



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: November 4, 2021

To: Humboldt County Planning Commission

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

Subject: **Big River Farm, LLC, Conditional Use Permit and Special Permit**
Record Number PLN-11892-CUP
Assessor's Parcel Number (APN): 108-023-008
9320 Wilder Ridge Road, Eftersburg area

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Please contact Michael Holtermann, Planner, at 707-268-3737 or by email at mholtermann@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date November 4, 2021	Subject Conditional Use Permit and Special Permit	Contact Michael Holtermann
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Project Description: A Conditional Use Permit (CUP) for Big River Farm, LLC to allow 22,000 square feet (SF) existing outdoor cannabis cultivation on a 90-acre parcel. The project is within 600 feet of public land and requires a Special Permit to reduce the setback to BLM public land. Cultivation occurs in four (4) greenhouses utilizing light deprivation to achieve two harvest cycles. Juvenile plants are propagated on-site in a 2,400 square foot ancillary nursery. Irrigation water is sourced from a groundwater well. The estimated annual irrigation water usage is 208,000 gallons (7.7 gal/sf/cycle). Water storage totals 83,300 gallons in fourteen (14) hard tanks. The applicant proposes construction of a 200,000-gallon rainwater catchment pond. Processing such as drying, curing, and trimming will occur onsite in a proposed 2,400-square-foot processing facility. Power for the cultivation operation is provided by P.G.&E., and generators will only be used for domestic emergency backup power. Five employees are anticipated to meet operational needs during peak season.

Project Location: The project is in the Shelter Cove area, on the southeast and northwest side of Wilder Ridge Road, approximately 1.9 miles from the intersection of Kings Peak and Wilder Ridge Road, on the property known as 9320 Wilder Ridge Road, Etersburg.

Present Plan Land Use Designations: Agriculture General (AG); Timber Production (T), Slope Stability: Moderate Instability (2), Density: 160 to 20 acres per dwelling unit.

Present Zoning: Agriculture Exclusive (AE); Timberland Production (TPZ)

Record Number: PLN-11892-CUP

Assessor Parcel Numbers: 108-023-008

Applicant

Big River Farm, LLC
Ivan Iliev
9320 Wilder Ridge Road
Etersburg, CA 95542

Owner

Wilder Ridge LLC Co
403 Rifle Camp Road
Woodland Park, NJ 07424

Agent

Elevated Solutions Inc
Lesley Doyle
3943 Walnut Drive Suite E
Eureka, CA 95503

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

State Appeal Status: The proposed project is NOT appealable to the California Coastal Commission.

Major Issues: None.

BIG RIVER FARM, LLC
Record Number PLN-11892-CUP
Assessor's Parcel Number 108-023-008

Recommended Commission Action

1. Describe the application as part of a public hearing.
2. Request staff to present the project;
3. Open the public hearing and receive testimony;
4. Close the public hearing and adopt the resolution to take the following actions:

Find that the Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report, and approve the proposed Big River Farm, LLC project subject to the recommended conditions.

Executive Summary: Big River Farm, LLC , seeks a Special Permit to allow the continued operation of 22,000 square feet (SF) existing outdoor cannabis cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Agriculture General (AG) and Timber Production (T) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive (AE) and Timberland Production (TPZ). The project includes a Special Permit for a relaxation of the 600-foot public lands setback requirement from Bureau of Land Management (BLM) land located 162 feet from the cultivation area. Cultivation occurs in four (4) greenhouses: GH#1 is 4,318 SF (34'x127'); GH#2 is 5,440 SF (34'x160'); GH#3 is 6,800 SF (34'x200'); and GH#4 is 5,440 SF (34'x160'). Propagation is proposed in a 30'x80' greenhouse. Processing such as drying, curing, and trimming will occur onsite in a proposed 2,400-square-foot processing facility. These types of activities must take place in a F1 Occupancy Type commercial structure with an accessible restroom and accessible parking. The owner must secure permits and complete any building of such structure within the 2-year provisional period. Alternatively, the operator may discontinue this use and process at an off-site licensed third-party facility. This requirement has been included as a condition of approval (Ongoing Requirements B.8). Artificial lighting used for the ancillary propagation nursery and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. The applicant anticipates a maximum of five (5) employees will be required for operations. A 1,200-square-foot storage shed on the parcel is used for secondary containment for all cultivation related products as well as petroleum products. Power for the cultivation operation is provided by PG&E.

Water Resources

Water for irrigation will be sourced from a permitted groundwater well (Permit No. 17/18-1912) and a proposed 200,000-gallon rainwater catchment pond. According to aerial analysis using Google Earth Pro, the well is approximately 1,876 feet in elevation. The well is located on the adjacent parcel (APN 108-023-011) and is approximately 0.15-miles east from the nearest mapped watercourse which is a tributary to Sholes Creek. The elevation of the tributary is 1,820 feet. According to the Well Completion Report, the depth of the well is 300 feet and the depth to first water is approximately 73 feet, which is approximately 17 feet below the tributary. Staff does not believe the well is hydrologically connected to any surface water due to the distance and elevation difference from the closest nearby mapped surface water. The applicant anticipates 208,000 gallons of water will be required annually for irrigation. Water storage totals 83,300 gallons in hard tanks. The applicant also proposes to construct a 200,000-gallon rainwater catchment pond which will be used as a source of additional water storage.

Biological Resources

According to the California Natural Diversity Database (CNDDDB), there are no endangered or threatened species located on the parcel however the project is in proximity to sensitive habitat. The proposed project is located on a ridge in the North Fork Bear Creek watershed in the Mattole River drainage. A Northern Spotted Owl (NSO) activity center is mapped 0.3 miles to the southeast of Greenhouse #4. Marbled Murrelet critical habitat is located 0.5 miles to the southwest of the subject property. A portion of Jewett Creek originates in the northeast portion of the parcel. Approximately 0.5 miles downstream, the main stem of Jewett Creek is mapped as having the potential to support a winter steelhead run. The project area is outside of the required buffer for all Streamside Management Areas (SMAs) or other water courses. Conditions of approval are included based on consultation with the California Department of Fish and Wildlife (CDFW). A noise and light attenuation plan will be required prior to the use of lights and fans in the cultivation operation. Any supplemental lighting used will be shielded to meet International Dark Sky Standards. As a condition of approval the applicant shall be required to install automated curtains and light timers in the mixed-light greenhouses to ensure no possibility of light leakage that could impact adjacent sensitive species. The project utilizes grid energy, and a generator is used for domestic purposes only in cases of emergency backup power. The conditions of approval require containment for any generators used on the subject parcel. The maximum allowable generator and fan noise exposure level is 50 dB when measured from the noise source at a distance of 100 feet or at the edge of habitat, whichever is closer. Project conditions regarding mitigation of light and noise are designed to prevent direct or indirect impacts to spotted owl or marbled murrelet species into the future.

Access

The project is located in the Shelter Cove area. The property is accessed via private road, 0.2 miles in length that is accessed on the southerly side of Wilder Ridge Road. The private drive trends south and west to the project site. Wilder Ridge Road is accessed from Ettersburg Road. The Department of Public Works has approved Ettersburg Road for commercial cannabis use. Travel along approximately 3.8 miles of Wilder Ridge Road is required to access the private road. The applicant has completed a road evaluation report self-certifying that the entire segment of Wilder Ridge Road and the private road are developed to the equivalent of a Category 4 road standard. The proposed project is not anticipated to generate significant additional vehicle trips or road use.

Public Land

The project was referred to the Bureau of Land Management (BLM). BLM made comments and requested a boundary line survey be prepared to demonstrate that the cultivation does not encroach on federal property. A boundary survey was prepared by licensed surveyor Dylan Kolstad in June 2015 showing the property line. The nearest greenhouse is setback 162 feet from the property. The adjacent public lands are subject to the *2005 King Range National Conservation Area Resource Management Plan (RMP)*. The lands adjacent to the project site are designated Front Country Zone in the RMP, and management activities in that zone include forest stand management, fuel reduction, fire break construction, and habitat and watershed protection and restoration. Staff believes that the mixed-light operation at 162 feet from the public lands, where Northern Spotted Owl habitat exists, is not entirely consistent with the goal of the RMP. Accordingly, the applicant has proposed to utilize the greenhouse closest to the public lands as an outdoor (light-dep) greenhouse only. Without mixed-light cultivation methods in this area, and with the requirement to add automated blackout curtains and light timers, staff does believe that the project would be consistent with the RMP because the cultivation activities will protect fisheries and aquatic habitat on forest lands by restoring and maintaining buffers from streams and by placing controls on the storage and use of pesticides, rodenticides and fertilizers, and minimizing risk from wildfire by adhering to the County's Fire Safe Regulations and the requiring adequate road access. The RMP's provisions for protection of heritage resources will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. The project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and trails.

This project was originally noticed for a hearing in front of the Planning Commission in April 2019. Based on concerns from BLM, CDFW and neighboring property owners, the applicant decided to pursue retirement of this existing operation and relocate it under the RRR provisions of the Ordinance. A site in Honeydew was selected and the Planning Commission approved the relocation site as part of a larger relocation effort on October 3, 2019 (Honeydew Ranch, Application 12256). This application was appealed to the Board of Supervisors and the Board of Supervisors did not approve the relocation proposal. The applicant has since been unable to secure an alternative relocation site and is seeking approval of the existing operation.

Tribal Consultation

The project is located in the Bear River Band Rancheria and Sinkyone Aboriginal Ancestral Territories. A Cultural Resources Investigation was conducted for the proposed project in June 2018 by William Rich and Associates. No cultural, historic, or archeological resources were identified on the subject property. Correspondence was conducted with the Native American Heritage Commission (NAHC), a representative of the Bear River Band of the Rohnerville Rancheria, and a representative of the InterTribal Sinkyone Wilderness Council. The NWIC indicated no records of any previous studies and no responses from the native tribes or other interested parties were received. The Bear River Band referral response stated the Tribal Historic Preservation Officer (THPO) was not aware of any sensitive cultural resources on the subject parcel. A comprehensive field survey was performed over the entire proposed cannabis cultivation area and much of the 600-foot buffer with the parcel. As a condition of approval, the inadvertent discovery protocol to protect cultural resources has been added to the proposed project.

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 Planning Commission (See Attachment 2 for more information).

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

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-11892-CUP
Assessor Parcel Numbers: 108-023-008**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Big River Farm, LLC Conditional Use Permit and Special Permit request.

WHEREAS, Big River Farm, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 22,000 square feet (sf) of outdoor cannabis cultivation and a Special Permit (SP) for a public lands setback reduction from the adjacent parcel to the south APN 108-022-006, which is owned by the Bureau of Land Management; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project as recommended without mixed-light cultivation 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, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-11892-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on November 4, 2021.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. FINDING:

Project Description: A Conditional Use Permit (CUP) for Big River Farm, LLC to allow 22,000 square feet (SF) existing outdoor cannabis cultivation on a 90-acre parcel. The project is within 600 feet of public land and requires a Special Permit to reduce the setback to BLM public land to 162 feet. Cultivation occurs in four (4) greenhouses utilizing light deprivation to achieve two harvest cycles. Juvenile plants are propagated on-site in a 2,400 square foot ancillary nursery. Irrigation water is sourced from a groundwater well. The estimated annual irrigation water usage is 208,000 gallons (7.7 gal/sf/cycle). Water storage totals 83,300 gallons in fourteen (14) hard tanks. Applicant proposes construction of a 200,000 gallon rainwater catchment pond. Processing such as drying, curing, and trimming will occur onsite in a proposed 2,400-square-foot processing facility. Power for the cultivation operation is provided by P.G.&E., and generators will only be used for domestic emergency backup power. Five employees are anticipated to meet operational needs during peak season

EVIDENCE: a) Project Files: PLN-11892-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to 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) A Water Resources Protection Plan was prepared by Six Rivers Construction and Consulting dated June 2017 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
 - d) A *Cultural Resources Investigation (CRI)* prepared by William Rich and Associates dated June 2018 to show the project will not have a direct or indirect impact on cultural resources.
 - e) A *Streambed Alteration Agreement (1600-2018-0086-R1)* with CDFW for culvert improvements on the property.
 - f) A Well Completion Report from the Humboldt County Health and Human Services to show the groundwater well is permitted (Permit No. 17/18-1912).

FINDINGS FOR CONDITIONAL USE 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 Agriculture General (AG) and Timber Production (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 Agriculture Exclusive (AE) and Timberland Production (TPZ) zone in which the site is located.

- EVIDENCE**
- a) The Agriculture Exclusive (AE) and Timberland Production (TPZ) Zone is intended to be applied to areas of the County in which general agriculture is an allowable use for AE. Accessory agricultural uses and structures are a principally permitted use in TPZ zones.

- b) All general agricultural uses are principally permitted in the AE zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of outdoor and 22,000 square feet of mixed light cannabis cultivation on parcels larger than 5-acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016 and is consistent with this and with the cultivation area verification prepared by the County.

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

- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE and TPZ (HCC 314-55.4.8.2.2).
 - b) The parcel of land known as APN 108-023-008 is a legal parcel created through the issuance of a prior permit.
 - c) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, or Tribal Cultural Resource.

6. FINDING The cultivation of 22,000 square feet existing 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 located on road that can safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
 - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes and agricultural uses in the area.
 - c) Irrigation water will come from a from a permitted groundwater well (Permit No. 17/18-1912).
 - d) Five employees are anticipated to meet operational needs during peak season.

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

- EVIDENCE**
- a) The parcel was not included in the housing inventory of Humboldt

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

8. FINDING

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

EVIDENCE

The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 195 permits and the total approved acres would be approximately 69 acres of cultivation

DECISION

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

- Adopt the findings set forth in this resolution; and
- Approve the Big River Farm, LLC, Conditional Use Permit, Case No. CUP-16-437 (Application Numbers PLN-11892-CUP) subject to the conditions in Attachment 1.

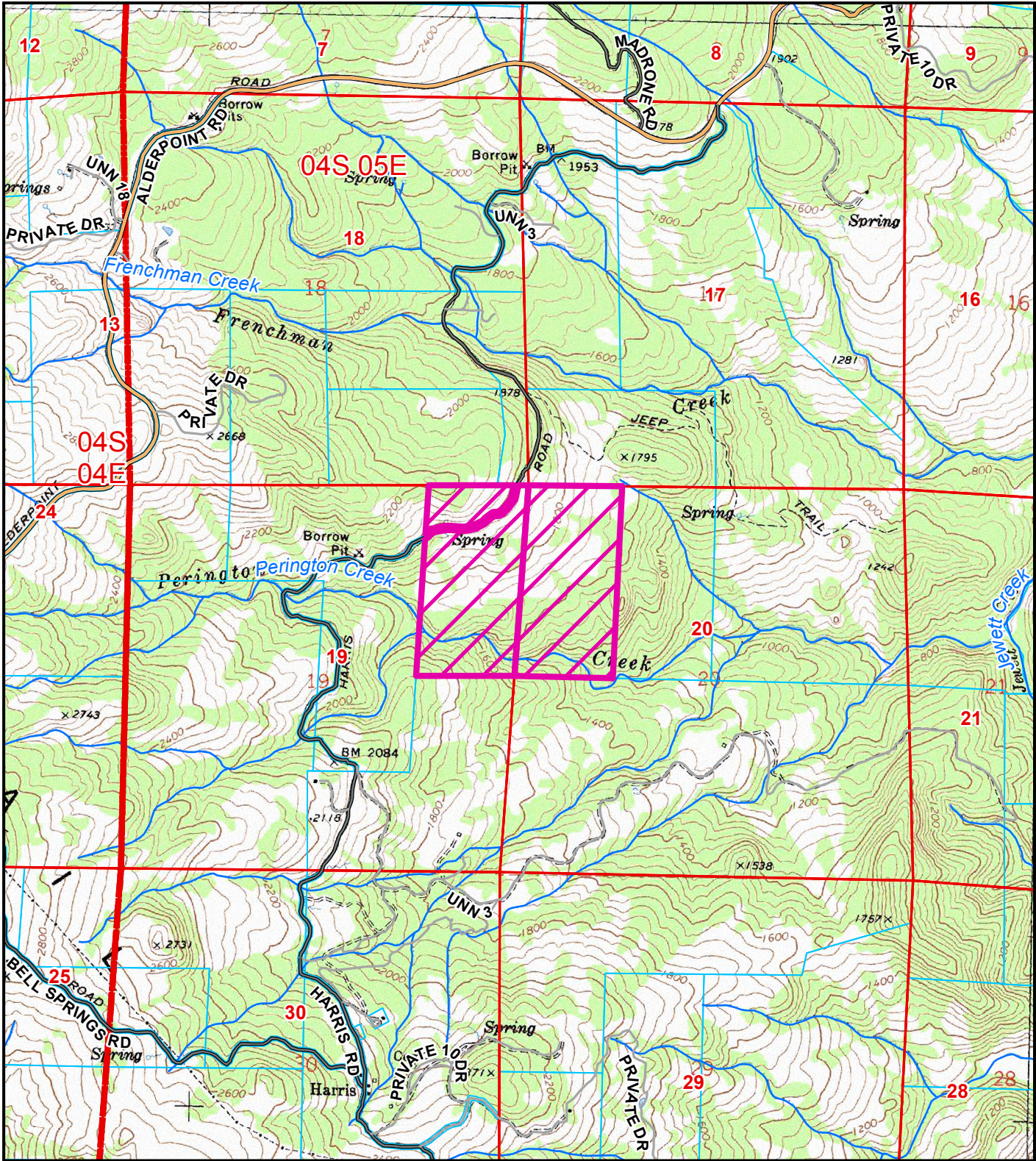
Adopted after review and consideration of all the evidence on November 4, 2021.

