areas may contain elevated levels of nutrients or pesticides and should be excavated and removed from the site to a properly licensed facility for disposal.
- Road maintenance activities shall address surfacing, cut slopes, fill slopes, drainage structures and erosion control measures. Grading to maintain roads should only be done when the road surface becomes damaged by stormwater, to retain surface drainage structures, or if the surface of the road becomes damaged or instable. Should any cut fill slopes start to slump or show signs of excessive rutting and riling these areas may need to be flattened or revegetated or stabilized with riprap where necessary.
- Water bars should be inspected and reconstructed where necessary, before the onset of winter.
- During dry months regular culvert maintenance activities should occur, such as: removal of sediment and large rocks at the culvert inlet, culvert inlets or outlets that have been damaged by falling trees or branches should be straightened, any outlets showing signs of erosion should be armored or fitted with downspout where significant erosion has occurred or is persistent.
- Pesticides and fertilizers shall be stored in secondary containment within the shed. The shed shall also contain a spill kit and the applicant shall follow the procedures in "the case of a spill" on page 13 of the SMP.
- Damaged or compromised fuel containers shall be disposed of immediately at an appropriate licensed facility.
- Soil left in pots or beds shall be covered with a tarp during the rainy season.
- The applicant shall adhere to winterization measures (all erosion control, sediment capture, and soil storage methods described in the SMP) before the onset of the winter season. Additionally, all areas of exposed (non-vegetated) earth shall be mulched at a rate of two tons per acre, this includes areas around and walk-ways within greenhouses. Straw wattles shall be inspected for sediment accumulation, and wattles contaminated with sediment shall be removed and properly disposed of. Culverts shall be inspected for debris blockages or sediment accumulation, all debris and sediment shall be cleared and properly disposed of. Reseeding shall be done in October and March to the specifications in the Sediment and Erosion Control Section of the SMP.

The applicant has obtained a Streambed Alteration Agreement (SAA No. 1600-2019-0120-R1) with the California Department of Fish & Wildlife (CDFW) on March 17, 2021. The SAA is limited to eleven (11) encroachments: the decommissioning of a stream diversion from a tributary to the Mad River, the use of a water diversion from an unnamed spring for domestic (S027562) and irrigation from storage (water right H100246), the enhancement of an existing spillway from the pond on-site, the installation/replacement of three (3) culverts on-site, and the decommissioning of five (5) stream crossings and restoration of a stream channel. The SAA incorrectly states that the applicant will be utilizing a spring diversion under water right certificate H100246 (which was revoked), and the correct water right certificate is H100720. The applicant shall adhere to the project description and work outlined within the SAA No. 1600-2019-0120-R1, and shall adhere to all mitigation and minimization measures outlined within the SAA (**Condition A.14 & Ongoing Condition B.8**).

The applicant had a Stream Restoration and Revegetation Plan (SRRP) prepared by Green Road Consulting, which was submitted to CDFW. At the request of CDFW, Green Road Consulting reevaluated the SRRP and submitted an Addendum to the SRRP, which was approved by CDFW on September 2, 2021. The Addendum to the SRRP identifies two sections where grading has interfered with existing topography to reestablish a flow path, and describes how the area will be excavated to recreate the pre-existing channel conditions. The applicant shall adhere to the steps outlined in the Addendum to

the SRRP, and shall provide proof of completion of the stream restoration with approval from CDFW (**Condition A.15**).

Biological Resources

The project is located outside of any areas shown to contain rare or special species according to the California Natural Diversity Database (CNDDDB). The project site is also approximately 0.71 miles to the nearest known Northern Spotted Owl (NSO) activity center. The project sites are located on historic logging flats which are non-forested and unlikely of containing NSO habitat. The projects were referred to CDFW, and no response was received. The applicant is required to comply with International Dark Sky Standards, shall ensure that all noise levels do not go above 50 decibels at any tree line when noise generating equipment are in use, and generators shall be enclosed in permanent generator shed locations (**Ongoing Conditions B.9 & B.10**).

The project does not require tree removal, and the applicant was not required to provide a Biological Report for the site. The addition of light-deprivation greenhouses with no use of supplemental lights, and full-sun outdoor cultivation areas planted directly in the native prime agricultural soils on-site, has been determined to have a less than significant impact on the surrounding wildlife, so long as the applicant complies with all conditions of approval.

Tribal Cultural Resource Coordination

The project is located within the Bear River Band Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), and the Bear River Band THPO. The NWIC replied recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band THPO replied on June 24, 2021, stating that they recommend inadvertent archaeological discovery protocols for the project. In the event that cultural, tribal or historical resources are discovered during project activities, the applicant shall adhere to Inadvertent Discover Protocols and cease all work in the immediate area and within a 50-foot buffer of the discovery location (**Informational Note #3**).

Access

Access to the site is via a private driveway off of Butte Creek Road which is a county maintained road, off of Mountain View Road which is also a county maintained road. The applicant has submitted a Road Evaluation Report form for 530 feet of Butte Creek road designating it as being developed to the equivalent of a road category 4 standard, which includes photos of the access road from the Mountain View Road and Butte Creek Road intersection to the project location. The projects were referred to the Department of Public Works and comments received from the Department recommended conditions of approval for the projects. Comments received from the Department of Public Works included the following recommendations for the projects (**Condition A.16**):

- The access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. 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 condition shall be completed to the satisfaction of the Department of Public Works.

As the project will be run solely by the applicant and partner who live on-site, it is determined that the project would not result in a significant increase in traffic, and it has been determined that the access road meets the functional capacity for the project's needs.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of these projects the total approved permits in this Planning Watershed would be 63 cultivation permits and the total approved acres would be 24.09 acres of cultivation.

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

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

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

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

Resolution Number 22-

Record Number PLN-11898-SP

Assessor's Parcel Number: 314-222-005 & 314-223-009

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving Angie Jeong's Zoning Clearance Certificate and Special Permits.

WHEREAS, Angie Jeong, submitted an application and evidence in support of approving a Special Permit for the operation of an existing 4,500 square foot (sq. ft.) outdoor cannabis cultivation and 5,500 sq. ft. of new outdoor cannabis cultivation operation allowing for light-deprivation methods, with appurtenant propagation and drying activities; and a Special Permit for the use of a spring diversion for existing cultivation area; and a Special Permit for the restoration of a Streamside Management Area; and

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **March 24, 2022** and reviewed, considered, and discussed the application for a Zoning Clearance Certificate and Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Zoning Clearance Certificate for 10,000 sq. ft. of outdoor commercial cannabis cultivation, and 2,000 sq. ft. of ancillary propagation (to supply immature plants on-site and on adjacent parcel APN: 314-223-006). Light-deprivation methods (without the use of supplemental lights) will be utilized for 6,080 sq. ft. of cultivation within greenhouses, and 3,920 sq. ft. will be full-sun outdoor. Water for irrigation of pre-existing cultivation is sourced by a spring diversion on adjacent parcel 314-223-010. The applicant is proposing to install a 180,000-gallon rain catchment pond to collect water for irrigation of all new cultivation on-site and on adjacent parcel 314-223-006. The total anticipated annual water usage is 120,000 gallons (10 gal/sq. ft./year). Total existing water storage on-site is 35,900 gallons for irrigation designated in hard tanks and one 2,500-gallon water tank designated for fire suppression. The site will be solely operated by the applicant and partner, and machine trimming will occur within the residence on-site. Electricity is provided from a solar array and two (2) on-site generators. A Special Permit is being applied for the use of a point of diversion from a spring, and an additional Special Permit for restoration activities within a streamside management area.

- EVIDENCE:** a) Project File: PLN-11898-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use

Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) Addendum Prepared for the proposed project.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
 - c) The applicant has obtained a Water Right for the spring diversion under Water Right Certificate H100720. The applicant shall only use the spring diversion for pre-existing cultivation.
 - d) The applicant is proposing to install a 180,000-gallon rain catchment pond to collect water for irrigation of all new cultivation on-site and on adjacent parcel 314-223-006. No new cultivation shall commence until the pond is installed and filled with rain water.
 - e) A Notice of Applicability letter for proof of enrollment in the State Water Resources Control Board's General Order WQ 2019-0001-DWQ as a Tier 1 Low Risk site, under WDID: 1_12CC425952.
 - f) The applicant has a Site Management Plan (SMP) that was prepared by Mother Earth Engineering to assess any mitigation measure needed to comply with the SWRCB General Order WQ 2019-0001-DWQ.
 - g) Approximately 0.41 acres of tree removal occurred between 2009 and 2010, and the applicant is conditioned to have a Timber Conversion Report prepared by a Registered Professional Forester, in compliance with Section 55.4.10 (j) of the CMMLUO.
 - h) The applicant has obtained a Streambed Alteration Agreement (SAA No. 1600-2019-0120-R1) with the California Department of Fish & Wildlife (CDFW) on March 17, 2021.
 - i) The applicant had a Stream Restoration and Revegetation Plan (SRRP) prepared by Green Road Consulting, which was submitted to CDFW. At the request of CDFW, Green Road Consulting reevaluated the SRRP and submitted an Addendum to the SRRP, which was approved by CDFW on September 2, 2021.
 - j) A Road Evaluation Report form was prepared by the applicant for the access roads, Mountain View Road and Butte Creek Road, designating them both as being developed to the equivalent of a road category 4 standard. It has been determined that the access road will meet the functional capacity needs for the project.

FINDINGS FOR ZONING CLEARANCE CERTIFICATE & SPECIAL PERMIT

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

- EVIDENCE**
- a) General agriculture is a use type permitted in the Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the

use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING

The proposed development is consistent with the purposes of the existing TPZ and AE zones in which the site is located.

EVIDENCE

- a) The Timberland Production Zone or TPZ and Agriculture Exclusive (AE) Zone are intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the TPZ and AE zones.
- c) Humboldt County Code section 314-55.4.8.2.1 allows cultivation of up to 10,000 sq. ft. of new outdoor cannabis and up to 10,000 sq. ft. of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Zoning Clearance Certificate. Where the parcel meets the characteristics which support new cultivation but the parcel contains a cultivation site that existed on January 1, 2016, the area allowance for new cultivation shall be adjusted such that the maximum aggregate 10,000 sq. ft. area is not exceeded over the parcel. The application for 4,500 square feet of existing outdoor cannabis cultivation and 5,500 sq. ft. of new outdoor cannabis cultivation on a 160.5 acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- d) The applicant is applying for a Special Permit to allow the continued use of a Spring diversion for domestic and agricultural purposes on adjacent parcel APN: 314-223-010, and the applicant has an easement for the use of the spring and associated infrastructure. The applicant has obtained a water right for the use of the Spring diversion under Water Right Certificate H100720, and the Spring diversion is included in the applicants Streambed Alteration Agreement (SAA No. 1600-2019-0120-R1) with CDFW. The Spring diversion will only be used for pre-existing cultivation area.
- e) Expansion activities occurred on the parcel APN: 314-222-005, where a class III stream exists, and the applicant is applying for a Special Permit for the restoration of the class III stream. The stream restoration has been included in the applicant Streambed Alteration Agreement (SAA No. 1600-2019-0120-R1) with CDFW, and a Stream Restoration and Revegetation Plan was approved by CDFW.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ, (HCC 314-55.4.8.2.2).
- b) The CMMLUO allows new cannabis cultivation to be permitted in areas zoned AE, on slopes of 15% or less, and with documented water right or other non-diversionary source of irrigation water. The cultivation area shall be located on the Prime Agricultural Soils on the parcel and no more than 20% of the area of Prime Agricultural Soils on the parcel may be permitted for cannabis cultivation.
- c) The location for new cultivation has been determined to be less than 15% slope, and new cultivation will occur within Prime Agricultural Soils on-site, not

exceeding 20%.

- d) The parcels have been deemed to be one legal parcel per DS 06-23; 314-223-009 + 314-222-005 = one legal parcel; COSC 2007-31049.
- e) The project will obtain water for pre-existing cultivation from a permitted water right H100720, and will obtain water for new cultivation from a non-diversionary water source.
- f) A Road Evaluation Report form was prepared by the applicant for the access roads, Mountain View Road and Butte Creek Road, designating them both as being developed to the equivalent of a road category 4 standard. It has been determined that the access road will meet the functional capacity needs for the project.
- g) The cultivation of new cannabis will not result in the net conversion of timberland. Approximately 0.41 acres of tree removal that occurred between 2009 and 2010, and the applicant is conditioned to have a Timber Conversion Report prepared by a Registered Professional Forester, in compliance with Section 55.4.10 (j) of the CMMLUO.
- h) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 10,000 square feet of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- b) Irrigation water for existing cannabis will come from a permitted water right, and irrigation for new cultivation will come from either a groundwater well that has been permitted by the Environmental Health Department, or from rain catchment.
- c) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

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

8. FINDING

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

- a) The project is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 62 permits and the total approved acres would be 23.86 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Zoning Clearance Certificate & Special Permits for Angie Jeong, 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 **March 24, 2022**.

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

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

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

Resolution Number 22-

Record Number PLN-11899-SP

Assessor's Parcel Number: 314-223-006

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving Angie Jeong's Zoning Clearance Certificate.

WHEREAS, Angie Jeong, submitted an application and evidence in support of approving a Zoning Clearance Certificate for the operation of a new 10,000 square foot (sq. ft.) outdoor cannabis cultivation; and

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **March 24, 2022** and reviewed, considered, and discussed the application for a Zoning Clearance Certificate and Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Zoning Clearance Certificate for 10,000 sq. ft. of new outdoor cannabis cultivation on APN: 314-223-006. Water is proposed to come from the proposed 180,000-gallon rain catchment pond on APN: 314-223-009. The total anticipated annual water usage is 100,000 gallons (10 gal/sq. ft./year). All other support facilities for drying and water storage will occur on adjacent parcel 314-223-009. No power is required for the full-sun outdoor cultivation and the site will be solely operated by the applicant. Trimming will occur off-site at a licensed processing facility.

EVIDENCE: a) Project File: PLN-11899-ZCC

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

EVIDENCE: a) Addendum Prepared for the proposed project.

 b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

 c) The applicant is proposing to install a 180,000-gallon rain catchment pond on adjacent parcel 314-223-009, to collect water for irrigation of all new

cultivation on-site. No new cultivation shall commence until the pond is installed and filled with rain water.

- d) A Notice of Applicability letter for proof of enrollment in the State Water Resources Control Board's General Order WQ 2019-0001-DWQ as a Tier 1 Low Risk site, under WDID: 1_12CC425952.
- e) The applicant has a Site Management Plan (SMP) that was prepared by Mother Earth Engineering to assess any mitigation measure needed to comply with the SWRCB General Order WQ 2019-0001-DWQ.
- f) A Road Evaluation Report form was prepared by the applicant for the access roads, Mountain View Road and Butte Creek Road, designating them both as being developed to the equivalent of a road category 4 standard. It has been determined that the access road will meet the functional capacity needs for the project.

FINDINGS FOR ZONING CLEARANCE CERTIFICATE & SPECIAL PERMIT

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

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

4. FINDING The proposed development is consistent with the purposes of the AE zones in which the site is located.

EVIDENCE a) The Agriculture Exclusive (AE) Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
b) All general agricultural uses are principally permitted in the AE zones.
c) Humboldt County Code section 314-55.4.8.2.1 allows cultivation of up to 10,000 sq. ft. of new outdoor cannabis and up to 10,000 sq. ft. of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Zoning Clearance Certificate. The application for 10,000 sq. ft. of new outdoor cannabis cultivation on a 20 acre parcel is consistent with this.

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

EVIDENCE a) The CMMLUO allows new cannabis cultivation to be permitted in areas zoned AE, on slopes of 15% or less, and with documented water right or other non-diversionary source of irrigation water. The cultivation area shall be located on the Prime Agricultural Soils on the parcel and no more than 20% of the area of Prime Agricultural Soils on the parcel may be permitted

for cannabis cultivation.

- b) The location for new cultivation has been determined to be less than 15% slope, and new cultivation will occur within Prime Agricultural Soils on-site, not exceeding 20%.
- c) The parcel has been deemed to be a legal parcel Per DS 06-23, COSC 2007-31049.
- d) The project will obtain water from a non-diversionary water source.
- e) A Road Evaluation Report form was prepared by the applicant for the access roads, Mountain View Road and Butte Creek Road, designating them both as being developed to the equivalent of a road category 4 standard. It has been determined that the access road will meet the functional capacity needs for the project.
- f) The cultivation of new cannabis will not result in the net conversion of timberland.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 10,000 square feet of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- b) Irrigation water for new cannabis cultivation will come from either a groundwater well that has been permitted by the Department of Environmental Health, or from rain catchment.
- c) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

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

8. FINDING

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

- a) The project is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 63 permits and the total approved acres would be 24.09 acres of cultivation.

DECISION

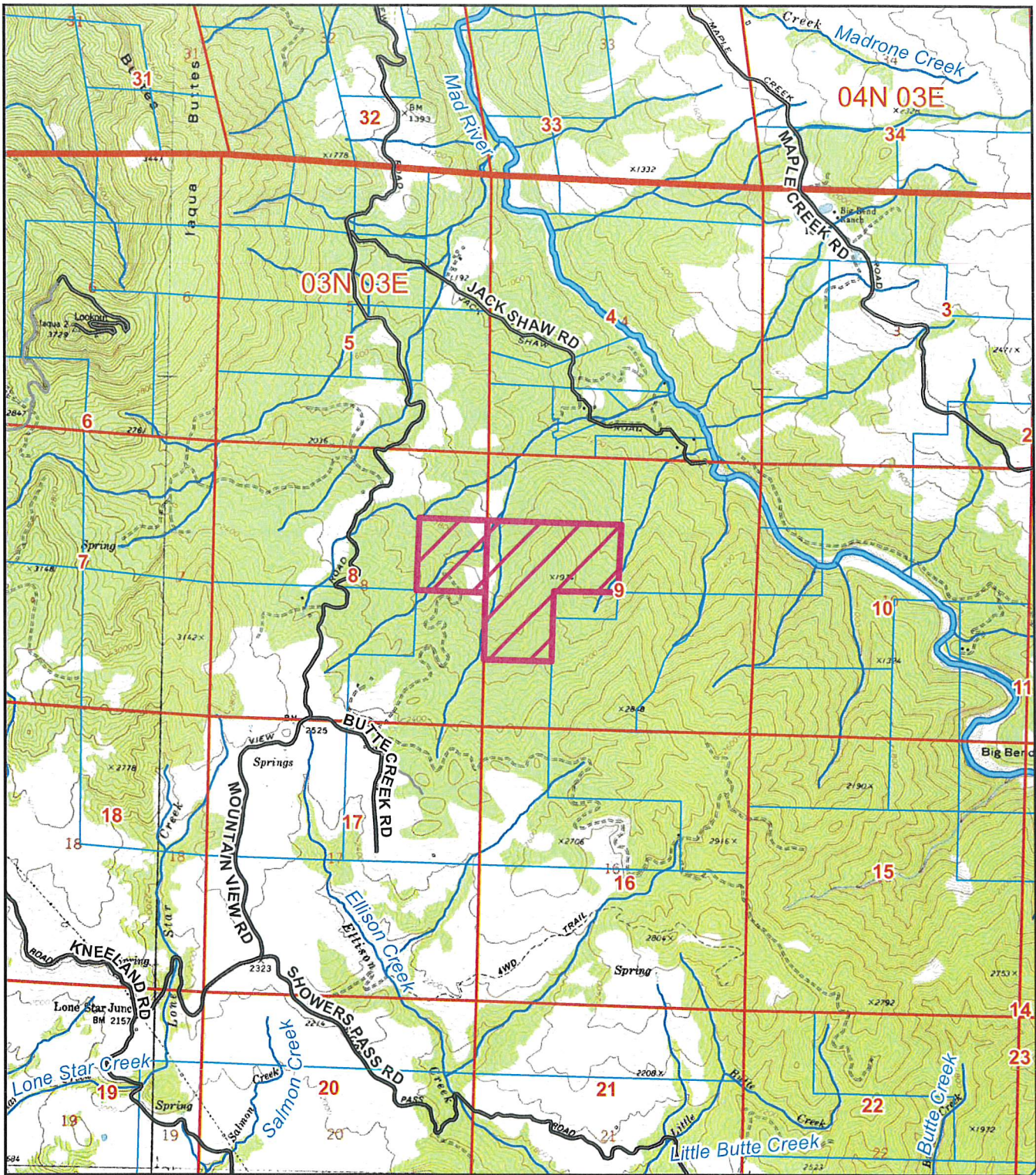
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Zoning Clearance Certificate for Angie Jeong, 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 **March 24, 2022**.

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

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

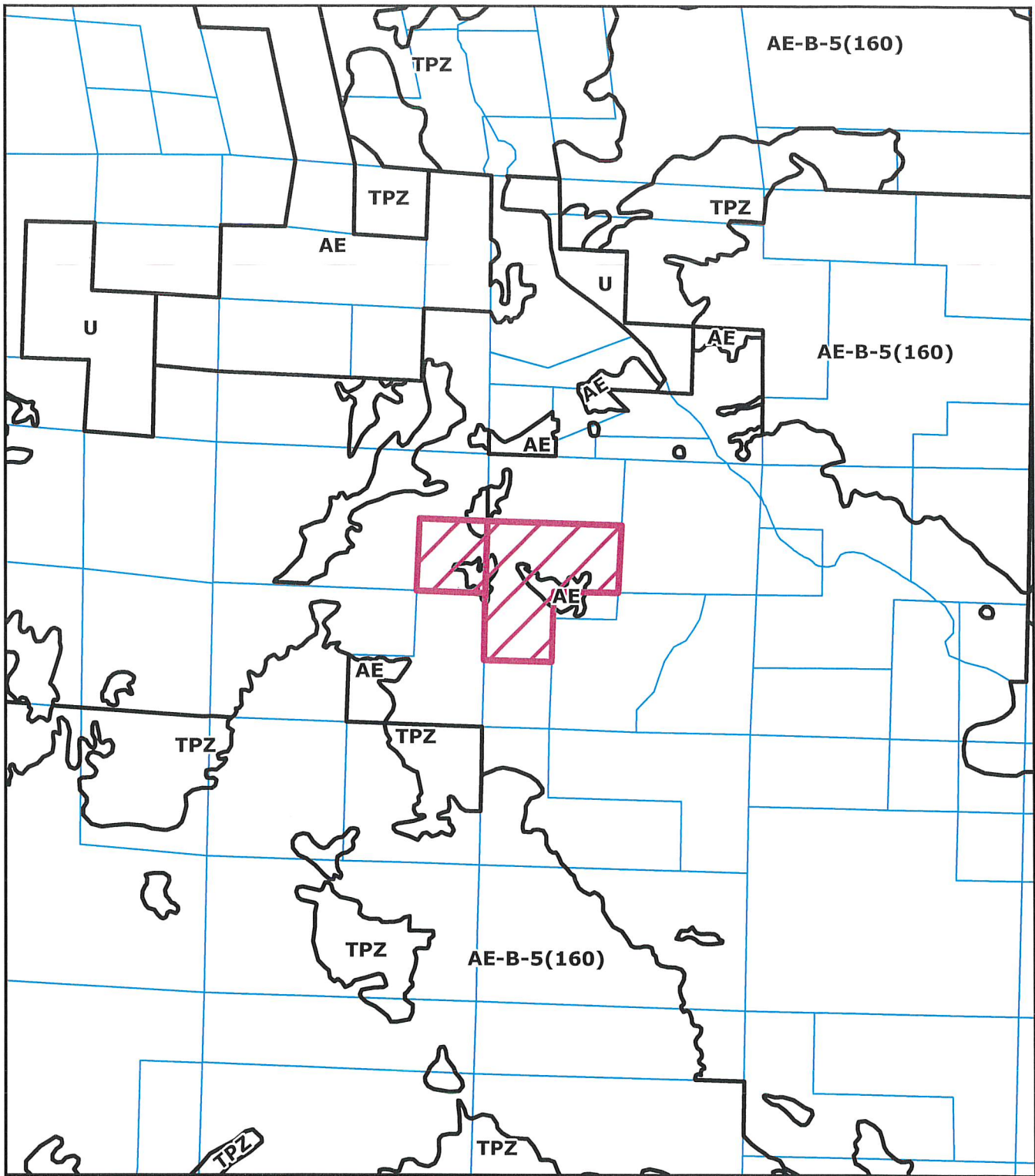


**TOPO MAP
PROPOSED ANGIE JEONG
KNEELAND AREA
CUP-16-438
APN: 314-223-009-000; ET AL.
T03N R03E S8; S9 HB&M (MAD RIVER BUTTES)**


