



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: June 3, 2021

To: Humboldt County Zoning Administrator

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

Subject: **Wood, Special Permit**
Record Number: PLN-2018-15218
Assessor's Parcel Number: 222-071-023
Southeast side of Sierra Lane, approximately 0.5 miles east from the intersection of West Moody Road and Sierra Lane, on the property known to be in the southern edge Section 21 of Township 05 South, Range 03 East, Humboldt Base & Meridian., Garberville area.

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Please contact Christopher Alberts, Planner, at (707) 268-3771 or by email at calberts@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 3, 2021	Special Permit	Christopher Alberts

Project Description: A Special Permit to allow for 43,000 square feet of outdoor cannabis cultivation whereas 10,870 square feet is existing outdoor cannabis cultivation, and 32,130 square feet is new outdoor cannabis cultivation. The applicant anticipates 2 harvest cycles annually. Cultivation will occur under greenhouses and full sun outdoor. Water for the project will be sourced from a 538,560-gallon rainwater catchment pond. Water storage for the project totals 662,400 gallons. The applicant anticipates 385,000 gallons of water will be required annually for irrigation for two cultivation cycles. Processing such as drying and curing will take place in a 800-square-foot processing building. Further processing will occur off-site at a licensed processing facility. If a processing center is not available, the applicant proposes to perform trimming will take place in a 700-square-foot processing shed. The applicant is proposing to build an 1,800 square foot processing building with an ADA compliant restroom. The applicant anticipates hiring a maximum of 6 employees to assist with operations. Power for the project will be provided by solar with a backup generator.

Project Location: The project is located in Humboldt County, in the Garberville area, on the southeast side of Sierra Lane, approximately 0.5 miles east from the intersection of West Moody Road and Sierra Lane, on the property known to be in the southern edge Section 21 of Township 05 South, Range 03 East, Humboldt Base & Meridian.

Present Plan Land Use Designation: Residential Agriculture (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: Moderate Instability (2)

Present Zoning: Agricultural Exclusive (AE), Minimum building site area is 60 acres (B-5(60))

Record Number: PLN-2018-15218

Assessor Parcel Number: 222-071-023

Applicant

Boden Wood
Boden S. Wood
484 Lake Park Ave #506
Oakland, CA 94610

Owner

K N B Corporation
791 E Foothill Blvd
Upland, CA 91786

Agent

ETA Humboldt
Vanessa Valare
1165 Kings Peak Rd
Whitethorn, CA 95589

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

Major Issue: None.

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

Boden Wood

Record Number: PLN-2018-15218
Assessor's Parcel Number: 222-071-023

Recommended Commission Action

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

Find that the Planning Commission has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Boden Wood Special Permit as recommended by staff subject to the recommended conditions of approval.

Executive Summary: Boden Wood seeks a Special Permit to allow for 43,000 square feet of outdoor cannabis cultivation whereas 10,870 square feet is existing outdoor cannabis cultivation, and 32,130 square feet is new outdoor cannabis cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO). The site is designated as Residential Agriculture (RA40). Cultivation will take place in the following cultivation areas:

Cultivation Area	Structures in Nexus to Cannabis	Size (sq ft)
Cultivation Area A	Open-air garden	4,505 sf
Cultivation Area B	Open-air garden	16,950 sf
Cultivation Area C	Seven (7) Greenhouses	3,142 sf
Propagation	One (1) Greenhouse	4,200 sf
Processing	One (1) Existing Structure	700 sf
Processing	One (1) Proposed Structure	1,800 sf

Artificial lighting used for ancillary propagation nursery, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. Processing such as drying and curing will take place in a 800-square-foot processing building. Further processing will occur off-site at a licensed processing facility. If a processing center is not available, the applicant proposes to perform trimming will take place in a 700-square-foot processing shed. The applicant is proposing to build an 1,800 square foot processing building with an ADA compliant restroom. The applicant anticipates on hiring a maximum of 6 employees to assist with operations. Power for the project will be provided by solar with a backup generator. The applicant submitted a 24-Hour Noise Assessment prepared by KnB Corporation dated April 28, 2021 (see Attachment 3). The survey was conducted by leaving a sound level meter at the Eastern, Southern, and Northern property lines. According to the assessment the meters recorded ambient sound without interruption for a period of 24-hours. The average noise level recorded from property lines was 54.6 decibels. The average general noise came from wind.

Water Resources

Water for the project will be sourced from a 538,560-gallon rainwater catchment pond. Water storage for the project totals 662,400 gallons occurring in the following:

Water Storage in Nexus to Cannabis	
Water Storage	Size (gal)
Water Storage Tank	5,000 gal
Water Storage Tank	3,200 gal

Water Storage Tank	3,200 gal
Fertilizer Tank	500 gal
Fertilizer Tank	500 gal
Pond	538,560 gal

The applicant anticipates 385,000 gallons of water will be required annually for irrigation for two cultivation cycles.

Access

The property is accessed via private driveway from Sprowel Creek Road. The applicant submitted a Road Evaluation Report stating that not all of the road segment is presently developed to the equivalent of road category 4 or better. The project was referred to the Department of Public Works who commented all recommendations in Segment 2 and 3 shall be completed. Segment 4 shall also be completed up to the access point of the "Seeba Lane". The applicant shall also gravel the surface at the location of Sprowel Creek Road, where it meets the private driveway for a minimum width of 20 feet and a length of 50 feet. The applicant submitted a *Site Management Plan (SMP)* prepared by ETA Humboldt, LLC dated January 18, 2019. According to the SMP, the project is classified as a Tier 1 Low Risk discharger (WDID: 1B171158CHUM). The SMP states the project is out of compliance with Vehicle Stream Crossings because there are three undersized culverts located within the first 500 feet of the private driveway. The project is conditioned for the applicant to implement and adhere to the recommendations regarding vehicle stream crossings found within the SMP (see Attachment 4). The project also has an ongoing condition to implement and adhere to all recommendations found within SMP.

Biological Resources

According to the California Natural Diversity Data Base (CNDDB) there are no mapped rare and endangered species located on the parcel. The nearest Northern Spotted Owl Activity Center (MEN0458) is mapped approximately 0.43-miles south from the project site. The nearest NSO observation is mapped approximately 0.07-miles south from the project site. Marbled Murrelet habitat is mapped approximately 0.79-miles northeast from the project site. The applicant submitted a Biological Assessment prepared by Nor Cal Bio Surveys dated February 26, 2020. According to the survey, there were no NSO's observed onsite and there may be appropriate habitat to support Spotted Owl Nesting /roosting onsite. There was one observed occurrence on a neighboring parcel. The proposed cultivation will not likely have an impact on NSO's. The survey also concludes the forested habitat on the property do not have trees of sufficient age or canopy complexity to support breeding marbled murrelets. The Biological Survey provides ongoing recommended conditions. The survey did not identify any sensitive plant, nesting birds, fish/amphibians, or sensitive forest carnivores on the parcel. However, the survey did identify an invasive plant species known as the yellow star thistle. The applicant shall submit an Invasive Species Control Plan prior to cultivating. The species was found in sparse quantity around the cultivation area. The project is conditioned to adhere to the recommendations found within the Biological Survey Assessment prepared by Nor Cal Bio Surveys.

Tribal Consultation

The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River and Intertribal Sinkyone Wilderness Council. The applicant submitted a Cultural Resources Investigation prepared by William Rich and Associates dated January 2020. The investigation concluded there were no significant archaeological or historic-period cultural resources, which would be considered an historical resource for the purpose of CEQA (15064.5(a)), exist in the limits of the project area. The project has an ongoing condition to include inadvertent archaeological discovery language.

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

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

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

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

**Resolution Number 21 -
Record Number PLN-2018-15218
Assessor's Parcel Number: 222-071-023**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Wood, Special Permit.

WHEREAS, Wood, submitted an application and evidence in support of approving a Special Permit for 36,505 square feet of outdoor cannabis cultivation whereas 10,870 square feet is existing outdoor cannabis cultivation, and 25,635 square feet is new outdoor cannabis cultivation with appurtenant propagation and drying activities;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on June 3, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Special Permit to allow for 36,505 square feet of outdoor cannabis cultivation whereas 10,870 square feet is existing outdoor cannabis cultivation, and 25,635 square feet is new outdoor cannabis cultivation with appurtenant propagation and drying activities. Power for the project will be provided by solar with a backup generator. Water for the project will be sourced from a 650,000-gallon rainwater catchment pond with 662,400 gallons of water storage.

EVIDENCE: Project File: PLN-2018-15218
- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to and the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

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 EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) The applicant submitted a Site Management Plan prepared by ETA Humboldt, LLC dated January 18, 2019 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A Biological Assessment was carried out by Nor Cal Bio Surveys in July of 2019. The Assessment methods included a habitat assessment was in the project area. The survey did not identify any sensitive plant, nesting birds, fish/amphibians, or sensitive forest carnivores on the parcel. Northern Spotted Owl habitat exists in the vicinity but the nearest activity center is approximately 0.43-miles south from the site. Marbled murrelet habitat is located approximately 0.79-miles northeast from the project site. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species, and other recommendations have been included as conditions of approval.
- f) A Cultural Resources Investigation Report was carried out by William Rich & Associates in May 2020. The report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.

FINDINGS FOR SPECIAL PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the Residential Agriculture (RA40) 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 AE zone in which the site is located.

EVIDENCE

- a) The Agricultural Exclusive (AE) or AE Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the AE zone.
- c) Humboldt County Code section 314-55.4.6 allows cultivation of up to 43,560 square feet of new outdoor cannabis and up to 43,560 square feet of new mixed-light cannabis on a parcel over 5 acres subject to approval of a Special Permit. The application for 10,870 square feet is existing outdoor cannabis cultivation, and 25,635 square feet is new outdoor cannabis cultivation on a 67-acre parcel is consistent with this.

