



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: December 13, 2018

To: Humboldt County Planning Commission

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

Subject: **Canal I, LLC, Conditional Use Permit**
Application Number 11153
Case Number CUP-16-163
Assessor's Parcel Number (APN) 210-221-008
Private Road in Dinsmore Area of Larabee Valley off State Highway 36

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Please contact Elizabeth Moreno, Planner, at 707-268-3713 or by email at emoreno@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date December 13, 2018	Subject Conditional Use Permit	Contact Elizabeth Moreno
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Project Description A Conditional Use Permit for an existing 32,440 square feet (SF) of outdoor and 6,720 SF of mixed light cannabis cultivation located on Assessor's Parcel Number (APN) 210-221-008, which is approximately 40 acres in size. Irrigation water is from an existing permitted well that was installed on October 31, 2017. Processing includes drying, trimming, curing, and packaging and will occur in two 1,800 SF metal buildings, one is proposed the other is existing. There will be five full time employees associated with one outdoor harvest and up to four mixed light annual harvests. Currently, two 7,000 kW gasoline-fueled generators and two 2,000 kW gasoline-fueled generators are used for cultivation and processing activities. An off-grid solar system and onsite wastewater treatment system are proposed.

Project Location: The project site is located in Humboldt County in the Dinsmore area, on the south side of State Highway 36, approximately 4.5 miles north from the intersection of Hidden Valley Road and State Highway 36 and approximately 0.60 miles south from the intersection of State Highway 36 and a private drive, on the property known to be in Section 8 of Township 01 North, Range 05 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agriculture (RA 40), 2017 General Plan, Density: 40 acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning: Forestry Recreation (FR) B-5(40).

Application Number: 11153

Case Number: CUP-16-163

Assessor Parcel Numbers: 210-221-008

Applicant	Owner	Agent
Canal I, LLC	Canal I, LLC	None
Bonnie Frank	Bonnie Frank	
2330 Marinship Way #211	2330 Marinship Way #211	
Sausalito, CA 4965	Sausalito, CA 4965	

Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, 15301(Existing Facilities) Class 3, 15303 (New Construction or Conversion of Small Structures), Class 4, 15304 (Minor Alterations to Land), and Class 33, Section 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None

CANAL I, LLC
Case Number CUP-16-163
Assessor's Parcel Numbers 210-221-008

Recommended Commission Action

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

Find the project exempt from environmental review pursuant to Sections 15301, 15303, 15304 and 15333 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Canal I, LLC project subject to the recommended conditions.

Executive Summary: Canal I, LLC Medical Marijuana Cultivation Project seeks approval of a Conditional Use Permit in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) to operate an existing outdoor and mixed-light commercial medical cannabis cultivation located on Assessor's Parcel Number (APN) 210-221-008, which is approximately 40 acres in size.

The cultivation area consists of 32,440 SF of outdoor cultivation and 6,720 SF of mixed light cultivation. Cultivation is both full sun open air and conducted within seven greenhouses. In former cultivation area #4, 10,500 SF of outdoor cultivation was relocated to the open meadow in cultivation area #3 with restoration of the former cultivation area. The total cultivation area is 39,160 SF. Processing includes drying, trimming, curing and packaging and will occur inside two (2) proposed 1800 SF metal processing facilities (one facility being a remodel of an existing 21' x 12' shed). Per the applicant there will be a maximum of five full time employees during peak activities associated with cultivation. The mixed light cultivation permits up to four harvests per year. Currently, two 7,000 kW gasoline-fueled generators and two 2,000 kW gasoline-fueled generators are used for cultivation and processing activities. The applicant also has a 25 kW diesel-fueled generator used as needed in the winter months. These generators are to be audibly shielded as a condition of approval. The applicant plans to obtain electrical power from nearby PG&E power lines (the applicant has confirmed availability) with a supplemental rooftop and ground-mounted solar system. A septic system was planned by Pacific Watershed Associates (PWA) for the parcel and portable toilets will be provisioned as a condition of approval until evidence of a Division of Environmental Health (DEH) permitted onsite waste water treatment system (OWTS) is provided to the County Planning office.

Water usage is estimated to eventually reach between 78,320 to 156,640 gallons per year. Water is to be supplied exclusively from a permitted well that was installed on October 31, 2017. The well installation records describe a 260 foot well with water encountered at 80 feet and a 30 GPM estimated yield after 4 hours of draw-down testing. An Engineering and Geologic Review of Well Logs report was prepared by Pacific Watershed Associates dated April 5, 2018 that concluded that there is no evidence that the well is hydrologically connected to surface water. There are five plastic water tanks on the property capable of storing 16,000 gallons of water. The applicant contracted PWA to prepare a Water Resources Protection Plan (WRPP) in accordance with enrollment as a Tier II discharger with the California Regional Water Quality Control Board Order 2015-0023. The WRPP identified areas and timelines for amelioration of the 11 standard conditions. Areas where standard conditions are not met include various road improvements, monitoring of water usage, developing a water management plan, and

installation of a new OWTS. Completion of the recommendations in the WRPP are made a condition of approval.

To address California Department of Fish and Wildlife's (CDFW) comments and concerns regarding the groundwater well, the applicant will conduct well-pump tests and check elevations of groundwater within the well seasonally to measure drawdown levels. Also, the applicant will conduct a protocol level survey for Northern Spotted Owl habitat in the vicinity of the property over a two-year period and take appropriate measures to ensure legally mandated noise levels from the use of any generators on the property are achieved. The applicant will also provide a biological scoping report with respect to the environmentally superior relocation of prior cultivation area # 4 to the meadow in cultivation area # 3.

The Applicant has self-certified that the private access roads serving the cultivation site from State Highway 36 are developed to the equivalent of a road category 4 standard and that the road is adequate for the proposed use. The existing road will be intersecting at a different point along the Highway due to an on-going highway improvement project undertaken by Caltrans. Portions of the former state highway will serve as the connection to the new state highway alignment.

CalFire provided standard comments regarding Fire Safe, Resource Management, and Cannabis Cultivation and specific comments recommending compliance with the Emergency Turnarounds, Signing and Building Numbers, Fuel modification standards, and designated water storage for fire. These have been made a condition of approval.

The Northwest Information Center stated that the proposed project area has the possibility of containing unrecorded archaeological site(s) and recommended the preparation of a study by a qualified professional archaeologist prior to commencement of project activities. The applicant contracted with DZC Consulting for the preparation of a Phase I Archaeological Survey & Cultural Resource Inventory Report. This report found no cultural resources on the property.

Although the site is on an area considered to have High Instability, there are no historic landslides in the area and development is planned only for areas with slopes of less than 15% or from 15-30%. Onsite inspections by two County Planners resulted in adjustments to the original plan and confirmation of cultivation areas. A timberland conversion report was prepared by Blair Forestry based on a site visit on September 5, 2017 and submitted to CalFire with no comment. The report identified 0.62 acres of historical conversion on the site with 0.52 ac of conversion likely having occurred between 2005-2006 and 0.1 ac of conversion likely having occurred between 2014-2016. Both pre-date the adoption of the CMMLUO. Recommended mitigation for these prior clearings were provided in the report and conformance with these mitigation recommendations are made a condition of approval. This include removal of perched fill on a roadway, tilling or ripping of road surfaces to encourage filtration, installation of waterbars and rolling dips, and seeding and mulching of areas susceptible to erosion.

Environmental review for this Project was conducted and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the Project can be considered "Existing Facilities" per Section 15301 of the California Environmental Quality Act (CEQA) Guidelines and "Minor Alteration to Land" as defined by Section 15304 of the guidelines. Additionally, the construction of two to three future greenhouses and several small appurtenant sheds on the site may be considered "New Construction or Conversion of Small Structures" as defined by Section 15303 of the CEQA Guidelines. Lastly, the retirement and relocation of Cultivation Site #4 will require the restoration and revegetation and meets the requirements of a "Small Habitat Restoration Project" as defined by Section 15333 of the CEQA Guidelines.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the conditional use permit.

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

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As Lead Agency, the Department has determined that the Project is Categorically Exempt under the two Exemption Classes stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-**

**Case Number CUP-16-163
Assessor Parcel Numbers: 210-221-008**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Canal I, LLC Conditional Use Permit request.

WHEREAS, Canal I, LLC submitted an application and evidence in support of approving a Conditional Use Permit for an existing 32,440 square feet of full sun outdoor and 6,720 square feet of mixed light cannabis cultivation with on-site processing located on APN 210-221-008.

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

WHEREAS, the project is categorically exempt from environmental review pursuant Class 1, 15301 (Existing Facilities) and Class 3, 15303 (New Construction or Conversion of Small Structures) , Class 4, 15304 (Minor Alterations to Land), and Class 33, 15333 (Small Habitat Restoration Project) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP16-163); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on December 13, 2018.

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

1. The project is categorically exempt from environmental review pursuant to Class 1 (Existing Facilities), Class 3, Section 15303 (New Construction or Conversion of Small Structures), Class 4, Section 15304 (Minor Alterations to Land), and Class 33, Section 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Commission staff report support approval of Case Number CUP-16-163 based on the submitted substantial evidence; and
3. Conditional Use Permit CUP-16-163 is approved as recommended and conditioned in Attachment 1 for Case Number CUP-16-163.

Adopted after review and consideration of all the evidence on December 13, 2018.

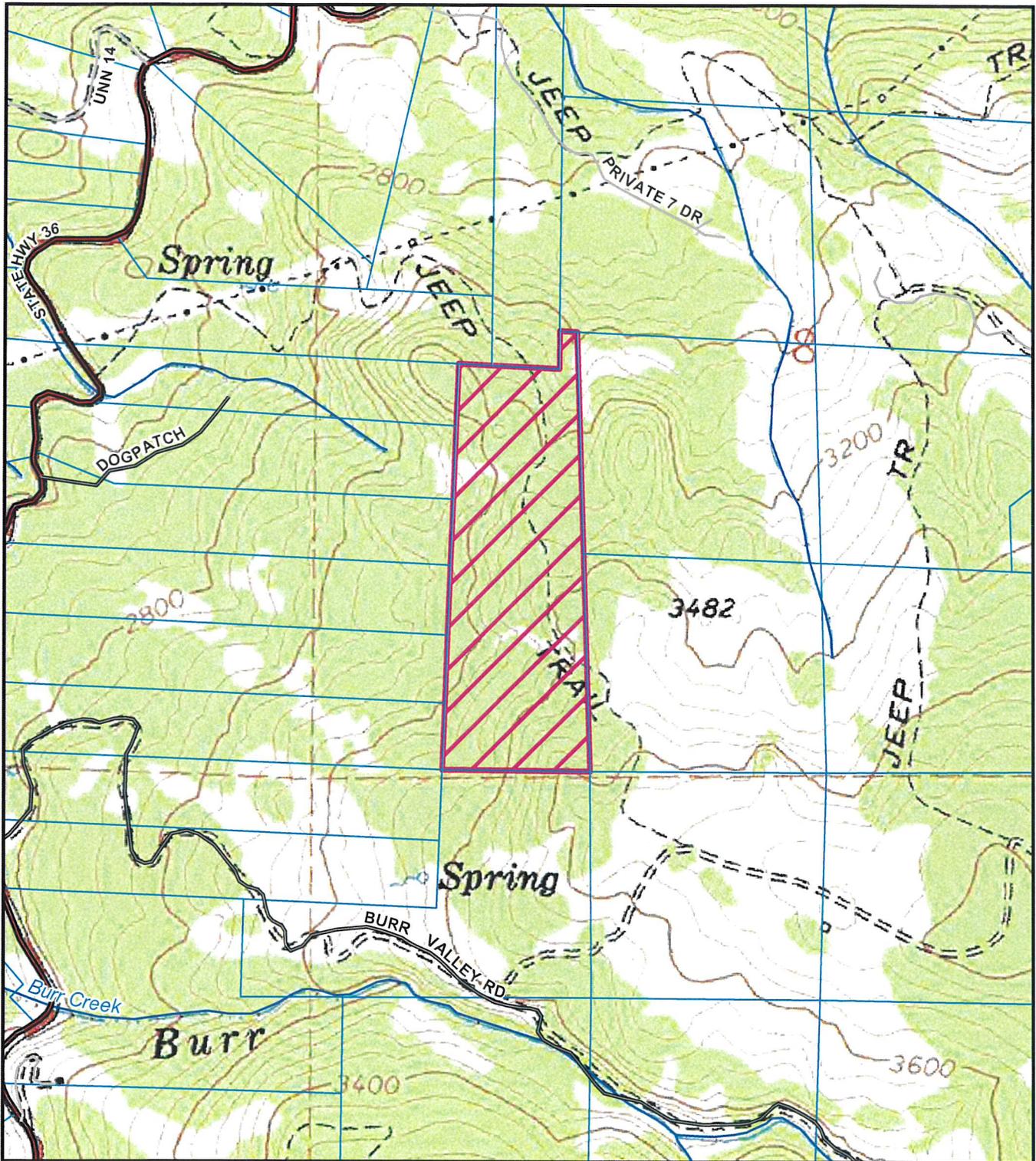
The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:

DECISION: Motion carries

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

John Ford, Director
Planning and Building Department



TOPO MAP

**PROPOSED CANAL I, LLC
DINSMORE AREA
CUP-16-163**

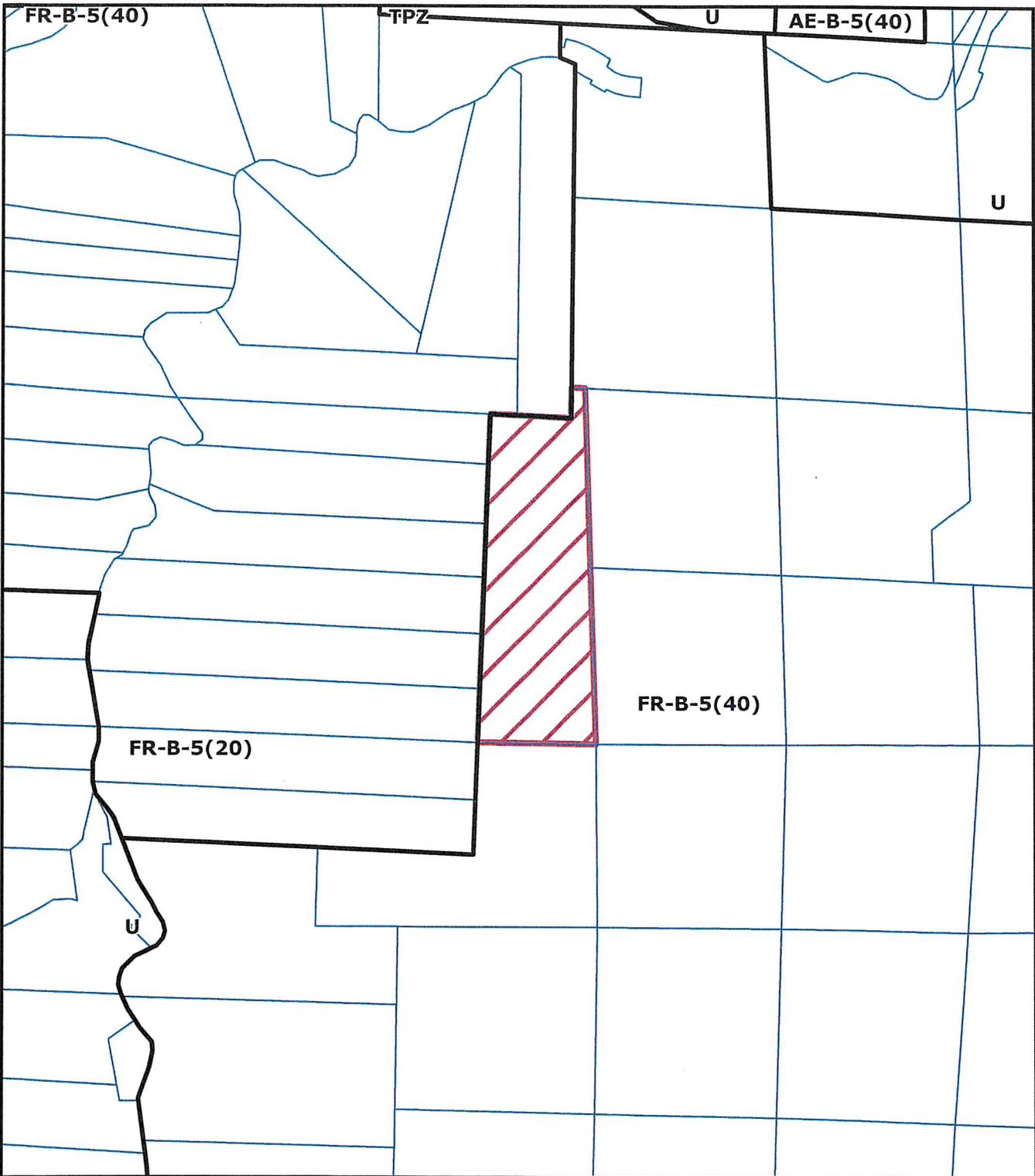
APN: 210-221-008

T01N R05E S8 HB&M (LARABEE VALLEY)

Project Area = 

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

**PROPOSED CANAL I, LLC
DINSMORE AREA
CUP-16-163**

APN: 210-221-008

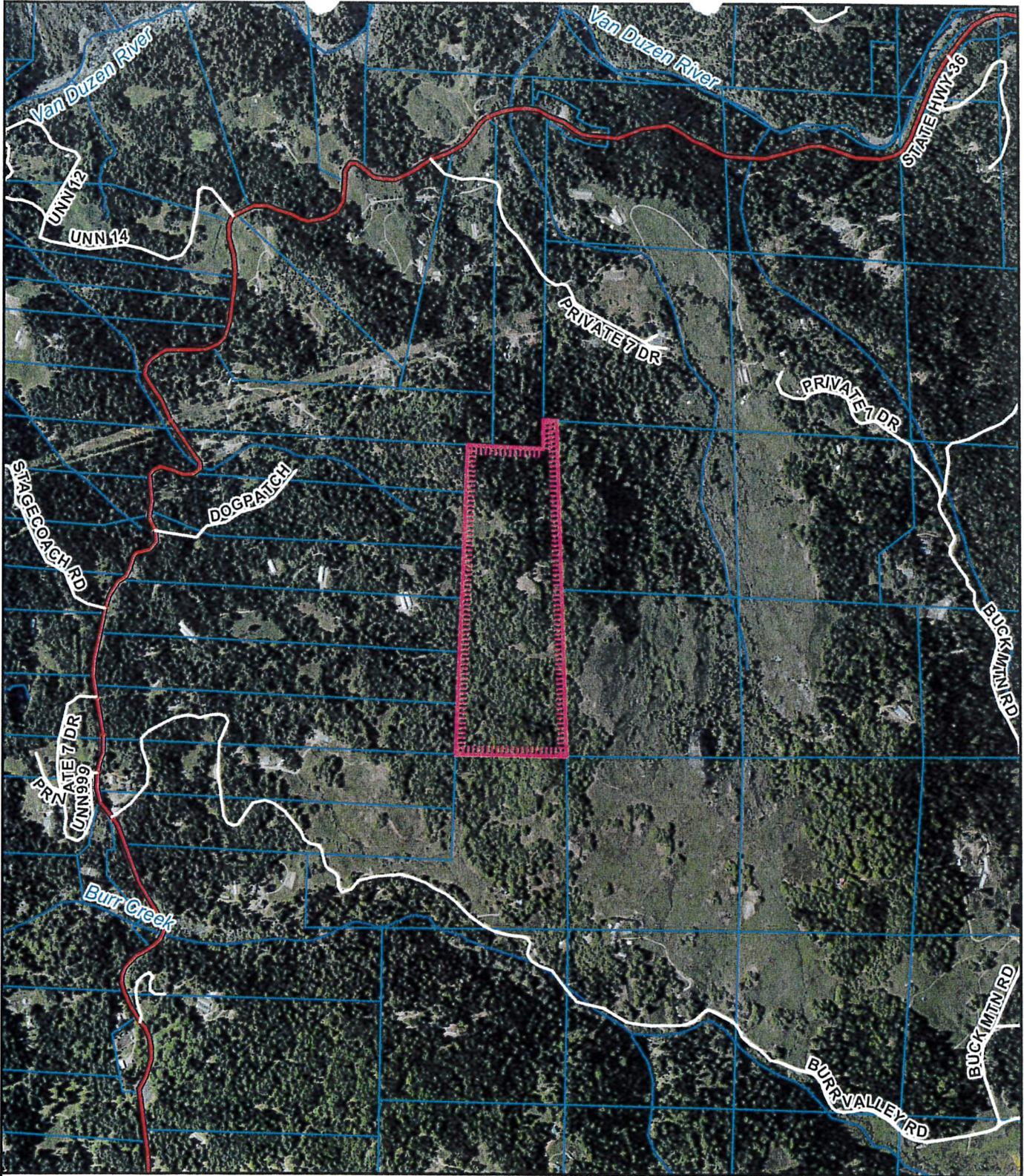
T01N R05E S8 HB&M (LARABEE VALLEY)

Project Area = 

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

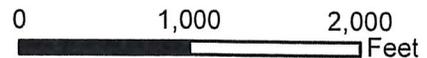


0 375 750
 Feet



AERIAL MAP
PROPOSED CANAL I, LLC
DINSMORE AREA
CUP-16-163
APN: 210-221-008-000
T01N R05E S8 HB&M (LARABEE VALLEY)

Project Area = 



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.