Project Area = N
↑


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


0 0.275 0.55 1.1
Miles



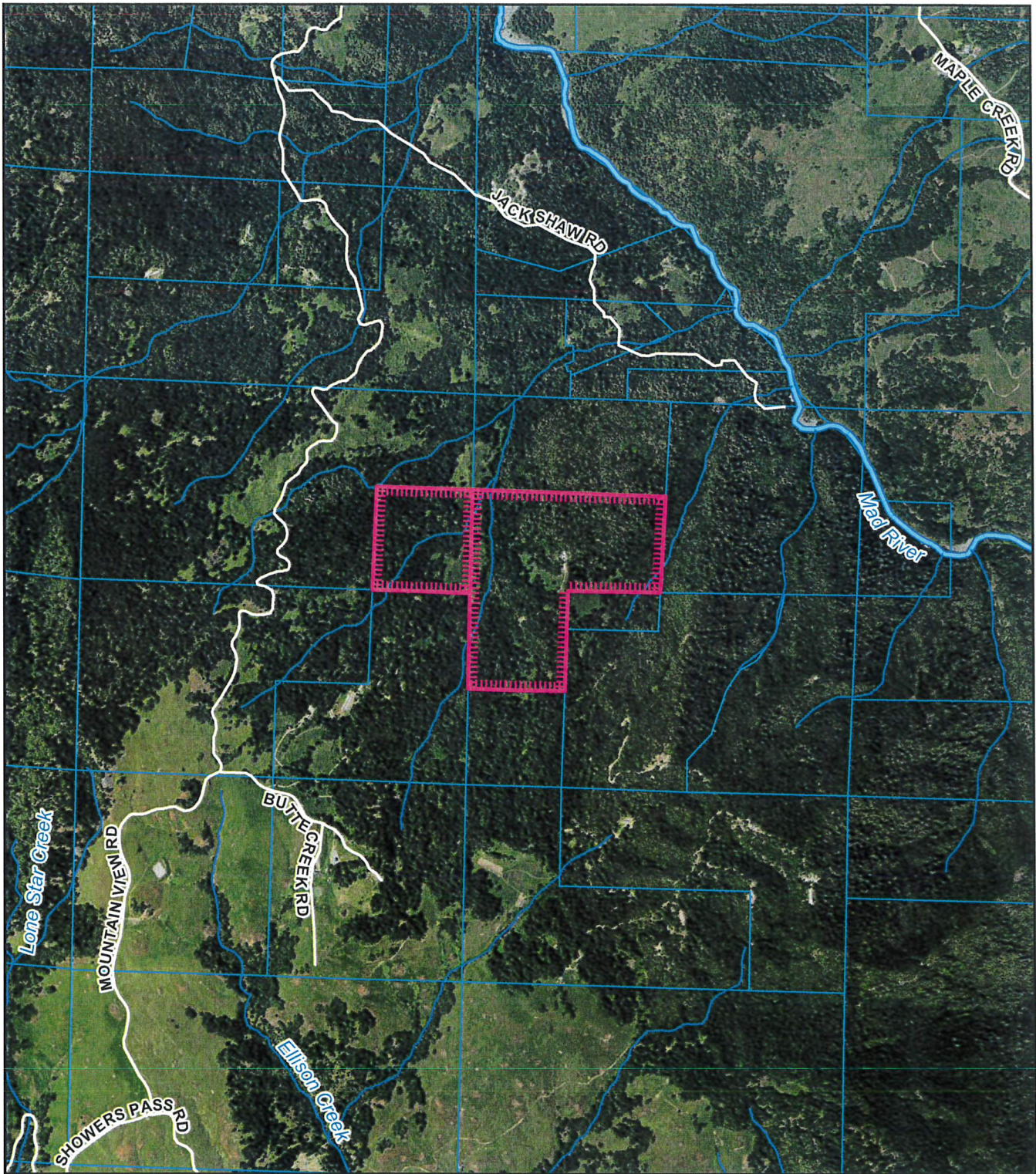
**ZONING MAP
PROPOSED ANGIE JEONG
KNEELAND AREA
CUP-16-438
APN: 314-223-009-000; ET AL.
T03N R03E S8; S9 HB&M (MAD RIVER BUTTES)**

Project Area = 


N



0 0.275 0.55 1.1
 Miles

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

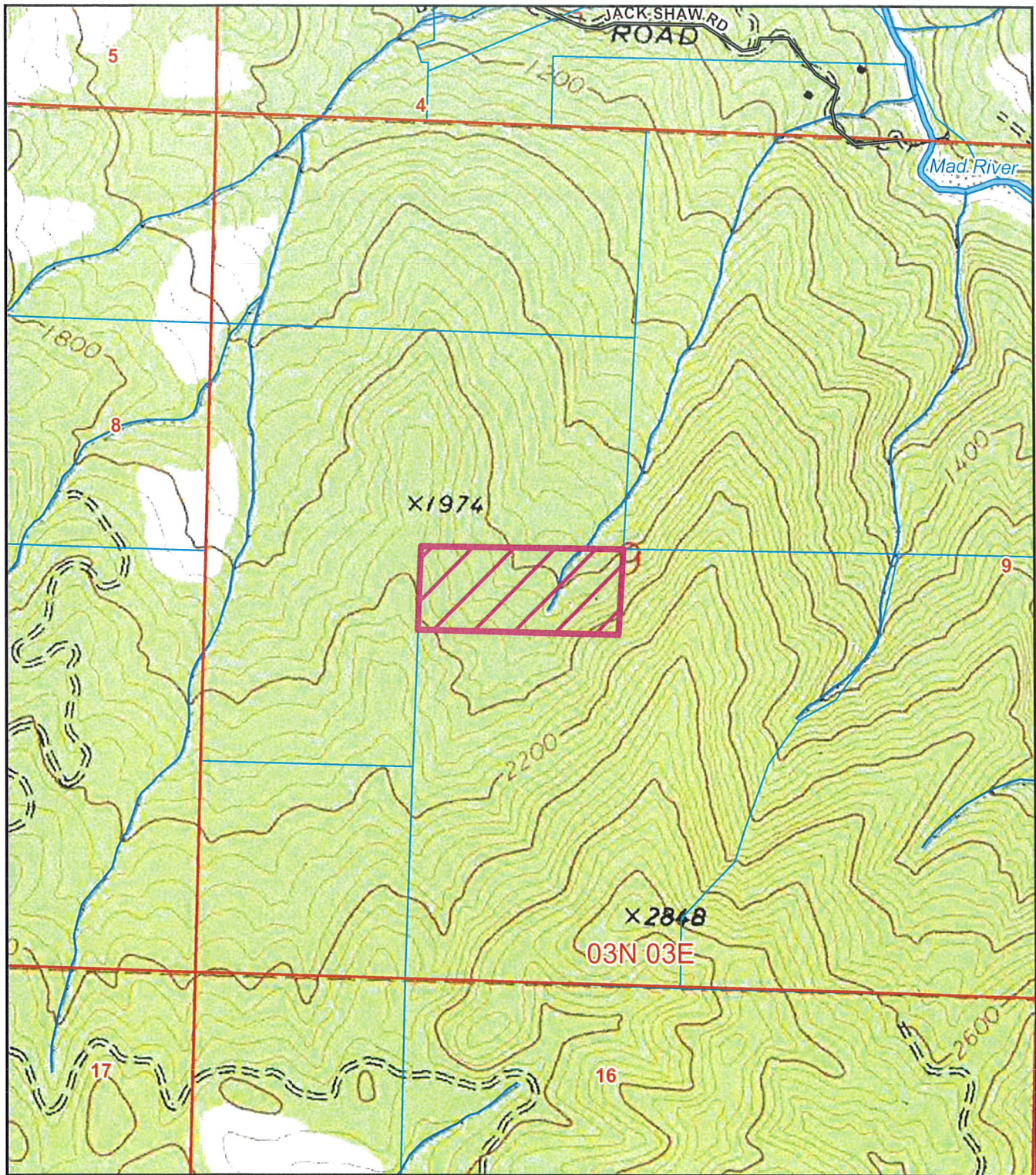


**AERIAL MAP
PROPOSED ANGIE JEONG
KNEELAND AREA
CUP-16-438
APN: 314-223-009-000; ET AL.
T03N R03E S8; S9 HB&M (MAD RIVER BUTTES)**

Project Area = 


 0 1,000 2,000 4,000
 Feet

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



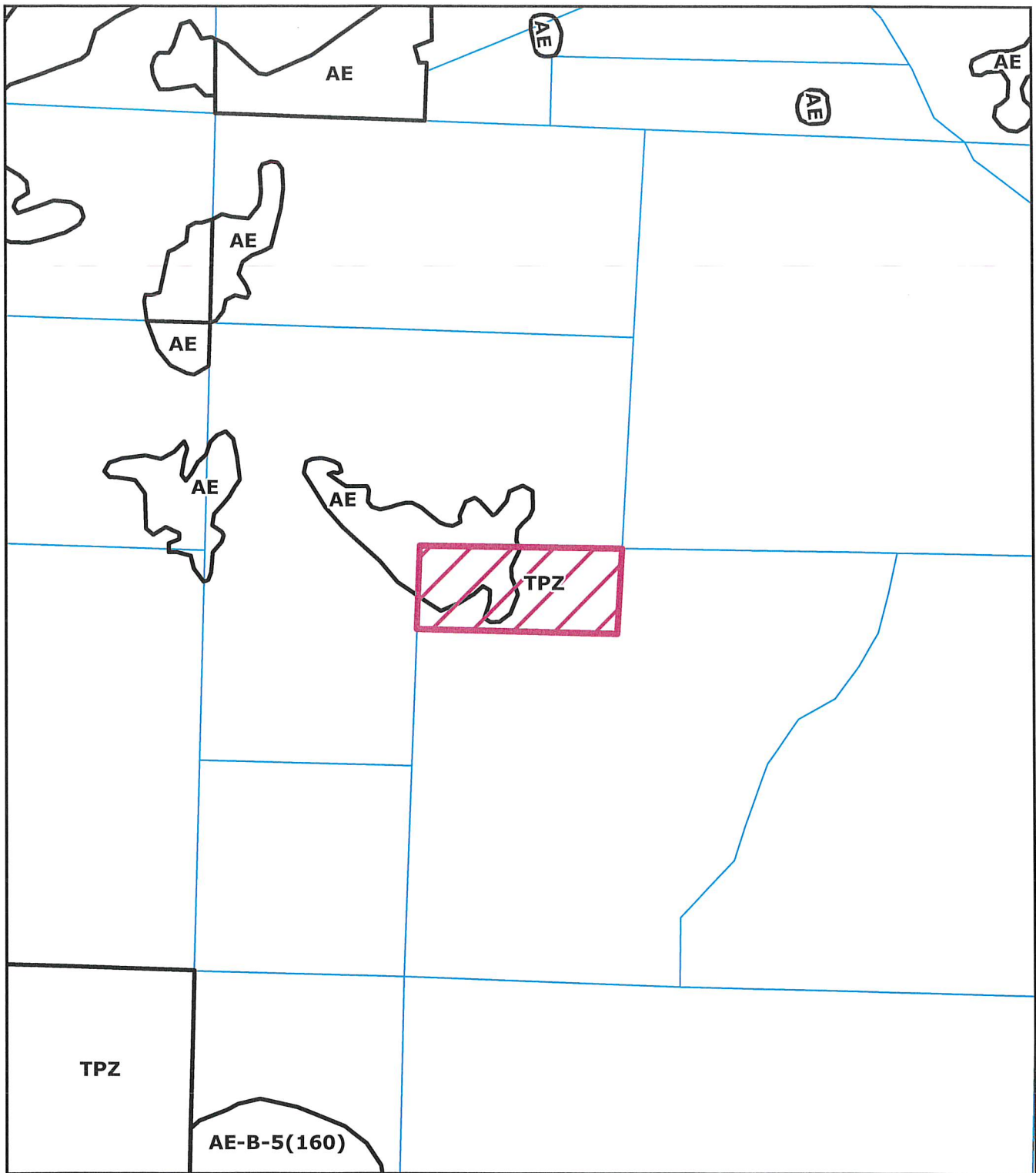
**TOPO MAP
PROPOSED ANGIE JEONG
KNEELAND AREA
CUP-16-439
APN: 314-223-006-000
T03N R03E S9 HB&M (MAD RIVER BUTTES)**

Project Area = 


N




0 1,000 2,000
Feet


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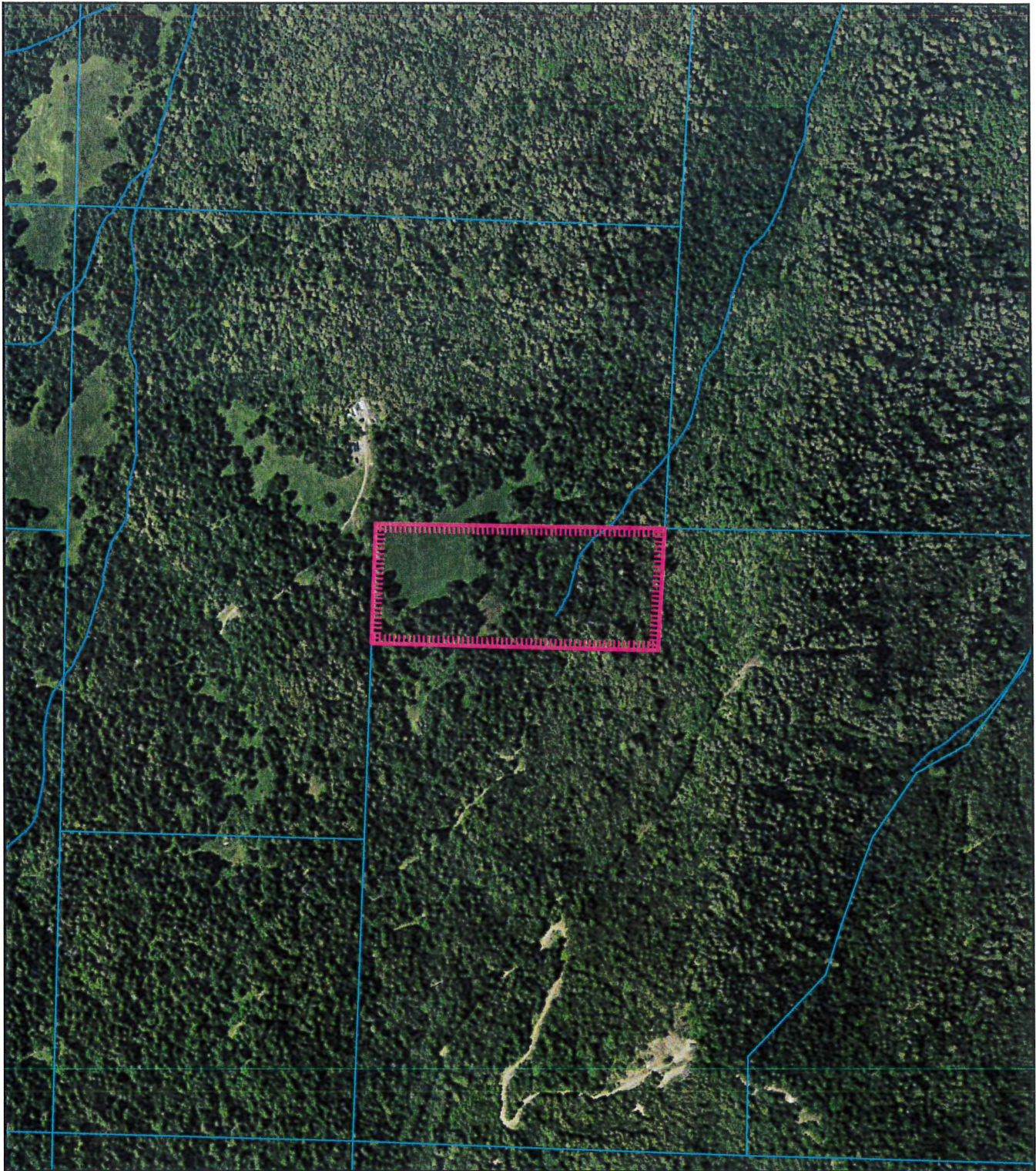


**ZONING MAP
PROPOSED ANGIE JEONG
KNEELAND AREA
CUP-16-439
APN: 314-223-006-000
T03N R03E S9 HB&M (MAD RIVER BUTTES)**

Project Area = 


 0 1,000 2,000
 Feet

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



Project Area = 

**AERIAL MAP
PROPOSED ANGIE JEONG
KNEELAND AREA
CUP-16-439**

APN: 314-223-006-000

T03N R03E S9 HB&M (MAD RIVER BUTTES)



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.

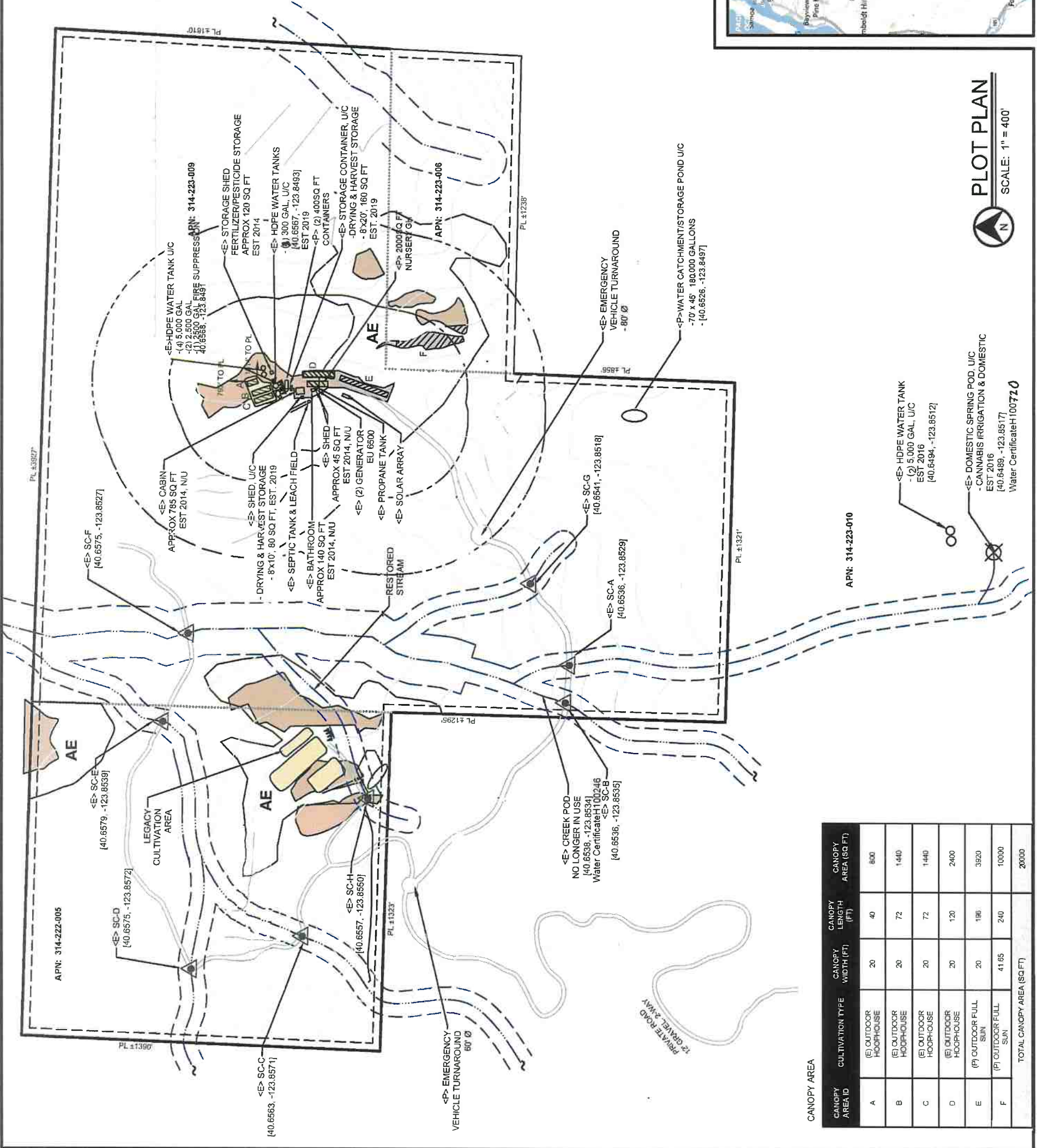
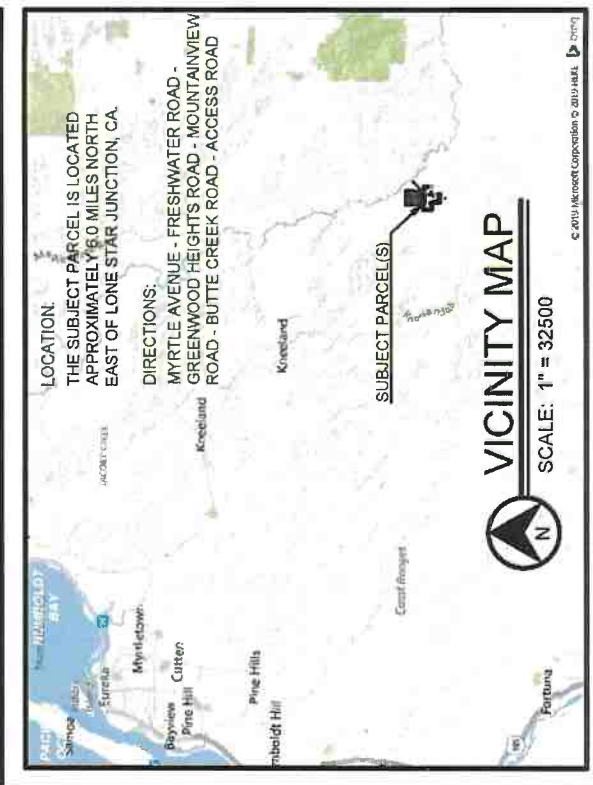


GENERAL NOTES:

- NO GRADING.
- PROPERTY LINES ARE APPROXIMATE.
- PARCELS, 314-222-005 AND 314-223-009, ARE CONSIDERED ONE LEGAL PARCEL.
- NO RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET.
- ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
- NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES WITHIN 600 FEET.
- LOCATIONS OF STRUCTURES AND POINTS SHOWN ON THE MAP ARE APPROXIMATE, ACCORDING TO APPLICANT'S KNOWLEDGE, AND HAVE NOT BEEN VERIFIED BY MEE, INC.
- GHS A - D UNDER APPLICATION #11898

LEGEND

- PROPERTY LINE
- PARCEL LINE
- 30 FT SETBACK FROM PROPERTY LINE
- 300 FT SETBACK FROM CULTIVATION AREAS
- 600 FT SETBACK FROM CULTIVATION AREAS
- 40' CONTOURS (HUMGIS)
- CLASS II WATERCOURSE, 100' SMA
- CLASS III WATERCOURSE, 50' SMA
- CULTIVATION AREA
- GRADED FLATS
- PRIME AG SOIL
- PRIVATE ACCESS ROAD
- SEPTIC TANK & LEACH FIELD
- SETBACK DIMENSION VECTOR
- POINT OF DIVERSION (POD)
- CULVERT
- PROPERTY LINE
- USED FOR CULTIVATION ACTIVITIES
- NOT USED FOR CULTIVATION ACTIVITIES
- EXISTING
- PROPOSED



PLOT PLAN
 SCALE: 1" = 400'

| CANOPY AREA ID | CULTIVATION TYPE | CANOPY WIDTH (FT) | CANOPY LENGTH (FT) | CANOPY AREA (SQ FT) |
|---------------------------|-----------------------|-------------------|--------------------|---------------------|
| A | (E) OUTDOOR HOOPHOUSE | 20 | 40 | 800 |
| B | (E) OUTDOOR HOOPHOUSE | 20 | 72 | 1440 |
| C | (E) OUTDOOR HOOPHOUSE | 20 | 72 | 1440 |
| D | (E) OUTDOOR HOOPHOUSE | 20 | 120 | 2400 |
| E | (P) OUTDOOR FULL SUN | 20 | 186 | 3920 |
| F | (P) OUTDOOR FULL SUN | 41.65 | 240 | 10000 |
| TOTAL CANOPY AREA (SQ FT) | | | | 20000 |

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions for PLN-11898-SP; APN's: 314-222-005 & 314-223-009

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: four (4) light-deprivation greenhouse, one (1) proposed nursery greenhouse, two (2) storage sheds, one (1) generator shed, one (1) residence, and the solar array. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall have all pre-existing and proposed grading associated with PLN-11898-SP (including grading associated with stream restoration work on APN: 314-222-005) permitted with the Building Division.
8. The applicant shall obtain a Timber Conversion Report (TCR) prepared by a Registered Professional Forester to evaluate the 0.41 acres of potential timber conversion that occurred on-site, shall submit to the final TCR to the Planning Division and shall adhere to any recommendations within the final TCR.

9. The applicant shall contact the Division of Water Rights in order to update and correct the Water Right document to correctly show the diversion on APN: 314-223-010 to be used for irrigation and domestic uses, and to remove the stream diversion that is no longer in use. The updated Water Right document shall be submitted to the Planning Division, and the applicant shall adhere to the conditions within the updated Water Right Certificate.
10. The applicant shall meter the water used for pre-existing cannabis irrigation from the spring diversion separate from the domestic uses.
11. The applicant shall permit the proposed rain catchment pond with the Building Division, and no new cultivation activities shall occur until the pond is constructed and filled with rain water.
12. The applicant shall install a water meter to meter water used for irrigation of new cannabis cultivation from the rain catchment pond separate from the spring diversion used for existing cannabis cultivation.
13. The applicant shall adhere to following the site specific recommendations within the Site Management Plan for PLN-11898-SP:
 - The application of native grass seeds on a bi-annual basis, in October and March, shall be applied at Cultivation Area 1 (CA1) and Cultivation Area 2 (CA2), in areas of exposed earth, until grass is well established. Grass seeds should be native bunch grasses (blue wildrye, California brome, and California meadow barley etc. After the application of seeds, a layer of mulch should be applied to the seeded area, and mulch shall be weed free.
 - Straw wattles should be placed along the toe at Greenhouses B & C shown on the Site Plan of the SMP, as directed in Attachment C of the SMP. A layer of straw and jute mesh should be applied as an additional erosion control measure to help seeds establish.
 - The replacement or installation of three (3) culverts on-site to meet the need for a 100-year flood.
 - Where water is channelizing at the outfall of each drainage relief culvert, these outfalls should be armored with rip rap to prevent further channelization and erosion.
 - The installation of two (2) rolling dips on the road at CA1 shown on the Site Map. The road should be regraded and have out-sloping where it is not. Out-sloping should be done to at least a 2 % gradient on portions of the road set at <4% and increase to up to 5% as the road steepens.
 - The inside ditch along the access road at CA1 (Photo 17 in the SMP) should be out-sloped.
 - At CA2, water bars and rolling dips shall be installed at areas shown on the Site Map in the SMP. Water bars should be placed on steep grades (12-18%) every 100 feet, rolling dips should be placed on segments of the road <12% every 115-160 feet depending on road grade. Guidance on the proper installation of these features is included in Attachments D, E, and F in the SMP. All portions of road should be out-sloped at CA2, and out-sloping should be done to at least a 2 % gradient on portions of the road set at <4% and increase to up to 5% as the road steepens.
 - Two-inch angular rock should be laid down in the entirety of the lower road segment at CA2. The depth of this surfacing should be a minimum of 6 inches and will require approximately 130 cubic yards of rock.
 - Once the culvert is excavated, restore the road bed at ditch relief culvert G shown on the Site Map in the SMP.
 - Revegetation of the area affected by erosion from the outfall of culvert G with sward fern. Revegetation should occur in the rivulets to stop erosion and ensure a good survival rate of the ferns. Ferns should be placed two (2) feet apart.
 - The petroleum storage shed (generator shed) shall be fully enclosed and permitted.