5. FINDING

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

EVIDENCE

- a) The CCLUO allows existing cannabis cultivation to be permitted in areas

zoned AE (HCC 314-55.4.6.1.1).

- b) The subject parcel has been determined to be one legal parcel (lot 20) as shown on Parcel Map recorded in Book 8 of Parcel Maps page 71.
- c) The project will obtain water from a non-diversionary water source.
- d) A Road Evaluation Report was submitted by the applicant in December 2018 certifying 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. The project was referred to the Department of Public Works who commented all recommendations in Segment 2 and 3 shall be completed. Segment 4 shall also be completed up to the access point of the "Seeba Lane".
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 36,505 square feet of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- b) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- c) Water for irrigation will be provided by a 538,560-gallon rainwater catchment pond with 17,400 gallons of hard storage tanks. The applicant is proposing to add an additional rainwater catchment pond in the future in order to increase water storage. The applicant anticipates 198,895.5 gallons of water will be required for irrigation annually for cultivation. Existing water storage onsite totals 555,960 gallons. There will be a maximum of two harvest cycles occurring annually.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community

Development in determining compliance with housing element law.

EVIDENCE

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

8. FINDING

The proposed project will not have an impact to sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).

EVIDENCE

- a) The nearest Northern Spotted Owl Activity Center (MEN0458) is mapped approximately 0.43-miles south from the project site. The nearest NSO observation is mapped approximately 0.07-miles south from the project site. Marbled Murrelet habitat is mapped approximately 0.79-miles northeast from the project site.
- b) The applicant submitted a Biological Assessment was carried out by Nor Cal Bio Surveys in July of 2019. The Assessment methods included a habitat assessment was in the project area. The survey did not identify any sensitive plant, nesting birds, fish/amphibians, or sensitive forest carnivores on the parcel. Northern Spotted Owl habitat exists in the vicinity but the nearest activity center is approximately 0.43-miles south from the site. Marbled murrelet habitat is located approximately 0.79-miles northeast from the project site. According to the survey, there were no NSO's observed onsite and there may be appropriate habitat to support Spotted Owl Nesting /roosting onsite. There was one observed occurrence on a neighboring parcel. The proposed cultivation will not likely have an impact on NSO's. The survey also concludes the forested habitat on the property do not have trees if sufficient age or canopy complexity to support breeding marbled murrelets.
- c) The applicant submitted a 24-Hour Noise Assessment prepared by KnB Corporation conducted from April 28, 2021 to April 29, 2021 (see Attachment 4). The survey was conducted by leaving a sound level meter at the Eastern, Southern, and Northern property lines. According to the assessment the meters recorded ambient sound without interruption for a period of 24-hours. The average noise level recorded from property lines was 54.6 decibels. The average general noise came from wind. Staff believes noise from the project will not have direct or indirect impact on any special status species. The applicant shall ensure noise generated from the project does not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.

DECISION

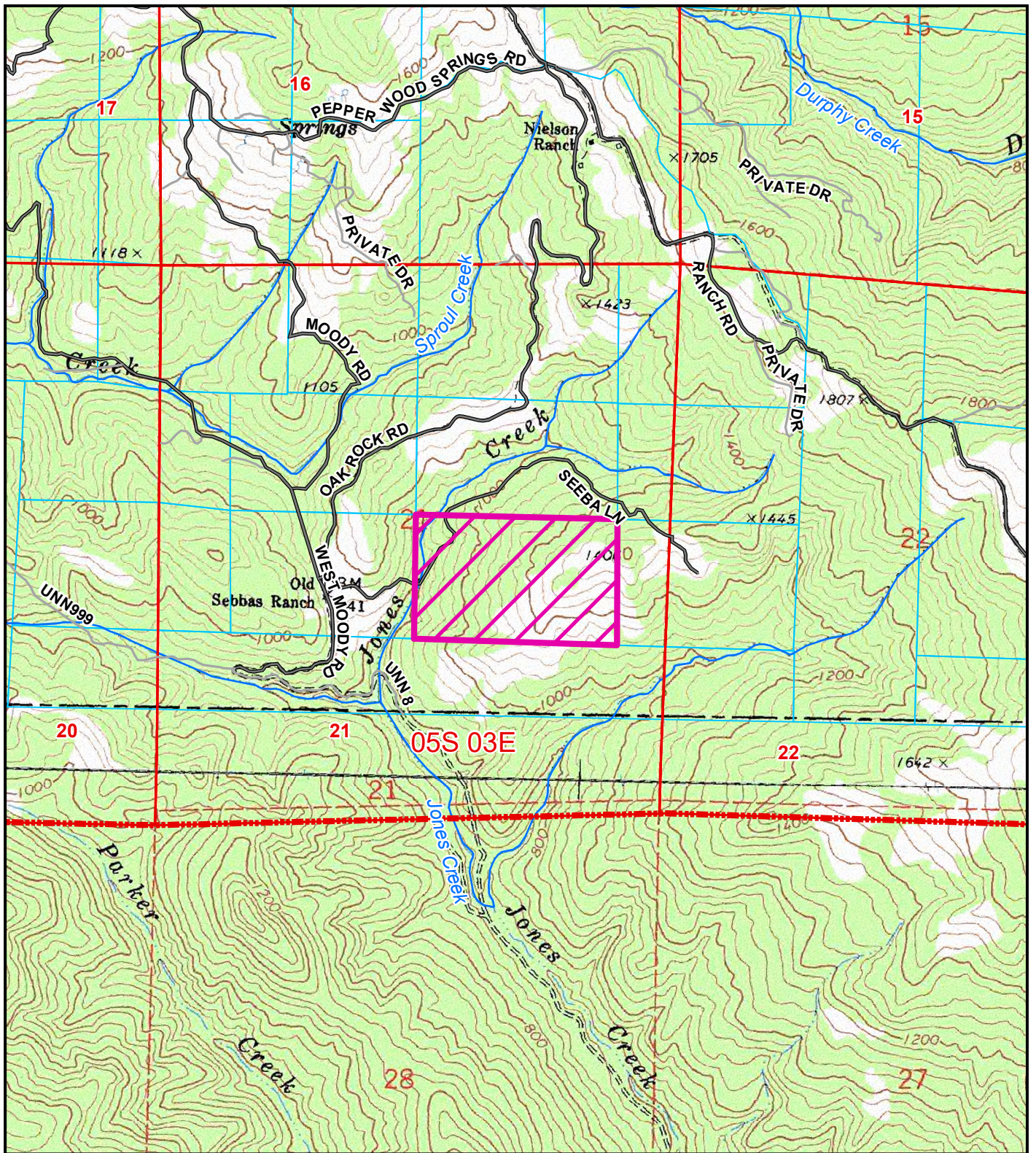
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Special Permit for Winterbourne Inc, based upon the Findings and Evidence and subject to the conditions of approval attached here to as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on June 3, 2021