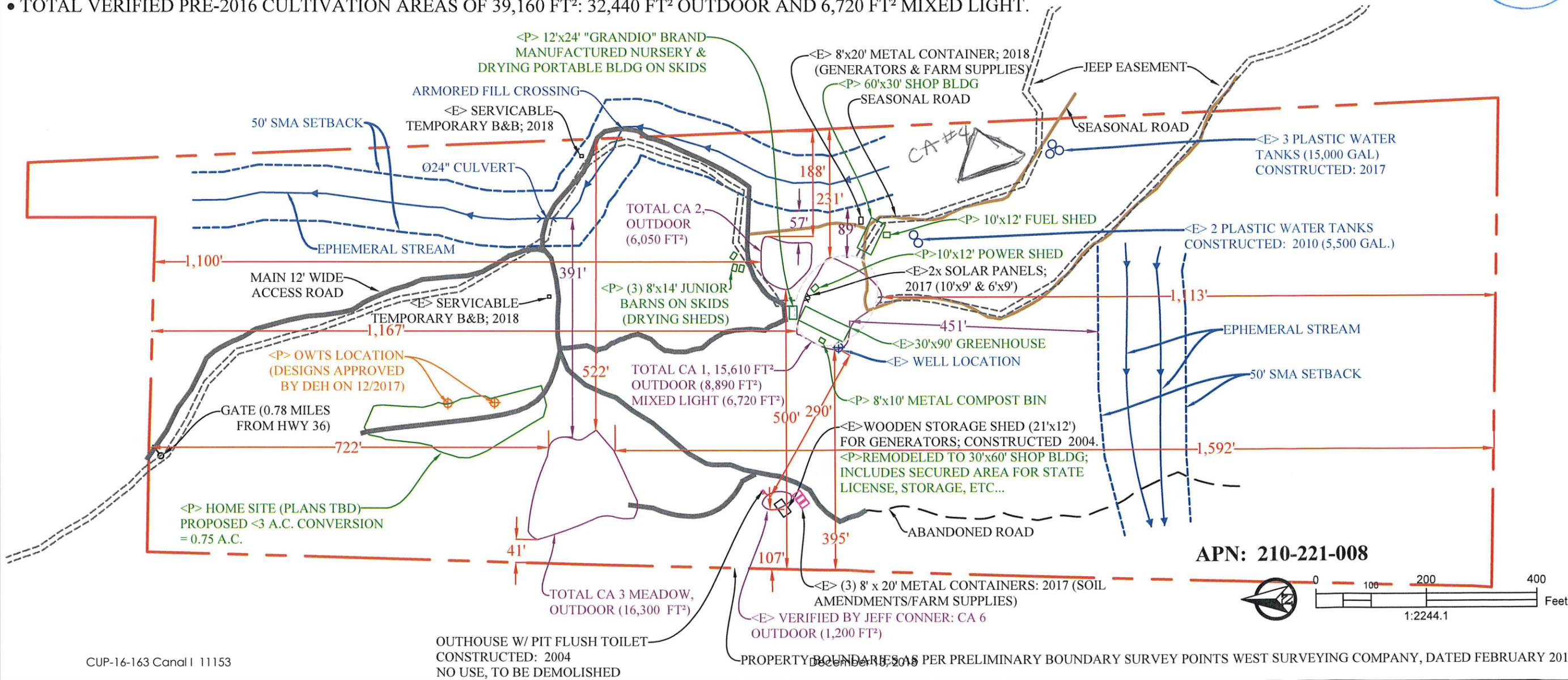
NOTES:

- SEVERAL JEEP AND QUAD TRAIL ROAD EASEMENT PASS THROUGH THE PROPERTY FROM NORTH TO SOUTH. NO POWER TO PROPERTY YET.
- NO WATER DIVERSIONS IN PAST.
- WATER SOURCE = WATSON WELL DRILLING COMPLETED DRILLING AND WELL INSTALLATION IN OCTOBER OF 2017.
- THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES, OR OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.
- COPY OF PREVIOUS OWNER <3 CONVERSION REPORT FOR CA 1 & CA 2 PREPARED BY BLAIR FORESTRY, WAS SUBMITTED TO COUNTY ON 9/25/2017.
- NEW CANAL I <3 CONVERSION FOR <P> HOME SITE TO BE PREPARED BY BLAIR FORESTRY.
- A GRADING AND BUILDING PERMIT APPLICATION (APP# 44338) WAS SUBMITTED ON 8/10/2017 FOR THE <P> SERVICE PAD. SEE PRE-SITE INSPECTION FORM WITH RESULTS OF COUNTY SITE INSPECTION FOR THE PERMIT APPLICATION. BASED ON A SITE VISIT INSPECTION W/JEFF CONNER ON 10/6/2017, THIS PERMIT APPLICATION WAS MODIFIED TO INCLUDE THE GREENHOUSE AT CA 1, THE WOODEN STORAGE SHED ADJACENT CA 6, AND THE <P> HOME <3 A.C. CONVERSION. AS DISCUSSED AT AN AUGUST, 2018 MEETING WITH PLANNING, THE <P>SERVICE PAD PORTION OF THE BUILDING APPLICATIONS IS BEING WITHDRAWN.
- THE CULTIVATION SITE LOCATIONS, AREAS AND SQUARE FOOTAGE BY TYPES (CA'S), WERE VERIFIED IN THE FIELD BY JEFF CONNER ON 10/6/2017 AS PART OF PLANNING DEPT, AND RE-VERIFIED ON 4/17/2018 BASED ON A SITE INSPECTION BY RUDY MARENGHI, COUNTY PLANNER.
- OWTS DESIGNS APPROVED BY DEH ON 12/2017.
- TOTAL VERIFIED PRE-2016 CULTIVATION AREAS OF 39,160 FT²: 32,440 FT² OUTDOOR AND 6,720 FT² MIXED LIGHT.

ABBREVIATIONS:

- CA - CULTIVATION AREA
- C&O - CULTIVATION & OPERATIONS
- <E> = EXISTING
- <P> = PROPOSED
- OWTS - ONSITE WASTEWATER TREATMENT SYSTEM
- PROPERTY LINES AND SETBACK

DATE: 10/17/2018	NOTES PREPARED BY: DKH	FIGURES CREATED BY: PWA	SHEET 1 OF 1
PACIFIC WATERSHED ASSOCIATES, INC. P.O. BOX 4433 ARCATA, CALIFORNIA 95518 PH: (707) 839-5130 FX: (707) 839-8168 www.pacificwatershed.com			
DRAWING DESCRIPTION: HUMCO CMMLUO SITE PLAN APN: 210-221-008-000 CMMLUO #11153			
INTERIM PERMIT #CUP-16-163 REC'D 12/27/17			
PROJECT ADDRESS: CANAL I, LLC STATE HIGHWAY 36 BRIDGEVILLE, CA			
PWA JOB NO.: 52571			



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 -24. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and 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.
3. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
4. The applicant shall secure the approval of the Division of Environmental Health and the Regional Water Quality Control Board for the on-site waste water disposal system (OWTS) prior to the issuance of the building permit. Documented use of portable toilets with hand washing stations is required until the permitted OWTS has been installed. A letter from those agencies indicating approval has been issued will satisfy this condition.
5. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the RWQCB verifying that all their requirements have been met will satisfy this condition.
6. The applicant shall secure a final Lake and Streambed Alteration Agreement approved by the California Department of Fish and Wildlife and comply with all applicable terms for the various alterations of stream courses on the property associated with upgraded culverts or other road repairs as necessary.
7. Prior to issuance of any building or construction permits a revised site plan shall be prepared by the applicant and reviewed and approved by the Planning Division showing:
 - a) Adequate off-street parking
 - b) Compliance with emergency vehicle access requirements
 - c) Compliance with the CalFire referral comment letter dated February 19, 2018
 - d) The information requested by the Building Inspection Division including: all buffers to al Streamside Management Areas (SMAs), the proposed well as existing, all water tanks, old and new grading, and the location of solar panels.

- e) The location of the seven permitted greenhouses on Cultivation Area #1. Mixed-light cultivation shall not exceed 6,720 SF.
8. The mixed light cultivation and any on-site propagation nursery shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.
 9. The applicant shall institute the mitigation recommendations for the previous unauthorized less-than-3-acre conversions detailed in the report prepared by Blair Forestry consultants.
 10. As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.
 11. Prior to ground disturbance, including the relocation of Cultivation Area #4 to Cultivation Area #3, a qualified biologist shall conduct seasonally appropriate bird and plant surveys in the area of disturbance and area of potential effect for any sensitive natural communities, animals, or plants with a State Rare Plant Rank of 1 or 2. Ground disturbing activities shall occur in the bird non-breeding season between September and January. If ground disturbing activities cannot be done in the non-breeding season and must occur during bird breeding season (between February and August), a qualified wildlife biologist with experience in breeding bird Surveys shall perform pre-construction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. The exclusion zone(s) shall remain in place around the active nest(s) until all young are no longer dependent upon the nest(s). A wildlife biologist shall monitor the nest site(s) weekly during the breeding season to ensure the buffer is sufficient to protect the nest(s) from potential disturbances.
 12. The applicant will perform and submit to the Planning Department a biological scoping report to minimize any adverse impacts to the Northern Spotted Owl.
 13. The applicant will conduct and submit to the Planning Department a well-pump test to check elevations of groundwater drawdown levels.
 14. The applicant shall retire and restore Cultivation Area #4 to its pre-development condition. Re-contouring and revegetation shall be performed under the direction of a restoration specialist. The final restoration plan shall be subject to approval of the Planning Director. The plan shall include success criteria for revegetation and follow-up monitoring. The qualified restoration specialist shall transmit the completion and annual monitoring reports to the Planning Division verifying that all requirements of the plan have been met. Additionally, all former cultivation materials, including soils, bags and piping, shall be removed from all portions of the property that contained historic cultivation but are not one of the three (3) approved cultivation sites. Completion of this cleanup shall be verified by the restoration specialist.
 15. The applicant shall not use any rodenticides in conjunction with cannabis cultivation. This shall also be an on-going condition.

16. The irrigation well shall be metered. The log book shall be retained on site for review during the annual site inspection.
17. Where generators are the primary or back-up power source, the decibel level for generators measured at the property line shall be no more than 60 decibels. This noise level measurement shall be inclusive of all mechanical systems (i.e., ventilation fans, dehumidifiers, etc.) related to the cultivation activity receiving power from the generator. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
18. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
19. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
20. Greenhouses shall be constructed without improved floors that would preclude agricultural use of the underlying soil in accordance with Humboldt County Code section 314-69.1.1.2.
21. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
22. The applicant shall 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.
23. Within 30 days of application approval, the applicant shall obtain a Business License from the Humboldt County Tax Collector.
24. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. 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.

2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
3. 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 & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. 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).
6. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
7. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife, which may be required for the two (2) culverts and point of diversion between December and March for the irrigation of cannabis and vegetable gardens.
8. 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.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application and annual inspection fees.
12. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of

Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.

13. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
15. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
16. Participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
17. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
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.

Performance Standards for Cultivation and Processing Operations

19. 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."
20. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
21. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
22. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
23. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.
 - II. Location where processing will occur.
 - III. Number of employees, if any.
 - IV. Employee Safety Practices.
 - V. Toilet and handwashing facilities.
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - VII. Drinking water for employees.
 - VIII. Plan to minimize impact from increased road use resulting from processing.
 - IX. On-site housing, if any.

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

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 CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-

compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

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

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

26. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

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

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

Informational Notes:

1. Pursuant to section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of 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 of 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 COA #1 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 Condition of Approval #24 of the On-Going 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Conditional Use Permit and Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. 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 (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

Staff Analysis of the Evidence Supporting the Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Goals and policies contained in this Chapter provide for the distribution, location and extent of uses of land for housing, business, industry, natural resources, open space, recreation, and other uses.</p> <p>Residential Agriculture (RA 40): Lands suitable to large lot residential uses that typically rely upon on-site water and wastewater systems. RA-40 is applied to more steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density is 40 acres/unit</p>	<p>The project includes 32,440 square feet of existing outdoor and 6,720 square feet of mixed light cannabis cultivation in the RA-40 land use designation. This is a consistent use within the RA-40 land use designation.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site is from Highway 36 approximately 0.6 miles away. The applicant submitted a road evaluation self-certification that the entire road segment is developed to the equivalent of a road category 4 standard and that the road is adequate for the proposed use.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will 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.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The proposed project is located within the RA-40 land use designation which is compatible with adjacent resource production and open space uses as described above. The project can be found consistent with the policies of the Open Space Element because the proposed project is consistent with the allowable uses of the land use designation. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P6. Development within Streamside Management Areas.</p>	<p>According to the Timberland Conversion Evaluation Report (September 23, 2017), a query of the California Natural Diversity Database (CNDDDB) on September 10th, 2017 showed no observations of sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile buffer area surrounding the parcel. Additionally, no endangered or threatened species were noted during the assessment of the property. Consistent with policy BR-P6, the cultivation areas are not within the SMA of any streams.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation</p>	<p>There are no known cultural resources on the project site. The applicant retained DZC Consulting for the preparation of a Phase I Archaeological Survey & Cultural Resource Inventory Report. The survey included ethnographic and historic background research, field methods applied, summary of findings, associated site records, maps, and documentation of consultation with Bear River Band of the Rohnerville Rancheria and the Native American Heritage Commission. No cultural resources were found on the property.</p> <p>No tribes have indicated that there are tribal cultural resources on the project site</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		and to date none have requested consultation per PRC Section 21080.3.1.
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves mixed-light cultivation. The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards require that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Pacific Watershed Associates (PWA) for the preparation of a WRPP. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. The highest priority corrective actions include developing a Water Monitoring Plan, a water budget, and to start measuring and recording average water use.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The WRPP states that the project site does not have an existing Onsite Wastewater Treatment System (OWTS). OWTS designs have been approved by the Division of Environmental Health in December and August 2017. Applicant indicated that the system would be constructed in 2018.</p> <p>A septic system was planned by Pacific Watershed Associates (PWA) for the parcel and portable toilets will be provisioned as a condition of approval until evidence of a Division of Environmental Health (DEH) permitted onsite waste water treatment system (OWTS) is provided to the County Planning office.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The existing cultivation areas are outdoor and mixed-light, and use two 7,000 kW gasoline-fueled generators and two 2,000 kW gasoline-fueled generators for power. A backup 25 kw diesel generator is also used as needed. Noise generated from generators shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005.</p> <p>An off-grid solar system is proposed in the near future.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability, S-IM14, Structural Hazards</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction or historic landslides. The cultivation area occurs on graded flat areas; however, adjacent slopes are between 0 and 30% and are classified as high instability. Given the relatively flat areas where cultivation areas are located, the proposed project is not expected to be affected by geologic instability. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards.</p> <p>The applicant submitted a grading permit on August 10, 2017 for the proposed service pad and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the Framework Plan.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 35 miles distance from the coast and approximately 3,300 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended turnarounds for emergency access. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The applicant has five tanks on site for fire suppression, and plans to purchase and</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Safe Regulations;	<p>maintain one or more above-ground swimming pools to collect rainwater for fire suppression purposes.</p> <p>According to the applicant, during the peak season, the operation will employ up to five (5) employees that will live offsite.</p>
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2), other criteria pollutants (AQ-G3), and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies and standards: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section and Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement: development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 210-221-008 is Parcel 8 of Parcel Map No. 4 recorded in Book 210 of Parcel Maps Pages 111 to 113 on March 18, 1968. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.

<p>§314-7.3 Forestry Recreation (FR) B-5: is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.</p>	<p>All general agricultural uses, nurseries and greenhouses are enumerated as a principally permitted use in the FR zoning district. The project is for the cultivation of commercial medical cannabis employing both outdoor and mix-light production. Commercial medical cannabis cultivation is recognized under State law as an agricultural product. Although State law specifies it as an agricultural use and general agricultural uses are principally permitted in FR, pursuant to Humboldt County Code Section 314-55.4.3.7, the commercial cultivation of cannabis for medical use is a regulated specialty crop and the cultivation of that specialty crop is not a principal permitted use under the General Agriculture use type classification in the Humboldt County Zoning Regulations. The applicant has applied for the requisite permit. Based on the referenced principally permitted use and the above, a finding of consistency with the FR zoning district can be made for the project.</p>
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Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Area	One (1) acre	Per Parcel Map No. 4, the subject parcel is 40 acres in size. The lot is adequate in size for the commercial cultivation of cannabis for medical use.
Maximum Ground Coverage	None specified.	N/A
Minimum Lot Width	200 feet	720 feet
Maximum Lot Depth	None specified	N/A
Setbacks Front: 20 feet Rear: 20 feet Side: 10 feet. Superseded by 30 foot setbacks in SRA area due to Firesafe regulations.		<p>Front north property line: plot plan shows a 722-foot setback.</p> <p>Rear, south property line: plot plan shows that CA 4 is 825 feet from the south property line but will be moved to CA 3, which is 1,592 feet from the south property line.</p> <p>Side, east and west property lines: CA 4 is currently 20 feet from the east property line; however, it will be moved to CA 3 based on onsite inspection recommendations by a County Planner on 10/26/2017, which is greater than 30 feet from the west property line.</p>
Max. Building Height	35 feet	The applicant will use conventional single-story greenhouses for mix-light cultivation. The height of these structures will not exceed the height standard.

<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Purpose: 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.</p>	<p>Water is sourced from a well. There are no active water diversions, and cultivation activities are more than 100 feet from any stream.</p> <p>Prior to that, an Initial Statement of Water Diversion and Use, under consultation with California Department of Fish and Wildlife (CDFW), allowed for some diversions of an ephemeral stream to supplement water supplies. According to the updated Cultivation and Operations Plan, this water source is no longer used.</p>
<p>§314-109.1 Off-Street Parking</p>	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>There are five employees associated with the requested permit. All work would be conducted by the five independent contractors. Zoning on the site is FR, and the Code is silent as to the parking requirement for agricultural employees. The most comparable standard for employees in this situation is one space for each employee at peak shift (per Section 314-109.1.3.4.2 - Manufacturing).</p> <p>No designated parking spaces are noted on the plans; however, there is sufficient space on the property for up to five employees to park.</p>

<p>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</p>		
<p>§ 314-55.4.8.2.2</p>	<p>On FR parcels 5 acres and larger in size, existing outdoor and mixed-light cultivation may be permitted with a Use Permit.</p>	<p>The parcel contains 39,160 SF of pre-existing cultivation is zoned FR.</p>
<p>§314-55.4.8.2</p>	<p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.</p>	<p>Per Calfire's February 8, 2018 comments, "conversion of timberland takes place when trees are removed and the land use changes even without the sale, barter, exchange, or trade of trees". Timberland conversion has occurred on the site (approximately 0.62 acres) prior to the effective date of the CMMLUO and the applicant has submitted a Timber Conversion Report and submitted it to CalFire for the proposed service pad, and proposed home site. Completion of the recommendations in the Timberland Conversion Report has been made a condition of approval.</p>

§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant, Canal I, LLC, hold no other cannabis activity permits, and is entitled to four. This application is for one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All commercial medical cannabis cultivated will be processed onsite.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Activity Registration Form for the site, APN 210-221-008, was filed with the Planning Division on August 21, 2016, more than 180 days after January 1, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, 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.	Irrigation water is from a well that was installed on October 31, 2017. The applicant is not proposing to use a surface diversion for irrigation water. An Engineering and Geologic Review of Well Logs report was prepared by Pacific Watershed Associates dated April 5, 2018 that concluded that there is no evidence that the well is hydrologically connected to surface water. Based on the submitted evidence, the project complies with the referenced section.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The applicant's site plan shows that the cultivation area is not within 600 feet of any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources. The site plan shows the project complies with property line setback when CA 4 gets moved to CA 3.

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service</p>	<p>During the interim, until the applicant installs their off-grid solar system, they will use four generators and one backup generator for cultivation and processing activities, as needed. According to the site plan, when CA 4 moves to CA 3, the closest cultivation area to the property line will be approximately 75 feet from the parcel's west border. The subject parcel is within Northern Spotted Owl or Marbled Murrelet habitat. Therefore, the project will need to conform with the referenced standard as a condition of approval.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on August 21, 2016.</p>

4. Public Health, Safety and Welfare, and 6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have reviewed the proposed project and none have any comments that the project would be detrimental to the public health, safety and welfare, or injurious to other properties. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.
§15061(b)(2) of the State CEQA Guidelines	Categorically exempt from State environmental review.	CEQA Exemption Sections Class 1 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures), Class 4, 15304 (Minor Alterations to Land) and Class 33, Section 15333 (Small Habitat Restoration Projects), of the State CEQA Guidelines. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>17.1.5 Housing Element Densities</p>	<p>The proposed development shall 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 (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</p>	<p>As discussed above, the project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will 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. The project is in conformance with the standards in the Housing Element.</p>

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 ¼ mile (1,320 ft.) 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)
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; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
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)
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 Department of Fish & Wildlife. (Application on file)
9. If the source of water is a well, a copy of the County well permit, if available. (On file)

10. Engineering and Geologic Review of Well Logs by Pacific Watershed Associated engineer. (On file)
11. 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)
12. Consent for onsite 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)
13. 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)
14. 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)
15. 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)
16. Cultural Resources Study, DZC Archaeology & Cultural Resource Management, April 2018 (on file and confidential)
17. Canal I, LLC, Cultivation and Operations Plan (June 8, 2017, updated October 30, 2017), Permit Application #11153 (attached)
18. Canal I, LLC, Water Resource Protection Plan, September 2016 (on file)
19. DEH Worksheet (on file)
20. Humboldt County Department of Public Works Road Evaluation Report (attached)

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	✓	Submit additional information	Attached
Calfire	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Further review	On file with Planning
Department of Fish & Wildlife	✓	Applicant needs to submit additional information. Please see the list of items below. Recommend Denial. See comments attached.	Attached
Division Environmental Health		No Response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
RWQCB		No Response	
Bridgeville Elementary School District		No response	
Bridgeville Fire Protection District		No response	
Fortuna Union High School District		No response	
Humboldt County Sheriff		No response	
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Standard inadvertent discovery	On file with Planning
CA Division of Water Rights	✓	Other comments	On file with Planning

Cultivation Area Verification (CAV)

1) Enter amount of verified cultivation area.

Existing Outdoor Square Footage: 32,440 sf

Existing Mixed Light Square Footage: 6,720 sf
= 39,160 sf total

2) Enter base year date and source (e.g. 2014 – GIS or 10/27/15 – TerraServer or May 28, 2014 – Google Earth etc)

Base Year Date and Source: _____

3) Enter person performing verification:

Verified By: Elanah Adler via Jeff Conner

4) Enter date of verification (e.g. current date)

Date Verified: 10/6/17 → site visit conducted
Completed CAV form 10/21/17 EA

5) Attach Evidence of Verification (e.g. TerraServer photos w/ polygons etc.)

see email

6) Write "CAV" on the outside of the project file to indicate that cultivation area verification is completed for project.

Inspection Report
Canal I LLC
AP# 210-221-008
Highway 36, Bridgeville

On October 6, 2017, I conducted a consent inspection of this parcel. I was accompanied by Danny Hagans from Pacific Watershed Associates and Bonnie Frank, the owner of the LLC. We began the inspection at an area referred to on the Site Plan as CA 1 (cultivation area). This was a graded level pad on a bench that contained marijuana plants and a greenhouse that was under construction. I did not see any signs of more than incidental, recent grading. Just below this area was a second outdoor garden that was marked as CA 2 on the Site Plan. This also had been slightly graded in the past, although the native contour was relatively flat. Of some concern in this area was a scoured channel that ran from a road above and onto the cultivation site. Hagans explained that he believes that this channel was formed by runoff from the road above. He intends to decommission the road including de-compaction, put in a rolling dip and otherwise divert water away from the channel. He also pointed out that flat above is sloped in the opposite direction and there would be no run off from that area. I do not have Hagan's knowledge base or experience, but his explanation and proposed actions seemed reasonable. This might be an area of concern for future inspections, however.

We then drove up the road that was going to be de-commissioned. The road ended on top of the ridge in a large prairie that was off-parcel. I walked back down the hill through a stand of black oaks. Interspersed through the trees were numerous plastic bags holding soil. The bags appear to be consistent with those commonly used to grow small marijuana plants. One of the bags still had a stalk in the center. There was also a fair amount of black PVC piping in the area consistent with a water system. Hagans told me that he had estimated this area as 10,500 square feet in size. I agreed with this estimation, however, I voiced my concern that the same area under intensive cultivation would hold an order of magnitude more plants than that which existed in the past. Hagans concurred with this.