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

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

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

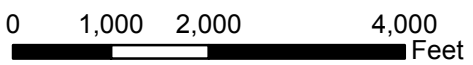
John H. Ford, Director,
Planning and Building Department



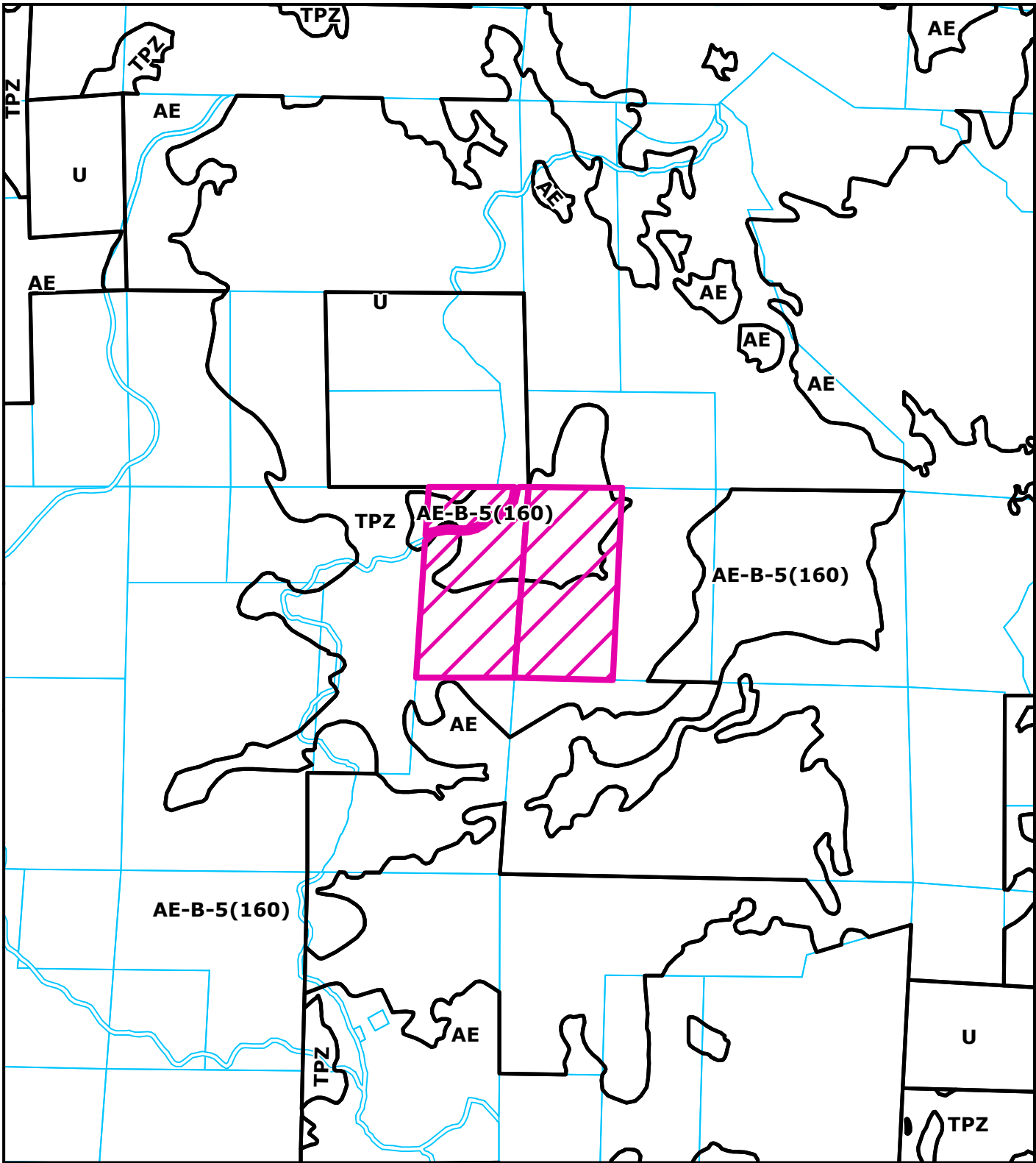
**TOPO MAP
 PROPOSED JOURNEY AND RACHEL AQUARIAN
 NEW HARRIS AREA
 CUP-16-539**

Project Area = 

**APN: 216-136-004-000; ET AL.
 T04S R05E S19; S20 HB&M (HARRIS)**



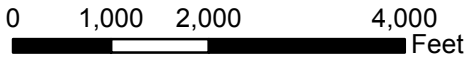
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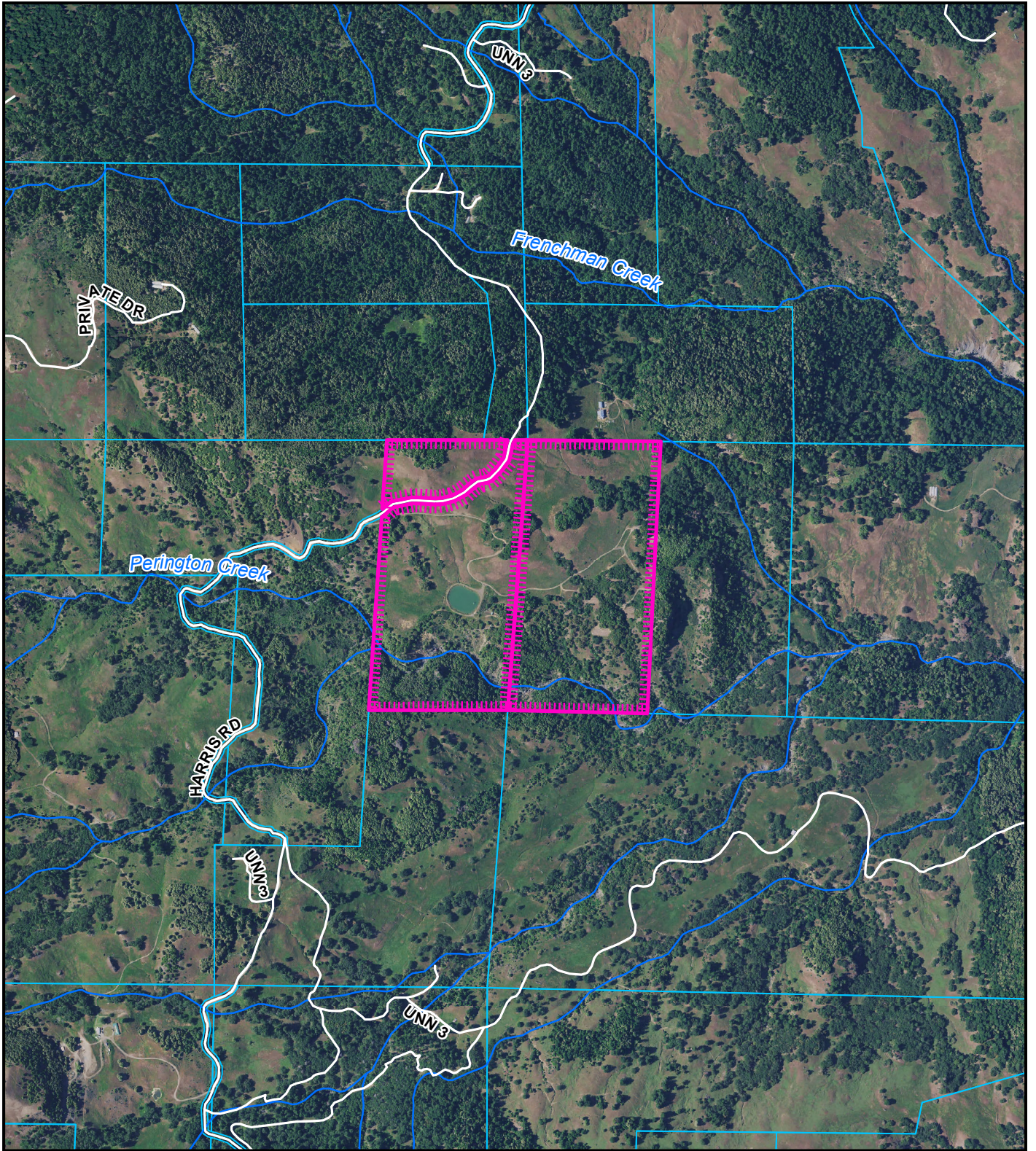
**ZONING MAP
 PROPOSED JOURNEY AND RACHEL AQUARIAN
 NEW HARRIS AREA
 CUP-16-539**

**APN: 216-136-004-000; ET AL.
 T04S R05E S19; S20 HB&M (HARRIS)**

Project Area = 



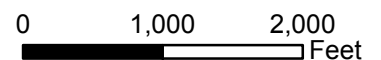
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**AERIAL MAP
 PROPOSED JOURNEY AND RACHEL AQUARIAN
 NEW HARRIS AREA
 CUP-16-539**

Project Area = 

**APN: 216-136-004-000; ET AL.
 T04S R05E S19; S20 HB&M (HARRIS)**



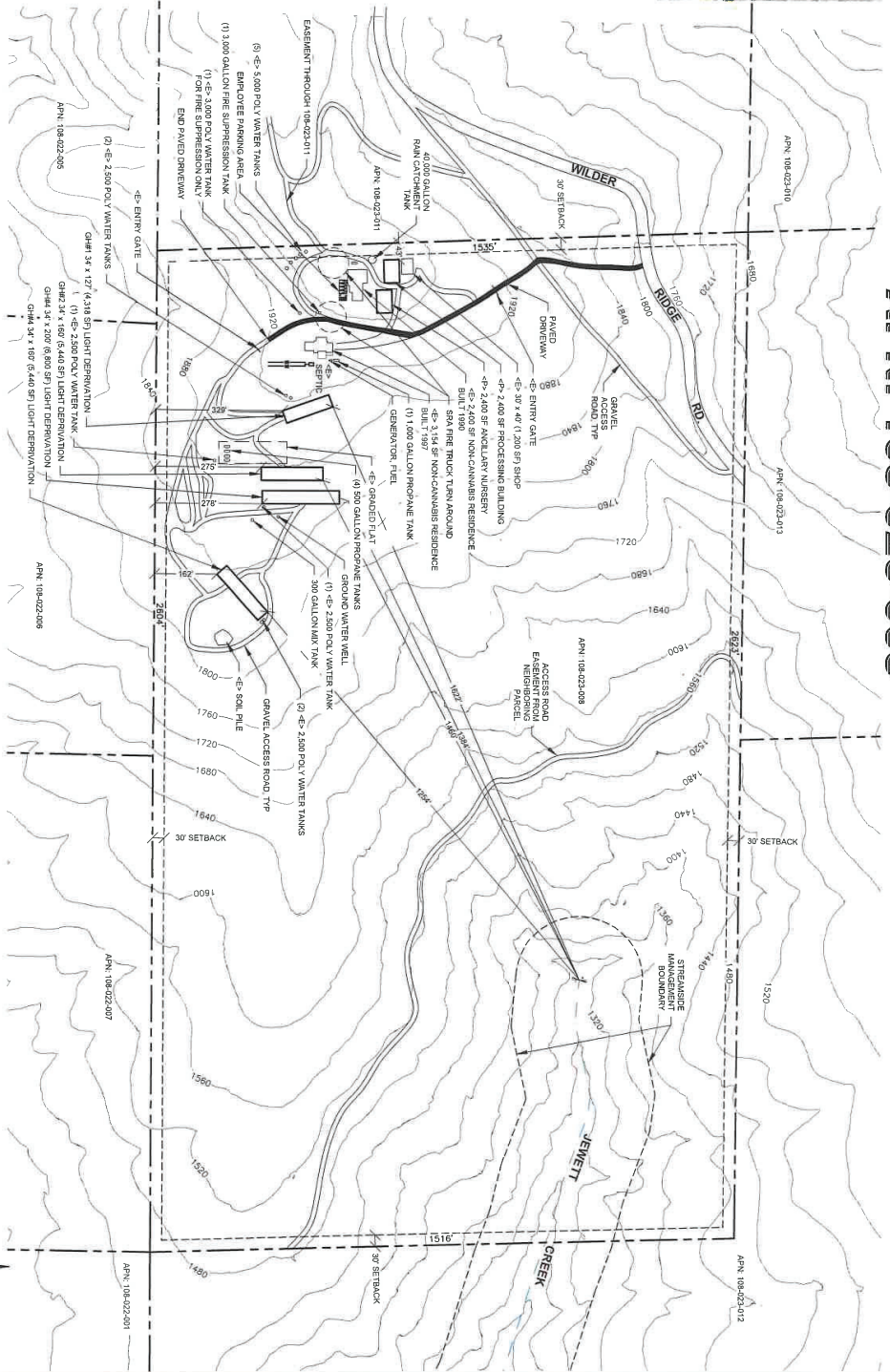
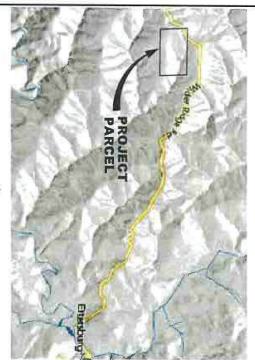
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

FIGURE OF DOCUMENT: This document and the data and design represented herein, is the property of Humboldt Drafting Services and shall not be used or part of any other project without express written authorization.

BIG RIVER FARM, LLC

9320 WILDER RIDGE RD. ETTERSBURG, CA

APN: 108-023-008



PLAN
 SCALE: 1"=300'



NOTES:

1. ALL LOCATIONS ARE APPROXIMATE. NO SURVEY WAS CONDUCTED FOR THIS PROJECT.
2. PROPERTY LINES ARE APPROXIMATE.
3. CONTOURS SHOWN HEREON ARE FROM NOAA 2019 5.07M WILDER RIDGE AREA.
4. IMAGE SHOWN HEREON IS FROM Bing.
5. NO TREES WILL BE REMOVED FOR THIS PROJECT.
6. NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, OR OTHER SENSITIVE RESOURCES OR OFF-SITE RESIDENCES WITHIN 300'

OWNER INFORMATION:

OWNER: WILDER RIDGE LLC
 10000 WILDER RIDGE RD.
 WOODLAND, CA 95724

SITE INFORMATION:

91.48 ACRES
 32M x 28M
 32M x 12M

<p>GO.1</p> <p>DATE: 10/20/21 JOB NUMBER: 10-20-2021 SHEET:</p>	<p>BIG RIVER FARM, LLC 9320 WILDER RIDGE ROAD ETTERSBURG, CA PLOT PLAN</p> <p>APN: 108-023-008</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>HISTORY / REVISION</th> <th>BY</th> <th>CHK.</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	HISTORY / REVISION	BY	CHK.	DATE						<p>(707) 401-1558 humboldtdraftingservices@gmail.com</p>
NO.	HISTORY / REVISION	BY	CHK.	DATE									

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 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 filing 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 #17. 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 also pave the surface at the location the private driveway where it meets Ettersburg Road for a minimum width of 20 feet and a length of 50 feet where it intersects the County Road. An encroachment must be secured from the Department of Public Works before work commences within the County right-of-way Confirmation from the Department of Public Works that the work has been done will satisfy this requirement.
7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

8. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Confirmation from the Department of Public Works will satisfy this condition.
9. The applicant shall ensure all fences and gates are located 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. Confirmation from the Department of Public Works that the work has been done will satisfy this condition.
10. The applicant shall demonstrate the driveway and interior emergency vehicle turn around(s) conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around(s) into compliance. A letter from a qualified engineer shall satisfy this requirement.
11. Prior to issuance of any building or construction permit the applicant shall do the following:
 - a) The applicant shall coordinate with CDFW to determine if the existing water well is hydrologically connected to any surface water. A letter or other form of confirmation from the agencies that the well is not hydrologically connected shall be considered adequate to prove the lack of connectivity.
 - b) If the well is hydrologically connected, the applicant shall not produce water from the well for use in cannabis cultivation until a water right and Lake and Streambed Alteration Agreement (LSAA) are obtained. If these two documents are obtained to the satisfaction of the County Planning and Building Department, the applicant may use the well for cultivation purposes but shall comply with all forbearance requirements. The applicant shall install adequate storage to meet the forbearance of 214,912 gallons. Well production and outflow shall be metered and logs retained for inspection. If necessary, use of the well shall be offset or decreased by use of rain water collection or by a reduction in the size of the area under cultivation until adequate storage is provided.

Final signoff from the Planning Department will satisfy this condition.

12. The groundwater well shall be inspected annually to evaluate drawdown. This evaluation shall include a standard pump test to be conducted during the dry season. Evaluation of the pump test results shall be conducted by a licensed professional. The results of the analysis shall be sent to the Planning Division for review. Final signoff from the Planning Department will satisfy this condition.
13. The applicant shall install a water meter to measure annual water supply to meet the demands of the project. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month. Final signoff from the Planning Department will satisfy this condition.
14. The applicant shall demonstrate that the BMPs listed in the WRPP have been implemented. In lieu of BMP implementation, the applicant shall show, to the satisfaction of the County, a revised schedule for implementation. Final signoff from the Planning Department will satisfy this condition.
15. The applicant shall contact the local fire service provider [Telegraph Ridge Volunteer Fire Department] and furnish written documentation from that agency of the available

emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.

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

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
3. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
4. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
5. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
6. The use of anticoagulant rodenticide is prohibited.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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).
14. Maintain enrollment in Tier 1 or 2 certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
15. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
16. 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.
17. 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).
18. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

19. Pay all applicable application, review for conformance with conditions and annual inspection fees.
20. 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.
21. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
22. 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

23. 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."
24. 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).
25. 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.
26. 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.
27. 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
28. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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 #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 108-023-008; 9320 Wilder Ridge Road, Eftersburg, County of Humboldt

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

November 2021

Background

Modified Project Description and Project History –

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

The modified project involves a Conditional Use Permit (PLN-11892-CUP) for 22,000 square feet (SF) existing outdoor cannabis cultivation on a 90-acre parcel. The project is within 600 feet of public land and requires a Special Permit to reduce the setback to BLM public land to 162 feet. Cultivation occurs in four (4) greenhouses utilizing light deprivation to achieve two harvest cycles. Juvenile plants are propagated on-site in a 2,400 square foot ancillary nursery. Processing such as drying, curing, and trimming will occur onsite in a proposed 2,400-square-foot processing facility. These types of activities must take place in a F1 Occupancy Type commercial structure with an accessible restroom and accessible parking. The owner must secure permits and complete any building of such structure within the 2-year provisional period. Alternatively, the operator may discontinue this use and process at an off-site licensed third-party facility. This requirement has been included as a condition of approval (Ongoing Requirements B.8). Artificial lighting used for the ancillary propagation nursery, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. The applicant anticipates a maximum of five (5) employees will be required for operations. A 1,200-square-foot storage shed on the parcel is used for secondary containment for all cultivation related products as well as petroleum products. Power for the cultivation operation is provided by PG&E.