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

John H. Ford
Zoning Administrator, Planning and Building Department



Project Area =

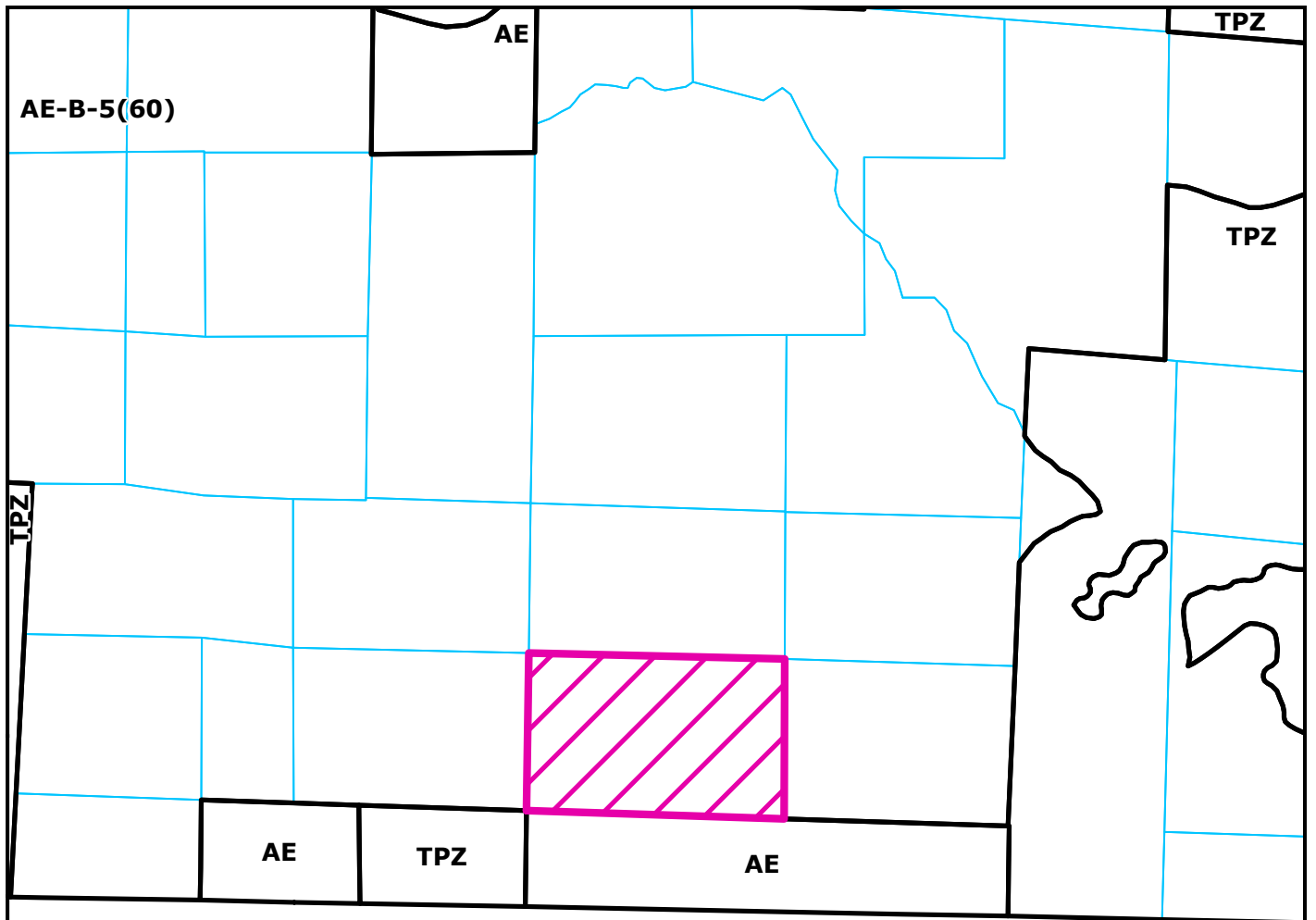


**TOPO MAP
PROPOSED WOOD
Garberville AREA
PLN--2018-15218
APN: 222-071-023-000
T05S R03E S21 HB&M (GARBERVILLE)**

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



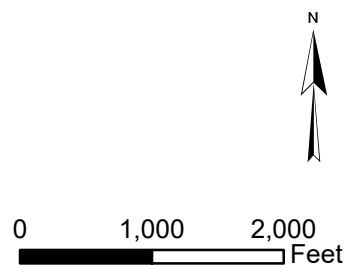
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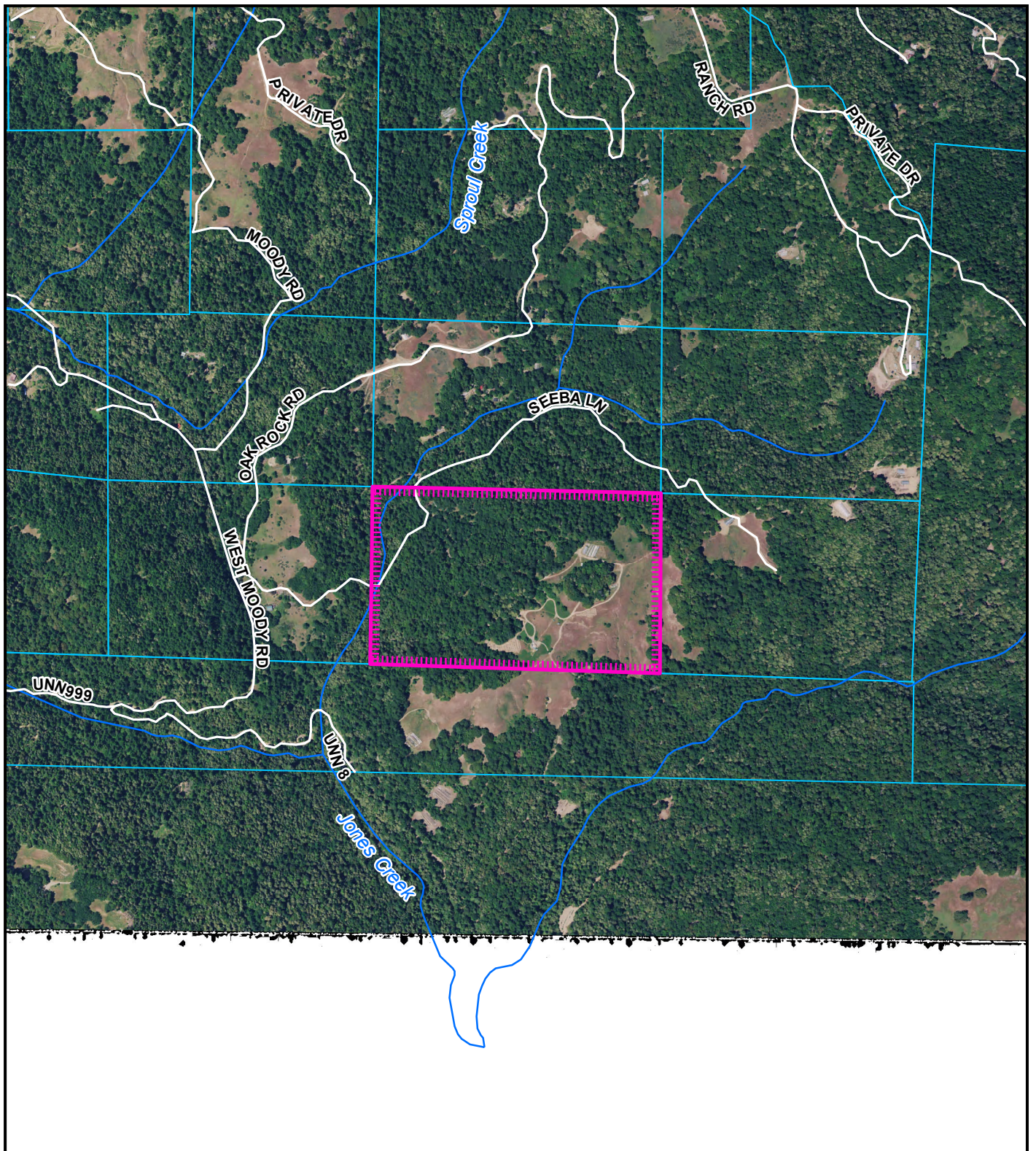