We then retraced our route and went out a ridge. Hagans showed me a perk test site that was being monitored for a septic system for a proposed residence. Further out this ridge was some evidence of prior cultivation including additional PVC piping, broken plastic pot pieces and small growing bags. However, the owner of the adjacent parcel arrived on a quad and advised us that he believed this area was on his property. Hagans conferred with him over a map and Hagans agreed that this area, marked as CA 5 on the Site Plan was likely off of the parcel. We then continued on foot in a southerly direction and came to the top of a small meadow. There was a spring with a trickle of water near the top. This spring had been developed in the past, but there was no indication of any recent work or attempt to remove water. The resulting trickle of water appeared to flow along the southern edge of the meadow. Frank claimed that this area had been used for cultivation in the past. I did not see any sign of potting soil or containers, but there was water, access and a considerable amount of PVC piping. I agreed that cultivation had likely occurred here at some point in time.

We then drove out a rough track in a southerly direction. The track ended at a class III stream channel. We continued on foot for about 250 yards arriving at a small opening in the forest canopy. The ground here was not particularly steep, but the ground we had traversed was too steep to cross with a motorized vehicle and I did not see any indications of a trail or track that led back to the stream channel. There was an old skid trail that ran from the southeast to the northwest, however, both of these directions quickly led off the parcel. I did not see any indication of cultivation in the area including a lack of PVC piping which had been apparent in every other location we had observed signs of cultivation. I

told Hagans and Frank that I would review the aerial images that I had available along with the images supplied with the cultivation application.

We then returned to a small cabin along this same track. The cabin was about 12X20 feet in size and had been constructed a considerable amount of time prior. Adjacent to the cabin were two 8X20 foot metal containers. I had seen what I considered to be evidence of cultivation between the cabin and the road in the 2014 aerial images. I measured this area as 1200 square feet using my GPS receiver.

During the course of the inspection, I spoke with both Hagans and Frank and learned the following: Frank admitted to having water delivered. She claimed that this was due to the failure of her well-diggers to work within her time constraints. She had even pulled a secondary permit so that Watson Well Drilling could work on the site when Fisch had failed to make an appearance. Watson had reached 70 feet without hitting water when their drill rig broke and they were forced to leave. She hoped to have them back in the near future to complete their work. In the meantime she had enough water to finish the cultivation of the plants she currently has on the property. Hagans added that he had submitted paperwork to both Fish and Game and the Water Rights Board to divert surface water from one of the small stream channels on the property. However, both Frank and Hagan agreed that this was a secondary source of water as the forbearance period was short and they did not have enough water storage capacity for the size of the cultivation area. We also discussed the need for a building permit for the greenhouse and for the containers. Hagans agreed to add these structures to the proposed building permit for the service pad.

When I returned to the office, I examined CA 6 using WebGIS and Google Earth. There was a small clump of bushes in the center of one of the forest openings. However, this clump of bushes was present in more than one photo suggesting that it was natural vegetation rather than marijuana plants. I was unable to discern anything else that I thought could be marijuana cultivation. I also looked at the images submitted with the application. While there were some unidentifiable discolorations in the images, I could not substantiate these as cultivation either. Consequently, I do not believe that CA 6 should be included as pre-existing cultivation. I sent Hagans an email listing the various areas and measurements of pre-existing cultivation that we had agreed upon. These totaled 32,440 square feet of outdoor cultivation and an additional 6,720 square feet of mixed light. I recommended that he modify his client's application to comply with these numbers.

While I have confirmed that water was purchased and delivered to the site, that violation is not ongoing. I found no evidence that the owner has increased the current cultivation area over what was used previously. Consequently, I recommend that this application be sent out for referrals and continue through processing. The unpermitted structures will be addressed in a building permit application that should be submitted shortly.

J. Conner

Bonnie Frank
Real Estate Law Group, LLP
2330 Marinship Way, Suite 211
Sausalito, California 94965
Phone: 415-298-6036

From: Conner, Jeff [mailto:JConner@co.humboldt.ca.us]
Sent: Saturday, October 07, 2017 4:54 PM
To: Danny Hagans
Cc: Bonnie Frank
Subject: RE: AP 210-221-008 /Canal I, LLC; CMMLUO #11153

Danny

I have looked over the aerial photographs included with the application as well as images from Google Earth and WebGIS. I cannot substantiate that the area marked as CA 6 was used for cultivation. This is due mostly to the lack of access, the lack of water lines and no evidence of soil containers. The aerial photographs are inclusive including the ones included in the application. The application claims that this area had not yet been cleaned so there should have been something to see there. So, by my calculations and your Site Plan we have the following pre-existing cultivation areas:

CA 1 15,461 square feet total – 6720 mixed light (seven greenhouses at 12X80)
CA 2 6,050 square feet outdoor
CA 3 5,800 square feet outdoor
CA 4 10,500 square feet outdoor
CA 5 off parcel
CA 6 unable to substantiate
CA 7 1,200 square feet outdoor

8890 ft² OUTDOOR

Total of 32, 440 square feet of outdoor and 6720 square feet of mixed-light.

Please adjust your client's application to correspond with these numbers.

Jeff Conner

From: Danny Hagans [mailto:dannyh@pacificwatershed.com]
Sent: Thursday, September 28, 2017 10:54 AM
To: Conner, Jeff; 'Bonnie Frank'
Cc: Nielsen, Michelle; abear@agbconsulting.com
Subject: RE: AP 210-221-008 /Canal I, LLC; CMMLUO #11153

Hi all,

I suggest meeting at Murrish's market at 11:45 AM to ensure you get through the noon opening.. and yes, the PG&E lines pass over the lower portion of Bonnies access road well downslope of her property boundaries. The exit is just to the right after a sharp bend on Highway 36..

So Jeff, why wasn't Bonnie notified earlier that the county was questioning the size and areas of previous cultivation?? It has been 5-6 months since she felt here application was complete..

Danny

Danny K. Hagans, Principal
Pacific Watershed Associates Inc.

Danny Hagans

From: Bonnie Frank <bfrank@relg.com>
Sent: Sunday, October 08, 2017 10:22 AM
To: Conner, Jeff
Cc: Danny Hagans; 'abear@agbconsulting.com'; Bonnie Frank
Subject: RE: AP 210-221-008 /Canal I, LLC; CMMLUO #11153

Thanks Jeff for your time and efforts. **Very much appreciated!** And it was really a pleasure to meet you too!
☺

We will adjust our Site Plan accordingly and then to whom should we submit the new Site Plan? We want to finish this up this week as time is really impactful to me. I have literally shut everything down in order to get the permits including the building permit for the greenhouse that I didn't realize I needed. They will finish the greenhouse structure but we will do nothing more to fixturize it or install any electrical systems until we get our permits.

Can you confirm something that was said – that none of my grading permits or building permits will be issued until I get the land use permit. Is that correct? Did I misunderstand? Please advise as it does affect my operations. We all may be taking a winter holiday break unfortunately.

Also, I am concerned about the file showing violations on my property even though you are now willing to clear them. Regarding the alleged grading violation, it should be removed with a notation that my property was confused apparently with the Bulgarians below. We did not illegally grade on-site and it is very important that is cleared in the file ASAP. Kind of like a bad credit flag – follows you forever. That is our gate with the Coop notice because we are operating under a legal cooperative for creating medicine until 2018 as the law requires. Again, we did not do any illegal grading up there so I need my property cleared. Please send me written confirmation thereof.

The water deliveries have stopped as well and we now know that the vein that feeds the spring below comes through our property (learned that yesterday). Will coordinate with my well driller re same to get the well going already. He told me Friday the drill rig still broken – hoping the black cloud above my head clears already!! ☺

Sorry for long email!! Please let us know which planner will now be in charge of our file so we can continue to proceed to get the land use permit issued so all others can follow. Again, I so appreciate your kindnesses and assistance!!! Sorry we don't get to work with you to see this to fruition! Have a great weekend and thanks again!!

All my best,
Bonnie
Canal I, LLC



CE Case Details

[Print](#)[Close](#)

CE Case 17CEU-197

CE Case #:	17CEU-197	Status:	Closed - Abated by Owner
eFM Case #:	N/A	Date Opened-Closed:	08/10/2017 - 10/23/2017
Case assigned to:	Conner, Jeff	Follow Up Date	
Case initiated by:	Building/Planning	Follow Up Action	
Priority:	Medium	Open Violations	
Location	APN: 210-221-008 Highway 36 Bridgeville, CA Property Type: Forest Recreational Coastal Zone: None Cluster: None		

Custom Field

District: II
 Type of Case: Enforcement
 AP# : 210-221-008
 Assigned Investigator: Jeff Conner
 Possible Commercial Marijuana Violation: Yes
 Cultivation Permit Application Case: Yes

Fee Tracking

Fee History

Date	Description	Fee Amount	Payment Type	Payment Amount	Receipt #	Status	Due Date	Fee Balance	Administrative Penalty Number	Daily Penalty Amount	Penalty Imposition Date	Entered By
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Current Balance: \$0.00

Violations

Date	Violation	Submitted By	Status	Disposition	Notes	CDBG Eligible
08/10/2017	Violation of Commercial Medical Marijuana Ordinance	Mitchell, Lacy	Closed			No

History

Date	Entered By	Action/Note/Activity
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10/23/2017 10:17:32 AM Conner, Jeff Change violation status from: Open to: Closed
 08/10/2017 11:04:13 AM Mitchell, Lacy Added: Violation of Commercial Medical Marijuana Ordinance

Status and Follow Up

Status	Follow Up Date	Follow Up Action
Closed - Abated by Owner		

History

Entry Date	Employee	Description
10/23/2017 10:34:33 AM	Conner, Jeff	Added .35 case hours with rate of \$0.00 for Jeff Conner on 2017-10-23 by Jeff Conner.
10/23/2017 10:17:32 AM	Conner, Jeff	Closing all violations for closed case
10/23/2017 10:17:31 AM	Conner, Jeff	Case Status changed to Closed - Abated by Owner
10/23/2017 10:17:31 AM	Conner, Jeff	Followup Date removed.
10/23/2017 10:17:31 AM	Conner, Jeff	Followup Action edited from: Await Response to _.
10/07/2017 05:43:47 PM	Conner, Jeff	Followup Date edited from: 10/06/2017 to 10/13/2017.
10/07/2017 05:43:16 PM	Conner, Jeff	Added 1.25 case hours with rate of \$0.00 for Jeff Conner on 2017-10-07 by Jeff Conner.
10/07/2017 05:43:09 PM	Conner, Jeff	Added 4.5 case hours with rate of \$0.00 for Jeff Conner on 2017-10-06 by Jeff Conner.
10/04/2017 10:18:30 AM	Conner, Jeff	Followup Date edited from: 10/03/2017 to 10/06/2017.
09/28/2017 09:00:12 AM	Conner, Jeff	Added .20 case hours with rate of \$0.00 for Jeff Conner on 2017-09-28 by Jeff Conner.
09/28/2017 08:59:52 AM	Conner, Jeff	Followup Date edited from: 09/28/2017 to 10/03/2017.
09/28/2017 08:59:52 AM	Conner, Jeff	Followup Action edited from: Contact Owner to Await Response.
09/28/2017 08:47:37 AM	Conner, Jeff	Case assignment change from Brian Bowes to Jeff, Conner
09/28/2017 08:44:14 AM	Conner, Jeff	Case Status changed to Case Opened
09/28/2017 08:44:14 AM	Conner, Jeff	Followup Date edited from: 08/14/2017 to 09/28/2017.
09/28/2017 08:44:14 AM	Conner, Jeff	Followup Action edited from: Photo Check to Contact Owner.
09/28/2017 08:36:17 AM	Conner, Jeff	Added .35 case hours with rate of \$0.00 for Jeff Conner on 2017-09-28 by Jeff Conner.
08/11/2017 08:39:15 AM	Conner, Jeff	Followup Date edited from: 08/10/2017 to 08/14/2017.
08/11/2017 08:39:15 AM	Conner, Jeff	Followup Action edited from: Review Notes to Photo Check.
08/11/2017 08:39:15 AM	Conner, Jeff	Case assignment change from Jeff Conner to Brian, Bowes
08/10/2017 11:04:21 AM	Mitchell, Lacy	Added .20 case hours with rate of \$0.00 for Lacy Mitchell on 2017-08-10 by Lacy Mitchell.
08/10/2017 11:04:13 AM	Mitchell, Lacy	Initial Case Status Referred

Notes

Entry Date	Entered By	Action Date	Note
10/23/2017 10:16:55 AM	Conner, Jeff	10/23/2017	I received the updated site plan from Danny Hagans at PWA. It included the corrections I suggested. I also discussed this case with Steven Santos, who in turn discussed it with Steve Werner. It was agreed that the application could continue in the



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permitting process. However, it needed to be made clear to the applicants that marijuana cultivation could not begin next year unless there was a viable water source on the property.

10/07/2017 04:09:27 PM	Conner, Jeff	10/06/2017	I inspected the property with Danny Hagins from PWA and Bonnie Frank from Canal. We were able to identify a couple of cultivation areas under partial forest canopy, especially in the black oaks. I measured the existing cultivation area and they are within the pre-existing area. I did observe a couple of possible violations including a greenhouse under construction without permits and the placement of two storage containers. See attached inspection report for details.
10/05/2017 03:21:56 PM	Mitchell, Lacy	10/05/2017	Code Compliance Team handed over another hard file on this parcel so I uploaded what was in that one, but then combined the two files.
10/04/2017 10:16:55 AM	Conner, Jeff	10/04/2017	Site visit is set for the 6th.
09/28/2017 08:58:19 AM	Conner, Jeff	09/28/2017	I sent an email to the owner requesting a site visit.
09/28/2017 08:43:43 AM	Conner, Jeff	09/28/2017	I responded to a query from the marijuana planners as to the violation on this parcel as the owner is concerned about the lack of movement on the permit. The application is for more than an acre of outdoor and mixed light. I can only confirm about 10,000 square feet and will ask the owner for a site visit.
08/11/2017 08:39:05 AM	Conner, Jeff	08/11/2017	I also checked with Cannabis Planners and it appears that the application is complete at this time, but that it has not been reviewed yet and the referrals have not yet gone out.
08/11/2017 08:36:50 AM	Conner, Jeff	08/11/2017	I have asked Brian to try and determine when the increase in growing area occurred. I can't see it on Google Earth and it must be more recent than May of 2016.
08/10/2017 11:04:13 AM	Mitchell, Lacy	08/10/2017	Received complaint form from Code Compliance Team. I double checked MegaByte for the information and I will order the Deed from the Records Office upon the case opening.

History

Entry Date Employee Description

Attachments

<u>Upload Date</u>	<u>Title</u>	<u>Description</u>	<u>Uploaded By</u>	<u>Selected for Printing</u>
10/23/2017	001.JPG		Conner, Jeff	<input checked="" type="checkbox"/>
10/23/2017	002.JPG		Conner, Jeff	<input checked="" type="checkbox"/>
10/23/2017	003.JPG		Conner, Jeff	<input checked="" type="checkbox"/>
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10/23/2017	006.JPG		Conner, Jeff	<input checked="" type="checkbox"/>
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10/23/2017	020.JPG	Conner, Jeff	<input checked="" type="checkbox"/>
10/07/2017	Inspection Report	Conner, Jeff	
10/05/2017	Code Compliance Case Notes Round 2	Mitchell, Lacy	
08/10/2017	Complaint Form	Mitchell, Lacy	

**Images marked as Selected are included on View/Print Images page, in the Field Report and in forms. View/Print images button has option to "Include all" if checked.*

History

Upload date	Employee	Description
10/23/2017 10:32:18 AM	Conner, Jeff	Case file titled "020.JPG" added.
10/23/2017 10:32:11 AM	Conner, Jeff	Case file titled "019.JPG" added.
10/23/2017 10:32:08 AM	Conner, Jeff	Case file titled "018.JPG" added.
10/23/2017 10:32:01 AM	Conner, Jeff	Case file titled "017.JPG" added.
10/23/2017 10:31:46 AM	Conner, Jeff	Case file titled "016.JPG" added.
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10/23/2017 10:31:13 AM	Conner, Jeff	Case file titled "010.JPG" added.
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10/23/2017 10:31:01 AM	Conner, Jeff	Case file titled "008.JPG" added.
10/23/2017 10:30:43 AM	Conner, Jeff	Case file titled "007.JPG" added.
10/23/2017 10:30:29 AM	Conner, Jeff	Case file titled "006.JPG" added.
10/23/2017 10:30:20 AM	Conner, Jeff	Case file titled "005.JPG" added.
10/23/2017 10:30:14 AM	Conner, Jeff	Case file titled "004.JPG" added.
10/23/2017 10:30:06 AM	Conner, Jeff	Case file titled "003.JPG" added.
10/23/2017 10:29:59 AM	Conner, Jeff	Case file titled "002.JPG" added.
10/23/2017 10:29:51 AM	Conner, Jeff	Case file titled "001.JPG" added.
10/07/2017 05:43:47 PM	Conner, Jeff	Attachment Canal_I_LLC_Inspection_Report.pdf edited: marked inactive
10/07/2017 05:42:47 PM	Conner, Jeff	Case file titled "Inspection Report" added.



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10/07/2017 05:42:47 PM Conner, Jeff Attachment Code_Compliance_Case_Notes_Round_2.pdf edited: marked inactive

10/05/2017 03:23:05 PM Mitchell, Lacy Case file titled "Code Compliance Case Notes Round 2" added.

08/11/2017 08:39:15 AM Conner, Jeff Attachment Complaint_Form.pdf edited: marked inactive

08/10/2017 11:04:14 AM Mitchell, Lacy Case file titled "Complaint Form " added.

Forms

History

Name Generation Date Generated By Link

Location

Address	APN	Additional Information	Census Tract	Block Group	LowModPct	CDBG Eligible	Property Type
Highway 36 Bridgeville, CA	210-221-008					NO	Forest Recreational

Contacts

Bill To Contact	Contact Role	Name/Business	Address	Phone	Open Cases
✓	Owner	Canal I LLC	2330 marinship Way, Ste. 211, Sausalito , CA 94965		0

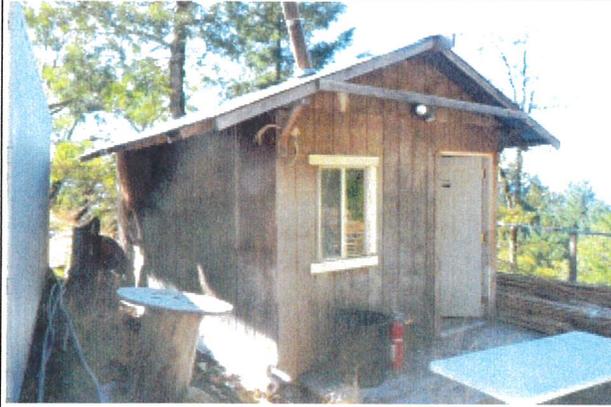
History

Entry Date	Employee	Description
08/10/2017 11:04:13 am	Mitchell, Lacy	Canal I LLC

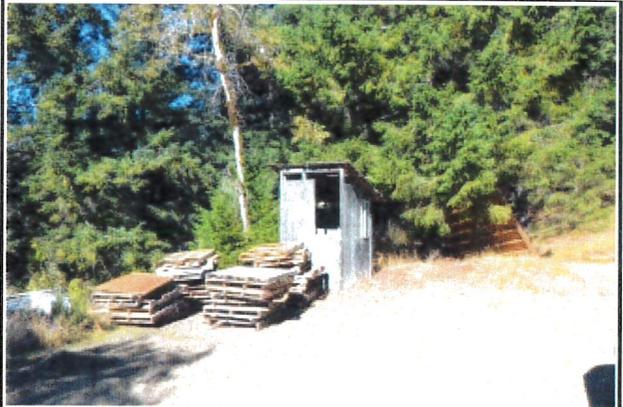
Time Tracking

Employee	Date Worked	Hours	Rate Type	Date Entered	Entered By
Jeff Conner	10/23/2017	0.35	Regular	10/23/2017	Jeff Conner
Jeff Conner	10/07/2017	1.25	Regular	10/07/2017	Jeff Conner
Jeff Conner	10/06/2017	4.50	Regular	10/07/2017	Jeff Conner
Jeff Conner	09/28/2017	0.20	Regular	09/28/2017	Jeff Conner
Jeff Conner	09/28/2017	0.35	Regular	09/28/2017	Jeff Conner
Lacy Mitchell	08/10/2017	0.20	Regular	08/10/2017	Lacy Mitchell
Total		6.85			

Images



Uploaded on: 10/23/2017 - 019.JPG



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CANAL I, LLC
2330 Marinship Way, Suite 211
Sausalito, California 94965
415-298-6036

October 18, 2018



VIA EMAIL AND FEDERAL EXPRESS

Ms. Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, California 95501

RE: CANAL I, LLC's ("**Applicant**") CMMLUO Application No.: 11153 ("**CUP Application**") relating to cannabis cultivation pursuant to CUP 16-163 ("**CUP**") on certain property located at milemarker 38.43 Highway 36, Bridgeville, Humboldt County, California; referred to as APN 210-221-008-000 (the "**Property**")

Dear Ms. Bocast:

Thank you for taking the time to correspond by email with me and our team of consultants in response to our concerns regarding CDFW's CEQA Referral Checklist, dated July 30, 2018 ("**CDFW Letter**") which was submitted by CDFW to the County Planning Department with respect to our CUP Application that was scheduled to be heard at the Planning Commission on August 2, 2018, on Consent Calendar (copy attached as **Attachment 1**). As you know, upon the County's receipt of the CDFW Letter, we were notified on the morning of said hearing and requested a postponement to attempt to address, and resolve, CDFW's concerns and comments.

Unfortunately after several e-mail exchanges we all agreed that a meeting was burdensome on all. Since we were not able to meet as we had desired, instead we have worked with the County Cannabis Division staff as well as our consultants to provide a response to the comments and concerns raised in the CDFW Letter including CDFW's recommendation for "Denial of our Application". We are confident that given our response and commitment to take the measures set forth below, CDFW will change its recommendation, in writing, for our Application to be "Recommend Conditional Approval". Such change can be effectuated by sending an email to the undersigned and the County Planning Department – Cannabis Division that the measures regarding our Project as described in this letter and the attachments are adequate and, are acceptable to CDFW.