Water for irrigation will be sourced from a permitted groundwater well (Permit No. 17/18-1912) and a proposed 200,000-gallon rainwater catchment pond. The applicant anticipates 208,000 gallons of water will be required annually for irrigation. Water storage totals 69,050 gallons in hard tanks. The applicant also proposes to construct a 200,000-gallon rainwater catchment pond which will be used as a source of additional water storage.

According to the California Natural Diversity Database (CNDDDB), there are no endangered or threatened species located on the parcel however the project is in proximity to sensitive habitat. The proposed project is located on a ridge in the North Fork Bear Creek watershed in the Mattole River drainage. A Northern Spotted Owl (NSO) activity center is mapped 0.3 miles to the southeast of Greenhouse #4. Marbled Murrelet critical habitat is located 0.5 miles to the southwest of the subject property. A portion of Jewett Creek originates in the northeast portion of the parcel. Approximately 0.5 miles downstream, the main stem of Jewett Creek is mapped as having the potential to support a winter steelhead run. The project area is outside of the required buffer for all Streamside Management Areas (SMAs) or other water courses. Conditions of approval are included based on consultation with the California Department of Fish and Wildlife (CDFW). A noise and light attenuation plan will be required prior to the use of lights and fans in the cultivation operation. Any supplemental lighting used will be shielded to meet International Dark Sky

Standards. As a condition of approval the applicant shall be required to install automated curtains and light timers in the mixed-light greenhouses to ensure no possibility of light leakage that could impact adjacent sensitive species. The project utilizes grid energy, and a generator is used for domestic purposes only in cases of emergency backup power. The conditions of approval require containment for any generators used on the subject parcel. The maximum allowable generator and fan noise exposure level is 50 dB when measured from the noise source at a distance of 100 feet or at the edge of habitat, whichever is closer. Project conditions regarding mitigation of light and noise are designed to prevent direct or indirect impacts to spotted owl or marbled murrelet species into the future.

The project is located in the Bear River Band Rancheria and Sinkyone Aboriginal Ancestral Territories. A Cultural Resources Investigation was conducted for the proposed project in June 2018 by William Rich and Associates. No cultural, historic, or archeological resources were identified on the subject property. Correspondence was conducted with the Native American Heritage Commission (NAHC), a representative of the Bear River Band of the Rohnerville Rancheria, and a representative of the InterTribal Sinkyone Wilderness Council. The NWIC indicated no records of any previous studies and no responses from the native tribes or other interested parties were received. The Bear River Band referral response stated the Tribal Historic Preservation Officer (THPO) was not aware of any sensitive cultural resources on the subject parcel. A comprehensive field survey was performed over the entire proposed cannabis cultivation area and much of the 600-foot buffer with the parcel. As a condition of approval, the inadvertent discovery protocol to protect cultural resources has been added to the proposed project.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include restocking 0.30 acres with timber that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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 22,000 square feet of outdoor cannabis cultivation with appurtenant propagation and processing 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:

- *Cultivation and Operations Plan* prepared by Elevated Solutions, LLC dated November 24, 2020.
- *Site Plan* prepared by Humble Servants of the Mattole dated November 24, 2020.
- *Water Resource Protection Plan (WRPP)* prepared by Six Rivers Construction and Consulting dated June 2017.
- *Cultural Resources Survey (CRS)* prepared by William Rich and Associates dated June 2018.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by Humble Servants of the Mattole dated 11/24/2020 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Elevated Solutions, LLC dated 11/24/2020- **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by Six Rivers Construction and Consulting – **Attached**)
7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)

8. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
9. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
10. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
11. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
12. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
13. Cultural Resources Archaeological Research and Supply Company, December 2017 (On file and confidential)
14. DEH Worksheet (On file)
15. Road Evaluation Report dated May 8, 2018 (**Attached**)
16. Lake and Streambed Alteration Agreement (**Attached**)
17. Property Boundary Survey prepared by Dylan Kolstad June 2015 (**Attached**)
18. If the source of water is a well, a copy of the County well permit, if available. (Well completion report, **Attached**)

Cultivation & Operations Plan



Prepared For:
BIG RIVER FARM, LLC
APN#108-023-008
County Application # 11892
WDID #: 1B16656CHUM, 1_12CC408939
CDFA Provisional License #: CCL18-0003029

Lead Agency:
Humboldt County Planning & Building Department
3015 H Street
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Prepared By:
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Revised 11/2020

1. PROJECT SUMMARY

PROJECT OBJECTIVE

Big River Farm, LLC is proposing to permit existing Cannabis Cultivations activities in accordance with the County of Humboldt Commercial Marijuana Land Use Ordinance (CMMLUO). The applicant proposes a Conditional Use Permit (CUP) for a total of 21,998 SF based a pre-existing foot permit prior to December 31, 2015. The project consists of four (4) light deprivation greenhouses, a Structure for Drying and Curing, and a proposed ancillary nursery structure. The greenhouse structures are as follows: GH #1: 34'x127', GH #2: 34'x160', GH #3: 34'x200' and GH #4: 34'x160' totaling 21,998 SF. All greenhouses are outdoor and utilize light deprivation techniques. There will be no use of artificial lighting used in these structures. The proposed ancillary nursery or immature plant area is 30'x80' for a total of 2,400 SF. The ancillary nursery will allow the applicant to propagate and grow plants in a vegetated state before being moved into the flowering greenhouses.

Current water storage is 69,600 Gallons which includes a 40,000-gallon rain catchment tank connected to the 2,400 SF residence. The current water supply for domestic and irrigation is provided from a permitted 310' depth groundwater well. The well is not Hydrologically connected. The applicant practices the forbearance period and water is diverted during the wet months and stored in hard storage tanks. Stored water is used for irrigation purposes during the forbearance period.

Drying and Curing occurs onsite in an oversized garage. Processing will occur off-site at a licensed processing facility. Harvest Storage is located in a secured conex box located next to the upper residence.

There is a 30'x40' storage shed located that is used to store all cultivation supplies. Nutrients and pesticides are stored in this structure with secondary containment. All safety data sheets for agricultural materials are stored in this location with proper spill cleanup materials. Eye wash stations are located in all areas where nutrients and pesticides are stored or applied. Big River Farm, LLC is on-grid and service is provided by PG&E. There is a 25k Whisper-Watt Generator located near the processing facility. The use of this generator is limited to power outage events. The applicant proposes an alternative source of backup power within two years of approval to eliminate generator use for cannabis cultivation completely. A land survey has been completed by Kolstad Land Surveyors and the property line between the Parcel and BLM has been clearly marked to avoid any trespassing on public lands.

SITE DESCRIPTION

The project site is located approximately 23 miles north west of Garberville, CA. To reach the site from eureka take us-101 south for 63 miles to exit 642 to Redwood Drive. Continue onto Redwood Drive for 1.8 miles. Turn right onto Briceland thorn road for 10.0 miles. Continue straight onto Ettersburg road/honeydew road for 2.4 miles. Turn left to stay on Ettersburg honeydew road. Turn right to stay on Ettersburg honeydew road for 0.1 miles. Turn left to stay on Ettersburg honeydew road for 0.4 miles. Continue onto wilder ridge road for 3.9 miles. The destination will be on left. Approximate drive time from Eureka, CA 1 hour and 55 minutes with a distance of 85 miles. The site is located in section 34, township 3 south, range 1 east, h.b. & m. And can be seen on the Honeydew 7.5' quadrangle map. Furthermore, the site is located at latitude 40.1519 and longitude, -124.0524. The subject parcel is approximately 83.86 acres in size (per Humboldt county WEBGIS).

LAND USE

The subject property has a General Plan designation of Dispersed Housing as identified by the Northern Humboldt General Plan (NHGP) and is zoned AG (FRWK) Agriculture Exclusive; TPZ. The proposed cultivation area occupies less than two percent (2%) of the total prime soil area. Land uses surrounding the parcel are comprised of residential, timber and agriculture. The surrounding parcels are zoned Agricultural Exclusive (AE), Timber Production Zone (TPZ), and Forest Recreation (FR).

2. STATE AND LOCAL COMPLIANCE CALIFORNIA

CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE (CDFA) – CAL CANNABIS

Big River Farms, LLC has obtained a Provisional Commercial Cannabis Cultivation License issued by California Department of Food & Agriculture – Cal Cannabis. Provisional License #: CCL18-0003029.

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Big River Farms, LLC has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (WDID Number 1B6656CHUM). A Water Resources Protection Plan was developed for the project by Six Rivers Construction & Consulting and has been implemented for activities associated with onsite cultivation since August 2017. A transition into the State Water Control Board order was completed in 2019. This transition included the development of the Site Management Plan (SMP).

STATE WATER RESOURCE CONTROL BOARD

Big River Farm, LLC has transitioned into the State's Water Resource Control Board General Order (WDID 1_12CC408939). A Site Management Plan (SMP) has been developed and implemented. Water Use Monitoring Reports are submitted on an annual basis. A total of 6 watercourse crossings exist on this property. The crossings are located on the lower road which has no cannabis related activities.

HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit.

CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines.

CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

A 1600 notification was completed by Chris Carrol of Timberland Resource Consultants. An LSAA was issued by CDFW. There are a total of 6 crossings that will be upgraded on a lower road of the property not associated with the cultivation site. A copy of the LSAA has been filed with the Humboldt County Planning Department C-Pod division.

3. CULTIVATION AND PROCESSING

PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are propagated on site from 'mother plants' that demonstrate the desired genetics for the specific cannabis strain. Mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium, typically oasis cubes, to produce 'clones.' The clones are placed into the Ancillary Nursery, and once fully rooted they are transplanted directly into one (1) gallon plastic containers. The juvenile plants are irrigated using hand watering methods. After 2-3 weeks, the

clones are then transplanted into 25-gallon plastic pots with a soil and perlite medium and moved into outdoor greenhouse where they continue their 'vegetative' cycle. The applicant has proposed a 30'x80' 2,400 SF Ancillary Nursery to supply the project with an area to hold immature plants awaiting transplant into flowering Greenhouses. The Nursery will allow the applicant to grow mother plants to use for cloning proposes and a place to propagate clones.

CULTIVATION PLAN AND SCHEDULE

The outdoor cultivation will occur in the following greenhouses GH# 1: 34'x127', GH#2: 34'x160', GH#3: 34'x200', GH#4: 34'x160' (light deprivation with no artificial lighting used), for a total of 21,998 SF. The greenhouses consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. Each greenhouse is ventilated by intake and exhaust fans. The greenhouses utilize light deprivation to produce up to two (2) flowering cycles per year. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the outdoor, light deprivation operation for a typical two cycle year.

IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using top-feed hand watering methods. Big River Farms, LLC maintains that irrigation and fertigation is more efficiently managed via hand watering, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant.

HARVESTING, DRYING, & TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in the drying room which is equipped with ventilation fans and climate control measures. The drying process takes approximately two weeks. The dried flowers are then bucked into manageable buds and storage in plastic storage containers and labeled with Packing Tags. Processing will occur at an off-site licensed processing facility.

PROCESSING

All cannabis processing will occur off-site at a licensed processing facility.

EMPLOYEE PLAN

Big River Farms, LLC 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

JOB DESCRIPTIONS & EMPLOYEE SUMMARY

- *Site Manager:* Responsible for business oversight and management of the Big River, LLC. Responsibilities include, but are not limited to personnel management, record keeping, Metrc oversight, and liaison with State and County agencies as needed. This is a full-time position.
- *Cultivator:* Oversight and management of the day to day cultivation of cannabis. Responsibilities include but are not limited to plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, seasonal position.
- *Assistant Cultivator:* Provides support to the Lead Cultivator in their day to day duties and takes the lead role during times when the Lead Cultivator may be off site. This is a full-time, seasonal position.

- *Seasonal Laborer*: Provides cultivation, harvesting, and processing support on an as need basis.

STAFFING REQUIREMENTS:

In addition to the Site Manager, Lead Cultivator, and Assistant Cultivator positions, up to (2) part-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there are an estimated total of (4) seasonal employees that may be on-site.

EMPLOYEE TRAINING & SAFETY

On site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure including cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers. Access to the onsite cultivation, drying and processing facilities is limited to authorized and trained staff.

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the cultivation site. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

TOILET AND HAND & WASHING FACILITIES

Portable toilets are provided on-site near the cultivation area and by the drying and curing structure. A service contract has been established with Six Rivers Portable Toilets.

ON SITE HOUSING

There are (2) existing residences located on the subject parcel. Both Residence are non-cannabis related.

4. SECURITY PLAN & HOURS OF OPERATION

FACILITY SECURITY

Entry to the parcel is located behind a locked entry gate. The entry gates remain locked at all times and access to the cultivation area is limited exclusively to employees. Restricted access signs are posted conspicuously at the entry gates. The cultivation facility area will have low intensity downward facing exterior lighting to illuminate the entrances and will include a small number of motion activated security lights. All lighting will be designed and located so that direct rays are confined to the property. Security cameras will be installed at the main access gates and at entrances to the facilities. Facility will include an alarm system.

HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 7AM and extend no later than 7PM.

5. ENVIRONMENT

WATER SOURCE AND PROJECTED WATER USE

Water for domestic use is provided by a 310' deep groundwater well. The location of the well is located over 600' away from an unnamed class III stream. Water is then pumped and stored in

hard storage tanks during the winter months to ensure water levels throughout the year. There is a 40,000-gallon rain catchment tank that receives water from the 2,400 residence's roof and gutters. Big River Farm, LLC utilizes water management strategies to conserve and reuse onsite water and fertilizers to achieve net zero discharge.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	20,000	24,000	30,000	36,000	38,000	34,000	18,000	8,000	0

WATER STORAGE

Water storage for irrigation use is provided in the form of water storage tanks. The property has (1) 40,000-gallon Rain Catchment Tank, (5) 5,000 gallon (1) 2,500 gallon (1) 1,500 gallon, (1) 1,000 gallon, (2) 300 gallon. Big River Farms, LLC has a total of 69,600 gallons of hard water storage.

SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Big River Farms, LLC is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage and transitioned into the State Water Control Board as a tier 2 low risk. A Water Resources Protection Plan (WRPP) has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations. The drainage and erosion control measures described below are referenced from the WRPP. A Site Management Plan (SMP) was developed in 2019.

SITE DRAINAGE & RUN OFF

Site investigation for the development of the WRPP And SMP showed no evidence of surface runoff associated with the cultivation, nor was there evidence that it had occurred in the past. This area has good vegetation ground cover consisting of native grasses with no evidence of leaching from cultivation related activities. Big River Farm has transitioned into the State Waterboard Cannabis Water Quality Monitoring & Reporting Program. Fertilizers and pesticides are currently stored in an agricultural storage structure that meets all requirements for secondary containment. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

EROSION CONTROL

The SMP includes erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery, including stream crossing culvert maintenance and replacement and access road maintenance. Additionally, the SMP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse.

WATERSHED & HABITAT PROTECTION

Adherence to the SMP ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are >150' from the nearest watercourse, providing a suitable buffer between the cultivation activity and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits. Refer to the SMP for detailed descriptions of watershed and habitat protection measures.

MONITORING & REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Site Management Plane (SMP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the SMP with photo points identified on SMP map.

Onsite monitoring shall occur:

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

A Monitoring and Reporting Form (Order No. 2015-0023 Appendix C) will be submitted upon initial enrollment in the Order (NOI) and then annually by March 31st to the Regional Water Board. The annual report will include data from the monitoring reports.

ENERGY AND GENERATOR USE

On-grid electricity is provided by PG&E for domestic and agricultural uses. Use of the on-site 25k Whisper-Watt Generator located near the processing facility is limited to power outage events, and follows all guidelines set forth by Humboldt County and the State of California. The generator noise level does not exceed 50 decibels within 100 feet from the generator storage area. The applicant proposes an alternative source of backup power within two years of approval to eliminate generator use for cannabis cultivation completely.

BEST MANAGEMENT PLAN

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage room, and contained within watertight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Site Management Plan (SMP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the SMP for complete BMP specifications for the use and storage of regulated products.

FERTILIZERS

Nutrients and biological inoculants used for cultivation include:

- Baicor Nutragreen 5-10-5
- Baicor PK
- MaxSea All Purpose (16-16-16)

PESTICIDES AND FUNGICIDES

- Diatomaceous Earth

- Organic Neem Oil
- Nuke 'Em
- Plant Therapy

FUEL AND OIL

Big River Farm, LLC has a 500-gallon fuel storage tank located near the backup generator on the parcel. This fuel tank is covered and stored in secondary containment. There is a spill kit, eye wash station and first aid kit located at the fuel storage area.

SOLID WASTE MANAGEMENT

Trash and recycling containers are located near the processing building in safe enclosed location to prevent animal intrusion. Solid waste and recycling are hauled off-site to Redway Transfer Station located in Redway, California.

CULTIVATION WASTE MANAGEMENT

Cannabis waste is composted on-site in the secured compost area or self-hauled to Eel River Transportation & Salvage. Spent potting soil is stored in a contained area with environmental measures in place. Spent soil is covered during winter months and then amended in pots before the further use. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

WASTEWATER MANAGEMENT

There is a permitted septic on-site. A copy of the permit has been provided to the Planning Department from DEH. The septic is serviced as recommended. The last service was done in 2020 by Steve's septic Service. Portable toilets and Handwashing stations are provided for employees and serviced by Six Rivers Portable Toilets.

6. CULTIVATION AND PROCESSING

PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled with Unique Identifier Tags provided by METRC, the Statewide tracking system. Test results are uploaded into Metrc.

PRODUCT INVENTORY AND TRACKING

Big River Farm LLC is enrolled in and utilizes the METRC tracking system. The Site Manager ensure all cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

- Cultivation canopy area
- Wet, Dry and Waste weights are documented and input into Metrc
- Once dry plants are bucked down and put into storage containers. Each container is labeled with a packaging tag as unprocessed flower.
- During processing Flower and Trim are separated and placed in separate packages.
- Finished packages are place in harvest storage.

TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. Prior to moving packages from the on-site

Harvest Storage Area to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- License information for Distribution, Transporter, and Cultivator
- License information and contact information for Driver and Vehicle.
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The Site Manager is responsible for performing a physical inventory of all packages being transported and ensuring that the physical inventory coincides with the transport manifest.

CULTIVATION AND OPERATIONS PLAN
Big River Farms, LLC

Appendix B: Cultivation Schedule

February 1-April 1st: Clone Propagation

All plant used in Big River Farms, LLC cultivation sites will be composed of clones taken from "mother" plants. Mother plants are composed of samples that have been deemed to demonstrate superior genetics for desired outcomes. Cuttings, or clones, are taken from the mother plants at various intervals. Mother Plants, Clones and vegetative plants are grown in the Ancillary Nursery Area.

Clones will be cut from mother plants and will be placed within trays to root. After approximately 2-3 weeks, rooted clones will be transferred to 5" by 5" pots within Ancillary Nursery green house to acclimate.

April 1 – April 15: Transplant Phase

When the plants have achieved desired height and plant growth density for transplant, the plants are immediately planted into 25" pots. Due to the increase in container size and increase in daylight hours, the plants will continue to grow in a vegetative state for 2-4 weeks. The approximate desired height and growth density would be 3'-4'. Upon final transplant, plants will be hand-watered and fertilized. All fertilizers and supplements used are in accordance with Humboldt County and State of California Department of Agriculture compliance. Once the desired height and vegetative growth density has been achieved the Light Deprivation Phase begins.

April 15 – Jun 15: Light Deprivation Phase-Cycle 1

Taking into account factors such as height, growth density and overall health of the plant, determination of the exact date for the light deprivation process begins. Once that date is determined, 100% light resistant, specifically designed tarps will be automatically pulled over the outside of the greenhouses. This process will reduce the daylight hours from approximately fifteen (15) hours of daylight to the desired twelve (12) hours of daylight, twelve (12) hours of darkness desired to induce flowering. During the first two weeks of light deprivation, the plants will enter into a transitional phase. During this transitional phase plants will continue vegetative growth while transitioning into flowering.

It is not uncommon for plants to obtain 25% of their entire height and vegetative growth density during the transitional phase. Once the plants enter in the final bloom or flowering phase, they will begin to expend energy into the production of flowers, therefore, ceasing vegetative growth and begin to flower. The entire flowering process, including the transitional and final bloom phases, will last fifty-five (55) to sixty-five (65) days depending on strain variation and weather conditions.

June 15 – 22: First Harvest and Re-Planting

Once the light deprivation phase has concluded and it has been determined that the plants are at their peak, harvest procedures will be initiated. (See Section 2.4 of the Cultivation and Operations Plan). The soil in the pots will be turned and amended. All amendments used are in accordance with Humboldt County and State of California Department of Agriculture compliance. New clones obtained from the "mother" will be transplanted into the greenhouses.

CULTIVATION AND OPERATIONS PLAN

Big River Farms, LLC

Due to the length of daylight hours, the plants will continue in a vegetative state for approximately one month. Plants will be planted using the same methodology as with the Transplant Phase.

June 22 – September 15: Light Deprivation-Cycle 2

See Light Deprivation-Cycle 1 for a description of activities during this phase.

September 15 - September 22 – Second Harvest and Re-Planting

See First Harvest and Re-Planting for a description of activities during this phase.

October 1 – February 1st- Repair, Upgrade and Recondition Phase

Big River Farms, LLC will inspect all cold frames and covers for wear and replace as necessary. All watering hoses, etc. will be inspected and repaired or replaced, as appropriate. Refilling of irrigation tanks will commence in accordance with the Small Irrigation Use Registration and Conditions of the Department of Fish and Wildlife (DFW) Lake or Streambed Alteration Agreement (LSAA). Pots will be turned over and composted within the greenhouses to prepare for the upcoming season.

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



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

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

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

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

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

Version 2 <February 17, 2016>

I. Discharger Information

First Name, Middle Initial

W i l l d e r

Last Name

R i d g e L L C C O .

Mailing Address:

Street

4 0 3 R I F L E C A M P R D

City

W O O D L A N D P A R K

State

N J

ZIP

0 7 4 2 4

Phone Number:

- -

Email:

II. Site Information

Site Address:

Street

9 3 2 0 W i l l d e r R i d g e R d

City

E t t e r s b u r g

State

G A

ZIP

9 5 5 4 2

Subwatershed (HUC-12)

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

1 8 0 1 0 1 0 7 0 2 0 5

Assessor's Parcel Number (APN)

1 0 8 - 0 2 3 - 0 8

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

Tier 1 Tier 2 Tier 3

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

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

Print name: Rados Milojvovic

Signature: *Rados Milojvovic*

Date: 6/1/2016

**Order No. R1-2015-0023
REPORTING FORM**



A. Site WDID: 1B16656CHUM

B. Subwatershed (HUC-12)²: 180101070201 BEAR CREEK

C. Enrollment date: JUNE 9, 2016

D. Reporting date: MARCH 31 2017

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

Tier 1 Tier 2 Tier 3

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

If YES, briefly explain: _____

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

i. Tier 1 sites:

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

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

ii. Tier 2 sites:

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

If NO, expected date when plan will be ready and implementation will begin:
AUGUST 2017

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

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

REPORTING FORM

Page 2/5

ii. Tier 2 sites continued:

b. Check below as to whether or not the site meets Standard Conditions under Order R1-2015-0023, section I.A. If a standard condition is not yet met, please indicate the expected date of compliance as identified in the Water Resource Protection Plan. Upon initial enrollment, provide an estimated expected date of compliance.

<u>Standard Condition Met</u>	<u>If NO, expected date of compliance</u>
1. Site maintenance, erosion control, and drainage features Y <input type="checkbox"/> / N <input checked="" type="checkbox"/>	December 2019
2. Stream crossing maintenance Y <input type="checkbox"/> / N <input checked="" type="checkbox"/>	December 2019
3. Riparian and wetland protection and management Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	_____
4. Spoils management Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	_____
5. Water storage and use Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	_____
6. Irrigation runoff Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	_____
7. Fertilizers and soil amendments Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	_____
8. Pesticides and herbicides Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	_____
9. Petroleum products and other chemicals Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	_____
10. Cultivation-related wastes Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	_____
11. Refuse and human waste Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	_____

c. All management measures are being implemented as part of the Water Resource Protection Plan? Y / N

If YES, do management measures appear to be effective in preventing and minimizing discharges of waste to surface water? Y / N

If management measures do not appear to be effective, are additional measures being implemented iteratively to prevent and minimize discharges of waste to surface water? Y / N

If NO, describe management measures or practices that have not been effective in preventing and minimizing discharges of waste to surface water, if applicable. Describe plans for new or additional management measures to prevent and minimize discharges of waste, if applicable. Attach additional sheets as necessary.

APN; 108-023-008.

REPORTING FORM

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

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

- I plan to submit my project plans to the Regional Water Board by the following date: _____
- I submitted my project plans to the Regional Water Board on the following date: _____
- The Regional Water Board Executive Officer authorized my project plans on the following date: _____
- I have elected to receive authorization for instream work under a different Regional Water Board permitting mechanism as follows:

- Instream work anticipated to occur between the following dates: _____

iii. Tier 2* sites:

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

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

All Standard Conditions met? Y / N

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

iv. Tier 3 Sites:

- A Cleanup and Restoration Plan has been submitted to the Regional Water Board for approval.
- The Cleanup and Restoration Plan has been approved by the Regional Water Board.
- The timeline for the approved Cleanup and Restoration plan is being followed.

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

Instream work anticipated to occur between the following dates: _____

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

Version 2 <February 17, 2016>

REPORTING FORM

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v. For All Sites:

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

0	1	0	1	1	6	TO	1	2	3	1	1	6
Month/Day/Year							Month/Day/Year					

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

Total cultivation area (square feet)	17, 000 sq. ft.																										
Distance to surface waters (feet) from nearest edge of each cultivation area or associated facility. Provide distance measurement for each cultivated area separately, as appropriate.	150,300,300,550 ft																										
Average slope (percent slope) of each cultivated area List each cultivated area separately, as appropriate.	18%																										
Total number of road crossings of surface waters Surface waters include wetlands and Class I, II, or III watercourses.	2																										
Annual soil amendment and chemical use (pounds or gallons). Total mass and/or volume of soil amendment and/or chemical usage by type, product name, and nutrient content such as N-P-K ratio, if applicable.*	See Attachment																										
Total water storage capacity (gallons or acre feet)	81,500 gallons																										
Total surface water diversion by month (gallons or acre feet)*																											
	<table border="1"> <thead> <tr> <th>Jan</th><th>Feb</th><th>Mar</th><th>April</th><th>May</th><th>June</th><th>July</th><th>Aug</th><th>Sept</th><th>Oct</th><th>Nov</th><th>Dec</th> </tr> </thead> <tbody> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </tbody> </table>	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec														
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec																
Water input to storage by source and month (gallons or acre-feet) Report water volume input to storage, listing each source separately. This may include inputs from rainfall catchment, surface water diversions, groundwater pumping, or water delivery. If water is delivered, list delivery date, delivery volume, and name and address of water purveyor.*																											
	<table border="1"> <thead> <tr> <th>Source</th><th>Jan</th><th>Feb</th><th>Mar</th><th>April</th><th>May</th><th>June</th><th>July</th><th>Aug</th><th>Sept</th><th>Oct</th><th>Nov</th><th>Dec</th> </tr> </thead> <tbody> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </tbody> </table>	Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec													
Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec															
Water use by source and month (gallons or acre feet) Report water volume used, listing each source separately. This may include use of stored water, immediate use of pumped groundwater, diverted surface water, or delivered water. If water is delivered, list delivery date, delivery volume, and name and address of water purveyor.*																											
	<table border="1"> <thead> <tr> <th>Source</th><th>Jan</th><th>Feb</th><th>Mar</th><th>April</th><th>May</th><th>June</th><th>July</th><th>Aug</th><th>Sept</th><th>Oct</th><th>Nov</th><th>Dec</th> </tr> </thead> <tbody> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </tbody> </table>	Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec													
Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec															
* Upon initial enrollment only, a best estimate is acceptable for reporting annual soil amendment and chemical use, monthly water stored, and monthly water use. Attach additional sheets if more space is needed for your responses.																											

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REPORTING FORM

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

Print name: Tyler Ledwith, Agent for Big River Farms LL (Wilder Ridge)

Signature: *Tyler Ledwith* Date: May 9, 2017

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

Organization Name (if applicable):

M A N H A R D C O N S U L T I N G

Prepared by:

First Name, Middle Initial

T Y L E R S

Last Name

L E D W I T H

Preparer Address:

Street

5 1 7 3 R D S T . S U I T E 6

City

E U R E K A

State

C A

ZIP

9 5 5 0 1

Phone Number:

7 0 7 4 4 4 3 8 0 0

Email:

T L E D W I T H @ M A N H A R D . C O M

The Monitoring and Reporting Program (MRP) is being filed as part of the Annual Reporting for 2016. A scoping site visit has been conducted, though a Water Resources Protection Plan (WRPP) has not yet been developed.

1. Site maintenance, erosion control, and drainage features

The cultivation area is located along a ridge. The WRPP will include site maintenance, drainage, erosion, and sediment control measures for hillslope, roads, stream crossings, and landings. While the WRPP is being developed, the enrollee will install interim erosion control measures for all roads, trails, fill prisms, and terraced areas to prevent sediment delivery to the stream system. The Best Management Practices (BMPs) recommended in the Regional Water Board’s (RWB) Waiver of Waste Discharge Order (Order R1-2015-0023) shall be referred to for interim erosion control measures. These BMPs need to be maintained to prevent soil transport to receiving waters until the WRPP is finalized. **Compliance: December 2019.**

2. Stream crossing maintenance

There are two stream crossings that needs further evaluation to determine condition and whether they are properly sized pass the expected 100-yr peak streamflow event. **Compliance: December 2019.**

3. Riparian and wetland protection and management

All cultivation sites and buildings are more than 150 ft. from Class III streams and on slopes less than 20% (see Table 1). Riparian buffers shall be maintained with a natural slope and native vegetation, and have sufficient width to filter any runoff from the cultivation site into the stream. All riparian areas shall be protected in order to maintain their essential functions. **In Compliance.**

Cultivation Area or Associated Facility	Distance to Water Body (ft)	Cultivation Area Slope	Water Body Type
Greenhouse #1 (3,850 sq ft)	150	5%	Class III Seasonal Drainage
Greenhouse #2 (3,850 sq ft)	300	5%	Class III Seasonal Drainage
Greenhouse #3 (3,850 sq ft)	550	5%	Class III Seasonal Drainage
Greenhouse #4 (5,500 sq ft)	300	5%	Class III Seasonal Drainage

4. Spoils management

Spoils are properly contained and stabilized. **In Compliance.**

5. Water storage and use

Land owner is currently using water from a well for domestic and agricultural use. Water is stored water in 81,500 gallons of tanks for summer use. The well is on a ridge and was determined to be confined aquifer. Permits for the well are being requested from Humboldt County. Water use and storage shall also be conducted pursuant a valid water right and in compliance with the required reporting under Water Code section 5101. **In Compliance**

6. Irrigation runoff

Water conservation measures have been implemented and runoff is not discharged into nearby waters. **In Compliance.**

7. Fertilizers and soil amendments

All fertilizers and soil amendments are stored in a 20' x 24' shed on the property with secondary containment. Cultivation areas shall be fertilized and amended at agronomic rates and will be maintained in such a way as to contain any excess nutrients. **In Compliance.**

8. Pesticides and herbicides

All pesticides and herbicides are stored in a 20' x 24' shed on the property with secondary containment. The use of pesticide and herbicide products shall be consistent with the California Code of Regulations, title 3, section 6147 and applied according to product labeling. **In Compliance.**

9. Petroleum products and other chemicals

All petroleum products and liquid chemicals are stored in a 20' x 24' shed on the property with secondary containment. The site is on PG&E municipal power so no generators are being used. The enrollee shall implement spill prevention countermeasures and keep an ample supply of appropriate cleanup materials near storage and work areas. **In Compliance.**

10. Cultivation Related Waste

Vegetation matter such as root balls and large branches are being appropriately stored in a designated area where the residues will not migrate into surface waters. All excess cultivation waste is being burned or composted in the same designated area. The used soil is being amended and reused in all garden beds and pots. Excess soil is also being properly stored within each greenhouse landing as needed. All packaging from soil amendments and fertilizers is being collected and disposed at an appropriate facility. **In Compliance.**

11. Refuse and human waste

There are two existing permitted septic system on site, one for each house. While the WRPP is being developed, the enrollee will collect and store garbage in trash containers of sufficient size and number to contain the solid waste generated on site. Special care will be taken to remove garbage. **In Compliance.**

NCRWRCB Cannabis Cultivation Waste Discharge Regulatory Program
 Yearly Monitoring Reporting 2016

Water Diversion, Storage, and Use

Organization/Name:	Big River Farm LLC
APN:	108-023-08

PARAMETER	QUANTITY	NOTES
Cultivation Area (ft ²)	17,050	
Domestic Use (Gallons)	30,000	
Cannabis Use (Gallons)	220,000	
Storage (Gallons)	81,500	

Total surface water diversion by source and month (gallons or acre-feet)

Source	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Well - Tanks	26,000	26,000									3,000	26,500	81,500
Well - Cannabis			6,000	11,000	11,000	26,500	42,000	42,000					138,500
Well Domestic 1	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	18,000
Well Domestic 2			1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500			12,000
Total	27,500	27,500	9,000	14,000	14,000	29,500	45,000	45,000	3,000	3,000	4,500	28,000	250,000

Water input to storage by source and month (gallons or acre-feet)

Storage - Source	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Tanks	26,000	26,000									3,000	26,500	81,500
Total	26,000	26,000	-	-	-	-	-	-	-	-	3,000	26,500	81,500

Water use by source and month (gallon or acre-feet)

Use-Source	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Cannabis-Storage							12,000	60,000	9,500				81,500
Cannabis-Well			5,000	10,500	36,000	60,000	27,000						138,500
Well Domestic 1	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	18,000
Well Domestic 2			1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500			12,000
Total	1,500	1,500	8,000	13,500	39,000	63,000	42,000	63,000	12,500	3,000	1,500	1,500	250,000

ATTACHMENT D. CULTIVATION FERTILIZER, SOIL AMENDMENTS, HERBICIDE, AND PESTICIDE LIST

TABLE D1. Fertilizers, Soil amendments, Herbicides, and Pesticides used at Big River Farms. APN: 108-023-008

Brand	Type	N/P/K/Active Ingredients	Manufacturer Recommended Application	2016 Quantity Used
Roots Organics Formula 707	Soil Amendment	-	-	128 cy
Sparetime Supply: Archipelago Bat Guano	Fertilizer	0-7-0	1-2 Tbsp per 4 gallons of soil. Apply every 6 weeks.	171 gals
Soil Scape Solution Bat Guano	Fertilizer	7-3-1	-	171 gals
Sparetime Supply: Mocha Bat Guano	Fertilizer	4-6-1	Top dress or mix into soil top 1-2 inches	171 lbs
Roots Organic Phosphorous Bat Guano	Fertilizer	0-7-0	<u>Container Gardening / Top Scratch:</u> 1 tsp (5 ml) per 1 gallon of soil. 2 tsp (10 ml) per 5 gallons of soil. 1 Tbsp (15 ml) per 10 gallons of soil. <u>Liquid Application:</u> 2 tsp (10 ml) per gallon. <u>Vegetable Gardens and Flower Beds:</u> 2 - 4 lbs per 100 square feet and mix into soil.	46 gallons
Heritage Organics - Worm Casting	Fertilizer	Earthworm Casting	<u>Use:</u> 1 part earthworm casting to 4 parts potting soil	682 lbs
Alaska Fish Fertilizer	Fertilizer	6-3-3 & 2-10-10	2 - 3 Tbs per gallon of water for every 25 sq. ft. of soil	56 gallons
Earth Juice Grow	Fertilizer	2-1-1	1 tsp to 8 tsp per gallon every 2 to 4 weeks	49 gallons
Earth Juice Bloom	Fertilizer	0-3-1	1 tsp to 6 tsp per gallon of water	49 gallons
Maxsea Grow Liquid Seaweed Fertilizer	Fertilizer	16-16-16	1 -2 Tbsp per gallon of water every 7 -14 days.	102 gallons
Maxsea Liquid Seaweed Fertilizer	Fertilizer	3-20-20	1 -2 Tbsp per gallon of water every 7 -14 days.	102 gallons
Earth Juice: Hi-Brix Molasses for Plants	Fertilizer	0-0-3	1 tsp (mild) to 2 Tbsp (strong) per gallon of water. Use every 4 weeks.	49 gallons

Brand	Type	N/P/K/Active Ingredients	Manufacturer Recommended Application	2016 Quantity Used
Sparetime Supply: Steamed Bone Meal	Fertilizer	1-12-0	<u>Beds:</u> To prepare garden beds, apply 3-6 lbs per 100 sq. ft. For new transplants, add 1-2 Tbsp per hole. To feed established plants, side dress 2-4 oz once each month during the growing season. <u>Containers:</u> For new plantings, add 1-2 tsp per gallon of soil or add 10 lbs per cubic yard of soil. For established plants, lightly mix 1-2 Tbsp per gallon into the soil surface once each month during the growing season.	341 lbs
Neem Oil	Herbicide/ Pesticide	Neem Oil	-	26 gallons
Diatomaceous Earth	Pesticide	-	-	51 lbs
Magriculture	Fertilizer	Magnesium 9.8% Sulfate 12.9%	-	26 lbs

* Per 17,050 ft² of cultivation

HSOM

HUMBLE SERVANTS OF THE
MATTOLE 600 F STREET STE. 3 #223
ARCATA, CA 95521
Email: hsom16@hotmail.com
707-683-6686

SUBMITTAL AND ACKNOWLEDGEMENT

Humboldt County Planning Department acknowledges submittal of the documents described below to the C-POD unit for cannabis permit application.

