



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: December 2, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Humboldt Heritage MBC, Special Permits**
Record Number: PLN-11334-SP
Assessor's Parcel Number (APN): 220-191-035
12310 Briceland Thorne Road, Whitethorn area

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Please contact Megan Marruffo, Assigned Planner, at 707-443-5054 or by email at marruffom@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
December 2, 2021	Special Permits	Megan Marruffo

Project Description: A Special Permit for an existing 8,200 square foot (SF) outdoor cannabis cultivation occurring within four (4) greenhouses utilizing light deprivation techniques, with 1,400 SF of ancillary propagation in an additional greenhouse. Irrigation water is sourced from a creek diversion. Existing available water storage is 219,600 gallons in a series of hard-sided tanks, with an additional 2,500 gallons proposed, for a total of 222,100 gallons of onsite storage. Estimated annual water usage is 150,000 gallons. Drying, curing, and bucking occurs onsite, with all other processing currently occurring offsite at a licensed processing or manufacturing facility; however, future onsite processing is anticipated. A maximum of four (4) people will be on-site during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E). A Special Permit is also requested for development within the Streamside Management Area (SMA) related to continued use and maintenance of the water diversion infrastructure.

Project Location: The project is located in the Whitethorn area, on the south side of Briceland Thorne Road, approximately 0.29 miles north from the intersection of Shelter Cove Road and Briceland Thorne Road, on the property known as 12310 Briceland Thorne Road.

Present Plan Land Use Designations: Residential Agriculture (RA5-20) Density: 5-20 acres per dwelling unit, Slope Stability: Moderate instability (2).

Present Zoning: Unclassified (U)

Record Number: PLN-11334-SP

Assessor's Parcel Number: 220-191-035

Applicant

Humboldt Heritage MBC
C/O Nacona Mendes
P.O. Box 430
Whitethorn, CA 95589

Owner

Thomas Mendes
P.O. Box 912
Redway, CA 95560

Agent

Green Road Consulting
Kaylie Saxon
1650 Central Avenue, Suite C
McKinleyville, CA 95519

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

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

Major Issues: None.

Humboldt Heritage MBC
Record Number: PLN-11334-SP
Assessor's Parcel Number: 220-191-035

Recommended Zoning Administrator Action:

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

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

Executive Summary: Humboldt Heritage MBC seeks a Special Permit to allow the continued cultivation of 8,200 square feet (SF) of outdoor cannabis utilizing light deprivation techniques with 1,400 SF of ancillary propagation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA5-20) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Outdoor cultivation occurs within the northern portion of the subject parcel in four (4) greenhouses (three 2,400 SF and one 1,000 SF) utilizing light deprivation techniques. Ancillary propagation occurs within a 1,400 SF nursery greenhouse. Two (2) harvests are anticipated annually for the light deprivation greenhouses for a growing season that extends from March through October.

Drying, curing, and bucking occurs onsite in a 1,750 SF barn located southwest of the cultivation area, with all other processing currently occurring offsite at a licensed processing or manufacturing facility. However, onsite processing is anticipated, if the applicant is able to acquire a commercial building permit for the existing onsite barn. A maximum of four (4) people will be on-site during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E). The operation is secured behind a gated access, fenced cultivation facilities, and utilizes securing lighting. Access is limited to employees and restricted access signs are posted at the entry gates. The proposed processing facility will include an alarm system.

A Special Permit is also requested for development within the Streamside Management Area (SMA) related to continued use and maintenance of the water diversion infrastructure.

Onsite Nursery Space

As noted above, the site contains 8,200 SF of existing outdoor cultivation. Ancillary propagation associated with the operation currently occurs in a 1,400 SF nursery greenhouse. Although documentation from a settlement meeting between the applicant and County in April 2018 notes that the Department would allow up to 1,600 SF for an ancillary onsite nursery (see Attachment 3), a nursery space of 10% of the cultivation area (or 820 SF) is the maximum the Planning Commission has allowed for previous projects and to remain consistent with past decisions, a condition of approval is recommended to require the applicant to reduce the amount of nursery space onsite and revise both the Site Plan and Operations Plan to reflect a maximum of 10% of nursery space, or 820 SF.

Timber Conversion

Based on review of historic aerial imagery dating back to 2005, timber conversion has occurred onsite in order to accommodate the existing cultivation area. While the site contained two existing cleared areas in 2005, the northernmost area, comprising the cultivation area, appears to have been expanded between 2014 and 2016. A Less Than Three Acre Conversion Exemption was applied for and accepted by the California Department of Forestry and Fire Protection (CAL FIRE; Exemption #1-16EX-001HUM) in January 2016 (Attachment 3) for 1.5 acres of timber conversion, which coincides with the area

converted based on review of aerial imagery and the conversion map. As the onsite timber conversion occurred in compliance with the issued Less Than Three Acre Conversion Exemption, no restocking is required.

Water Resources

Estimated annual water usage is 222,100 gallons (12.86 gal/SF). Per the Cultivation and Operations Plan Addendum (Attachment 3), 222,100 gallons is diverted between November 1st to March 31st for storage, and then stored water is utilized for irrigation between April 1st and October 31st. An additional 40,000 gallons is diverted from McKee Creek annually (January 1st-December 31st) for domestic use. Existing available water storage is 219,600 gallons in twenty-eight (28) hard-sided tanks ranging in size between 1,500 and 50,000 gallons. An additional 2,500-gallon tank is proposed onsite for fire suppression purposes, as shown on the Site Plan, which would equate to a total of 222,100 gallons of onsite water storage. Based on the applicant's 2019 water use estimates submitted to the State Water Resources Control Board (SWRCB) in February 2020 (Attachment 3), approximately 150,000 gallons of water is utilized annually for cannabis irrigation.

Water for irrigation is provided by a point of diversion from McKee Creek (a Class II stream), which traverses the western portion of the site. McKee Creek is a tributary to the Mattole River. The applicant was issued a Right to Divert and Use Water from the State Water Resources Control Board (SWRCB) Division of Water Rights (Registration H502455, Certificate H100264) in October 2018 (Attachment 3) for the point of diversion. Per the water right, the water appropriated is limited to 0.6197 acre-feet (or 201,961.6 gallons) per year, total storage capacity shall not exceed 0.70 acre-feet (228,096 gallons), and the rate of diversion shall not exceed 42,000 gallons per day. The total amount of available water storage (222,100 gallons, once the proposed 2,500-gallon tank is installed) is under the maximum allowed under the water right. The total estimated annual water usage (150,000 gallons) is approximately 74% of the appropriated amount allowed under the water right.

Additionally, a Final Streambed Alteration Agreement (SAA) was issued by the California Department of Fish and Wildlife (CDFW) in November 2017 (Notification No. 1600-2017-0308-R1; Attachment 3) for four (4) encroachments, including the aforementioned point of diversion, in addition to two (2) additional points of diversion and replacement of an existing culvert. In October 2021, the applicant's agent confirmed that only one point of diversion is utilized onsite for irrigation and domestic use. The Final SAA limits the maximum rate of diversion from McKee Creek to 10 gallons per minute and requires no more than 150 gallons per day be diverted during the low flow season from May 15 to October 15 of any year. The project is conditioned to implement any remaining projects and requirements identified in the Final SAA. Further, conditions of approval require the applicant to monitor water use from the point of diversion and storage tanks annually to demonstrate there is sufficient water available to meet operational needs.

Per review of the County's GIS and the Site Plan, Painter Creek (Class I watercourse) and McKee Creek (Class II watercourse) both traverse the eastern portion of the subject site. Two additional watercourses (a Class II and Class III) are depicted on the Site Plan. A Site Management Plan (SMP; WDID 1B16363CHUM) has been prepared for the site by Green Road Consulting in February 2019 (Attachment 3), which details existing site conditions and remediation efforts needed to comply with the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. As noted in the SMP, the four (4) existing greenhouses are located approximately 100 to 149 feet from a Class II, respectively, thereby meeting required setbacks. A total of nine (9) areas were identified as requiring remediation related to erosion control, water storage bladders, culvert improvements, access road maintenance, and relocation of an existing water tank located within a required riparian setback. Staff understands that the water bladders, as described in the SMP, have been decommissioned and replaced with hard-sided tanks. The project is conditioned to implement all remaining corrective actions detailed in the SMP to minimize any potential impacts associated with the project and minimize runoff into nearby SMAs.

Biological Resources

Per review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) in October 2021, there are no mapped special status species on the subject parcel. Additionally, the nearest positive sighting and NSO activity center are located approximately 0.37 and 0.52 miles from the cultivation area, respectively. Power to the site is provided by Pacific Gas and Electric Company (PG&E). Per the Cultivation and Operations Plan (Attachment 3), supplemental lighting is utilized only in the nursery area.

Comments on the project were received from CDFW in April 2018, in which CDFW expressed concerns regarding significant grading, timber conversion, and expansion after the CMMLUO baseline date of January 1, 2016, and the potential to impact several special status species; and requested clarification regarding how the water use estimates were derived and how the amount of water storage will meet the requirements for seasonal water diversion minimization, requested protocol level surveys to determine NSO presence, and inclusion of several conditions to reduce the project's potential impact on biological resources. In response to CDFW comments, as described previously, the associated timber conversion was determined to have occurred in compliance with the Less Than Three Acre Conversion issued by CAL FIRE in January 2016 and Planning staff review of aerial imagery did not observe any additional expansion after the CMMLUO baseline date. Additionally, as described under "Water Resources", Planning staff determined the project's projected water use and storage would be in compliance with the Right to Divert and Use Water, issued by the SWRCB in October 2018, and there would be sufficient water storage onsite to meet the projected water demand during the forbearance period. Further, due to locations of NSO sightings and observed activity centers, potential presence of NSO is presumed. As such, the conditions of approval require the applicant to implement noise and light attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Access

Access to the site is via a private driveway off Briceland Thorne Road. Briceland Throne Road is a County-maintained road that has been approved by the Department of Public Works for use by commercial cannabis operations. Per comments received from the Department of Public Works, Land Use Division in September 2017, the project is conditioned to maintain all driveways and private road intersections onto the County road in accordance with the County's Sight Visibility Ordinance (County Code §341-1) and improve the driveway that serves the project to current commercial driveway standards. It is further noted that no fences and gates shall be located within the County right of way and that gates must be set back sufficiently from the road to allow a vehicle to completely full off the road while opening or closing the gate.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 195 permits and the total approved acres would be 68.488 acres of cultivation.

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

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number: 21-
Record Number: PLN-11334-SP
Assessor's Parcel Number: 220-191-035**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Humboldt Heritage MBC Special Permits request.

WHEREAS, Humboldt Heritage MBC, submitted an application and evidence in support of approving a Special Permit for an existing 8,200 square foot (SF) outdoor cannabis cultivation occurring within four (4) greenhouses utilizing light deprivation techniques, with 820 SF of ancillary onsite propagation in an additional greenhouse. Irrigation water is sourced from a creek diversion. Existing available water storage is 219,600 gallons in a series of hard-sided tanks, with an additional 2,500 gallons proposed, for a total of 222,100 gallons of onsite storage. Estimated annual water usage is 150,000 gallons. Drying, curing, and bucking occurs onsite. All other processing currently occurring offsite at a licensed processing or manufacturing facility; however, future onsite processing is anticipated. A maximum of four (4) people will be on-site during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E). A Special Permit is also requested for development within the Streamside Management Area (SMA) related to continued use and maintenance of the water diversion infrastructure; and

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on December 2, 2021, and reviewed, considered, and discussed the application for Special Permits, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Special Permit for an existing 8,200 square foot (SF) outdoor cannabis cultivation occurring within four (4) greenhouses utilizing light deprivation techniques, with 820 SF of onsite propagation in an additional greenhouse. Irrigation water is sourced from a creek diversion. Existing available water storage will be 222,100 gallons of onsite storage. Estimated annual water usage is 150,000 gallons. Drying, curing and bucking occurs onsite. All other processing currently occurs offsite at a licensed processing or manufacturing facility; however, future onsite processing is anticipated. A maximum of four (4) people will be on-site during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E). A Special Permit is also requested for development within the Streamside Management Area (SMA) related to continued use and maintenance of the water diversion infrastructure.

EVIDENCE: a) Project File: PLN-11334-SP

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

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

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by § 15162(c) of CEQA Guidelines.
- c) A Site Management Plan (WDID 1B16363CHUM), prepared by Green Road Consulting in February 2019, and a Notice of Applicability were submitted by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations of the Site Management Plan and maintain enrollment in the SWRCB Cannabis Cultivation Program.
- d) California Department of Fish and Wildlife Resource Maps indicate no Special Status species are known to occur within the project area. A review of the California Natural Diversity Database (CNDDDB) Spotted Owl Observation Database in October 2021 indicated there are no mapped special status species on the subject parcel. Additionally, the nearest positive sighting and NSO activity center are located approximately 0.37 and 0.52 miles from the cultivation area, respectively. Power to the site is provided by Pacific Gas and Electric Company (PG&E), with supplemental lighting utilized only in the nursery area. 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.
- e) Based on review of historic aerial imagery dating back to 2005, timber conversion has occurred onsite in order to accommodate the existing cultivation area. While the site contained two existing cleared areas in 2005, the northernmost area, comprising the cultivation area, appears to have been expanded between 2014 and 2016. A Less Than Three Acre Conversion Exemption was applied for and accepted by the California Department of Forestry and Fire Protection (CAL FIRE; Exemption #1-16EX-001HUM) in January 2016 for 1.5 acres of timber conversion, which coincides with the area converted based on review of aerial imagery and the conversion map. As the onsite timber conversion occurred in compliance with the issued Less Than Three Acre Conversion Exemption, no restocking is required.
- f) The Cultural Resources referral process carried out by staff concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, which has been included as an ongoing condition of approval.
- g) Access to the site is via a private driveway off Briceland Thorne Road. Briceland Thorne Road is a County-maintained road that has been approved by the Department of Public Works for use by commercial cannabis operations. Per comments received from the Department of Public Works, Land Use Division in September 2017, the project is conditioned to maintain all driveways and private road intersections onto the County road in accordance with the County's Sight Visibility Ordinance (County Code §341-1) and improve the driveway that serves the project to current commercial

driveway standards. With completion of the improvements, the road is suitable for safe access to and from the project site.

FINDINGS FOR SPECIAL PERMITS

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The 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 Unclassified (U) zone in which the site is located.
- EVIDENCE**
- a) The Unclassified or U Zone is applied to all of the unincorporated area of the County not otherwise zoned.
 - b) All general agricultural uses are principally permitted in the U zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 8,200 square feet of outdoor cultivation with 1,200 SF of ancillary propagation and processing activities on a 17.09-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded Parcel Map Subdivision (Parcel 2 of Parcel Map 1109 of Parcel Map Book 9 Page 147).
 - c) Water for irrigation is provided by a point of diversion from McKee Creek (a Class II stream), which traverses the western portion of the site. McKee Creek is a tributary to the Mattole River. The applicant was issued a Right to Divert and Use Water from the State Water Resources Control Board (SWRCB) Division of Water Rights (Registration H502455, Certificate H100264) in October 2018 for the point of diversion. Per the water right, the water appropriated is limited to 0.6197 acre-feet (or 201,961.6 gallons) per year, total storage capacity shall not exceed 0.70 acre-feet (228,096 gallons), and the rate of diversion shall not exceed 42,000 gallons per day. The total amount of available water storage (222,100 gallons, once the proposed 2,500-gallon tank is installed) is under the maximum allowed under the water right. The total estimated annual water usage (150,000 gallons) is approximately 74% of the appropriated amount allowed under the water right. Conditions of approval require the applicant to monitor water use from the point of diversion and

storage tanks annually to demonstrate there is sufficient water available to meet operational needs.

- d) Access to the site is via a private driveway off Briceland Thorne Road. Briceland Throne Road is a County-maintained road that has been approved by the Department of Public Works for use by commercial cannabis operations. Per comments received from the Department of Public Works, Land Use Division in September 2017, the project is conditioned to maintain all driveways and private road intersections onto the County road in accordance with the County's Sight Visibility Ordinance (County Code §341-1) and improve the driveway that serves the project to current commercial driveway standards. All road segments evaluated were found to be functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is 16% as described by the Site Management Plan, and associated activities would occur on slopes less than 30%. Conditions of approval require the applicant to obtain a grading permit from the Building Inspection Division for all grading conducted without the benefit County review.
- f) Based on review of historic aerial imagery dating back to 2005, timber conversion has occurred onsite in order to accommodate the existing cultivation area. While the site contained two existing cleared areas in 2005, the northernmost area, comprising the cultivation area, appears to have been expanded between 2014 and 2016. A Less Than Three Acre Conversion Exemption was applied for and accepted by the California Department of Forestry and Fire Protection (CAL FIRE; Exemption #1-16EX-001HUM) in January 2016 for 1.5 acres of timber conversion, which coincides with the area converted based on review of aerial imagery and the conversion map. As the onsite timber conversion occurred in compliance with the issued Less Than Three Acre Conversion Exemption, no restocking is required.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, 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 8,200 square feet of cannabis cultivation with 820 SF of ancillary propagation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 5 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.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a permitted point of diversion that has been

issued a Right to Divert and Use Water (Registration H502455, Certificate H100264) from the State Water Resources Control Board (SWRCB) Division of Water Rights in October 2018 and is also registered with the California Department of Fish and Wildlife (CDFW; Notification No. 1600-2017-0308-R1).

- e) 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

To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.

EVIDENCE

- a) Conditions of approval require the applicant to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. Conditions of approval also require the applicant to adhere to the terms and conditions of the Right to Use and Divert Water issued by the State Water Resources Control Board (SWRCB). By implementing permit conditions from the SWRCB and CDFW, impacts to the SMA are minimized.

8. 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 site was not included in the housing inventory of Humboldt County's 2019 Housing Element, but contains an existing residence on the subject parcel. The approval of cannabis cultivation on this site will not conflict with the ability for the residence to continue to be utilized on this parcel.

9. FINDING

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

EVIDENCE

- a) The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 195 permits and the total approved acres would be 68.488 acres of cultivation.