Please know that we have been in this County-managed CMMLUO CUP Cannabis permitting process for over 2 1/2 years since June, 2016 and already have addressed many of the concerns/comments made by CDFW in your July 30th CDFW Letter. In an effort to more fully address said concerns and comments, we have further updated our Cultivation and Operations Plan (October 16, 2018) as well as the Project Site Plan (October 17, 2018) and attached

is a copy of each for your review and files (Attachment 2 and Attachment 3). For ease of reference, the revised and updated "**Project Description**" excerpt is below and incorporates therein mitigation measures designed to address CDFW's concerns:

"I. PROJECT DESCRIPTION

A Conditional Use Permit for an existing 32,400 square feet (SF) of Outdoor and 6,720 square feet of Mixed-Light cannabis cultivation located on a 40-acre parcel (the "**Property**"); verified on-site twice by the County Planning Department on October 6, 2017 and April 17, 2018. Irrigation water is from a groundwater well that was installed by Water Well on October 31, 2017. Processing includes drying, trimming, curing and packaging and will occur inside two (2) proposed 1800 SF metal processing facilities (one facility being a remodel of an existing 21' x 12' shed) with a maximum of five (5) full-time and part-time employees during peak activities associated with the Outdoor and Mixed-Light cultivation activities that enable up to one annual outdoor harvest and up to four (4) Mixed-Light annual harvests. Currently two 7,000 kW gasoline-fueled generators and two 2,000 kW gasoline-fueled generators are used for cultivation and processing activities. We also have a 25 kW diesel-fueled whisper-watt generator, with trailer on-site, to be utilized in active winter months, as needed. The applicant plans to obtain electrical power from nearby PG&E power lines (the applicant has confirmed availability) with a supplemental rooftop and ground-mounted solar system. The applicant will also install an onsite wastewater treatment system (already approved October, 2017) as well as other drainage and roadway features including two (2) culverts (last approved by CDFW on July 16, 2018, LSAA #1600-2017-0630-R1) in accordance with approved drainage plans. The applicant has already applied for, and made submissions to the Building Department for certain grading and building permits (the "**G&B Application**") for a "Service Pad" and for the Proposed Improvements described herein, as said improvements are shown on the attached Updated Site Plan (Exhibit 1). After issuance of the final CUP, the G&B Application will be modified to withdraw the proposed "Service Pad" therefrom and instead apply for the Proposed Improvements described herein; several of which improvements were previously included in said G&B Application.

As of December 2017, an OWTS design plan was approved by the Humboldt County DEH for the Property. The precise property boundaries were surveyed and identified by Points West Surveying Co. in February of 2017. Additionally, a successful "permitted" groundwater "ag well" was drilled and properly installed by Watson Well Drilling Company in October 2017 (Well Completion Permit #17/18-0184). The private rocky road accessing the Property from Highway 36 is in good condition with adequate, well-dispersed drainage structures. The Property has a CUP/Interim Permit #16-163 dated December 15, 2017 which has been extended through December 31, 2018 and the Owner holds two (2) Temporary State Licenses extended through December 15, 2018 and a Seller's Permit (and other State-issued permits).

The applicant will also address CDFW's concerns regarding minimizing any potential adverse impacts to the Northern Spotted Owl ("**NSO**") and other sensitive fish and wildlife resources by the proposed Project and will perform a biological scoping report prepared by Pacific Watershed Associates ("**PWA**") or similar firm, as a condition subsequent to the final CUP issued for the Project and implement any additional mitigation measures reasonably required including mitigation of potential impactful light and noise impacts."

Additionally, in Section XII of the further updated Cultivation and Operations Plan, certain mitigation measures are included therein to address those concerns raised in the CDFW Letter to the extent applicable to the Project. These

measures will be included in the County Planning Department's staff report with its recommendation of conditional approval and issuance to Applicant of our final CMMLUO CUP, as discussed with the Cannabis Division planners at an August 2018 meeting and in subsequent emails among the Applicant, the County Planning Department and CDFW. Again for ease of reference, the following is the newly added Section XII, entitled "CDFW Referral Checklist Items" of the updated Cultivation and Operations Plan, however the concerns/comments raised in the CDFW Letter are fully addressed throughout the updated Cultivation and Operations Plan:

"XII. CDFW Referral Checklist Items"

- A. Please see Section IX above regarding discussion of the applicant's groundwater water well, water usage, monitoring and groundwater maintenance including its plan to perform regular well pump tests to measure drawdown levels. The applicant and its consultants shall determine if additional storage tanks are required in the future.
- B. Upon approval and issuance to the applicant of the Final CUP, the applicant will retain TBF to conduct protocol level services for surveying for NSO habitat in the area of the Property over a two-year period and take such other reasonable mitigation measures to ensure legally mandated noise levels from the use of any generators on the Property are achieved. The 25 kW diesel-fueled generator is a whisper-type generator with very low decibel levels and, said generator is only used on a limited basis at the Property presently, and foreseeably in the future, until PG&E power is brought to the Property. Once PG&E service is installed, the generator use will be limited to being a back-up power source. A report from TBF shall be issued to the applicant and CDFW, with a copy thereof provided to the County.
- C. Regarding the previously County-approved and twice on-site verified Cultivation Areas requested herein, upon issuance to the applicant of the final CUP, the applicant will retain PWA to provide to both CDFW and the County a biological scoping report with respect to the CEQA/environmentally superior relocation of prior "CA 4" to the meadow "CA 3" per instruction and approval of Mr. Jeff Conner of County Planning Department on or about October 6, 2017 (see attached emails and PWA's on-site notes). All other CAs have been verified by the County several times."

Last, the estimated water usage in the prior versions of both the "Project Description" and the Cultivation and Operations Plan was grossly overstated and we do understand CDFW's concerns. Please see Section IX, entitled "Water Sources, Drainage and Wastewater", wherein estimated annual water usage for cultivation activities has been reduced by 400% to now be 78,320 gallons/year to 156,640 gallons/year (2 to 4 gallons per square foot of cannabis/year) based on full cultivation operational activities in the 39,160 square feet of Cultivation Areas on the Property. We have modified said estimated water usage after reviewing the Well-water monitoring data collected during our current cultivation activities. The Applicant will continue to monitor and maintain its groundwater Well utilizing best practices to minimize any runoff.

Please advise of the acceptability of this letter and the mitigation measures agreed upon by the Applicant as set forth herein and in the attached updated Cultivation and Operations Plan (and updated Site Plan) as fully addressing CDFW's concerns in its CDFW Letter such that the Project and our CUP Application is now "Recommend Conditional Approval" by CDFW for the upcoming Humboldt County Planning Commission hearing in early November for issuance of our final CMMLUO CUP.

Ms. Kalyn Bocast
California Department of Fish and Wildlife
October 18, 2018
Page 4

Thanks in advance for your prompt attention and cooperation regarding the permitting of our Project. We appreciate your time and consideration.

Very truly yours,

Canal I, LLC

By: 
Bonnie Frank
Managing Member

Attachments

Cc (via email): Cliff Johnson, Humboldt Cannabis Division Head
Elizabeth Moreno, Humboldt County Planning Department
John Ford, Humboldt County Director of Planning
Scott Bauer, CDFW
Danny Hagans, PWA
Kathy Moley, PWA
Fred Fletcher, Esquire

Attachment 1

CDFW Letter

See Attached



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

Applicant: Canal I, LLC		Date: 7/30/2018	
APPS No.: 11153	APN: 210-221-008	CDFW CEQA: 2017-11153	Case No.: CUP16-163
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 6,720	<input checked="" type="checkbox"/> Outdoor (SF): 32,440 <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.

The project proposes to utilize mixed-light cultivation within one-mile of NSO occupied habitat. CDFW requests that no mixed-light be permitted prior to conducting protocol level NSO surveys. CDFW further requests that proof of mixed-light use prior to the CEQA baseline be provided. Referral materials suggest that mixed-light did/does not exist and that the applicant plans to install mixed-light greenhouses in the fall/winter of 2018.

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

- Aerial imagery and referral materials suggest that significant grading has taken place on the parcel. Please provide evidence of one or more of the following: a valid grading permit or a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.

Please note the following information:

- Water for this project is sourced from a groundwater well. It is estimated that water use may be as high as 587,400 gallons per year. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- A Final Lake or Streambed Alteration Agreement (1600-2017-0630) was issued to the applicant on.
- Aerial imagery suggests that the part of the proposed project has been implemented prior to Project approval. CDFW requests that the project be placed on hold and that all activities cease until appropriate environmental review has occurred.

- ☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests, prior to 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.
- ☒ CDFW requests, as a condition of Project approval, all Mixed-light (greenhouses and generators) be relocated to stable surfaces with a minimum 200ft buffer from Class I and Class II streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 6,792 square feet. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Coastal rainbow trout (*O. mykiss irideus*), Pacific Lamprey (*Entosphenus tridentatus*), Humboldt sucker (*Catostomus occidentalis humboldtianus*), Foothill Yellow-legged Frog (*Rana boyllii*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Rough-skinned Newt (*Taricha granulosa*), 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

Attachment 2

Updated Cultivation and Operations Plan

See Attached



Cultivation and Operations Plan For Canal I, LLC

Version October 16, 2018

(Original Submission September 13, 2016 and updated/supplemented

December 19, 2016, June 8, 2017, October 30, 2017,

February 10, 2018, April 29, 2018 and October 16, 2018)

I. PROJECT DESCRIPTION

A Conditional Use Permit for an existing 32,400 square feet (SF) of Outdoor and 6,720 square feet of Mixed-Light cannabis cultivation located on a 40-acre parcel (the “**Property**”); verified on-site twice by the County Planning Department on October 6, 2017 and April 17, 2018. Irrigation water is from a groundwater well that was installed by Water Well on October 31, 2017. Processing includes drying, trimming, curing and packaging and will occur inside two (2) proposed 1800 SF metal processing facilities (one facility being a remodel of an existing 21’ x 12’ shed) with a maximum of five (5) full-time and part-time employees during peak activities associated with the Outdoor and Mixed-Light cultivation activities that enable up to one annual outdoor harvest and up to four (4) Mixed-Light annual harvests. Currently two 7,000 kW gasoline-fueled generators and two 2,000 kW gasoline-fueled generators are used for cultivation and processing activities. We also have a 25 kW diesel-fueled whisper-watt generator, with trailer on-site, to be utilized in active winter months, as needed. The applicant plans to obtain electrical power from nearby PG&E power lines (the applicant has confirmed availability) with a supplemental rooftop and ground-mounted solar system. The applicant will also install an onsite wastewater treatment system (already approved October, 2017) as well as other drainage and roadway features including two (2) culverts (last approved by CDFW on July 16, 2018, LSAA #1600-2017-0630-R1) in accordance with approved drainage plans. The applicant has already applied for, and made submissions to the Building Department for certain grading and building permits (the “**G&B Application**”) for a “Service Pad” and for the Proposed Improvements described herein, as said improvements are shown on the attached Updated Site Plan (**Exhibit 1**). After issuance of the final CUP, the G&B Application will be modified to withdraw the proposed “Service Pad” therefrom and instead apply for the Proposed Improvements described herein; several of which improvements were previously included in said G&B Application.

As of December 2017, an OWTS design plan was approved by the Humboldt County DEH for the Property. The precise property boundaries were surveyed and identified by Points West Surveying Co. in February of 2017. Additionally, a successful “permitted” groundwater “ag well” was drilled and properly installed by Watson Well Drilling Company in October 2017 (Well Completion Permit #17/18-0184). The private rocked road accessing the Property from Highway 36 is in good condition with adequate, well-dispersed drainage structures. The Property has a CUP/Interim Permit #16-163 dated December 15, 2017 which has been extended through December 31, 2018 and the Owner holds two (2) Temporary State Licenses extended through December 15, 2018 and a Seller's Permit (and other State-issued permits).

The applicant will also address CDFW's concerns regarding minimizing any potential adverse impacts to the Northern Spotted Owl (“**NSO**”) and other sensitive fish and wildlife resources by the proposed Project and will perform a biological scoping report prepared by Pacific Watershed Associates (“**PWA**”) or similar firm, as a condition subsequent to the final CMMLUO CUP issued for the Project and implement any additional mitigation measures reasonably required including mitigation of potential light and noise impacts.

II. GENERAL/STAFFING

Canal I, LLC acquired the Property on February 10, 2016 with pre-existing Cultivation Activities (described below) having been undertaken by the prior occupants. As of October 1, 2018 we have four (4) full-time and part-time workers/farmers hired as employees assisting us with operations, maintenance and upkeep of our farm on the Property. There may be some fluctuation of staffing as the need arises during the various seasons. We are a family-owned and operated business with our familial members and our family's friends being owners and workers (other than several local consultants and contractors – many of whom have become our friends over the past three years). We will continue to predominantly hire family or friends for our operations in the foreseeable future as we want this to continue as a family-owned and operated business and also for security and safety reasons. We are a medicinal-dominant cannabis company that will hopefully attain organic certifications with the targeted product delivery systems being whole-plant tinctures and tincture-based or extracted product such as sublingual spray/drops, capsules and similar products or cartridges which require no trimming of plant/flower; this will help to reduce our staffing needs. The employees carpool to the Property as often as possible.

III. DESCRIPTION OF CULTIVATION ACTIVITIES

- A. Type:** The Property will include both Outdoor and Mixed-Light cultivation, with (i) one full season of Outdoor cultivation, and (ii) ultimately, upon full build-out of all new state-of-the-art automated greenhouses, three (3) or four (4) cycles of Mixed-Light cultivation each calendar year. We plan to utilize the permitted Cultivation Area with 17% of the space used for Mixed-Light cultivation in three (3) fully automated greenhouses in the CA 1 location as designated on the attached Updated Site Plan, dated October 16, 2018 attached hereto, and 83% of the permitted Cultivation Area used for Outdoor cultivation; however, said percentages correlate with the size of the Cultivation Area requested in the updated application and will change commensurately with the actual permitted size of the Cultivation Area.
- B. Schedule for Outdoor Cultivation Activities:** Optimally, limited cultivation activities will begin the first of January with germination of some seeds in the proposed portable Grandio 12' x 24' greenhouse, however, we also have our own starts or clones. Any seeds will be germinated in small dishes and ultimately moved into one-gallon pots with the other clones, and watered for 1-1.5 weeks until chlorophyll begins to appear and they root. Approximately one month later (end of February), sexing begins by weeding out the males. The females are then transplanted into five-gallon pots, where growth continues. In April or May, depending upon the weather, the plants are then transplanted again into 100, 200 or 400-gallon pots, where they remain until harvested.

During the April-to-harvest growing season, a simulated cage is placed around each plant for the purpose of creating its own canopy space to receive direct, full spectrum sunlight and to increase ventilation. In addition to a drip irrigation system, each plant is watered and pruned by hand to increase yield and produce dense, solid buds, minimizing larfy and protecting against any mold. The entire plant is carefully pruned throughout so as to maximize energy reception and vegetative growth. Outdoor harvesting operations are concluded by the end of October, depending upon the weather. There are different lengths for the growing season depending upon the type of strains grown. At least twenty

percent (20%) of our plant strains will be CBD-dominant with lower ratios of THC since we will market predominantly to medical marijuana manufacturers and dispensaries.

- C. Schedules for Mixed-Light Cultivation Activities:** Optimally, Mixed-Light cultivation will begin around mid-February with planting in Mixed-Light fully automated greenhouse(s). The vegetative-growing and blooming state is approximately six (6) weeks, after which begins black-out tarp-pulling to achieve light deprivation. Depending on the strain of the plant it can take 6 to 10 weeks for the light-dep phase. The light-dep process is then complete and can begin again, for a maximum of four (4) Mixed-Light cycles in each calendar year. We already purchased and installed a 30' x 90' Forever Flowering Mixed-Light greenhouse in October of 2017. Once we obtain necessary building and electrical permits to automate the greenhouse, we will fully fixturize the greenhouse and thereafter commence automated operations therein. We hope to do our first fully automated greenhouse run in February/March of 2019. Thereafter, we plan to purchase and install two (2) additional Mixed-Light greenhouses over the next two to three years. Said additional greenhouses will be sited on either side of the existing greenhouse.
- D. Schedule for Cultivation Activities in 2018:** Outdoor cultivation activities commenced in late May of 2018 with organic starts/clones from a few "moms" we had initially at the farm together with new organic clones and "seed plants" we purchased from licensed nurseries. The harvesting of the outdoor plants is dependent upon strain and weather and commenced in October and will continue through early November, 2018. We also planned two (2) shorter-run Mixed-Light cultivation grows in our greenhouse in 2018, the first run was just harvested and we hope to harvest the next run in late December of 2018.
- E. Track and Trace:** We have registered and completed training for Cal Origin Track and Trace ("T&T"). Until issuance of our final CUP, the State will not require, nor permit, our operations to be part of the State Metric System. We will submit all required Cal Origin T&T paperwork after full harvest, distribution and sale as required.

IV. EVIDENTIARY SUPPORT FOR REQUESTED CULTIVATION AREA

The following is a summary of the evidence to support Canal I, LLC's request in its application for a final Conditional Use Permit to Cultivate Medical and Adult Cannabis #11153 (the "Permit") to have an aggregate-sized Cultivation Area of approximately 39,160 square feet on our 40+/- acre Property (known as APN 210-221-008-000) with 32,440 square feet of Outdoor cultivation area (83%) and 6,720 square feet of Mixed-Light cultivation area (17%). The Cultivation Area is comprised of several discreet areas on the Property that were used by the then tenant of the Property over a period of several years to cultivate cannabis prior to 2016, as shown in the Attachments hereto and (i) as verified in the field on October 6, 2017 by Mr. Jeff Conner of the County Planning Department and Mr. Danny Hagans of Pacific Watershed Associates and (ii) re-verified in the field by Mr. Rudy Marengi of the County Planning Department-Cannabis Division in April, 2018. There are five (5) discreet verified Cultivation Areas shown in the Attachments as clearly "prior grow areas" but the tenant actually grew cannabis everywhere they could all over the Property including along almost every roadway and ridgeline.

The verified pre-existing Cultivation Area includes the CA1, CA2, CA3 (which includes relocated CA4 per instruction of Mr. Jeff Conner [see attached emails – **Exhibit 2**] of County Planning Department as an environmentally superior location), and CA6 as shown on the attached

Updated Site Plan of the Property. Please note that all references to CA 5 have been removed from the Updated Site Plan as we were instructed to do by Mr. Jeff Conner of the County Planning Department (see attached emails). Also shown thereon are the minimal existing improvements made to the Property by the prior owners and/or occupants including a wooden shed (2004) and several water tanks.

The difficulty in providing evidence to substantiate our requested permitted Cultivation Area for the Property is that we did not realize we needed pictures of the various prior grow areas for our Permit and needless to say, the prior growers hid much of their outdoor growing activities and related cultivation equipment, hoses and activities under cover of trees/tree canopies (understandably). Apparently these activities were hidden from sight from helicopters that fly all over that area and have for years. It was counter-intuitive for us to take pictures of illegal activity on the Property so we do have a few pictures but most of the evidence we will present is old Google and GIS maps together with verification by Mr. Conner and Mr. Marengi as well as by personnel of Pacific Watershed Associates (PWA) and our personnel of what we all saw firsthand in the field; some of which remains at the prior cultivation sites including the poly-piping, electrical equipment and crude watering systems they had at each grow area. Mr. Conner took additional pictures of said areas at the time of verification thereof which apparently are in the County Planning Department's files.

As part of the disclosures provided at the time of the sale of the Property to us, we received an NHDR and the first page thereof is a picture of the top of the Property as then shown on Google Maps, attached as Attachment 2 hereto which shows evidence of the upper pad referred to as CA 1 and a small part of CA 2 with seven (7) Mixed-Light greenhouses and related wiring, pots, materials and equipment including three (3) water tanks and a pool nearby (in the cover of trees; which has been removed) as shown on the further Updated Site Plan. Additional pictures from 2015 GIS Maps/Google Maps of CA 1 are attached as Attachment 3 hereto. CA 1 is 15,610 square feet in area.

Additionally, apparent from changes seen in maps of the pad areas comprising CA 2 as shown in Attachment 3, Attachment 3A and Attachment 3B, in addition to a pool of water located partially under trees, the prior tenant must have cleared trees and created several pads nearby for outdoor cultivation and related activities. Please see the lower pad CA 2 with evidence of pots, poly-piping and a "pool" and tubing/rubber hosing hidden under the trees. You can see a red truck, equipment and some of the materials and pool peeking out. We think that changes to the topography of the areas designated as CA 2 were due to the prior tenant's activities but the Property is also the site of prior logging activities. The prior tenant also tore down all greenhouses, electrical systems and their watering systems; a voluminous amount of water was dispersed all over the Property. They also left poly-piping tubing and related watering and battery or generator-operated system materials everywhere. We spent months cleaning up the Property before the rains hit in 2016, 2017 and 2018. CA 2 is 6,050 square feet in area.

In Attachment 4 and Attachment 4A, CA 3 is shown along with the existing processing shed right below one of the water tanks. CA 3 is located in a natural large meadow that is a natural feature and had substantial evidence of outdoor cultivation as well as a watering system that tapped into a gravity-fed spring several yards away therefrom. Evidence of discarded pots, materials and poly-piping tubing were seen by us and PWA personnel and can also be seen in close-up pictures from 2015 maps of the area. Another nearby area referred to as CA 6 was found where the prior tenant also grew nearby the Shed in the areas shown in Attachment 6 and

Attachment 6A hereto. Again, evidence of discarded pots, materials and poly-piping tubing was seen by us and PWA personnel and can also be seen in the attached 2015 maps of the area. Some poly-piping and processing materials still remain in these areas. It has been difficult to remove all of said materials. CA 3 is 5,800 square feet in area. CA 6 is 1,200 square feet in area. Mr. Conner had verified prior cultivation at both these locations on-site in October, 2017 and Mr. Marengi re-verified in April, 2018.

Another prior cultivation site, CA 4 is as shown in the pictures attached as **Attachment 7** hereto and Mr. Conner has additional pictures thereof. CA 4 was discovered and includes substantial evidence of discarded pots, materials and poly piping tubing seen by us and PWA personnel; some of which remains on-site as we still are cleaning up and regenerating natural growth in that area and find old grow spots often. After Mr. Conner's visit to the Property, we started cleaning up that area. Since this large cultivation area is in an oak grove on the Property, we relocated and aggregated CA 4 into the meadow at Mr. Conner's instruction since said relocation was, and is, obviously environmentally superior. That said, in order to address CDFW's concerns regarding said relocation, after issuance of our final CUP, the applicant will cause a biological scoping report to be prepared and submitted confirming such environmentally superior cultivation area. CA 4 is 10,500 square feet in area, and was verified by Mr. Conner on-site in October, 2017 and Mr. Marengi re-verified in April, 2018.

We have removed from the Updated Site Plan the requested cultivation area referred to as CA 5 since, according to Mr. Conner said area is not on the Property. [Please ignore **Attachments 8 and 9** on any prior versions of this C&O Plan]

The previous neighboring owner, Ryan Dahl, apparently managed the Property for the prior owner and can attest to, and substantiate the information contained herein as well regarding the existence of all specified prior cultivation sites comprising the Cultivation Area as being previously used for growing cannabis on the Property prior to 2016 as shown on the attached Updated Site Plan.