14. The applicant shall adhere to the project description and work outlined within the Streambed Alteration Agreement No. 1600-2019-0120-R1, and shall adhere to all mitigation and minimization measures outlined within the SAA. An extension or sign off from CDFW shall satisfy this requirement.
15. The applicant shall adhere to the steps outlined in the Addendum to the Stream Restoration & Revegetation Plan approved by CDFW, and shall provide proof of completion of the stream restoration with sign off from CDFW.
16. The applicant shall adhere to the following recommended conditions of approval from the Department of Public Works:
 - The access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. 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 condition shall be completed to the satisfaction of the Department of Public Works.
17. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
18. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

B. Ongoing Requirements/Development Restrictions for PLN-11898-SP & PLN-11899-ZCC Which Must be Satisfied for the Life of the Project:

1. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility, to be furnished during an annual inspection.
2. In the event that one or more of the subject parcels are conveyed to a different owner and are no longer under the same ownership, shared facilities may no longer be used between the projects and PLN-11899-ZCC will be required to obtain an independent water source, drying and ancillary nursery facilities. PLN-11898-SP will be required to lower the ancillary nursery space on-site to only consist of 10% of the cultivation area on-site (1,000 sq. ft.).
3. The applicant shall provide receipts for portable toilet services to the Planning Division annually until an OWTS is provided and a septic permit has been obtained by DEH and is submitted to the Planning Division.
4. If the new cultivation areas for PLN-11898-SP & PLN-11899-ZCC require grading of more than 50 cubic-yards, the applicant shall obtain a grading permit with the Building Division prior to commencing new cultivation activities on-site.
5. The applicant shall adhere to the terms and conditions set forth in the Water Right Certificate H100720, or any subsequent Water Right.
6. The applicant shall not use the spring diversion for the irrigation of any new cannabis cultivation.
7. The applicant shall adhere to the following ongoing recommendations for maintenance and monitoring on the sites recommended within the Site Management Plan.
 - Ditches and culverts shall be inspected before and after the winter season and after storm events that produces at least 0.5 inch/day or 1.0 inch/7 days of precipitation, as well as before and after the winter season to ensure they are not worn down and are still

properly functioning. Accumulated sediment and debris blockage/accumulation should be removed regularly.

- Wattles around cultivation areas may contain elevated levels of nutrients or pesticides and should be excavated and removed from the site to a properly licensed facility for disposal.
- Road maintenance activities shall address surfacing, cut slopes, fill slopes, drainage structures and erosion control measures. Grading to maintain roads should only be done when the road surface becomes damaged by stormwater, to retain surface drainage structures, or if the surface of the road becomes damaged or unstable. Should any cut fill slopes start to slump or show signs of excessive rutting and riling these areas may need to be flattened or revegetated or stabilized with riprap where necessary.
- Water bars should be inspected and reconstructed where necessary, before the onset of winter.
- During dry months regular culvert maintenance activities should occur, such as: removal of sediment and large rocks at the culvert inlet, culvert inlets or outlets that have been damaged by falling trees or branches should be straightened, any outlets showing signs of erosion should be armored or fitted with downspout where significant erosion has occurred or is persistent.
- Pesticides and fertilizers shall be stored in secondary containment within the shed. The shed shall also contain a spill kit and the applicant shall follow the procedures in "the case of a spill" on page 13 of the SMP.
- Damaged or compromised fuel containers shall be disposed of immediately at an appropriate licensed facility.
- Soil left in pots or beds shall be covered with a tarp during the rainy season.
- The applicant shall adhere to winterization measures (all erosion control, sediment capture, and soil storage methods described in the SMP) before the onset of the winter season. Additionally, all areas of exposed (non-vegetated) earth shall be mulched at a rate of two tons per acre, this includes areas around and walk-ways within greenhouses. Straw wattles shall be inspected for sediment accumulation, and wattles contaminated with sediment shall be removed and properly disposed of. Culverts shall be inspected for debris blockages or sediment accumulation, all debris and sediment shall be cleared and properly disposed of. Reseeding shall be done in October and March to the specifications in the Sediment and Erosion Control Section of the SMP.

8. Comply with the terms of the Streambed Alteration Agreement No. 1600-2019-0120-R1.
9. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
10. 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.

11. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.10. and B.11., 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.
12. 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.
13. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
14. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
15. The use of anticoagulant rodenticide is prohibited.
16. 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.
17. 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.
18. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
19. 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.
20. 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.
21. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

22. 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).
23. Maintain enrollment in Tier 1 or 2 certification with State Water Resource Control Boards (SWRCB) General Order No. WQ 2019-0001-DQW, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
24. 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.
25. 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).
26. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
27. Pay all applicable application, review for conformance with conditions and annual inspection fees.
28. 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.
29. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
30. 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

31. 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."
32. 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).
33. 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.

34. 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.
35. 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
36. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation ZCC or SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
37. 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.

38. 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.
39. 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.
40. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
41. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval A.5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

**APN's: 314-222-005, 314-222-005 & 314-223-009;
Kneeland Area, County of Humboldt**

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

March 2022

Background

Modified Project Description and Project History –

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

Project Description:

The modified project involves two Zoning Clearance Certificates and two Special Permits for the operation of existing and new outdoor cannabis cultivation occurring across two adjacent and contiguous parcels, which are owned and operated by the same applicant (PLN-11898-SP & PLN-11899-ZCC).

The projects will consist of 20,000 square feet (sq. ft.) of total outdoor cultivation on-site, and 2,000 sq. ft. of ancillary propagation. Of that, 6,080 sq. ft. will utilize light-deprivation methods within greenhouses, and 13,920 sq. ft. will be full-sun outdoor. The applicant plans to utilize light-deprivation techniques without the use of supplemental lights and anticipates two (2) harvests annually. All full-sun outdoor cultivation areas will have one (1) harvest annually. The project will be solely operated by the applicant and partner who reside within the residence on-site. Trimming will occur within the residence for 10,000 sq. ft. of cultivation harvest and the remaining product will be taken off-site to a licensed third-party processing facility.

Shared activities between the two projects will be the use of storage and drying structures, ancillary propagation area, and a proposed rain catchment pond, all to be located on APN: 314-223-009. In the event that one or more of the subject parcels are conveyed to a different owner and are no longer under the same ownership, shared facilities may no longer be used between the projects.

Zoning

The subject parcel's APN: 314-223-009 and 314-223-006 have a mixed zoning of Timberland Production Zone (TPZ) and Agriculture Exclusive (AE). All pre-existing cultivation areas exist within the TPZ zoned areas for the parcels, and all new cultivation areas will occur within the AE zoned areas of the parcels where the slope has been verified to be less than 15%, according to the Humboldt Web GIS.

Prime Agricultural Soils

The applicant has obtained a Prime Agricultural Soils Report (PASR) prepared by Dirty Business Soils, dated August 14, 2016. The PASR determined that for PLN-11898-SP, the legal parcel (APN's: 314-222-005 314-223-009) contains approximately 192,149 sq. ft. of prime agricultural soils on-site, and the proposal to have 10,000 sq. ft. of outdoor cultivation and 2,000 sq. ft. of ancillary propagation on-site is less than 20% of that (38,429 sq. ft.).

For PLN-11899-ZCC, the PASR determined that the legal parcel (APN: 314-223-006) contains approximately 53,143 sq. ft. of prime agricultural soils on-site. The proposal to add 10,000 sq. ft. of full-sun outdoor cultivation will not cover more than 20% of that (10,628 sq. ft.).

Timber Conversion

Both projects were referred to CalFire, and the agency replied stating that they had no comments. Proposed greenhouses will be located within the pre-existing flats, and no tree removal is required. There was approximately 0.41 acres of tree removal that occurred between 2009 and 2010, within the TPZ zoned area on parcel 314-223-009. The area where tree removal occurred is within the footprint for pre-existing cannabis cultivation, and all new cultivation areas will occur within non-forested areas on-site. The applicant shall obtain a Timber Conversion Report (TCR) prepared by a Registered Professional Forester to evaluate the 0.41 acres of potential timber conversion that occurred on-site, shall submit to the final TCR to the Planning Division and shall adhere to any recommendations within the final TCR.

Energy

All power for cultivation activities will be sourced primarily from a solar array, and two (2) mobile solar trailers and two (2) generators are used for emergency backup purposes. For PLN-11899-ZCC, cultivation activities will consist of full-sun outdoor, and does not require additional power. The applicant will utilize the drying facilities available on APN: 314-223-009.

Fire Hazard

The project is located within an area designated to have a Very High Fire Hazard Severity, and is within the Kneeland Fire Response Area. The applicant has designated a 2,500-gallon hard tank for fire suppression needs, and has designated several fire truck turn arounds on-site. The projects were referred to the Kneeland Fire Protection District and no response was received by the agency.

Water Resources

The project will source water for pre-existing cultivation on-site from a spring diversion located on the adjacent parcel APN: 314-223-010. The applicant has obtained a Water Right for the spring diversion under Water Right Certificate H100720. The applicant shall meter the water used for cannabis irrigation from the spring diversion separate from the domestic uses.

The applicant also has an easement allowing the right to access the spring diversion and associated water tanks. Exhibit A of the Grant Deed states: "the right to take water from the exiting spring in the Southwest Quarter of the Southwest Quarter of Section 9, Township 3 North, Range 3 East, Humboldt Meridian, together with the right to use, maintain and replace the two existing water tanks the existing 2 inch water line running northerly to the south line of the Northwest Quarter of the Southwest Quarter of said Section 9." Approximately 60,000 gallons of water will be used to irrigate the 4,500 sq. ft. of pre-existing outdoor cultivation on APN: 314-223-009, and the applicant has a total of 150,900 gallons of water storage available to meet the forbearance period. The applicant shall not use the spring diversion for the irrigation of new cannabis cultivation on-site.

The applicant is proposing a 180,000-gallon rain catchment pond on APN: 314-223-009 to supply water for irrigation of all new cultivation associated with PLN-11898-SP and PLN-11899-ZCC. The applicant shall permit the proposed rain catchment pond with the Building Division, and no new cultivation activities shall occur until the pond is constructed and filled with rain water. As well, the applicant shall install a water meter to meter water used for irrigation of new cannabis cultivation separate from the spring used for existing cultivation.

The projects were historically enrolled in the North Coast Regional Water Quality Control Boards Regional Order No. R1-2015-0023 under WDID: 1B171100CHUM. The applicant has also enrolled in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ, as a Tier 1 Low Risk site. A Notice of Applicability letter dated September 1, 2020, was submitted as proof of enrollment under WDID: 1_12CC425952. There is one Class II stream and several Class III streams that run through the property, and all cultivation areas exist outside of the streamside management areas. There is one Class III stream where expansion activities occurred, and the applicant has a Stream Restoration Plan that was approved by the California Department of Fish & Wildlife (discussed below). The applicant has a Site Management Plan (SMP) that was prepared by Mother Earth Engineering to assess any mitigation measure needed to comply with the SWRCB General Order. The SMP outlines site specific

recommendations for APN's: 314-222-005 & 314-223-009, which are included in the Conditions of Approval for the project. The SMP also outlines ongoing recommendations for maintenance and monitoring on the sites, which have been included in the Ongoing Conditions of Approval for the projects.

The applicant has obtained a Streambed Alteration Agreement (SAA No. 1600-2019-0120-R1) with the California Department of Fish & Wildlife (CDFW) on March 17, 2021. The SAA is limited to eleven (11) encroachments: the decommissioning of a stream diversion from the Mad River, the use of a water diversion from an unnamed spring for domestic (S027562) and irrigation from storage (water right H100246), the enhancement of an existing spillway from the pond on-site, the installation/replacement of three (3) culverts on-site, and the decommissioning of five (5) stream crossings and restoration of a stream channel. The applicant is conditioned to abide by the project description and work outlined within the Final SAA and provide a copy to the Planning Department when available.

The applicant had a Stream Restoration and Revegetation Plan (SRRP) prepared by Green Road Consulting, dated September 29, 2020, which was submitted to CDFW. At the request of CDFW, Green Road Consulting reevaluated the SRRP and submitted an Addendum to the SRRP, which was approved by CDFW on September 2, 2021. The Addendum to the SRRP identifies two sections where grading has interfered with existing topography to reestablish a flow path, and describes how the area will be excavated to recreate the pre-existing channel conditions.

Biological Resources

The project is located outside of any areas shown to contain rare or special species according to the California Natural Diversity Database (CNDDDB). The project site is also approximately 0.71 miles to the nearest known Northern Spotted Owl (NSO) activity center. The project sites are located on historic logging flats which are non-forested and unlikely of containing NSO habitat. The projects were referred to CDFW, and no response was received. The applicant is required to comply with International Dark Sky Standards, shall ensure that all noise levels do not go above 50 decibels at any tree line when noise generating equipment are in use, and generators shall be enclosed in permanent generator shed locations.

The project does not require tree removal, and the applicant was not required to provide a Biological Report for the site. The addition of light-deprivation greenhouses with no use of supplemental lights, and full-sun outdoor cultivation areas planted directly in the native prime agricultural soils on-site, has been determined to have a less than significant impact on the surrounding wildlife, so long as the applicant complies with all conditions of approval.

Tribal Cultural Resource Coordination

The project is located within the Bear River Band Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), and the Bear River Band THPO. The NWIC replied recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band THPO replied on June 24, 2021, stating that they recommend inadvertent archaeological discovery protocols for the project. In the event that cultural, tribal or historical resources are discovered during project activities, the applicant shall adhere to Inadvertent Discover Protocols and cease all work in the immediate area and within a 50-foot buffer of the discovery location.

Access

Access to the site is via a private driveway off of Butte Creek Road which is a county maintained road, off of Mountain View Road which is also a county maintained road. The applicant has submitted a Road Evaluation Report form for 530 feet of Butte Creek road designating it as being developed to the equivalent of a road category 4 standard, which includes photos of the access road from the Mountain View Road and Butte Creek Road intersection to the project location. The projects were referred to the Department of Public Works and comments received from the Department recommended conditions

of approval for the projects. Comments received from the Department of Public Works included the following recommendations for the projects:

- The access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. 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 condition shall be completed to the satisfaction of the Department of Public Works.

As the project will be run solely by the applicant and partner who live on-site, it is determined that the project would not result in a significant increase in traffic, and it has been determined that the access road meets the functional capacity for the project's needs.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of these projects the total approved permits in this Planning Watershed would be 63 cultivation permits and the total approved acres would be 24.09 acres of cultivation.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of new and existing cultivation. These include having a Site Management Plan prepared for the site, metering water used for irrigation obtaining a Final Streambed Alteration Agreement with F&W, having a timber conversion report prepared for any timber that was converted on-site, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards, ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise, and adhering to Inadvertent Discovery Protocols.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 4,500 sq. ft. of outdoor cultivation and 15,500 sq. ft. of new outdoor cannabis cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared for PLN-11898-SP and PLN-11899-ZCC received March 2, 2022.
- Cultivation and Operations Plan prepared for PLN-11898-SP, received March 2, 2022.
- Addendum to Cultivation and Operations Plan prepared for PLN-11899-ZCC, received August 24, 2021.
- Water Right Certificate H100720.
- Easement within the Grant Deed 2016-021997 allowing deeded access to the spring and infrastructure located on adjacent parcel APN: 314-223-010.
- Notice of Applicability letter dated September 1, 2020, for enrollment in the SWRCB General Order WQ 2019-0001-DWQ, WDID: 1_12CC425952.
- A Lake & Streambed Alteration Notification (No. 1600-2019-0120-R1) signed March 17, 2021.
- A Stream Restoration & Revegetation Plan dated September 20, 2020.
- Addendum to the Stream Restoration & Revegetation Plan received September 16, 2021.
- Email from CDFW approving the Addendum to the Stream Restoration & Revegetation Plan dated September 2, 2021.
- Prime Agricultural Soils Report prepared by Dirty Business Soils dated
- A Road Evaluation Report form prepared for the access route dated November 25, 2020, and a Road Evaluation from Butte Creek Road dated June 8, 2021.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Water Right Certificate H100720 - **Attached**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above))
7. Copy of Notice of Applicability letter dated September 1, 2020, for enrollment in the State Water Resources Control Board General Order WQ 2019-0001-DWQ, WDID: 1_12CC425952 demonstrating a Tier 1 Low Risk discharger. (**Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2019-0120-R1- **Attached**.)
9. If the source of water is a well, a copy of the County well permit, if available. (Condition of Approval)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Condition of Approval.)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. A Stream Restoration & Revegetation Plan dated September 20, 2020 (**Attached**).
16. Addendum to the Stream Restoration & Revegetation Plan received September 16, 2021 (**Attached**).
17. Email from CDFW approving the Addendum to the Stream Restoration & Revegetation Plan dated September 2, 2021 (**Attached**).
18. Prime Agricultural Soils Report prepared by Dirty Business Soils dated (**Attached**).
19. A Road Evaluation Report form prepared for the access route dated November 25, 2020, and a Road Evaluation from Butte Creek Road dated June 8, 2021 (**Attached**).
20. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)

Cultivation and Operations Plan

1 WATER

Water Source+ Storage: A registered spring is located on the applicant's adjacent property (APN 314-223-009) License ID 100720 (CIWQS), will supply water to be held in storage tanks, 6 - 5,000 gallon, & 2 - 2,500 gallon polyethylene water storage tanks, as well as, 900 gallons in steel framed water storage. There is also a proposed water catchment pond located on 314-223-009 that will contain 180,000 gallons. Diversion will abide by the forbearance period. Copies of the Notice of Intent and Monitoring Self-Certification documents that have been filed with the North Coast Regional Water Quality Control Board will be held on the property. Registration with the State Water Resources Control Board, Division of Water Rights has been pursued and copies of the filings will be also held on-site.

Irrigation Plan: Plants will be watered at agronomic rates by drip irrigation supplemented by hand watering.

Projected Water Usage: An estimated use of up to 120,000 gallons per year for irrigation is expected. For the existing 4,500 sqft of cultivation 33,000 gallons will be used for a planned two harvests. Water usage will be recorded monthly and reported annually to the Water Board pursuant to NCRWCQB Order No. RI-2015-0023 and records will be kept on-site.

2 SITE CHARACTERISTICS

Drainage: The site has well-draining soils and natural vegetation will be maintained around all cultivation areas.

Runoff and Erosion Control Measures: Cultivation operations will be enclosed with well-built hoop-houses on stable flat land. Buffers of vegetation will be maintained around all cultivation areas. Best management practices such as straw waddle barriers and/or mulch-filled drainage ditches will be employed where necessary to prevent runoff from leaving the immediate cultivation areas.

3 WATERSHED+ HABITAT PROTECTION

The applicant is enrolled in the Regional Water Board's Cannabis Discharge Waiver Program. The applicant will be provided with the development/implementation of Water Resources Protection Plan to ensure riparian watershed and habitat protection. As part of the plan, the Class II watercourses maintain a nearest cultivation buffer of 150 feet away.

The applicant is enrolled with North Coast Regional Water Board's Cannabis Discharge Waiver Program to ensure riparian watershed and habitat protection.

All trash, recycling, amendments, fertilizers, and other cultivation related materials will be stored such that they will be secured from wildlife and cannot be released into the natural environment.

2 STORAGE+ HAZARDOUS MATERIALS

Amendments and Nutrients: All fertilizers and nutrients will be stored on the adjacent site in a shipping container for dry storage. Soil used during cultivation operations will be kept contained and tarped. Products will be purchased on an as-needed basis with a nominal 150 lbs or less stored on the adjacent site. Fertilizers and soil amendments will be applied per packaging instructions. A listing of all Soil Amendments and Chemicals with their product Material and Safety Data Sheets will be kept on-site.

Pesticides and Herbicides: Neem oil is used according to labeling instructions. No synthetic herbicides will be used. Nominal use of other chemicals will be used for cultivation. All products used on-site will be consistent with product labelling and will be placed, used, and stored in a shed on the adjacent site where no products will be released into surface waters.

Fuel: There will be two (2) 5-gallon gasoline mobile fuel and three (3) 25-gallon propane gas tanks with secondary containment all located on the adjacent site as noted on that site's plan.

5 SOLID WASTE/RECYCLING

Refuse and garbage will be stored in a location and manner that prevents its discharge to receiving water and discourages wildlife from interacting with waste materials.

Storage Area: Trash and recycling will be stored in wildlife proof containers in a shipping container on the adjacent site and will be disposed of regularly.

Removal Frequency: Trash will be removed from site 1 to 2 times per week, as needed.

Disposal Facility: Samoa or Eureka transfer station.

Waste Soil/ Growth Media: All soil is amended, composted and reused on the adjacent site.

2 DESCRIPTION OF CULTIVATION ACTIVITIES

The site is an existing outdoor cultivation with a proposed additional new area within the historical cultivation area in a rural location of central Humboldt County. As seen in the Site Plan, the area is located off access road USFS 4N12. The total cultivation area will be approximately 10,000sq ft of Full-Sun Outdoor. 2 harvests are expected with plants being cultivated between mid-July to mid-October. Drying will be done on an adjacent parcel, and all processing is planned off-site.

3 SCHEDULE OF ACTIVITIES

7 SCHEDULE OF ACTIVITIES

There will be one (1) generator used on-site. The operator shall comply with all energy use requirements set forth in the revised ordinance.

| Month | Activities |
|-----------|--|
| January | No cultivation activity. |
| February | No cultivation activity |
| March | Start Planting. |
| April | Farm operation and maintenance. |
| May | Farm operation and maintenance. |
| June | Harvest, farm operation and maintenance. |
| July | Farm operation and maintenance. |
| August | Farm operation and maintenance. |
| September | Farm operation and maintenance. |
| October | Harvest, dry, and cure.. |
| November | Dry, cure, Winterize property. |
| December | No cultivation activity. |

8 PROCESSING PLAN

Processing Practices: Crop harvested then dried in an outbuilding on adjacent site. No processing is planned for the cultivation area and will be transferred to a permitted processing facility until a permitted building and ADA bathroom are complete. At that time, a dry trim machine with supplemental hand trimming may be used on adjacent site by immediate family members. (workers). A permitted building on the adjacent site dedicated for processing is planned for 2021.

Processing operations include the following Processing Practices:

- (1) Processing operations will be maintained in a clean and sanitary condition including all work surfaces and equipment.
- (2) Processing operations will implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- (3) Workers handling cannabis in processing operations will have access to facemasks and gloves in good operable condition as applicable to their job function
- (4) Workers will use gloves and wash hands sufficiently when handling cannabis.

Number of Employees: 2

Duration of employment: April 1st to November 15th

Workplace Safety Practices: Cultivation and processing operations will implement best practices to the highest degree feasible. The operation will follow all safety protocols and provide all workers with adequate safety training pursuant to County and State regulations and guidance. Workplace safety practices will be implemented in compliance with standards set forth by the County and State which may include the following and additional elements:

- Emergency action response planning as necessary; accident reporting and investigation policies; fire prevention; hazard communication policies; maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection.
- Visibly posting emergency contact list that includes operation manager, emergency responder contacts, and poison control contacts.

Domestic/ Drinking Water: Domestic water comes from a spring on the adjacent site that is registered for Small Domestic Use by the StateWater Resources Control Board.

Toilet, Handwashing, and Onsite Wastewater Facilities:

Handwashing is available and a latrine with a permitted septic system is located on the adjacent site.

Increased Road Use: No significant noise or traffic impacts will be anticipated on access roads or impacts to neighboring properties.

Onsite Housing: Not applicable.

9 SECURITY PLAN

The security measures located on the premises will include the following:

- (1) The cultivation will be located behind two locked gates with only vacant property on the road beyond.
- (2) Lighting and Surveillance - Motion sensor lighting and game cameras will be installed around the facilities such that workers and the video surveillance system can effectively monitor the space in and around the facility.
- (3) Alarm - There is an informal community watch in place in the neighborhood.
- (4) Access Control - All entrances to the facility will be restricted by three locked gates. Full time occupancy during the cultivation season will be maintained.
- (5) Safety of workers -Working in concert together, the access control system, lighting, and alarm system, will provide a secure and protected facility for workers to occupy.
- (6) All cultivation related items and products will be stored in locked locations. The security measures will secure the medical marijuana against diversion for non-medical purposes by protecting against theft not only from intruders, but also from other parties onsite. This will be done by limiting access into the facility as necessary and by surveillance monitoring of workers and visitors at all times when in close proximity to the product. Strict inventory control measures will also be engaged to prevent and detect diversion.

Cultivation and Operations Plan

1 WATER

Water Source+ Storage: A registered spring located on the applicant's adjacent property (APN 314-223-001) License ID 100720 (CIWQS), that will supply water to be held in storage tanks, 6 - 5,000 gallon, & 2 - 2,500 gallon polyethylene water storage tanks, as well as, 900 gallons in steel framed water storage. There is also a proposed rain catchment pond that will contain 180,000 gallons of water to be used for all new cultivation located at 40.6526, -123.8497. Diversion will abide by the forbearance period and there will be no diversion of water for new cultivation. Copies of the Notice of Intent and Monitoring Self-Certification documents that have been filed with the North Coast Regional Water Quality Control Board will be held on the property. Registration with the State Water Resources Control Board, Division of Water Rights has been pursued and copies of the filings will be also held on-site.

Irrigation Plan: Plants will be watered at agronomic rates by drip irrigation supplemented by hand watering.

Projected Water Usage: An estimated use of up to 100,000 gallons per year for irrigation is expected. Water usage will be recorded monthly and reported annually to the Water Board pursuant to NCRWCQB Order No. RI-2015-0023 and records will be kept on-site.

2 SITE CHARACTERISTICS

Drainage: The site has well-draining soils and natural vegetation will be maintained around all cultivation areas.

Runoff and Erosion Control Measures: Cultivation operations will be enclosed with well-built hoop-houses on stable flat land. Buffers of vegetation will be maintained around all cultivation areas. Best management practices such as straw waddle barriers and/or mulch-filled drainage ditches will be employed where necessary to prevent runoff from leaving the immediate cultivation areas.

3 WATERSHED+ HABITAT PROTECTION

The applicant is enrolled in the Regional Water Board's Cannabis Discharge Waiver Program. The applicant will be provided with the development/implementation of Water Resources Protection Plan to ensure riparian watershed and habitat protection. As part of the plan, the Class II watercourses maintain a nearest cultivation buffer of 150 feet away.

The applicant is enrolled with North Coast Regional Water Board's Cannabis Discharge Waiver Program to ensure riparian watershed and habitat protection.

All trash, recycling, amendments, fertilizers, and other cultivation related materials will be stored such that they will be secured from wildlife and cannot be released into the natural environment.

2 STORAGE+ HAZARDOUS MATERIALS

Amendments and Nutrients: All fertilizers and nutrients will be stored on the adjacent site in a shipping container for dry storage. Soil used during cultivation operations will be kept contained and tarped. Products will be purchased on an as-needed basis with a nominal 150 lbs or less stored on the adjacent site. Fertilizers and soil amendments will be applied per packaging instructions. A listing of all Soil Amendments and Chemicals with their product Material and Safety Data Sheets will be kept on-site.