Project Area = 

**ZONING MAP
PROPOSED WOOD
Garberville AREA
PLN--2018-15218
APN: 222-071-023-000
T05S R03E S21 HB&M (GARBERVILLE)**

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





Project Area = 

**AERIAL MAP
PROPOSED WOOD
Garberville AREA
PLN--2018-15218
APN: 222-071-023-000
T05S R03E S21 HB&M (GARBERVILLE)**

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

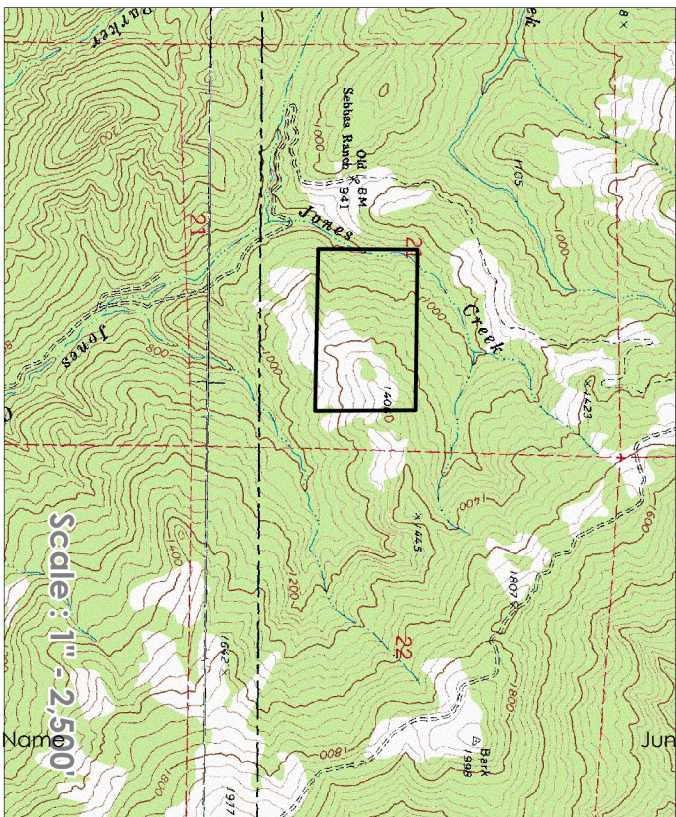
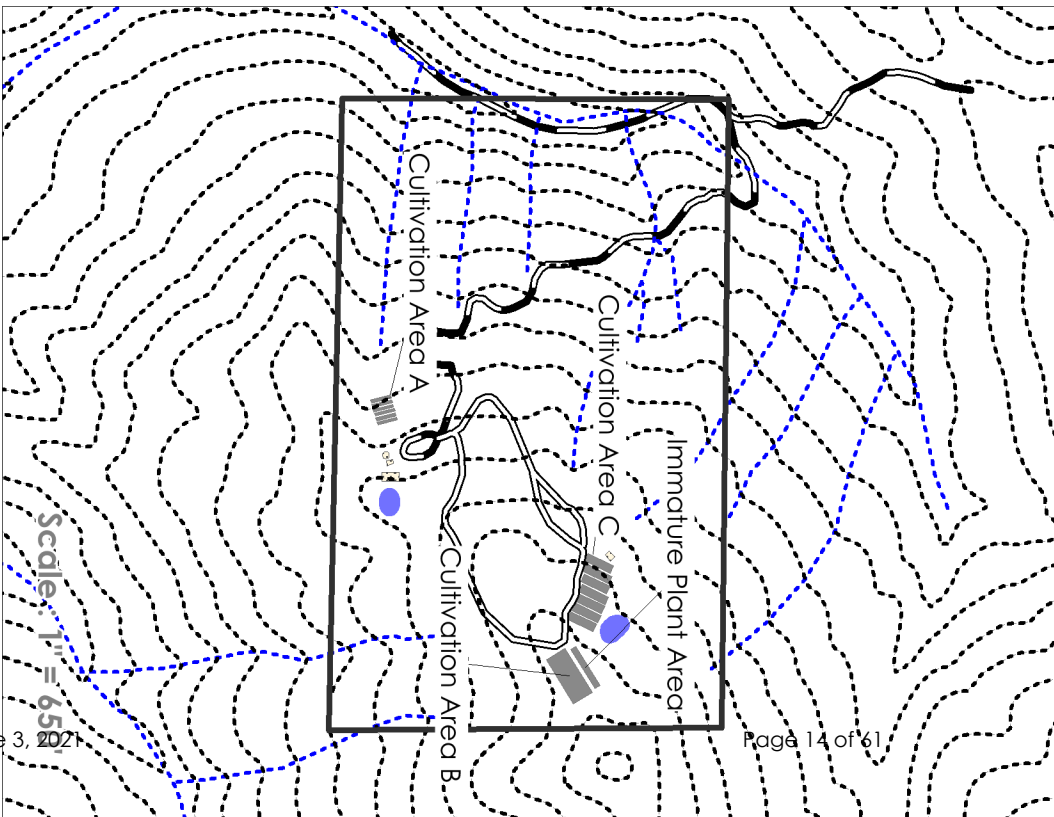
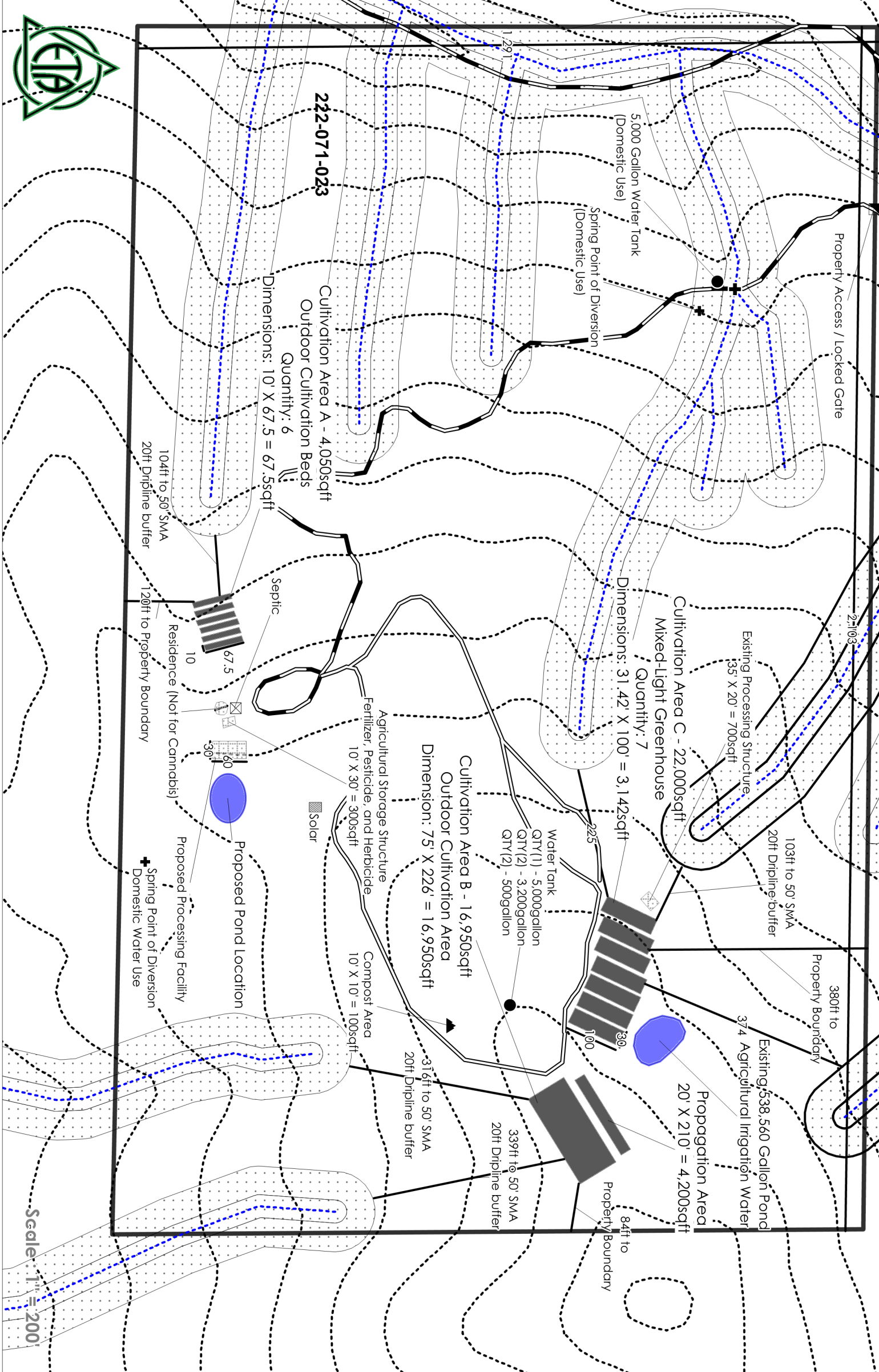
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Humboldt County Plot Plan

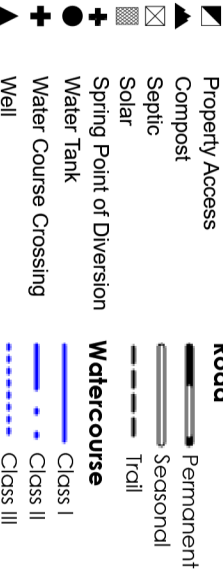
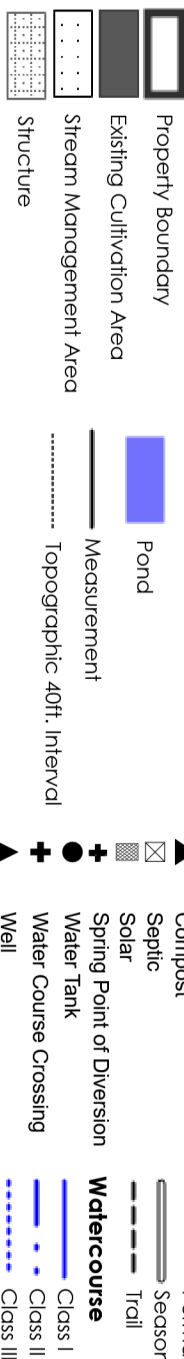
APN : 222-071-023

Located in Section 21, Township 5S, Range 3E Humboldt Base and Meridian, on the USGS Garberville 7.5' Quadrangle Map



K n B Corporation

APN - 222-071-023



Cultivation Area

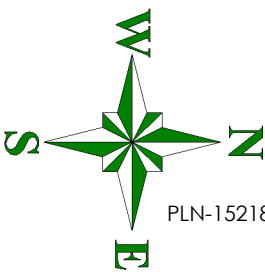
Total Cultivation = 43,000sqft
Pre-existing Area = 26,505sqft
Proposed Cultivation Area = 15,495sqft
Propagation Area Total = 4,200sqft

Cultivation Area Totals

Cultivation Area A - 4,050sqft
 Total Canopy Area A - 4,050sqft
 Cultivation Area B - Outdoor Cultivation Area
 Total Canopy Area B - 16,950sqft
 Cultivation Area C - Mixed Light Greenhouse
 Total Canopy Area C - 22,000sqft
 Immature Plant Area
 Total Canopy Area - 4,200sqft

Property Information

Parcel Status: ACTIVE
Owner Name: K N B CORPORATION
Mailing Address: 791 E FOOTHILL BLVD UPLAND CA 91786
Legal Description: PAR 20 PARMAP 942 PM BK 8 CG 71-72
Lot Acres: 67.000



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

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. **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.
5. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.
6. Within 60 days of the effective date of permit approval, the applicant shall execute

a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

7. The applicant shall fulfill the direction and recommendations for the work that needs to be completed onsite as described in the Site Management Plan (SMP) prepared by ETA Humboldt, LLC dated May 4, 2021. The applicant shall submit verification and proof from a qualified professional that the work has been done. Final signoff from the Planning Department will satisfy this condition.
8. The applicant shall ensure the existing driveway will require modification in order to comply with County Code. Confirmation from the Department of Public Works that the work has been done will satisfy this condition.
9. 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.
10. The applicant shall adhere and implement all recommendations in Segment 2 and Segment 3 found within the Road Evaluation prepared by Stillwater Sciences dated May 3, 2017. The applicant shall also ensure Segment 4 is completed up to the access point of the "Seeba Lane". Confirmation from the Department of Public Works that the work has been done will satisfy this condition.
11. 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).
12. The applicant shall gravel the surface at the location of Sprowel Creek Road, where it meets the private driveway for a minimum width of 20 feet and a length of 50 feet. Confirmation from the Department of Public Works that the work has been done will satisfy this requirement.
13. The applicant shall demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Final signoff from the Planning Department will satisfy this condition.
14. The applicant shall submit and adhere to an Invasive Species Plan in order to

control the spread of Pampas grass and other invasive species that have the potential to occur on the parcel. Final sign-off from the Planning Department will satisfy this condition.

15. The applicant shall install water monitoring device on each source – rainwater catchment pond if/when utilized and storage tanks applicable - to monitor water used for cannabis irrigation sperate from domestic use.
16. The applicant shall contact the local fire service provider [Sprowel Creek VFC Response Area] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
17. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
18. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
19. Biological Resources:
 - a. All cultivation activities should be conducted to minimize potential runoff from the project sites.
 - b. Any fertilizers or pesticides should be used in strict accordance with the manufacturer's directions.
 - c. All fertilizers, pesticides, and other cultivation-related products should be properly stored to prevent exposure to precipitation events and to prevent access to wildlife.
 - d. Generators should be housed inside insulated enclosures to muffle noise and adhere to noise thresholds of the CCLUO (:\$50 decibels of maximum noise exposure at 100 feet from noise source or edge of habitat).
 - e. Hire a qualified biologist to conduct nesting bird surveys if tree or shrub removal or habitat alteration is planned within the nesting bird season (generally March 1 - August 31), and provide report to Humboldt County Planning Department for review and approval prior to initiating work. Use appropriate distance buffers, if necessary, for any discovered active nests.
 - f. Conduct seasonally appropriate floristic (botanical) surveys for rare plants if any ground disturbance for further development is proposed, and provide report to Humboldt County Planning Department for review and approval prior to initiating disturbance.

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 CMLUO 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. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. 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.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee

orientation.