V. IMPROVEMENTS

- A. **Existing Improvements:** All improvements existing or proposed shall comply with the 2016 California Building Code, and the ADA, as required by the County Building Department. There is a pre-existing 21' x 12' wood storage and processing shed which was built by the prior owner/occupant in 2004 (the "Shed"), which we are using for storage and as a "secured room" for purposes of compliance with State regulations for a secured structure to keep all Track & Trace information (laptop) and other sensitive data and information secure. Additionally, the prior occupant installed three (3) water tanks on the Property as shown on the attached Updated Site Plan. The prior occupant had also constructed an outhouse which is not useable (nor used) and will be replaced by a Septic System once we receive our final CUP. The design for such Septic System was submitted to the County in August 2017 and approved by the County in December 2017. Since we have not been allowed to build our "**Proposed Improvements**" (described in Section V.B. below) while our CMMLUO CUP Application continues through the County's processing and procedures, in order to operate this year employing State-required standards, we now have added the following improvements on-site:

1. A Mixed-Light 30' x 90' greenhouse on a portion of CA 1 (October, 2017) but have not yet installed any electrical conduits or systems therein;
2. Three (3) plastic 5,000 gallon water tanks (2017) [two (2) pre-existing plastic 5,500 gallon water tanks (2010)];
3. Three (3) 8' x 14' drying sheds (portable/on skids) for processing material this year;
4. Five (5) 8' x 20' portable metal Containers in which all regulated products are properly stored according to the manufacturer's specifications as well as processed materials, equipment, tools, generators and other non-flammable farm items. There are also several metal Jo-Boxes around the Property with tools, fuel and other materials.
5. Two (2) Portable Toilets (with sinks) on the Property that are serviced through a third-party firm;
6. Six (6) waste/trash receptacles for trash, recyclables and cannabis waste; and
7. Three (3) compost bins/receptacles.

B. Proposed Improvements: After obtaining our final CUP and all required grading, building and other permits, we propose to further improve the Property with the following described "**Proposed Improvements**" on or about the time periods specified below:

1. Proposed light "grading" and building permits for new construction of an agriculturally-exempt 30' x 60' metal shops building (the "**Shops Building**") with a concrete perimeter and rocked foundation with plumbing for a small sink area and bathroom, and electrical and heating fixtures in the approximate location near CA 1 as specified in the Updated Site Plan.
2. Proposed four approximately 10' x 12' wood structures for (a) electrical control panels and any solar equipment ("**Power Shed**"), (b) diesel, gas and other fuel storage shed, as legally permitted ("**Fuel Shed**"), (c) cannabis waste, trash and recycling facilities, and (d) storage of miscellaneous farm supplies and equipment, including generators when not in use. Proposed 8' x 10' compost bin.
3. Proposed portable 12' x 24' Grandio greenhouse on a wooden platform (on skids) without electrical wiring. Utilized for various uses/needs.
4. Proposed remodel and expansion of the existing 21' x 12' pier and post-wooden Shed structure constructed in 2004 by the previous landowner. The expansion and remodel of the existing Shed to be a second discreet 30' x 60' "shops building" above the meadow area; fully plumbed and with electricity. Obtain all needed permits ("**Second Shops Building**").

5. Obtain permit for an existing 30' x 90' pre-manufactured greenhouse that will be fitted with electrical components (building plans already submitted and on file with the Building Department on February 26, 2018).
 6. Proposed grading of a home-site that will be approximately 250' long x 100' wide. Any structures to be constructed on the home-site will be permitted at a later date. A <3 acre Conversion Plan has already been submitted for the proposed home-site in the Project, however, said plan will be revised and updated for the newly proposed grading and building permit applications.
 7. Any improvements needed for PG&E power for the Property. Rather than an off-grid/mounted solar system we have been in contact with PG&E and plan to bring 3-phase electrical power to the Property. The siting of power pole lines has been done and will be mostly within the already existing private access roadway to the Property.
 8. Install two (2) additional Mixed-Light greenhouses phased-in over a 2-3 year period of time starting in Winter 2019/early 2020. Our plan is to build/install approximately one greenhouse per year after completion of substantially all infrastructure on the Property. All such Mixed-Light greenhouses will be located on CA 1 as shown on the Updated Site Plan, and will be of varying sizes so as to fit in said cultivation areas and provide adequate clearance around each such greenhouse (already mapped).
 9. Proposed 24'-diameter yurt on wooden platform without electrical wiring. Utilized for various uses/needs (not to be occupied).
 10. Build a 15' by 20' fuel enclosure on a separate hand-poured concrete foundation next to the Power Shed to store 35-40 gallons of diesel and 5-10 gallons of gasoline on-site for the generators with a diesel fuel delivery service delivering additional diesel as needed during peak hours of operation when the high powered back-up generator is needed ("**Fuel Shed**"). No more than 50 gallons of fuel will be stored on-site at the Property without first obtaining a Hazardous Materials Management Plan permit. Workers bring smaller amounts of fuel daily to the Property as needed. No Hazardous Materials Business Plan data sheets or certificates are required.
- C. The new and revised grading and building permit application for the two (2) "shops buildings" (new and remodel) and the future home-site will be submitted together since the current Owner may only apply for a single <3 acre conversion from CalFire as part of its ownership. Minimal grading will be required since these areas were previously cleared as part of the prior logging activities. The Owner is undertaking planning for comprehensively developing the previously partially developed property with a long-term approach to overall property, farm and ranch infrastructure development.

VI. PROTOCOLS FOR PROPER STORAGE AND USE OF REGULATED PRODUCTS

A. Protocols for Pesticides

1. Type and Storage: The only pesticides we plan to use at the Property are biopesticides and include Clonex for rooting and Plant Therapy, Pure Crop 1 and Green Cleaner. These "biopesticides" are naturally occurring, non-toxic and found in plants and tree seeds, containing preventative mites and fungicides which are beneficial to cannabis cultivation. These "biopesticides" will be stored in one or more secured metal drums, of approximately 55 gallons each. The Clonex is a water based gel rooting compound which will also be stored in secure metal drums. Plant Therapy, Pure Crop 1 and Green Cleaner are all-natural DMRI certified organic pest control products.
2. Use: These biopesticides are applied via foliar feeding (spray) during the vegetative-growing state and into initial flowering. These biopesticides are diluted in water using the ratios for safe use. The Clonex is applied after first cloning a plant and is used as a rooting gel compound. Clonex is applied to the roots of clones where it seals the newly exposed tissue and adheres to the root. All biopesticides can be applied systemically or as a foliar insecticide/antifungal spray and will be used only as needed.
3. General; Lead Cultivator: The Lead Cultivator will hold a State of California Agricultural Department Person Pesticide Applicators License issued through the Humboldt County Agricultural Department. Training of employees in the storing, handling, mixing, application, disposal and emergency spill containment and clean up procedure will be sole responsibility of the Lead Cultivator as the holder of the Personal Pesticide Applicators License. All protocols are intended to achieve State-compliance as well as USDA Organic standards, so care will be taken to use as few pesticides as possible and only those that are natural and non-hazardous, as described herein. A copy of the product description, instructions for use and data safety sheets for these three biopesticides are attached (Attachment 11).

B. Protocols for Nutrients and Fertilizers

1. Type: Nutrients and fertilizers anticipated to be used in cultivation operations include liquid organic nutrients as well as dry product including tea labs organic fertilizer (which has bat guano, worm castings, kelp, molasses, humic acid, ecklonia, glacial rock dust, green trees, cal. mag., fishballs, palm bunch ash, potassium, magnesium sulfate, fish bonemeal, greenbicycles and biochar), Bio-Bizz, and possibly Canna Coco nutrients and substrates (Canna Coco A, Canna Coco B Canna Substrates). All nutrients and ingredients of the fertilizer used in cultivation are to be organic and/or naturally occurring.
2. Storage: All nutrients and fertilizer are stored in the Containers and will be stored inside the insulated sheds and ultimately in one or more separately demised areas within the Shops Buildings. The products will be stored in air-tight secured metal drums or 4' x 5' storage bins sealed unless and until needed to be used. No dangerous or flammable materials will be stored with the nutrients and fertilizer.

3. Use: Nutrients and fertilizers will be mixed in 500-1,000 gallon feed tanks twice a week and used just enough such that there will be no runoff. Use of the nutrients and fertilizer that requires use of protective breathing masks and any other personal protective equipment deemed necessary under the circumstances, or as recommended by the manufacturers of the fertilizer for the safety of the workers will be handled and used in accordance with recommended safety measures for such products. The nutrients and fertilizer will be transported to and from the Property and around the Property in secured, five-gallon bins with secured lids. When top-feeding, the nutrients and fertilizer is applied to soil where plants are grown. If in liquid application form, protocols will also include using specialized water storage containers therefor. The Mixed-Light greenhouses will be fully automated and the nutrients/fertilizers will be used and dispensed through said automated system.
4. General: All protocols are intended to achieve USDA Organic approval of the products, so care will be taken to use as few pesticides as possible and only those that are natural and non-hazardous, as described herein. A copy of the product description, instructions for use and data safety sheets for these nutrients and fertilizers are attached as Attachment 11 hereto (the information regarding the nutrients/items comprising the "tea labs" binder is labeled Attachment 11 too).

- C. **Protocols for Other Regulated Products:** At this time, there are no other regulated products anticipated to be used during cultivation. However, if any additional regulated products are to be used at the Property, we will store and use said products in accordance with the applicable manufacturer's specifications and recommendations.

VII. PG&E; GENERATOR USE; AND SOLAR POWER

- A. During the interim period until we obtain our final CUP, we use the two 7,000kW gasoline-fueled generators and two 2,000kW gasoline-fueled generators for both the cultivation and processing activities, as needed. We have only had a need for electricity recently for back-up to our solar-powered Well and for processing (drying and curing); only the use of two (2) generators was required this year. We also have a 25kW diesel-fueled whisper-watt generator (with trailer). Until we can bring PG&E service to the structures, limited use of generators will be required except for processing the Outdoor-cultivated plants much of which is CBD-dominant strains for which only limited processing should be required as well (limited trimming). We plan to bring PG&E to the Property through the existing easement/private shared roadway and also plan to underground two (2) of the electrical lines in the roadway and ultimately disperse said electrical power to the two (2) Shops Buildings and other Proposed Improvements, as needed. We further plan on using as few generators as possible on-site and will ultimately store the generators in the insulated Power Shed (insulated for noise too) with screening thereof and properly labelled with warnings, as required by applicable law. We will also place generators in ginney shacks around the Property when in use to minimize noise and fuel dispersion.
- B. We plan to install roof-mounted solar panels on the Shops Buildings and nearby ground-mounted panels for back-up and supplemental power to the Property. Our water Well is presently solar-powered with generator(s) as back-up power.

VIII. PROCESSING PLAN

- A. Processing:** There are several insulated Containers, the Shed and the Mixed-Light greenhouse on the Property which will be used for processing until the Shops Buildings are "permitted" and then installed. Processing begins with each plant's main stem being severed and the plants transported whole to the processing shed(s). Drying then ensues by bucking the plants and hanging each plant upside down in the shed(s) for approximately two (2) weeks and then the material is cured over a period of 4-6 weeks. Climate control in the shed(s) includes mostly dehumidifiers, humidifiers and some heaters, employed during the entire time as necessary.
- B. Limited Trimming:** Fiskar equipment has been purchased and, if and to the extent we trim product, said trimmer will be utilized by all workers in order to achieve the best manicure possible. It is our desire and goal that CBD-dominant strains as well as other CBD-rich strains not be trimmed to preserve and achieve the greatest amount of medicinal properties and potency, however, the market will dictate what we can produce economically. Fan leaves, water leaves and stems are removed from most plants, with the buds then being trimmed to a buzz cut. All trichomes and hairs are retained on the bud without scarring it by hand trimming as a finish. After trimming, the buds will be placed in State-compliant packaging/bins for pick-up or delivery to State-licensed Distributors who will then package our materials after payment of all California State taxes and subject to passing State-required lab testing.
- C. Distributors/Transport:** All cultivated plants shall be transported, handled, tested, distributed and packaged in accordance with all applicable State regulations. We have applied for necessary permits with various regulatory agencies having jurisdiction for the cultivation related transport/distribution license and plan to apply for a Type 13 self-transport license. We also have an interest in a "related company" that is in process of obtaining a distribution license in the Bay Area.

IX. SECURITY PLAN AND FIRE/EMERGENCY ACCESS

- A. Security:** There is a CalTrans maintained semi-private off-ramp from Highway 36 serving our Property and two other adjacent properties. CalTrans has been doing work on Highway 36 for the past several years which has provided security for our operations. Additionally, there are three (3) security gates on our partially-shared private roadway to the Property and we can typically hear any approaching vehicles. We have installed six (6) battery and solar-powered security cameras around the Property and at the entry gate utilized at the Property boundary. The cameras are numbered sequentially and record any activity occurring in or around secured areas. Signals are sent to the Property's business phones kept on and off-Property. We plan to install additional security cameras inside the Shops Buildings and in all Mixed-Light greenhouses.

All structures, containers, sheds and storage units are pad-locked at all times when not actively used. All structures and Cultivation Areas (as practicable) will be monitored by motion security cameras powered by batteries, WIFI and back-up solar, as practicable. We also have eight long-range battery-powered walkie-talkies for additional communication and security purposes.

- B. Access for Emergency:** The road to the Property is a CalTrans maintained Class III off-ramp from Highway 36, approximately 0.5 miles away from the entry-point to the private roadway to the Property. We have done shaping and minor drainage improvement work, including rocking a lot of the partially-shared private roadway, in conjunction with our neighbors, by licensed contractors and engineers in conjunction with, and substantially in accordance with a road and drainage plan developed by PWA. The roadway is now capable of supporting most heavy truck traffic and is capable of fire suppression and emergency vehicle access. We plan to continue to improve said road and install culverts and other drainage points as required to safely access the Property and have already obtained CDFW's approval of installation of two (2) culverts after we obtain our final CMMLUO CUP.

The Property also has access to Burr Valley Road if the main roadway to Highway 36 is unusable. This secondary access is over the hillside and one or more easements need to be obtained from neighbors since said road crosses adjacent lands, leading to the back side of Burr Valley Road. However, we are part of the "Burr Valley Road Association", so they have advised that they will assist us to get such easements.

- C. On-Site Fire Response:** There are three (3) fire extinguishers maintained in and about the Property including one in the existing Shed; we maintain these on-site at all times. Additionally, we have three 5,000-gallon water tanks and two (2) other pre-existing 5,500 gallon water tanks as shown on the Updated Site Plan; all of which are usable for fire suppression and could be utilized in an emergency. We also have a high-yielding water Well to which we have installed a pvc hookup for two (2) hose connections that also can help with fire suppression.

IX. WATER SOURCES, DRAINAGE AND WASTEWATER

- A. Water Sources:** In October of 2017, under DEH Permit No. 17/18-0184, a groundwater Well was drilled and installed by Watson Well, Inc. (licensed firm) on the Property as shown on the Updated Site Plan. A copy of the Well Completion Report is attached as **Attachment 13**. We installed a water meter and an irrigation distribution system this summer (2018). To address CDFW's concerns and for good maintenance practices, we plan to conduct regular Well-pump tests and check elevations of groundwater within the Well seasonally to assist in measuring drawdown levels.
- B. Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage:** The Property has three small ephemeral, first order streams that originate on the Property (see Updated Site Plan). The streams only flow in response to direct rainfall. The owner, Canal I, LLC, has no history of diverting streams for water storage. However, in June 2017, an ISDU was submitted to the Division of Water Rights and to the CDFLD to allow the applicant to collect a minor amount of water flow which they have since modified, with approval of CDFW of such amendment, on July 16, 2018 (see attached approval).

Currently there are five (5) plastic water tanks located on the Property with a total storage capacity of 16,000 gallons (see Updated Site Plan). Three (3) of the water tanks are situated on stable <30% native planar slope locations well away from streams at the top of the knoll on the Property. For our cultivation we are hand-watering and using a drip

irrigation array to control the rate of watering to conserve well water, maintain optimal soil moisture, and ensure no overland flow occurs. There are no plans for a residence on the Property in the near future, and the three (3) or four (4) seasonal workers are commuting daily to the Property (they often meet up and drive to the Property in one vehicle especially with Highway 36 closures for the past few years). There will continue to be little demand for domestic water usage until the Shops Buildings are completed. Once full operations at the Property are permitted and achieved, water usage is expected to average between 2 to 4 gallons/ft² of cannabis/year (if 39,160 ft² = between 78,320 to 156,640 gallons/year). However, current water usage at the Property is less than 60,000 gallons/ft² of cannabis growth this 2018 spring and summer seasons.

- C. Description of Site Drainage, Including Runoff and Erosion Control Measures:** As stated earlier, there are only three small headwater streams on the Property, and all the prior-used requested Cultivation Areas are located well away from the two stream channels (see Updated Site Plan). There are now an on-site verified total of five (5) pre-2016 Cultivation Areas (CAs) on the Property (see Updated Site Plan). Locations CA 3, CA 4 and CA 6 consist of native, low gradient grassland and sparse oak woodland hillslopes, <30% in steepness where no grading has occurred. Consequently the natural, dispersed drainage patterns are not affected by cultivation activities at these three prior cultivation sites, and there is no potential for erosion and sediment delivery to the distant streams. At CA 1 and CA 2, both sites are located down a stable <30% in steepness ridge where minor grading had occurred several years ago, probably related to timber harvesting as well as cultivation activities. As shown on the 2004 aerial photographs, the native setting at both pad areas consist of approximately 50% small grassland openings surrounded by younger conifer forest that were encroaching on the natural meadows. Today, both pads designated on the Updated Site Plan as CA 1 and CA 2 have a dispersed surface drainage patterns that flow away from the stream on the eastern edge of the Property, so there is no potential for surface erosion on the pads to deliver sediment to the stream (see Updated Site Plan). In addition, Thomas Blair Forestry Consultants has completed a prior <3 acre conversion analysis of the Cultivation Areas (see Updated Site Plan).

The main access roads on the Property are all narrow one-lane, former logging and ranch roads that are well rocked and well-drained with frequent rolling dips and berm drains, consequently there is very minimal risk or potential for sediment delivery from the roads. There are two small stream crossings on the access road, one has a 24" culvert and the other is an armored fill crossing (see Updated Site Plan). In accordance with the attached WRPP (Attachment 14), an approved and signed LSAA Agreement, as amended, for the two (2) culverts was issued by CDFW to the applicant on July 16, 2018.

There are also two low-standard and low-use, native skid trail routes on the Property (see Updated Site Plan). The routes are mostly grass covered, well drained and exhibit little erosion potential and no risk of sediment delivery. PWA is presently preparing an erosion plan for the proposed future home-site area and the Shops Buildings (see Updated Site Plan).

At the end of the Outdoor growing season and prior to November 30th of each year, the Outdoor Cultivation Areas will be cleared of all cultivation waste products and the growing pots with soil will be protected with moisture-resistant covers. The areas will

continue to be seeded with annual grasses and/or mulched with weed-free straw to provide over-winter protective ground cover. Because each of said Outdoor cultivation area is well away from streams, the erosion control ground cover will provide additional protection from surface erosion and at protecting water quality. Due to having a separate Shops Building and Containers above the meadow area, very limited access to CA 3 will be made during the 3-month partially dormant winter period to assist in re-generation of native grasses throughout the meadow and along the access roads.

- D. Detail of Measures Taken to Ensure Protection of Watershed and Nearby Habitat:** The road network on the Property is in good condition, is well-drained and resulting in minimal man-made impacts to water quality. Likewise, all the Cultivation Areas shown on the Updated Site Plan also have dispersed drainage patterns directing runoff away from the few streams on the Property. The exceptions are the two seasonal use, former logging road stream crossings located along the eastern edge of the Property. Neither are resulting in a significant risk of sediment delivery, but both stream crossings will be upgraded by PWA, on our behalf, in accordance with the CDFW LSAA Permit #1600-2017-0630-R1, approved in early 2018, as amended by Amendment thereto approved by CDFW on July 16, 2018. Once the final CMMLUO CUP is approved, the erosion control work will be performed in the Spring/Summer of 2019. According to the WRPP, none of the five (5) cultivation area operations are posing a risk of impacting water quality, primarily due to their locations being well away from the three (3) small ephemeral streams on the Property.
- E. Future Grading:** In order to install the Shop Building, remodel the Shed (Second Shop Building), and install the Power Shed, Fuel Shed and other Proposed Improvements of the type and nature described herein and as designated on the Updated Site Plan, PWA and other consultants are preparing new and revised grading and building plans for said improvements. The proposed areas are located on stable ridgelines, well away from streams and will involve minimal cut and fill depths. Each of the planned operational structures will have a permitted slab or rockered foundation and wood-framed enclosed and/or covered structures including two (2) insulated metal buildings. Each of these planned and underway developments for the Property will afford a higher degree of protections for watershed, wildlife and water quality, and will permit an organized development of the planned operations.
- F. General:** In general, good housekeeping practices are/will be employed to properly manage spoil and soil materials, supplies and garbage to protect wildlife and aquatic resources. Likewise the small Class 3 streams are all located greater than 100' from the proposed cultivation areas and all existing and proposed Mixed-Light greenhouses are located more than 200' from any Class 1 or Class 2 stream (there are none on the Property). Where road segments are within 50' of the eastern stream channel shown on the Updated Site Plan, the surfaces are well rockered to minimize sediment delivery potential.

X. SEPTIC

PWA has completed the OWTS wet weather testing for the Property and a septic system design was submitted to the DEH in late August of 2017 and approved. It is anticipated the system will be constructed in the Spring of 2019 after issuance of the applicant's final CMMLUO CUP. The

septic system will meet capacity requirements based on the number of persons onsite from time to time.

XI. TIMBERLAND CONVERSION

Because the native locations where CA 1 and CA 2 are situated were approximately 50% open, natural grassland in 2004, we consulted with Thomas Blair Forestry Consultants ("TBF") to determine whether a <3 acre timber conversion permit for the previously converted area was required. TBF has prepared and, on our behalf, submitted an application for said timber conversion permit, a copy of which was already supplied to the County in 2017. We anticipate receiving said permit once the final CMMLUO CUP is issued and will promptly provide a copy thereof to the County upon our receipt of same. In addition, TBF will also prepare an additional <3 acre conversion report for CalFire approval for the proposed and future home-site areas. If CalFire will not issue a conversion permit, the project will obtain a Timberland Conversion Report prepared by a Registered Forest Professional (RFP) to ensure compliance with the Forest Practices act per Humboldt County Code Section 314-55.4.10(j).