DECISION

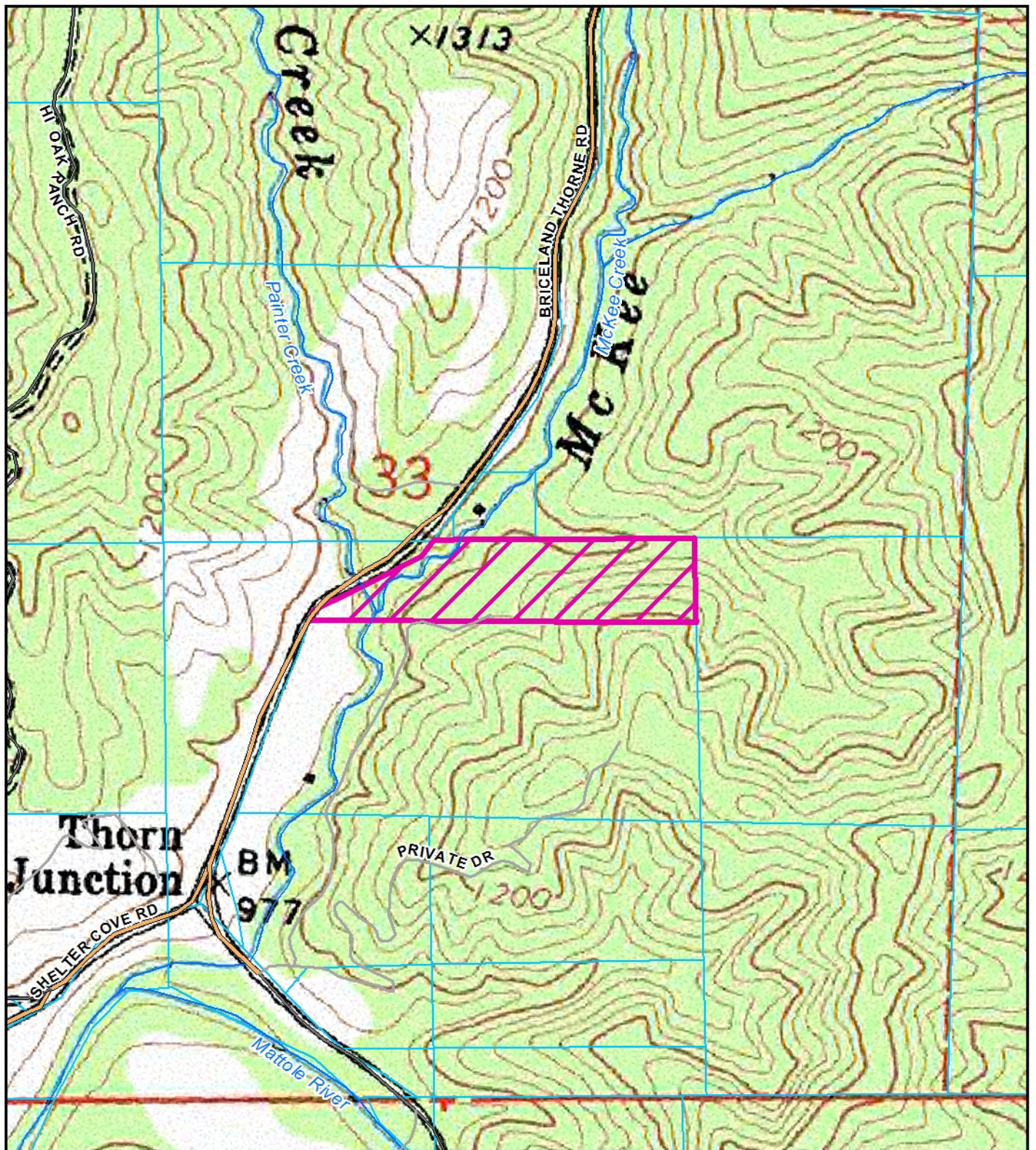
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for Humboldt Heritage MBC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on December 2, 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

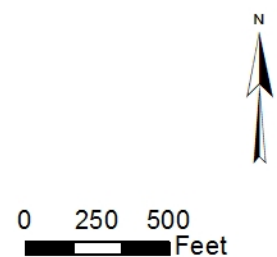


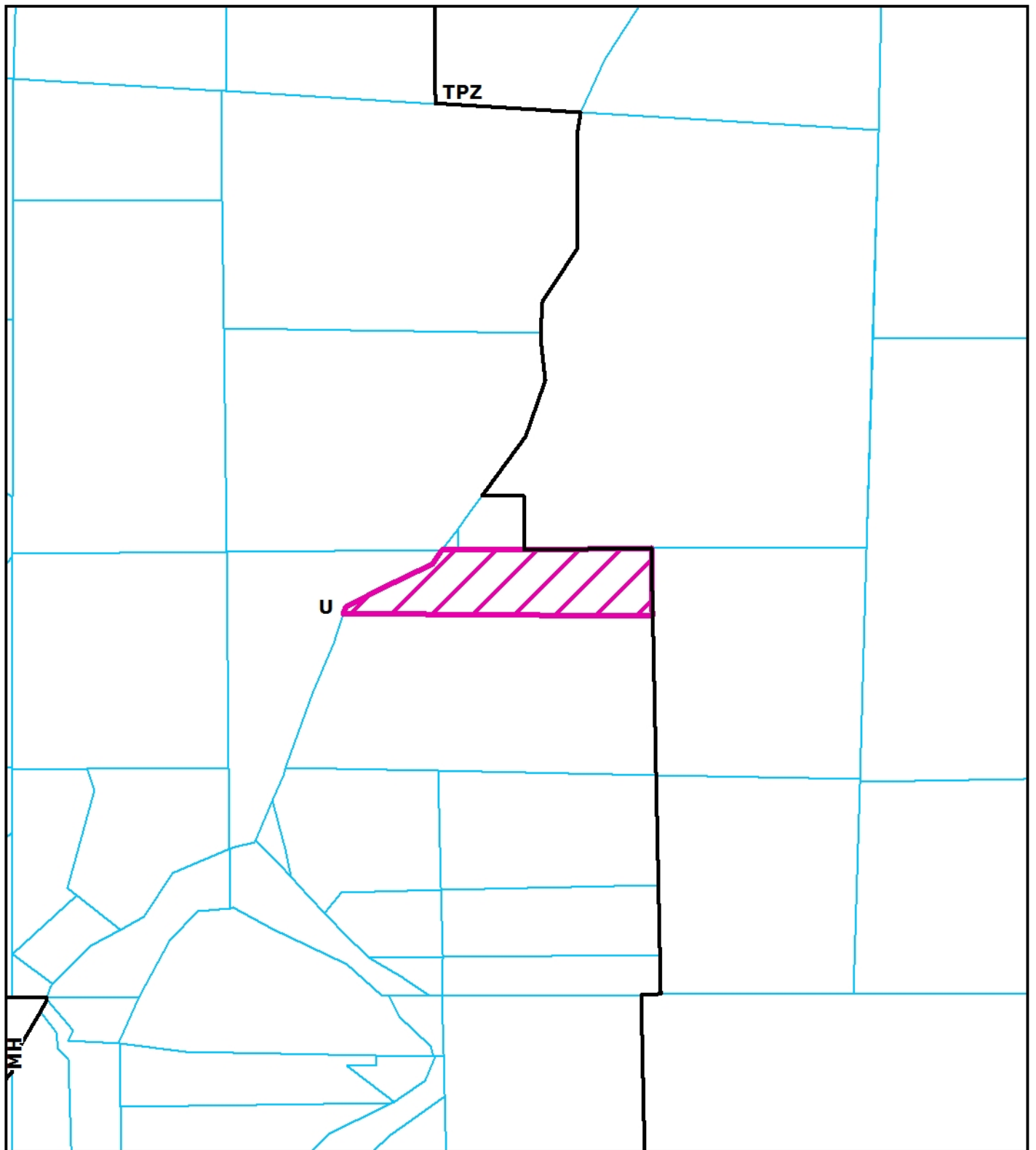
TOPO MAP

Project Area = 

**PROPOSED HUMBOLDT HERITAGE
WHITETHORN AREA
SP-16-204
APN: 220-191-035
T04S R02E S33 HB&M (BRICELAND)**

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.





ZONING MAP

Project Area = 

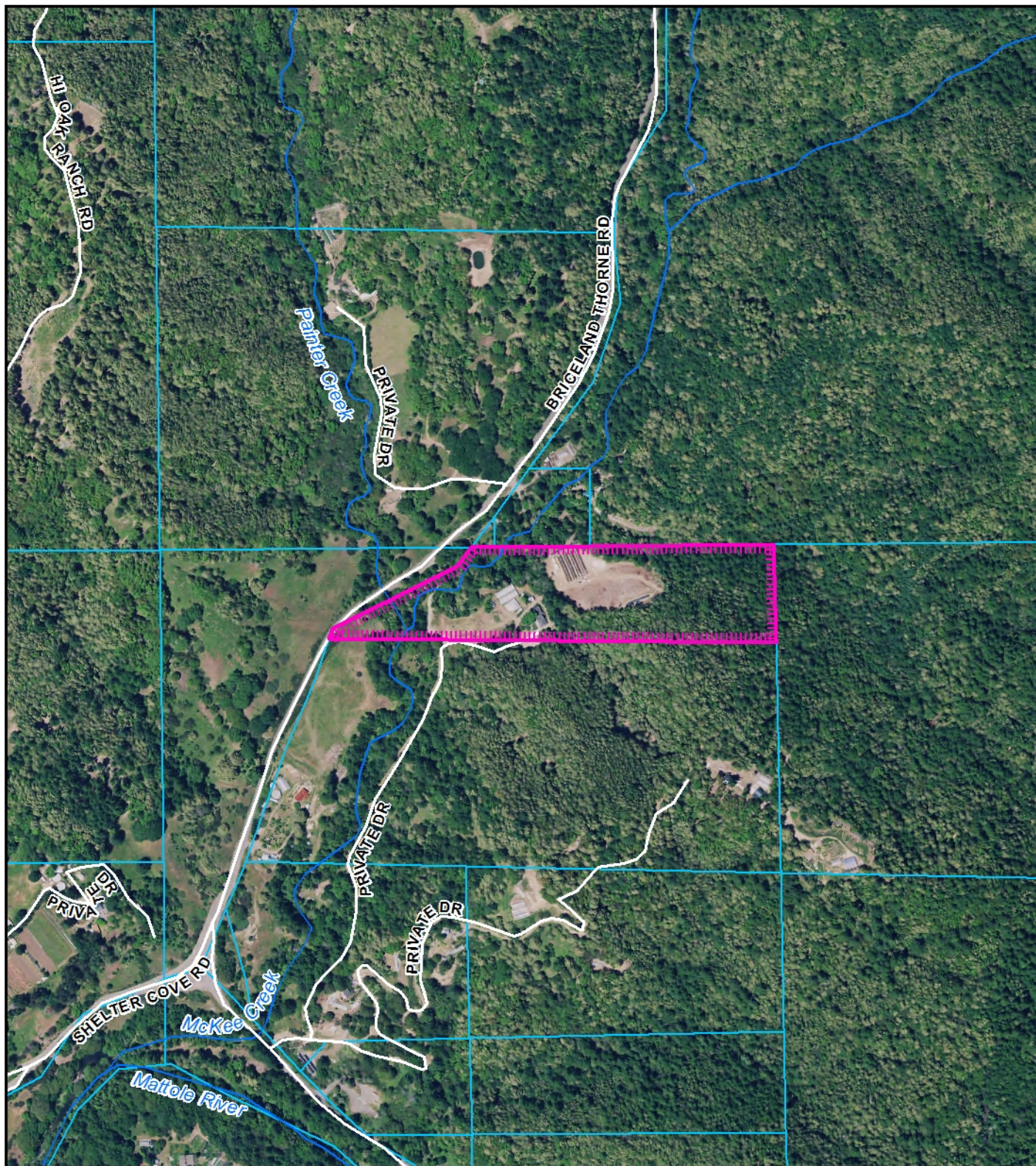
**PROPOSED HUMBOLDT HERITAGE
WHITETHORN AREA
SP-16-204**

**APN: 220-191-035
T04S R02E S33 HB&M (BRICELAND)**

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0 375 750
Feet



AERIAL MAP

PROPOSED HUMBOLDT HERITAGE WHITETHORN AREA SP-16-204

APN: 220-191-035

T04S R02E S33 HB&M (BRICELAND)

Project Area = 

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0 250 500
Feet

VICINITY MAP
NOT TO SCALE



PROJECT DIRECTIONS
FROM: EUREKA, CA

- HEAD SOUTH ON US-101 S/BROADWAY ST TOWARD SUNSET
- CONTINUE TO FOLLOW US-101 S (60.7 MI)
- TAKE EXIT 642 FOR REDWOOD DRIVE TOWARD REDWAY (0.2 MI)
- CONTINUE ONTO REDWOOD DR (1.8 MI)
- TURN RIGHT ONTO BRICELAND RD (11.7 MI)

2310 BRICELAND RD

TRAVEL TIME
APPROXIMATELY: 1H 20 MIN (74.4 MI)

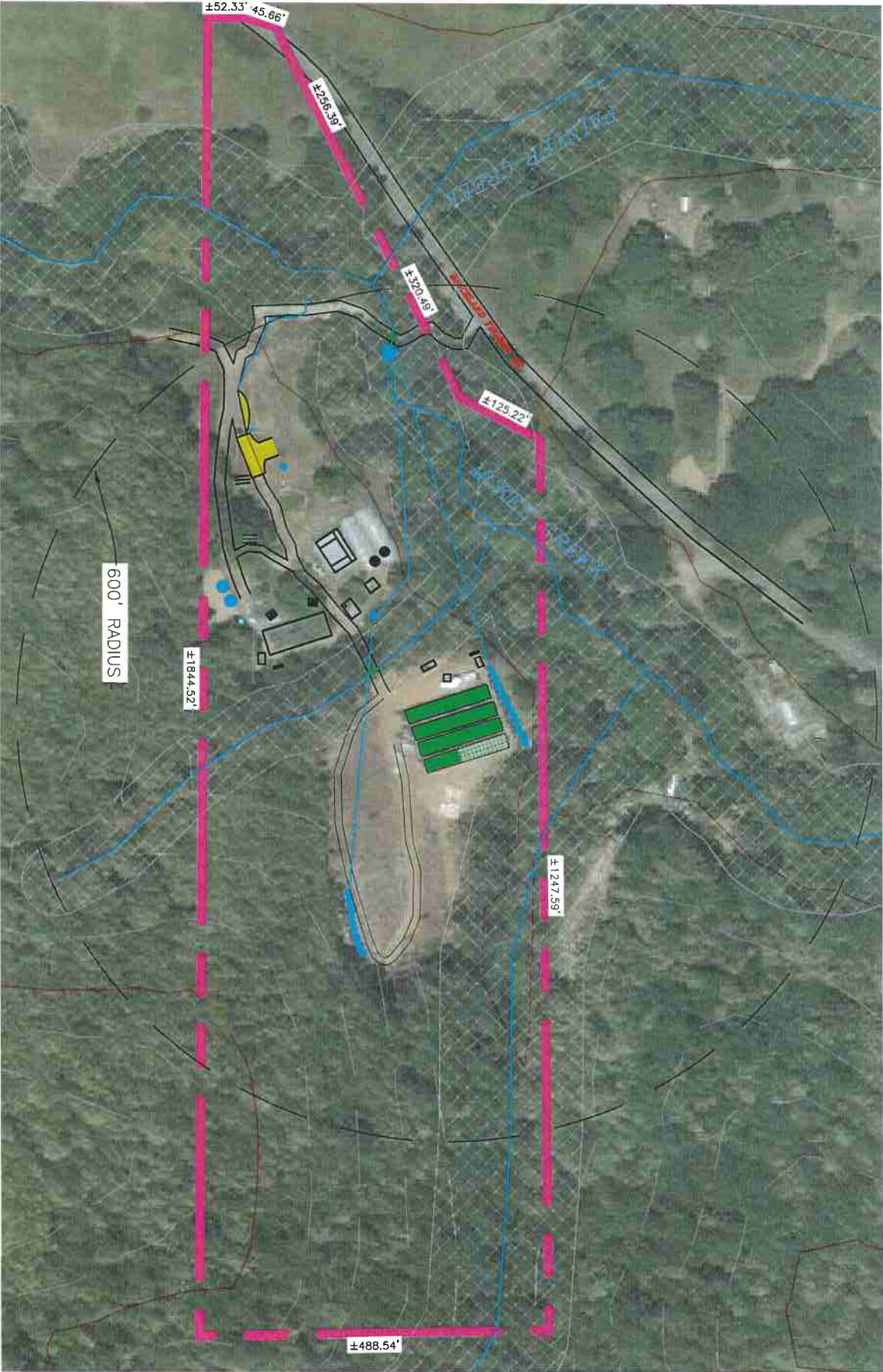
SHEET INDEX
C1 COVER PAGE
C2 PARCEL OVERVIEW

PROJECT INFORMATION
LAT/LONG: 40.0676, -123.9584
APN: 220-191-035
APPLICANT: HUMBOLDT HERITAGE FARM AND RESEARCH FACILITY, LLC
PARCEL SIZE: ± 17 ACRES
ZONING: U
APPLICATION TYPE:

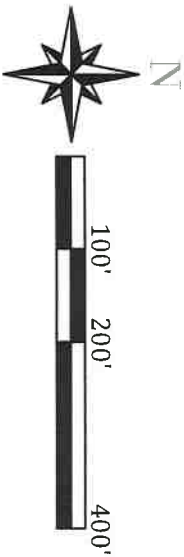
COASTAL ZONE: N
100 YEAR FLOOD: V

AGENT:
KAYLE SAXON
GREEN ROAD CONSULTING INC
1650 CENTRAL AVE SUITE C
MCKINLEVILLE, CA 95519
707-630-5041

HUMBOLDT HERITAGE FARM MANAGEMENT, LLC
APN: 220-191-035
AERIAL MAP



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



GREEN ROAD
CONSULTING

PROJECT INFORMATION

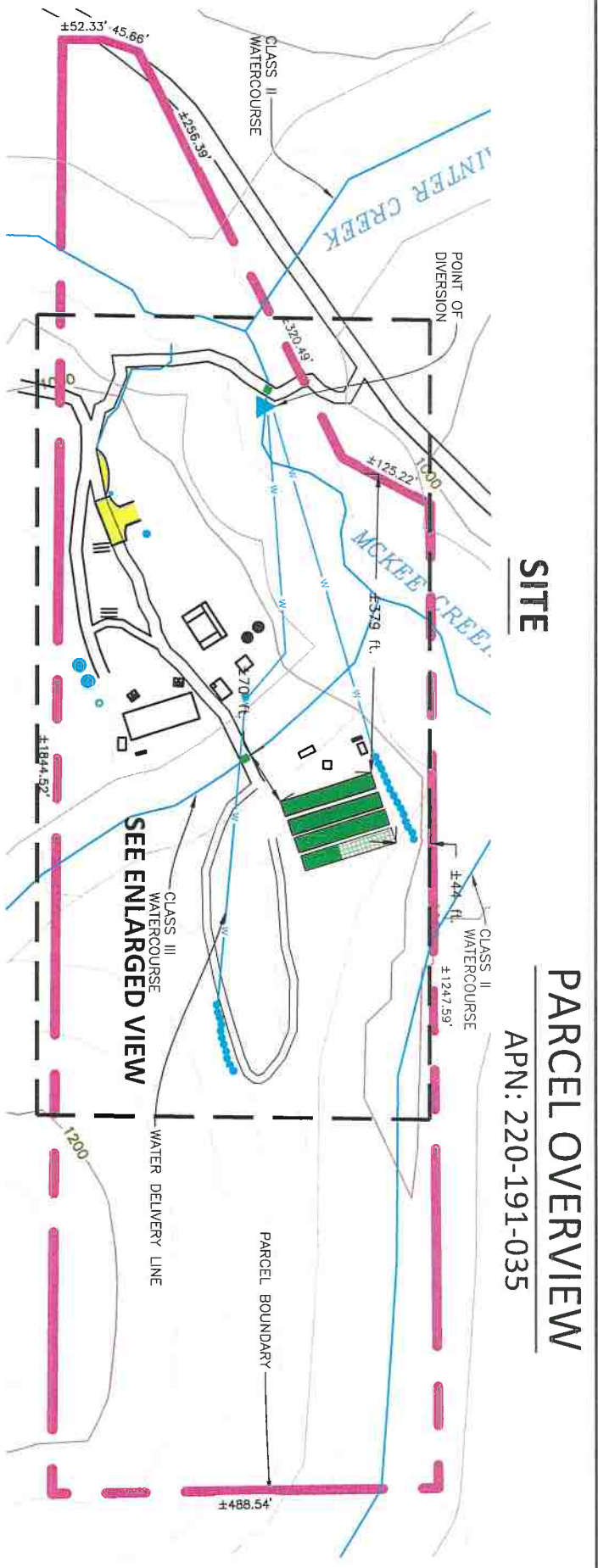
PROPERTY OWNER THOMAS MENDES TRUST
ADDRESS 12310 BRICELAND THORN RD. WHITETHORN, CA 95589
SHEET INFO COVER PAGE