Pesticides and Herbicides: Neem oil is used according to labeling instructions. No synthetic herbicides will be used. Nominal use of other chemicals will be used for cultivation. All products used on-site will be consistent with product labelling and will be placed, used, and stored in a shed on the adjacent site where no products will be released into surface waters.

Fuel: There will be two (2) 5-gallon gasoline mobile fuel and three (3) 25-gallon propane gas tanks with secondary containment all located on the adjacent site as noted on that site's plan.

5 SOLID WASTE/RECYCLING

Refuse and garbage will be stored in a location and manner that prevents its discharge to receiving water and discourages wildlife from interacting with waste materials.

Storage Area: Trash and recycling will be stored in wildlife proof containers in a shipping container on the adjacent site and will be disposed of regularly.

Removal Frequency: Trash will be removed from site 1 to 2 times per week, as needed.

Disposal Facility: Samoa or Eureka transfer station.

Waste Soil/ Growth Media: All soil is amended, composted and reused on the adjacent site.

2 DESCRIPTION OF CULTIVATION ACTIVITIES

The site is an existing outdoor cultivation with a proposed additional new area within the historical cultivation area in a rural location of central Humboldt County. As seen in the Site Plan, the area is located off access road USFS 4NI2. The total cultivation area will be approximately 10,000sq ft consisting of 10,000 square feet of full sun outdoor. 1 harvest is expected in October. Drying will be done on an adjacent parcel, and all processing is planned off-site.

7 SCHEDULE OF ACTIVITIES

There will be one (1) generator used on-site. The operator shall comply with all energy use requirements set forth in the revised ordinance.

| Month | Activities |
|-----------|---|
| January | No cultivation activity. |
| February | No cultivation activity. |
| March | No cultivation activity. |
| April | No cultivation activity. |
| May | Site preparation. |
| June | More site preparation. |
| July | Start planting. |
| August | Farm operation and maintenance. |
| September | Farm operation and maintenance. |
| October | Harvest. |
| November | Harvest, dry, cure, Winterize property. |
| December | No cultivation activity. |

8 PROCESSING PLAN

Processing Practices: Crop harvested then dried in an outbuilding on adjacent site. No processing is planned for the cultivation area and will be transferred to a permitted processing facility until a permitted building and ADA bathroom are complete. At that time, a dry trim machine with supplemental hand trimming may be used on adjacent site by immediate family members (workers). A permitted building on the adjacent site dedicated for processing is planned for 2021.

Processing operations include the following Processing Practices:

- (1) Processing operations will be maintained in a clean and sanitary condition including all work surfaces and equipment.
- (2) Processing operations will implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- (3) Workers handling cannabis in processing operations will have access to facemasks and gloves in good operable condition as applicable to their job function
- (4) Workers will use gloves and wash hands sufficiently when handling cannabis.

Number of Employees: 2

Duration of employment: April 1st to November 15th

Workplace Safety Practices: Cultivation and processing operations will implement best practices to the highest degree feasible. The operation will follow all safety protocols and provide all workers with adequate safety training pursuant to County and State regulations and guidance. Workplace safety practices will be implemented in compliance with standards set forth by the County and State which may include the following and additional elements:

- Emergency action response planning as necessary; accident reporting and investigation policies; fire prevention; hazard communication policies; maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection.
- Visibly posting emergency contact list that includes operation manager, emergency responder contacts, and poison control contacts.

Domestic/ Drinking Water: Domestic water comes from a spring on the adjacent site that is registered for Small Domestic Use by the StateWater Resources Control Board.

Toilet, Handwashing, and Onsite Wastewater Facilities:

Handwashing is available and a latrine with a permitted septic system is located on the adjacent site.

Increased Road Use: No significant noise or traffic impacts will be anticipated on access roads or impacts to neighboring properties.

Onsite Housing: Not applicable.

9 SECURITY PLAN

The security measures located on the premises will include the following:

- (1) The cultivation will be located behind two locked gates with only vacant property on the road beyond.
- (2) Lighting and Surveillance - Motion sensor lighting and game cameras will be installed around the facilities such that workers and the video surveillance system can effectively monitor the space in and around the facility.
- (3) Alarm - There is an informal community watch in place in the neighborhood.
- (4) Access Control - All entrances to the facility will be restricted by three locked gates. Full time occupancy during the cultivation season will be maintained.
- (5) Safety of workers -Working in concert together, the access control system, lighting, and alarm system, will provide a secure and protected facility for workers to occupy.
- (6) All cultivation related items and products will be stored in locked locations. The security measures will secure the medical marijuana against diversion for non-medical purposes by protecting against theft not only from intruders, but also from other parties onsite. This will be done by limiting access into the facility as necessary and by surveillance monitoring of workers and visitors at all times when in close proximity to the product. Strict inventory control measures will also be engaged to prevent and detect diversion.



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION *H509142*

CERTIFICATE *H100720*

Right Holder: *Angie Jeong
2328 5th Avenue
Los Angeles, CA 90018*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *08/24/2020*. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

| Name of Diversion | Source | Tributary To: | Thence | Latitude | Longitude | County | Assessor's Parcel Numbers (APN) |
|-------------------|----------------|----------------|---------------|-----------|-------------|----------|---------------------------------|
| Spring | Unnamed Spring | Unnamed Stream | Mad River | 40.648893 | -123.851691 | Humboldt | 314-223-006 |
| Stream Diversion | Unnamed Stream | Mad River | Pacific Ocean | 40.654638 | -123.853114 | Humboldt | 314-223-009 |

2. Purpose of Use and 3. Place of Use

| 2. Purpose of Use | 3. Place of Use | | |
|-----------------------------|-----------------|---------------------------------|-------|
| | County | Assessor's Parcel Numbers (APN) | Acres |
| Irrigation, Fire Protection | Humboldt | 314-223-009 | 0.46 |
| Irrigation | Humboldt | 314-222-005 | 0.05 |
| Irrigation | Humboldt | 314-223-006 | 0.12 |

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *09/25/2020*.

The place of use is shown on the map filed on *09/25/2020* with the State Water Board.

4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed **0.59 acre-feet per year** to be collected from 11/01 to 03/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.59 acre-feet. Together, the rate of direct diversion and the rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy,**

whichever is more restrictive. For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage reservoir determinations under the Cannabis Policy.

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

Diversion and use of water under this right may deviate from applicable conditions and requirements of the State Water Board's Cannabis Policy to the extent such diversion and use is in compliance with a local cooperative solution that supersedes specified general conditions of this right and which the Deputy Director for Water Rights has approved. To the extent of any conflict, the local cooperative solution shall supersede the general conditions of the Cannabis Policy as of the date the Deputy Director for Water Rights approves the local cooperative solution, unless the Deputy Director specifies a later effective date. The applicable conditions and requirements of this right shall revert to the general conditions of the Cannabis Policy if the local cooperative solution is withdrawn or canceled. Diversion or uses of water in violation of a local cooperative solution or agreement approved by the Deputy Director for Water Rights is subject to enforcement as a violation of the Cannabis Policy and the conditions of this right.

A local cooperative solution or agreement has not been approved by the Deputy Director for Water Rights.

The current version of the State Water Board's *Cannabis Policy* and the approval status of any proposed local cooperative solutions or agreements are available online at: <https://www.waterboards.ca.gov/cannabis> (<https://www.waterboards.ca.gov/cannabis>).

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance

with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 08/24/2020

September 1, 2020

WDID:1_12CC425952

ANGIE JEONG
2328 5TH AVENUE
LOS ANGELES, CA 90018

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

200901_1L_1_12CC425952_Site_1_and_Site_2_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, ANGIE JEONG, HUMBOLDT COUNTY APN(s) 314-223-009-000 and 314-222-005-000

Angie Jeong (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on March 25, 2020, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC425952**.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA. Please note that this NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Food and Agriculture (CalCannabis), required permits from your local jurisdiction (City or County), and an agreement from the California Department of Fish and Wildlife. General Requirement #1 of the Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from those other agencies prior to cultivating cannabis.

1. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note

that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Currently, the direct link to that application is as follows:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;

- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by June 22, 2020, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Cliff Johnson, Humboldt County Planning and Building,
cjohnson@co.humboldt.ca.us

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



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2019-0120-R1
Unnamed Tributaries to the Mad River and the Pacific Ocean

Angie Jeong
Jeong Water Diversion, Water Impoundment, Stream Crossings and
Stream Restoration Project
11 Encroachments

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Angie Jeong (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on February 22, 2019, with additional information obtained during a June 13, 2019 CDFW site visit, and revised on December 2, 2020, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project is located within the Mad River watershed, approximately 6.8 miles southwest of Kneeland, County of Humboldt, State of California; Sections 8 & 9, T03N, R03E, Humboldt Base and Meridian, in the Mad River Buttes U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 314-223-009, 314-222-005; latitude 40.6539 N and longitude 123.8534 W at the first point of diversion (POD-1).

PROJECT DESCRIPTION

This Agreement relies on the Notification materials and a CDFW site inspection by Environmental Scientist Andrew Orahoske on June 13, 2019.

The project is limited to 11 encroachment(s) (Table 1). One encroachment is for water diversion from an unnamed tributary to the Mad River. Water is diverted for domestic use and irrigation storage. Work for the water diversion will include use and maintenance of the water diversion infrastructure. One encroachment is to decommission a water diversion on an unnamed stream and cease all diversion. One encroachment is to install rock armor at the outlet of an onstream reservoir. Three encroachments are to upgrade failing and undersized stream crossings. Work for these encroachments will include excavation, removal of the failing crossings, replacement with new properly sized crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. Five encroachments are to decommission stream crossings and restore the stream channels.

Table 1. Project Encroachments Covered by this Agreement with Description

| ID | Latitude/Longitude | Description |
|--------------------|--------------------|--|
| POD-1 | 40.6539, -123.8534 | Water diversion from unnamed stream tributary to the Mad River. Permittee has agreed to remove the water diversion infrastructure and cease all water diversion for any purpose. |
| POD-2 | 40.6489, -123.8517 | Water diversion from an unnamed spring for domestic use and irrigation from storage. Cannabis Irrigation SWRCB application ID: H100246 Permittee shall follow SWRCB Cannabis Policy; diversion to storage for cannabis irrigation from November 1 – March 31 when sufficient flows exist, 3 gallons per minute, 80% bypass at all times. Domestic Use SWRCB application ID: S027562 Water diversion for domestic use year-round. Permittee shall implement Seasonal Diversion Minimization: 300 gallons per day from May 15 – October 31, 80% bypass at all times. |
| Onstream Reservoir | 40.6554, -123.8545 | Enhance existing spillway by lowering the freeboard of the reservoir by approximately 1.5 feet and install rock armor at the outlet. Rock armor shall be installed below spillway to prevent erosion. No water diversion is authorized. Permittee shall implement invasive aquatic species monitoring and management. |
| Crossing-1 (SC-A) | 40.6536, -123.8529 | Replace existing culvert with a minimum 60-inch diameter culvert, set at grade. |
| Crossing-2 (SC-B) | 40.6537, -123.8535 | Replace existing culvert with a minimum 72-inch diameter culvert, set at grade. |
| Crossing-3 (SC-C) | 40.6563, -123.8572 | Decommission existing stream crossing and restore the stream channel. |

| ID | Latitude/Longitude | Description |
|---------------------------------|---------------------------|---|
| Crossing-4 (SC-D) | 40.6575, -123.8572 | Decommission existing stream crossing and restore the stream channel. |
| Crossing-5 (SC-E) | 40.6579, -123.8539 | Decommission existing stream crossing and restore the stream channel. |
| Crossing-6 (SC-F) | 40.6576, -123.8527 | Decommission existing stream crossing and restore the stream channel. |
| Crossing-7 (SC-G) | 40.6541, -123.8518 | Install a 42-inch diameter culvert in line with the natural channel where stream diverts down the inboard ditch |
| Stream Restoration (SC-H) | 40.6557, -123.8550 | Decommission existing stream crossing and restore the stream channel. Permittee shall submit a Stream Restoration Plan by June 30, 2021 for CDFW review and approval. |

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any constructed reservoirs (including “ponds”), stream crossings, water diversions, modifications to riparian buffers, or other encroachments not described in Table 1.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include **Chinook Salmon** (*Oncorhynchus tshawytscha*), **Coho Salmon** (*O. kisutch*), **Steelhead Trout** (*O. mykiss*), **Western Brook Lamprey** (*Lampetra richardsoni*), **Pacific Lamprey** (*Entosphenus tridentatus*), **Southern Torrent Salamander** (*Rhyacotriton variegatus*), **Pacific Giant Salamander** (*Dicamptodon tenebrosus*), **Foothill Yellow-legged Frog** (*Rana boylei*), **Coastal Tailed Frog** (*Ascaphus truei*), **Western Pond Turtle** (*Actinemys marmorata marmorata*), **Northern Spotted Owl** (*Strix occidentalis caurina*), **Golden Eagle** (*Aquila chrysaetos*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

increased water temperature;
increased turbidity;
increased sedimentation (chronic or episodic);

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

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

direct and/or incidental take of aquatic and/or terrestrial organisms;

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

reduced instream flow;
cumulative effect of diversions in the watershed;
impediment of up- or down-stream movement;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees to allow CDFW employees access to the Project site for the purpose of inspecting and/or monitoring, provided CDFW: a) provides 24 hours advance notice; and b) allows Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW law enforcement personnel.
- 1.5 Applicable Permits. Land development or alterations may be subject to additional federal, state and local laws, regulations, and permitting requirements, including but not limited to the following:
 - The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, Permittee shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers

(Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction.

- The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards).
- All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for grading, construction, and building.
- All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry.

1.6 Cannabis Cultivation Policy. If commercial cannabis cultivation occurs on the project parcel, the State Water Resources Control Board (SWRCB) requires enrollment in the Cannabis Cultivation General Order and compliance with the Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation, available at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_policy.html

1.6.1 Site Management Plan and Related Technical Reports. Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan and related technical reports prepared in conformance with the SWRCB Cannabis Cultivation Policy.

1.6.2 Compliance Gauges. The authorized surface water diversion period for commercial cannabis cultivation is December 15 through March 31; under certain circumstances, diversion may begin between November 1 to December 14 (SWRCB Cannabis Cultivation Policy, Attachment A, Section 3, Requirement 5). Water diversion for cannabis cultivation may only occur if sufficient flow exists at the Permittee's assigned compliance gauge. The State Water Resources Control Board developed an online mapping tool to assist cannabis cultivators with finding their assigned compliance gauge used to determine whether diversion may occur:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/online_mapping_tool.html. Permittee must check the compliance gauge daily prior to diverting to ensure sufficient water is available.

1.7 Water Rights. This Agreement does not constitute a valid water right. All water diversion facilities that Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights. Water rights

are administered by the State Water Resources Control Board as described here: https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/.

- 1.8 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or fish and wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information that indicates bypass flows, diversion rates or other measures provided in this Agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid “take” or “incidental take” of federal or State listed species.
- 1.9 Notification Materials. Permittee's Notification of Lake or Streambed Alteration, together with all maps, plans, photographs, drawings, and all other supporting documents submitted with the Notification and received on February 22, 2019, with additional information obtained during a June 13, 2019 CDFW site visit, and revised on December 2, 2020, is hereby incorporated by reference into this Agreement. Permittee shall conduct project activities within the work areas, and using the protective measures, described in the Notification and supporting documents, unless such project activities, work areas or protective measures are modified by the provisions of this Agreement, in which case the activities shall be conducted as described in this Agreement.

2. Avoidance and Minimization Measures

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

Work Periods and Pre-Project Notice

- 2.1 Work Period. All work, not including authorized diversion of water, shall be confined to the period **July 10 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Permittee shall monitor precipitation forecasts and potential increases in stream flow when planning construction activities. Construction activities shall cease, and all necessary erosion control measures shall be implemented prior to the onset of precipitation. A notice of completed work, including dates of activities and photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.2 CDFW Notification of Work Initiation and Completion. Permittee shall contact CDFW in writing within the 7-day period preceding the beginning of work permitted by this Agreement. Information provided shall include Agreement number, and the anticipated start date. Subsequently, Permittee shall notify CDFW in writing no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control**

measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.

- 2.3 Work Period Extension Requests. If Permittee needs more time to complete the project, CDFW may grant a work period extension on a day-to-day basis. Extension requests shall be made in writing before **October 5** of each year and shall: 1) describe the extent of work already completed; 2) detail the uncompleted activities; 3) detail the time required to complete each remaining activity; and 4) provide photographs of the completed work site(s) and remaining work. Requests shall describe the effects of increased stream flows, rain delays, increased erosion control measures, access constraints caused by saturated soils, and anticipated effects of climatic conditions on growth of erosion control grasses. Work period extensions are issued at the discretion of CDFW. CDFW will review the written request and may require additional measures to protect fish and wildlife resources.

General Stream Protection Measures

- 2.4 Fish and Aquatic Species. If surface water is or becomes present during construction, Permittee shall: a) have the Designated Biologist survey the site and adjacent area for fish, amphibians, and turtles three (3) days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW shall be contacted and work shall not commence until authorized by a CDFW representative.
- 2.5 Maintain Passing of Fish Up and Down Stream. It is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish (as defined in FGC Section 45 "fish" means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals) up and down stream pursuant to FGC section 5901.
- 2.6 Decontamination. Permittee shall ensure all project personnel adhere to the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species Decontamination Protocol for all field gear and equipment that will be in contact with water. Heavy equipment and other motorized or mechanized equipment that contacts water shall adapt watercraft decontamination protocols found in the AIS Decontamination Protocol.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=92821&inline>
- 2.7 Staging and Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located outside of the stream channel and banks, and away from riparian vegetation. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high-water mark before such flows occur or at the end of the yearly work period, whichever occurs first.

- 2.8 Equipment and Vehicle Leaks. Equipment or vehicles operated in or near the stream shall be checked and maintained daily to prevent leaks. Stationary equipment (e.g. motors, pumps, generators, welders, etc.) in or near the stream shall be positioned over drip pans. Stationary heavy equipment shall have sufficient containment to manage catastrophic spills or leaks.
- 2.9 Hazardous Substances. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any substance or material deleterious to fish, plant life, mammals, or bird life, or their habitat, shall be prevented from contaminating the soil and/or entering the waters of the State, pursuant to FGC Sections 5650 and 5652. Permittee shall ensure hazardous or toxic materials are stored in watertight containers and promptly removed from the worksite.
- 2.10 Spill Containment and Cleanup. All authorized activities performed in or near a stream shall have on-site cleanup equipment (e.g. boom, skimmers, etc.) and absorbent materials for spill containment and cleanup prior to the start of work and for the duration of the project. In the event of a spill, Permittee shall immediately notify the California Office of Emergency Services State Warning Center at 1-800-852-7550 and initiate clean-up. Permittee shall immediately notify CDFW of any spills and shall follow CDFW cleanup procedures and guidance.
- 2.11 Stockpiled Materials. Materials shall not be stockpiled where they may wash into the stream or cover aquatic or riparian vegetation. Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area and cover stockpiles if NWS predicts precipitation.
- 2.12 Erosion Control. Permittee shall implement erosion control measures throughout all phases of operation where sediment delivery could occur. Silt fences, straw bales, gravel or rock lined ditches, water check bars, broadcasted weed-free straw, or other approved erosion control measures shall be used wherever sediment has the potential to leave the work site and enter the stream.
- 2.13 Silt Laden Runoff. At no time shall silt laden runoff enter the stream or be directed to where it may enter the stream. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed.
- 2.14 Disposal and Removal of Material. Permittee shall remove from the work area, and relocate outside of the stream and riparian area, all spoils and construction debris prior to inundation. All removed material and debris shall be disposed of according to State and local laws and ordinances.
- 2.15 Waste Containment and Disposal. Permittee shall contain all refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular

and ongoing basis. All refuse shall be removed from the site and properly disposed of at the close of the cultivation season and/or when the parcel is no longer in use.

- 2.16 Wash Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.
- 2.17 Allow Wildlife to Leave Unharmed. Permittee shall allow any wildlife encountered to leave the project area unharmed. This Agreement does not allow for the trapping, capture, or relocation of any state or federally listed species.
- 2.18 Escape Ramp in Trench. At the end of each work day, Permittee shall place an escape ramp at each end of any open trench deeper than six inches with walls greater than 30 degrees to allow entrapped animals to escape. The ramp may be constructed of either dirt fill, non-treated wood, or other suitable material placed at an angle no greater than 30 degrees.
- 2.19 Prohibition Against Use of Plastic Netting in Erosion Control Measures. Permittee shall not use erosion control devices containing plastic, including photo- or bio-degradable plastic netting. Erosion control mats, blankets, and straw or fiber wattles shall consist entirely of natural fiber.
- 2.20 Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the stream upon completion of project activities.

Special Status Species Avoidance and Minimization

- 2.21 Prohibition on Take of Listed Species. This agreement does not authorize the take or incidental take of any State or Federal listed threatened or endangered listed species. State Listed or Fully Protected Species include any native plant species listed as rare under the Native Plant Protection Act (FGC, § 1900 et seq.; Cal. Code Regs., tit. 14, § 670.2), any species that is listed or is a candidate for listing under the California Endangered Species Act (FGC Code, § 2080 et seq.; Cal. Code Regs., tit. 14, §§ 670.2, 670.5), or any fully protected species (FGC, §§ 3511, 4700, 5050, 5515). Permittee shall consult with the appropriate agency prior to commencing the project.
- 2.22 Northern Spotted Owl (NSO) Avoidance. To avoid take of NSO from noise disturbance, all road maintenance and improvement activities are prohibited during the breeding season until **July 10** of each year. See USFWS (2019) NSO Take Avoidance Analysis and Guidance for Private Lands in California: https://www.fws.gov/yreka/NSO-TakeAvoidanceAnalysis_Att_A-B_2019-1101.pdf

- 2.23 Avoidance of Nesting Birds. Permittee shall avoid nests occurring within and near the project site pursuant to the Migratory Bird Treaty Act of 1918 and FGC section 3503. Vegetation maintenance/removal shall be confined to the period **September 1 to January 31** of any year in which this Agreement is valid, provided the work area is outside the stream. Vegetation maintenance/removal may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.
- 2.24 Nesting Bird Surveys. If vegetation removal or other project-related activities that could impact nesting birds are scheduled during the nesting season (typically **February 1 to August 31**), the Permittee shall contact CDFW Environmental Scientist, Andrew Orahoske, to determine whether bird surveys shall be conducted prior to the beginning of project-related activities.
- 2.25 Special-Status Plants. If Special-Status plants (State listed and taxa that meet the definition of Rare or Endangered under CEQA Guidelines 15380) may occur on the project site, the Designated Biologist shall conduct seasonally-appropriate surveys of the area to document potential effects prior to the implementation of Project-related activities. If populations of any of these species are found:
- 2.25.1 Exclusion fencing shall be installed a minimum of 100 feet from the location of special-status plants, and no Project activity shall occur within the area occupied by special-status plants or the 100-foot buffer area around these plants.
- 2.25.2 If special-status plant populations are found on the Project site and it is not feasible to avoid them during Project-related activities, the Project applicant shall consult with CDFW to determine if the project may be covered under this Agreement. Separate notification pursuant to FGC section 1602 may be required in some instances.

Dewatering and Sediment Control

- 2.26 Dewatering and Sediment Control Plan. All work should be conducted when the stream is dry, to the extent feasible. At sites where flowing water is present during operations the following shall be applied:
- 2.26.1 Biological Survey. Within five (5) days prior to operations, the Designated Biologist shall survey the portion of stream or lake proposed for dewatering. If fish or amphibians are observed during the survey(s), Permittee shall not commence operations, and shall immediately notify and consult with CDFW to incorporate avoidance or disturbance minimization measures.
- 2.26.2 Methods for Dewatering. Cofferdams shall be installed to divert stream flow, isolate and dewater the work site, catch sediment-laden water, and minimize sediment transport downstream. Cofferdams shall be constructed

of non-polluting materials including sandbags, rock, and/or plastic tarps. Mineral soil shall not be used in the construction of cofferdams.

2.26.3 Diversion of Flow. Flowing water shall be cleanly bypassed and/or prevented from entering the work area through pumping or gravity flow, and cleanly returned to the stream below the work area. Flow diversions shall be done in a manner that prevents pollution and/or siltation and provide flows to downstream reaches.

2.26.4 Restore Normal Flows. Permittee shall restore normal flows to the affected stream immediately upon completion of work.

Vegetation Management

2.27 Riparian Buffers. Riparian buffers shall be not be modified, unless authorized by CDFW in writing.

2.28 Minimum Vegetation Removal. No native riparian vegetation shall be removed, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the authorized activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.

2.29 Vegetation Maintenance. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of the authorized activity to the use of hand tools. Vegetation management shall not include treatment with herbicides.

2.30 Invasive Plant Species. Permittee shall not plant, seed or otherwise introduce invasive plant species within the Project area. Invasive plant species include those identified in the California Invasive Plant Council's inventory database, which is accessible at: <https://www.cal-ipc.org/plants/inventory/>.

Water Diversion

2.31 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute** at any time.

2.32 Bypass Flow. Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the POD.

2.33 Seasonal Diversion Minimization. For POD-2, Permittee shall follow SWRCB Cannabis Policy; season of diversion is **November 1 – March 31**, only when flows are sufficient at the appropriate compliance gauge. For POD-2, no more than 300 gallons in any one day shall be diverted (intended for household domestic use only) during the low flow season from **May 15 to October 31** of each year. Water

shall be diverted only if Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.

2.34 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous (gallons per minute) and cumulative (gallons per day) rates of diversion. Measurement shall begin as soon as this Agreement is signed by Permittee. The device shall be installed within the flow of diverted water. Permittee shall maintain records of diversion, and provide information including, but not limited to the following:

2.34.1 A log including the date, time and quantity of water diverted from the POD.

2.34.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).

2.34.3 Permittee shall make available for review at the request of CDFW the diversion records required by the SWRCB Cannabis Cultivation Policy.

Water Diversion Infrastructure

2.35 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.

2.36 Intake Structure Placement. Infrastructure installed in the streambed (e.g. spring box) shall not exceed 10% of the active-channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than 12 inches below the streambed.