XII. CDFW Referral Checklist Items (Exhibit 3)

- A.** Please see Section IX above regarding discussion of the applicant's groundwater water Well, water usage, monitoring and groundwater maintenance including its plan to perform regular well-pump tests to measure drawdown levels. The applicant and its consultants shall determine if additional storage tanks are required in the future.
- B.** Upon approval and issuance to the applicant of the final CMMLUO CUP, the applicant will retain TBF to conduct protocol level services for surveying for NSO habitat in the area of the Property over a two-year period and take such other reasonable mitigation measures to ensure legally mandated noise levels from the use of any generators on the Property are achieved. The 25 kW diesel-fueled generator is whisper-type generator with very low decibel levels and, said generator is only used on a limited basis at the Property presently, and foreseeably in the future, until PG&E power is brought to the Property. Once PG&E service is installed, the generator use will be limited to be used for back-up power source. A report from TBF shall be issued to the applicant and CDFW, with a copy thereof provided to the County.
- C.** Regarding the previously County-approved and twice on-site verified Cultivation Areas requested herein, upon issuance to the applicant of the final CMMLUO CUP, the applicant will retain PWA to provide to both CDFW and the County a biological scoping report with respect to the CEQA/environmentally superior relocation of prior "CA 4" to the meadow "CA 3" per instruction and approval of Mr. Jeff Conner of County Planning Department on or about October 6, 2017 (see attached emails and PWA's on-site notes). All other CAs have been verified by the County several times.

XIII. Cannabis Waste Management Procedures

All cannabis waste and any other solid waste shall be stored on-site in separate designated trash receptacles and compost bins of various sizes in several discreet areas nearby the Cultivation Areas. Additionally, the applicant proposes to build a separate (a) trash, recycling and waste 10' x 12' shed and (b) 8' x 10' compost bin, as described and shown on the Updated Site Plan. We

Canal I, LLC
CMMLUO Permit Application #11153
CUP #16-163
APN: 210-221-008-000

currently store all cannabis waste in smaller compost bins on and about the Property. The compost material is aerated daily and once all plant waste material breaks down it is added into the soil on-site. The material is kept covered so as to limit odors, flies and contamination. All trash and recyclables are separated and placed in separated secured/covered waste receptacles on and about the Property. We self-haul all such trash and recyclables off-site and into town to the local licensed waste disposal facility. These smaller waste receptacles are then emptied into and loaded onto a partially-enclosed trailer and taken to the local recycling and waste management facilities in Eureka twice weekly by our workers; however, such "dump run" are more frequent as needed during harvesting. All waste receptacles are secured and checked nightly. Our goal is to have minimal waste from operations. No hazardous waste is anticipated to be used or otherwise generated on or about the Property from operations.

Exhibit 1

Updated Site Plan

See Attached

Exhibit 2

E-mails

See Attached

From: Danny Hagans <dannyh@pacificwatershed.com>
Date: October 17, 2018 at 6:53:08 PM PDT
To: Bonnie Frank <bfrank@relg.com>, Fred Fletcher <fletcher@lawyer.com>, Frederic Fletcher <fletcher@lawca.us>, Kathy Moley <kathym@pacificwatershed.com>
Subject: Fwd: Follow up on Canal I CMMLUO permit #11153

Here are more post Conner field visit discussions with jeff and Elanah at Planning
dkh

----- Forwarded message -----

From: Bonnie Frank <bfrank@relg.com>
Date: Fri, Nov 10, 2017 at 2:32 PM
Subject: RE: Follow up on Canal I CMMLUO permit #11153
To: "Adler, Elanah" <EAdler@co.humboldt.ca.us>
Cc: Alan Bear <abear@agbconsulting.com>, Danny Hagans <dannyh@pacificwatershed.com>

Hi Lana! Hope your Friday is going well.

I wanted to let you know that our well has now been drilled and casing set to a depth of approximately 260'. Our well driller is preparing the paperwork for both the County and the State and we will submit same as soon as we receive the documents from Watson Well Drilling. Very exciting! It was flowing at close to ag well levels – YAY! I have been advised that our well driller will be installing the pump and related equipment mid-next week. Hope to have the paperwork to you by then too.

Please let me know the status of our permit application and if you still require any information or documentation. With the submission of our well driller's certifications/documents, I believe we should be close to issuance of our CMMLUO permit (with a few of the items allowed to be submitted after issuance as we have committed to). Hope so!! Please lmk as I am pushing

everyone on our team to complete all tasks asap in an effort to complete this process as quickly as possible.

Many thanks,

Bonnie Frank

Canal I, LLC

From: Adler, Elanah [mailto:EAdler@co.humboldt.ca.us]
Sent: Thursday, October 26, 2017 5:57 PM
To: Danny Hagans
Cc: Bonnie Frank; Alan Bear
Subject: RE: Follow up on Canal I CMMLUO permit

Hi Danny,

Wanted to get back to you this week, I'll be out tomorrow, so this is it for me this week!

I was looking at the wrong Site Plan map, I see that the one you attached is indeed the same map provided on the 20th. For some reason, I got mixed up with the maps provided on the 17th and the 20th and notated on the 17th map that it was the most recent, accidentally. However, if you add up your cultivation areas, they do not equal the total provided at the top right side above the map:

Outdoor:

CA1: 15,610

CA2: 6,050

CA3: 5,800

CA4: 10,500

CA6: 1,200

Totals: 39,160sf

Mixed-light:

CA 1: 6,720 sf for mixed light matches correctly.

I don't know which one of the outdoor cultivation areas is noted incorrectly on the map, could you revise when you do the final update?

Thank you, Lana

Elanah Adler

Planner

Humboldt County

Cannabis Services Division

Ph# 707-445-7541

Fx# 707-268-3792

From: Danny Hagans [<mailto:dannyh@pacificwatershed.com>]

Sent: Tuesday, October 24, 2017 8:59 PM

To: Adler, Elanah <EAdler@co.humboldt.ca.us>

Cc: Bonnie Frank <bfrank@relg.com>; Alan Bear <abear@agbconsulting.com>; Nielsen, Michelle <MNielsen@co.humboldt.ca.us>; Santos, Steven A <sasantos@co.humboldt.ca.us>

Subject: Re: Follow up on Canal I CMMLUO permit

Hi Lana,

Long but a beautiful fall day in the field, I am in the field again tomorrow wrapping up various construction projects, but will coordinate with Bonnie on Thursday and get you a revised and hopefully final site plan map to you on Thursday of this week so we can move Canal I to county referrals. I'm confused about the CA square footage since I quoted Jeff verbatim. Please see the attached Site Plan dated 10-20-2017 which is what I submitted to you.. I will review with Bonnie and see your comments to bring both the C&O into conformity with the map..

Thanks for moving this project permit forward, it is appreciated...

Danny

On Tue, Oct 24, 2017 at 1:15 PM, Adler, Elanah <EAdler@co.humboldt.ca.us> wrote:

Hi Danny,

I have Bonnie's file back and I have spent most of the morning reviewing it. My direction from Senior staff is to get this project into referral as the next step. Based on what I have reviewed today, there are inconsistencies that are preventing me from getting this project into referral. Please see following:

Site Plan, received via email 10/23/17, revised based on Jeff Conner's site visit/communication:

1. The pre-existing square footages are not consistent with Jeff's findings. Jeff states the agreed upon cultivation to be a total of 32,440sf of outdoor and 6,720 sf of mixed light. The Site Plan indicates 40,160sf of outdoor and 6,720sf of mixed light. This results in an increase in 7,720sf of outdoor cultivation.
2. Notes, bullet 1 "...no power to property", the Cult Ops Plan states that there are generator(s). Where onsite are they located? Please show on Site Plan.
3. Notes, bullet 2 "No Water Diversions", however, there is a note on "ISDU submitted on 6/28/17". Additionally, we have a copy of that ISDU.

Cult & Ops Plan, latest in file appears to be submitted 6/9/17:

1. Outdated in general when compared to 10/23/17 Site Plan – needs to be amended.
2. II. A. Type: is based on percentages, needs to be consistent with Site Plan.
3. Number of employees, Cult Ops Plan states 5, thought I read somewhere that the # was 9. I could be incorrect, please clarify.
4. Site Plan states "No processing on the property", Cult Ops Plan says that a processing occurs on-site and a shop building will be built in the future shop. Please clarify.

Please review the revised Cult Ops Plan next to the Site Plan to ensure that they agree with one another. These two items are the most important components of our permitting, so it's important that they are consistent and in agreement. At this time, there are too many discrepancies for me to be able to refer this project to commenting agencies.

Feel free to contact me with any questions.

Thanks, Lana

Elanah Adler

Planner

Humboldt County

Cannabis Services Division

Ph# 707-445-7541

Fx# 707-268-3792

From: Danny Hagans [mailto:dannyh@pacificwatershed.com]

Sent: Monday, October 23, 2017 9:53 AM

To: Conner, Jeff <JConner@co.humboldt.ca.us>; Adler, Elanah <EAdler@co.humboldt.ca.us>

Cc: 'Bonnie Frank' <bfrank@relg.com>; 'Alan Bear' <abear@agbconsulting.com>

Subject: Follow up on Canal I CMMLUO permit

Hi Jeff, I tried to speak with you several times last week, I realize all are so busy and overworked, so I finalized the revised Site Plan for Canal I based on your email of the permitted cultivation areas and based on our discussions in the field.

On Friday, I meet with Lana at the Planning Dept about 4PM.. On behalf of Bonnie, I thanked her for her assistance in the past with this cumbersome landuse permitting process all are going through. She said she will not likely be Bonnie's planner in the future. Anyway, so I handed in the attached revised FINAL site plan as I explained the notes to her, as well as submitted copies of the Canal I CDFW LSAA permit application, the ISDU registration to the State Water Board Div. of Water Rights, and the county building dept pre-site inspection report that spells out what the county wants to complete the grading permit application. I went over in detail with her all the notes on the site plan drawings and indicated this permit should be cleared from the violation file, as soon as possible based on our productive field meeting on Oct 6th. She said she will need to talk to Jeff to get his take (since Jeff hasn't followed up with Lana yet), which should get the permit application out of violation and back on track.. I hope you can get together with Lana or whoever as soon as possible to get this permit application back into the pipeline toward an actual permit, even with some conditions attached. She indicated that once the application was out of the violation folder, it will not go to an outside consultant at this time, but will be further processed internally.

Please see the attached revised site plan and pay particular attention to the NOTES and the revisions to the map.. I trust I have accurately described our field meeting. Thanks for your assistance in moving this application forward. I can't see any shortcomings to this complete Canal I application. Thanks you for the time and advise in the field, I believe this and other site

visits by county planning staff will do a lot to get many more of these applications into permits. Please call me if you have any questions..

Danny

Danny K. Hagans, Principal
Pacific Watershed Associates Inc.
PO Box 4433, Arcata, CA 95518-4433
707-839-5130 (w); 834-2747 (c)

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Danny K. Hagans, Principal
Pacific Watershed Associates Inc.
PO Box 4433, Arcata, CA 95518-4433
707-839-5130

--

Danny K. Hagans, Principal
Pacific Watershed Associates Inc.
PO Box 4433, Arcata, CA 95518-4433
707-839-5130

From: Danny Hagans <dannyh@pacificwatershed.com>
Date: October 17, 2018 at 6:48:03 PM PDT
To: Bonnie Frank <bfrank@relg.com>, Fred Fletcher <fletcher@lawyer.com>, Frederic Fletcher <fletcher@lawca.us>, Kathy Moley <kathym@pacificwatershed.com>
Subject: Fwd: AP 210-221-008 /Canal I, LLC; CMMLUO #11153

Here are the emails I have with Jeff from last October.. He said he is with code enforcement but has been recently assigned to cannabis unit to deal with alleged violations.. His inspection was performed as an agent for county cannabis planning, and his recommended changes are in his capacity working for the cannabis unit..

Please ignore your rants...

good job Bonnie!!

dkh

----- Forwarded message -----

From: Bonnie Frank <bfrank@relg.com>
Date: Thu, Sep 28, 2017 at 10:10 AM
Subject: RE: AP 210-221-008 /Canal I, LLC; CMMLUO #11153
To: "Conner, Jeff" <JConner@co.humboldt.ca.us>
Cc: "Nielsen, Michelle" <MNielsen@co.humboldt.ca.us>, Danny Hagans <dannyh@pacificwatershed.com>, "abear@agbconsulting.com" <abear@agbconsulting.com>

Hi Jeff. Thanks so much for your email. Really appreciative.

I do not understand why my property is in "violation" of any applicable ordinances or codes and this is the first I have heard of this. I have filed for every permit that is required by law and complied with every requirement of the County to date to the extent able to do so. Unlike many other applicants, I have not installed improvements or structures without permits nor illegally graded. I have followed the "rules" yet I am in violation??? Would you please clarify for me.

I am happy to meet you at our property and walk through the areas with you; some of which we literally discovered when we had our survey done on the property. The issue with google maps is that you cannot see things "under cover" and this property had a lot of such areas. The prior grow was literally everywhere they could put a plant. Crazy! We didn't even claim all the prior grow areas in the application. We have left as much in place as we could do so without impacting the environment as the prior growers had done – we had to clean things out of the property though as it wasn't safe to people nor the environment.

I suggest that I meet you at the property on October 6th. Due to Highway 36 road closures, it has been "difficult" to get to our property. Our County inspector for our grading permit application for our Service Pad was not allowed through. Friday is an early day for allowing traffic to go through. I recall that the closure ends at 3:00 pm. We will need to schedule a time and then try to get through the closure periods to actually go up there, so please LMK what time will work for you to do so. I will ask Danny from PWA to attend as well since he has been my guiding consultant through this process and of enormous help to us.

We have a Polaris (ATV) so we can drive you through the property and show you all the areas we are claiming (and some we have not claimed). We spent weeks preparing those pictures and maps for the application. The Cultivation Areas are easily seen once on the property so hopefully we can get through this impasse.

Thanks again!!!!

Best,

Bonnie

From: Conner, Jeff [mailto:JConner@co.humboldt.ca.us]
Sent: Thursday, September 28, 2017 8:58 AM
To: Bonnie Frank
Cc: Nielsen, Michelle
Subject: AP 210-221-008

Good Morning Ms. Frank

My name is Jeff Conner and I work for the Humboldt County Code Enforcement Unit. I have recently been assigned to work with the commercial, marijuana cultivation permits that are in "violation" for one reason or another. I was forwarded your email about your concerns in regard to the lack of movement on your application. I reviewed your file and it appears that there is some concern about the amount of pre-existing cultivation that you have claimed in your application. In looking at the historical images available on Google Earth and other sources, I can confirm that there were seven hoop-houses, each measuring about 12X90 feet in size, at what you have listed as CA #1. I believe there may have also been a small garden in proximity to the cabin. I am unable to confirm cultivation taking place at any other location on the property at this time.

To resolve this issue, I propose a site visit where we can discuss any additional evidence you may have as well as the aerial images available, while looking at the conditions on the ground. Hopefully, we can come up with a number that can be substantiated. I am available on the days you listed, October 5th, 6th or 9th, although this could change rapidly as I am particularly busy these days.

Jeff Conner

Code Enforcement Investigator

--

Danny K. Hagans, Principal
Pacific Watershed Associates Inc.
PO Box 4433, Arcata, CA 95518-4433
707-839-5130

From: Conner, Jeff [<mailto:JConner@co.humboldt.ca.us>]
Sent: Monday, October 23, 2017 12:03 PM
To: Bonnie Frank; Danny Hagans; Adler, Elanah
Cc: 'Alan Bear'
Subject: RE: Follow up on Canal I CMMLUO permit

Good Morning

I have moved the application file for this project from the "Violation Files" back to the "Main Files." I am not sure who is going to be handling the file from here on, but I will be available to the planners to answer any questions in regards to the violation. This move was made on the condition that the operators not start/maintain a marijuana cultivation cycle in 2018 without a viable and permitted source of water.

Jeff Conner

From: Bonnie Frank [<mailto:bfrank@relg.com>]
Sent: Monday, October 23, 2017 9:59 AM
To: Danny Hagans; Conner, Jeff; Adler, Elanah
Cc: 'Alan Bear'
Subject: RE: Follow up on Canal I CMMLUO permit
Importance: High

Thanks so much Danny! Jeff and Lana, I would like a meeting next week with the planner assigned to my file application. I can meet on November 1st (afternoon), 2nd or 3rd. Please advise which day will work best.

Thanks in advance.

Bonnie Frank
Canal I, LLC

From: Danny Hagans [mailto:dannyh@pacificwatershed.com]
Sent: Monday, October 23, 2017 9:53 AM
To: 'Conner, Jeff'; 'Adler, Elanah'
Cc: Bonnie Frank; 'Alan Bear'
Subject: Follow up on Canal I CMMLUO permit

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Danny

Danny K. Hagans, Principal
Pacific Watershed Associates Inc.
PO Box 4433, Arcata, CA 95518-4433
707-839-5130 (w); 834-2747 (c)

Attachments:

52571_Canal_HUMCO_CMMLUO_Site_Plan.pdf

From: Danny Hagans [<mailto:dannyh@pacificwatershed.com>]
Sent: Friday, October 27, 2017 3:49 PM
To: Bonnie Frank
Cc: abear@agbconsulting.com
Subject: RE: Emailing: Scan1.PDF --- revised Site Plan — need to correct!!

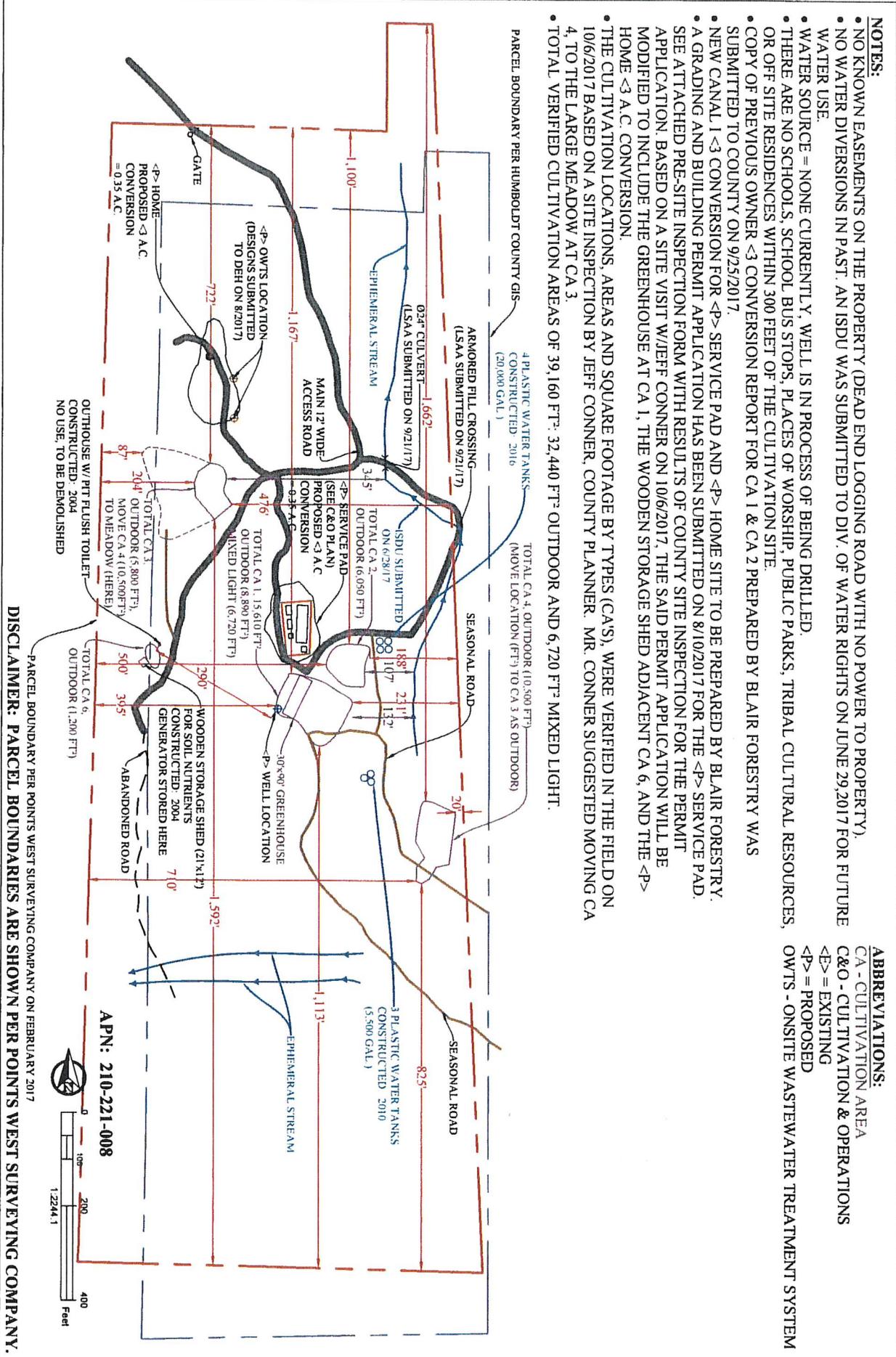
Here is the final revised map for Lana, I will explain the ft2 to here directly as shown in Jeff's email when I deliver on Monday..

I'll review your C&O plan this weekend and get any edits I feel are necessary to you before Monday..

Cheers,

DKH

Danny K. Hagans, Principal
Pacific Watershed Associates Inc.
PO Box 4433, Arcata, CA 95518-4433
707-839-5130



- NOTES:**
- NO KNOWN EASEMENTS ON THE PROPERTY (DEAD END LOGGING ROAD WITH NO POWER TO PROPERTY).
 - NO WATER DIVERSIONS IN PAST. AN ISDU WAS SUBMITTED TO DIV. OF WATER RIGHTS ON JUNE 29, 2017 FOR FUTURE WATER USE.
 - WATER SOURCE = NONE CURRENTLY. WELL IS IN PROCESS OF BEING DRILLED.
 - THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES, OR OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.
 - COPY OF PREVIOUS OWNER <3 CONVERSION REPORT FOR CA 1 & CA 2 PREPARED BY BLAIR FORESTRY WAS SUBMITTED TO COUNTY ON 9/25/2017.
 - NEW CANAL 1 <3 CONVERSION FOR <P> SERVICE PAD AND <P> HOME SITE TO BE PREPARED BY BLAIR FORESTRY.
 - A GRADING AND BUILDING PERMIT APPLICATION HAS BEEN SUBMITTED ON 8/10/2017 FOR THE <P> SERVICE PAD. SEE ATTACHED PRE-SITE INSPECTION FORM WITH RESULTS OF COUNTY SITE INSPECTION FOR THE PERMIT APPLICATION. BASED ON A SITE VISIT W/JEFF CONNER ON 10/6/2017. THE SAID PERMIT APPLICATION WILL BE MODIFIED TO INCLUDE THE GREENHOUSE AT CA 1, THE WOODEN STORAGE SHED ADJACENT CA 6, AND THE <P> HOME <3 A.C. CONVERSION.
 - THE CULTIVATION LOCATIONS, AREAS AND SQUARE FOOTAGE BY TYPES (CA'S), WERE VERIFIED IN THE FIELD ON 10/6/2017 BASED ON A SITE INSPECTION BY JEFF CONNER, COUNTY PLANNER. MR. CONNER SUGGESTED MOVING CA 4, TO THE LARGE MEADOW AT CA 3.
 - TOTAL VERIFIED CULTIVATION AREAS OF 39,160 FT²; 32,440 FT² OUTDOOR AND 6,720 FT² MIXED LIGHT.