REVISIONS

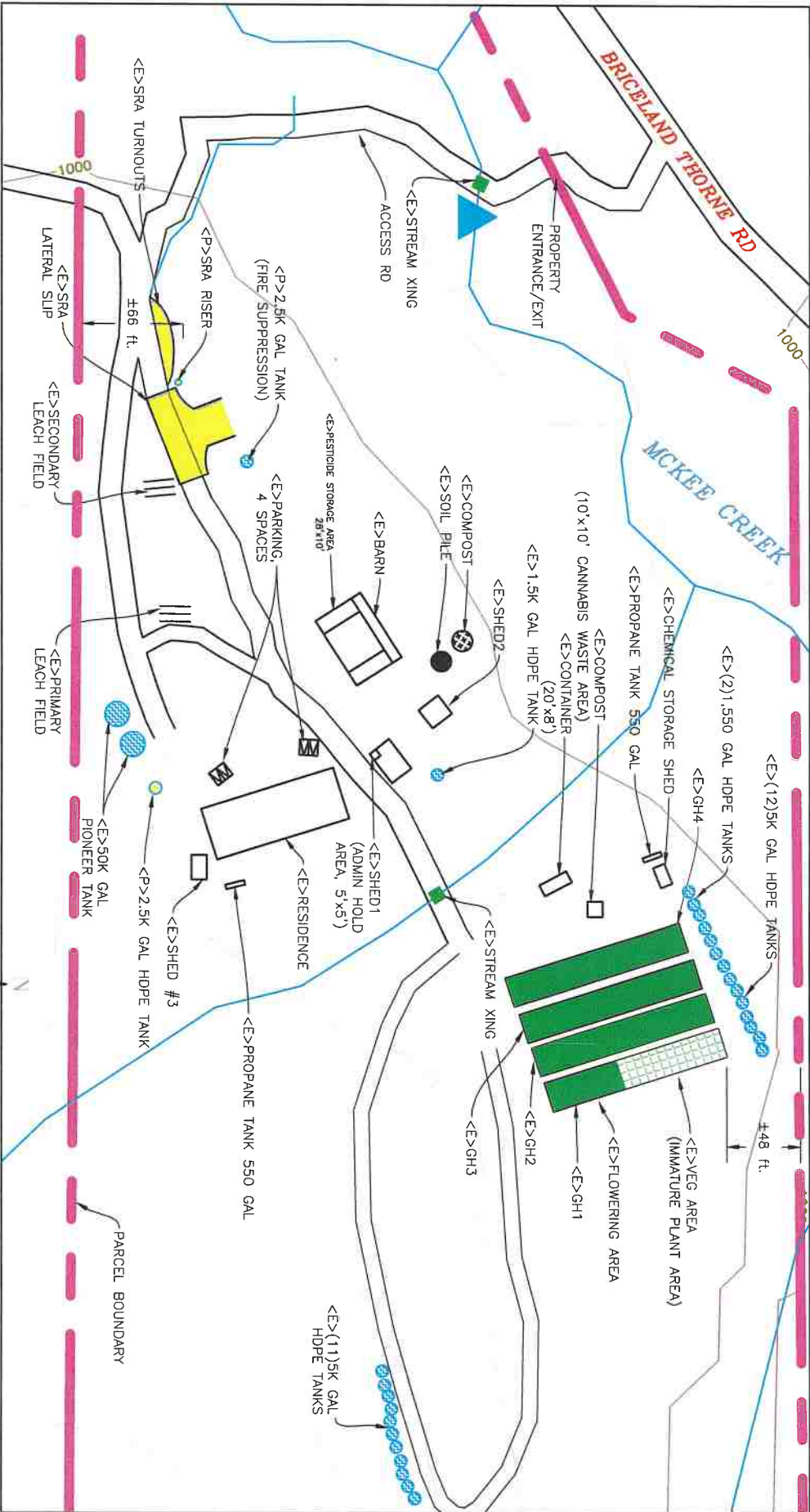
NO.	NOTES	DATE

DATE 1/15/21
DRAFTER DOV
SCALE AS SHOWN

SHEET
C1



ENLARGED VIEW



LIGHT DEPRIVATION (OUTDOOR) CULTIVATION AREA

GH	LENGTH	WIDTH	TOTAL SQ FT
1	50	X 20	1,000
2	120	X 20	2,400
3	120	X 20	2,400
4	120	X 20	2,400
TOTAL CULTIVATION AREA =			8,200 SQ FT

IMMATURE PLANT AREA

GH	LENGTH	WIDTH	TOTAL SQ FT
1	70	X 20	1,400
TOTAL AREA =			1,400 SQ FT

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
BARN	PESTICIDE STORAGE/HARVEST STORAGE/DRYING & CURING	35'x50'	-
SHED #1	HARVEST STORAGE/ ADMINISTRATIVE HOLD AREA	16'x24'	-
SHED #2	TOOL/EQUIPMENT STORAGE	15'x15'	-
GREENHOUSE #1	IMMATURE PLANT AREA	20'x70'	-
VEG AREA	IMMATURE PLANT AREA	20'x70'	-
PROPOSED BUILDING	DRYING	40'x80'	-
CONTAINER	TOOL/EQUIPMENT/MATERIAL STORAGE	20'x8'	-
CHEMICAL AG STORAGE SHED	CHEMICAL AG STORAGE	14'x8'	-

DOMESTIC BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
RESIDENCE	DOMESTIC DWELLING	UNKNOWN	UNKNOWN
SHED #3	TRASH STORAGE	8'x16'	UNKNOWN

WATER STORAGE AND USE

TYPE	LAT/LONG	QUANTITY	GALLONS	TOTAL GALLONS
HDPE TANK	40.0682, -123.9589	2	1,560	3,100
HDPE TANK	40.0682, -123.9589	12	5,000	60,000
HDPE TANK	40.0676, -123.9590	1	1,500	1,500
HDPE TANK	40.0676, -123.9574	11	5,000	55,000
PROPOSED HDPE TANK	40.0671, -123.9590	1	2,500	2,500
PIONEER TANK	40.0671, -123.9590	2	50,000	100,000
TOTAL AMOUNT OF WATER STORAGE=			122,100 GALLONS	

POWER SOURCE

PG&E	WATER SOURCE	TYPE	LAT/LONG
	STREAM DIVERSION (CANNABIS IRRIGATION AND DOMESTIC		40.0577, -123.9603

PAINTER CREEK CLASS II STREAM WITH REQUIRED 100 FT BUFFER

MCKEE CREEK CLASS II STREAM WITH REQUIRED 100 FT BUFFER

SURROUNDING BUILDINGS

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

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



GREEN ROAD
CONSULTING

PROJECT INFORMATION

PROPERTY OWNER	THOMAS MENDES TRUST
ADDRESS	12310 BRICELAND THORN RD. WHITETHORN, CA 95589
SHEET INFO	PARCEL OVERVIEW

REVISIONS

NO.	NOTES	DATE
-----	-------	------

NO.	NOTES	DATE

DATE	3/15/21
DRAFTER	DDV
SCALE	AS SHOWN

SHEET
C2

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
 - a. Setback distances of all onsite structures from watercourses and property lines.
 - b. Respective Streamside Management Area (SMA) buffers per the Humboldt County Code (314-61) Streamside Management Areas and Wetlands Ordinance. Should any features be located within a required SMA buffer, the feature will be required to be relocated outside of the SMA buffer to a previously disturbed area without the use of heavy machinery.
 - c. Remove references to any proposed structures, as no new structures are proposed under the project (see Attachment 3).
 - d. Revise the square footage of the ancillary propagation area to be a maximum of 820 square feet total, which equates to 10% of the cultivation area.
6. Within 60 days of the effective date of permit approval, the applicant shall submit a cultivation and operation plan detailing the following, in addition to what is currently described:
 - a. Reduced square footage of the ancillary propagation area to be a maximum of 820 square feet total, which equates to 10% of the cultivation area.
7. 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 #8 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.

8. The applicant shall secure building permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, greenhouses, water tanks over 5,000 gallons, structures associated with drying, storage, processing, or any activity with a nexus to cannabis, graded flats, 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.
9. The applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation prior to processing onsite. This can be accomplished by either installing a new, permitted septic system; or by providing the Department of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health specialist (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. Portable toilet and handwashing facilities may be utilized during the construction of these improvements to support cultivation staff only. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
10. The applicant shall improve the intersection of the private driveway with Briceland Thorne Road to commercial driveway standards. The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. 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. A letter or similar communication from the Department of Public Works will satisfy this condition.
11. 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. A letter or similar communication from the Department of Public Works will satisfy this condition.
12. All driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 41-1 (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. A letter or similar communication from the Department of Public Works will satisfy this condition.
13. The applicant shall adhere to and implement the Final Streambed Alteration Agreement (Notification No. 1600-2017-0308-R1) issued by CDFW in November 2017. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
14. The applicant shall implement any remaining corrective actions and recommendations described in the Site Management Plan, prepared by Green Road Consulting in February 2019, pursuant to the State Water Board Cannabis General Order for Waste Discharge. A letter or similar communication from a qualified professional stating this work is completed as described shall be submitted to the County. Alternatively, the applicant can request a site inspection with the Planning Department to demonstrate the work is complete. A sign-off from the Planning Department will satisfy this condition.

15. The applicant shall submit copies of all documents filed with the State Water Resources Control Board. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, 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.
16. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
17. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
18. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
19. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the point of diversion from McKee Creek and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
20. 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.
21. 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.
22. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

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

2. 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 the Final Lake and Streambed Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, 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.).
24. Per the Cultural Resources Investigation, prepared by Archaeological Research and Supply Company in June 2021, previously-recorded historic refuse scatter occurs on the eastern parcel (APN 216-093-015). No cannabis cultivation or related operations shall occur in or within 25 feet of the historic site.

Performance Standards for Cultivation and Processing Operations

25. 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."

26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any

30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- Identifying information for the new owner(s) and management as required in an initial permit application;
 - A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - The specific date on which the transfer is to occur;
 - Acknowledgement of full responsibility for complying with the existing permit; and
 - Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

- Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of

the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

**APN 220-191-035; 12310 Briceland Thorne Road, Whitethorn area
County of Humboldt**

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

November 2021

Background

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

The modified project involves a Special Permit for an existing 8,200 square foot (SF) outdoor cannabis cultivation occurring within four (4) greenhouses utilizing light deprivation techniques, with 820 SF of ancillary onsite propagation in an additional greenhouse. Irrigation water is sourced from a creek diversion. Existing available water storage is 219,600 gallons in a series of hard-sided tanks, with an additional 2,500 gallons proposed, for a total of 222,100 gallons of onsite storage. Estimated annual water usage is 150,000 gallons. Drying, curing, and bucking occurs onsite. All other processing currently occurs offsite at a licensed processing or manufacturing facility; however, future onsite processing is anticipated. A maximum of four (4) people will be on-site during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E). A Special Permit is also requested for development within the Streamside Management Area (SMA) related to continued use and maintenance of the water diversion infrastructure.

Per review of the County's GIS and the Site Plan, Painter Creek (Class I watercourse) and McKee Creek (Class II watercourse) both traverse the eastern portion of the subject site. Two additional watercourses (a Class II and Class III) are depicted on the Site Plan. Although the respective Streamside Management Area (SMA) buffers are not depicted, the cultivation area and most respective infrastructure appear to be located outside of the required SMA buffers; however, there is one existing container (approximately 400 SF) that appears to be located less than 50 feet from a watercourse, as depicted on the Site Plan. Conditions of approval require the applicant submit an updated Site Plan depicting all required SMA buffers and setback distances of all cultivation-related infrastructure from the respective setbacks. Should any features be located within a required SMA buffer, the feature shall be relocated outside of the SMA buffer to a previously disturbed area without the use of heavy machinery. All approved cannabis cultivation would occur on slopes of 16% (per the Site Management Plan) and associated activities would occur on slopes less than 30%. The Nearest Northern Spotted Owl (NSO) positive sighting and NSO activity center are located approximately 0.37 and 0.52 miles from the cultivation area, respectively. Power to the site is provided by Pacific Gas and Electric Company (PG&E). Per the Cultivation and Operations Plan (Attachment 3), supplemental lighting is utilized only in the nursery area. Conditions of approval require the applicant use noise and light attenuation to ensure the project has a Less than Significant Impact on NSO. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 8,200 square feet of outdoor cultivation with ancillary propagation and future onsite processing is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 3 for a complete listing of document):

- Site Plan prepared by Green Road Consulting, received 2/1/21.
- Cultivation and Operations Plan prepared by Manhard Consulting, dated May 2017, and Addendum prepared by Green Road Consulting, dated 1/22/21.
- Site Management Plan (WDID: 1B16363CHUM), prepared by Green Road Consulting, received 2/1/21, for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
- Streambed Alteration Agreement (Notification No. 1600-2017-0308-R1) issued by the California Department of Fish and Wildlife, dated 11/27/17.
- Right to Divert and Use Water issued by the State Water Resources Control Board (SWRCB) Division of Water Rights (Registration H502455, Certificate H100264), dated 10/1/18.

- Less Than Three Acre Conversion Exemption issued by the California Department of Forestry and Fire Protection (CAL FIRE; Exemption #1-16EX-001HUM), dated 1/5/16.
- Notice of Applicability (WDID: 1B16363CHUM) issued by the North Coast Regional Water Quality Control Board, dated 3/16/18.
- Summary of Settlement Meeting on April 23, 2018, dated 4/26/18.
- Additional project information from applicant's agent (Green Road Consulting), received 10/18/21.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** - Site Plan prepared by Green Road Consulting, received 2/1/21)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached** - Cultivation and Operations Plan prepared by Manhard Consulting, dated May 2017, and Addendum prepared by Green Road Consulting, dated 1/22/21)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (**Attached** - Right to Divert and Use (Registration H502455, Certificate H100264), dated 10/1/18)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file – NOI. **Attached** – Site Management Plan (WDID: 1B16363CHUM), prepared by Green Road Consulting, received 2/1/21, for the SWRCB Cannabis Policy and General Order, and Notice of Applicability issued by the NCRWQCB, dated 3/16/18)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (**Attached** - Streambed Alteration Agreement (Notification No. 1600-2017-0308-R1) issued by the California Department of Fish and Wildlife, dated 11/27/17)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (**Attached** - Less Than Three Acre Conversion Exemption issued by the California Department of Forestry and Fire Protection (CAL FIRE; Exemption #1-16EX-001HUM), dated 1/5/16)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
16. Additional project information from applicant's agent (Green Road Consulting), received 10/18/21.

**HUMBOLDT HERITAGE FARMS AND RESEARCH FACILITY, MBC
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**

**PROPOSED MEDICAL CANNABIS
CULTIVATION FACILITIES**



PREPARED FOR:



May 2017

**Cultivation and Operations Manual
For
Humboldt Heritage Farms and Research Facility, MBC
Application #11334
APN:220-191-035**

Proposed Medical Cannabis Cultivation Facilities

Lead Agency:

Humboldt County Planning Department

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Prepared By:

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May 2017

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Appendix A: Plot Plan

Appendix B: Regulated Products Resource List

Appendix C: Cultivation Activities Schedule

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Humboldt Heritage Farms and Research Facility, MBC is proposing to permit existing medical cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The existing operation includes approximately 10,000 square feet (sf) of outdoor cannabis cultivation that requires a Special Permit and includes the development of facilities appurtenant to the cultivation, including greenhouses, a nursey, a facility for drying and curing of cannabis, and additional water storage. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Project is located at 12310 Briceland-Thorne RD, (APN 220-191-035) just north of the community of Whitethron. The subject parcel is approximately 13.86 acres in size (per the County of Humboldt's WebGIS). The site hosts gently sloped grass meadow with the back half of the parcel as a dense hardwood forest intermixed with oak and other species. The current site consists of a main zone that includes the primary residence, garage/shop, and three (3) small sheds. Two (2) 24 x 80 greenhouse are north west of the shop and an 820-square foot outdoor area. The second zone contains four (4) 20 x 100 greenhouses that is east of the residence. The site is served by on grid power and has a permitted septic for the residence. The proposed development will include two (2) 50,000-gallon water storage tanks in the main zone and an additional 40'x80' drying and curing building. Zone 2 consists of four (4) 20'x120' greenhouses of outdoor cultivation and all cultivated related water tanks. In the seconded zone the project is proposing 20'x80' nursery and the removal of two (2) water bladders.