2.37 Intake Screening Maintenance. Permittee shall regularly inspect, clean, and maintain screens in good condition.

2.38 Intake Screens on Fish Bearing Streams. All intakes shall be screened with at least 2.5 square feet of wetted, unobstructed screen, have at least 2.5 square feet of wetted, unobstructed screen. Screens shall be constructed of wire mesh, perforated plate, or pipe with at least 27 percent open area. Round openings in the screen shall not exceed 3/32 inch (2.38 millimeters) in diameter. Slotted openings shall not exceed 1/16 inch (1.75 mm) horizontally (providing a maximum diagonal opening of 3/32 inch).

2.39 Intake Screens on Non-Fish Bearing Streams. All intakes shall be screened and openings in the screen shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings.

- 2.40 Intake Shall Not Impede Aquatic Species Passage. Water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.41 Exclusionary Devices. Permittee shall keep diversion-related structures covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.42 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve located near the source), or remove all intakes when no water diversion is planned for a period of one week or longer.
- 2.43 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

Diversion to Storage

- 2.44 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) shall be located outside the active 100-year floodplain. Covers/lids shall be securely affixed to water tanks to prevent entry by wildlife. Permittee shall cease all water diversion at the POD when WSFs are full.
- 2.45 Water Storage Maintenance. WSFs shall have float valves to prevent overfilling. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and water diversion infrastructure, and immediately repair leaks.
- 2.46 Water Conservation. Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.47 Limitations on Impoundment and Use of Diverted Water. Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.

Reservoirs

- 2.48 Reservoirs. Reservoirs shall be appropriately designed, sized, and managed to contain diverted water, plus precipitation and storm water runoff, without causing adverse impacts to aquatic and riparian resources. Permittee shall install an overflow spillway designed to withstand a 100-year flood event. The spillway shall be designed to allow for a minimum of two feet of freeboard.

- 2.49 No Stocking. Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from CDFW pursuant to FGC section 6400.
- 2.50 Invasive Species Management for Reservoirs. Permittee shall implement an invasive species management plan prepared by a Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for invasive aquatic species, including the American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*). The Biologist shall coordinate with CDFW to develop eradication measures if invasive aquatic species are identified.
- 2.50.1 Bullfrog Management Plan. If bullfrogs are observed, they shall be appropriately managed, potentially including annual draining and drying of reservoirs, following the guidelines in Exhibit A. Permittee shall submit a copy of the monitoring report to CDFW annually.
- 2.50.2 All Other Invasive Aquatic Species. If at any time additional invasive aquatic species are detected, Permittee shall submit an updated Invasive Species Management Plan for Reservoirs for CDFW review and acceptance.
- 2.51 Wildlife Entrapment Prevention. If open reservoirs have plastic lining, slopes greater than 2:1, or potential for wildlife entrapment, Permittee shall install exit ramps to prevent wildlife entrapment. Exit ramps shall be no greater than 2:1 slope and provide a feasible mechanism of escape.
- 2.52 Reservoir Lining. To comply with FGC Sections 5650 and 5652, Permittee shall not use polluting materials (e.g. plastic sheeting, bentonite) to construct or line on-stream reservoirs.

Stream Crossings

- 2.53 Road Approaches. Permittee shall treat road approaches to new or re-constructed crossings to minimize erosion and sediment delivery to the stream. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including during the construction or reconstruction of a stream crossing. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.
- 2.54 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the stream, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

- 2.55 Runoff from Steep Areas. Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential, or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.56 No Equipment in Wetted Areas. No heavy equipment shall enter the wetted stream channel.
- 2.57 Fill Materials. No fill material, other than clean rock, shall be placed in the stream channel.
- 2.58 Material Sizing. Rock shall be sized to withstand washout from high stream flows and extend above the ordinary high-water level.
- 2.59 Crossing Maintenance. Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable. Permanent culverts shall be maintained and kept open year-round. Permittee is responsible for such maintenance as long as the culvert remains in the stream.
- 2.60 Armoring. The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow.
- 2.61 Armor Placement. Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.
- 2.62 Crossing Decommissioning. When stream crossings and fills are removed, all fill shall be excavated down to the original stream channel and outwards, horizontally, as wide as or wider than the natural channel to form a channel as close as feasible to the natural stream grade and alignment. The restored stream bank slopes shall be no steeper than a 2:1 slope (horizontal: vertical) or natural slope. Restored slopes shall be stabilized to prevent slumping and to minimize soil erosion that could lead to sediment deposition into Waters of the State.

Culvert Installation

- 2.63 Permanent Culvert Sizing. Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads (Cafferata et al. 2017, Designing Watercourse Crossings for Passage of 100-Year Flood Flows, Wood, and Sediment).
<http://timbertraining.resources.ca.gov/mod/resource/view.php?id=378>

- 2.64 Critical Dips. Where diversion potential exists, a critical dip shall be installed to direct flood flow over the crossing fill and back into the channel. Critical dips shall be constructed to accommodate the entire estimated 100-year flood flow and may be installed by lowering the existing fill over the crossing or by constructing a deep, broad rolling dip over the crossing surface to prevent flood flow from diverting down the road.
- 2.65 Culvert Materials in High Fire Zones. If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe. Use of High-Density Polyethylene pipe is discouraged. <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>
- 2.66 Fill Material. Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
- 2.67 Culvert Grade. Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be placed in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). Permittee shall ensure basins are not constructed and channels are not widened at culvert inlets.
- 2.68 Culvert Bed. Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted. No geotextile fabric shall be placed in the culvert bed, streambed, bank or channel.
- 2.69 Culvert Armoring. Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

Deconstruction and Abandonment

- 2.70 Excavation. When stream crossings and fills are removed, all fill shall be excavated down to the original stream channel and outwards, horizontally, as wide as or wider than the natural channel to form a channel as close as feasible to

the natural stream grade and alignment. The restored stream bank slopes shall be no steeper than a 2:1 slope (horizontal: vertical) or natural slope. Restored slopes shall be stabilized to prevent slumping and to minimize soil erosion that could lead to sediment deposition into Waters of the State.

2.71 Sites previously not fully excavated shall be completely excavated when crossings are deconstructed. Adjacent potentially unstable road or landing fill that can enter a stream shall also be excavated when crossings are deconstructed.

2.72 All excavated fill shall be placed in stable areas where it cannot enter or erode into a stream.

Stream Remediation and Restoration

2.73 Stream Restoration Plan. Permittee shall submit a Stream Restoration Plan to CDFW prior to conducting remediation activities. The Stream Restoration Plan (SRP) shall detail the dimensions and slopes of the existing stream channel and proposed remediation. The SRP shall describe proposed materials and methods to restore the channel to a natural condition. The SRP shall include a revegetation plan for remediation of the impacted channel reach.

2.74 Revegetation Plan. Permittee shall submit a Revegetation Plan with the SRP to CDFW for review and acceptance prior to implementation of riparian habitat restoration activities. The Revegetation Plan shall, at a minimum, include the following:

2.74.1 The identification of the area and vegetation types that will be restored or an assessment by a qualified professional that natural regeneration will achieve the performance standard of comparable onsite native species richness and cover within five years.

2.74.2 A planting design and palette appropriate to the vegetation type, cover, stratum, and level of biodiversity (i.e., species richness and composition). Use of a reference site is recommended.

2.74.3 Use regionally appropriate native plants for a riparian vegetation type. The derivation of plant material such as containers, plugs, cuttings, divisions, or seeds from coastal areas of Humboldt, Del Norte and Mendocino Counties within 30 miles of the coast. All native seed material shall be from the North Coast ecoregion (Humboldt, Mendocino, Sonoma or Del Norte Counties), if practical. If quantities are not able to be satisfied from these collection sites, propagules may be obtained from other counties in Northern California with pending approval from a restoration ecologist or botanist.

2.74.4 Cuttings of willows, cottonwoods conducted when dormant. Collection of cuttings within an area dispersed to maintain genetic and sexual diversity,

and to avoid adversely impact existing riparian vegetation. Cuttings hydrated between harvesting and planting (e.g., soak cuttings in water several days to a week to stimulate rooting prior to planting). Cuttings planted to depth of 75% of their length with buds pointing up and bottom of cutting in moist soil or water.

2.74.5 Planting conducted after the first seasonal rains have saturated soils beyond the first several inches (November/December) and before April.

2.74.6 No application of fertilizer on plants or chemical controls on weeds.

2.74.7 Measurable success criteria based on plant survival, density, or cover.

2.74.8 Monitoring conducted for a minimum of five years to determine whether the revegetation goals and objectives have been met. Remedial measures if revegetation goals and objectives are not met.

2.75 Project Inspection. The Project shall be inspected by qualified professional licensed to practice in California to ensure that the stream restoration was implemented and functioning as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

3.1 CDFW Notification of Work Initiation. Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.

3.2 Work Completion. The proposed work shall be completed by no later than **October 15, 2023**. Notification of completion will include dates work occurred, photographs of work stages and the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions and shall be submitted to CDFW LSA program at 619 Second Street, Eureka, CA 95501 within seven (7) days of project completion.

3.3 Project Inspection. The Project shall be inspected a by qualified professional licensed to practice in California to ensure that the stream crossings were installed and functioning as designed and in accordance with this Agreement, and the stream crossing decommissioning and stream restoration was implemented and is functioning as designed, and the diversion infrastructure complies with the terms of this Agreement. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of each separate

project. Permittee shall submit the **Project Inspection Report** to CDFW LSA Program at 619 Second Street, Eureka, CA 95501.

- 3.4 Measurement of Diverted Flow. Copies of the **Water Diversion Records** shall be submitted to CDFW in EPIMS LSA Program at 619 Second Street, Eureka, CA 95501 no later than **March 31** of each year beginning in **2021**, to report the preceding year's diversion.
- 3.5 Site Management Plan and Related Technical Reports. Permittee shall submit to CDFW the project's current draft of the Site Management Plan and related technical reports if it was not included in the Notification. If the Site Management Plan and/or related technical reports are still in preparation, Permittee shall submit it and all subsequent revisions and updates within **30 days** of submittal to the SWRCB.
- 3.6 Invasive Species Management Plan for Reservoirs. Permittee shall submit an Invasive Species Management Plan for Reservoirs by **June 30, 2021** for CDFW approval; or adopt the Bullfrog Management Plan (Exhibit A) if no other invasive species are present. Permittee shall submit Monitoring and Implementation Report no later than **December 31** of each year. The Invasive Species documents shall be submitted to CDFW LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.7 Stream Restoration Plan. Permittee shall submit a **Stream Restoration Plan** by **June 30, 2021** for CDFW review and approval prior to restoration activities. The Stream Restoration Plan shall be submitted to CDFW LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.8 Revegetation Plan. Permittee shall submit a **Revegetation Plan** to CDFW by **June 30, 2021** for review and approval prior to implementation of riparian habitat restoration activities (condition 2.25). The Revegetation Plan shall be submitted to CDFW LSA Program at 619 Second Street, Eureka, CA 95501.
 - 3.8.1 Annual status reports on the revegetation efforts shall be submitted to CDFW by **October 31 of each year** following initial planting for the length of the monitoring period.
- 3.9 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, the Permittee shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within **five (5) working days** of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Angie Jeong
2328 5th Avenue
Los Angeles, California 90018
(213) 369-4115
cajainvestment@outlook.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program – Andrew Orahoske
Notification #1600-2019-0120
andrew.orahoske@wildlife.ca.gov

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under CEQA; and 3) after payment of the applicable FGC section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall **expire five (5) years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in

force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605, subdivision (a)(2) requires.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

A. Exhibit A. Bullfrog Monitoring and Management Plan

AUTHORITY

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


AUTHORIZATION

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

CONCURRENCE

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

ANGIE JEONG



Angie Jeong

3/11/2021

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Cheri Sanville
Senior Environmental Scientist Supervisor

Date

Prepared by: Andrew Orahoske, Environmental Scientist, March 1, 2021.

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2019-0120-R1

GENERAL BULLFROG INFORMATION

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

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

MONITORING

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

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

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

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

SUCCESS CRITERIA

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

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

OPTIONS FOR MANAGEMENT

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

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

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Scientist Andrew Orahoske, andrew.orahoske@wildlife.ca.gov.

Direct Removal

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

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

Management Authorization

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

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

Pond Dewatering

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

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

REPORTING

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

APPENDIX A. BULLFROG REFERENCE PHOTOS



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



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



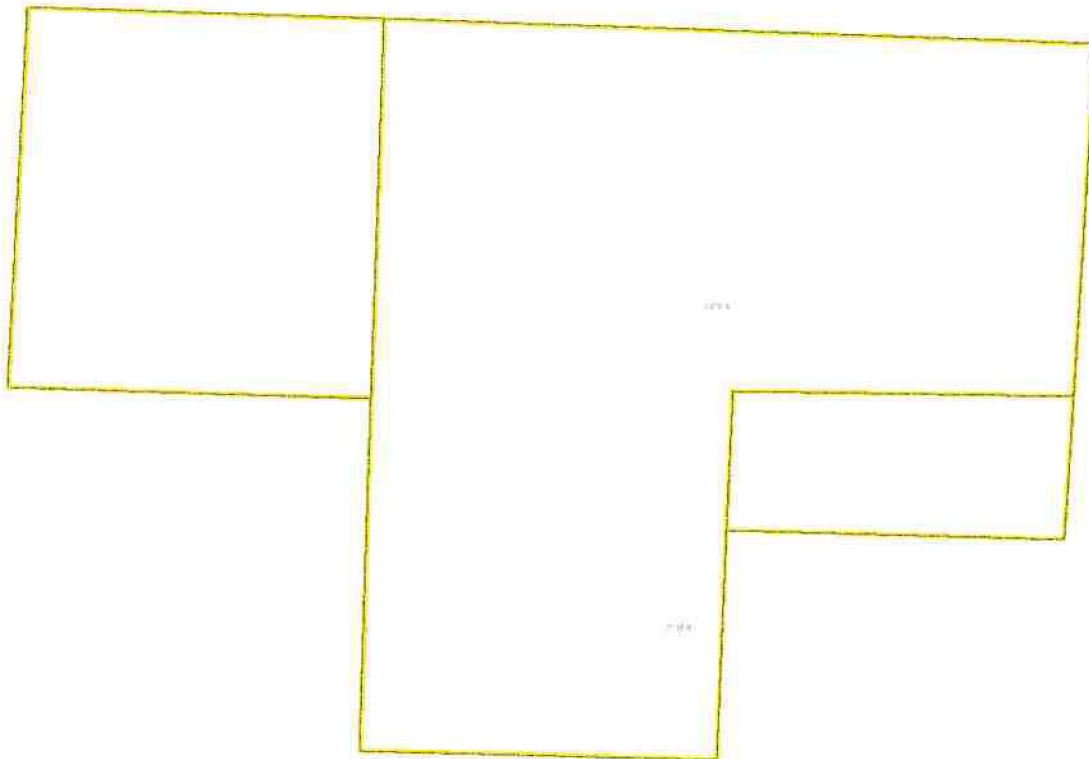
The bullfrog has somewhat distinct mottling and **the underside of the bullfrog's hind legs are not shaded pink or red.**



**GREEN
ROAD**
CONSULTING



Stream Restoration and Revegetation Plan



Prepared for:
California Department of Fish and Wildlife (CDFW)

Prepared by:
Green Road Consulting
1650 Central Ave., Suite C, McKinleyville CA, 95519
(707) 630-5041

Date of completion:

09/29/2020

General Site Information

Applicant & Landowner: Angie Jeong

Lat/Long: 40.6564, -123.8489

Parcel Number: 314-222-005, 314-223-009 & 314-223-006

General Plan Designation: Inland GP

Zone: TPZ, AE

HUC12 Watershed: 180101020403 Blue Slide Creek – Mad River

Abbreviations

| | |
|--------------|--|
| BPTC | Best Practical Treatment and Control Measures |
| CA | Cultivation Area |
| DA | Disturbed Area |
| CPP | Corrugated Plastic Pipe |
| CMP | Corrugated Metal Pipe |
| CDFW | California Department of Fish and Wildlife |
| DRC | Ditch Relief Culvert |
| GRC | Green Road Consulting |
| IBD | In-board Ditch |
| SWRCB | State Water Resources Control Board |
| STX | Stream Crossing |

1. Introduction

This document was prepared by Green Road Consulting (GRC) for parcel number 314-222-005 & 314-223-009. The purpose of the Restoration Plan is to provide guidance for the required remediation to occur on assessor parcel number (APN) 314-222-005, & 314-223-009.

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

2. Site Characteristics

The site location is in Humboldt County, approximately 6.5-miles southeast of the community of Kneeland, CA and can be accessed from Mountain View Road. The elevation of the site is approximately 3,200-feet above sea level. The parcel is located on a mountainous hillslope with unnamed Class II and III watercourses that flow from the south to north, into the Mad River. The Mad River is on the USEPA's Section 303(d) list for impairment or threat of impairment to water quality associated with elevated sediment and temperature levels. The Mad River watershed is known to have Coho and Chinook Salmon as well as Steelhead trout which are designated as a Federally and State threatened species. The site is approximately 85% wooded with Douglas-fir, madrone and oak species dominating the parcels overstory. Slopes on the site range from less than <15% to 50% with small areas within 50%+ slope. Hillslopes in the region are known to have moderate instability and the site geology is part of the Franciscan complex: Cretaceous and Jurassic sandstone with smaller amounts of shale, chert, limestone, and conglomerate. The parcels mentioned are associated with Timber Harvest Plan 1-08-103-HUM which was last logged in 2012. Crossings C through F as seen on the Restoration Map in the appendices are located on a logging road segment which receives no regular vehicle traffic. Table 1 summarizes the current crossing diameters. Since the culverts are undersized to pass the flow associated with the 100-year storm the applicant will remove the crossings. The parcel has also been developed for cannabis cultivation without any permits or environmental review. This resulted in a graded area which has removed a 65-foot section of Class II watercourse in the summer of 2019 to create a turnaround. The area will be excavated to recreate the channel. The channel will be excavated to match the nearest undisturbed section of stream along with being planted with vegetation to stabilize the disturbed area.

3. Temporary and Permanent Restoration Measures

Table 2 summarizes the proposed disturbance areas and volumes required to remove and restore the crossings. Appendix C shows the dimensions of the current crossing configuration. The stream banks at the crossing locations will be redeveloped to reduce the slope, prevent erosion, and promote long term stability. Along with removing the crossings the applicant will be decommissioning the road by removing all unstable or potentially unstable sidecast or slope materials that could fail and potentially deliver sediment to nearby watercourses. Water bars will also be installed along the roads surface at 150-foot intervals to disperse and reduce surface runoff. Access to this road will

remain blocked to allow the road to vegetate and stabilize with native volunteer species, which has begun in sections of the road. When removing the stream crossings, the BMP's below shall be followed, which are consistent with the "Handbook for Forest Ranch and Rural Roads" written in 2014. The parcel has also been developed for cannabis cultivation without any permits or environmental review. This resulted in a graded area which has removed a 65-foot section of Class II watercourse in the summer of 2019 to create a turnaround. The area will be excavated to recreate the channel. The channel will be excavated to match the nearest undisturbed section of stream. The dimensions of the proposed channel are outlined in Table 2. The applicant is proposing to perform the work in two stages, section 6 shows the proposed work schedule.

Stream Crossing Removal BMP's (see appendix C)

1. Fill materials shall be excavated to recreate the original channel grade and orientation with the channel bed as wide or slightly wider, than the original watercourse.
2. If the channel side slopes were disturbed, they should be graded (excavated) back to a stable slope (Generally less than 50% or 2:1).
3. Any unconsolidated fill materials shall be end hauled to a stable upland location where they can be spread and seeded with native seed and mulched with weed free straw to a depth of 2-inches.
4. The bare soils shall be mulched and seeded with native erosion control mix prior to the first rains, until vegetation can protect the surface.
5. Any disturbances shall be seeded with native seed and mulched with weed free straw to a depth of 2-inches.
6. The road approaches near the crossing should be well drained to prevent erosion.
7. Replant the banks with riparian vegetation according to the attached plan.
8. Any disturbed streambanks with greater than 2:1 slope shall have jute bound wattles installed with contour every 10-feet.
9. A water bar shall be installed on the upslope section of road associated with the crossing to prevent hydrological connection.
10. Monitor the road and crossings after the first rains annually to ensure that vegetation is growing, and no continued

Table 1: Restoration Project Summary

| Crossing ID | Latitude/Longitude | Description |
|-------------|--------------------|---|
| C | 40.6561, -123.8571 | Remove the 48-inch diameter crossing culvert and restore the channel with vegetation and stabilization BMP's. |
| D | 40.6575, -123.8572 | Remove the 32-inch diameter crossing culvert and restore the channel with vegetation and stabilization BMP's. |
| E | 40.6579, -123.5839 | Remove the 60-inch diameter crossing culvert and restore the channel with vegetation and stabilization BMP's. |
| F | 40.6575, -123.8527 | Remove the 60-inch diameter crossing culvert and restore the channel with vegetation and stabilization BMP's. |
| H | 40.429, -123.7471 | Remove the fill and restore the channel with vegetation and stabilization BMP's. |

Table 2: Restoration Project Temporary Disturbance Summary

| Crossing ID | Crossing Diameter (in.) | Road Width (ft.) | Excavation Width (ft.) | Excavation Length (ft.) | Excavation Average depth (ft.) | Stream Gradient (degree) | Total Area (ft. ²) | Total Volume (yrd. ³) |
|--------------|-------------------------|------------------|------------------------|-------------------------|--------------------------------|--------------------------|--------------------------------|-----------------------------------|
| C | 48 | 20 | 10 | 40 | 8 | 10 | 800 | 119 |
| D | 32 | 20 | 10 | 40 | 8 | 15 | 800 | 119 |
| E | 60 | 20 | 15 | 40 | 7 | 15 | 1,200 | 156 |
| F | 60 | 30 | 15 | 40 | 7 | 15 | 1,200 | 156 |
| H | NA | 65 | 3 | 65 | 2 | 5 | 195 | 14 |
| Total | | | | | | | 8,195 | 564 |

4. Wildlife Protection

A. Conduct a Pre-Construction Survey. Within 3-5 days prior to entering or working at the Project Site, a qualified biologist shall examine the project site to determine the presence/absence of standing or flowing water, and the presence and/or the potential for presence of FYLF adults, juveniles, tadpoles or egg masses within the project area and 150 feet upstream and downstream. Prior to commencing work, Permittee shall provide to CDFW for review preconstruction survey notes and observations.

1. If FYLF are found during the pre-construction survey, Permittee shall:

a) Consult CDFW immediately by either telephone or e-mail and provide a short description of observations, including a count of individuals and the life stage(s), conditions at the site, and other aquatic species observed; and

b) Either propose site-specific mitigation measures that will be utilized to avoid take or obtain an ITP if take of FYLF cannot be avoided. Instream work shall not commence until CDFW has provided written approval of the proposed avoidance measures or an ITP has been issued.

2. If no FYLFs are found during the pre-construction survey and no surface water is present in the project area, work may commence without further surveys.

3. If no FYLFs are found but surface water is present during the pre-construction survey, or if surface water becomes present at any time during the work period, a qualified biologist shall survey the work site each day before commencement of work activities where equipment and/or materials may come in contact with FYLFs, streams, or riparian habitat

4. If FYLFs are observed at any time during the construction season, work in the immediate area shall be halted, CDFW immediately consulted. And conservation measures developed and agreed to by CDFW prior to recommencing work.

The applicant is responsible for ensuring all project personnel adhere to the latest version of the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species Decontamination Protocol for all field gear and equipment that will be in contact with water or FYLFs. Heavy equipment and other motorized or mechanized equipment that comes in contact with water should generally follow watercraft decontamination protocols found in the AIS Decontamination Protocol.

Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Applicant shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Applicant shall take precautions to avoid damage to vegetation outside the work area.

No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other material deleterious to fish, plant life, mammals or bird life shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream.

5. Revegetation Plan

This Revegetation Plan has been prepared by Green Road Consulting LLC for APN: 314-222-005 & 314-223-009. The parcel located near Kneeland has been developed for cannabis cultivation without any permits or environmental review. This resulted in a graded area which has removed a 65-foot section of Class II watercourse. The parcel also has a section of road which was developed for logging in the past. The road has 4 crossings which require removal. This revegetation plan is developed to stabilize the bare restored channels. Through inspecting the site as well as historical imagery, there is evidence that the site was developed in 2019 (google earth). Where the disturbed section of stream channel is located it does not appear that any trees were removed. It seems that plants and grasses were removed when the channel was filled. It is difficult to determine just what species may have been disturbed from the grading activities. Plants included in this plan were therefore chosen based on their local and native presence, adaptation to the riparian zone of an intermittent stream, and availability at local nurseries (of local stock).

All seed casting and container plants shall be installed prior to the onset of the wet period (fall). In California, most species should be seeded in the late fall, preferably during or just before the autumn and winter rains (Gornish & Shaw, 2017). See Figure 1 for riparian planting zones. Plantings will be documented to identify the species and approximate area planted, and the number of shrubs planted or seeded. The permittee shall conduct annual inspections to assess a required 85% survival rate among the planted vegetation for a minimum of 5-years. Annual status reports will be provided to CDF&W for 5-years after.

BMP Notes:

- Use regionally appropriate native plants for a riparian vegetation type. The derivation of plant material such as containers, plugs, cuttings, diversion, or seeds from coastal areas of Humboldt, Del Norte, and Mendocino Counties within 30-miles of the coast. All native seed material shall be from the North Coast ecoregion (Humboldt, Mendocino, Sonoma or Del Norte Counties), if practical. If quantities are not able to be satisfied from these collection sites, propagules may be obtained from other counties in Northern California with pending approval from a restoration ecologist or botanist.
- Planting conducted after first seasonal rains have saturated soils beyond the first several inches (November/December) and before April.
- No application of fertilizers on plants or chemical controls on weeds.
- Measurable success criteria based on plant survival.
- Monitoring conducted for a minimum of five years to determine whether the revegetation goals and objectives have been met. Remedial measures if revegetation goals and objectives are not met.
- Annual status report of the revegetation efforts shall be submitted CDFW by October 31 of each year following initial planting for the length of the monitoring period.

Table 3: Revegetation Monitoring Schedule

| Year | Weeding | Monitoring/Reporting |
|----------|---------------------------|----------------------|
| 1 (2021) | October (Planting), April | Late May, early June |
| 2 (2022) | October, April | Late May, early June |
| 3 (2023) | October, April | Late May, early June |
| 4 (2024) | October, April | Late May, early June |
| 5 (2025) | October, April | Late May, early June |

Revegetation Area

The planting will be broken into two zones see Figure 1 for illustration of the zones. The estimated disturbed area within the channel and bank was found to be 8,195-ft.². The area will be planted on either side of the stream channel to provide habitat and provide stability to the bare soils.