9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 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.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the California 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.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through

Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MCRSA, 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."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and

- (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the 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.
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation

area is located, will not support diversions for irrigation.

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

Informational Notes:

1. 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 Section 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 Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.
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 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 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 send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid 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. 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.
5. The Applicant is responsible for costs for post-approval review for determining project

conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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. 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.
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 Environmental 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.

ATTACHMENT 2

**CEQA ADDENDUM TO THE
ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

**Commercial Cannabis Land Use Ordinance Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), May 2018**

APN 222-071-023; on the southeast side of Sierra Lane, approximately 0.5 miles east from the intersection of West Moody Road and Sierra Lane, on the property known to be in the southern edge Section 21 of Township 05 South, Range 03 East, Humboldt Base & Meridian.

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

May 2021

Background

Modified Project Description and Project History - The original project reviewed under the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO 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. The EIR 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 EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit to allow for 43,000 square feet of outdoor cannabis cultivation whereas 10,870 square feet is existing outdoor cannabis cultivation, and 32,130 square feet is new outdoor cannabis cultivation. Artificial lighting used for ancillary propagation nursery, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. Processing such as drying and curing will take place in a 800-square-foot processing building. Further processing will occur off-site at a licensed processing facility. If a processing center is not available, the applicant proposes to perform trimming will take place in a 700-square-foot processing shed. The applicant is proposing to build an 1,800 square foot processing building with an ADA compliant restroom. The applicant anticipates on hiring a maximum of 6 employees to assist with operations. Power for the project will be provided by solar with a backup generator.

Water for the project will be sourced from a 538,560-gallon rainwater catchment pond. Water storage for the project totals 662,400 gallons occurring in the following:

Water Storage in Nexus to Cannabis	
Water Storage	Size (gal)
Water Storage Tank	5,000 gal
Water Storage Tank	3,200 gal
Water Storage Tank	3,200 gal
Fertilizer Tank	500 gal
Fertilizer Tank	500 gal
Pond	538,560 gal

The applicant anticipates 385,000 gallons of water will be required annually for irrigation for two cultivation cycles.

The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River and Intertribal Sinkyone Wilderness Council. The applicant submitted a Cultural Resources Investigation prepared by William Rich and Associates dated January 2020. The investigation concluded there were no significant archaeological or historic-period cultural resources, which would be considered an historical resource for the purpose of CEQA (15064.5(a)), exist in the limits of the project area. The project has an ongoing condition to include inadvertent archaeological discovery language.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased

water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) 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 EIR 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 EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effect previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize the project in compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

Technical documents utilized in conducting this review included, but are not limited to the following:

- Cultivation and Operations Plan prepared by ETA Humboldt dated May 4, 2021.
- Site Plan prepared by ETA Humboldt dated May 4, 2021.
- Biological Survey prepared by Nor Cal Bio Surveys dated February 26, 2020.

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 EIR 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 EIR was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, 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 the agent dated May 4, 2021 – **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 the agent dated May 4, 2021- **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. 2019-0001, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan (SMP) prepared by the agent–Conditioned).
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 source of water is a well, a copy of the County well permit, if available. (Not applicable)
9. 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)

10. 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)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
15. Road Evaluation Form prepared by the applicant dated January 8, 2020. (On file)
16. Biological Assessment prepared by ETA Humboldt, LLC., dated May 4, 2020. (On file)
17. 24-Hour Noise Assessment prepared by ETA Humboldt, LLC dated April 28, 2021. (**Attached**)

Operations Plan

Boden Wood

Location: 3260 See Ba Ln Garberville, CA 95542

County: Humboldt

APN: 222071023

Address: 484 Lake Park Ave #506 Oakland, CA 94610

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.986.7815

Email: etahumboldt@gmail.com

Project Description

This application is for a project located on parcel number 222-071-023 belonging solely to Boden Wood. Boden Wood is the primary cultivator and primary processor at this property.

This project will consist of 3 (three) cannabis gardens, 7 (seven) greenhouses and one vegetative greenhouse. The total pre-existing cultivation for this parcel was 26,000 sq. ft. This application is for a total of 43,000 sq. ft. Applicant is restructuring operation to reflect additional cultivation canopy due to applicant's eligibility to apply for up to one acre. All cannabis in gardens grown outdoors some under greenhouses, some in open air listed below.

All cannabis is harvested and dried on site, in a building that existed when property was purchased in 2011. Harvested cannabis is processed on site with the aid of a trim machine. Applicant is also proposing to build a new 1,800ft² processing building on the property near the residence and upgrade the existing bathroom to ADA compliance. The irrigation water source for this project is an off-stream rainwater catchment pond with a capacity of 538,560-gallons.

Applicant is also proposing to add another off-stream pond to increase rainwater catchment storage. Power for this project comes from a Solar system with emergency back-up generator.

The gardens are irrigated from the Pond and solar system is in place for power with generator backup at 20% or less.

The gardens are labeled on the map with corresponding Item numbers. All gardens are more than 200 feet from any water source or supply.

These gardens are watered on a drip irrigation system with 538,560 gallons from the pond and 17,400-gallons in hard tank water storage. Vegetation for the plants occurs on property with moderate supplemental lighting.

The cannabis is then processed by Boden Wood in according with his operations plan. All processing occur on site until another viable option is presented. I.e.; A processing center opening within a modest driving distance. Once proposed processing building is complete, it will be used for future processing.

This Project consists of 3 (three) cultivation areas with 2 (two) full term outdoor flowering gardens, 7 (seven) greenhouses, one vegetative garden and 1 (one) pond. Applicant is proposing to add another off-stream pond to increase rainwater catchment storage. There are multiple water storage tanks. There is also a water diversion for domestic use only in Jones Creek with a storage cistern, and a second domestic use spring diversion with direct diversion to the residence.

Cultivation Area A- 4505ft² of open-air cannabis, consisting of 6 (six) 10' x 67.5' garden beds harvested once per year

Cultivation Area B- 16,950ft² (75' X 226') of open-air cannabis harvested once per year

Cultivation Area C- 22,000ft² of light deprivation cultivation consisting of 7 (seven) 3,142ft² (31.42' x 100') greenhouses harvested twice per year

Propagation area- 4,200ft² greenhouse for the propagation of immature plants

700ft² Drying/Processing Shed

300ft² nutrient and pesticide storage shed

Jones Creek Spring with cistern (Domestic Use Only)

538,560-gallons rainwater catchment pond

Water Tanks

1 qty. 5,000-gallon HDPE water storage tank

2 qty. 3,200-gallon HDPE water storage tanks

2 qty. 500-gallon HDPE Water Storage Tanks

5,000-gal. Jones Creek Water Tank (Domestic Use Only)

Solar Components/Generator

Land Features

To the best of my knowledge there are no graded flats on the land. In years past I used small equipment to aid in shaping and contouring existing flats on the land. There are 4 culverts all in excellent condition and maintained regularly. There are no easements on title to my land. Garden A has a slope of 22% with the cannabis planted in the ground in trenches using a multi-storied canopy.

Garden B has a slope of between 20 and 30% on walkways between trenches. The cannabis planted in the ground in trenches using a multi-storied canopy. There are no signs of

erosion or water runoff. Site is checked on a weekly basis to monitor for performance on BMP.

Proximity

The property is 362 ft from my neighboring property line to the north, and 318 ft from the neighboring property line to the east. 386 ft to the south, and 832 ft to the west. Please see site maps. There are no schools, school bus stops, public parks, public lands, hiking trails or tribal resources within 600 ft of my property.

Tracking, Records, and Inspections

CERCC requires that the project comply with the Track-and-Trace System and local requirements. The following policies shall be implemented to ensure compliance with the CERCC and CWMP:

- A. In addition to all other tracking requirements, disposal of cannabis waste shall use the Track-and-Trace System with documentation to ensure cannabis waste is identified, weighed, and tracked while on premises and when disposed.
- B. All cannabis plant material identified as cannabis waste shall be reported in the Track-and-Trace System made within three (3) business days of the change in disposition from cannabis plant material into cannabis waste scheduled for destruction or disposal.
- C. Review of on-site cannabis, Track-and-Trace System records, cannabis waste, commercial waste, and any other records shall be available for CDFA inspection or their designated representative. Inspections shall occur at standard business hours from 8:00am to 5:00pm. Prior notice for inspections is not required by the inspecting agency.
- D. No person shall interfere with, obstruct or impede inspection, investigation or audit. This includes, but is not limited to, the following actions: Denying the department access to the licensed premises. Providing false or misleading statements.
Providing false, falsified, fraudulent or misleading documents and records, and failing to provide records, reports, and other supporting documents.
- E. Accurate and comprehensive records shall be maintained on-site for seven (7) years regarding cannabis waste which are subject to CDFA inspection that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste.

Trash/Refuse

Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters. All trash and recycling is stored in cans with lids on a stable, flat area. The cans are secured to exclude wildlife and prevent discharge or contact with water or receiving waters. Garbage and refuse shall be disposed of at an appropriate waste disposal location. All garbage and refuse are disposed of at

an authorized municipal waste transfer station. It will be taken to Redway Transfer station by personal vehicle, i.e. truck, 1-3 times per week depending on garbage accumulation.

Solid Waste/ Recycling

Solid waste and recyclables on the property will be not be stored or collected. They will be taken to Redway Transfer station by personal vehicle, i.e. truck, 1-3 times per week depending on garbage accumulation. All soil will be reused and never dumped. Garbage from the grow is bags from amendments and fertilizer containers. All items will be cleaned out properly into a leach field or garden area, recycled if possible and if not removed to the transfer station. All recycling is sorted in a can with lids in the yurt until it is removed. No garbage is stored outside or unattended where animals can access.