1.3. LAND USE

The subject property has a General Plan designation of Agricultural Rural as identified by the Humboldt County General Plan and is zoned Unclassified (U). The surrounding parcels are zoned Unclassified (U) and Timber Production Zone (TPZ).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Humboldt Heritage Farms and Research Facility, MBC will obtain a Commercial Cannabis Activity license from the State of California at time such a license becomes available.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

Water for the site is sourced from two separate points of diversions (POD). The cultivation POD is located on the McKee Creek. McKee Creek is a class I water course that is a tributary to the Mattole River. The POD has been registered with State Water Resource Control Board under riparian right (S024779). A Small Irrigation Use Registration (SIUR) is in the process of being filed. The second POD is from a small spring near the property's home (S021496) and will have a Small Domestic Use Registration filed with the State Water Resources Control Board.

1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Effective April 12, 2016, Humboldt Heritage Farms and Research Facility, MBC enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar*

Environmental Effects in the North Coast Region (WDID Number 1B16363CHUM). A Water Resources Protection Plan was developed for the project by Manhard Consulting, and has been implemented for activities associated with onsite cultivation since October 2016.

1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

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

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. If required by Cal Fire, a 2,500-gallon water tank with a riser to SRA specifications will be installed in addition to the hydrant. A 3-acre conversion was completed and signed off by CAL-FIRE on January 5, 2016. Exemption number 1-16EX-001-HUM.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement (LSAA) is been filed with the California Department of Fish and Wildlife. The LSAA consist of registering the two PODs on the parcel along with repair and maintenance of two stream crossings. The first stream crossing is a bridge over McKee Creek that is not impacting the stream and is in good condition. The second crossing is a 24" culvert that will need to be replace with a 36" culvert with the inlet and outlet being armored. A Water Availability Analysis and Cumulative Flow Impairment Index calculations were prepared and added to the LSAA in accordance for the pending Small Use Irrigation Registration.

1.4.7. CULTURAL RESOURCES

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

2. CULTIVATION AND PROCESSING

2.1. NURSERY PROPAGATION AND INITIAL TRANSPLANT

The 20'x80' nursery that is proposed will allow to propagate clones on site from 'mother plants' that demonstrate the desired genetics for the specific strain. Mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium. The clones are place in the nursery and once fully rooted they will be transplanted. Initial planting will occur at the greenhouse/nursery in 4" square pots to 2 gallon containers. The juvenile plants are irrigated using hand watering methods. Plants are exposed to a combination of natural and

artificial light for 18 hours a day. After 2-8 weeks, the lead cultivator will decide when the plants are mature enough to be transplanted into the greenhouses soil beds and watered by a hand.

2.2. OUTDOOR CULTIVATION PLAN AND SCHEDULE

The outdoor cultivation will occur in a two (2) 24'x80' greenhouses, an 820-square foot outdoor site, and four (4) 20'x120' greenhouses for a combined cultivation area of approximately 10,000 sf. The greenhouses consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. Each greenhouse is ventilated by intake and exhaust fans. Each greenhouse consists of two (2) raised beds where the canopy of the plant is contained. The table below outlines a summary of the sizes of greenhouses with the size of each individual bed. This spacing is important to Humboldt Heritage Farms and Research Facility, MBC for safe working conditions and pest/mold prevention. The greenhouses utilize light deprivation to produce up to two (2) flowering cycles per year. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the mixed light cultivation operation for a typical three cycle year.

Table 2.2: List of Current and Proposed Greenhouse.				
Greenhouse size	Number of GHs	Size of Raised Bed	Total Number of Beds	Square Footage of Canopy
20'x120'	4	7.5'x112'	8	6,720
24'x80'	2	8.5'x76'	4	1,380
Total	6		12	9,180

2.3. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs top-feed hand watering methods, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant. The monthly Cultivation Schedule in Appendix C details the irrigation activities associated with all cultivation.

2.4. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in the drying room which is equipped with ventilation fans. The drying process takes approximately one week, at which time the flowers are bucked into manageable buds and trimmed. Trimmed buds are weighed, labeled, logged, and sealed. The finished product is stored in the processed materials room before being transported to a licensed distribution facility. The waste product, or 'trim', from the machines is collected and placed into bins to be weighed, labeled, and sealed. Trim will be transferred to an offsite, licensed manufacturing facility.

2.5. PROCESSING FACILITY

No cannabis processing will occur on site. Humboldt Heritage Farms and Research Facility, MBC will contract with a licensed off-site processing facility and/or sell bulk cannabis to a medical cannabis manufacturer Code.

2.6. EMPLOYEE PLAN

Humboldt Heritage Farms and Research Facility, MBC is an "agricultural employer" as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing

with Section 1140) of Division 2 of the Labor Code), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.6.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- *Agent in Charge*: Responsible for business oversight and management of the Humboldt Heritage Farms and Research Facility, MBC. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.
- *Lead Cultivator*: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- *Assistant Cultivator / Processing Manager*: Provides support to the *Lead Cultivator* in their day to day duties and takes the lead role during times when the *Lead Cultivator* may be off site. Once processing activities commence, the *Assistant Cultivator* duties switch to oversight and management of processing the dried medical cannabis. This is a full-time, seasonal position.
- *Seasonal Laborer*: Provides cultivation, harvesting, and processing support including trim machine operation and hand-finish trimming. This is a part-time to full-time, seasonal position.

2.6.2. STAFFING REQUIREMENTS

In addition to the *Agent*, *Lead Cultivator*; up to two (2) full-time seasonal labor positions are employed and up to two (2) part-time seasonal positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak planting and harvesting season, there are an estimated total of four (4) employees on site.

2.6.3. EMPLOYEE TRAINING AND SAFETY

On site cultivation, harvesting and drying is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers; trim machine use and cleaning; and correct hand trimming methods. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities are limited to authorized and trained staff.

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

2.6.4. TOILET AND HANDWASHING FACILITIES

Anti-bacterial Liquid Soap and paper hand towels will be made available. Employees will work at a distance typically no greater than 500 feet from the restroom facility. The cultivation zone will have a portable toilet during the growing season and have it regularly serviced by its provider.

2.6.5. ON SITE HOUSING

The existing single family residence located on site is occupied by the property owner/Agent in Charge. The residence is to the south of the main cultivation zone and next to the <E> Ag Barn. All other full-time and seasonal employees live off site and commute daily to the cultivation site. No new residential structures are proposed as a part of this project.

2.7. SECURITY PLAN AND HOURS OF OPERATION

2.7.1. FACILITY SECURITY

The cultivation facilities, including greenhouses and processing building, will be enclosed in a secure privacy fence. An entry gate is located off Briceland Thorne Road that will remain locked at all times. Access to the cultivation area is limited exclusively to employees. Restricted access signs are posted conspicuously at the entry gate. The cultivation area and drying building will have low intensity exterior lighting to illuminate the entrances, and will include a small number of motion activated security lights. All lighting will be designed and located so that direct rays are confined to the property. Security cameras will be installed at the main access gates and at entrances to the facilities, and the proposed processing facility will include an alarm system.

2.7.2. HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 8am and extend no later than 8pm.

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

Water for domestic and cultivation uses are provided by the two points of diversion on site. Refer to section 1.4.2. Humboldt Heritage Farms and Research Facility, MBC will also consider rain water catchment after the construction of the <P> drying and curing facility. Refer to section 2.4 for a summary of irrigation practices, and Appendix C for the monthly irrigation schedule.

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

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
			13,620	15,210	16,900	20,280	20,280	16,900	15,210	0	0

3.2. WATER STORAGE

The table below outlines the existing and proposed water storage on the parcel. Humboldt Heritage has an existing water storage capacity of 155,500 gallons. As part of the Water Resource Protection Plan the 40,000 gallons of water bladder storage will be removed. Humboldt Heritage is proposing two (2) 50,000-gallon metal tanks that are south west of the residence. With the proposed storage Humboldt Heritage is estimated to meet a 150-day forbearance period.

Table 3.2: Water Storage Vessels			
Type	Quantity(gal)	Number	Total
Water Bladder	20,000	2	40,000
Plastic Tank	5,000	23	115,000
Plastic Tank	250	2	500
Current Total	----	27	155,500
-----	-----	-----	-----
Proposed Metal Tank	50,000	2	100,000
Proposed Total	----	27	275,500

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Humboldt Heritage Farms and Research Facility, MBC enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations. The drainage and erosion control measures described below are referenced in the WRPP (Appendix E).

3.3.1. SITE DRAINAGE AND RUNOFF

The property has ~ 1,500 ft of ranch road in which 750 ft are slightly rocked and the rest is native surface. Near the entrance to the property, approximately 320 ft of road south of the bridge should be outslopped to discourage concentrated run-off. Rolling dips need to be installed 20 feet up the road from the bridge, and on the west approach to the stream crossing of the class II stream. The entire road/driveway system should be rocked on a continual basis to inhibit surface erosion. The existing and proposed greenhouses are located greater than 100 feet away from riparian zones. Fertilizers and pesticides are currently stored in a storage shed with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

Site investigation for the development of the Water Resources Protection Plan (WRPP) showed no evidence of surface runoff with associated with the cultivation. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including irrigating at agronomic rates to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

3.3.2. EROSION CONTROL

The Water Resource Protection Plan (WRPP) includes erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment. The WRPP also includes corrective actions to reduce sediment delivery, including: removing burn piles; adding seed and straw on bare soils, install erosion control blankets for cut banks. Additionally, the WRPP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse. See the WRPP section titled *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* in Appendix E for complete BMP recommendations and specifications.

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Water Resource Protection Plan (WRPP) ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are >100 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with

the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the WRPP. Refer to the WRPP in Appendix E for detailed descriptions of watershed and habitat protection measures.

3.5. MONITORING AND REPORTING

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

Onsite monitoring shall occur:

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

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

3.6. ENERGY AND GENERATOR USE

On-grid electricity is provided by PG&E for all cultivation and domestic uses. Use of the on-site generator is limited to power outage events, and follows all guidelines set up by Humboldt County and the State of California. The generator will be located away from the property line to ensure the noise level does not exceed 60 decibels at the property line. The generator and diesel fuel will have secondary containment and stored in the Ag Barn.

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. BEST MANAGEMENT PRACTICES

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

3.7.2. FERTILIZERS

Nutrients and biological inoculants used for cultivation include:

- Fox Farm- Tiger Bloom
- Bontanicare- Cal-Mag Plus
- General Organics- Bio Root Booster
- Dr. Earth Premium Gold
- Fox Farm- Grow Big

See Appendix B - *Regulated Products Resource List* for product details.

3.7.3. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Neem Oil
- Sulfur Pellets

See Appendix B - *Regulated Products Resource List* for product details.

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling containers are located at the existing barn. The containers are situated to prevent storm water contamination and leachate from entering or percolating to receiving waters. With the proposed drying and curing facility, the containers will be enclosed within a fenced area to prevent animal intrusion. Solid waste and recycling is hauled off-site to the proper disposal facility.

3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area. Spent potting soil is stored in the greenhouses 'beds, amendments are added and cover crop is planted. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

3.8.3. WASTEWATER MANAGEMENT

The water management plan aims to achieve an entirely closed-cycle irrigation and nutrient system. Once plants are transplanted into the greenhouse beds drip irrigation is used. The site shows no side of runoff and is irrigate at agronomic rates. On-site waste water treatment is provided in the form of a septic system for the existing residence and has been permitted through the Humboldt County Department of Environmental Health. Additional onsite treatment will be permitted to accommodate the peak employee count with the proposed processing facility.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled with the Humboldt Heritage logo, and will include tracking ID's provided by the County of Humboldt and/or Statewide tracking systems once they become available.

4.2. PRODUCT INVENTORY AND TRACKING

Until such time as either a County or Statewide cannabis product and inventory tracking system becomes available, an internally-developed system of inventory and tracking is utilized. The Agent in Charge and Lead Cultivator ensure all medical cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

- Cultivation canopy area
- Weight of flowers, by-product, and trim waste after drying and separation
- Weight of buds after trimming
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

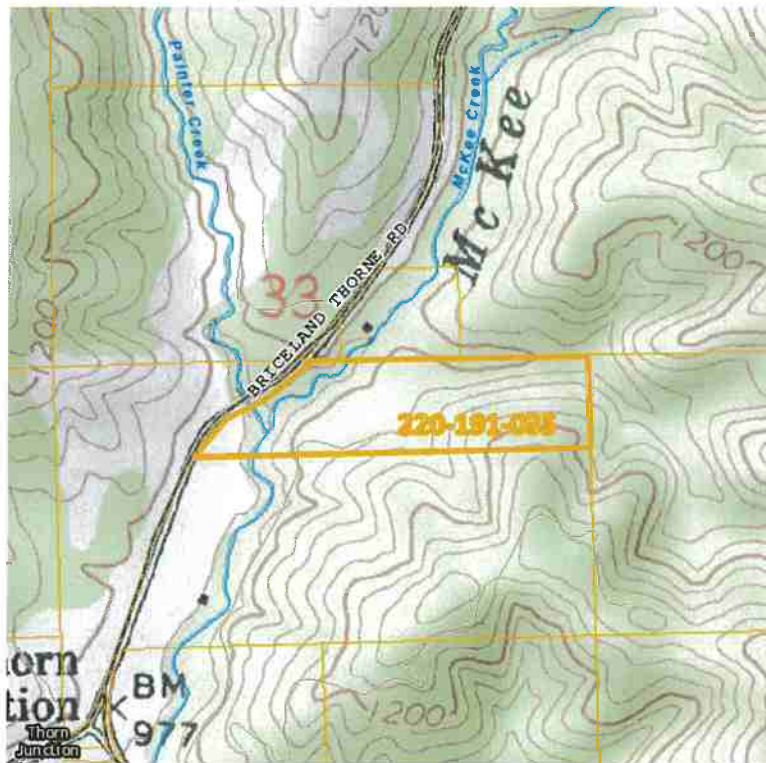
The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported, and ensuring that the physical inventory coincides with the transport manifest.



**GREEN
ROAD**
CONSULTING

Site Management Plan

WDID: 1B16363CHUM



Prepared for:

State Water Resources Control Board (SWRCB)
North Coast Regional Water Quality Control Board (NCRWQCB)

Prepared by:

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

Date of completion:

2/28/2019

General Site Information

Discharger: Humboldt Heritage Farm Management

Landowner: Thomas Mendes

Site Address: 12310 Briceland-Thorne Road Whitethorn, CA 95589

Mailing Address: P.O. Box 912 Redway, CA 95589

Parcel Number: 220-191-035

General Plan Designation: Agriculture Rural (AR)

Zone: Unclassified (U)

Parcel Size: 13.839 acres

HUC12 Watershed: Headwaters Mattole River

Disturbed Area: 24,346-SQ FT

Cultivation Area: 8,200-SQ FT

Tier Level: 1

Risk Level: Moderate

Abbreviations

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

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1. Introduction

This document was prepared by Green Road Consulting (GRC) for Humboldt Heritage Farm Management; parcel number 220-191-035, as required by the SWRCB Order WQ 2017-0023-DWQ¹. The purpose of the order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the Site Management Plan is to identify conditions present on a parcel that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set forth in the order.

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

2. Site Characteristics

2.1. General

The site is in Southwestern Humboldt County, approximately 13.7 miles from US-101; take exit 646 for Redway Drive and turn right onto Briceland road. The elevation of the site is approximately 1,020 feet above sea level. The site is surrounded by steep, mountainous terrain with landscape that hosts dense hardwood forest intermixed with oak and other species. The climate here is characterized by a pattern of high-intensity rainfall in winter and warm, dry summers. Mean annual precipitation is approximately 81 inches. The parcel is located on a mountainous hillslope with unnamed drainages, a class III and a class II, that flow into McKee Creek, a class I tributary to the Mattole River; because the parcel was enrolled in the North Coast Regional Water Quality Control Board the 100-foot setback on the class I will be grandfathered in. The Mattole River is on the USEPA's Section 303(d) list for impairment or threat of impairment to water quality associated with temperature levels. The Mattole River Watershed is known to have Coho and Chinook Salmon as well as Steelhead trout which are designated as a Federally and State threatened species. There is one road crossing surface water. Slopes on the site range from 0% to 75%. The hillslopes in the region are known to have moderate instability. The site geology is made of three different map units on USGS Web Soil Survey. McKee Creek contains alluvium derived from sandstone. The native soil in the cultivation area contains colluvium derived from mudstone and/or sandstone and/or residuum weathered from mudstone and/or sandstone. These formations are prone to erosion and a considered well drained and have a water table that is typically greater than 80 inches deep. The region was historically logged with a legacy logging road leaving the cultivation area to the East.

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

2.2. Site Overview

The size of the property is approximately 17-acres. Domestic buildings include a residence, tool storage shed, and a trash/recycling storage shed. Cultivation buildings include a barn for processing/packaging/labeling with a pesticide storage room, a shed for product storage, a shed for trash/recycling, a greenhouse complex with a nursery for immature plants, and a building for drying/curing. Water storage and use developments include twenty-three (23) 5k-gal HDPE water storage tanks, one (1) 1,500-gal HDPE tank, and four (4) 25,000-gallon water bladders which are scheduled to be decommissioned. There is a compost pile area. The power source for the site is PG&E; there are two (2) above-ground propane tanks for heating. The site uses a primary and secondary leach field septic system attached to the residential buildings. Water for cultivation and for domestic uses is drawn from a cistern in McKee Creek. Seasonal roads on the parcel are in good condition though some require basic maintenance and drainage features to be installed for stabilization.

The site currently has one area where cultivation takes place, with four greenhouses (**GH**). The total cultivation area across these sites totals to 8,200-SQ FT. The site had approximately 24,346-SQ FT of disturbed area. There was no disturbed area within riparian setbacks except for (**MP9**) a single 5K-gal HDPE which will be repositioned out of the setback buffer zone immediately. There is disturbed area located on slopes greater than 30 percent (the road and flat for water storage above cultivation area). Therefore, this site is classified as a Tier 1, Moderate Risk Site. Proper adherence to the erosion and sediment control measures specified in the "Erosion Prevention and Sediment Capture" section of this report will be necessary to ensure that these areas are sufficiently stabilized.

Table 1. Cultivation area overview.