Table 4: Summary of the total revegetation area

| Crossing ID | Toe- Bank Zone (ft. ²) | Bank- Transition Zone (ft. ²) |
|-------------|------------------------------------|---|
| C | 800 | 800 |
| D | 800 | 800 |
| E | 1200 | 1200 |
| F | 1200 | 1200 |
| H | 195 | NA |
| Total | 4195 | 4000 |

Table 5: Summary of crossing C revegetation area

| | |
|--|-------|
| Total Disturbed Stream Area (ft ²) | 1,600 |
| Restoration Area (ft ²) | 1,600 |
| Toe – Bank Zone Area (ft ²) | 800 |
| Toe – Bank Zone Number of Plants (#) | 32 |
| bank -Transition Zone Area (ft ²) | 800 |
| Bank- transition Zone Number of Trees (#) | 10 |

Table 6: Summary of crossing D revegetation area

| | |
|--|-------|
| Total Disturbed Stream Area (ft ²) | 1,600 |
| Restoration Area (ft ²) | 1,600 |
| Toe – Bank Zone Area (ft ²) | 800 |
| Toe – Bank Zone Number of Plants (#) | 32 |
| bank -Transition Zone Area (ft ²) | 800 |
| Bank- transition Zone Number of Trees (#) | 10 |

Table 7: Summary of crossing E revegetation area

| | |
|--|-------|
| Total Disturbed Stream Area (ft ²) | 2,400 |
| Restoration Area (ft ²) | 2,400 |
| Toe – Bank Zone Area (ft ²) | 1200 |
| Toe – Bank Zone Number of Plants (#) | 48 |
| bank -Transition Zone Area (ft ²) | 1200 |
| Bank- transition Zone Number of Plants (#) | 15 |

Table 8: Summary of crossing F revegetation area

| | |
|--|-------|
| Total Disturbed Stream Area (ft ²) | 2,400 |
| Restoration Area (ft ²) | 2,400 |
| Toe – Bank Zone Area (ft ²) | 1200 |
| Toe – Bank Zone Number of Plants (#) | 48 |
| bank -Transition Zone Area (ft ²) | 1200 |
| Bank- transition Zone Number of Plants (#) | 15 |

Table 9: Summary of crossing H revegetation area

| | |
|--|-----|
| Total Disturbed Stream Area (ft ²) | 195 |
| Restoration Area (ft ²) | 195 |
| Toe – Bank Zone Area (ft ²) | 195 |
| Toe – Bank Zone Number of Plants (#) | 8 |

Toe Zone to Bank Zone (crossing C, D, E, F & H)

The toe to bank zone understory area will be planted at approximately 5-ft spacing or 1 per 25-ft². Plants will be implanted with a somewhat even distribution on each side of the channels. To adequately revegetate the disturbed area, use container plants of California native species for these zones with a roughly 5-ft spacing on each side of the channel: a roughly even blend of pacific blackberry (*Rubus ursinus*), California hazel (*Corylus cornuta ssp. californica*) Western Sword Fern (*Polystichum munitum*) and blue elderberry (*Sambuca nigra*). If one or more of these cannot be sourced, suitable replacements include Thimbleberry (*Rubus parvifloris*), Salmonberry (*Rubus spectabilis*), California Wild Rose (*Rosa californica*) and Mulefat (*Baccharis salicifolia*). In-between the plants the ground will be stabilized with a native erosion control seed mix and will have a minimum of 2-inches of weed-free straw.

Bank Zone to Over the Bank Zone (crossing C, D, E & F)

To adequately revegetate the disturbed area, it is necessary to container plant California native species appropriate for these zones at roughly 9-ft. spacing or 1 per 81-ft² on each side of the channel. Bigleaf maple (*Acer macrophyllum*), White Alder (*Alnus rhombifolia*) and California bay (*Umbellularia californica*). If one or more of these cannot be sourced, suitable replacements include California buckeye (*Aesculus californica*) or Red alder (*Alnus rubra*). In between the plantings, the ground will be stabilized with a native erosion control seed mix. All seed casting and container plants shall be installed prior to the onset of the wet period. In California, most species should be seeded in the late fall, preferably during or just before the autumn and winter rains (Gornish & Shaw, 2017). No irrigation plan is proposed as part of this revegetation given the planting timing (fall) irrigation should not be necessary. Weeding shall take place annually in spring and fall to prevent nonnative recruitment and competition for resources. Weeding shall be conducted with hand tools and no herbicides shall be used within the riparian area.

Success Criteria:

The applicant shall conduct annual inspections to assess a required 85% survival rate among the planted vegetation for a minimum of 5 years. Areas which have been seeded with native seed shall be annually monitored for five years until coverage reaches 85%, whichever comes first. Annual status reports will be provided to CDF&W for 5-years after planting. If the 85% survival rate is not achieved, failed plantings will be re-planted with the same species or an alternate species as approved by this report.

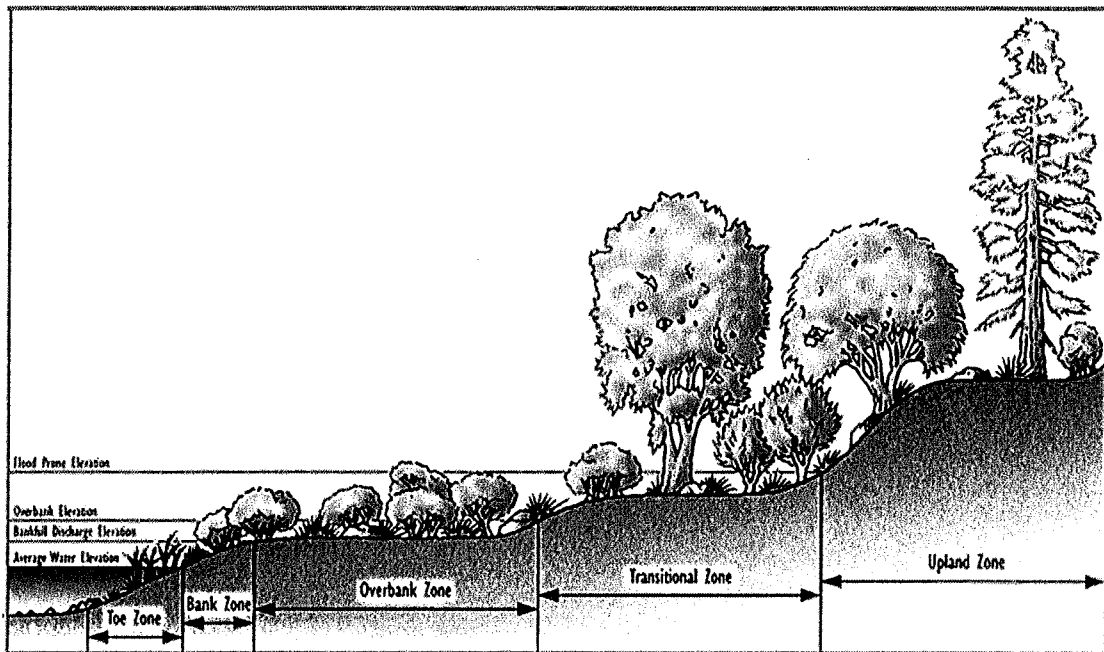


Figure 1: Riparian planting zones (from Hoag and Landis 1999)

6. Remediation Schedule

| Task | Expected Start Date | Expected Completion Date |
|---|---------------------|--------------------------|
| Notify CDFW of work initiation of crossings E, F, G & H | August, 2021 | October, 2021 |
| Notify CDFW of work initiation of crossings C & D | August, 2022 | October, 2022 |
| Conduct pre-construction survey of crossings E, F, G & H | August, 2021 | August, 2021 |
| Conduct pre-construction survey of crossings C & D | August, 2022 | August, 2022 |
| Construction of crossings E, F, G & H | August, 2021 | September, 2021 |
| Construction of crossings C & D | August, 2022 | August, 2022 |
| Install BMP's and erosion control for crossings E, F, G & H | September, 2021 | September, 2021 |
| Install BMP's and erosion control for crossings C & D | September, 2022 | September, 2022 |
| Revegetate work area for crossings E, F, G & H | October, 2021 | November, 2021 |
| Revegetate work area for crossings C & D | October, 2022 | November, 2022 |
| Monitor Annually 5-Years (2026) | May | June |

7. Appendices

- A. References
- B. Restoration Map
- C. Stream Crossing Diagram and Characteristics Table
- D. Wattle installation Diagram
- E. Container Plant Installation with Shelters Instructions.

8. References

Cafferata P., Lindsay D., Spittler T., Wopat M., Bundros G., Flanagan S., Coe D., and Short W., 2017. "Designing Water Course Crossings for Passage of the 100-year Flood" California Natural Resources Agency & Department of Forestry and Fire Protection.

California Forestry Report No. 1 (revised_8-18-17) Spreadsheet, 2017 Source:
http://calfire.ca.gov/resource_mgt/resource_mgt_forestpractice_pubsmemos_pubs

Flosi, Gary et. al. California Salmonid Stream Habitat Restoration Manual. State of California The Resource Agency, California Department of Fish and Game (Wildlife and Fisheries Division), 2004

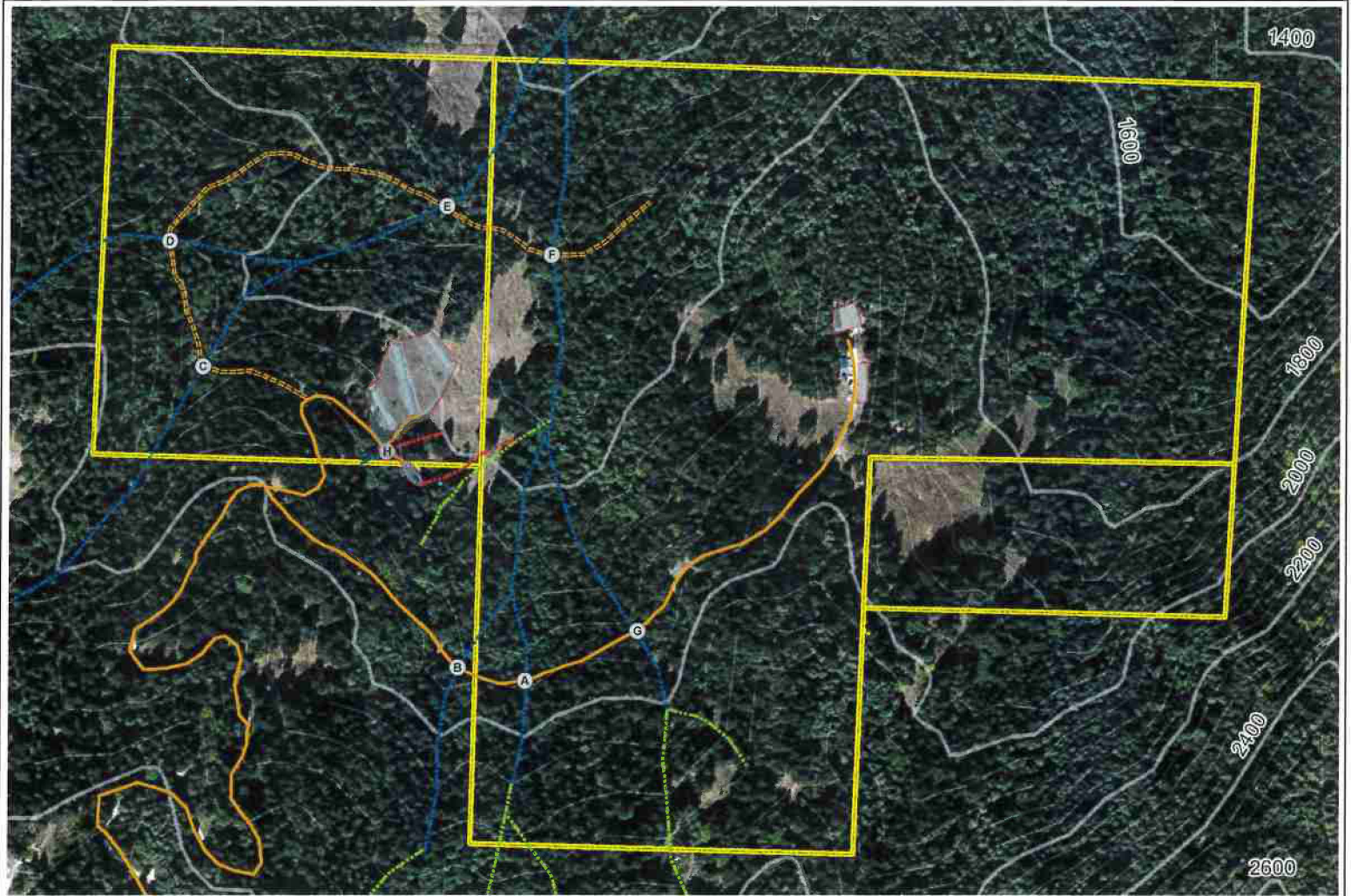
Hoag, JC 1999. Riparian planting zones. View from a wetland, No. 5 (1998-1999). Interagency Riparian/Wetland Project, Plant Materials Center, USDA-NRCS, Aberdeen, ID.

Hoag JC and TD Landis 1999. Plant Materials for Riparian Revegetation. Western Forest and Conservation Nursery Association annual meeting, Ames IA, June, 1999.

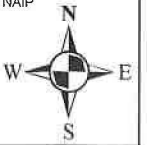
Lagasse P., "Design of Riprap for Overtopping Flow, Design Guidelines 5 HEC 23", 2006 – Federal Highway Administration (FHWA)

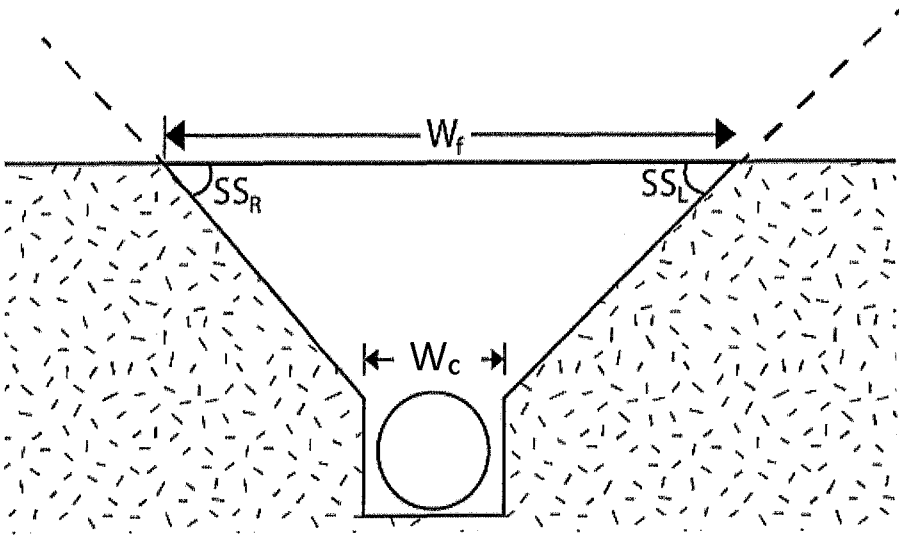
State Water Resources Board Order WQ 2017-0023-DWQ "GENERAL WASTE DISCHARGE REQUIREMENTS AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES."

Weaver, William, et al. "Handbook for Forest, Ranch & Rural Roads". Pacific Watershed Associates, 2014.

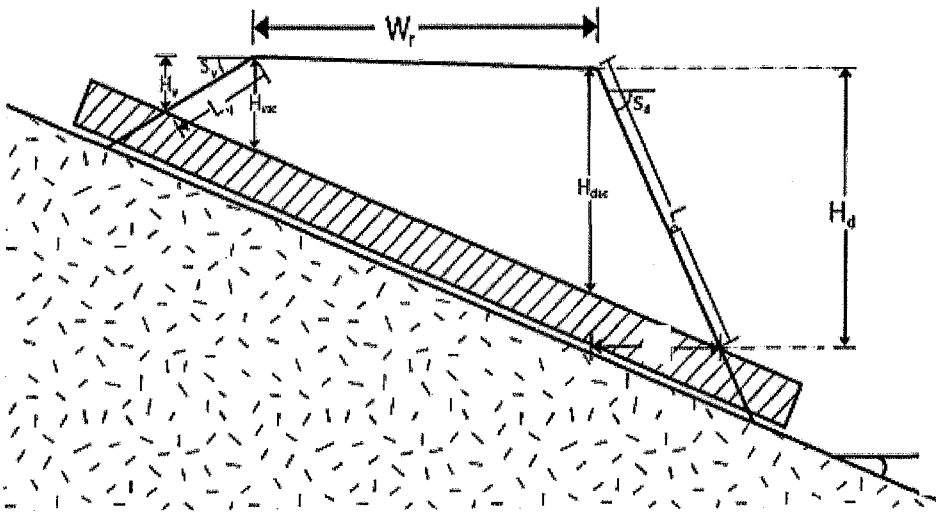


Restoration Map APN 314-222-005, 314-223-009 & 314-223-006 Imagery: 2018 NAIP

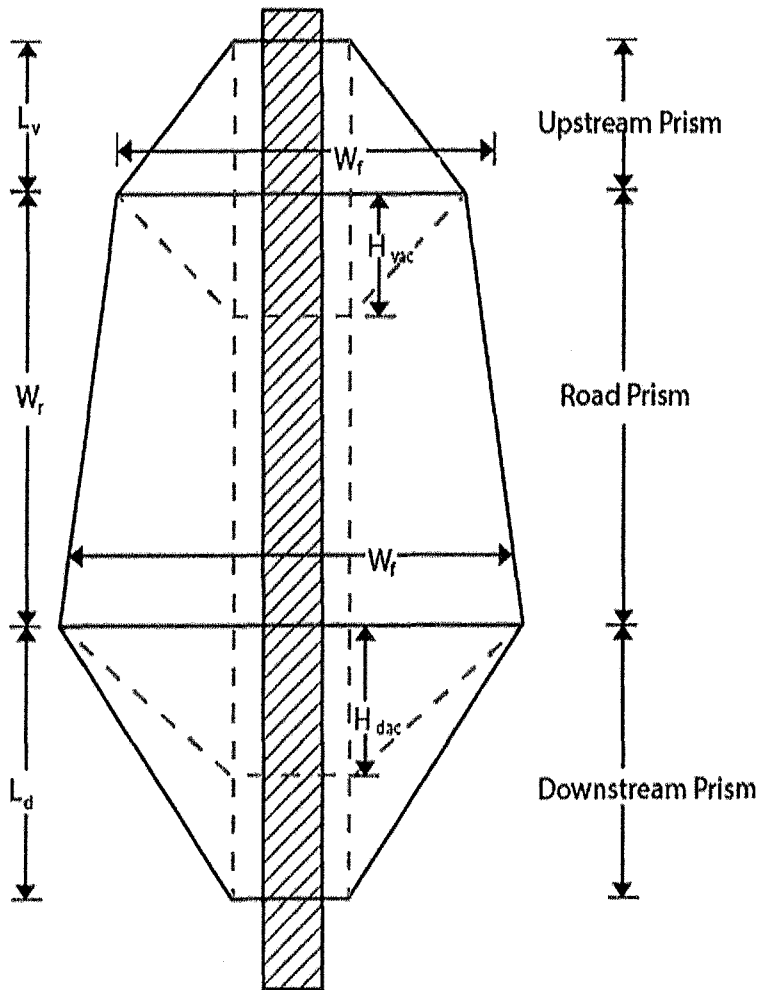




CROSS-SECTION
VIEW



PROFILE VIEW



Plan View

Index to Terms

- W_r Road Width, ft.
- W_c Channel width, ft.
- W_f Fill Width, ft.
- H_{dac} Height above outlet, ft.
- H_{vac} Height above inlet, ft.
- L_c Culvert Length, ft.
- S_v Fillslope angle Upstream, degrees
- S_d Fillslope angle Downslope, Degrees
- SS_l Side slope angle, left degrees
- SS_r Side slope angle, right, degrees
- H_{vac} Height of fill, upstream below culvert, ft.
- H_{dac} Height of fill downstream, below culvert, ft.

| Crossing ID | Culvert Length (L _c) | Road Width (W _r) | Channel Width (W _c) | Fill Width (W _f) | Height Above Inlet (H _i) | Height above Outlet (H _o) | Fillslope Angle Upstream (S _u) | Fillslope Angle Downstream (S _d) | Side Slope Angle Left (SS _l) | Side Slope Angle Right (SS _r) | Height of Fill, Upstream Below Culvert (H _{vac}) | Height of Fill, Downstream below Culvert (H _{dac}) |
|-------------|----------------------------------|------------------------------|---------------------------------|------------------------------|--------------------------------------|---------------------------------------|--|--|--|---|--|--|
| C | 40 | 20 | 10 | 25 | 9 | 10 | 26.57 | 36.87 | 36.87 | 36.87 | 14 | 15 |
| D | 40 | 20 | 10 | 25 | 6 | 10 | 45 | 36.87 | 26.57 | 36.87 | 9 | 13 |
| E | 40 | 20 | 15 | 30 | 4 | 10 | 45 | 36.87 | 26.57 | 26.57 | 9 | 15 |
| F | 40 | 30 | 15 | 30 | 4 | 10 | 45 | 36.87 | 26.57 | 26.57 | 9 | 15 |

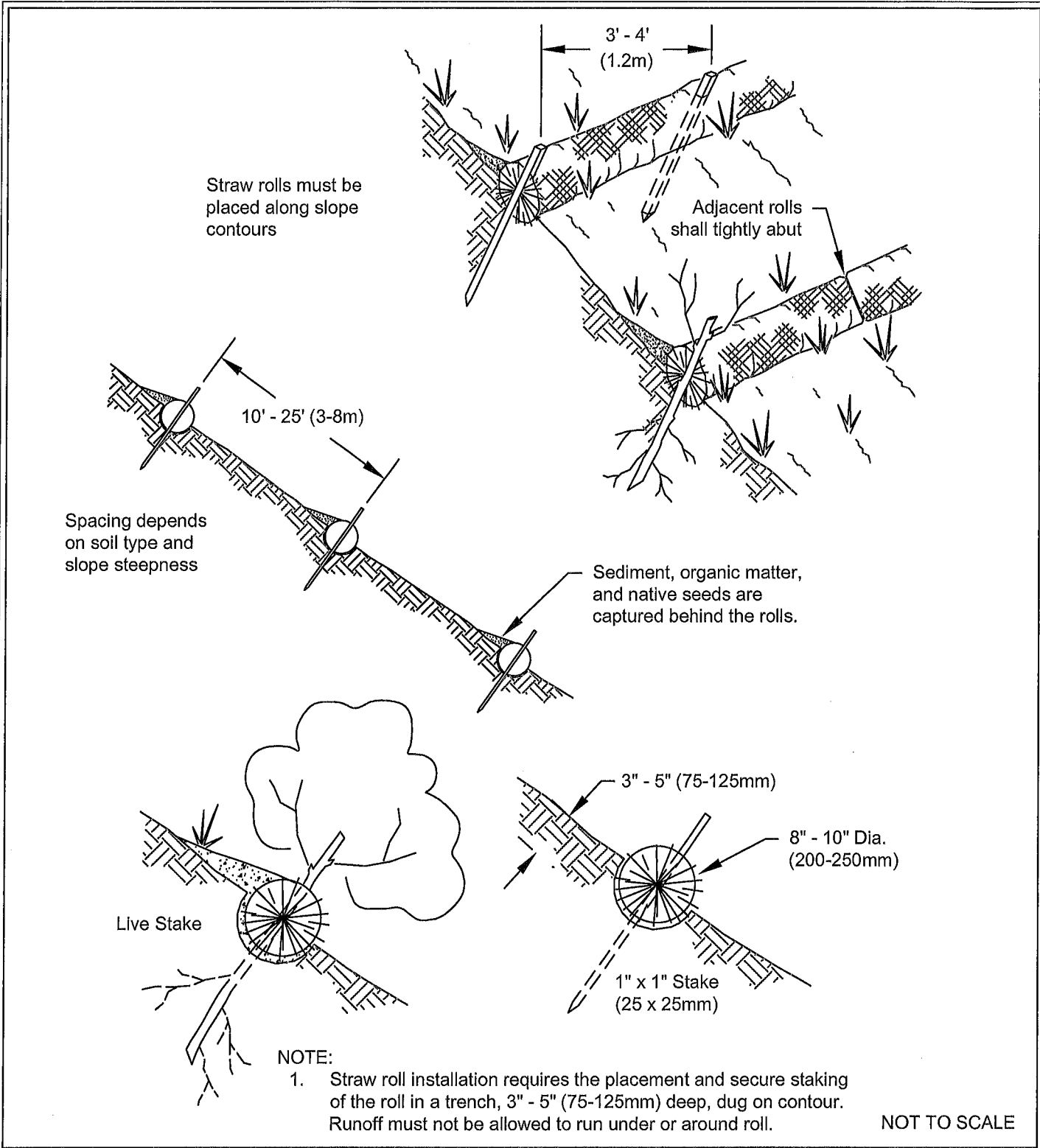
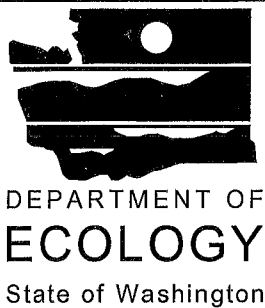


Figure II-4.2.14
Wattles

Revised November 2015



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CALIFORNIA SALMONID STREAM HABITAT RESTORATION MANUAL

Container Plant Installation with Shelters

Container plants need to be ordered or propagated months in advance and may be grown by a native plants nursery or an individual practitioner (see page XI-16). Although the installation of container plant material requires more up-front planning than sprigging, emergent transplants and direct seeding, it also allows for the installation of a more diverse plant palette. Some projects use a two-phased approach, with cuttings, emergents and direct seeded species installed the first year, followed by installation of container plants the second year.

Steps required for installing container plants with shelters:

- Plants should be installed during the winter. Plants that will not be irrigated should be planted from December through February, after rains have thoroughly saturated the ground. Plants that will be drip irrigated can be installed at other times during the year. Because of the dangers of planting on the bank of a stream during high flow periods, when stream banks are slippery and the current swift, it may be best to delay some projects until conditions are safe.
- When installing plants, dig holes to twice the depth of the root-ball of the plant to be installed, crumbling any large soil clumps. Partially refill the hole, firmly tamping the soil to create a firm base for the new plant. Place the plant so the top of the root-ball is slightly above finish grade, to allow for future settling. Fill the hole and tamp firmly to remove any air pockets. Irrigate immediately, ensuring the water soaks deeply, unless the ground is already saturated.