Solid Waste and Recyclables Disposal

Redway Transfer Station
Recycling center in Humboldt County, California
Conservation Camp Rd.
Redway, CA 95560
707-923-3944
<https://www.recology.com/recology-eel-river/redway-transfer-station/>

Hazardous Waste Disposal

Humboldt Waste Management Authority
1059 W Hawthorne St.
Eureka, CA 95501
707-268-8680

Cultivation Plan

Boden Wood

Location: 3260 See Ba Ln Garberville, CA 95542

County: Humboldt

APN: 222071023

Address: 484 Lake Park Ave #506 Oakland, CA 94610

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.986.7815

Email: etahumboldt@gmail.com

Cultivation Site

This project will consist of 3 cultivation areas including two full term outdoor gardens, 7 greenhouses and a vegetative space. All cannabis in gardens grown outdoors some under greenhouses, some in open air listed below. All cannabis is harvested and dried on site, in a building that existed when property was purchased.

Footprint explanation

Cultivation Area A-

This cannabis garden is an open-air garden. This garden is approx. 4,505 sq. ft. One cycle of full-term cannabis grown here. This garden sits on a slope of 19% on the trail that runs parallel to the garden. Each row of the cannabis is a terraced area with the cannabis growing directly in the ground. Each garden bed is 10' x 67.5'. Each terraced area is carefully etched into the gentle slope. There are companion plants, native grasses and indigenous plants that grow in the garden and around the area to also help control any type of run off. There are no signs of wastewater runoff or erosion in this garden. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Cultivation Area B –

This is an open-air cannabis garden. The garden is approx. 16,950ft² (75' x 226'). One cycle of full-term cannabis grown in this garden. There are companion plants, native grasses and indigenous plants that grow in the garden and around the area to also help control any type of run off. There are no signs of wastewater runoff or erosion in this garden. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Cultivation Area C-

This cannabis garden is a light deprivation greenhouse area. This garden is 22,000sq. ft by the perimeter of the garden. Each greenhouse is 31.42' x 100' (3142ft²) Two cycles of cannabis grown in greenhouses. This garden sits on a slope of 5-15% on the path that runs parallel to the garden. All black out plastic used as many seasons as possible and repaired instead of replaced for as long as possible. The area was not graded but shaped and flattened out a little to accommodate greenhouses on a level plain. There are companion plants, native grasses and indigenous plants that grow in the garden and around the area to also help control any type of run off. There are no signs of wastewater runoff or erosion in this garden. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Immature Plants

Immature plants will be propagated from seed or purchased from a licensed nursery. When needed a section of the processing shed is used for seedling and immature plants, only minor supplemental light is used, 22w regular light bulbs.
and Propagation Area (4,200ft²) is used once light is not needed.

Cultivation Cycles

I intend to harvest the greenhouses twice. The first time in July after a Light Deprivation cycle. The second harvest in Sept/Oct with natural finish (no black out cover). The full term outdoor to be harvested once per year Sept/Oct. Also plans for personal medical plants to be harvested in Sept./Oct.

Monthly Cultivation Site Activities

Month	Activities
January	Finish processing of fall harvest, trimming and storage. Plan new year. Mow cover crop. Check greenhouse for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
February	Work on trenches/and holes for plants layer more compost in beds. Treat compost if necessary. Finishing processing last year's crop if still necessary.
March	Get clones from other permitted grow operation. Transplant and move into greenhouse with seedlings. Amend beds, fix fences, service equipment, make plan for independent contractors i.e.; painting, fence building, greenhouse fixing, etc.

April	Amend and start turning beds, prep dirt and supplies for greenhouse plants. Add nematodes compost for pest prevention. Mid- April move first round of plants to greenhouses. Weed whacking, mowing, and brush cleanup.
May	Plant Long Term Plants. Spray with preventive sulfur. Treat with biodynamic preparations for pest control and mold control. Greenhouse plants switched into flower using a blackout cover mid-late May. Turn beds, fix/ replace and clean drip emitters, check timers. Double check all water systems for leaks and clogs. Put out sound sensors for rodents.
June	Hay put over each trench for water retention. Use re mesh for supports as well as bamboo stakes which are cleaned with bleach before each use. Bamboo reused for multiple years. Regular feeding schedule of compost teas adhered to. Pests are dealt with as they arise with oils, nematodes and predator mites from compost. Procure next round of plants from licensed nursery.
July	Harvest greenhouse mid-month, replant with new clones from a permitted nursery. Treat plants with preventive measures. Harvested flowers to hang in garage, then to be cured and hand trimmed per processing plan.
August	Finish processing July's harvest. Monitor water supply, check lines and all areas for insect/ animal disturbance.
September	Prepare for Harvest. Clean and prepare lines and drying spaces in garage. Clean all supplies and purchase new items needed. Harvest, cure and trim as outlined above in processing plan.
October	Harvest greenhouses. Harvest Long term Plants. Process as outlined above. Pull all root-balls, pack hay and cover crop seeds on beds. Pull drip system. Check all equipment and tools for leaks and damages before storing for winter. Store all supplies possible, cleanup site.
November	Winterize water system, greenhouse and sheds. Clean up drying rooms remove all lines and debris. Put away all supplies i.e. fans, dehumidifiers. Continue processing cannabis as outlined above.
December	Start amendments for winter. Prep all water and water storage system for shut down. Clean all garden implements. Put all left over supplies away. Driveway fixing, other farm/garden maintenance.

Processing Plan

Boden Wood

Location: 3260 See Ba Ln Garberville, CA 95542

County: Humboldt

APN: 222071023

Address: 484 Lake Park Ave #506 Oakland, CA 94610

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.986.7815

Email: etahumboldt@gmail.com

Processing Plan

Harvest

Cannabis will be harvested using gloves and clean tools. All cannabis will be hung to dry in the Processing buildings (on site map). Dehumidifiers and fans will aid drying in the buildings. Cannabis will be dried for 10-21 days on lines in these areas depending on weather. The rooms will have proper ventilation, fans, and dehumidifiers to maintain proper environment. Moldy cannabis will be removed and destroyed using county and state approved procedures for holding and destroying unwanted product.

Curing

Curing will take place after cannabis is dried on the lines. Cannabis will be visually checked for mold then placed into plastic totes for (2) weeks to two (2) months for curing. During this time the bins will be checked for mold and moisture consistency. Curing cannabis will be stored in processing buildings (on site map). Moldy or defective cannabis will be removed and destroyed using county and state approved procedures for holding and destroying unwanted product.

Processing

Ideally a processing center will be available to contract processing of cannabis from harvested cured product to a shelf-ready product. If not plan below would be implemented until facility became available.

Cannabis Trimming, trimming will occur as cannabis becomes ready from curing process. Trimming will physically take place in processing building with plenty of ventilation and fresh air or on the back porch of the Yurt when weather permits. The applicant intends to trim with the aid of a trim machine and will hire 1-3 independent contractors with a processor's license to help. Processed cannabis will be bagged into turkey bags or sealed bags to be held until a distributor is ready. The trim or remaining leaves from processed cannabis, will be bagged into brown lawn bags and into contractor bags to be stored until needed, sold or destroyed in the

legal manner. I am proposing to build a 1,800ft² (60' x 30') processing building with an ADA compliant restroom once approved for future processing.

Processing- Independent Contractors

The applicant will need help, so independent contractors will be hired to help in their respective fields. Independent contractors will have access to parking, spacious work zone, clean supplies for task, hand washing areas with soap, bathroom with sink and toilet. All areas are kept clean and in good condition. All independent contractors will have access to personal safety equipment to meet the needs of the job for example, face mask, gloves, Tyvek suits, safety glasses, rubber boot covers etc. Additionally, the following practices will be implemented and only employ persons for hire as allowable by law. At all times workers shall have access to safe drinking water, toilets and handwashing facilities. Workers will commute daily, there are no worker sleeping facilities planned. Water for workers is provided via domestic use spring, which supplies water to the yurt. See site plan. Workers are to carpool to property using as few vehicles as possible. Applicant anticipates only one (1) To two (2) vehicles traveling the road daily.

Worker Safety Practices

Safety protocols will be implemented to protect the health and safety of employees. All employees shall be provided with adequate safety training relevant to their specific job functions, which may include:

- Employee accident reporting
- Security breach
- Fire prevention

Materials handling policies

Use of protective clothing such as long sleeve shirts, brimmed hats, and sunglasses.

Each garden site and or processing area have the following emergency equipment:

Personal protective equipment including gloves and respiratory protection are provided where necessary

- Fire extinguisher

- First Aid Kit

- Snake Bite/Bee Sting Kit

- Eye Washing Kit

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).

Water Irrigation and Storage Plan for 2021 (Late Start)

Boden Wood

Location: 3260 See Ba Ln Garberville, CA 95542

County: Humboldt

APN: 222071023

Address: 484 Lake Park Ave #506 Oakland, CA 94610

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.986.7815

Email: etahumboldt@gmail.com

Water Plan

This water plan reflects only the first season of cultivation, with an expected start date of July 1st. Water usage this season will vary based on approval date to get started and use water.

Water Storage and Usage

Overall the amount of water used by the Cannabis Gardens for this season is 198,895.5 gallons for this year, this is an estimate, to the best of my knowledge. The domestic use water is an estimate, to the best of my knowledge, to which I based my estimate on around 200 gallons a day for the house. Maximum amount of water stored on-site at any time is 555,960 gallons. The water is pumped from the pond to the storage tanks. The tanks then feed the gardens by gravity. The Yurt or residence is fed from the spring domestic # S025284.

Water Storage Tanks-

5000 gallons of water storage (cannabis use)

3,200 gallons of water storage (cannabis use)

500-gallon fertilizer tank (cannabis use)

3,200 gallons of water storage (cannabis use)

500-gallon fertilizer tank (cannabis use)

Pond- 650,000 gallons (cannabis use)

Cistern (Domestic Use Only)

5000 gallons of domestic use only water storage

Water is pumped using a gasoline pump from the pond to main tank storage (5,000-gal cannabis use). From main tank the water can go two ways. The first way the water moves is by gravity from main tank (5,000-gal cannabis use) to tank (3,200-gal. cannabis use) and fertilizer tank (500-gal cannabis use), these tanks then either water or feed gardens A and B The second way the water moves is by gravity from main tank (5,000-gal cannabis use) to tank (3,200-gal

cannabis use) and fertilizer tank (500-gal. cannabis use), these tanks then either water or feed garden C.