Greenhouses (GH)	Cultivation Area (ft ²)	Natural Slope (%)	Distance to Nearest Water Body (ft)	Water Body Classification
GH1	1,000	16	100-149	Class II
GH2	2,400	16	100-149	Class II
GH3	2,400	16	100-149	Class II
GH4	2,400	16	100-149	Class II

2.3. Access Roads

The site has 777 feet of permanent roads, 1,446 feet of seasonal access roads, and 482 feet of skid roads. The permanent road to the residence is a paved driveway, the adjacent access road is graveled, these are sloped down to the west, and are draining well toward McKee Creek with 100 feet of grass and forest buffer between. The access road from the residence to the cultivated area is sloped out and paved. The stream crossing between the residence and the cultivated area will be renovated (**MP3**); a Lake and Stream Alteration permit has been issued for the culvert to be exchanged with one of suitable diameter and to be positioned in alignment, at the natural slant of the existing stream channel. The seasonal access road which leads up a steep grade (30%+) to access a water storage/gravity feed area high on the hillside. These road sections and the graded flat are classified as disturbed areas due to the bare nature of the fill and slopes, as well as surface erosion on steep road surfaces. The face of the slope appeared to be stable but establishing an armor of vegetation would prevent erosion. GRC recommends sowing native grass seed and covering the slope with an application of rice straw mulch (**MP5**). The seasonal access road which leads upward to the water storage tanks has two water-bars and requires four in total (**MP4**). Applying

a layer of wood chip mulch prior to the winter period would additionally provide wet season protecting to this road. This road then loops back down. This side of the hillslope is less steep. Here there are three (3) water-bars and there will need to be two (2) additional water-bars equaling five (5) in total (**MP7**). Applying a layer of crushed rock here would reinforce the road for a long-term durability and less maintenance in the long run. All water-bars must be maintained, especially prior to the onset of fall and winter precipitation and following storm events that produce at least 0.5 in/day or 1.0 inch/7days of precipitation. Putting wash rock and/or juncus plants at the outlets of the waterbars can further reduce sediment discharge from the road cause by storm water.

There is only the one segment of seasonal access road on the site that needs additional drainage features installed to meet the standards in the Handbook for Forest, Ranch, and Rural Roads. For location of disturbed areas requiring work see the Site Map. The seasonal access roads are drained via water-bars and out-sloping. The skid roads on the site have been decommissioned and there are no historic stream crossings within the parcel boundary.

The seasonal access roads on the site are maintained on an as-need basis. The roads are only used during cultivation season, May through October. The roads are used minimally by workers navigating the site and bringing in supplies. Workers are on the site daily and most supplies are brought in the beginning of the season. Vehicles are mainly parked near the residence. Stabilization of existing roads will be addressed in even more detail in the Site Erosion and Sediment Control Plan for this parcel.

2.4. Stream Crossings

There are two watercourse crossings on the parcel; a culvert crossing on a seasonal road leading to the cultivation area from the residence and a steel bridge crossing used for access to the parcel from Briceland-Thorne Road. The single culvert crossing on the property connects the residential area with the three-acre conversion that is used for cultivation (**STX1**). This culvert is currently of insufficient diameter for the site, as described in the approved LSAA, and will be replaced with a 36" culvert to be able to pass the 100-year storm event. The crossing will be excavated, replaced with a new properly sized culvert, back filled and compacted, and the inlet and outlet armored with rock as necessary to minimize erosion.

Table 2. Overview of stream crossing on the property.

Stream Crossing (STX)	Existing Diameter (in)	Type	Watercourse Class	Action
STX1	24"	Culvert	Class III	Replace with a 36"
STX2	Steel Bridge		Class I	NA

2.5. Legacy Waste Discharges

There is a legacy skid road which traveled from the cultivation area to the East. This road is no longer accessed and is barricaded with slash debris to disallow access. There are no stream crossings on the legacy road within the parcel. There is regrowth of vegetation on the legacy road.

3. Erosion Prevention and Sediment Capture

The disturbed areas consisted of the cultivation areas, soils/amendment piles, unstable road segments, and a processing area as shown on the Site Map attach to the end of this report. All map points correspond

to the Remediation Summary Table found in section 10 of this report. The major erosion problems are: 1. the seasonal access roads leading up to the water storage tanks are steep and require additional water-bars, while existing water-bars are in need of maintenance (**MP4 & MP7**); 2. The water storage bladders need to be removed and replaced with hard tank storage (**MP8**). There is a berm around the bag impeding the drainage of the flat. The fill is an erosion and sediment delivery hazard; 3. The terrace upslope of the cultivation area where the water tanks are positioned is along a relatively high gradient. A native bunch grass seed needs to be sown upon the bare ground (**MP5**). Then an application of jute netting, anchored from the top of the slope and also adhered to the slope-face with landscape-staples, will hold the topsoil in place. The anchoring the jute cloth to the top of the slope is done by digging a small trench with a pickaxe, laying the jute fabric in the trench and burying it with about an extra foot in length exposed. Then the extra fabric is folded back on itself and stapled in.

4. Water Uses

Water for cannabis irrigation and domestic uses is sourced from the McKee Creek from an in-stream diversion. This point of diversion (POD) is on a tributary to the Mattole River and has been registered with the SWRCB under a riparian claim #S024779 for domestic use. The applicant has a small Irrigation use registration, #H502455, to divert water from McKee Creek into storage for cannabis cultivation. The maximum eligible diversion season is November 1 to March 31, and the maximum diversion rate is 10 gallons per minute. Water is stored in the winter for summer use.

All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. Weed free mulch or straw will be used in cultivation areas that do not have ground cover to reduce evaporation and conserve water. The cultivator will install water meters and record daily irrigation water usage to maintain records on site for a minimum of 5 years. The applicant will irrigate at agronomic rates using drip irrigation and by watering early in the morning. The estimated annual water use is summarized below in Table 3.

Table 3. Annual water use on the parcel.

Source	Purpose of Use	Start Date	End Date	To Use (gal)	To Storage (gal)
McKee Creek	Cannabis	Nov. 1	Mar. 31	NA	216,500
McKee Creek	Domestic	Jan. 1	Dec. 31	40,000	NA
Storage	Cannabis	Apr. 1	Oct. 31	155,500	NA

The site has a total of 216,500 gallons of water storage available which is summarized in Table 4 on the next page. There are currently four (4) 25,000-gallon water bladders used for storage on this parcel. All bladders are planned for removal from the property, to be replaced with two (2) 50,000-gallon pioneer water tanks. The tanks will sit on a graded flat near the residence which has been designed and permitted by a licensed engineer. This transition should take place during the upcoming 2019 dry season.

Table 4. Summary of water storage on the parcel.

Water Storage Type	Size (gallons)	Number	Total (gallons)
Hard Tank HDPE	5,000	11	55,000
Hard Tank HDPE	5,000	12	60,000
Hark Tank HDPE	1,500	1	1,500
Water Bladders (To be removed)	25,000	4	100,000
Hard Tank Pioneer (Proposed)	50,000	2	100,000
Total:			216,500

5. Fertilizers, Pesticides and Herbicides

5.1. Application, Storage and Disposal

All fertilizers, pesticides, herbicides and rodenticides will be mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Fertilizers, pesticides, herbicides and rodenticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers, pesticides and herbicides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in separate secondary containment. During the off season all chemicals will be stored in a locked building. Agricultural chemicals will not be applied within 48-hr of a predicted rain event with a 50% or greater chance of 0.25-inches. Disposal of unused products will be consistent with labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored in the garage/shop. No restricted materials or pesticides will be used or stored on site. No greater than 319 pounds of nitrogen per acre per year shall be applied. A summary of fertilizers, pesticides, and herbicides used annually are listed below in Table 5. Based on calculation performed by GRC the applicant applies 305 pounds of nitrogen per acre per year.

Table 5. Overview of annual chemical use.

Product Name	Chemical Type	N-P-K or Active Ingredient	Annual Use (lbs. or gallons)
Dr Earth All Purpose	Fertilizer	4-4-4	1,000 lbs.
Fox Farm Grow	Fertilizer	6-4-4	16 gals
Fox Farm Tiger Bloom	Fertilizer	2-8-4	39 gals
Fox Farm Big Bloom	Fertilizer	.01-3-.7	65 gals
Plant Therapy	Insecticide	Peppermint oil	10 gals

5.2. Spill Prevention and Clean Up

A spill cleanup kit will be located inside the storage room inside the barn. In case of a major spill of fertilizers, or any petroleum products, the cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and initiate cleanup activities for all spills that could enter a

waterbody or degrade groundwater.

6. Petroleum

6.1. Use, Storage, and Disposal

The site is grid tied to PG&E and uses minimal petroleum products. There are above ground propane tanks on site that only used as an emergency backup power source. If used, generators will need to be stored with drip containment outside of riparian setbacks. Fueling of the generators, as well as any other equipment or vehicles, will also take place outside of the riparian setbacks and off of bare soil. All equipment containing petroleum derivatives will be inspected regularly for leaks. When the generators are not in use they will be stored in a covered building with an impermeable floor.

7. Cultivation Waste, Trash/Refuse and Domestic Wastewater

7.1. Trash/Refuse Overview

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

There are designated areas for soil and compost where these cannot be transported to surface waters. The spoils will be contained or stabilized with erosion and sediment control BMPs, such as covering these with tarps and surrounding the perimeters with straw wattle prior to the wintertime, to prevent sediment mobilization and potential delivery to surface waters.

7.2. Domestic Wastewater BPTC Measures

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

8. Winterization Measures

8.1. Summary

It is required that winterization measures be completed annually before the onset of the winter rainy season. The SWRCB has defined the winter season as beginning November 1st and concluding April 1st. Winterization measures apply to cultivation areas, any additional disturbed areas including roads, and stream crossings. These measures aim to prepare the site for an extended period of heavy precipitation during which frequent access, monitoring, and maintenance can be challenging or infeasible. The end goal is to reduce the erosion of unstable areas and prevent the delivery of eroded sediment to sensitive waterways. One of the primary techniques of winterization consists of stabilizing all bare soils with straw

and seed. Fiber rolls shall additionally be installed at grade breaks and along slopes of disturbed areas to break up flow paths, thereby reducing the speed and erosive energy of runoff. No heavy machinery shall be used during the winter season to avoid the degradation of saturated roadways and unstable surfaces. Soil stockpiles shall be guarded before the onset of winter with a cover and/or perimeter controls such as fiber rolls. Culverts shall be inspected and maintained to ensure integrity during winter. This includes clearing inlets and outlets of sediment and/or debris and ensuring that sufficient energy dissipation exists at outlets to reduce bank erosion. Gates on the access road shall be locked to ensure that roads are not in use during the wet season by trespassers. Aside from the erosion control components to winterization, a general and thorough site cleanup will be performed to remove all refuse from the site. Additionally, all fertilizers and petroleum products to be left on site will be stored in secondary containment and locked in the storage shed to avoid spillage and discharge to surface or groundwater. Winterization measures for medium risk sites are covered in more detail in the Site Erosion and Sediment Control Plan to be submitted for that site.

9. Monitoring

Monitoring is broken up into 3 reports; Facility Status, Site Maintenance, and Storm Water Runoff Monitoring. For Low Risk sites the only monitoring report required is the Facility Status Report. For Moderate sites all three monitoring reports need to be completed. See "Site Erosion and Sediment Control Plan" for details on the Site Maintenance and Storm Water Runoff Monitoring. Annual reports for the cultivation site will be submitted to the North Coast Regional Water Quality and Control Board (NCRWQCB) prior to March 1 of the following year. The annual report shall include the following: Facility Status, Site Maintenance, and Storm Water Runoff Monitoring; Name and contact information for the person responsible for operation, maintenance, and monitoring. Reporting documents can be emailed to northcoast@waterboards.ca.gov or mailed to 5550 Skylane Blvd., Ste. A, Santa Rosa, CA 95403.

Table 6. Facility status monitoring requirements.

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

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

Legally Responsible Person _____ **Date** _____

10. Remediation Summary Table

Map Point (MP)	Topic	Issue	Remediation Measure	Treatment Priority	Expected Completion Date	Actual Completion Date
MP1	Land Development and Maintenance, Erosion Control, and Drainage Features	Seasonal runoff degrades the road cut at the ditch relief culvert intake. Culvert outflow is scouring. Sheet metal is increasing flow velocity.	Add 6-12" rock at the elbow of drainage to protect the culvert and fill. Remove sheet metal. Place an apron of 12-20" rock from the base to the culverts outflow.	Moderate	October 2019	
MP2	Land Development and Maintenance, Erosion Control, and Drainage Features	There are bladders which must be removed to an off-site location. The low point of the flat is prone to overflow causing erosion. There is an outcropping in need of reinforcement.	Remove the bladders from property. Add 6-12" rock from the low point of the flat to the road and there-by reduce the magnitude of the runoff. Construct an engineered gabion wall to retain the outcropping.	Low	October 2020	
MP3	Stream Crossing Installation and Maintenance	The existing culvert is not large enough to pass a 100-year storm event.	Replace existing 24" diameter culvert with new minimum 36" .	Moderate	October 2020	
MP4	Land Development and Maintenance, Erosion Control, and Drainage Features	The seasonal access road leading up to the water storage tank is steep and requires an additional two water-bars. Existing water-bars in need of maintenance.	Install an additional two water-bars on this section of road. Maintain all water-bars. Adjust sediment fill. Applying mulch here and using the alternative route is recommend because it is not as steep and is less inclined to wear.	High	October 2019	
MP5	Land Development and Maintenance, Erosion Control, and Drainage Features	There is bare soil on the fill slope downhill of the water tanks.	Sow a native grass seed mix and cover the side of the hill slope with jute netting.	Moderate	October 2019	
MP6	Land Development and Maintenance, Erosion Control, and Drainage Features	There is a steep, bare cut face uphill of the water tanks.	Lay overlapping jute netting in columns perpendicular to the disturbed area where the water tanks sit. Install the netting using an anchor point up top and staples throughout the spread. Then sow a native grass seed mix.	Moderate	October 2019	

Map Point (MP)	Topic	Issue	Remediation Measure	Treatment Priority	Expected Completion Date	Actual Completion Date
MP7	Land Development and Maintenance, Erosion Control, and Drainage Features	The seasonal access road leading up to the water storage tank is steep and requires additional water-bars. All existing water-bars must be maintained.	Install additional water-bars where indicated on the site map so that there are five in total on this road section. Maintain all water-bars. These flow off-board. Because the road is over 7% slope an application of crushed rock would reinforce the road. Wash rock put at the waterbar outlets will further dissipate storm water.	High	October 2019	
MP8	Water Storage and Use	There is a bladder which needs to be removed to an off-site location. There is a fill berm around the bag impeding the drainage of the flat. The berm does not drain and does not prevent erosion.	Remove the bladder to an off-site location. Deconstruct the berm. Spread this fill on the flat away from riparian buffers. Compress this fill and cover with a mulch. Wait for the dry season.	Moderate	October 2019	
MP9	Water Storage and Use	The northeast most water tank is within the riparian setback.	Reposition this water tank to a place outside of the stream buffer.	Low	October 2019	

- [illegible]

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.

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: 10/01/2018 08:15:17

© 2018 - State Water Resources Control Board

North Coast Regional Water Quality Control Board

March 16, 2018

WDID: 1B16363CHUM

Nocona Mendes
Po Box 912
Redway, CA

Notice of Applicability, Waiver of Waste Discharge Requirements Order No. R1-2015-0023 for Humboldt County APN(s) 220-191-035-000

This letter serves as notification of enrollment under Order No. R1-2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (Order). The North Coast Regional Water Quality Control Board (Regional Water Board) has received your initial fee required to enroll for coverage as a Tier 2 site under the Order. Your enrollment is effective as of April 12, 2016 (Effective Date). We have entered the information from your enrollment documents into the California Integrated Water Quality System (CIWQS), which is available at https://www.waterboards.ca.gov/water_issues/programs/ciwqs/. You have been assigned an identification number associated with your enrollment, WDID No. 1B16363CHUM. You must retain a copy of the Order, Notice of Intent (NOI), Monitoring and Reporting Program (MRP) and associated monitoring documentation at the enrolled site, and make them available to Regional Water Board staff on request.

You must complete and submit the reporting form portion of the MRP (Annual Report) to the Regional Water Board by March 31st of each year. The 2017 Annual Report is due by March 31, 2018. Effective January 26, 2018, the submission process for Annual Reports is now completely electronic. For those otherwise in compliance with the Order, submittal of the Annual Report within 30 days of the deadline (i.e. received by April 30, 2018) will not be considered an enforcement priority. We have created a fillable PDF form to streamline the annual reporting process. The form has been reduced to two pages and additional clarification has been added in sections that appeared to have caused confusion in previous versions. You must download and complete the fillable PDF form using Adobe Reader from the NCRWQCB website at:
<https://www.waterboards.ca.gov/northcoast/CannabisAnnualReport.html>.

JOHN W. CORBETT, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skyline Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast



If your enrollment Effective Date was prior to July 1, 2017, you should have already received an invoice from the State Water Resources Control Board regarding your annual fee due. If this is the case and you have not yet received an invoice, you should contact staff in the Regional Water Board Cannabis Unit at (707) 576-2676 or NorthCoast.Cannabis@waterboards.ca.gov. If your enrollment Effective Date is after June 30, 2017, you will not receive an invoice for an annual fee until Spring of 2019. Fees should only be submitted in response to an invoice and must be submitted to the State Water Resources Control Board. Any fee payments submitted directly to the Regional Water Board will be returned to the sender listed on the incoming envelope.

Per the Tier 2 requirements described in the Order you are required to have developed and begun implementing a water resource protection plan by October 09, 2016, 180 days after your Effective Date. You are responsible for ensuring compliance with the water resource protection plan and the Order. The water resource protection plan must include a monitoring element that provides for periodic inspection of the site and completion of a site-specific checklist to confirm placement and effectiveness of management measures, and to document progress on any plan elements subject to a time schedule.

If you anticipate restoration, remediation, or existing infrastructure upgrades in streams or wetlands identified on your property, you will need to submit a Surface Water Correction Workplan at least 60 days prior to the proposed work (Appendix D of the Order available at: https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/). No work shall be performed in streams or wetlands without prior authorization from the Regional Water Board. Please note, if you conduct activities in streams or wetlands on your property, you may need to obtain permits for your proposed work from additional federal, state, or local entities. For example, you may need to obtain a Clean Water Act section 404 permit from the Army Corps of Engineers for dredge and fill activities or a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife for stream-related work. It is your responsibility to consult with the appropriate agencies and obtain all necessary permits prior to beginning any work.

Enrollees that propose to terminate coverage under the Order must submit a Notice of Termination (NOT) in writing (preferably via email to NorthCoast.Cannabis@waterboards.ca.gov). The NOT consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the Standard Conditions of the Order, including dated photographs and a written discussion. If the site is not meeting the Standard Conditions of the Order then the enrollment cannot be terminated. Regional Water Board staff will review the NOT for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate. The Regional Water Board maintains its enforcement discretion after approval of a notice of termination.

All dischargers enrolled under Regional Water Board Order No. R1-2015-0023 as of October 17, 2017, (the adoption date of the Statewide Cannabis General Order No. WQ

2017-0023-DWQ) must apply for coverage under the Statewide Cannabis General Order by July 1, 2019, through the online enrollment portal (available at: <https://public2.waterboards.ca.gov/cgo>). Dischargers enrolled under the Regional Water Board Order may retain the reduced setbacks applicable under the Order for existing cultivation areas unless the Regional Water Board Executive Officer determines that the reduced setbacks are not protective of water quality. However, any new development or expansion to cannabis cultivation areas or other cannabis related activities must comply with the riparian setbacks in the Statewide General Order.