ABBREVIATIONS:
 CA - CULTIVATION AREA
 C&O - CULTIVATION & OPERATIONS
 <E> = EXISTING
 <P> = PROPOSED
 OWTS - ONSITE WASTEWATER TREATMENT SYSTEM

PROJECT ADDRESS: CANAL I, LLC STATE HIGHWAY 36 BRIDGEVILLE, CA <small>PWA JOB NO. 4371</small>	DRAWING DESCRIPTION: HUMCO CMMLUO SITE PLAN APN: 210-221-008 CMMLUO #11153	PACIFIC WATERSHED ASSOCIATES, INC. P.O. BOX 4433 ARCATA, CALIFORNIA 95518 PH: (707) 839-5130 FX: (707) 839-8168 www.pacificwatershed.com	 DATE: 12/13/2017 NOTES PREPARED BY: DSI FIGURES CREATED BY: PW SHEET 1 OF 1
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From: Conner, Jeff [<mailto:JConner@co.humboldt.ca.us>]
Sent: Monday, October 23, 2017 12:03 PM
To: Bonnie Frank; Danny Hagans; Adler, Elanah
Cc: 'Alan Bear'
Subject: RE: Follow up on Canal I CMMLUO permit

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Jeff Conner

From: Bonnie Frank [<mailto:bfrank@relq.com>]
Sent: Monday, October 23, 2017 9:59 AM
To: Danny Hagans; Conner, Jeff; Adler, Elanah
Cc: 'Alan Bear'
Subject: RE: Follow up on Canal I CMMLUO permit
Importance: High

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Thanks in advance.

Bonnie Frank
Canal I, LLC

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Cc: Bonnie Frank; 'Alan Bear'
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Danny

Danny K. Hagans, Principal
Pacific Watershed Associates Inc.
PO Box 4433, Arcata, CA 95518-4433
707-839-5130 (w); 834-2747 (c)

From: Conner, Jeff [mailto:JConner@co.humboldt.ca.us]
Sent: Monday, October 16, 2017 4:20 PM
To: Bonnie Frank; Dolf, Benjamin
Cc: Danny Hagans
Subject: RE: Contract - Watson Well/Canal I, LLC -- APPLICATION WITHDRAWN????? CMMLUO 11153/APN 210-221-008

Bonnie

I went downstairs and checked with the marijuana planners. Your application is still open. I do not know why Mr. Dolf would say otherwise unless he is unfamiliar with the screens in the database and misinterpreted the information that was being presented. I copied him on this email, so that he can contact me and perhaps we can get some understanding of what he is seeing.

Jeff Conner

From: Bonnie Frank [mailto:bfrank@relg.com]
Sent: Monday, October 16, 2017 4:07 PM
To: Conner, Jeff
Cc: Danny Hagans; Liz Bermudez; 'abear@agbconsulting.com'; Adler, Elanah; Nielsen, Michelle
Subject: RE: Contract - Watson Well/Canal I, LLC -- APPLICATION WITHDRAWN????? CMMLUO 11153/APN 210-221-008
Importance: High

Hey Jeff. I just spoke with Ben Dolf in DEH – he said my two water well permits are still in their system. When he checked your shared system, he said my application is shown as being “WITHDRAWN”.

Either way, I am spending a lot of time and more money to get everything done as you have suggested/requested but my application needs to be put back into the planning system as my application was complete on June 9, 2017 and again, my property never should have shown as being in violation for illegal grading (really need this fixed). I have begged Danny to get the revised Site Plan to you asap. We are moving forward with all consultants and contractors to get all the plans, reports and information for all the grading and building permits now required too.

Please help me fix this situation and move my file to a planner that will act upon my completed application so that my CMMLUO Permit is issued for the CA we discussed and documented as well. Thanks again.

From: Conner, Jeff [mailto:JConner@co.humboldt.ca.us]

Sent: Monday, October 16, 2017 3:55 PM

To: Bonnie Frank

Cc: Danny Hagans; Liz Bermudez; 'abear@agbconsulting.com'; Adler, Elanah; Nielsen, Michelle

Subject: RE: Contract - Watson Well/Canal I, LLC -- APPLICATION WITHDRAWN?????? CMMLUO 11153/APN 210-221-008

Bonnie

My version of the software that Planning uses still shows that your application as open, albeit in violation. I am not sure why your well driller would be checking on this. Is it possible that he meant your permit for your well? That would be handled through the Division of Environmental Health and I can't check on the status of that for permit for you. You can reach them at 707 445 6215.

Jeff Conner

From: Bonnie Frank [mailto:bfrank@relg.com]

Sent: Monday, October 16, 2017 3:44 PM

To: Conner, Jeff

Cc: Danny Hagans; Liz Bermudez; 'abear@agbconsulting.com'; Adler, Elanah; Nielsen, Michelle

Subject: FW: Contract - Watson Well/Canal I, LLC -- APPLICATION WITHDRAWN?????? CMMLUO 11153/APN 210-221-008

Importance: High

Hi Jeff. Thanks again for meeting with me and Danny throughout the day last Friday, October 6th. Danny is preparing the revised Site Plan for the Property as you requested. I sent you an email shortly after our meetings/site visit and never got a response about clearing up my "application file". It is now more urgent that this be straightened out for my property.

As you know, unbeknownst to me the County tagged my property with two violations (one of which is incorrect) apparently in early June when they busted the downslope neighbor and NEVER notified me thereof and took me out of the system. We thought it was back on track and now I have been informed by my water well drilling company that my application is now "WITHDRAWN" according to Ben in planning.

The only "violation" was that I needed to get my water well drilled as I had water being delivered at that time – which drilling was already preliminarily done in July but needs to happened again as they didn't hit water. I have also learned that the vein to the "amazing spring" below my property runs through our property so we will let our driller know so hopefully we will hit water next time.

I am very confused and upset as to what is happening now with my application and property and need your guidance and assistance. I have cc'ed the two planners with whom I have had contact about my application in the past as I really am at a loss on why this is happening and what needs to be done so I can just get my permit issued already. I have literally shut everything down on our property as you have advised pending obtaining my land use permit including the roadwork, grading work, building work, etc.

Please advise of how I should proceed to correct this situation asap! Thanks in advance for your help!

Best,
Bonnie Frank
Canal I, LLC

From: Conner, Jeff [<mailto:JConner@co.humboldt.ca.us>]

Sent: Monday, October 16, 2017 3:55 PM

To: Bonnie Frank

Cc: Danny Hagans; Liz Bermudez; 'abear@agbconsulting.com'; Adler, Elanah; Nielsen, Michelle

Subject: RE: Contract - Watson Well/Canal I, LLC -- APPLICATION WITHDRAWN?????? CMMLUO 11153/APN 210-221-008

Bonnie

My version of the software that Planning uses still shows that your application as open, albeit in violation. I am not sure why your well driller would be checking on this. Is it possible that he meant your permit for your well? That would be handled through the Division of Environmental Health and I can't check on the status of that for permit for you. You can reach them at 707 445 6215.

Jeff Conner

From: Bonnie Frank [<mailto:bfrank@relq.com>]

Sent: Monday, October 16, 2017 3:44 PM

To: Conner, Jeff

Cc: Danny Hagans; Liz Bermudez; 'abear@agbconsulting.com'; Adler, Elanah; Nielsen, Michelle

Subject: FW: Contract - Watson Well/Canal I, LLC -- APPLICATION WITHDRAWN?????? CMMLUO 11153/APN 210-221-008

Importance: High

Hi Jeff. Thanks again for meeting with me and Danny throughout the day last Friday, October 6th. Danny is preparing the revised Site Plan for the Property as you requested. I sent you an email shortly after our meetings/site visit and never got a response about clearing up my "application file". It is now more urgent that this be straightened out for my property.

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have also learned that the vein to the "amazing spring" below my property runs through our property so we will let our driller know so hopefully we will hit water next time.

I am very confused and upset as to what is happening now with my application and property and need your guidance and assistance. I have cc'ed the two planners with whom I have had contact about my application in the past as I really am at a loss on why this is happening and what needs to be done so I can just get my permit issued already. I have literally shut everything down on our property as you have advised pending obtaining my land use permit including the roadwork, grading work, building work, etc.

Please advise of how I should proceed to correct this situation asap! Thanks in advance for your help!

Best,
Bonnie Frank
Canal I, LLC

From: Conner, Jeff [mailto:JConner@co.humboldt.ca.us]
Sent: Saturday, October 07, 2017 4:54 PM
To: Danny Hagans
Cc: Bonnie Frank
Subject: RE: AP 210-221-008 /Canal I, LLC; CMMLUO #11153

Danny

I have looked over the aerial photographs included with the application as well as images from Google Earth and WebGIS. I cannot substantiate that the area marked as CA 6 was used for cultivation. This is due mostly to the lack of access, the lack of water lines and no evidence of soil containers. The aerial photographs are inclusive including the ones included in the application. The application claims that this area had not yet been cleaned so there should have been something to see there. So, by my calculations and your Site Plan we have the following pre-existing cultivation areas:

CA 1 15,5610 square feet total – 6720 mixed light (seven greenhouses at 12X80)
CA 2 6,050 square feet outdoor
CA 3 5,800 square feet outdoor
CA 4 10,500 square feet outdoor
CA 5 off parcel
CA 6 unable to substantiate
CA 7 1,200 square feet outdoor

Total of 32, 440 square feet of outdoor and 6720 square feet of mixed-light.

Please adjust your client's application to correspond with these numbers.

Jeff Conner

From: Danny Hagans [mailto:dannyh@pacificwatershed.com]
Sent: Thursday, September 28, 2017 10:54 AM
To: Conner, Jeff; 'Bonnie Frank'
Cc: Nielsen, Michelle; abear@agbconsulting.com
Subject: RE: AP 210-221-008 /Canal I, LLC; CMMLUO #11153

Hi all,
I suggest meeting at Murrish's market at 11:45 AM to ensure you get through the noon opening.. and yes, the PG&E lines pass over the lower portion of Bonnies access road well downslope of her property boundaries. The exit is just to the right after a sharp bend on Highway 36..

So Jeff, why wasn't Bonnie notified earlier that the county was questioning the size and areas of previous cultivation?? It has been 5-6 months since she felt here application was complete..

Danny

Danny K. Hagans, Principal
Pacific Watershed Associates Inc.
PO Box 4433, Arcata, CA 95518-4433
707-839-5130

From: Conner, Jeff [mailto:JConner@co.humboldt.ca.us]
Sent: Thursday, September 28, 2017 10:24 AM
To: Bonnie Frank <bfrank@relg.com>
Cc: Nielsen, Michelle <MNIelsen@co.humboldt.ca.us>; Danny Hagans <dannyh@pacificwatershed.com>; 'abear@agbconsulting.com' <abear@agbconsulting.com>
Subject: RE: AP 210-221-008 /Canal I, LLC; CMMLUO #11153

Good Morning Bonnie

I was not aware that the road closures had moved further west so that is good information. Is the access for your property the road that runs along the PG&E lines? If so, I would recommend meeting on Friday at the intersection with Highway 36 at 1:00 PM (or just before) to take advantage of the lunch time road opening. Then we could leave when the road opens up again at 3:00. If your access is from another road, would you be kind enough to suggest a location to meet?

Thanks for your prompt response

Jeff Conner

From: Bonnie Frank [mailto:bfrank@relg.com]
Sent: Thursday, September 28, 2017 10:10 AM
To: Conner, Jeff
Cc: Nielsen, Michelle; Danny Hagans; 'abear@agbconsulting.com'
Subject: RE: AP 210-221-008 /Canal I, LLC; CMMLUO #11153
Importance: High

Hi Jeff. Thanks so much for your email. Really appreciative.

I do not understand why my property is in "violation" of any applicable ordinances or codes and this is the first I have heard of this. I have filed for every permit that is required by law and complied with every requirement of the County to date to the extent able to do so. Unlike many other applicants, I have not installed improvements or structures without permits nor illegally graded. I have followed the "rules" yet I am in violation??? Would you please clarify for me.

I am happy to meet you at our property and walk through the areas with you; some of which we literally discovered when we had our survey done on the property. The issue with google maps is that you cannot see things "under cover" and this property had a lot of such areas. The prior grow was literally everywhere they could put a plant. Crazy! We didn't even claim all the prior grow areas in the application. We have left as much in place as we could do so without impacting the environment as the prior growers had done – we had to clean things out of the property though as it wasn't safe to people nor the environment.

I suggest that I meet you at the property on October 6th. Due to Highway 36 road closures, it has been "difficult" to get to our property. Our County inspector for our grading permit application for our Service Pad was not allowed through. Friday is an early day for allowing traffic to go through. I recall that the closure ends at 3:00 pm. We will need to schedule a time and then try to get through the closure periods to actually go up there, so please LMK what time will work for you to do so. I will ask Danny from PWA to attend as well since he has been my guiding consultant through this process and of enormous help to us.

We have a Polaris (ATV) so we can drive you through the property and show you all the areas we are claiming (and some we have not claimed). We spent weeks preparing those pictures and maps for the application. The Cultivation Areas are easily seen once on the property so hopefully we can get through this impasse.

Thanks again!!!!

Best,
Bonnie

From: Conner, Jeff [<mailto:JConner@co.humboldt.ca.us>]
Sent: Thursday, September 28, 2017 8:58 AM
To: Bonnie Frank
Cc: Nielsen, Michelle
Subject: AP 210-221-008

Good Morning Ms. Frank

My name is Jeff Conner and I work for the Humboldt County Code Enforcement Unit. I have recently been assigned to work with the commercial, marijuana cultivation permits that are in "violation" for one reason or another. I was forwarded your email about your concerns in regard to the lack of movement on your application. I reviewed your file and it appears that there is some concern about the amount of pre-existing cultivation that you have claimed in your application. In looking at the historical images available on Google Earth and other sources, I can confirm that there were seven hoop-houses, each measuring about 12X90 feet in size, at what you have listed as CA #1. I believe there may have also been a small garden in proximity to the cabin. I am unable to confirm cultivation taking place at any other location on the property at this time.

To resolve this issue, I propose a site visit where we can discuss any additional evidence you may have as well as the aerial images available, while looking at the conditions on the ground. Hopefully, we can come up with a number that can be substantiated. I am available on the days you listed, October 5th, 6th or 9th, although this could change rapidly as I am particularly busy these days.

Jeff Conner
Code Enforcement Investigator

Exhibit 3

CDFW Referral Checklist Items

See Attached



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

Applicant: Canal I, LLC		Date: 7/30/2018	
APPS No.: 11153	APN: 210-221-008	CDFW CEQA: 2017-11153	Case No.: CUP16-163
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 6,720	<input checked="" type="checkbox"/> Outdoor (SF): 32,440 <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.

The project proposes to utilize mixed-light cultivation within one-mile of NSO occupied habitat. CDFW requests that no mixed-light be permitted prior to conducting protocol level NSO surveys. CDFW further requests that proof of mixed-light use prior to the CEQA baseline be provided. Referral materials suggest that mixed-light did/does not exist and that the applicant plans to install mixed-light greenhouses in the fall/winter of 2018.

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

- Aerial imagery and referral materials suggest that significant grading has taken place on the parcel. Please provide evidence of one or more of the following: a valid grading permit or a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.

Please note the following information:

- Water for this project is sourced from a groundwater well. It is estimated that water use may be as high as 587,400 gallons per year. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- A Final Lake or Streambed Alteration Agreement (1600-2017-0630) was issued to the applicant on.
- Aerial imagery suggests that the part of the proposed project has been implemented prior to Project approval. CDFW requests that the project be placed on hold and that all activities cease until appropriate environmental review has occurred.

- The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests, prior to 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.
- CDFW requests, as a condition of Project approval, all Mixed-light (greenhouses and generators) be relocated to stable surfaces with a minimum 200ft buffer from Class I and Class II streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
- Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 6,792 square feet. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Coastal rainbow trout (*O. mykiss irideus*), Pacific Lamprey (*Entosphenus tridentatus*), Humboldt sucker (*Catostomus occidentalis humboldtianus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Rough-skinned Newt (*Taricha granulosa*), 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

All other attachments will follow.

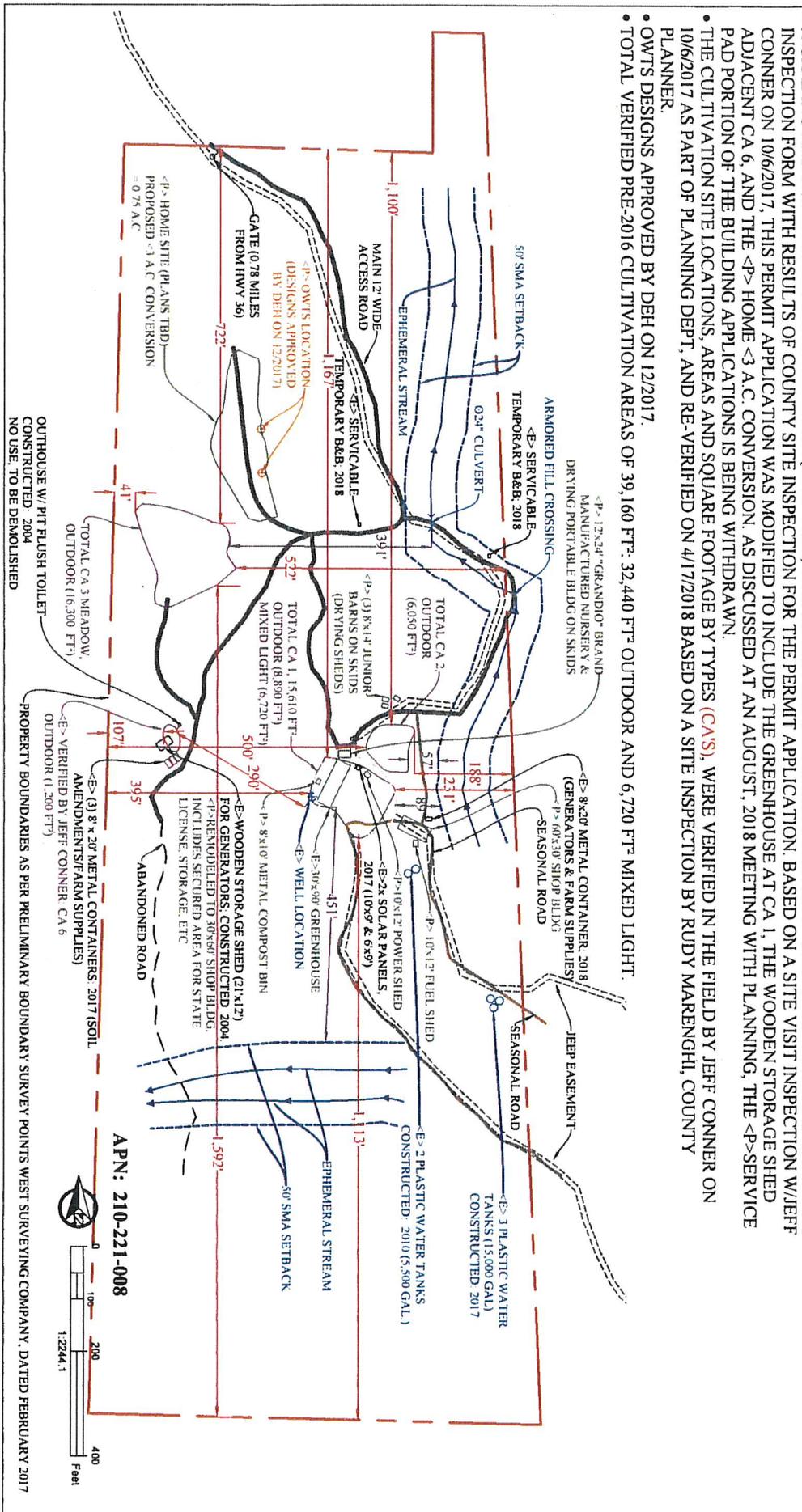
Attachment 3

Updated Project Site Plan

See Attached

- NOTES:**
- SEVERAL JEEP AND QUAD TRAIL ROAD EASEMENT PASS THROUGH THE PROPERTY FROM NORTH TO SOUTH. NO POWER TO PROPERTY YET.
 - NO WATER DIVERSIONS IN PAST.
 - WATER SOURCE = WATSON WELL. DRILLING COMPLETED DRILLING AND WELL INSTALLATION IN OCTOBER OF 2017.
 - THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES, OR OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.
 - COPY OF PREVIOUS OWNER <3 CONVERSION REPORT FOR CA 1 & CA 2 PREPARED BY BLAIR FORESTRY, WAS SUBMITTED TO COUNTY ON 9/25/2017.
 - NEW CANAL 1 <3 CONVERSION FOR <P> HOME SITE TO BE PREPARED BY BLAIR FORESTRY.
 - A GRADING AND BUILDING PERMIT APPLICATION (APP# 44338) WAS SUBMITTED ON 8/10/2017 FOR THE <P> SERVICE PAD. SEE PRE-SITE INSPECTION FORM WITH RESULTS OF COUNTY SITE INSPECTION FOR THE PERMIT APPLICATION. BASED ON A SITE VISIT INSPECTION W/JEFF CONNER ON 10/6/2017, THIS PERMIT APPLICATION WAS MODIFIED TO INCLUDE THE GREENHOUSE AT CA 1, THE WOODEN STORAGE SHED ADJACENT CA 6, AND THE <P> HOME <3 A.C. CONVERSION AS DISCUSSED AT AN AUGUST, 2018 MEETING WITH PLANNING, THE <P> SERVICE PAD PORTION OF THE BUILDING APPLICATIONS IS BEING WITHDRAWN.
 - THE CULTIVATION SITE LOCATIONS, AREAS AND SQUARE FOOTAGE BY TYPES (CA'S), WERE VERIFIED IN THE FIELD BY JEFF CONNER ON 10/6/2017 AS PART OF PLANNING DEPT, AND RE-VERIFIED ON 4/17/2018 BASED ON A SITE INSPECTION BY RUDY MARENGLI, COUNTY PLANNER.
 - OWTS DESIGNS APPROVED BY DEH ON 12/2017.
 - TOTAL VERIFIED PRE-2016 CULTIVATION AREAS OF 39,160 FT²: 32,440 FT² OUTDOOR AND 6,720 FT² MIXED LIGHT.