Fertilizer is applied through the drip system from separate 500-gallon tanks, or by hand from 55-gallon barrels. Total water storage is 555,960-gallons. Water conservation is a top priority. Water tank and spring system was in place when I purchased the property in 2013. Pond was added as additional water catchment system in 2016. The pond is separate from all watercourses and drain flow patterns on the property. The capacity of this pond is 538,560 gallons and is filled only from rainwater.

Water Discharge

Water storage is separate from all cannabis feeding tanks. Feeding tanks are at least 200 ft from nearest water source and garden area is mostly flat with small, sloped areas in Garden B and Garden A. There are native grasses and flowers growing to work as a leach field between garden area and open meadows. Hay is spread on topsoil to help with evaporation and runoff. Heavy amounts of peat moss and coco coir are also amended into soil periodically to help with runoff of fertilizer.

Projected Water Usage for Cannabis Garden.

Overall, the amount of water used by the Cannabis Gardens is maximum 198,895.5-gallons this year. Total estimated water usage for household/ domestic usage 73,000 gallons per year. Total estimated water usage for property approx. 271,895.5-gallons per year gallons per year. This is a super high estimate, to the best of my knowledge, the domestic 73,000 gal. use water is an estimate, to the best of my knowledge. Maximum of water stored on-site in storage tanks is 17,400 gallons. The water is pumped from the pond, measured at 538,560 according to As built pond permit from Omsberg and Preston. If the water ever started to recede, I would act accordingly to use less water.

Daily Rate at 1.5 gallons per 10ft² per watering day. Maximum water usage for the year
271,895.5-gallons
From all diversionary points.

Monthly Water Use Table

Month	Cult Area A	Cult Area B	Cult Area C	Propagation Area	Total Cannabis Use in Gallon	Domestic household, small food Garden, animals
Jan	0	0	0	0	0	6,200
Feb	0	0	0	0	0	5,600
Mar	0	0	0	4,882.5	4882.5	6,200
Apr	0	0	24,750	4,725	29,475	6,000
May	0	0	25,575	4,882.5	30,457.5	6,200
June	0	14600	24,750	4,725	47,225	6,000
July	5155	14,600	25,575	4882.5	58162.5	6,200
Aug	5155	20300	25,575	0	53,280	6,200
Sept	4950	20300	24,750	0	50,000	6,000
Oct	4827	17251	25,575	0	47,653	6,200
Nov	0	0	0	0	0	6,000
Dec	0	0	0	0	0	6,200
Total	20,087	72,451	101,475	4882.5	198,895.5	73,000
					TOTAL	271,895.5

I have read and keep a copy in my binder of the “Best Management Practices of Waste Resulting from Cannabis Cultivation and Associated Activities or operations with Similar Environmental Risk”, “Performance Standards for all CMMLUO Cultivation and Processing Operations” and the “Legal Pest Management practices for Marijuana Growers in California”. I intend to practice the guidelines set forth by these documents to help ensure my compliance with laws. I also intend to be flexible with county and state officials, make changes as necessary and upgrade my property to comply. Please feel free to contact me for any more information.

Water Irrigation and Storage Plan

Boden Wood

Location: 3260 See Ba Ln Garberville, CA 95542

County: Humboldt

APN: 222071023

Address: 484 Lake Park Ave #506 Oakland, CA 94610

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.986.7815

Email: etahumboldt@gmail.com

Water Plan

Water Storage and Usage

Overall the amount of water used by the Cannabis Gardens is 321,135.5 gallons per year, this is an estimate, to the best of my knowledge. The domestic use water is an estimate, to the best of my knowledge, to which I based my estimate on around 200 gallons a day for the house. Maximum amount of water stored on-site at any time is 555,960 gallons. The water is pumped from the pond to the storage tanks. The tanks then feed the gardens by gravity. The Yurt or residence is fed from the spring domestic # S025284.

Water Storage Tanks-

5000 gallons of water storage (cannabis use)

3,200 gallons of water storage (cannabis use)

500-gallon fertilizer tank (cannabis use)

3,200 gallons of water storage (cannabis use)

500-gallon fertilizer tank (cannabis use)

Pond- 538,560 gallons (cannabis use)

Cistern (Domestic Use Only)

5000 gallons of domestic use only water storage

Water is pumped using a gasoline pump from the pond to storage (5,000-gal cannabis use). From main tank the water can go two ways. The first way the water moves is by gravity from main tank (5,000-gal cannabis use) to tank (3,200-gal. cannabis use) and fertilizer tank (500-gal cannabis use), these tanks then either water or feed gardens A and B. The second way the water moves is by gravity from main tank (5,000-gal cannabis use) to tank (3,200-gal cannabis use) and fertilizer tank (500-gal. cannabis use), these tanks then either water or feed garden C.

Fertilizer is applied through the drip system from separate 500-gallon tanks, or by hand from 55-gallon barrels. Total water storage is 555,960 gallons. Water conservation is a top priority. Water tank and spring system was in place when I purchased the property in 2013. Pond was added as additional water catchment system in 2016. The pond is separate from all watercourses and drain flow patterns on the property. The capacity of this pond is 538,560 gallons and is filled only from rainwater.

Domestic Water

Domestic water is sourced from two spring diversions (S025284, S025271). One spring diversion is at Jones Creek and the other water diversion is located on the southern end of the property.

The Jones creek diversion has a cistern and 5,000-gallons of hard tank water storage. The southern diversion is a direct diversion into the residence. Applicant used to have a Small irrigation use right, but he has not used it and is in the process of revoking that water right.

Water Discharge

Water storage is separate from all cannabis feeding tanks. Feeding tanks are at least 200 ft from nearest water source and garden area is mostly flat with small sloped areas in Garden B and Garden A. There are native grasses and flowers growing to work as a leach field between garden area and open meadows. Hay is spread on topsoil to help with evaporation and runoff. Heavy amounts of peat moss and coco coir are also amended into soil periodically to help with runoff of fertilizer.

Projected Water Usage for Cannabis Garden.

Overall, the amount of water used by the Cannabis Gardens is maximum 321,135.5 gallons per year. Total estimated water usage for household/ domestic usage 73,000 gallons per year. Total estimated water usage for property approx. 394,135.5 gallons per year. This is a super high estimate, to the best of my knowledge, the domestic 73,000 gal. use water is an estimate, to the best of my knowledge. Maximum of water stored on-site in storage tanks is 17,400 gallons. The water is pumped from the pond, measured at 538,560-gal on As-Built pond plans from Omsberg and Preston. If the water ever started to recede, I would act accordingly to use less water.

Daily Rate at 1.5 gallons per 10ft² per watering day. Maximum water usage for the year 394,135.5 gallons
From all diversionary points.

Monthly Water Use Table

Month	Cult Area A	Cult Area B	Cult Area C	Propagation Area	Total Cannabis Use in Gallon	Domestic household, small food Garden,

						animals
Jan	0	0	0	0	0	6,200
Feb	0	0	0	0	0	5,600
Mar	0	0	0	4,882.5	4882.5	6,200
Apr	0	0	24,750	4,725	29,475	6,000
May	0	0	25,575	4,882.5	30,457.5	6,200
June	3150	14600	24,750	4,725	47,225	6,000
July	5155	22550	25,575	4882.5	58162.5	6,200
Aug	5155	22550	25,575	0	53,280	6,200
Sept	4950	20300	24,750	0	50,000	6,000
Oct	4827	17251	25,575	0	47,653	6,200
Nov	0	0	0	0	0	6,000
Dec	0	0	0	0	0	6,200
Total	23,237	97,251	176,550	24,097.5	321,135.5	73,000
					TOTAL	394,135.5

I have read and keep a copy in my binder of the “Best Management Practices of Waste Resulting from Cannabis Cultivation and Associated Activities or operations with Similar Environmental Risk”, “Performance Standards for all CMMLUO Cultivation and Processing Operations” and the “Legal Pest Management practices for Marijuana Growers in California”. I intend to practice the guidelines set forth by these documents to help ensure my compliance with laws. I also intend to be flexible with county and state officials, make changes as necessary and upgrade my property to comply. Please feel free to contact me for any more information.



OMSBERG & PRESTON

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(707) 443-8651
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ROAD EVALUATION REPORT for UN-NAMED PRIVATE ACCESS ROAD GARBERVILLE, CALIFORNIA

Prepared for:

Boden Wood

APN 222-071-023

Prepared by:

OMSBERG & PRESTON

402 E Street

Eureka, CA 95501

(707) 443-8651

January 8, 2020

(Job. No. 18-2089-1)

Stephen G. Nesvold, P.E.
R.C.E. 25681



Introduction:

The subjects of this road evaluation are Un-Named Private Access Road, located in Garberville, CA. Evaluation of the access roads leading to APN 222-071-023 was conducted on October 18, 2019 by Stephen G. Nesvold, P.E. and Ben Volez, Engineering Technician, of Omsberg & Preston. This evaluation was undertaken to determine if the road network used to access the project site is at Humboldt County Road Category 4 standard or equivalent. Stillwater Science evaluated Sproul Creek Road that leads to the Un-Named Private Access Road.

Background:

Un-Named Private Access Road, accessed from Sproul Creek Road, is an unpaved road used to access several privately-owned parcels in the Garberville area. The evaluation is carried out for 0.25 miles from the intersection of Sproul Creek Road and Un-Named Private Access Road to the entrance of APN 222-071-023 parcel. Mile Post (MP) markers will be referenced, with MP 0.0 being the intersection of Sproul Creek Road and Un-Named Private Access Road. An aerial photo of the road evaluation route can be seen in Figure 1.