If there is a change in ownership or operation of the site, you must immediately notify the Regional Water Board and transfer into the Statewide Cannabis General Order. Notification of a change in ownership or operation of the site may be submitted to:

NorthCoast.Cannabis@waterboards.ca.gov. In the notification please include the contact information for the new owner or operator, and provide documentation showing that the new owner or operator has been given notice of the existence of this Order.

Finally, be aware that enrollment under this or any other Water Board order does not in any way authorize, endorse, sanction, permit, or approve the cultivation, possession, use, sale, or other activities associated with cannabis. Enrollment under this Order does not preclude the need for permits that may be required by other governmental agencies, nor does it supersede any requirements, ordinances, or regulations of any other regulatory agency.

All monitoring report submissions and questions regarding compliance and enforcement should be directed to NorthCoast.Cannabis@waterboards.ca.gov or 707-576-2676.

Sincerely,

 2018.03.16 15:00:46 PDT

FOR Water Boards

Matthias St. John
Executive Officer

1B16363CHUM_Nocona_Mendes_NOA_R1-2015-0023

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

11334
RECEIVED

NOV 07 2017

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2017-0308-R1

Unnamed Tributaries to McKee Creek, Tributary to the Mattole River
and the Pacific Ocean

Mr. Nocona Mendes
Mendes Water Diversions and Stream Crossing Project
4 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on May 25, 2017, with revisions received August 7, 2017, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the McKee Creek and Mattole River watersheds, approximately 3 miles north northwest of the town of Whitethorn, County of Humboldt, State of California. The project is located in Section 33, T4S, R2E, Humboldt Base and Meridian; in the Briceland U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 220-191-035; latitude 40.067 N and longitude 123.958 W.

PROJECT DESCRIPTION

The project is limited to four encroachments (Table 1). Three encroachments are for water diversion from unnamed tributaries to McKee Creek and McKee Creek. Water is diverted for domestic use and irrigation. Work for the water diversion will include use

and maintenance of the water diversion infrastructure. The fourth proposed encroachment will upgrade an undersized culvert. Work for this encroachment will include excavation, removal of the undersized culvert, replacement with a new properly sized culvert, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project encroachments with description

ID	Latitude/Longitude	Description
Point of Diversion (POD-1)	40.0670, -123.9581	Water diversion from a Class II spring/stream
Point of Diversion (POD-2)	40.0665, -123.9577	Water diversion from a Class II spring/stream
Point of Diversion (POD-3)	40.0683, -123.9594	Water diversion from a Class I stream
Crossing-1	40.0677, -123.9587	Replace existing 24" diameter culvert with new minimum 36"

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Tailed Frog (*Ascaphus Truei*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Northern Spotted Owl (*Strix occidentalis caurina*), Foothill Yellow-legged Frog (*Rana Boylii*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

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

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

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

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

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

damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this

Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 7 days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on May 25, 2017 with revisions received August 7, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 3 gallons per minute (gpm) from POD-1 and POD-2 (springs), and 10 gpm from POD-3 (McKee Creek) at any time.
- 2.3 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.4 Seasonal Diversion Minimization. No more than 150 gallons per day shall be diverted during the low flow season from May 15 to October 15 of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement.
- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the POD's. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water diverted on a weekly basis in a log book to be kept on site and provided to CDFW upon inspection request. Water Diversion Records shall be submitted annually to CDFW per Condition 3.1 of this Agreement.
- 2.6 Water Management Plan. The Permittee shall submit a Water Management Plan no later than May 15, 2018, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

- 2.7 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.8 Intake Screening: Springs. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.9 Intake Screening: McKee Creek.
1. The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
 2. A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
 3. The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
 4. The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.10 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.11 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.12 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.13 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/water_issues/programs/registrations/index.shtml.

Stream Crossing

- 2.14 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.15 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.16 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.17 Work Period. All work, not including water diversion, shall be confined to the period June 15 through October 1 of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.18 Stream Diversion. When work in a flowing stream is unavoidable, Permittee shall divert the stream flow around or through the work area during construction operations.
- 2.19 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Coffer dams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Coffer dams and the stream diversion system shall remain in place and functional throughout the construction period. Coffer dams or stream diversions that fail for any reason shall be repaired immediately.

2.20 Work Completion. The proposed work shall be completed by no later than **October 1, 2018**. A notice of completed work shall be submitted to CDFW within 7 days of project completion.

2.21 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

2.22 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.23 Culvert Installation.

2.23.1 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

2.23.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).

2.23.3 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

2.23.4 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

2.23.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [slightly larger than the bankfull channel width) including debris, culvert embedding, and sediment loads.

2.24 Rock Armor Placement.

2.24.1 No heavy equipment shall enter the wetted stream channel.

2.24.2 No fill material, other than clean rock, shall be placed in the stream channel.

2.24.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.

2.24.4 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

2.25 Project Inspection. The Project shall be inspected to ensure that the stream crossing was installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

3. **Reporting Measures**

3.1 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.5) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2017**.

3.2 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.6) no later than **May 15, 2018**, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

3.3 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.25) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

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

To Permittee:

Mr. Nocona Mendes
P.O. Box 912
Redway, California 95560
760-223-2055

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0308-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Mr. Nocona Mendes




Nocona Mendes

11/5/2017

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor

11/27/17

Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, September 5, 2017



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

135 Ridgway Ave.
Santa Rosa, CA 95401
Website: www.fire.ca.gov
(707) 576-2959



Date: January 05, 2016
Ref.: 1-16EX-001-HUM

THOMAS MENDES TRUST
P O BOX 912
REDWAY, CA 95560

Dear THOMAS MENDES TRUST:

This is to acknowledge that your **Less Than 3 Acre Conversion Exemption** was accepted on **January 4, 2016**. It has been assigned the above listed Exemption number. All timber operations must be complete within one year. All conversion activities must be complete within two years, unless under permit by local jurisdiction.

*****Please read the enclosed notice regarding Listed Anadromous Salmonids, Slash Clean-up, Sudden Oak Death, Pitch Canker, and Operations between October 15 – May 1.*****

In addition, please note the requirement for submittal of the Timber Operations Work Completion and/or Stocking Report (blue form) upon completion of the project.

Compliance with all provisions of the Forest Practice Act, rules pursuant to Section 1104.1(a)--Title 14 of the California Code of Regulations, will be determined by future inspection(s).

If you have any questions you may contact your local CAL FIRE Forest Practice Inspector or me at (707) 576-2959.

Sincerely,

Topher Henderson
Forestry Assistant II

Enclosure

cc: Unit
Board of Equalization
RPF – Chris Carroll
LTO – Justin French
File
[ftp://thp.fire.ca.gov/THPLibrary/North Coast Region/](ftp://thp.fire.ca.gov/THPLibrary/North_Coast_Region/)

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

LESS THAN 3 ACRE CONVERSION EXEMPTION

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT FROM
CONVERSION AND TIMBER HARVESTING PLAN REQUIREMENTS
RM-73 (1104.1a) (11/12)

VALID FOR ONE YEAR FROM DATE OF RECEIPT BY CAL FIRE
TIMBER OPERATIONS CANNOT START UNTIL VALID COPY
OF A NOTICE OF ACCEPTANCE IS RECEIVED FROM CAL FIRE

FOR ADMIN. USE ONLY

Ex. # 1-16EX-001 Hum
Date of Receipt JAN - 4 2016
Date Accepted 1/4/16
Date Expires 1/3/17

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of 14 CCR § 1104.1(a): Harvesting of trees that is a single conversion to a non-timber growing use of timberland of less than three acres. (See 14 CCR § 1104.1(a) for a description of the conditions on the conduct of this type of timber operation and additional information that is required to be submitted.) Complete Items 1 through 8 on both pages of this notice.

1. TIMBER OWNER(S) OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

TIMBER TAX EXEMPTION: Timber owners owe timber yield tax when they harvest trees unless the harvest is exempt (Revenue and Taxation Code sec. 38116). Some small or low value harvests may be exempt from timber yield tax: Timber removed from an operation whose value does not exceed \$3,000 within a quarter, according to BOE Harvest Value Schedules, Rule 1024. If you believe your harvest may qualify for this exemption, please complete Items A and B below. For timber yield tax information or for further assistance with these questions call the State Board of Equalization, 1-800-400-7115, or write: Timber Tax Section, MIC: 60, State Board of Equalization, P.O. Box 942879, Sacramento, California 94279-0060; or contact the BOE Web Page on the Internet at <http://www.boe.ca.gov>.

A. Circle the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):

Under 8 mbf 8-15 mbf 16-25 mbf Over 25 mbf

B. Estimate the species composition of the timber that will be removed during this harvest (numbers should sum to 100%):

Redwood _____%; Ponderosa/Sugar pine _____%; Douglas-fir 20%; Fir _____%;

Port-Orford Cedar _____%; Cedar (IC, WRC) _____%; Other conifer _____%; Other hardwood 80%

2. TIMBERLAND OWNER(S) OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

I certify, under penalty of perjury, that this is a one-time conversion to a non-timberland use and that there is a "bona fide intent" [14 CCR § 1100(b)] to convert to agriculture. I additionally certify, under penalty of perjury, that I, acting as an individual, acting as a member of a partnership, or acting as an officer or employee of a corporation or other legal entity, have not obtained an exemption pursuant to this section in the last five years.

SIGNATURE Thomas Mendes Date 12-31-15

3. LICENSED TIMBER OPERATOR(S): Justin French Lic. No. A-11295

Address: P.O. Box 591

City: Whitethorn State: CA Zip: 95589 Phone: 707-223-6758

SIGNATURE Justin French Date 12-31-15

4. Designate the legal land description of the location of timberland conversion. A map showing the location of the timberland conversion MUST be attached. The map must show the ownership boundaries, the location of the timber operation, boundaries of the conversion, location and classification of all watercourses, and landing locations.

Section	Township	Range	Base & Meridian	County	Acreage to be Converted	Assessors Parcel Number
33	4S	2E	Humboldt	Humboldt	1.5	220-191-035

Page 1 NOTE: This form has two pages. Continue on and complete page 2. Read the instructions before attempting to complete.

RECEIVED

JAN / 4 2015

5. The following are limitations or requirements for timber operations conducted under a Less Than Three Acre Conversion Exemption (Notice, Notice of Conversion Exemption, Conversion Exemption):

- A. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, and any implementing ordinances; copies of the state rules and regulations may be found on CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
- B. All timber operations shall be complete within one year from the date of acceptance by CAL FIRE.
- C. All conversion activities shall be complete within two years from the date of acceptance by CAL FIRE unless under permit by local jurisdiction. Failure to complete the conversion requires compliance with stocking standards and stocking report requirements of the Forest Practice Act and Board of Forestry and Fire Protection regulations.
- D. The timber operator shall remove or dispose of all slash or woody debris in accordance with 14 CCR § 1104.1(a)(2)(D)(1)-(9). The timberland owner may assume responsibility for the slash treatment, provided the landowner acknowledges in writing to CAL FIRE such responsibility at the time of submission of this notice. The specific requirements shall be included with the acknowledgement.
- E. Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the conditions described in 14 CCR § 1104.1(a)(2)(E)1.-3.
- F. No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city).
- G. No timber operations shall be conducted until CAL FIRE's notice of acceptance is received and a valid copy of this notice and CAL FIRE's acceptance shall be kept on site during timber operations.
- H. No sites of rare, threatened or endangered plants or animals or species of special concern shall be disturbed, threatened, or damaged.
- I. No timber operations are allowed on significant historical or archeological sites.
- J. Within one month of the completion of timber operations, including slash disposal, the timberland owner shall submit a work completion report to CAL FIRE.
- K. A violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, are violations of the Forest Practice Act and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).

6. I, _____, declare as the authorized designee of the County Board of Supervisors that this conversion exemption is in conformance with all county regulatory requirements, including public notice. (If the county has authorized a designee this item **MUST be completed. If it has not, see Item 7.**)

SIGNATURE See following page for signature Date _____

7. Registered Professional Forester preparing Notice: Chris Carroll Number 2628

Address: Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone 707-725-1897

I have, or my supervised designee has, (1) prepared this Notice of Conversion Exemption Timber Operations; (2) visited the site and flagged the boundaries of the conversion exemption, applicable WLPZs and equipment limitation zones; (3) prepared a Neighborhood Notice of Conversion Exemption according to 14 CCR § 1104.1(a)(3) to be mailed by the landowner to adjacent landowners; and (4) posted and dated a copy of the Neighborhood Notice of Conversion Exemption on the ownership, visible to the public, at least 5 days prior to the postmark date of submission of the Notice of Conversion Exemption. I certify that if the County Board of Supervisors has not designated a representative authorized to sign in Item 6 that I, or my supervised designee, contacted the county and the Notice is in conformance with county regulations.

SIGNATURE of RPF Chris Carroll Date 1-1-16

8. NOTICE SUBMITTER(S): THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

Submitter must be 1, 2, or 3 above, and must sign.

SIGNATURE Thomas Mendes Date 12-31-15

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR

Forest Practice, CAL FIRE 135 Ridgway Avenue Santa Rosa, CA 95401	Forest Practice, CAL FIRE 6105 Airport Road Redding, CA 96002	Forest Practice, CAL FIRE 1234 East Shaw Avenue Fresno, CA 93710
Alameda, Colusa, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties	Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties	Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties

JAN -4 2016

5. The following are limitations or requirements for timber operations conducted under a Less Than Three Acre Conversion Exemption (Notice, Notice of Conversion Exemption, Conversion Exemption):

- A. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, and any implementing ordinances; copies of the state rules and regulations may be found on CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
- B. All timber operations shall be complete within one year from the date of acceptance by CAL FIRE.
- C. All conversion activities shall be complete within two years from the date of acceptance by CAL FIRE unless under permit by local jurisdiction. Failure to complete the conversion requires compliance with stocking standards and stocking report requirements of the Forest Practice Act and Board of Forestry and Fire Protection regulations.
- D. The timber operator shall remove or dispose of all slash or woody debris in accordance with 14 CCR § 1104.1(a)(2)(D)(1)-(9). The timberland owner may assume responsibility for the slash treatment, provided the landowner acknowledges in writing to CAL FIRE such responsibility at the time of submission of this notice. The specific requirements shall be included with the acknowledgement.
- E. Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the conditions described in 14 CCR § 1104.1(a)(2)(E)1.-3.
- F. No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city).
- G. No timber operations shall be conducted until CAL FIRE's notice of acceptance is received and a valid copy of this notice and CAL FIRE's acceptance shall be kept on site during timber operations.
- H. No sites of rare, threatened or endangered plants or animals or species of special concern shall be disturbed, threatened, or damaged.
- I. No timber operations are allowed on significant historical or archeological sites.
- J. Within one month of the completion of timber operations, including slash disposal, the timberland owner shall submit a work completion report to CAL FIRE.
- K. A violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, are violations of the Forest Practice Act and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).

6. I, Karen Meynell, declare as the authorized designee of the County Board of Supervisors that this conversion exemption is in conformance with all county regulatory requirements, including public notice. (If the county has authorized a designee this item **MUST** be completed. If it has not, see Item 7.)

SIGNATURE Karen Meynell

Date 12-22-15

7. Registered Professional Forester preparing Notice: Chris Carroll Number 2628

Address: Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone 707-725-1897

I have, or my supervised designee has, (1) prepared this Notice of Conversion Exemption Timber Operations; (2) visited the site and flagged the boundaries of the conversion exemption, applicable WLPZs and equipment limitation zones; (3) prepared a Neighborhood Notice of Conversion Exemption according to 14 CCR § 1104.1(a)(3) to be mailed by the landowner to adjacent landowners; and (4) posted and dated a copy of the Neighborhood Notice of Conversion Exemption on the ownership, visible to the public, at least 5 days prior to the postmark date of submission of the Notice of Conversion Exemption. I certify that if the County Board of Supervisors has not designated a representative authorized to sign in Item 6 that I, or my supervised designee, contacted the county and the Notice is in conformance with county regulations.

SIGNATURE of RPF _____

Date _____

8. NOTICE SUBMITTER(S): THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

Submitter must be 1, 2, or 3 above, and must sign.

SIGNATURE _____

Date _____

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR

Forest Practice, CAL FIRE 135 Ridgway Avenue Santa Rosa, CA 95401	Forest Practice, CAL FIRE 6105 Airport Road Redding, CA 96002	Forest Practice, CAL FIRE 1234 East Shaw Avenue Fresno, CA 93710
Alameda, Colusa, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties	Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties	Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties

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Project Description

This Conversion Exemption proposes to convert timberland into agriculture. Per the Humboldt County General Plan, the conversion exemption area is presently zoned Unclassified with an agricultural general plan designation. Humboldt County's Grading and Open Space Ordinance applies to this project and the County has reviewed and signed off on this project. See attachment from County.

Addendum 14CCR 1104.1(a)(1)(E)(1-4)

The timberland owner has certified via his signature, under penalty of perjury, that this is a one-time conversion to agriculture. The timberland owner understands that a "Bona Fide Intention or bona fide intent" is a present, sincere intention of the applicant to conform with and successfully execute the conversion plan, as determined by the Director in accordance with provisions of Sec. 1105.2 (Ref.: Sec. 4623, PRC). The timberland owner, acting as an individual, acting as a member of a partnership, or acting as an officer or employee of a corporation or other legal entity, have not obtained an exemption pursuant to this section in the last five years.

Addendum 14CCR 1104.1(a)(2)(F)

There are no watercourses, ELZs, or WLPZs within the conversion exemption area. The conversion area is adjacent to Class II WLPZs and Class III ELZs, which have been measured and flagged by the RPF. The existing graded flat, as shown on the Conversion Map, is located between 100-150-feet of McKee Creek (Class I Watercourse). No timber harvesting is occurring within this area because it's already developed, however the existing flat may be used for a landing and therefore the RPF has flagged a Class I WLPZ to ensure no accidental or inadvertent encroachment into this zone.

Addendum 14CCR 1104.1(a)(2)(H)

There are no NSO Activity Centers located within a 1,000 feet of the conversion area. There are no sensitive species within 0.7 miles of the conversion area per the California Natural Diversity Database – Rare Find, queried on 12-31-15.