Permit Application No: 11892

APN: 108-023-008 **Date:** June 1, 2018

Description of Documents Submitted:

Road Evaluation for Big River Farm, LLC

County Date Stamp

Notes:
Hand Delivered to Humboldt County
Planning Department



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: BIG RIVER FARM LLC APN: 108-023-008

Planning & Building Department Case/File No.: CUP16-437

Road Name: ETTERSBURG ROAD (complete a separate form for each road)

From Road (Cross street): BRICELAND THORN ROAD

To Road (Cross street): ETTERSBURG ROAD

Length of road segment: 9.9 miles miles Date Inspected: 5/8/18

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

Check one of the following:

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

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

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

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

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

Signature [Handwritten Signature]

Date 5/8/18

Name Printed STEVE DOYLE

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



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

Road Name: Ettersburg Road Date Inspected: 5/8/18 APN: 108-023-008
 From Road: Briceland Thorn Road (PM 10.0) Planning & Building
 To Road: Ettersburg Road (PM 9.9) Department Case/File No.:
CUP 16-437

1. What is the Average Daily Traffic of the road?

ADT: 109 Date(s) measured: 4/27, 5/1, 5/7

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

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

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

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

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

A. Pattern of curve related crashes.

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

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

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

C. Substantial edge rutting or encroachment.

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

D. History of complaints from residents or law enforcement.

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

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

Check one: No. Yes.

F. Need for turn-outs.

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

3. Conclusions/Recommendations per AASHTO. Check one:

The roadway can accommodate increased traffic from the proposed use.

The roadway can accommodate increased traffic from the proposed use if the recommendations on the attached report are done. (check if a *Neighborhood Traffic Management Plan* is also required and is attached.)

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

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

Signature of Civil Engineer

Date

(SEAL)

Road Evaluation for Wilder Ridge Road & Ettersburg Road
Completed on May 8, 2018 by Steve Doyle @ Six Rivers Construction & Consulting
California Contractors License # 1031712

Ettersburg Road is located of Briceland Thorn Road at PM 10.0 headed Northwest towards Honeydew Ca. Ettersburg Road is currently rated as a category 4 per Humboldt County public works but has severe edge rutting and major pot holes located in the right and left wheel ruts which has caused vehicle crashes and blown tires. To identify the PM for each location is extremely hard due to the fact the road needs to have a layer of petro mat installed with a minimum of 2 Inch overlay with $\frac{3}{4}$ inch asphalt. Pot holing is effective if it is done with hot asphalt and not cold mix, and placed at the proper elevation so traffic does not cause displacement. Wilder Ridge Road is in the same condition as described above, however there are several culvert failures that has caused road failures on the northwest direction that will need to be addressed before a complete road failure happens and shuts down the road. Big River Farm, LLC will need to apply for an encroachment permit to pave a 20x50 asphalt approach per Humboldt County. This report is to identify the increased traffic volume in conjunction with a poor unstable road surface that will need to be addressed to facilitate the future for traveling to Honeydew Ca. I believe that with the proposed road improvements Ettersburg Road and Wilder Ridge Road can meet or exceed all road standards for Humboldt County.

Steve Doyle
Six Rivers Construction & Consulting



Humboldt County Web GIS

Planning & Building Department

Parcel APN, or Location

Map navigation controls: +, -, Home, Refresh, Left Arrow, Right Arrow

Map features: Yellow parcel boundaries, Blue dashed line (Jewett Creek), White dashed lines (roads), Handwritten 'X' and 'Project Site'.

Scale bar: 0 100 200 300 400

Coordinates: 40.1587 -124.0626 Degrees

Inset map: Shows the location of the main map area within a larger geographic context.

Footer: NRCS | California

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

RECEIVED

FEB 25 2019

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2018-0086-R1

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

Ivan Iliev
Stream Crossings Project
6 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on February 7, 2018, 2018, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Mattole River watershed, approximately 12.5 miles west of the Town of Redway County of Humboldt, State of California. The project is located in Section 34, T3S, R1E, Humboldt Base and Meridian; in the Honeydew U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 108-023-008; latitude 40.1517 N and longitude -124.0512 W at the first watercourse crossing.

PROJECT DESCRIPTION

The project is limited to 6 encroachments (Table 1). One encroachment is for installation of a minimum 18 inch culvert to connect a cut bank seep to a class III watercourse. A second encroachment is to replace a failing and undersized 24 inch

culvert with a minimum 30 inch culvert. A third encroachment is to replace a failing and undersized 18 inch culvert with a minimum 30 inch culvert. A fourth encroachment is to replace an undersized 12 inch culvert with a minimum 18 inch culvert. A fifth encroachment is to replace a gang of triple barreled 12 inch, 12 inch and 18 inch culverts with a minimum 30 inch culvert. A sixth encroachment is to install a minimum 18 inch culvert in order to re-unite a class III watercourse that is currently intercepted by an inside ditch to its original channel. Crossing encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. The permittee has disclosed a water well, but no well log was provided. An unnamed spring is mapped at that location (eWRIMS SO26726).

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	40.1517/-124.0512	Install a minimum 18" culvert on a bank seep
Crossing-2	40.1522/-124.0524	Replace a 24" culvert with a minimum 30" culvert
Crossing-3	40.1528/-124.0527	Replace a 18" culvert with a minimum 30" culvert
Crossing-4	40.1533/-124.0529	Replace a 12" culvert with a minimum 18" culvert
Crossing-5	40.1538/-124.0535	Replace three culverts (12", 12" and 18") with a single minimum 30" culvert
Crossing-6	40.1539/-124.0535	Install a minimum 18" culvert to reconnect a class III watercourse
well	40.1515/-124.0573	Water used for domestic and irrigation

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 tridentata*), 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*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic, riparian and native plant species.

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

Impacts to water quality:

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

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

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

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

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

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

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

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on February 7, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Incidental Take. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Project Timing

- 2.3 Work Period. All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.4 Work Completion. The proposed work at crossings #3, #4 and #5 shall be completed by no later than **October 1, 2019** and the proposed work at crossings #1, #2 and #6 shall be completed by no later than **October 1, 2020**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

- 2.5 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.

Vegetation Management

- 2.6 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, 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.
- 2.7 **Vegetation Management.** Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

Stream Crossings

- 2.8 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.9 **Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.10 **Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.11 **Dewatering.**
- 2.11.1 **Stream Diversion.** Only when work in a flowing stream is unavoidable (e.g.,

perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

- 2.11.2 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
- 2.11.3 Stranded Aquatic Life. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.
- 2.11.4 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.
- 2.11.5 Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.
- 2.11.6 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.
- 2.11.7 Restore Normal Flows. Permittee shall restore normal flows to the effected

stream immediately upon completion of work at that location.

- 2.12 **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 watercourse during the winter period, 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.
- 2.13 **Runoff from Steep Areas.** The 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.
- 2.14 **Culvert Installation.**
- 2.14.1 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 (CMP). Use of High Density Polyethylene (HDPE) pipe is discouraged.
- 2.14.2 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
- 2.14.3 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.
- 2.14.4 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.
- 2.14.5 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material

and the outfall area.

- 2.14.6 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.

2.15 Crossing Maintenance

- 2.15.1 The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow
- 2.15.2 No heavy equipment shall enter the wetted stream channel.
- 2.15.3 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.15.4 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.15.5 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.

- 2.16 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. 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 rock, compacted grindings, pavement, or chip-seal.

2.17 Foothill Yellow-legged Frog Avoidance

- 2.17.1 No crossing construction/reconstruction shall occur if water is present, unless a visual encounter survey is conducted for all life-stages of FYLF by a qualified individual (knowledgeable of all life stages of FYLF and similar species) within the project area no more than two weeks prior to operations.
- 2.17.2 Visual encounter surveys shall consist of walking the entire survey reach and visually scanning in the water and on the banks. Any frog species encountered shall be recorded and submitted to the Department along with the work completion report. Observation reports shall be recorded on a CNDDDB report form found at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

- 2.17.3 Permittee shall install exclusion fencing to deter frog entry into project area during project implementation. Fencing shall be installed using the following guidelines:
- 2.17.3.1 Fencing shall be installed directly upstream and downstream of the project area, perpendicular to the direction of flow, within the bankfull channel, and fitted with wings, a minimum of ten feet in length, angled 45 degrees away from the project area.
 - 2.17.3.2 The bottom edge of fencing should be securely in contact with the ground to prevent individuals from passing underneath.
 - 2.17.3.3 When surface flow is present, fencing material spanning the channel shall not impede natural flow of water but shall prohibit passage of juvenile frogs (e.g., netting with no greater than 0.25 inch opening size).
 - 2.17.3.4 Wing fencing shall be made of material FYLF cannot climb (e.g. geotextile fabric).
- 2.18 Project Inspection. The Projects shall be inspected by Timberland Resource Consultants or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

Erosion Control and Pollution

- 2.19 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.20 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.
- 2.21 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15.

Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.

- 2.22 Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 2.23 Waste Containment and Disposal. Permittee shall contain all operation associated 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. Photo documentation of newly installed storage containers shall be included in the Work Completion Report.
- 2.24 Site Maintenance. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.25 Cover Spoil Piles. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.
- 2.26 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

Reporting Measures

- 2.27 Project Completion Report. The Permittee shall submit the **Project Inspection Report** (condition 2.4) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

- 2.28 Project Inspection. The Projects shall be inspected by Timberland Resource Consultants or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

CONTACT INFORMATION

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

To Permittee:

Ivan Iliev
600 F Street, Suite 3 #223
Arcata, CA 95521
(707) 273-8996
Hsom16@hotmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2018-0086-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers,

employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Ivan Iliev



Ivan Iliev

2/25/2019
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Cheri Sanville
Senior Environmental Scientist Supervisor

2/26/19
Date

Prepared by: T.O. Smith June 18, 2018, revised by C. Sanville 12/20/18

State of California
Well Completion Report
 Form DWR 188 Submitted 11/1/2018
 WCR2018-009856



Owner's Well Number Well #1 Date Work Began 10/30/2018 Date Work Ended 10/30/2018
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 17/18-1912 Permit Date 06/05/2018

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>WILDER RIDGE, LLC,</u>	Activity <u>New Well</u>
Mailing Address <u>403 Rifle Camp Road</u>	Planned Use <u>Other</u>
City <u>Woodland Park</u> State <u>NJ</u> Zip <u>07424</u>	Specify <u>20' Seal</u>

Well Location	
Address <u>9320 Wilder Ridge RD</u>	APN <u>108-023-008</u>
City <u>Garberville</u> Zip <u>95542</u> County <u>Humboldt</u>	Township <u>03 S</u>
Latitude <u>40</u> <u>9</u> <u>3.9599</u> N Longitude <u>-124</u> <u>3</u> <u>28.44</u> W	Range <u>01 E</u>
Deg. Min. Sec.	Section <u>34</u>
Dec. Lat. <u>40.1511</u> Dec. Long. <u>-124.0579</u>	Baseline Meridian <u>Humboldt</u>
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____
	Elevation Determination Method _____

Borehole Information	
Orientation <u>Vertical</u> Specify _____	
Drilling Method <u>Downhole Rotary Hammer</u> Drilling Fluid <u>Air</u>	
Total Depth of Boring <u>310</u> Feet	
Total Depth of Completed Well <u>300</u> Feet	

Water Level and Yield of Completed Well	
Depth to first water <u>70</u> (Feet below surface)	
Depth to Static _____	
Water Level <u>73</u> (Feet) Date Measured <u>10/30/2018</u>	
Estimated Yield* <u>100</u> (GPM) Test Type <u>Air Lift</u>	
Test Length <u>5</u> (Hours) Total Drawdown _____ (feet)	
*May not be representative of a well's long term yield.	

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	4	Brown / Black Topsoil
4	16	Tan clay
16	35	Brown clay
35	110	Blue Shale w/clay
110	310	Blue Grey Shale

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The proposed 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	✓	Recommend Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Department of Fish & Wildlife	✓	Comments	Attached
NWIC	✓	Conditional Approval	On file with Planning
CAL FIRE	✓	Conditional Approval	Attached
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file with Planning
Telegraph Ridge Fire Protection District	✓	Conditional Approval	Attached
Bureau of Land Management	✓	Comments	Attached
PGE		No Response	
Humboldt County Sheriff		No response	
Humboldt County District Attorney		No response	
Regional Water Quality Control Board		No response	
Humboldt County Agricultural Commissioner		No response	
Intertribal Sinkyone Wilderness Council		No response	
Southern Humboldt Union School District		No response	



**HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**

3/2/2018

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkyone Wilderness Council, Telegraph Ridge Fire Protection District, Southern Humboldt Joint Unified School District, Humboldt County Sheriff

Applicant Name Big River Farm LLC **Key Parcel Number** 108-023-008-000

Application (APPS#) 11892 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-437

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 3/17/2018 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: 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: _____

DATE: 3/8/18

PRINT NAME: Rudy Marenghi



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:

Application No.: 46081/11892
Parcel No.: 108-023-008
Case No.: CUP16-437

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

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: Revise plot plan to show each GH's collect square footage, dimensions, number, and setback, the proposed pond east of the east most GH, all water/fertilizer tanks, drying shop as storage shed, and the soil containment area.

Name: Rudy Marenghi

Date: 3/8/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects,(CUP, SP, ZCC) Case number.



HUMBOLDT COUNTY
 PLANNING AND BUILDING DEPARTMENT
 CURRENT PLANNING DIVISION
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

17/18-0681

RECEIVED

9/14/2017

SEP 14 2017

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkyone Wilderness Council, Telegraph Ridge Fire Protection District, Southern Humboldt Joint Unified School District, Humboldt County Sheriff

Applicant Name Big River Farm LLC **Key Parcel Number** 108-023-008-000

Application (APPS#) 11892 **Assigned Planner () - Case Number(s)** CUP16-437

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 9/29/2017

Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: 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: _____

DISTRIBUTED
3-19-18

DATE: 3/15/18

PRINT NAME: Ben Delf



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3598

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: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 03-09-2018

RE:

Applicant Name	Big River Farm LLC
APN	108-023-008
APPS#	11892

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11892

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: 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 //



**California Department of Fish and Wildlife
CEQA: Project Referral Comments**

Applicant: Big River Farms		Date: 2-28-19	
APPS No.: 11892	APN: 108-023-008	DFW CEQA No.: 2017-0772	Case No.: CUP16-437
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 22,000	

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

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

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions below.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

The project proposes to utilize mixed light (artificial light) cultivation within the 600 setback to federal lands owned and managed by the BLM. The project is ~1400 from a known Northern Spotted Owl (NSO) activity center. CDFW requests that the applicant not be granted permission to utilize mixed light cultivation within this close proximity to NSO, and if the project cannot be relocated further from the NSO and associated habitat on federal lands, CDFW recommends that RRR of the site may be appropriate.

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

- Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was less than 22,000 square feet. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- CDFW is not clear on how the water use estimates were derived or how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, prior to Project approval, that the applicant provide further detail on the methods used to estimate water usage.
- If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
- If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.
- The Project may have a potentially significant adverse effect on biological resources. The Project proposes to utilize mixed-light (artificial light) cultivation within Northern Spotted Owl (*Strix occidentalis caurina*), a State- and Federally-Threatened species) occupied habitat. CDFW requests

that no mixed-light cultivation methods be permitted at this site. CDFW further requests that project scoping be conducted by an experienced qualified professional for the potential for presence/absence of NSO nesting/roosting habitat. Prior to scoping completion, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include but are not limited to the prohibition of generators, project lighting and fans.

- ☒ CDFW request that the applicant reevaluate the required water storage necessary for seasonal water diversion minimization.

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

- ☒ Water for this Project is sourced from a groundwater well. It is estimated that water use may be as high as 200,000 gallons per year. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- ☒ A Final Lake or Streambed Alteration Agreement (1600-2018-0086) has been issued to the applicant. As of February 2019, the reporting requirements in the Agreement have not been met.
- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, 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.
- ☒ 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.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of

project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.

- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to david.manthorne@wildlife.ca.gov .