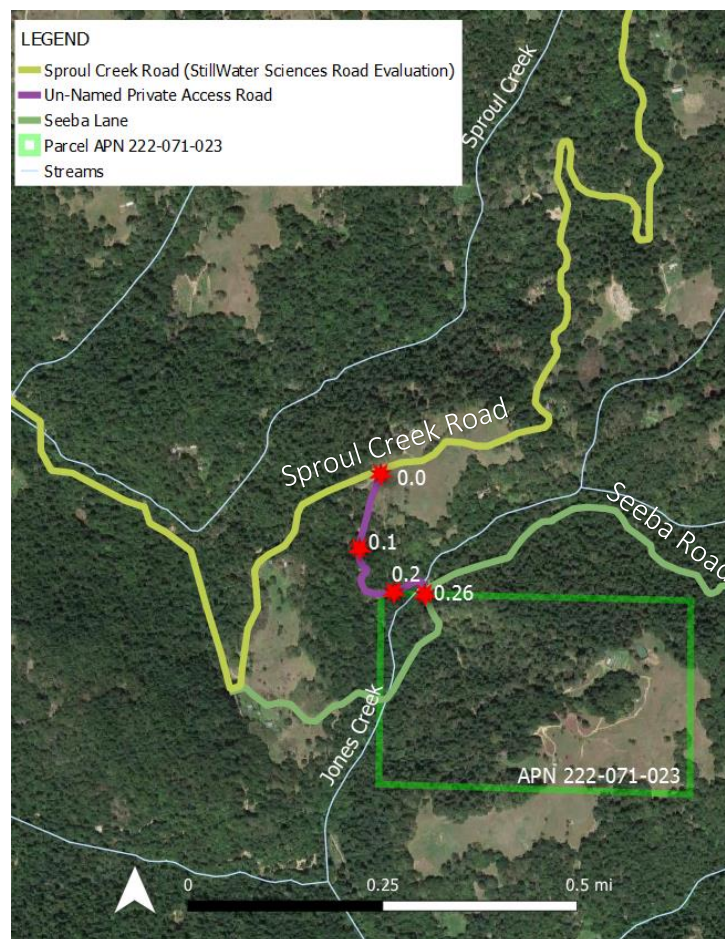


Figure 1. Route Map showing the road network used to access APN 222-071-023.

Findings:

The ADT for Un-Named Private Access Road is less than 400 vehicles per day.

Un-Named Private Access Road: Sight distance is adequate throughout the evaluated length of the road. Turnouts are adequately placed every 0.1 miles, more or less.

Drainage control along Un-Named Private Access Road is adequate with insignificant evidence of erosion taking place. Travel way width from intersection of Un-Named Private Access Road varies from 12-14ft wide with 1'-2' shoulder and adequate turnouts.

Assessment of culverts and/or stream crossings was not part of our road evaluation.

Recommendations:

No Improvements are recommended for Un-Named Private Access Road to function as a road category 4, provided routine maintenance is performed. No significant sediment source was found in this section of Un-Named Private Access Road.

Conclusion:

The road network leading to the subject parcel (APN 222-071-023) will be equivalent to Road Category 4, given the adequate distribution of turnouts and low ADT.

Road Evaluation – Supporting Information (Imagery)

Un-Named Private Access Road

November 05, 2019

Stephen Nesvold, P.E. and Jessica Ramirez

Mile 0.0 (Sproul Creek Road and Un-Named Private Access Road Intersection): 0+18+0=ft wide road prism; Good visibility and sight distance.

Intersection



Backwards



Backwards



Mile 0.1 (Un-Named Private Access Road):0+12+0=12ft wide road prism; Good visibility and sight distance.

Forward



Backward



Mile 0.2 (Un-Named Private Access Road): 0+13+0=13ft wide road prism; Good visibility and sight distance.

Forward



Backward



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: *Part A may be completed by the applicant*

Applicant Name: Boden Wood APN: 222-071-023

Planning & Building Department Case/File No.: _____

Road Name: Un-named Private access road (complete a separate form for each road)

From Road (Cross street): Spruce Creek Road (Stillwater Sciences Road Evaluation)

To Road (Cross street): Parcel 222-071-023 entrance

Length of road segment: 0.25 miles Date Inspected: 10/18/19

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

Check one of the following:

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

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

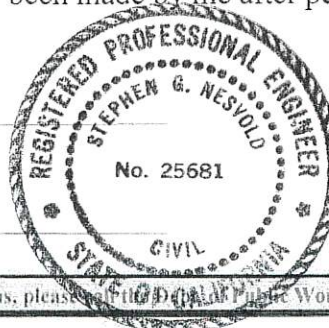
An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver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

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

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

Signature

Name Printed



Date

11/8/20

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

24 Hour Noise Assessment

KnB Corporation.

222-071-023

Survey Dates 04/28/2021-04/29/2021

This is a noise assessment survey as a supplement to an application for commercial cannabis cultivation in Humboldt county. Survey was conducted by Austin Theriault of ETA Humboldt LLC, on April 28th and 29th 2021. Equipment used for the survey was three (3) SLM-25 Sound Level Meters with Data Log.

The survey was conducted by leaving a sound level meter at the Eastern, Southern, and Northern property lines of parcel 222-071-023.

The meters recorded ambient sound without interruption for a period of 24 hours and then the equipment was retrieved and data from device was logged. The average noise level recorded from property lines was 54.6 decibels. Noise recorded was at a mostly stable level throughout the survey period with exception to some medium and large peaks, which were attributed to occasional high wind gusts. The sound level meter located on the Western property line was in a more protected place, and did not record as many gusts of wind.

Some common noises and their decibels and effects

Common Noises	Decibel level and effects on hearing
Honda EU3000 Generator (at 23' from Unit)	50-57Db- No damaging effects
Standard Dehumidifier	59.3db (at the unit)- no damaging effects 48.8db (at 10' from unit)-no damaging effects
Industrial Vent Fan (at the Unit)	64bd- no damaging effects
Normal Conversation (next to you)	60Db -No Damaging effects
Lawn Mower (while using or riding)	90Db- tolerable with minor or moderate exposure
Rock Concert Speakers (at the speaker)	120Db- Temporary or permanent damage to hearing with 1-15 minutes of continuous exposure
Jet Engine at takeoff (Within 25 meters of the craft)	140Db- Immediate pain and temporary or permanent damage to hearing

Observations

Sound Level Tester One- Eastern Property Line (40.0058, -123.8333)

Observed sounds- occasional gusts of high wind.

Average ambient sound recorded by the device was 61db.

Sound Level Tester Two- Southern Property Line (40.0038, -123.8363)

Observed sounds- occasional gusts of high wind.

Average ambient sound recorded by the device was 57db.

Sound level tester Three- Western Property line (40.0054, -123.8408)

Observed sounds- occasional gusts of wind.

Average ambient sound recorded by the device was 46db.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Accepted w Conditions	On file
Division Environmental Health	✓	Conditional Approval	On file
Public Works, Land Use Division	✓	Conditional Approval	Attached
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study	On file and confidential
Sheriff	✓	Approved	On file
Bear River Band Rancheria	✓	Conditional Approval	On file
CA Division of Water Rights	✓	Approved	Attached
Intertribal Sinkiyone Wilderness Council		No response	
Sprowel Creek VFC		No response	
Regional Water Quality Control Board		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
AG Commissioner		No response	
Southern Humboldt Joint Unified School District		No response	
District Attorney		No response	
County Counsel		No response	



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ON-LINE
WEB: CO HUMBOLDT.CA.US

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

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

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

LAND USE	445-7205
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LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Meghan Ryan, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 07/05/2019

RE:

Applicant Name	BODEN WOOD
APN	222-071-023
APPS#	PLN-2018-15218

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, stamped received by the Humboldt County Planning Division on December 21, 2018, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The Department requires all recommendations in Segment 2 and 3 be completed. In addition, all recommendations in Segment 4 up to the access point of the “Seeba Lane”.

Report does not include access road “Seeba Lane” to subject parcel.

Note: Applicant has submitted a report used for a different application. It is suggested that the applicant provide the necessary road evaluation report form for the subject parcel application or provide an addendum letter from the engineer stating that the addition of this project does not change the Engineers recommendations.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS # 15218

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

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 1):**
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:
- ☐ **COUNTY ROADS- DRIVEWAY (PART 2):**
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.
 - If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
 - If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
 - If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.
The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 3):**
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.
- ☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT END OF COUNTY MAINTAINED RD)**
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
 - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
 - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**
All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //



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

7/1/2019

Project Referred To The Following Agencies:

Building Inspections, AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, FPD: Sprowel Creek VFC, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Boden Wood **Key Parcel Number** 222-071-023-000

Application (APPS#) PLN-2018-15218 **Assigned Planner** Meghan Ryan

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: 7/16/2019

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

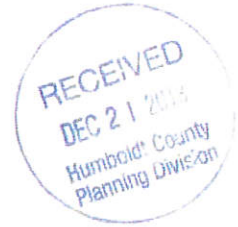
We have reviewed the above application and recommend the following (please check one):

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

Other Comments:

Has water Right. Application H 503953
Certificate H100356

DATE: 7/18/19 PRINT NAME: Cheyere Keniston



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H503953

CERTIFICATE H100356

Right Holder: *Boden Wood*
3260 See Ba Lane
Garberville, CA 95542

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 11/19/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Spring	Jones Creek	Indian Creek	40.007285	-123.839844	Humboldt	222071023

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Aesthetic, Fire Protection	Humboldt	222-071-023	0.87

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 11/29/2018.

The place of use is shown on the map filed on 11/29/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1.25 acre-feet per year to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 1.481 acre-feet. The rate of diversion to storage shall not exceed 42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.

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

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 11/29/2018 12:52:16

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