Addendum 14CCR 1104.1(a)(6)

The extent of the vegetation removal and site preparation required for the conversion;

The conversion area consists of merchantable Douglas-fir, tanoak, and madrone. The conversion area will require timber harvesting, site preparation, and treatment of logging slash and woody debris (see requirements proceeding page). The majority of the conversion area is located on a steep hillside above a natural bench, which has been partially developed (existing graded flat shown on map). This conversion consists of expanding the existing flat to the edge of watercourse protection zones (WLPZ & ELZ), and harvesting trees on the hillside above to increase sunlight. No major excavation is necessary to successfully convert the site because the slopes are nearly flat on the natural bench. Timber operations on the steep hillside above the natural bench will consist of timber harvesting but not stump removal and major excavation.

The suitability of soils, slope, aspect, and microclimate for the stated non-timber use;

The existing graded flat is presently being used for agriculture and this conversion will slightly expand the size of this site and significantly increase the amount of sunlight. The soils are inadequate for agriculture but grow medium is imported and therefore not a limiting factor.

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JAN -4 2016

**COAST AREA OFFICE
RESOURCE MANAGEMENT**

Addendum 14CCR 1104.1(a)(2)(D) - Treatment of Logging Slash and Woody Debris.

1. Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
2. All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.
3. All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.
4. Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.
5. Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
6. Full slash and woody debris treatment may include any of the following:
 - a. Burying;
 - b. Chipping and spreading;
 - c. Piling and burning; or
 - d. Removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.
7. Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.
8. Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.




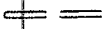
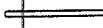


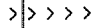


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JAN -4 2016

**COAST AREA OFFICE
RESOURCE MANAGEMENT**

APN 220-191-035

Conversion Map

-  Property Boundary
-  Conversion Boundary
-  Landing
-  Existing Seasonal Road
-  Existing Permanent Road
-  Class II-Large Watercourse
-  Class III Watercourse
-  Swale
-  Class II-S Watercourse
-  Class I Watercourse

Existing Graded Flat

Map Scale 1" = 100'

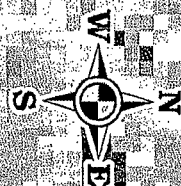
Briceland-Thorn Road



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Briceland-Thorn Road

McKee Creek



APN 220-191-035

Haul Route Map

Property Boundary

Conversion Boundary

Landing

Existing Seasonal Road

Existing Permanent Road

Map Scale 1" = 100'

RECEIVED

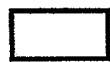
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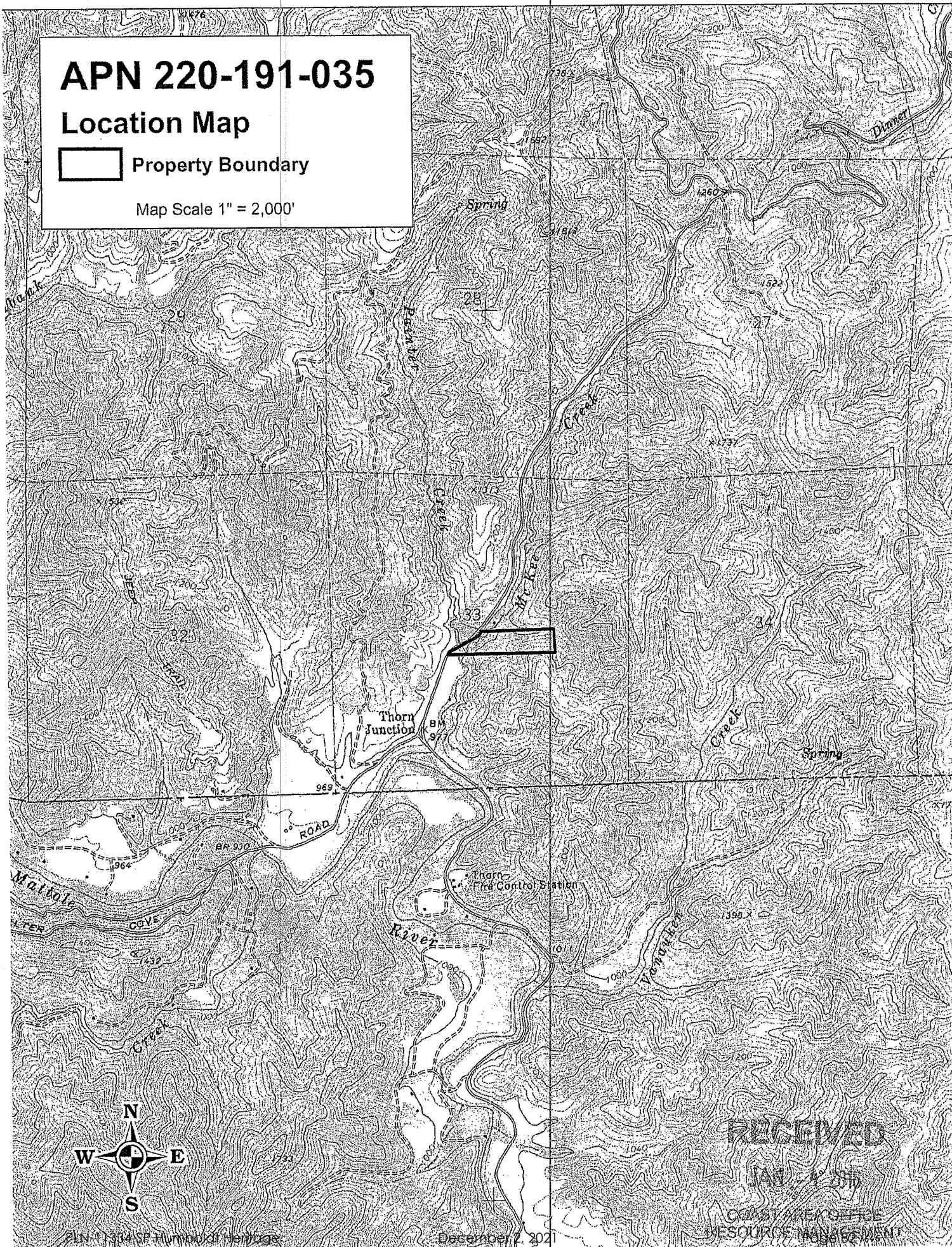
APN 220-191-035

Location Map



Property Boundary

Map Scale 1" = 2,000'



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RESOURCE MANAGEMENT**

Additional Information

Less Than 3-acre Conversion Exemption NOTICE OF TIMBER OPERATIONS

Date of Posting of this Notice: 10-27-2015

A Conversion exemption that may be of interest to you will be submitted to the California Department of Forestry & Fire Protection. The California Department of Forestry & Fire Protection will be reviewing the proposed timber operation for compliance with various laws and rules. The following briefly describes the proposed conversion exemption and where and how to get more information. Questions about the proposed conversion exemption or laws and rules governing timber operations should be directed to:

California Department of Forestry and Fire Protection
Forest Practice Program
135 Ridgeway Avenue
Santa Rosa, CA 95402
(707) 576-2959

Information about the Conversion Exemption is as follows:

1. TIMBER OWNER OF RECORD: THOMAS MENDES TRUST
Address: P.O. Box 912
City: Redway State: CA Zip: 95560 Phone: 707-223-2055
2. TIMBERLAND OWNER OF RECORD: THOMAS MENDES TRUST
Address: P.O. Box 912
City: Redway State: CA Zip: 95560 Phone: 707-223-2055
3. LICENSED TIMBER OPERATOR(S): Justin French Lic. No. A-11295
Address: P.O. Box 591
City: Whitethorn State: CA Zip: 95589 Phone: 707-223-6758
4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628
Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: Located approximately 0.5 miles northeast of Thorn Junction in the S 1/2 of Section 33, Township 4 South, Range 2 East, Humboldt County, APN 220-191-35. Access to the conversion exemption area is an unnamed gate road located on Briceland-Thorne Road. Situs address of property is 12310 Briceland-Thorne Road, Whitethorn.
7. TYPE OF CONVERSION: This is a conversion from timberland to agriculture and the maximum size of this conversion exemption is less than three acres.

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165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

January 3, 2016

R J Hemsch TR
12111 Briceland Thorn Rd.
Garberville, CA 95542

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Mendes Tr., I am required by the California Forest Practice Rules to notify all adjacent landowners of this proposed operation with the following information:

1. TIMBER OWNER OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

2. TIMBERLAND OWNER OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

3. LICENSED TIMBER OPERATOR: Justin French Lic. No. A-11295

Address: P.O. Box 591

City: Whitethorn State: CA Zip: 95589 Phone: 707-442-7181

4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628

Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone (707) 725-1897

5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department

6. PROJECT LOCATION: Located approximately 0.5 miles northeast of Thorn Junction in the S ½ of Section 33, Township 4 South, Range 2 East, Humboldt County, APN 220-191-35. Access to the conversion exemption area is an unnamed gate road located on Briceland-Thorne Road. Situs address of property is 12310 Briceland-Thorne Road, Whitethorn.

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Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

January 3, 2016

Boyle Forests LP
P.O. Box 1365
Eureka, CA 95502-1365

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Mendes Tr., I am required by the California Forest Practice Rules to notify all adjacent landowners of this proposed operation with the following information:

1. TIMBER OWNER OF RECORD: THOMAS MENDES TRUST

Address P.O. Box 912

City Redway

State CA

Zip 95560

Phone 707-223-2055

2. TIMBERLAND OWNER OF RECORD: THOMAS MENDES TRUST

Address P.O. Box 912

City Redway

State CA

Zip 95560

Phone 707-223-2055

3. LICENSED TIMBER OPERATOR: Name: Justin French Lic. No A-11295

Address: P.O. Box 591

City: Whitethorn

State: CA

Zip: 95589

Phone: 707-442-7181

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City Fortuna

State CA

Zip 95540

Phone (707) 725-1897

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Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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RESOURCE MANAGEMENT**
Page 86



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

January 3, 2016

Barbara Sher TR.
101 Star Lane
Whitethorn, CA 95589

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Mendes Tr., I am required by the California Forest Practice Rules to notify all adjacent landowners of this proposed operation with the following information:

1. TIMBER OWNER OF RECORD: THOMAS MENDES TRUST

Address P.O. Box 912

City Redway State CA Zip 95560 Phone 707-223-2055

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City Fortuna State CA Zip 95540 Phone (707) 725-1897

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Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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trc@timberlandresource.com

January 3, 2016

Fred W. & Janet H. Cook
P.O. Box 535
Whitethorn, CA 95589-0535

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Mendes Tr., I am required by the California Forest Practice Rules to notify all adjacent landowners of this proposed operation with the following information:

1. TIMBER OWNER OF RECORD: THOMAS MENDES TRUST

Address P.O. Box 912

City Redway

State CA

Zip 95560

Phone 707-223-2055

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Address P.O. Box 912

City Redway

State CA

Zip 95560

Phone 707-223-2055

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Lic. No A-11295

Address: P.O. Box 591

City: Whitethorn

State: CA

Zip: 95589

Phone: 707-442-7181

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State CA

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Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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RESOURCE MANAGEMENT



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

January 3, 2016

Native American Heritage Commission
1550 Harbor Blvd., Room 100
West Sacramento, CA 95691

Dear Native American Heritage Commission:

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Mendes Tr., I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER(S) OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

2. TIMBERLAND OWNER(S) OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

3. LICENSED TIMBER OPERATOR(S): Justin French Lic. No. A-11295

Address: P.O. Box 591

City: Whitethorn State: CA Zip: 95589 Phone: 707-223-6758

4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628

Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone (707) 725-1897

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Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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trc@timberlandresource.com

January 3, 2016

Bear River Band of Rohnerville Rancheria
266 Kiesner Road
Loleta, CA 95551

Dear Erica Cooper, Tribal Historic Preservation Officer:

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Mendes Tr., I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER(S) OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway

State: CA

Zip: 95560

Phone: 707-223-2055

2. TIMBERLAND OWNER(S) OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway

State: CA

Zip: 95560

Phone: 707-223-2055

3. LICENSED TIMBER OPERATOR(S): Justin French

Lic. No. A-11295

Address: P.O. Box 591

City: Whitethorn

State: CA

Zip: 95589

Phone: 707-223-6758

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Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna

State CA

Zip 95540

Phone (707) 725-1897

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Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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Page 90



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707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

January 3, 2016

InterTribal Sinkyone Wilderness Council
P. O. Box 1523
Ukiah, CA 95482

Dear Hawk Rosales, Executive Director:

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Mendes Tr., I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER(S) OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

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Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

3. LICENSED TIMBER OPERATOR(S): Justin French Lic. No. A-11295

Address: P.O. Box 591

City: Whitethorn State: CA Zip: 95589 Phone: 707-223-6758

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Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone (707) 725-1897

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Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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trc@timberlandresource.com

January 3, 2016

Round Valley Indian Tribes of the Round Valley Reservation
77826 Covelo Road
Covelo, CA 95428

Dear Stephanie Britton, Natural Resources:

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Mendes Tr., I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER(S) OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

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City: Redway State: CA Zip: 95560 Phone: 707-223-2055

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Address: P.O. Box 591

City: Whitethorn State: CA Zip: 95589 Phone: 707-223-6758

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Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone (707) 725-1897

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Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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COAST AREA OFFICE
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165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

January 3, 2016

Wailaki Tribe
P.O. Box 1284
Redway CA 95560

Dear Louis Hoaglin Sr., Chairperson:

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Mendes Tr., I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER(S) OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

2. TIMBERLAND OWNER(S) OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

3. LICENSED TIMBER OPERATOR(S): Justin French Lic. No. A-11295

Address: P.O. Box 591

City: Whitethorn State: CA Zip: 95589 Phone: 707-223-6758

4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628

Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone (707) 725-1897

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Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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COAST AREA OFFICE
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165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

January 3, 2016

Wiyot Tribe
1000 Wiyot Drive
Loleta, CA 95551

Dear Thomas Torma, Cultural Director/Tribal Historic Preservation Officer:

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Mendes Tr., I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER(S) OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

2. TIMBERLAND OWNER(S) OF RECORD: THOMAS MENDES TRUST

Address: P.O. Box 912

City: Redway State: CA Zip: 95560 Phone: 707-223-2055

3. LICENSED TIMBER OPERATOR(S): Justin French Lic. No. A-11295

Address: P.O. Box 591

City: Whitethorn State: CA Zip: 95589 Phone: 707-672-2350

4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628

Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone (707) 725-1897

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Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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**COAST AREA OFFICE
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Megan Marruffo

From: Dante Hamm <dante@greenroadconsulting.com>
Sent: Monday, October 18, 2021 4:42 PM
To: Megan Marruffo
Subject: RE: Humboldt County Application #11334 (Humboldt Heritage MBC)

Hi Megan,

The applicant is no longer planning to construct new buildings. The water storage on the most recent site plan sent in should reflect the total amount of water storage.

The applicant has since removed the bladders.

There is only one stream diversion onsite. It is used for domestic and cannabis irrigation.

Let me know if you require anything further.

Dante.

From: Megan Marruffo <marruffom@lacoassociates.com>
Sent: Wednesday, October 13, 2021 7:32 AM
To: Dante Hamm <dante@greenroadconsulting.com>; Kaylie Saxon <Kaylie@greenroadconsulting.com>
Cc: noconamendes@yahoo.com
Subject: RE: Humboldt County Application #11334 (Humboldt Heritage MBC)

Good morning, Dante and Kaylie,

Thank you again for the information you provided earlier this week for the Humboldt Heritage MBC project (APPS #11334). I have some additional questions I was hoping you could address regarding the project:

1. The project documents seem to indicate that additional building(s) are proposed on the subject site, including a processing building and/or an additional drying shed. I'm not seeing either structure indicated on the site plan. Can you please confirm if either building is still proposed and their proposed size, dimensions, locations, and use? If in fact any additional building(s) are proposed, these will need to be indicated on the site plan.
2. Please confirm the existing and proposed water storage and monthly water use amounts. The amount of water storage appears to differ between the site plan and the Cultivation and Operations Plan amendment dated January 2021.
3. Two other point of diversions are included in the Final Streambed Alteration Agreement issued by CDFW in November 2017. Are these still utilized on the subject property? Are any utilized for the cannabis operation?

Megan Marruffo

From: Dante Hamm <dante@greenroadconsulting.com>
Sent: Tuesday, October 19, 2021 12:20 PM
To: Megan Marruffo
Subject: RE: Humboldt County Application #11334 (Humboldt Heritage MBC)
Attachments: 2019_Online Cannabis Water Quality Monitoring & Reporting Program _Summary (2).pdf

Hi Megan,

There will be a maximum of 4 people onsite during peak operations.

Drying, curing, bucking will occur in the barn. Processing will occur onsite in the barn if the applicant is able to acquire a commercial building permit on the barn.

Attached is the applicants water use figures from 2019 (pg.24).

Dante.

From: Megan Marruffo <marruffom@lacoassociates.com>
Sent: Tuesday, October 19, 2021 11:16 AM
To: Dante Hamm <dante@greenroadconsulting.com>
Subject: RE: Humboldt County Application #11334 (Humboldt Heritage MBC)

Hi Dante! I have a few additional questions I'm hoping you can address regarding APPS #11334 (Humboldt Heritage MBC):

- Maximum number of people onsite during peak operations?
- The original Cultivation and Operations Plan notes that drying, curing, bucking, and trimming occurs onsite. Where do these activities occur? Within the existing barn?
- Please provide monthly water use estimates for the project.

Thank you for your help! Once this information is received, we should be able to wrap up the staff report and get the project scheduled for hearing.

Thanks,
Megan



Megan Marruffo
Senior Planner / Project Manager
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443 5054
<http://www.lacoassociates.com>

Santos, Steven A

From: Santos, Steven A
Sent: Thursday, April 26, 2018 6:18 PM
To: Beorn Zepp (BeornZepp@RainZeppLaw.com); robin@greenroadconsulting.com
Subject: Meeting Summary for 11334

The is a summary of the settlement meeting with the Director on April 23, 2018

1. Applicant and the Department agree there is 8200 SF of outdoor cultivation. This includes the modification from the applicant to not cultivate mixed light.
2. The department will allow up to 1600 SF to be used for an ancillary nursery
3. The applicant must pay a \$6864 penalty
4. The applicant must submit revised site and ops plan to reflect the square feet and type of cultivation agreed upon in item 1 above
5. Once the department receives items 3 and 4 it will issue an interim permit.