Remove weeds from the planting area



Dig the planting hole twice the depth of the root ball



Water the plant immediately, ensuring that the water soaks deeply. If planting in low moisture conditions, plants should be watered during the planting process and thereafter until rains begin.

CALIFORNIA SALMONID STREAM HABITAT RESTORATION MANUAL

- Where damage from domestic animals and wildlife is a concern, consider protecting plants with shelters (except those that will be in flood-scoured areas). Shelters should be firmly staked and tied so they will remain upright. There are a variety of shelters available, ranging from chicken wire enclosures (screen and collar, shown in photo at bottom) to plastic tubes (a.k.a., *supertubes*, shown in photo at right). All of these methods have proven successful, if they are maintained and weeds are controlled. Shelters should be removed as soon as the plants begin to outgrow them (3-5 years is typical for riparian plants).
- Weeds should be carefully controlled in revegetation areas before and after installation. Plants can become lost in the weeds, increasing maintenance costs and reducing project success. Mow tall weeds before installation, and consider using weed mats (3-foot-diameter sheets of specially designed woven or perforated plastic) around each new plant.



Installation of supertube on newly planted native seedling



Installation of weed mat



Installation of screen and collar protective hardware



TO: Angie Jeong
RE: Crossing H Technical Memorandum
An addendum to the Stream Restoration and Revegetation Plan completed by Green Road Consulting on 9/29/2020

At the request of CDFW staff scientists, the restoration plan for a Lake and Streambed Alteration project on APN 314-222-005, identified as Crossing H was reevaluated. As a result, the proposed flowpath of a stream to be restored has been shifted North of the route in the original plan.

Project Background

Review of available historical satellite imagery of the project location offers valuable insight into preexisting conditions in this area. Primarily, while relatively high-resolution imagery exists on Google Earth Pro from before development of the area, no discernable stream channel was identifiable. The roughly 5-acre northeast sloping meadow is most likely naturally clear of trees as opposed to converted timberland. 1988 footage shows what is likely the current roadbed in existence along the eastern edge of the tree line at the top of this meadow. Vehicle tracks are clear in 2016 imagery leading to the crossing point, which is obscured by trees, but not beyond the crossing where the pond currently lies. This indicated preexisting disturbance of the streambed. In 2017 or early 2018, the pond site and cultivation flats were installed through grading. It was most likely during this period that the pile of spoils, currently diverting natural flow from a small, spring-fed, class II watercourse was placed.

A common theme through all available images was a lack of visibly defined channel through the meadow below this small watercourse. The closest identifiable channel lies approximately 550' downstream close to the eastern extent of the meadow. Contextual evidence including presence of hydrophilic vegetation such as *Juncus* sp. and lady ferns, and a lack of erosion or exposed soils across the meadow indicate that surface flow reaching this meadow historically infiltrated and flowed through the upper soil strata rather than channelizing into defined surface flow as is common in such terrain. The purpose of this report is to lay out a plan to restore these natural conditions through minimal disturbance.

Field Survey

A site visit on August 5th, 2021 by a Green Road staff environmental scientist accompanied by a licensed civil engineer surveyed the topography of the meadow area and indicated a clear path for restored natural flow of surface waters through this area. Measurements were taken by hand using tapes, as well as through 3D modelling using UAV photography and the photogrammetry software Pix4D. The resulting topographic mapping and longitudinal profile are based on these surveys and should be considered highly accurate.

Restoration Plan

The proposed flowpath will carry surface water from the existing channel (currently terminating at a spoils pile, through a road junction to be decommissioned, down an existing swale/depression, and discharging into the open meadow below. Ample vegetation and undisturbed soils lie along the path so that infiltration closely matching the presumed preexisting conditions can be achieved.

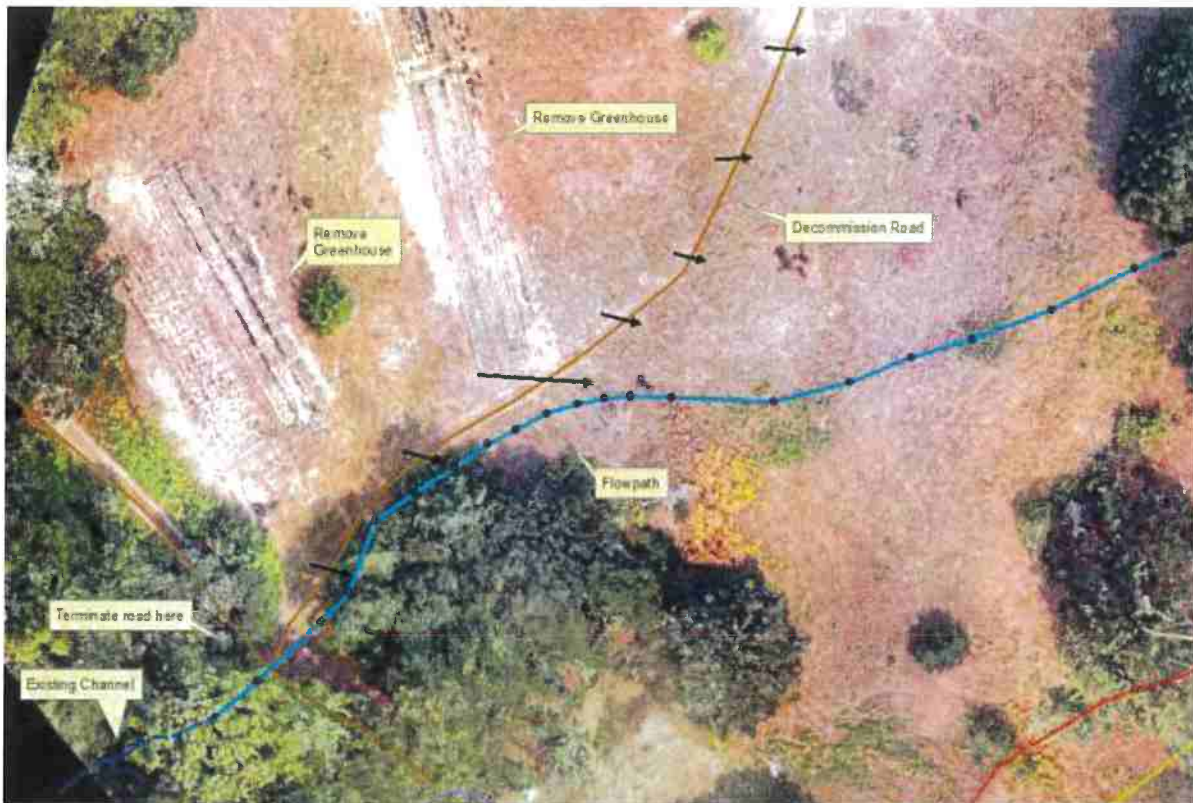


Figure 1: Proposed flowpath in blue with basemap of 2021 drone imagery photomosaic. Flowpath Vertices correspond to longitudinal profile in Figure 9

Rather than excavating a defined channel over the entire length of the flowpath, excavation will be limited to two sections where grading has interfered with existing topography to reestablish a flow path. The first 55 feet will have a defined channel excavated through the portion of the historical flowpath which was disturbed/obstructed by construction of the road junction and placement of a spoils pile. This channel will direct runoff into the head of a shallow swale just southeast of the beginning of the of the road that accesses the various cultivation flats below. The following 110 feet requires no excavation within a swale that runs runs parallel to the road beneath the edge of the tree line until (around 165 feet) contours would push flow onto the road surface. At this point, excavation of a second channel section will keep water from running down what remains of the road surface. The last mapped section shows the flowpath (based on existing native contours) where runoff can disperse and infiltrate into the soil eventually to concentrate in the existing defined channel at the bottom of the meadow.

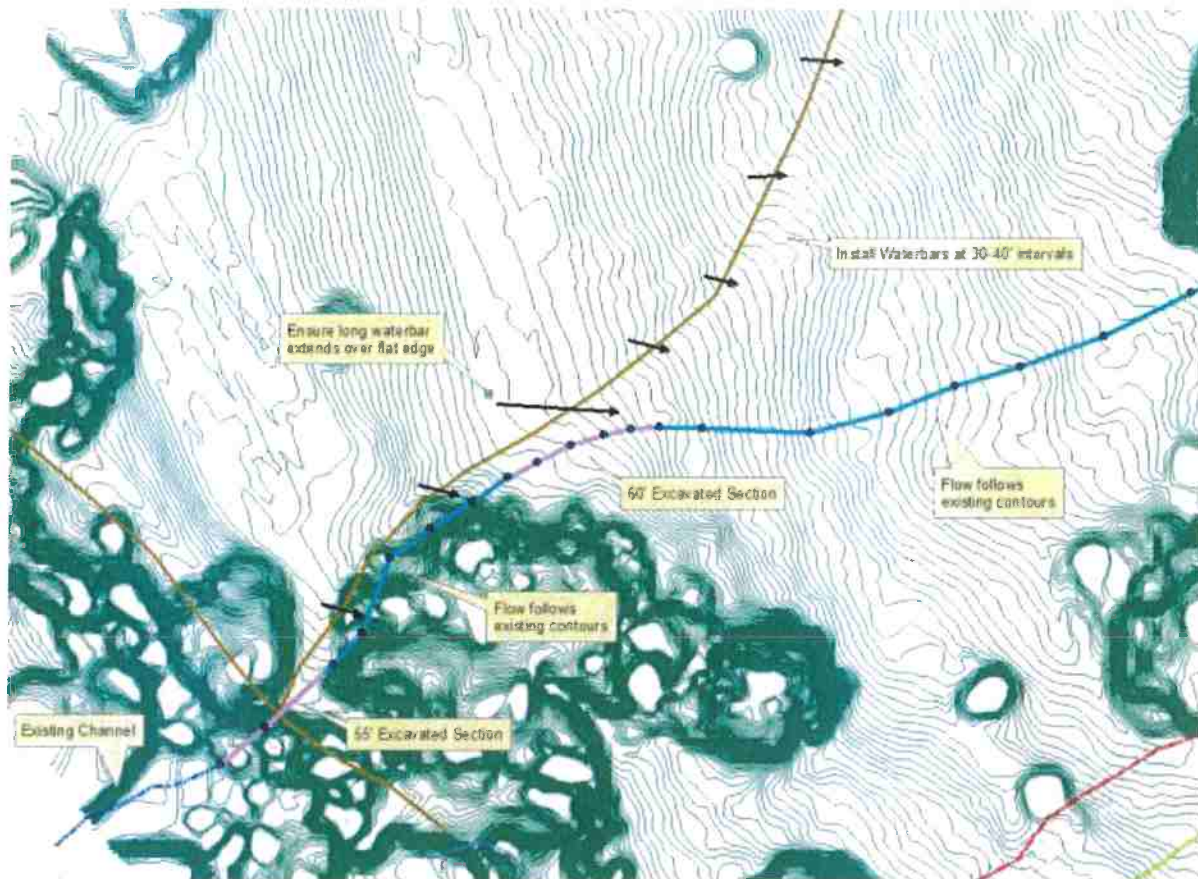


Figure 2: Topographic contours (at 1-foot elevation intervals) with flowpath divided into existing channel, sections for proposed excavation, and existing vegetated swale sections. Note: Topographic lines have not been edited to remove macro-vegetation so interpretation should be limited to open areas.

Order of operations for restoration of connectivity are as follows:

1. Greenhouses within 100' of the proposed flowpath will be removed while road access to the flats are still available. The graded flats appear stable and outsloped. They will be treated with straw and grass seed to promote revegetation. Recontouring of the graded flats would prove more environmentally detrimental than leaving the, to revegetate in their current configuration.
2. Seven waterbars, spaced at 30-40' intervals will be installed in the access road leading up from the lower flat such that runoff will be directed east into the meadow or roadside swale. Bars should be cut shallow and wide (8-12" deep by 3' wide) across the entire length of the road. One of the center bars will need to be extra long (36') extending from the cut slope of the center terrace, so that runoff flows neither down the road nor onto the flat. These drainage features will sufficiently keep stormwater from concentrating on the compacted road surface, avoiding potentially detrimental gullying and sediment transport.



Figure 3: Lower excavation portion of flowpath in blue and with long waterbar on center terrace and road in red

3. Starting at the tree line near the center terrace, a 60' long channel will be excavated to allow the flowpath to avoid the road surface. This channel will taper from 0" deep at the existing swale (top) to 12" deep just south of an old stump (bottom). The channel will match contours of the upper excavation section (described below, pictured in Figure 4), with 2-4" clean angular rock lining the 12" wide channel bottom. Excavated material can be placed against the cut slope of the graded terraces where erosion and transport will be minimal.
4. Approximately 2-yd³ of soil will be excavated from the spoils pile at the initial point of diversion above the primary access road. A trapezoidal channel will be excavated 12" deep, 12" wide at the base, with banks at 2:1 sloped extending 24" on each side. The slope of the channel bottom will match existing grade. With a channel cross section of 3-ft², a total of 5.5-yd³ will be excavated. Approximately 1-yd³ of clean, angular 2-4" rock will be imbedded along the base of the channel to prevent scouring or erosion during storm events.

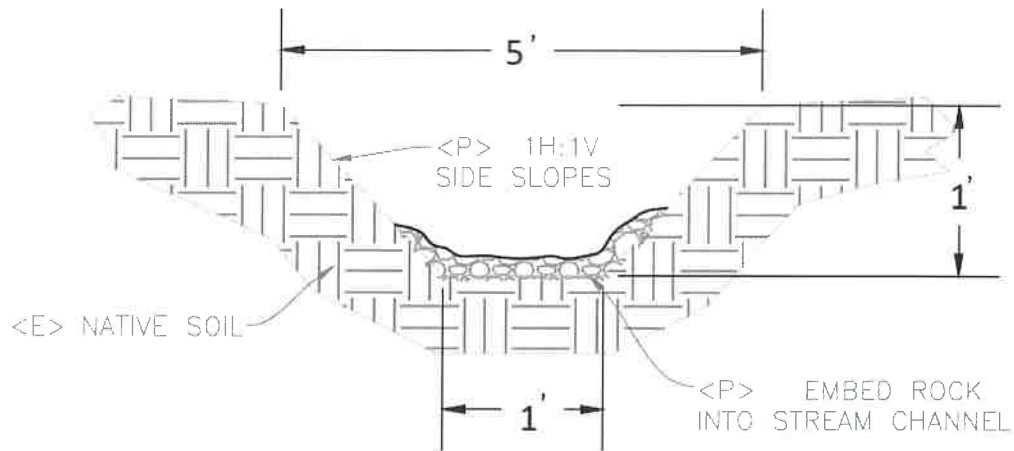


Figure 4: latitudinal cross section of proposed channel excavation on upper and lower areas (channel will gradually taper to these dimensions)

5. Excavated material from digging of this upper channel can be used to contour the relatively flat road junction area so that it evenly sloped from the native forest floor surrounding to the banks. Namely, material can be packed against the shallow cut along the south edge of the road junction area where pictured below. Excess spoils can be placed against the cut banks of the nearby terraced flats.

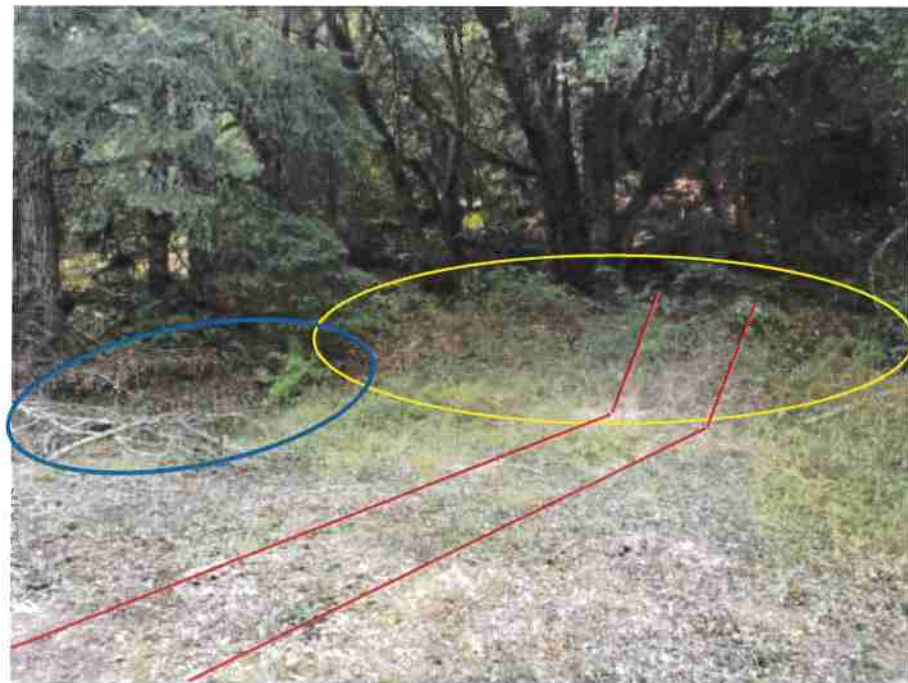


Figure 5: Road junction area with spoils pile to be removed in yellow, shallow cut where some spoils can be placed in blue, and proposed excavated channel in red

6. Clean straw and native grass seed will be spread over all disturbed areas on the road surfaces, excavated banks, and placed fill. Revegetation will be monitored for the duration of the LSA with

reapplication of straw and seed as necessary to meet 80% revegetation. Road access to the pond area will no longer be viable. The road leading to the newly excavated channel will be blocked 100' from the channel through placement of a log, rock bollards, gate, etc.



Figure 6: Proposed flowpath drawn against 3D model of meadow



Figure 7: Proposed flowpath drawn against 3D model of meadow



Figure 8: Proposed flowpath drawn against 3D model of meadow

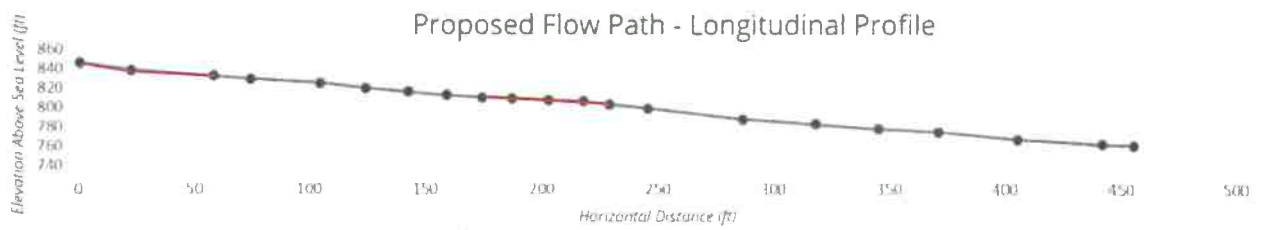


Figure 9: Longitudinal cross section of flowpath from existing channel (left) to eastern edge of meadow (right). Excavated portions in red.

The following single frame photographs have the proposed flowpath superimposed for additional perspectives:



Jeong Resto Plan, 600-2019-0120-R1

3



Orahoske, Andrew@Wildlife <Andrew.Orahoske@Wildlife.ca.gov>

Thu 9/2/2021 12:57 PM

To: You

Cc: Steve Breitenstein

Hello,



The stream restoration plan has been accepted, please continue to implement the final agreement that has already been signed and approved. No need for new signatures.

Andrew J. Orahoske
Environmental Scientist
California Department of Fish and Wildlife
Northern Region, Habitat Conservation Program
619 Second Street
Eureka, CA 95501

On Sep 2, 2021, at 12:26 PM, Caja Investment <cajainvestment@outlook.com> wrote:

August 14, 2016

Client: Mark Cavallo
Phone: 707-832-9556
Email: DMCdrum@yahoo.com
Surveyed Address: Butte Creek Rd., Kneeland CA

APN: 314-222-005
314-223-006
314-223-009

Your Soil STORIE Index Rating: **81.2**

The parameters for this index are based on Storie Index Soil Rating, Special Publication by the Division of Agricultural Sciences, University of California (2003).

As parameters set forth by Humboldt County ordinance 2544, the area of cultivation surveyed is considered Prime Agricultural Land via STORIE index greater than 80%.

Please reference table below for ratings of individual parameters of the STORIE soil index.

Please reference Figures 1 and 2 for mapped areas.

Table 1. Butte Creek Rd, Site 1 STORIE Index score = 81.2.

| Factor | Property | Characteristic | Rating |
|--------|------------------|-------------------|--------|
| A | Physical Profile | Upland, deep | 100 |
| B | Surface texture | Coarse Sandy Loam | 90 |
| C | Slope | 0-15% | 95 |
| X* | Drainage | Well Drained | 100 |
| | Alkali | None | 100 |
| | Nutrient Level | Fair | 100 |
| | Acidity | Slight | 95 |
| | Erosion | None | 100 |
| | Mircorelief | None | 100 |

Factor A x Factor B x Factor C x Factor X = STORIE Soil Index Rating

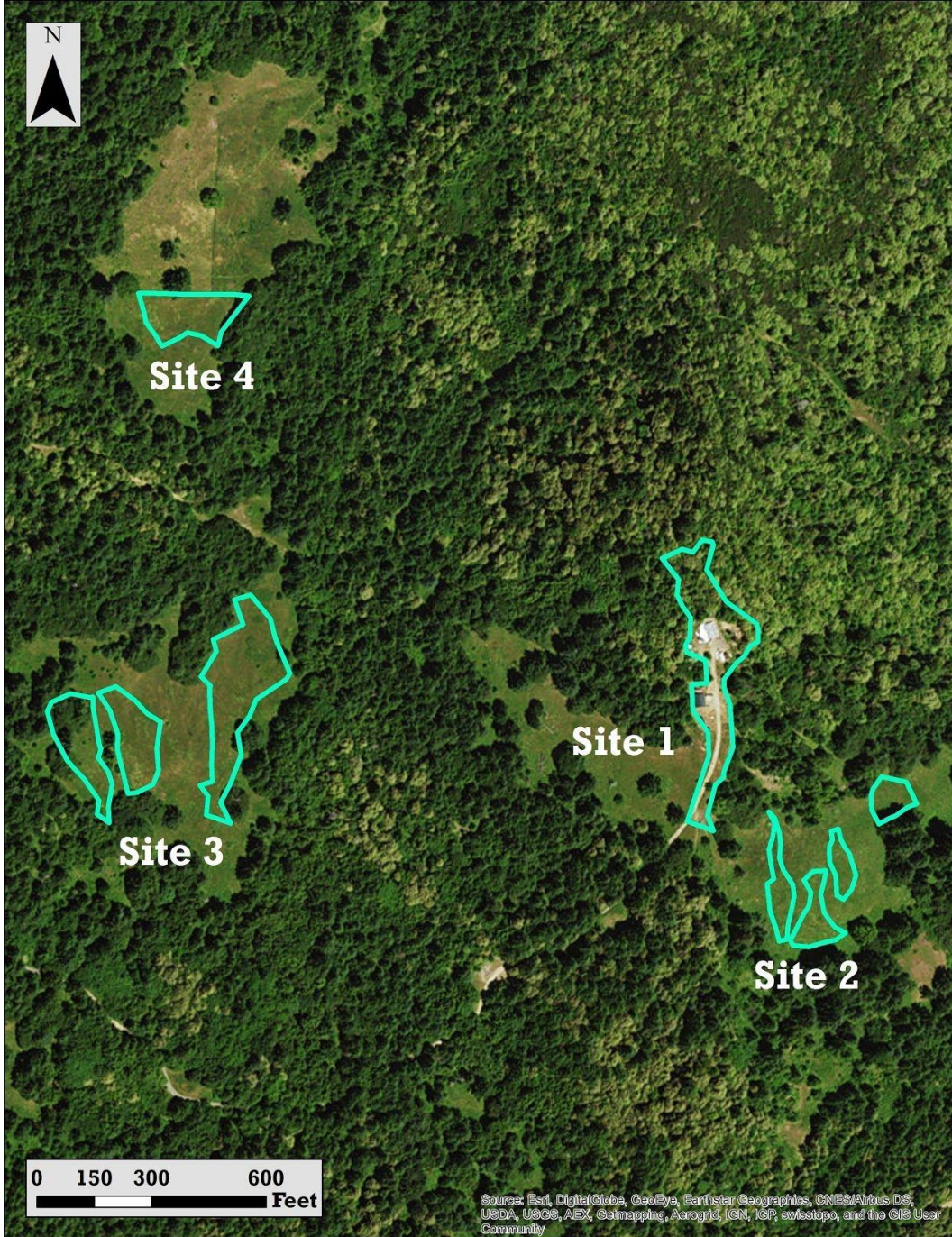
Your STORIE Index Rating: $1.00 \times 0.9 \times 0.95 \times 1.00 \times 0.95 = 0.812 \times 100 = 81.2$

*Factor X --Conditions exclusive of profile, soil texture, and slope are considered in factor X on the soil rating chart. If two or more conditions exist that are listed under factor X, the ratings for each are treated independently; that is, they are multiplied in order to secure the factor X rating.

Figure 1. Butte Creek Rd., Site 1 area = 66,564 sq. ft. (1.53 acres)



Figure 2. All sites at Butte Creek. Total area= 245,293 sq. ft (5.63 acres)



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: Part A may be completed by the applicant

Applicant Name: Angie G Jeong APN: 314-223-006

Planning & Building Department Case/File No.: Permit Apps # 11899

Road Name: Showers Pass Rd. (complete a separate form for each road)

From Road (Cross street): Kneeland Rd

To Road (Cross street): Mountain View Rd

Length of road segment: 3600 ft. 6.8/10 miles Date Inspected: 1/21/19

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

Check one of the following:

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

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

See Exhibit A, #1 & 2

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

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

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

Signature [Handwritten Signature]

Date 1/21/19

Name Printed Angie G Jeong

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

n:\pwrk\landdev\projects\referrals\forms\road evaluation report form (09-27-2017).docx

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Angie G Jeong APN: 314-223-006

Planning & Building Department Case/File No.: Permit Apps # 11899

Road Name: Mountain View Rd. (complete a separate form for each road)

From Road (Cross street): Showers Pass Rd.

To Road (Cross street): Butte Creek Rd.