Sincerely,

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

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272

Ref: 7100 Planning
Date: September 22, 2017

John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: Big River Farm, LLC
APN: 108-023-008-000
Area: Shelter Cove
Case Numbers: CUP16-437

Humboldt County Application #: 11892
Type of Application: Conditional Use Permit
Date Received: 9/15/2017
Due Date: 9/29/2017

Project Description: A Conditional Use Permit for 17,050 square feet of existing mixed-light cannabis cultivation is requested. Processing will be done on-site in a proposed ADA compliant facility. Water used for irrigation is supplied by a 30,000 gallon rainwater catchment tank and an on-site well. The on-site water storage is approximately 80,000 gallons. Power is supplied by PG&E and a back-up generator.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

CANNABIS PROJECTS

Local Responsibility Areas:

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



From: [Lake, M. Isaac@CALFIRE](mailto:Lake.M.Isaac@CALFIRE)
To: HUU.CEQA@CALFIRE; [Planning Clerk](#)
Subject: APN: 108-023-008-000 Big River Farm LLC
Date: Friday, October 06, 2017 5:02:16 PM

No additional comments from B-1211 other than: any artificial light being used shall not escape at a level that is visible from neighboring properties.

M. Isaac Lake

Battalion Chief

CAL FIRE

HUMBOLDT-DEL NORTE UNIT

Battalion 1

Alderpoint~Garberville~Thorn

Cell (707) 499-2249

Office (707) 923-3446

Schedule Thrs, Fri, Sat

MLake@fire.ca.gov



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 - PHONE (707) 445-7541

9/14/2017

PROJECT REFERRAL TO: Telegraph Ridge Fire Protection District

Project Referred To The Following Agencies:
Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkyone Wilderness Council, Telegraph Ridge Fire Protection District, Southern Humboldt Joint Unified School District, Humboldt County Sheriff

Applicant Name Big River Farm LLC **Key Parcel Number** 108-023-008-000

Application (APPS#) 11892 **Assigned Planner () - Case Number(s)** CUP16-437

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 9/29/2017
Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: 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: Insufficient water storage recommend doubling; employee fire safety training; standpipe; turnaround

DATE: mbz/17 PRINT NAME: Justin Cogswell



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Arcata Field Office
1695 Heindon Road
Arcata, CA 95521-4573
www.blm.gov/california



March 7, 2019

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

Dear Sir or Madam:

In response to Application APP(S) # PLN-11892-CUP

BLM has had issues with trespass on public lands. In our review of property boundaries, it appears there is a high probability of an existing trespass on BLM land. Therefore, we strongly recommend the property owner have their property surveyed to ensure that their operations do not trespass upon or cause resource damage to federal lands. The survey should be completed by a professional land surveyor.

Any activity related to cannabis operations on public land such as the cultivation, production, transportation or distribution of supplies or product will violate the Controlled Substances Act and may be subject to federal criminal and/or civil action.

Sincerely,

Molly Brown
Field Manager

ATTACHMENT 5
Public Comments

From: [Rod Silva](#)
To: [Planning Clerk](#)
Subject: Fwd: Cannabis Permit Application 11892
Date: Wednesday, May 1, 2019 5:05:03 PM

Please find enclosed our complaint that was sent to the board of supervisors, John Ford, Stephen Luther, Warren Black, and the Humboldt County Sheriff. In addition to this we wish to bring to your attention the cover story in the current issue of the North Coast Journal titled, "To Stop a Heist, Inside the \$3 million plot to kidnap a Humboldt County pot grower." The grower identified in the article is Ivan Iliev, our neighbor at 9320 Wilder Ridge Road.

Begin forwarded message:

From: "Madrone, Steve" <smadrone@co.humboldt.ca.us>
Subject: Re: Cannabis Permit Application 11892
Date: April 30, 2019 at 1:28:15 PM PDT
To: Rod Silva <rsilva@wildblue.net>, "Luther, Stephen" <SLuther@co.humboldt.ca.us>
Cc: "Black, Warren" <wblack2@co.humboldt.ca.us>, "Ford, John" <JFord@co.humboldt.ca.us>, "Fennell, Estelle" <EFennell@co.humboldt.ca.us>, HSO-MAILBOX <HSO@co.humboldt.ca.us>

To Whom it may concern.

I am very concerned about the incidents of violence in our communities. Permitting grow activities on farms that have a history of this violence is not something I can support. Thanks for your consideration. Steve

Steve Madrone
County of Humboldt
Supervisor, District 5
(707) 476-2395

From: Rod Silva <rsilva@wildblue.net>
Sent: Thursday, April 25, 2019 9:54:44 AM
To: Luther, Stephen
Cc: Madrone, Steve; Black, Warren; Wilson, Mike; Bass, Virginia; Ford, John; Bohn, Rex; Fennell, Estelle; HSO-MAILBOX
Subject: Cannabis Permit Application 11892

April 24, 2019

Stephen Luther
Planner, Humboldt County Planning Department

Dear Mr. Luther,

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This kind of violence is enough to deny any permit. Known or suspected violence must be as important as any environmental concerns the county may have when considering to issue a permit for cannabis cultivation.

Additionally we believe the work conducted on APN 108-023-008 in the recent past is possibly unpermitted and has impacted the neighboring Bear Creek watershed. The King Range drains into Bear Creek which is a salmon habitat. Its entire course is pristine and very uninhabited with a few exceptions. APN 108-023-008 is one of those exceptions. After the last storm of this season we saw sedimentation so severe in Bear Creek that we have not seen during the entire 15 years we have lived here. We feel that 22,000 square feet of cultivation will have a severe detrimental impact on the Bear Creek watershed.

Rod Silva
Mark Hilovsky

Cc: Federal Bureau of Investigation
California Bureau of Cannabis Control

Johnson, Cliff

From: Lesley Doyle <Hsom16@hotmail.com>
Sent: Thursday, May 2, 2019 4:26 PM
To: Johnson, Cliff; Steve Doyle; Luther, Stephen
Subject: Big River Farm

Hi Everyone,

We would like to continue Big River Farm, LLC for tonight commissioners meeting. With the short notice from BLM's Referral response we would like additional time to review their response. Please let me know if you need any additional information from us. I will be there tonight in case there is anything needed from us.

Lesley Doyle
Humble servants of the Mattole
Sent from my iPhone

From: [Rod Silva](mailto:Rod.Silva)
To: [Planning Clerk](mailto:Planning.Clerk)
Subject: Fwd: Cannabis Permit Application 11892
Date: Wednesday, May 1, 2019 5:05:03 PM

Please find enclosed our complaint that was sent to the board of supervisors, John Ford, Stephen Luther, Warren Black, and the Humboldt County Sheriff. In addition to this we wish to bring to your attention the cover story in the current issue of the North Coast Journal titled, " To Stop a Heist, Inside the \$3 million plot to kidnap a Humboldt County pot grower." The grower identified in the article is Ivan Iliev, our neighbor at 9320 Wilder Ridge Road.

Begin forwarded message:

From: "Madrone, Steve" <smadrone@co.humboldt.ca.us>
Subject: Re: Cannabis Permit Application 11892
Date: April 30, 2019 at 1:28:15 PM PDT
To: Rod Silva <rsilva@wildblue.net>, "Luther, Stephen" <SLuther@co.humboldt.ca.us>
Cc: "Black, Warren" <wblack2@co.humboldt.ca.us>, "Ford, John" <JFord@co.humboldt.ca.us>, "Fennell, Estelle" <EFennell@co.humboldt.ca.us>, HSO-MAILBOX <HSO@co.humboldt.ca.us>

To Whom it may concern.

I am very concerned about the incidents of violence in our communities. Permitting grow activities on farms that have a history of this violence is not something I can support. Thanks for your consideration. Steve

Steve Madrone
County of Humboldt
Supervisor, District 5
(707) 476-2395

From: Rod Silva <rsilva@wildblue.net>
Sent: Thursday, April 25, 2019 9:54:44 AM
To: Luther, Stephen
Cc: Madrone, Steve; Black, Warren; Wilson, Mike; Bass, Virginia; Ford, John; Bohn, Rex; Fennell, Estelle; HSO-MAILBOX
Subject: Cannabis Permit Application 11892

April 24, 2019

Stephen Luther
Planner, Humboldt County Planning Department

Dear Mr. Luther,

We are in receipt of the County's notice, dated April 4th, 2019 which we only received recently. The notice is for an application for a conditional use permit for 22,000 square feet of existing mixed light cannabis cultivation by Big River Farm LLC in connection with APN 108-023-008, owned by Wilder Ridge LLC from New Jersey.

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Rod Silva
Mark Hilovsky

Cc: Federal Bureau of Investigation
California Bureau of Cannabis Control

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
May 2, 2019

- | | | |
|-------------------------------------|------------------------|----------------|
| <input checked="" type="checkbox"/> | Consent Agenda Item | |
| <input type="checkbox"/> | Continued Hearing Item | |
| <input type="checkbox"/> | Public Hearing Item | No. F-1 |
| <input type="checkbox"/> | Department Report | |
| <input type="checkbox"/> | Old Business | |

Re: Big River Farm, LLC Conditional Use Permit

Record Number: PLN-11892-CUP
Application Number: 11892
Assessor Parcel Number: 108-023-008
9320 Wilder Ridge Road, Ettersburg Area

Attached for the Planning Commission's record and review is the following supplementary information items:

1. Email dated April 25, 2019 from neighboring property owners, and email dated April 30, 2019, from Steve Madrone, regarding this cannabis application.

The concerns raised in these comments are twofold. First, the concern is that illegal activity may be occurring on the property and that gun violence did occur on this property related to the cannabis operation and that violence of this nature should be grounds for permit denial. Specifically, the neighboring property owners witnessed a gun fight occurred on the subject property and on the neighboring property.

Staff response: The concern raised in the comments regarding violence and illegal activity is directly related to the findings that the Planning Commission is required to make in order to approve the project. Section 312-17.1.4 of the Humboldt County Code states that the Hearing officer may only approve or conditionally approve a project if it finds that "*The proposed development and 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.*" Gun fights on the property would certainly be conditions that are detrimental to the public health, safety and welfare, and materially injurious to properties and improvements in the vicinity. There is nothing in the applicant's submitted information to indicate that gun fire and illegal activity is part of how they operate the business, and they were fully enrolled in the County's track and trace program. However, after receiving these comments planning staff contacted the County Sheriff regarding the property in question. The property in question was not identified as related to the illegal grow referenced in the comment letter and the Sherriff states that there is no specific confirmation of any illegal activity on the subject property. There are ongoing investigations in this part of the County regarding organized crime and activity similar to those raised in the public comment letters, but they cannot comment on the

specifics of on-going investigations. These concerns were shared with the applicant, however as of the date of preparation of this supplemental the applicant has not responded. The incident raised by the concerned neighbors appears to have been a single incident, and staff has not been able to conclude that this is typical of the conditions under which the business is operated. However, the Planning Commission should consider the submitted public comments and any comments by the applicant and applicant's representative at this public hearing in deciding whether the operation is likely to be detrimental to the public health, safety or welfare, or to properties or improvements in the vicinity.

The second concern raised in these comments are regarding water quality in the Bear Creek Watershed, specifically that unpermitted work on this property may have been responsible for increased sedimentation in Bear River Creek. The comments indicate that sedimentation in the creek was more severe than any time in the 15 years that they lived on the property, and they believe that this site may be at least somewhat responsible.

Staff response: A review of the aerial imagery found that the open grassland area where the cannabis cultivation occurs was in a similar configuration dating back to June 1993 (Google Earth). Outdoor cultivation was occurring by 2005 (Humboldt County WebGIS and Google Earth) and continued through 2014. Reorganization of greenhouses and site grading occurred in 2015 (TerraServer). According to the Survey Report prepared June 3, 2015, prepared by Kolstad Land Surveyors, approximately 5,000 square feet of fill dirt with scattered straw below the greenhouses encroachments on APN 108-022-016 owned by the Bureau of Land Management. As indicated by the Water Resources Protection Plan (WRPP), Page 12, the applicant installed a large spoil containment area to the east of Greenhouse #4. It does not appear that significant amount of grading has occurred between 2016 - 2019.

To address potential impacts to water quality from the cultivation site, conditions of approval have been revised to require the applicant to obtain a grading permit for all grading conducted without the benefit of County review, including any grading conducted on APN 108-022-016. For all grading conducted for cannabis cultivation that is no longer being used for cannabis cultivation, the application is required to re-contour those areas to natural grade and revegetate with native grass species. Additionally, the WRPP states that all cultivation is located over 600 feet from nearby streams and all Best Management Practices (BMPs) required by the North Coast Regional Water Quality Control Board Cannabis Cultivation Discharge Waiver Program (Order No. R1-2015-0023) will be adhered to. The WRPP (Page 12) recommends corrective actions to improve sediment and erosion control measures around Greenhouse #4 and large spoil containment area. Per recommendations in the WRPP, the applicant is required to install jute netting at the top of the containment bench. The WRPP requires the applicant to seed and straw all dirt areas immediately surrounding the containment area, install silt fencing, and cover the large spoil containment area between the months of October to April with plastic to contain all run-off. Conditions of approval require the applicant to adhere to and implement all recommendations in the WRPP and meet the requirements of the Regional Water Quality Control Board for cannabis cultivation.

Staff determined that implementation of the compliance agreement, which requires satisfying the conditions of approval and adhering to the recommendations in the WRPP will improve water quality both on the subject parcel and to the watershed.

2. Letter from Molly Brown, Arcata Field Manager, Bureau of Land Management (BLM), dated May 1, 2019.

The concerns raised in this letter are concerning the proximity of suitable nesting, roosting and foraging habitat for Northern Spotted Owl (NSO) near the cultivation site. Due to these concerns, BLM is recommending denial of the requested setback reduction.

Staff response: The setback reduction would allow for cultivation to be located as close as 70 feet from the public lands, which contain habitat for Northern Spotted Owl (NSO). The nearest habitat is approximately 100 feet away from the closest greenhouse. While power to the subject parcel is provided by P. G. & E and no generators are proposed, impacts to NSO could occur as a result of lights and fan noise, as well as human activity associated with the cannabis cultivation. The application is an existing mixed-light operation, but due to the concerns about the nearby habitat planning staff is recommending Greenhouse #4 (closest to lands owned by the Bureau of Land Management(BLM)) be for outdoor cultivation only, and that the other greenhouses be required to install automated blackout curtains and light timers to ensure that no light escapes the greenhouses. The applicant has submitted a habitat assessment, which states that fans associated with this project are rated at 54 decibels at 50 feet, which at the edge of the nearest habitat approximately 100 feet away would be below 50 decibels and therefore unlikely to have any impact to NSO. Further, recommended Condition of Approval #4 requires the applicant to submit a light and noise attenuation plan that shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife. Staff has also added a recommended Condition of Approval (#5) to clarify the allowable noise levels and schedule a compliance inspection with Planning Department prior to the use of lights and fans. The applicant has provided a wildlife assessment that addresses NSO habitat, and while the assessment does not follow proper protocol for determining presence of the species, it does identify that suitable habitat is located approximately 100 feet from the proposed cultivation. As a result, county staff has assumed that there may be presence of Northern Spotted Owls as close as 100 feet from the project. Planning staff has worked with the applicant and added conditions of approval to this project to reduce or eliminate impacts to NSO based on the assumption of presence as close as 100 feet. No generators, fans rated at 54 decibels at 50 feet, and automated blackout curtains will significantly reduce the noise and light impacts associated with the project. However, even with these attenuation measures, the Bureau of Land Management is requesting denial of the setback reduction due to their concerns about the overall impacts from any project within 600 feet of their lands and the potential to conflict with their federally mandated requirements to manage the land for endangered species. There are no suitable locations on the property for cultivation that is not within 600 feet of the BLM land, and the setback reduction is therefore necessary in order to approve cannabis cultivation on the property. While the noise and light impacts of the project have been addressed to the maximum extent feasible, BLM remains concerned with the potential of the project to conflict with their land use goals. The 600 foot setback is intended to allow for public land managers to have significant input on cannabis cultivation that could impact the management of their lands, and as a result of their specific concerns with this project, the reduction may not be appropriate in this instance. Accordingly, staff has prepared an alternative Planning Commission resolution of denial for project. This resolution is attached to this supplemental as item number 5.

3. Big River Farm Wildlife Assessment prepared by Stillwater Sciences, dated April 26, 2019 (confidential exhibits not attached). Note that this assessment does not follow proper

protocol for identifying presence of Northern Spotted Owl, but does identify suitable habitat approximately 100 feet from the project.

4. Revised Recommended Conditions of Approval (information removed is shown with a strikethrough and information added is shown in bold text).
5. Alternative Planning Commission Resolution for denial of the project.
6. Email dated May 1, 2019 from Rod Silva, highlighting the fact that the North Coast Journal cover story identifies the applicant as the victim of an attempted kidnapping.

Luther, Stephen

From: Madrone, Steve
Sent: Tuesday, April 30, 2019 1:28 PM
To: Rod Silva; Luther, Stephen
Cc: Black, Warren; Ford, John; Fennell, Estelle; HSO-MAILBOX
Subject: Re: Cannabis Permit Application 11892

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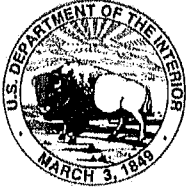
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Rod Silva
Mark Hilovsky

Cc:Federal Bureau of Investigation
California Bureau of Cannabis Control



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Arcata Field Office
1695 Heindon Road
Arcata, CA 95521-4573
www.blm.gov/california



May 1, 2019

In Reply Refer To:

6840 CA330(P)

Stephen Luther
Planner, Cannabis Division
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

Dear Mr. Luther:

The Bureau of Land Management (BLM), Arcata Field Office, provides this information to supplement our March 7, 2019 response to Cannabis Application 11892, applicant Big River Farm, LLC (BRF).

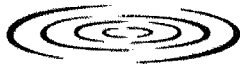
The Big River Farm Wildlife Assessment dated April 26, 2019 identifies the location of the BRF cannabis development within 100 feet north of Critical Habitat for the Federally and State listed Northern Spotted Owl (NSO) on adjacent BLM land, as delineated by the U.S. Fish and Wildlife Service. The Assessment also identifies suitable nesting, roosting and foraging habitat for the NSO within 100 feet to the south and east of the BRF development as well as a historic NSO activity center approximately 1500 feet from the BRF development.