Steven A. Santos
Senior Planner
Planning and Building Department
707.268.3749

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	Approval	Attached
Public Works, Land Use Division	✓	Comments	Attached
CAL FIRE	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Comments	Attached – Planning staff response to comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Intertribal Sinkyone Wilderness Council		No Response	
So. Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



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



7/24/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Southern Humboldt Unified School District, Sheriff, SWRCB Division of Water Rights, Sinkyone Tribal Council

Applicant Name Humboldt Heritage MBC **Key Parcel Number** 220-191-035-000

Application (APPS#) 11334 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-204

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 8/8/2017

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

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

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

☐ Other Comments: All structures over 120 square feet needs a building permit; which will include ADA compliance

DATE: 7/28/17

PRINT NAME: Patricia Mj



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44033

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

- ☒ Site/plot plan appears to be accurate.
- ☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____
- ☒ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: All permits for all structures shall be obtained for any structures over 120 square feet, and all ADA requirements are required

Name: Patak Motz

Date: 7/28/17

Note: Remember to save pictures to Planning's application number



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

RECEIVED

17/18-0132

JUL 24 2017

7/24/2017

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Southern Humboldt Unified School District, Sheriff, SWRCB Division of Water Rights, Sinkiyone Tribal Council

Applicant Name Humboldt Heritage MBC **Key Parcel Number** 220-191-035-000

Application (APPS#) 11334 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-204

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 8/8/2017

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

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

☒ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DISTRIBUTED

DATE: 09/10/17

PRINT NAME: MARIO KALSON



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

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

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

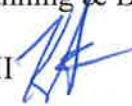
CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

LAND USE 445-7205



LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Steve Werner, Supervising Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer II 

DATE: 09/08/2017

RE: HUMBOLDT HERITAGE MBC, APN 220-191-035, SP16-204, APPS#11334

The Department of Public Works reviews projects for issues relating to the adequacy of the roadway network to accommodate the proposed use; issues relating to encroachments (such as driveways and private roads) onto County maintained roads; ensuring that any outstanding violations relating to County Encroachment Permit Ordinance and Visibility Ordinance have been addressed; identifying any necessary frontage improvements that are required along County maintained roads; impacts of projects on nearby airports; ensuring that deferred subdivision improvements, if any, are completed; and identifying impacts of the proposed project to adjacent County owned properties or facilities.

The Department's review of this project is limited to what is shown on the submitted plot plan and accompanying materials.

ROADS: The County roadway serving the subject property is adequate to accommodate the proposed use. The subject property is located within the State Responsibility Area.

DRIVEWAYS: The owner was previously issued an encroachment permit (EP07006) on 1/30/2007 to surface the residential driveway. The work was never completed and the encroachment permit has expired. The existing driveway apron (encroachment) that connects to the County road does not meet County standards. Prior to commencing operations, the driveway shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the driveway apron be paved for a minimum width of 18 feet and a length of 50 feet. [Reference: County Code Sections 314-109.1.2.2.5, 314-109.1.5.1, 341-1, 411-51]

Prior to constructing improvements within a County maintained road right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. [Reference: County Code 411-11(a)(b)]

The driveway within the subject property has not been reviewed by the Department for conformance with Fire Safe Regulations (County Code Section 3112-12). This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

AIRPORT: The subject property is not located near a public airport.

DEFERRED SUBDIVISION IMPROVEMENTS: The subject property does not have any deferred subdivision improvements that have not been fulfilled.

ADJACENT COUNTY OWNED PROPERTY OR FACILITIES: The proposed project does not have any impact on any adjacent county owned property or facilities.

Informational Notes:

1. FENCES/GATES:

Pursuant to County Code Section 411-11 (j) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way of County maintained roads. Prior to constructing any fences along (or near) the right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

It is important to note that fences constructed outside of the public right of way are still subject to the County's visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be setback further to comply with the County Visibility Ordinance.

Gates must be set back sufficiently from the road so that a vehicle can completely pull off the road while opening or closing the gate. In addition, for properties in the State Responsibility Area, conformance with Fire Safe Regulations (County Code Section 3112-13) is also required.

Fences and gates taller than 6 feet may require a building permit. The applicant is advised to consult with the Planning and Building Department – Building Division at 707.445.7245 prior to constructing any fences or gates.

// END //

Laney, Megan

From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Thursday, August 17, 2017 9:20 AM
To: Planning Clerk
Subject: FW: APN# 220-191-035 Humboldt Heritage MBC

From: Titus, Lucas@CALFIRE
Sent: Wednesday, August 2, 2017 9:21 AM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Cc: sluu@manhard.com
Subject: APN# 220-191-035 Humboldt Heritage MBC

CAL FIRE Resource Management can not support this project. It appears a conversion of timberland has been done on the property. Please provide proof of a approved CAL FIRE permit or seek advice from a RPF or CAL FIRE. File passed to B1211 on 08/02/2017.

Lucas Titus

Forester I, Bridgeville Resource Management

Department of Forestry and Fire Protection

CAL FIRE

Humboldt-Del Norte Unit

Office (707)777-1720

Cellular (707)599-6893

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SaveOurWater.com · Drought.CA.gov

Laney, Megan

From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Thursday, August 17, 2017 9:19 AM
To: Planning Clerk
Subject: FW: Subject: APN# 220-191-035 Humboldt Heritage MBC

Please supply these Documents to Cal Fire if they exist at time of receipt to the county.

Thank you,

Chris Ramey
Battalion Chief, Pre-Fire Planning

CAL FIRE

Humboldt-Del Norte Unit
C: 707-599-6442
Duty Days: Tues-Fri

From: Titus, Lucas@CALFIRE
Sent: Wednesday, August 2, 2017 11:07 AM
To: Phil B. Standish <pstandish@manhard.com>; HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Subject: Re: Subject: APN# 220-191-035 Humboldt Heritage MBC

Thank You providing the documents. I am not sure why the County isn't including that information since we believe it is important element to the process. Resource Management has no concerns now.

Lucas Titus

Forester I, Bridgeville Resource Management

Department of Forestry and Fire Protection

CAL FIRE

Humboldt-Del Norte Unit

Office (707)777-1720

Cellular (707)599-6893

Every Californian should conserve water. Find out how at:

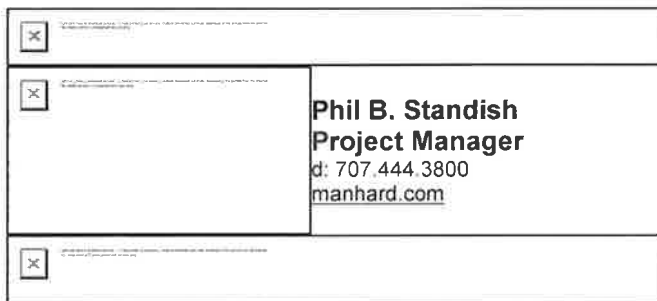


From: Phil B. Standish <pstandish@manhard.com>
Sent: Wednesday, August 2, 2017 10:48 AM
To: Titus, Lucas@CALFIRE; HUU CEQA@CALFIRE
Subject: Subject: APN# 220-191-035 Humboldt Heritage MBC

Lucas,

The attached file contains the 3 Acre Conversion for the subject parcel. This document was submitted to the Humboldt County Planning Division during the complete application submittal. I'm not sure why your department was not given this document. Please let me know if you have any questions.

Thanks



From: Titus, Lucas@CALFIRE [<mailto:Lucas.Titus@fire.ca.gov>]
Sent: Wednesday, August 2, 2017 9:21 AM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Cc: Steven Luu <sluu@manhard.com>
Subject: APN# 220-191-035 Humboldt Heritage MBC

CAL FIRE Resource Management can not support this project. It appears a conversion of timberland has been done on the property. Please provide proof of a approved CAL FIRE permit or seek advice from a RPF or CAL FIRE. File passed to B1211 on 08/02/2017.

Lucas Titus

Forester I, Bridgeville Resource Management

Department of Forestry and Fire Protection

CAL FIRE

Humboldt-Del Norte Unit

Office (707)777-1720

Cellular (707)599-6893

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DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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



Ref: 7100 Planning
Date: July 26, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Humboldt Heritage MBC
APN: 220-191-035-000
Area: Whitethorn
Case Numbers: 11334

Humboldt County Application #: 11334
Type of Application: Special Permit
Date Received: 7/25/2017
Due Date: 8/8/2017

Project Description: A Special Permit for medical cannabis cultivation operation consisting of a 5,000 square foot mixed-light area, a 5,000 square foot outdoor area, and a 1,600 square foot nursery. Water is provided by a diversion from McKee Creek, which flows through the property. Water storage in the amount of 177,500 gallons is proposed and will be stored in multiple existing and proposed water storage tanks. Two (2) existing water bladders will be removed from the site. Curing, drying, and trimming will occur on-site. There will be four (4) full-time seasonal employees and up to two (2) part-time employees. Power is provided by PG&E.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

Megan Marruffo

From: Megan Marruffo
Sent: Thursday, October 28, 2021 8:36 AM
To: Michael Van Hattem
Cc: Cliff Johnson <CJohnson@co.humboldt.ca.us>; Meghan Ryan
Subject: APPS #11334 (Humboldt Heritage MBC); APN 220-191-035; Projected Hearing Date: 11/18/2021
Attachments: 11334_ref_CDFW_CEQAReferral.pdf; 11334_ref_CDFW_Email.pdf; 11334 Lake and Streambed Alteration Agreement 02.01.2021.pdf; 11334 3AcreConversion_HUM Accepted.pdf; 11334 Right to Divert and Use Water.pdf

Good morning, Michael,

I hope this e-mail finds you well. The purpose of this e-mail is to provide a response to the comments CDFW provided on the Humboldt Heritage MBC project (APPS #11334) through the County of Humboldt in April 2018. A copy of CDFW's comments is attached for your reference. The project is located at 12310 Briceland Thorne Road in Whitethorn area (APN 220-191-035), and a SAA was issued by CDFW in November 2017 (attached). The project is anticipated to go before the Zoning Administrator for decision on November 18, 2021. The project description is as follows:

A Special Permit for an existing 8,200 square foot (SF) outdoor cannabis cultivation utilizing light deprivation techniques, with 1,400 SF of ancillary propagation. Irrigation water is sourced from a creek diversion. Existing available water storage is 219,600 gallons in a series of hard-sided tanks, with an additional 2,500 gallons proposed, for a total of 222,100 gallons of onsite storage. Estimated annual water usage is 150,000 gallons. Drying, curing, and bucking occurs onsite, with all other processing currently occurring offsite at a licensed processing or manufacturing facility; however, future onsite processing is anticipated. A maximum of four (4) people will be on-site during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E). A Special Permit is also requested for development within the Streamside Management Area (SMA) related to continued use and maintenance of the diversion infrastructure.

Please see responses below to CDFW comments:

1. The associated timber conversion was determined to have occurred in compliance with the Less Than Three Acre Conversion issued by CAL FIRE in January 2016 (attached) and Planning staff review of aerial imagery did not observe any additional expansion after the CMMLUO baseline date.
2. Water for irrigation is provided by a point of diversion from McKee Creek (a Class II stream), which traverses the western portion of the site. McKee Creek is a tributary to the Mattole River. The applicant was issued a Right to Divert and Use Water from the State Water Resources Control Board (SWRCB) Division of Water Rights (Registration H502455, Certificate H100264) in October 2018 (attached) for the point of diversion. Per the water right, the water appropriated is limited to 0.6197 acre-feet (or 201,961.6 gallons) per year, total storage capacity shall not exceed 0.70 acre-feet (228,096 gallons), and the rate of diversion shall not exceed 42,000 gallons per day.
3. The project will be conditioned to require noise and light attenuation measures.
4. A condition of approval is included to prohibit the use of monofilament netting. Additional conditions require the applicant to ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife.

Please let me know if you have any further comments or questions regarding the project.

Thank you,
Megan



Megan Marruffo
Senior Planner / Project Manager
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443 5054
<http://www.lacoassociates.com>

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**California Department of Fish and Wildlife
CEQA Referral Checklist**

Applicant: Mendes Humboldt Heritage		Date: 4/9/18	
APPS No.: 11334	APN: 220-191-035	CDFW CEQA: 2017-0341	Case No.: SP16-204
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 5,000	<input checked="" type="checkbox"/> Outdoor (SF): 5,000 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

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

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

Please note the following information:

- ☒ Aerial imagery suggests that significant grading, timber conversion and expansion has taken place on the parcel post January 1, 2016. CDFW requests, prior to consideration of Project approval, a copy of the County Cannabis Area Assessment (CAV). In addition, CDFW requests that the expanded cultivation area be remediated and restored to its pre-2016 condition; OR that the application be denied.
- ☒ CDFW is not clear on how the water use estimates were derived or how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, prior to consideration of Project approval, that the applicant provide further detail on the methods used to estimate water usage.
- ☒ A Final Lake or Streambed Alteration Agreement (1600- 2017-0308) was issued to the applicant on November 27, 2017.
- ☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests, prior to consideration of project approval, protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence. Prior to survey completion, CDFW requests that the applicant assume presence and avoid disturbance through noise and light pollution prevention measures.

- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, prior to consideration of project approval, the construction of noise containment structures for all ongoing cultivation equipment (e.g. fans, generators, dehumidifiers, etc.) on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave Wildlife Unharmd. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, prior to consideration of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Please confirm that you have received this email.

Sincerely,

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

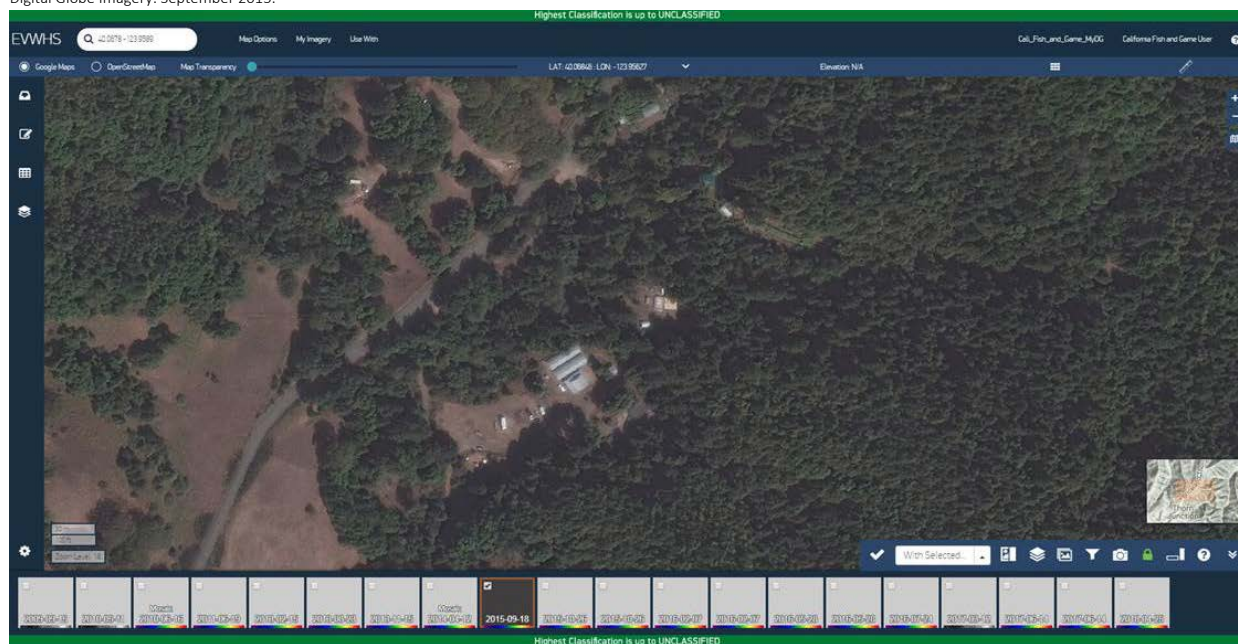
From: Bocast, Kalyn@Wildlife
To: [Planning Clerk](#)
Cc: [Bauer, Scott@Wildlife](#)
Subject: Mendes, Humboldt Heritage MBC, APPS:11334, CEQA-2017-0341, APN: 220-191-035
Date: Tuesday, July 3, 2018 10:59:04 AM
Attachments: [CEQA Referral APPS-11334 CEQA-2017-0341.pdf](#)

To Whom It May Concern,

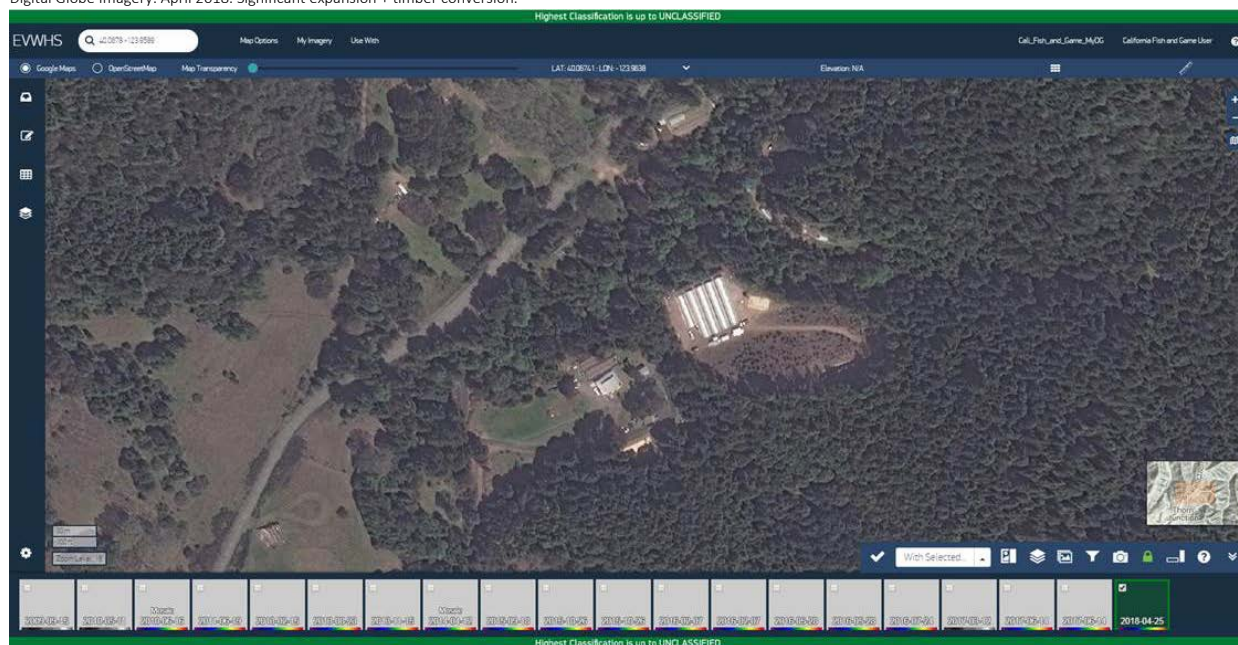
Please see the information below along with the attached comments for the subject application (APPS:11334), CEQA-2017-0341.

Thank you for the opportunity to comment on this Project. If you need additional information, please send requests to kalyn.bocast@wildlife.ca.gov

Digital Globe Imagery: September 2015.



Digital Globe Imagery: April 2018. Significant expansion + timber conversion.



Please confirm that you have received this email.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077