Length of road segment: 4,480 ft. 8.5/10 or 4.25/5 miles Date Inspected: 1/21/19

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

Check one of the following:

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

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

See Exhibit A

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

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

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

Angie G Jeong
Signature

1/21/19
Date

Angie G Jeong
Name Printed

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

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Angie G Jeong APN: 314-223-006

Planning & Building Department Case/File No.: permit Apps # 11899

Road Name: Butte Creek Rd. (complete a separate form for each road)

From Road (Cross street): Mountain View Rd.

To Road (Cross street): Private Access Rd on property

Length of road segment: 530 ft. 1/10th mile Date Inspected: 1/21/19

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

Check one of the following:

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

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

Exhibit 1
An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

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

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

Signature

Angie G Jeong

Date

1/21/19

Name Printed

Angie G Jeong

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7305.

Humboldt County Department of Public Works

Road Evaluation Report

Angie Jeong
1600 Butte Creek Rd
Kneeland, CA 95549

June 7, 2021

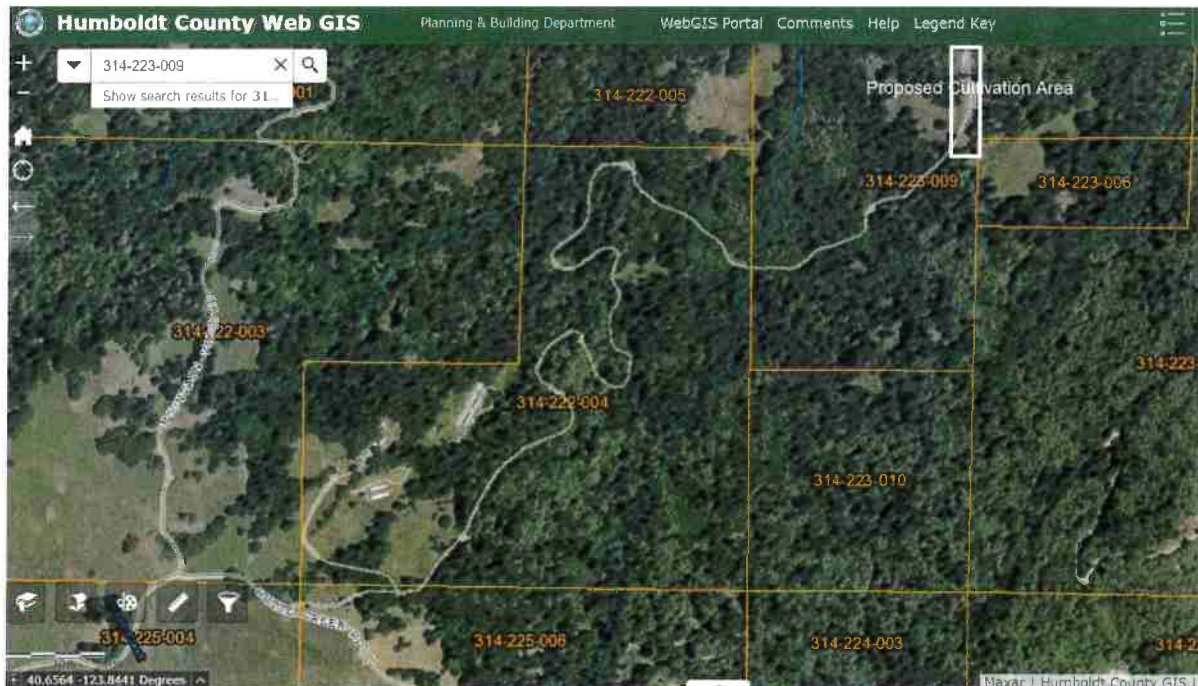
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

RE: Permit Application No 11899 APN:314-223-006 Case No.: CUP16-439
Permit Application No 11898 APN: 314-223-009



Please see the following exhibits for the private road that forks from Butte Creek Road to the Cannabis Cultivation Area (CCA) for APPS# 11898 and 11899. The private road from Butte Creek Rd to the CCA is approximately 1.5 miles and starts at an elevation of 2291' descending to 1869', an altitude difference of 422'. The narrowest width of the road measures 14' with several larger areas for turn arounds. There is a small section of .2 miles that is shared with the neighbor Brandi Rock who also has a permitted CCA.

Humboldt County Web GIS with mapped private road.



Map showing Exhibit points A to N

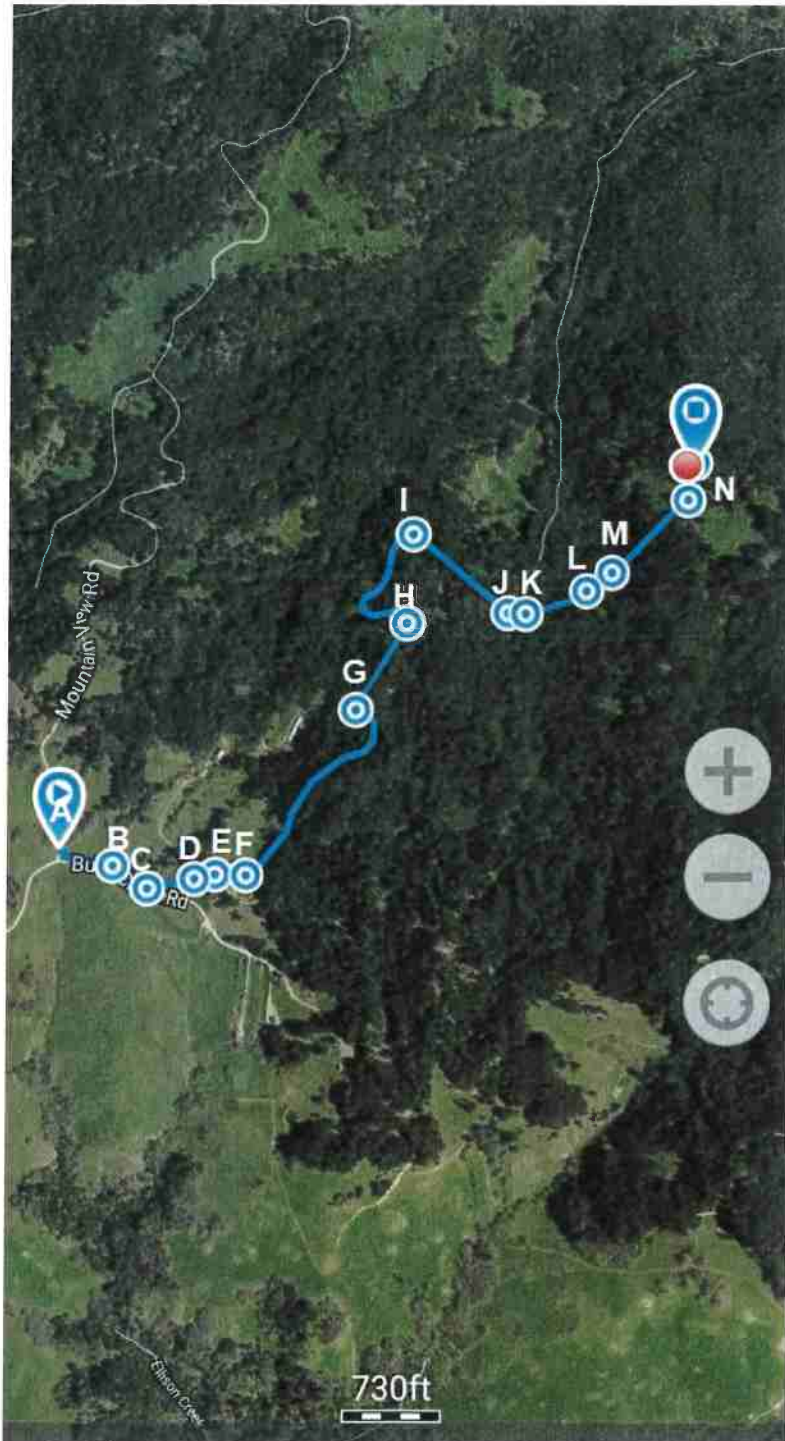


Exhibit A. Intersection of Mountain View Rd and Butte Creek Rd.



Exhibit B. Butte Creek Rd has recently been updated to be similar to a Category 4 roadway.

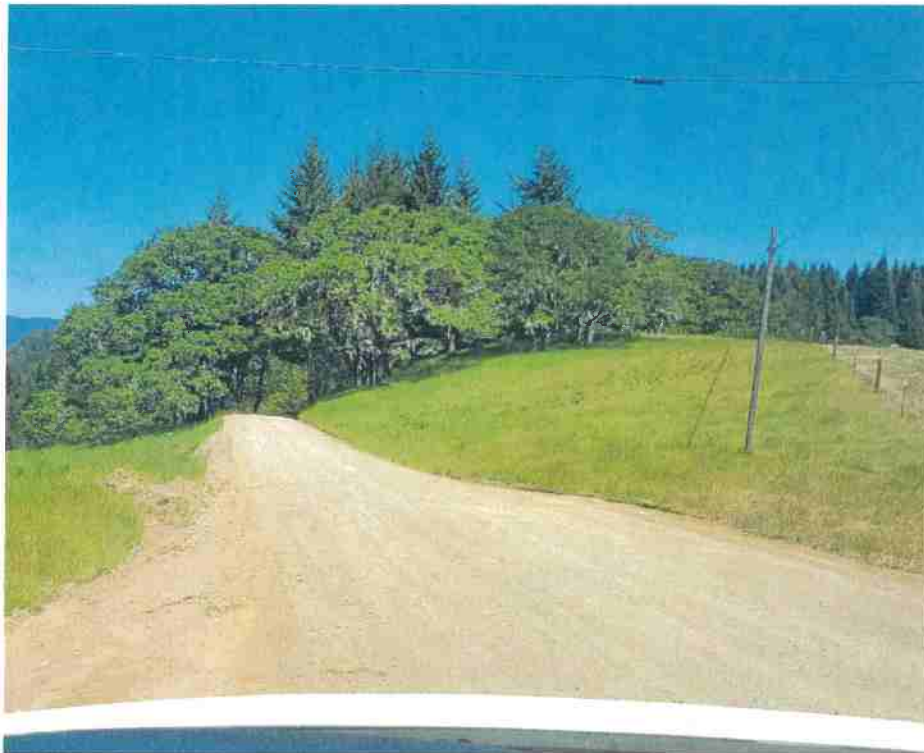


Exhibit C. Butte Creek Rd Split.



Exhibit C2. Butte Creek Gate (no lock).



Exhibit D. Left fork of Butte Creek Rd.



Exhibit E. Section of North (left) Branch of Butte Creek Rd. shared with Brandi Rock w/private turnoff.



Exhibit F Butte Creek termination to Private Rd. (locked gate)



Exhibit G Brandi Rock 2nd accessory rd to residence and CCA.



Exhibit H



Exhibit I

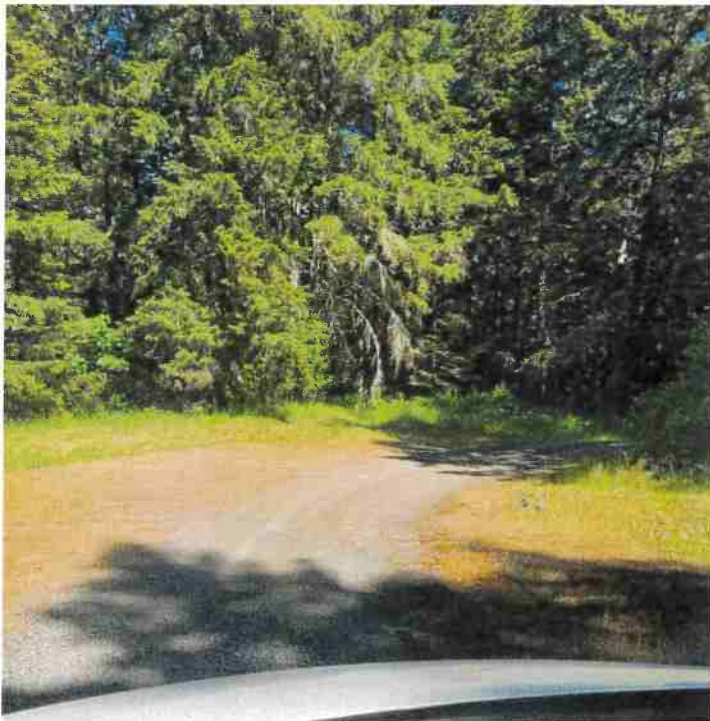


Exhibit J

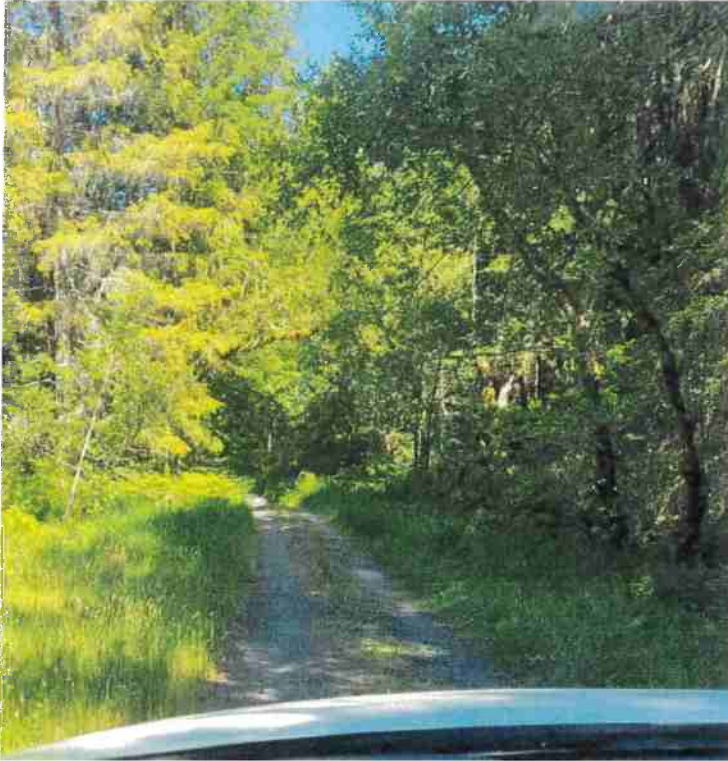


Exhibit K Angie Jeong's Property line with locked gate.

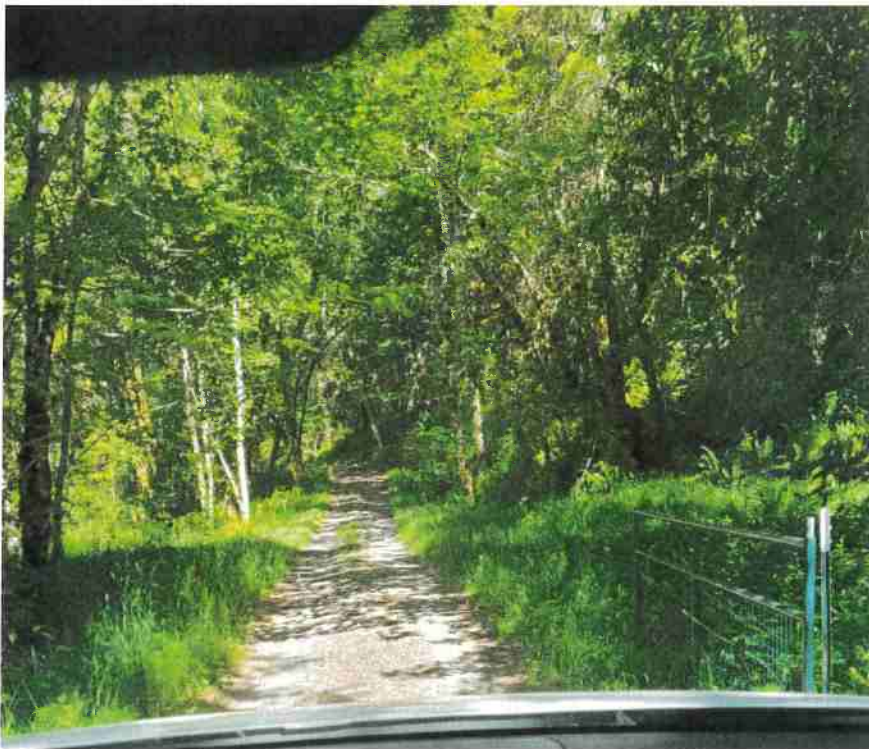


Exhibit L. Turn around area with wood pile.



Exhibit M



Exhibit N



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 | ✓ | Conditional Approval | Attached |
| Division Environmental Health | ✓ | Conditional Approval | Attached |
| Public Works, Land Use Division | ✓ | Conditional Approval | Attached |
| CalFIRE | ✓ | Comments | Attached |
| Northwest Information Center | ✓ | Comments | On file and confidential |
| Tsungwe Council | ✓ | Comments | On file and confidential |
| Humboldt County Sheriff | ✓ | Approved | On file |
| Eureka High School District | ✓ | Comments | Attached |
| Kneeland Unified School District | ✓ | Recommend denial | Attached |
| Kneeland Fire Protection District | | No Response | |
| California Department of Fish & Wildlife | | No Response | |
| Humboldt County Agricultural Commissioner | | No response | |
| Humboldt County District Attorney | | No response | |
| North Coast Unified Air Quality Management District | | No Response | |
| North Coast Regional Water Quality Control Board | | No response | |
| State Water Resources Control Board – Division of Water Rights | | No response | |

Dobnietz/Micah

6/21



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

6/15/2021

Project Referred To The Following Agencies:

AG Commissioner, Environmental Health, PW Land Use, Building Inspections, FPD: Kneeland, RWQCB, NCUAQMD, School District: Kneeland, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Angie Jeong **Key Parcel Number** 314-222-005-000

Application (APPS#) PLN-11898-ZCC **Assigned Planner** Megan Acevedo

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than: 6/30/2021

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

We have reviewed the above application and recommend the following (please check one):

- Recommend Approval. The department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: See Cannabis comment checklist for comments

DATE: 6/23/2021 PRINT NAME: Micah Mathieson



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: PLW-11898 APN: 314-223-009-000

The following comments apply to the proposed project, (check all that apply).

Site plan appears to be accurate.

Site plan is not accurate, submit revised site plan showing the following items:

- All grading including ponds and roads,
- Location of any water course including springs,
- All structures including size and use and all setbacks from each other, above stated items, and property lines.

Existing operation appears to have expanded as follows: _____

Proposed new operation has already started.

Development is near a wet area. If yes, distance from development: Pond (E) is within SMA

Development is near a Stream side Management Area (SMA). If yes, distance from development: (E) Pond is within SMA

Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.

Other Comments: _____

Name: Michael Mathieson

Date: 6/23/2021

District 2/Micah

6/21



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 - PHONE (707) 445-7245

6/15/2021

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Kneeland FPD, RWQCB, NCUAQMD, School District: Kneeland; Eureka High, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Bear River Band, NWIC, School District: Eureka

Applicant Name Angie Jeong **Key Parcel Number** 314-223-006-000

Application (APPS#) PLN-11899-CUP **Assigned Planner** Megan Acevedo

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than: 6/30/2021

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

We have reviewed the above application and recommend the following (please check one):

- Recommend Approval. The department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: See Cannabis comment checklist for comments

DATE: 6/23/2021

PRINT NAME: [Signature]



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: PLN-11899 APN: 314-223-006-000

The following comments apply to the proposed project, (check all that apply).


- Site plan appears to be accurate.
- Site plan is not accurate, submit revised site plan showing the following items:
 - All grading including ponds and roads,
 - Location of any water course including springs,
 - All structures including size and use and all setbacks from each other, above stated items, and property lines.
 - _____
 - _____
- Existing operation appears to have expanded as follows: _____

- Proposed new operation has already started.
- Development is near a wet area. If yes, distance from development: Existing Pond
IS Within SMA Area
- Development is near a Steam side Management Area (SMA). If yes, distance from development: Existing pond is within SMA Area
- Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.
- Other Comments: _____

Name: Mical Mathieson

Date: 6/23/2021

Note: Please take photographs and save them to the Planning Accela record number.

PLN-11898-... 
 Angie Jeong - (Ch...
 An application for ...

STATUS
 > In Referrals
 02/22/2021 by ...

LOCATION
 > None Provided

CONTACT
 > Mother Earth ...

WORKFLOW
 > 15 total Task
 ● 7 completed ○
 2 active

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (3)

Payment

Workflow History (23)

Comments (5)

Documents (37)

Cancel Help

Task
 Environmental Health

Due Date
 03/06/2021

Assigned Date
 02/24/2021

Assigned to Department
 Environmental Health

Assigned to
 Adam Molofsky

Status
 Approved with Conditions

Action by Department
 Environmental Health

Action By
 Adam Molofsky

Status Date
 02/24/2021

Start Time

End Time

Hours Spent
 0.0

Billable
 No

Overtime
 No

Comments
 Seasonal cultivation without processing may use portable toilets to serve the operation. Permittee shall provide portable toilets to cultivation areas, or install a permitted Onsite Wastewater Treatment System associated with a permitted structure.

Time Tracking Start Date

Est. Completion Date

In Possession Time (hrs)

Display E-mail Address in ACA
 No

Display Comment in ACA

Comment Display in ACA
 All ACA Users

Record Creator

Licensed Professional

Contact

Owner

Workflow Calendar

Estimated Hours
 0.0

Action
 Updated

PLN-11899-ZCC

Angie Jeong - CUP for...
A Zoning Clearance Ce...

STATUS

> Additional Info Req...
07/05/2021 by Meg...

LOCATION

> None Provided

CONTACT

> Angie Angie Jeong

WORKFLOW

> 15 total Task
● 9 completed ○...

Cancel Help

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (3)

Payment

Workflow History (25)

Comments (3)

Documents (35)

| | | | | | |
|-------------------------------|----------------------|--|--------------|---|--|
| Task | Environmental Health | Due Date | 07/04/2019 | Assigned Date | 06/17/2019 |
| Assigned to Department | Environmental Health | Assigned to | LandUse1 DEH | Status | Approved with Conditions |
| Action by Department | Environmental Health | Action By | Ben Dolf | Status Date | 06/24/2019 |
| Start Time | | End Time | | Hours Spent | 0.0 |
| Billable | No | Overtime | No | Comments | Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. |
| Time Tracking Start Date | | Est. Completion Date | | In Possession Time (hrs) | |
| Display E-mail Address in ACA | No | <input checked="" type="checkbox"/> Display Comment in ACA | | Comment Display in ACA | <input checked="" type="checkbox"/> All ACA Users |
| | | | | <input checked="" type="checkbox"/> Record Creator | |
| | | | | <input checked="" type="checkbox"/> Licensed Professional | |
| | | | | <input checked="" type="checkbox"/> Contact | |
| | | | | <input checked="" type="checkbox"/> Owner | |
| Estimated Hours | 0.0 | Action | Updated | Workflow Calendar | |



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

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

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

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

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Megan Acevedo, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 03/15/2021

RE:

| | |
|-----------------------|----------------------|
| Applicant Name | ANGIE JEONG |
| APN | 314-223-009 |
| APPS# | PLN-11898-ZCC |

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted road evaluation reports, dated 01/21/19, with Part A –Box 2 checked, certifying that the roads are equivalent to a road Category 4 standard. The road evaluation is for PLN-11899. The road evaluation report appears to be missing the private access road from Butte Creek Road to the subject parcel.

The Department is aware that multiple road evaluation reports have been prepared for this road. (See PLN-11796) Because there is more than one road evaluation, all of the recommendations in the various road evaluation reports need to be combined into one action plan.

If the road maintenance association will not be responsible for constructing all of the improvements in the action plan, it is recommended that the proportioning of the improvements be clearly documented so that each applicant knows exactly what portion of the action plan that they are responsible for constructing.

Whether specifically addressed or not within the road evaluation report, per County Code Section 3112-5, "No roadway grade in excess of 16 percent shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual." Where portions of the road have grades that exceed 16%, those portions must be paved and must have an exception request approved. [reference: County Code sections 3111-9 and 3112-5]

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS #11898

COUNTY ROADS- PROXIMITY OF FARMS:

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

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

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

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //



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

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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

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


AVIATION 839-5401

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

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Misael Ramos, Planner, Planning & Building Department
FROM: Kenneth M. Freed, Assistant Engineer 
DATE: 06/19/2019

| | |
|-----------------------|----------------------|
| Applicant Name | ANGIE JEONG |
| APN | 314-223-006 |
| APPS# | PLN-11899-CUP |

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 1/21/2019, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

Applicants photo #3 and #4 are the same photo and it appears that there is no photo for Butte Creek Road. In the road evaluation report form for Butte Creek Rd a notation to see Exhibit 1 is written, although documents provided to the Department do not have an Exhibit 1.

Applicant states that a drafted Traffic Management Plan has been drafted, although it appears that it has not been submitted to the Planning & Building Department.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11899

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT MOUNTAIN VIEW ROAD)

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

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
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COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

We have reviewed the above application and recommend the following (please check one):

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

We have reviewed the above application and recommend the following (please check one):

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 - PHONE (707) 445-7245



6/7/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Kneeland FPD:FPD, RWQCB, NCUAQMD, Kneeland, Eureka High School District, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Angie Jeong Key Parcel Number 314-223-006-000

Application (APPS#) PLN-11899-CUP Historic Planning Assigned Planner Misael Ramos

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than: 6/22/2019

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us Fax: (707) 268 - 3792

We have reviewed the above application and recommend the following (please check one):

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: No school or bus stop within 600 ft.

DATE: 6.24.19 PRINT NAME: JEN SNIPES



Kneeland School District,

9313 Kneeland Road • Kneeland, California 95549

Date: 6/11/2019

Via U.S. Mail

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA. 95501

Re: Parcel Number 314-223-006-000



To Whom This Concerns,

Kneeland School District ("District") desires to promote a safe, drug-free environment for our students and staff. In our attempts to ensure a drug-free campus, we have adopted board policy 4020, "Drug and Alcohol-Free Workplace," and board policy 5131.6, "Alcohol and Other Drugs." These policies are maintained and strictly enforced. Kneeland School District does not condone any illegal activity and endeavors to promote a safe and healthy lifestyle.

The proposal for approval of the above-referenced application raises concerns for the District. The proposed business, which may be legal in Humboldt County, is not legal on a federal level. As such, the District cannot "recommend" approval of a permit to engage in illegal activity without risking federal consequences, including, but not limited to, jeopardizing its federal funds.

The County Commissioner's Office letter asked for Kneeland School District's input on _

Parcel number 314-223-006-000 _____, and for all of the above-stated reasons, the District cannot "recommend approval" of the application.

Sincerely,

Greta Turney, Superintendent
Kneeland School District