The NSO continues to suffer population loss across its range due, in part, to habitat loss and human encroachment. The BLM is concerned about the close proximity of this cannabis operation to NSO critical habitat and a historic NSO activity center. To meet the requirements of the Endangered Species Act (ESA), the BLM is required, for all actions, to minimize the impacts to listed species including their habitat.

The Humboldt County Ordinance No. 2559, Performance Standards for all Commercial Medical Marijuana Land Use Ordinance, Cultivation and Processing Operations section 55.4.11 item d, requires a 600 foot setback for publicly owned lands managed for open space and/or wildlife habitat purposes. The BLM does not support a reduced setback because of the potential impacts to wildlife habitat.

Sincerely,

Molly Brown
Arcata Field Manager



TECHNICAL MEMORANDUM

DATE: April 26, 2019
TO: Steve and Lesley Doyle
FROM: Dennis Halligan, Stillwater Sciences
SUBJECT: Big River Farm Wildlife Assessment

1 INTRODUCTION

The consulting firm Humble Servants of the Mattole contracted with Stillwater Sciences to perform a wildlife assessment on the Big River Farms property (APN 108-023-008) located at 9320 Wilder Ridge Road, Humboldt County, California (Figure 1). The property is situated in the Jewitt Creek watershed, which is tributary to Bear Creek, which flows into the Mattole River. The wildlife assessment was in response to a request by the California Department of Fish and Wildlife (CDFW), dated February 28, 2019, for a qualified biologist to determine the presence or absence of nesting and roosting habitat for northern spotted owls (*Strix occidentalis caurina*). CDFW was also concerned that the project had the potential to affect other sensitive wildlife resources such as Townsend big-eared bat (*Corynorhinus townsendii*), foothill yellow-legged frog (*Rana boylei*), northern red-legged frog (*Rana aurora*), Pacific tailed frog (*Ascaphus truei*), southern torrent salamander (*Rhyacotriton variegatus*), northwestern salamander (*Ambystoma gracile*), coastal giant salamander (*Dicamptodon tenebrosus*), and other amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Big River Farms is proposing to conduct cannabis cultivation within greenhouses on their property using mixed-light and full sun (Project). Once natural light exceeds 12 hours per day, all artificial lighting will be discontinued. The property is served by public water and electricity, which precludes the need for water diversions and generator use. No vegetation removal will occur as part of the Project.

The purpose of this technical memorandum is to provide an assessment of wildlife species that have the potential to be present on or near the Project property and to propose measures to avoid, minimize, or mitigate project-related impacts on special-status wildlife species.

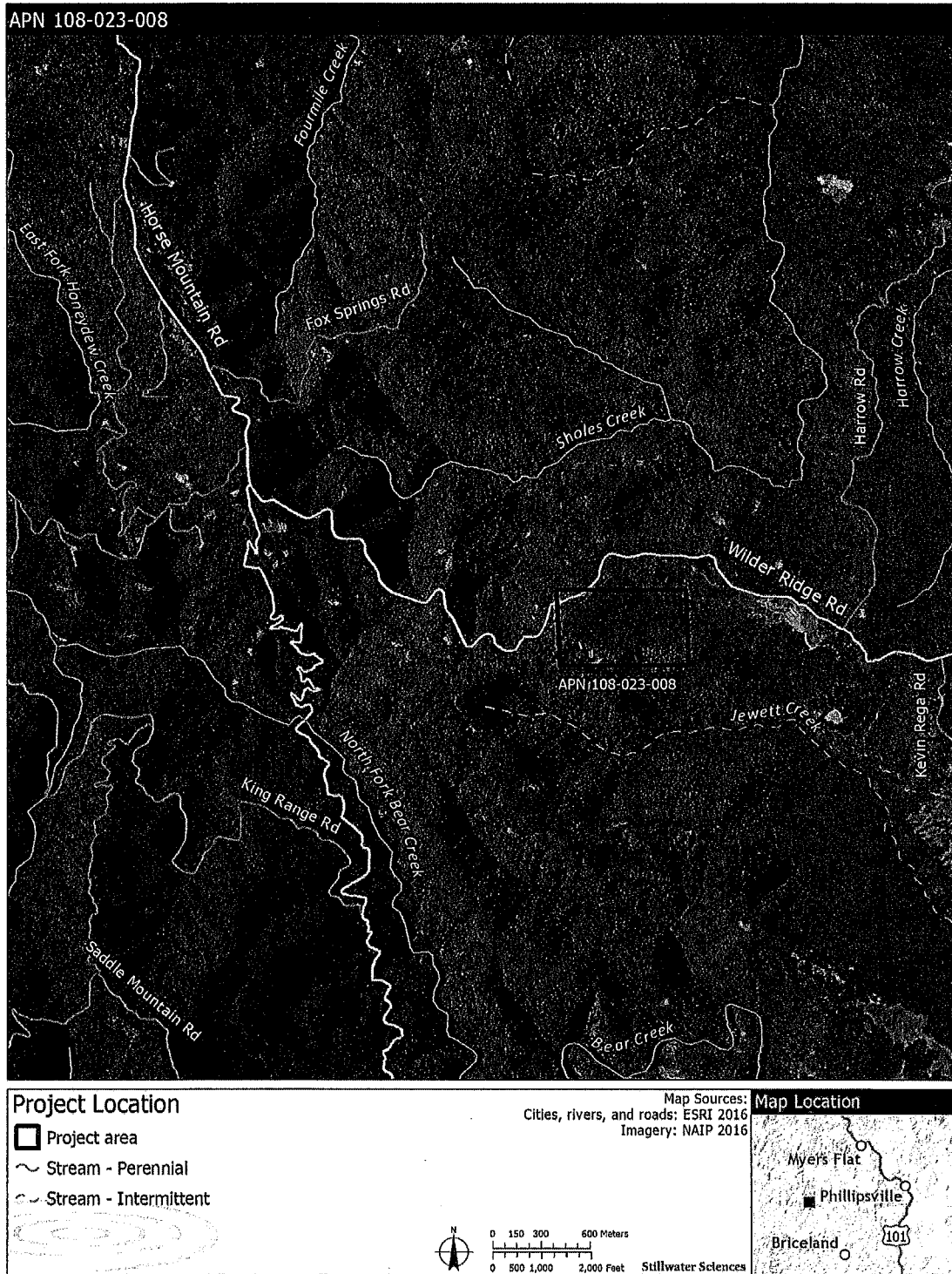


Figure 1. Project location

2 METHODS

CDFW required that a qualified biologist conduct the wildlife assessment. Stillwater Sciences assigned Dennis Halligan (Fisheries Biologist) to conduct the assessment at Big River Farms. Mr. Halligan has over 27 years of experience surveying for fish and wildlife species including northern spotted owls, southern torrent salamanders, foothill yellow-legged frogs, coastal giant salamanders, Pacific tailed frogs, Pacific fishers, western pond turtles, and a wide variety of other fish and wildlife species.

A desktop assessment was conducted within a 5-mile radius of parcel APN 108-023-008 to identify the potential presence of special-status wildlife species and designated critical habitat. This desk assessment was conducted using aerial imagery, site photos, and querying the following data sources in April 2019:

- CDFW's California Natural Diversity Database within a 5-mile buffer (<https://map.dfg.ca.gov/bios/?bookmark=327>)
- United States Fish and Wildlife Service site-specific query (<https://ecos.fws.gov/ipac/>)
- National Marine Fisheries Service Honeydew quadrangle (https://www.westcoast.fisheries.noaa.gov/maps_data/california_species_list_tools.html)

A field assessment of the Project site and a 300-foot surrounding buffer was conducted on April 3, 2019. The biologist assessed the area for northern spotted owls nesting and roosting habitat and made note of any wildlife observations in the area. Preferred nesting habitat for the owls includes a moderate to high canopy closure (60 to 80 percent); a multi-layered, multi-species canopy with large (generally greater than 30 inches (76 centimeters) diameter at breast height overstory trees; a high incidence of large trees with various deformities (e.g., large cavities, broken tops, mistletoe infections, and other platforms); large snags; large accumulations of fallen trees and other woody debris on the ground; and sufficient open space below the canopy for northern spotted owls to fly. Roosting habitat is similar to nesting habitat; however, it does not need to provide specific structural features used for nesting (e.g., large cavities, broken tops, mistletoe platforms, and other platforms) (73 FR47326).

While on site, the biologist also made note of watercourses, tree cavities, operational activities, potential amphibian and other wildlife habitat, and other observations. Numerous photographs were taken to document site conditions.

3 RESULTS

The cultivation area on the parcel is located on the top of a relatively gentle (~15% slope) ridge above a steeper forested slope. The cultivation area is located in a former grassland and is fully developed. The area beyond the grassland is bordered with early successional conifers that transition to mid- to late-successional hardwood/conifer forest farther down the slope.

The following species were identified during the database scoping process of having the potential to be in the Project area or included in the CDFW request (Table 1). Based on habitat present at and near the Project, the following species with moderate or high potential to occur are discussed further.

Table 1. Wildlife species with the potential to be present within and adjacent to the Project area.

Species name	Status ¹ Federal/ State	Distribution and habitat associations	Likelihood of occurrence in Project Area
Fish			
Coho salmon, southern Oregon/northern California coast Evolutionarily Significant Unit (<i>Oncorhynchus kisutch</i>)	FT, CH/ST	Spawn in coastal streams and large mainstem rivers (i.e., Klamath/Trinity rivers) in riffles and pool tails-outs and rear in pools ≥ 1 m (3 ft) deep with overhead cover with high levels oxygen and temperatures between 10–15°C (50–59°F).	None: No fishbearing stream or river habitat present.
Chinook salmon, California coastal Evolutionarily Significant Unit (<i>Oncorhynchus tshawytscha</i>)	FT, CH/None	Wild coastal, spring, and fall-run Chinook found in streams and rivers between Redwood Creek, Humboldt County to the north and the Russian River, Sonoma County to the south.	None: No fishbearing stream or river habitat present.
Steelhead, northern California coast Distinct Population Segment (<i>Oncorhynchus mykiss</i>)	FT, CH/None	Inhabits small coastal streams to large mainstem rivers with gravel-bottomed, fast-flowing habitat for spawning. However, habitat criteria for different life stages (spawning, fry rearing, juvenile rearing) are can vary significantly.	None: No fishbearing stream or river habitat present.
Amphibians			
Northern red-legged frog (<i>Rana aurora</i>)	None/SSC	Humid forests, woodlands, grasslands, and stream sides usually near dense cover. Generally near permanent water but can be found far from water in damp woods and meadows during non-breeding season.	Low: No permanent or temporary ponded water present. May disperse into the Project area during wet periods and non-breeding season.
Foothill yellow-legged frog (<i>Rana boylei</i>)	None/SSC, CT	Associated with partially shaded, shallow streams, and riffles with rocky substrate. Some cobble-sized substrate required for egg laying. Adults move into smaller tributaries after breeding.	None: No stream or river habitat present.
Red-bellied newt (<i>Taricha rivularis</i>)	None/SSC	Ranges from southern Humboldt to Sonoma counties. Found in streams during breeding season. Moist habitats under woody debris, rocks, and animal burrows.	Low: No permanent or temporary ponded water present. Adults may disperse into the Project area during wet periods.
Coastal giant salamander (<i>Dicamptodon tenebrosus</i>)	None/None	Northern Humboldt County to British Columbia. Wet coastal forests in or near clear, cold permanent and semi-permanent streams and seepages.	Low: No semi-permanent or permanent water present. Adults may disperse into the Project area during wet periods.

Species name	Status ¹ Federal/ State	Distribution and habitat associations	Likelihood of occurrence in Project Area
Southern torrent salamander (<i>Rhyacotriton variegatus</i>)	None/SSC	Seeps and small streams in coastal redwood, Douglas-fir, mixed conifer, montane riparian, and montane hardwood-conifer habitats. Seeps and springs need to be relatively unembedded with fine sediment.	None: No stream habitat present.
Northwestern salamander (<i>Ambystoma gracile</i>)	None/None	Pacific coast from Sonoma County, California into British Columbia. Breeding occurs in semi-permanent and permanent lakes, ponds, wetlands, and slow-flowing streams. Moist habitats under woody debris, rocks, and animal burrows.	Low: No semi-permanent or permanent water present. Adults may disperse into the Project area during wet periods.
Pacific tailed frog (<i>Ascaphus truei</i>)	None/SSC	Associated with high-gradient, perennial and montane streams in hardwood conifer, redwood, Douglas-fir, and ponderosa pine habitats. Tadpoles require water temperatures below 15°C (59°F).	None: No stream habitat present.
Boreal toad (<i>Anaxyrus boreas boreas</i>)	None/None	Northern California to southeast Alaska. Breeding occurs in still or barely moving waters of seasonal pools, ponds, streams, and small lakes. In the spring and early summer, toads are often found at the edge of water. At other times of the year they may be found away from the water in moist terrestrial habitats. Toads use rodent holes, rock chambers, and root system hollow as refuges from heat and cold.	Low: No seasonal pools, semi-permanent or permanent water present. Adults may disperse into the Project area during wet periods.

Birds

Northern spotted owl (<i>Strix occidentalis caurina</i>)	FT/ST	Typically found in large, contiguous stands of mature and old-growth coniferous forest with dense multi-layered structure.	High: Designated critical habitat and suitable nesting and roosting habitat present adjacent to the Project area.
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Mammals

Sonoma tree vole (<i>Arborimus pomo</i>)	None/SSC	Associated nearly exclusively with Douglas-fir trees and occasionally grand fir trees within the North Coast fog belt between the northern Oregon border and Sonoma County. Eats Douglas-fir needles exclusively.	High: Suitable habitat present within and adjacent to the Project site.
Pacific fisher, West Coast DPS (<i>Pekania pennanti</i>)	None/SSC	Associated with dense advanced-successional conifer forests, with complex forest structure and high percent canopy closure; den in hollow trees and snags.	Moderate: Suitable habitat is present adjacent to the Project site.

Species name	Status ¹ Federal/ State	Distribution and habitat associations	Likelihood of occurrence in Project Area
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	None/SSC	Found throughout California in all but subalpine and alpine habitats. Roosts in cavernous habitats, usually in tunnels, caves, buildings, mines, and basal hollows of trees, but also rock shelters, preferentially close to water. Caves near water's edge are favored. Forages in riparian zone and follows creeks and river drainages on foraging bouts. Feeds primarily on moths. Drinks at stream pools.	Moderate: May be present in some of the basal hollows in old trees adjacent to the Project area.
Reptiles			
Western pond turtle (<i>Emys marmorata</i>)	None/SSC	Ponds, marshes, rivers, streams, and irrigation ditches with abundant vegetation and either rocky or muddy bottoms; also found in woodland forest and grasslands. Below 1,829 m (6,000 ft) elevation. Basking sites are required. Egg-laying sites are located on suitable upland habitats (grassy open fields) up to 500 m (1,640 ft) from water.	None: No stream or river habitat present within 500 m of the Project.

¹ Status:

Federal

- FT Federal Threatened
- CH Designated critical habitat within the Project vicinity

State

- ST Threatened
- CT Candidate Threatened
- SSC CDFW species of special concern

3.1 Northern Spotted Owl

The biologist identified nesting habitat (as described in Section 2) as being present approximately 150 feet south of the southernmost greenhouse and immediately south of the Big River Farms southern property line (Figure 2). The area south of the southern property line is designated critical habitat for northern spotted owls by the USFWS (Figure 3). The suitable nesting habitat was characterized by having a relatively closed canopy of old-growth Douglas-fir (36–60-inch diameter at breast height) and large hardwoods with an open understory. The trees contained reticulated branches, platforms, and other structures suitable for nesting (Figure 4). This area was also suitable for roosting by northern spotted owls. There are other areas on adjacent parcels that were unmapped, but appeared on aerial photographs as being suitable for nesting and roosting.

Suitable roosting and foraging habitat was also located to the west of the greenhouses. However, the trees in this area were smaller, compared to those documented in the area south of the project area, and lacked the structure that owls use for nesting.

The biologist conducted a survey of individual trees to locate owl pellets (coughed-up hair and bone balls), white wash (owl feces) on trees, and plucking perches, which would indicate potential northern spotted owl activity. Even though the time of day was not according to

protocol, the biologist also hooted several times within the stand to see if there would be a response. No evidence of northern spotted owl activity was recorded.

An old northern spotted owl activity center HUM0240 is located approximately 1,500 ft southeast of parcel (Figure 3). The last known protocol survey and activity recorded at this site was a pair (adult male and subadult female) in May 2002 (CDFW 2019).



Figure 2. Multi-layered canopy structure within northern spotted owl nesting and roosting habitat.



Figure 4. Suitable northern spotted owl nesting structure in a Douglas-fir.

3.2 Sonoma Tree Vole

The Sonoma tree vole is a California species of special concern. In California, the Sonoma tree vole is restricted to coastal forests in the humid fog belt from Sonoma County north to the Klamath mountains (Williams 1986, Jameson and Peeters 2004, Adam and Hayes 1998). The Sonoma tree vole is a nocturnal rodent that is active year-round. This species lives, nests, and feeds within the forest canopy. The home range usually consists of one or more trees. Both sexes construct nests made of Douglas-fir needles, typically located 20–60 ft above the ground in branches or against trunks of Douglas-fir trees (Williams 1986) and have also been documented in grand fir and redwood stands where their branches interlock with Douglas-fir. The diet of the Sonoma tree vole consists of needles, buds, and the tender bark of twigs of Douglas-fir, western hemlock, grand fir, and Bishop pine. Needle resin ducts are removed before the remaining part is eaten. Tree voles obtain water from food or by licking dew or rainwater from coniferous trees. Where present, tree voles are a common component of spotted owl diets (Forsman et al. 2004).

The Douglas-fir stands around and within the Project area contain suitable habitat for Sonoma tree voles. The biologist conducted a search for resin ducts on the ground beneath several large Douglas-fir trees, but none were observed.

3.3 Pacific Fisher

The Pacific fisher is a California species of special concern within the north coast area and is listed as threatened under the California Endangered Species Act in the southern Sierra Nevada mountains. The fisher has a fragmented and patchy distribution along the north coast and Klamath Province of California at elevations ranging from 83 to 3,300 ft (Zielinski et al. 1997).

Common habitats for fishers are landscapes dominated by old-growth forests with complex vertical and horizontal structure (Aubry and Raley 2006). Pacific fishers in California are typically associated with mixed conifer, Douglas-fir, and ponderosa pine forests with at least 50 percent canopy cover (Zielinski et al. 1997). Breeding and resting activities are often associated with large tracts of dense habitat with substantial snag and large downed wood. Small fisher home ranges have been reported in California and include areas with mast-producing hardwoods (e.g., tanoak and madrone) as a major forest component, presumably resulting in abundant prey, since such tree species provide substantial food sources for potential fisher prey species. Cavities located in the upper portions of living trees or snags are often used for dens (Powell and Zielinski 1994). Large hardwoods may provide enhanced natal and maternal cavities (Thompson et al. 2007).

The timber stands around and within the Project area contain suitable habitat for the Pacific fisher. The old-growth timber stand adjacent to the Project area contains a substantial amount of downed wood and tree cavities that could provide denning opportunities.

3.4 Townsends Big-eared Bat

Townsend's big-eared bat is a state species of special concern. This species occurs throughout California and is associated with caves and structures in a variety of habitats from deserts to coastal scrub to montane forests. This cavity-dwelling species roosts and hibernates in caves (commonly limestone or basaltic lava), mines, buildings, bridges (with a cave-like understructure), rock crevices, tunnels, basal hollows in large trees, and cave-like attics (Pierson and Fellers 1998, Pierson and Rainey 2007, Pierson et al. 2001, Pierson and Rainey 1996, Sherwin et al. 2000, Sherwin and Piaggio 2005). Townsend's forage on terrestrial insect species along upland areas including meadows and wooded habitats. Townsend's big-eared bat is a moth specialist with over 90% of its diet composed of lepidopterans. Snags and large trees may be important roosts for this species. In northwestern California, these bats have been documented using tree hollows created by fire or rot in very large redwood (*Sequoia sempervirens*) and California bay trees (*Umbellularia californica*). A nursery colony was found using the basal hollows of large redwood trees in northwestern California (Mazurek 2004 as cited in Woodruff and Ferguson 2005).

The old-growth forest stand located south of the parcel contained trees with cavities suitable for occupancy by Townsends big-eared bats. The biologist sifted through the duff contained within the rotted center of a large tanoak and no bat guano was documented (Figure 5). However, there were numerous cavities farther up in the tree where branches broke off and their centers rotted away that may provide roosting habitat.



Figure 5. Large tanoak containing bole and branch cavities that may provide habitat for Townsend's big-eared bats.

4 POTENTIAL EFFECTS AND MINIMIZATION MEASURES

4.1 Northern Spotted Owl

The closest northern spotted owl activity center (last documented in 2002) to the Project is nearly 1,500 feet (0.25 mi) south east of the Project area. No trees proposed for removal as part of this project. Therefore, there will not be any direct impacts on northern spotted owls or their habitat.

The Project is planning to use mixed light in the late spring and early summer for cultivation. Once natural light exceeds 12 hours per day, all artificial lighting will be discontinued. The Project will incorporate light blocking material over the greenhouses at night to minimize to potential for artificial light to leak into the night sky and affect adjacent northern spotted owl habitat.

The Project uses electricity provided by the Pacific Gas and Electric Company and will not be using generators. Noise disturbance as a result of the Project include fans to help cool and circulate the air in the greenhouses. Potential impact of noise generated by the fans on northern spotted owls was evaluated using the northern spotted owl and marbled murrelet harassment guidelines (USFWS 2006). The purpose of the USFWS (2006) document was to set guidelines for the delineation of buffers around an activity that was in close proximity to northern spotted owl and murrelet habitat. The buffer distances are based on the ambient background noise in the area coupled with the noise generated by the activity. Although there are no specific decibel levels in the USFWS document for greenhouse fans, an air conditioning unit would generate a

similar decibel level (~54 dB at 50 ft), which is very low. A very low sound level like this would not require a buffer exceeding 50 ft, and likely less. There are no northern spotted owl nests within this buffer and the nearest activity center (possibly abandoned) is 1,500 ft away. Therefore, noise resulting from the Project is not anticipated to impact northern spotted owls .

4.2 Sonoma Tree Vole

Sonoma tree vole habitat is present within and adjacent to the Project area. The nearest recorded detection is approximately 5 miles to the southwest. The Project will not remove any trees and affect habitat or individual Sonoma tree voles. Therefore, no minimization or mitigation measures are recommended.

4.3 Pacific Fisher

Pacific fisher habitat is present within and adjacent to the Project area. However, there have not been any detections within 10 miles of the Project area. In addition, the Project will not remove any trees and affect habitat or individual fishers. Therefore, no minimization or mitigation measures are recommended.

4.4 Townsends Big-eared Bat

There is no Townsend's big-eared bat habitat within the Project area. However, there are large trees that contain basal hollows suitable for roosting within the old-growth stand adjacent to the Project area. The Project will not remove any trees, so there would be no impact on roosting bats. In addition, the greenhouses will be tarped at night to minimize light leakage and impacts on foraging would not occur. Therefore, the Project is not anticipated to impact Townsends big-eared bats.

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ATTACHMENT 1

REVISED RECOMMENDED CONDITIONS OF APPROVAL

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

Section 1: Conditions of Approval

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #5 – 17. 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.
2. The Applicant shall be responsible for obtaining all necessary County and State permits or licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
3. Greenhouse number four is not authorized for mixed-light cultivation or for any supplemental lighting.
4. Prior to the use of lights and fans, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.
5. **The combined decibel level for all noise sources, including fans, shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. No use of lights or fans is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards. The applicant shall schedule a site inspection with the Planning Department within 30 days of the approval of the light and noise attenuation plan to conduct a conformance evaluation. If the applicant is unable to show conformance with this condition, no use of lights or fans is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.**
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including the four cultivation greenhouses, storage building and processing building. The plans submitted for building permit approval shall be consistent with the proposed project description and approved project Plot 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 secure permits for all grading related to the cannabis cultivation and other commercial cannabis activity, including the graded area that encroached onto Bureau of Land Management (BLM) property (APN 108-022-016) as indicated by the Survey Report prepared June 3, 2015, prepared by Kolstad Land Surveyors. All graded areas previously**

graded for cannabis cultivation that are not currently in use, including the graded area that encroached onto Bureau of Land Management (BLM) property (APN 108-022-016) as indicated by the Survey Report prepared June 3, 2015, prepared by Kolstad Land Surveyors, shall be restored to natural contours and restored using native vegetation as recommended by a qualified biologist or botanist. The revegetation plan shall be submitted to the Planning Department for review and approval prior to commencement of any revegetation activities. The plans submitted for building permit approval shall be consistent with the proposed project description and approved project Plot 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.

8. The applicant shall improve the driveway access from Wilder Ridge Road to the private driveway to current standards for a commercial driveway. The applicant shall obtain an encroachment permit from the Department of Public Works prior to the commencement of any work. The access shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. A letter from that agency indicating approval has been issued will satisfy this condition.
9. The applicant shall install automated blackout curtains and light timers in the three mixed-light greenhouses.
10. The applicant shall demonstrate the driveway and interior emergency vehicle turn around(s) conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around(s) into compliance. A letter from a qualified engineer shall satisfy this requirement.
11. The applicant shall demonstrate that the BMPs listed in the WRPP have been implemented. In lieu of BMP implementation, the applicant shall show, to the satisfaction of the County, a revised schedule for implementation.
12. Prior to any ground-disturbance, the applicant shall consult with, or obtain a permit as needed from, the North Coast Air Quality Management District (NCAQMD). Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.
13. ~~Prior to issuance of any building or construction permit the applicant shall do the following:~~
 - a) ~~The applicant shall coordinate with CDFW to determine if the existing water well is hydrologically connected to any surface water. A letter or other form of confirmation from the agencies that the well is not hydrologically connected shall be considered adequate to prove the lack of connectivity.~~
 - b) ~~If the well is hydrologically connected, the applicant shall not produce water from the well for use in cannabis cultivation until a water right and Lake and Streambed Alteration Agreement (LSAA) are obtained. If these two documents are obtained to the satisfaction of the County Planning and Building Department, the applicant may use the well for cultivation purposes but shall comply with all forbearance requirements. The applicant shall install adequate storage to meet the forbearance of 214,912 gallons. Well production and outflow shall be metered and logs retained for inspection. If necessary, use of the well shall be offset or decreased by use of rain~~

~~water collection or by a reduction in the size of the area under cultivation until adequate storage is provided.~~

14. The applicant shall install a water meter to measure annual water supply to meet the demands of the project. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month.
15. The groundwater well shall be inspected annually to evaluate drawdown. This evaluation shall include a standard pump test to be conducted during the dry season. Evaluation of the pump test results shall be conducted by a licensed professional. The results of the analysis shall be sent to the Planning Division for review.
16. The applicant shall contact the local fire service provider [Telegraph Ridge Volunteer Fire Department] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
17. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before 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.
19. The applicant shall submit \$50.00 cash or check payable to the Humboldt County Recorder's Office to file the Notice of Determination pursuant to Section 15062(c) of the CEQA Guidelines.
20. 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 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.

Section 2: Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. All components of proposed project shall be developed, operated, and maintained in conformance with the project description, the approved Plot Plan, the Cultivation and Operations Plan, 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, the Applicant shall notify the Department of the identity of the offsite licensed facility. This change will be processed as a Minor Deviation. Prior to project approval that applicant shall show a finalized contract with Northern Emeralds or other licensed processing facility.

2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), as may be amended from time to time, as applicable to the permit type.
3. 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.
4. The project applicant shall ensure that all commercial vehicle traffic to and from the proposed project uses China Mine Road and refrains from, except in the case of an emergency, the use BLM maintained Butte Creek Road.
5. 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.
6. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
7. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved Plot 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).
8. At all times, on-site workers 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.
9. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife, which may be required for the existing wells.
10. Odors shall be contained on the property on which the cannabis activity is located. To implement this requirement air filtration and ventilation equipment is to be maintained in good working condition and monitored on an on-going basis to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity of the operation. If the County receives any odor complaints, the permit holder shall work with the Building Official to correct odor concerns.
11. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).

12. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
13. Pay all applicable application and annual inspection fees.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
15. The Master Log Books maintained by the Applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
17. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire after 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.

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 SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance 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.

18. 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.

Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
- II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and

- III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
19. 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:
 - I. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - II. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - III. The specific date on which the transfer is to occur; and
 - IV. Acknowledgement of full responsibility for complying with the existing Permit; and
 - V. Execution of an Affidavit of Non-diversion of Medical Cannabis.
20. 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

Performance Standards for Cultivation and Processing Operations

21. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
22. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
23. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- I. 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:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts; and
 - (c) Poison control contacts.
 - III. 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.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
25. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.
 - II. Location where processing will occur.
 - III. Number of employees, if any.
 - IV. Employee Safety Practices.
 - V. Toilet and handwashing facilities.
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - VII. Drinking water for employees.
 - VIII. Plan to minimize impact from increased road use resulting from processing.
 - IX. Onsite housing, if any.

26. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit (SP) issued pursuant to the CMMLUO shall expire after 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.

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 SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, 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 of 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the SP, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to HCC Section 55.4.13.

27. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #27 above 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.
28. 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.
29. Permittee further acknowledges and declares that:
 - I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified in Health and Safety Code Section 11362.5);
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California MAUCRSA will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California MAUCRSA.
30. 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:
 - VI. Identification of information for the new Owner(s) and management as required in the initial permit application;
 - VII. Acknowledgment, in writing, by the new Owner(s) as required for the initial permit application;
 - VIII. Inclusion of the specific date on which the transfer is to occur;
 - IX. Acknowledgement of full responsibility for complying with the existing Permit; and
 - X. Execution of an Affidavit of Non-diversion of Medical Cannabis.
31. 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. This 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 building permits have been secured and/or the use initiated pursuant to the terms of the permit, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #27 of the On-Going Requirements /Development Restrictions, above.
2. 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.
3. 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.
4. The applicant is responsible for costs for permit processing and the post-approval review for project conformance with conditions 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. After the decision on the application, the Department will send a bill to the applicant for costs incurred in permit processing that exceed the deposit on hand. Also, the Department will send a bill to the applicant for all staff costs for review of the proposed project for conformance with the conditions of approval. Any and all Planning fees shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. 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.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Record Number PLN-11892-CUP
Assessor Parcel Numbers: 108-023-008**

Makes the required findings for certifying compliance with the California Environmental Quality Act and denies the Big River Farm, LLC Conditional Use Permit and Special Permit request.

WHEREAS, Big River Farm, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 22,000 square feet (sf) of mixed light cannabis cultivation, and a Special Permit (SP) for a public lands setback reduction from the adjacent parcel to the south APN 108-022-006, which is owned by the Bureau of Land Management; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Bureau of Land of Management has a federally mandated role of managing public lands that contain habitat for rare and endangered species and has recommended denial of the requested setback reduction due to the close proximity of the proposed project to a recorded Northern Spotted Owl activity center and critical habitat; and

WHEREAS, approval of the requested setback reduction is required for any commercial cannabis cultivation on this parcel to meet the requirements of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO); and

WHEREAS, the information in the Planning Commission Supplemental provides evidence that supports denial of the requested setback reduction and without the setback reduction the findings for approval of the proposed Conditional Use Permit cannot be made; and

WHEREAS, the County Planning Division, the lead agency, finds the project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15270 *Projects Which Are Disapproved*; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on May 2, 2019.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission finds the project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15270 *Projects Which Are Disapproved*; and
2. The Planning Commission is unable to make the findings in Attachment 2 of the Planning Commission Staff Report for Record Number PLN-11892-CUP based on the submitted evidence and Bureau of Land Management recommendation; and
3. The Conditional Use Permit and Special Permit for Record Number PLN-11892-CUP are denied.

Adopted after review and consideration of all the evidence on May 2, 2019.

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION: Motion carries

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

John Ford, Director
Planning and Building Department

From: Rod Silva
To: Planning Clerk
Subject: Perm: Cannabis Permit Application 11892
Date: Wednesday, May 1, 2019 5:05:03 PM

Please find enclosed our complaint that was sent to the board of supervisors, John Ford, Stephen Luther, Warren Black, and the Humboldt County Sheriff. In addition to this we wish to bring to your attention the cover story in the current issue of the North Coast Journal titled, "To Stop a Heist, Inside the \$3 million plot to kidnap a Humboldt County pot grower." The grower identified in the article is Ivan Iliev, our neighbor at 9320 Wilder Ridge Road.

Begin forwarded message:

From: "Madrone, Steve" <smadrone@co.humboldt.ca.us>
Subject: Re: Cannabis Permit Application 11892
Date: April 30, 2019 at 1:28:15 PM PDT
To: Rod Silva <rsilva@wildblue.net>; "Luther, Stephen" <sluther@co.humboldt.ca.us>
Cc: "Black, Warren" <wblack2@co.humboldt.ca.us>; "Ford, John" <JFord@co.humboldt.ca.us>; "Fennell, Estelle" <EFennell@co.humboldt.ca.us>; HSO-MAILBOX <HSO@co.humboldt.ca.us>

To Whom it may concern:

I am very concerned about the incidents of violence in our communities. Permitting grow activities on farms that have a history of this violence is not something I can support. Thanks for your consideration. Steve

Steve Madrone
County of Humboldt
Supervisor, District 5
(707) 476-2395

From: Rod Silva <rsilva@wildblue.net>
Sent: Thursday, April 25, 2019 9:54:44 AM
To: Luther, Stephen
Cc: Madrone, Steve; Black, Warren; Wilson, Mike; Bass, Virginia; Ford, John; Bohm, Rex; Fennell, Estelle; HSO-MAILBOX
Subject: Cannabis Permit Application 11892

April 24, 2019
Stephen Luther
Planner, Humboldt County Planning Department
Dear Mr. Luther,

We are in receipt of the County's notice, dated April 4th, 2019 which we only received recently. The notice is for an application for a conditional use permit for 22,000 square feet of existing mixed light cannabis cultivation by Big River Farm LLC in connection with APN 108-023-008, owned by Wilder Ridge LLC from New Jersey.

This letter shall serve two purposes: First to object to the permit for reasons stated below.
Second to place the County on notice that should it grant a permit to APN 108-023-008 for cannabis cultivation we and adjacent neighbors shall hold the county liable for any harm caused to neighbors' persons and/or property.

On November 27, 2018 in the 4100 block of Wilder Ridge Road authorities conducted a raid on an illegal grow. Some 16,000 pounds of processed marijuana were seized and several arrests were made the nationality of which was Bulgarian. Days after that raid there was a gun fight which took place on our property APN 108-023-013 adjacent to the driveway of property APN 108-023-008. The residents of APN 108-023-008 are Bulgarian. The day of the gun fight there were several vehicles parked at the driveway entrance of APN 108-023-008 as though they were trying to prevent someone from entering APN 108-023-008. There were also vehicles parked across the street from APN 108-023-008. Gunfire erupted. There were people hiding behind vehicles on both sides of the road shooting at each other. We learned from a deputy at the sheriff's office in Garberville, Officer Nathan Cumbow, that a Bulgarian was hospitalized for gun shot wounds around the same time of this gun fight. He refused to reveal the circumstances of his injuries.

This kind of violence is enough to deny any permit. Known or suspected violence must be as important as any environmental concerns the county may have when considering to issue a permit for cannabis cultivation.

Additionally we believe the work conducted on APN 108-023-008 in the recent past is possibly unpermitted and has impacted the neighboring Bear Creek watershed. The King Range drains into Bear Creek which is a salmon habitat. Its entire course is pristine and very unhabited with a few exceptions. APN 108-023-008 is one of those exceptions. After the last storm of this season we saw sedimentation so severe in Bear Creek that we have not seen during the entire 15 years we have lived here. We feel that 22,000 square feet of cultivation will have a severe detrimental impact on the Bear Creek watershed.

Rod Silva
Mark Filovsky

Co-Federal Bureau of Investigation
California Bureau of Cannabis Control