- ABBREVIATIONS:**
- CA - CULTIVATION AREA
 - C&O - CULTIVATION & OPERATIONS
 - <P> = PROPOSED
 - <E> = EXISTING
 - OWTS - ONSITE WASTEWATER TREATMENT SYSTEM
 - PROPERTY LINES AND SETBACK



PROJECT ADDRESS
CANAL I, LLC
 STATE HIGHWAY 36
 BRIDGEVILLE, CA
 PWA #CUP-16-163 Canal I 1153

INTERIM PERMIT #CUP-16-163 REC'D 12/27/17

DRAWING DESCRIPTION
HUMCO CMMLUO
 SITE PLAN
 APN: 210-221-008-000
 CMMLUO #1103 December 13, 2018

PACIFIC WATERSHED ASSOCIATES, INC.
 P.O. BOX 4433
 ARCAT, CALIFORNIA 95518
 PH: (707) 839-5130 FX: (707) 839-8168
 www.pacificwatershed.com



DATE 10/17/2018
 NOTES PREPARED BY DNI
 PICTURES CREATED BY PWA
 SHEET 1 OF 1 Page 07

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: CANAL I, LLC, ATTN: BONNIE FRANK APN: 210-221-008-000

Planning & Building Department Case/File No.: APPLICATION # 11153

Road Name: STATE HIGHWAY 36 (complete a separate form for each road)

From Road (Cross street): LARABEE VALEY, CALIF } NOTE: FEDERAL HIGHWAYS IS PG-ROADWAY
HIGHWAY 36 WHERE THE PRIVATE

To Road (Cross street): DIWSMORE, CALIF. } PROPOSED ACCESS ROAD IS LOCATED.
THE NEW ACCESS ROAD WILL BE

Length of road segment: _____ miles Date Inspected: FEB, 21, 2018
ONLY ≈ 1,000 FT. LONG AND SERVICE ONLY 4 HOMES.

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

Check one of the following:

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

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

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

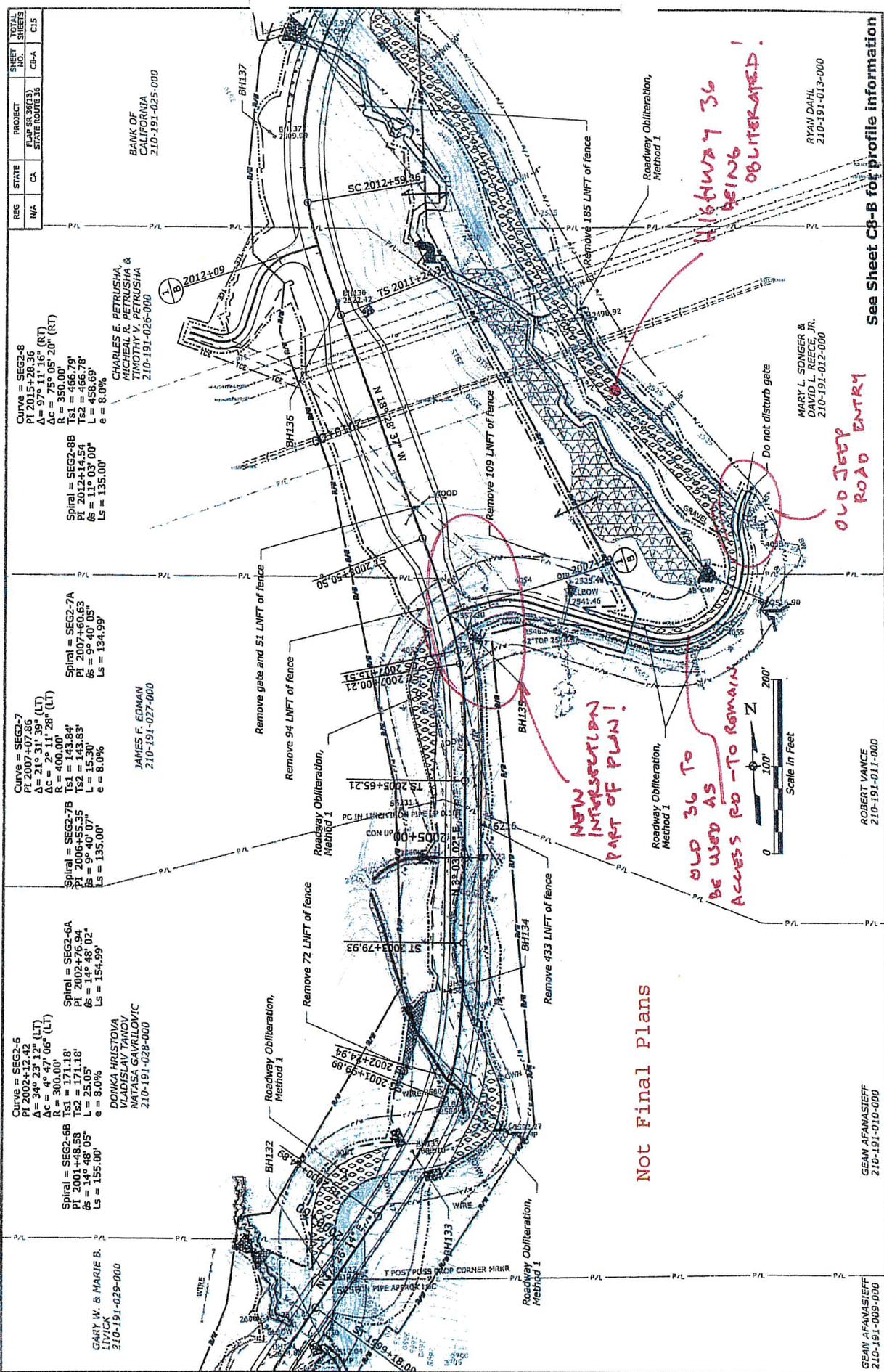
Box 3 The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

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

Signature Danny Hagans Date 2/26/2018

Name Printed DANNY HAGANS, PACIFIC WATER HOLD ASSOCIATES FOR CANAL I

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



REG	STATE	PROJECT	SHEET NO.	TOTAL SHEETS
N/A	CA	FLAP FOR STATE ROUTE 36	CB-A	CL5

Curve = SEG2-8
 PI 2015+28.36
 $\Delta = 97^{\circ} 11' 16''$ (RT)
 $A_c = 353.00'$
 $R = 353.00'$
 $Ts_1 = 466.79'$
 $Ts_2 = 466.78'$
 $L = 458.69'$
 $e = 8.0\%$

Spiral = SEG2-8B
 PI 2012+14.54
 $\Delta_s = 11^{\circ} 03' 00''$
 $L_s = 135.00'$

Spiral = SEG2-7A
 PI 2007+60.63
 $\Delta_s = 9^{\circ} 40' 05''$
 $L_s = 134.99'$

Curve = SEG2-7
 PI 2007+31.36
 $\Delta = 2^{\circ} 11' 28''$ (LT)
 $R = 400.00'$
 $Ts_1 = 143.94'$
 $Ts_2 = 143.83'$
 $L = 15.30'$
 $e = 8.0\%$

Spiral = SEG2-7B
 PI 2006+55.35
 $\Delta_s = 9^{\circ} 40' 07''$
 $L_s = 135.00'$

Curve = SEG2-5
 PI 2002+32.45
 $\Delta = 34^{\circ} 23' 12''$ (LT)
 $A_c = 4^{\circ} 47' 06''$ (LT)
 $R = 300.00'$
 $Ts_1 = 171.18'$
 $Ts_2 = 171.18'$
 $L = 25.05'$
 $e = 8.0\%$

Spiral = SEG2-6B
 PI 2001+48.53
 $\Delta_s = 14^{\circ} 48' 05''$
 $L_s = 155.00'$

GARY W. & MARIE B.
 210-191-029-000

DONKA HRISTOVA
 VLADISLAV TANOV
 NATASA GAVRLOVIC
 210-191-028-000

CHARLES E. PETRUSHA
 MICHAEL R. PETRUSHA &
 TIMOTHY V. PETRUSHA
 210-191-026-000

JAMES F. EDMAN
 210-191-027-000

Remove gate and 51 LNFT of fence

Remove 94 LNFT of fence

Roadway Obliteration, Method 1

Remove 72 LNFT of fence

Roadway Obliteration, Method 1

Remove 433 LNFT of fence

Roadway Obliteration, Method 1

Remove 109 LNFT of fence

Remove 185 LNFT of fence

Roadway Obliteration, Method 1

Remove 185 LNFT of fence

Roadway Obliteration, Method 1

Remove 185 LNFT of fence

Roadway Obliteration, Method 1

Remove 185 LNFT of fence

Roadway Obliteration, Method 1

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Roadway Obliteration, Method 1

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Roadway Obliteration, Method 1

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Roadway Obliteration, Method 1

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Roadway Obliteration, Method 1

Remove 185 LNFT of fence

Roadway Obliteration, Method 1

Remove 185 LNFT of fence

Roadway Obliteration, Method 1

Remove 185 LNFT of fence

Roadway Obliteration, Method 1

Remove 185 LNFT of fence

Roadway Obliteration, Method 1

Not Final Plans

HIGHWAY 36 BEING OBLITERATED!

NEW INTERSECTION PART OF PLAN!

OLD 36 TO BE USED AS ACCESS RD - TO REMAIN

OLD JEEP ROAD ENTRY



Scale in feet

See Sheet CB-B for profile information

MARY L. SOMMER & DAVID L. REECE, JR.
 210-191-012-000

RYAN DAHL
 210-191-013-000

ROBERT VANCE
 210-191-011-000

GEAN AFANASTIEFF
 210-191-010-000

GEAN AFANASTIEFF
 210-191-009-000



Providing Professional Forestry Services

PO Box 2517
McKinleyville, CA 95519

CELL 707.834.2990
EMAIL blairforestry@gmail.com

September 23, 2017

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

Dear Humboldt County Planning Department:

The following attached document is an evaluation of an existing, unauthorized timberland conversion which was inspected by Blair Forestry LLC for Canal I LLC within APN 210-221-008 for CMMLUO Application #11153. Please accept this letter as the Registered Professional Forester's (RPF) written report showing sufficient evidence that the converted area was inspected as required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10(j), sited below.

"Alternately, for existing operations occupying HUMBOLDT COUNTY, CA- ORDINANCE NO. 2559 Page 12 of 35 sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. .. "

The RPF has exercised due diligence in inspecting and evaluating the past timber conversion and in making recommendations so that the past conversion falls into compliance with the California Forest Practice Rules (CFPRs).

Sincerely,

Thomas Blair RPF#2607

Enclosed: Conversion Evaluation Report, Photos, CNDDDB Map, General Location Map, Timberland Conversion Area Map

Timberland Conversion Evaluation Report

September 23, 2017

As mandated by:

Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j)

"Alternately, for existing operations occupying HUMBOLDT COUNTY, CA - ORDINANCE NO. 2559 Page 12 of 35 sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. . . ."

Contact Information

1. Timberland Owners(s): **Canal I LLC**
Phone: **(415) 331-2555**
2. Timber Owner(s): **Same as above**
3. Registered Professional Forester (preparing report): **Thomas Blair**
RPF Number: **2607**
Address: **Blair Forestry LLC**
PO Box 2517
McKinleyville, CA 95519
Phone: **(707) 834-2990**

Location of Project

Legal Description of Ownership:
Address: **Hwy 36**
Dinsmore, CA 95526
APN(s): **210-221-008**
Section 8; T1N; R5E; HB&M; Humboldt County
Parcel Size: **40 acres**
Acres Converted: **0.62 acres**

Project Description

Property History

Note: The current property boundaries are based on a professional survey that Canal I LLC had done on their property in 2017. Assessor's Parcel data in the GIS mapping program differed slightly

geographically. The property background has been summarized using personal accounts of current landowners, historic orthographic photography, Humboldt County Web GIS, and CAL FIRE Watershed Mapper v2. To avoid speculation and maintain relevancy, the property background shall focus on the past 12 years (2005 to 2017).

There is no record of timber harvesting activity on the parcel from Cal Fire but the property was likely previously logged in the mid to late 20th century. Although this area was likely logged at one time, it has consisted of a mixture of open meadow habitat scattered with patches of forested areas as far back as aerial imagery exists. Orthographic photos from 1998 show evidence that much of the subject area that is currently non-timbered was already open meadow habitat.

Project Description

The current landowner, Canal I LLC, purchased the property in February of 2016. There is record of multiple landowners prior to the current landowner. The previous landowners conducted an initial illegal conversion of 0.52 acres between 2005 and 2006 (See Conversion Evaluation Map, Conversion Area A). Orthographic evidence shows this area as a mix grassland and oak woodland with some Douglas-fir likely encroaching from downslope. A second smaller area of about 0.1 acres was converted by previous landowners sometime between 2014 and 2016 according to available historic orthographic imagery (Conversion Area B). Given current surrounding stand conditions and the small size of Conversion Area B, it was likely a very small number of trees were removed. Conversion Area B connected and expanded two historically open grassland areas making one larger clearing. See conversion area details in the table below.

Conversion Area	Acreage	Year of Completion
A	0.52	2005-2006
B	0.1	2014-2016
Total Conversion Area	0.62 acres	

The total acreage of converted area on the property is 0.62 acres, well below the 3-acre maximum.

There were no large visible piles of slash or debris apparent anywhere. Some small brush piles were around but did not appear to be the product of tree removal.

Humboldt County has zoned this parcel **Timber Production Zone (TPZ)** – As established under the Timberlands Preservation Act (California Government Code Section 51113), a zoning district to designate and set standards in areas designated for growth, harvesting, and production of timber, timber products, and other compatible uses.

A field inspection of the property and conversion areas was conducted on September 5, 2017 by representatives of Blair Forestry Consulting LLC. All relevant sites concerning the past conversion areas were examined. Findings from this evaluation are summarized below.

Timber Stand Description

The property near the conversion areas is dominated by true oak/Douglas-fir mix (approximately 60/40 respectively). Dominant hardwood species include white oak, black oak, live oak and madrone. Douglas-fir age ranges from young growth to 60 years. Oak/fir forested areas give way to open grassland habitat dominated along the periphery almost entirely of oak woodland.

The property is located within Humboldt County, which is in the Zone of Infestation for Sudden Oak Death (SOD). No symptoms or signs of SOD were observed during evaluation.

Analysis of Consistency Between Unauthorized Conversion and Applicable California Forest Practice Rules (CFPRs)

Timber Harvesting and Operations

There are no records of practices used for harvesting on these conversions but it can be assumed that operations involved tractor skidding. There is an established historical mainline rocked logging road system that is used to enter the property from HWY 36. This established logging road connects both conversion areas and was likely used for skidding logs (See Timberland Conversion Area Map, Road 1).

No Winter Operations Plan was recorded for either Conversion Area A or B. Although it is difficult to tell what time of year operations took place, no erosion hazards resulting from timber operations on the larger Conversion Area A were apparent on any established skid trails or permanent roads. The more recent, smaller Conversion Area B was likely hand felled and occurred during the dry time of year. As stated above, this was likely a small number of trees as it represents less than 1/10 of an acre and connected two open grassland areas. There were no erosion hazards associated with timber operations on Conversion Area B with established skid trails or permanent roads. Slopes in both conversion areas are relatively gentle and both conversion areas received minor grading shortly after the conversions took place.

Roads, Soil Stabilization and Erosion Control

Operations used established roads and skid trails for yarding and hauling. No new road construction has occurred since the current property owner purchased the property.

The entire road system associated with any conversion activities was walked and assessed for sediment delivery potential. The existing primary access road (Road 1) was rocked recently and the landowner is currently in the process of obtaining a CDFW 1600 Lake and Streambed Alteration Permit for 2 culvert site upgrades on the way up to the conversion areas. As stated above, Road 1 connects Conversion Areas A and B. The head of a Class III watercourse is located below Road 1 at the west side of Conversion Area B. There is no current evidence of hydrological connection from the conversion areas or the road surface to this watercourse but there is perched fill within 30 feet of the Class III along the edge of the graded area (historically grassland) (Observation Site(a)). Both cleared areas associated with conversion activities shed water in a way that reduces overall sediment transport and eliminate sediment delivery.

There is an unimproved seasonal road (Road 3) unassociated with any previous unauthorized conversion activities. This road is severely rutted from recreational truck and quad use and heads upslope and southeast from the conversion areas (see Conversion Map). This road goes for a short distance before leaving the property. This road is of concern because it is poorly drained and is delivering sediment downslope toward a historical opening above Conversion Area B. Road 1 ultimately intersects a road (Road 2) that presumably may have been used for unauthorized timber operations or former ranching activities. Road 2 shows evidence of seepage down its western fillslope originating from Road 3 (Observation Site(b)).

Overall, the soils, slope, aspect and climate are all suitable for the converted uses.

Recommendations:

- Remove perched fill, seed and mulch within 30 feet of the Class III watercourse at the western side of graded area north of Conversion Area B (Observation Site (a)).
- Decommission Road 3 (Observation Site (b)). It leads off property to areas that could be easily accessed by more gentle grade roads.
 - o Till or rip road surface to encourage filtration.
 - o Install waterbars at minimally every 50 feet or where appropriate to shed water and improve drainage to comply with 12 CCR 914.6.
 - o Seed and mulch.
 - o Install rolling dip at base of Road 3 where it intersects road 2 to divert any remaining water eastward away from conversion areas.

Watercourses and Water Resources

14 CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."

The property has a primary drainage originating from eastern boundary which exits the property to the northeast. This Class II drainage begins at the confluence of multiple seasonal Class III swales which originate upslope. One very small Class III drainage begins along the edge of a historical meadow area (See Conversion Evaluation Map, Observation site (c)). This site barely exhibits sediment movement and is borderline classifiable as it is discontinuous for nearly 100 feet downslope. For timberland conversions, the California Forest Practice Rules allow for a 30-foot Equipment Limitation Zone (ELZ) (for slopes <30%) in TPZ zoned forestlands where no timber operations may occur. No portion of either conversion Areas A or B are within 30 feet of this Class III. It is important to note: there is a historical meadow adjacent to the east side of this feature below the Observation Site (c).

No other watercourses or Water Resources were near conversion activities.

Recommendations:

- Seed and mulch any exposed soil within 30 feet on the east side of the Class III feature to prevent sediment delivery.
- Do not operate machinery or vehicles within 30 feet of the Class III stream (this does not preclude use of Road I)

Hazard Reduction

14 CCR 1104.1(a)(2)(0)(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."

Small remnant slash piles exist near Conversion Area B (Observation Site (d)) and at the head of the Class III drainage. It is difficult to discern whether these are remnant of past conversion activities or road maintenance. The RPF recommends that slash and woody debris be removed from the head of the Class III drainage and that piles be burned during the winter wet period to reduce overall fuel load. These small slash piles are not intermixed with fill and small enough to not pose a serious hazard.

Recommendations:

- Burn downed, dead and dry woody debris around Observation Site (d) during winter months to reduce fuel loads on the property.

Biological Resources

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895. 1"

A query of the California Natural Diversity Database (CNDDDB) on September 10th, 2017 showed no observations of sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile buffer area surrounding the parcel. Additionally, none of these species were observed during the field assessment of the property. A copy of the CNDDDB map generated by this query is included in this report.

Conversion activities did not appear to have altered habitat for other non-listed species of wildlife (i.e. no evidence of felled snags). Additionally, there is abundant wildlife habitat elsewhere on the property in the form of tree cavities, grazing/foraging sites and mast-producing tree species such as oaks.

The conversions areas appear to comply with 14 CCR 1104.1 (2)(H). No recommendation is suggested regarding biological resources.

Cultural Resources

14 CCR 1104.1 (2)(1): "No timber operations are allowed on significant historical or archeological sites."

No archeological sites were observed during the conversion evaluation. All relative Native American entities have been notified of the operation activities.

The conversion areas appear to comply with 14 CCR 1.104.1 (2)(1). No recommendation is suggested regarding cultural resources.

Summary of Recommendations

Overall, it is the opinion of the RPF that the past unauthorized conversion activities did not entirely meet the standards set forth in the CFPRs and requires the following mitigation recommendations:

1. Roads, Soil Stabilization and Erosion Control

- a. Remove perched fill, seed and mulch within 30 feet of the Class III watercourse at the western side of Conversion Area B (Observation Site (a)).
- b. Decommission Road 3 (Observation Site (b)). It leads off property to areas that could be easily accessed by more gentle grade roads.
 - Till and rip road surface on Road 3.
 - Install waterbars at minimally every 50 feet or where appropriate to shed water and improve drainage to comply with 12 CCR 914.6.
 - Seed and mulch.
 - Install rolling dip at base of Road 3 where it intersects Road 2 to divert any remaining water eastward away from conversion areas.

2. Watercourses and Water Resources

- a. Seed and mulch any exposed soil within 30 feet on the east side of the Class III feature to prevent sediment delivery.
- b. Do not operate machinery or vehicles within 30 feet of the Class III stream (this does not preclude use of Road 1)

3. Hazard Reduction

- a. Burn downed, dead and dry woody debris around Observation Site (d) along both sides of Road 1 during winter months to reduce fuel loads on the property.

Site Maps

General Location Map: Shows ownership boundary in proximity to recognizable landmarks and general location of conversion within property boundary.

Timberland Conversion Map: Location of timber conversion operations, Boundaries of the conversion areas A and B, location and classification of watercourses, Observation Sites and roads.

Additional Information

Photos



Photo 1: View looking from Road 1 south toward Conversion Area A.



Photo 2: View looking north down Road 1. Conversion Area B to the right, historical grassland to the left



Photo 3: Perched fill at edge of graded area (Observation Site (a), historical grassland area to right) within 30 feet of Class III drainage.

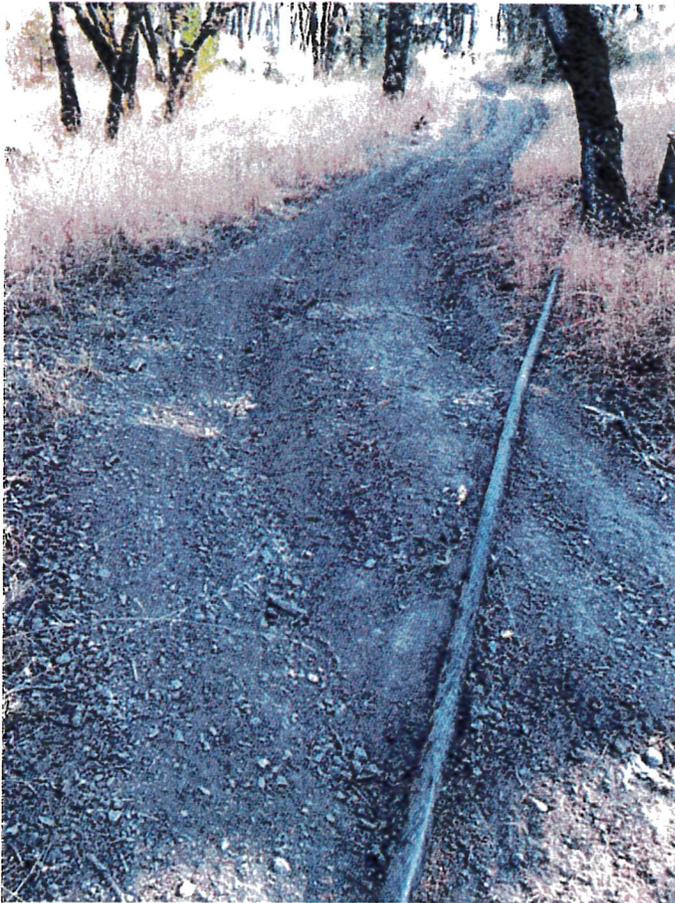


Photo 4: Base of Road 3 where it connects with Road 2 where the upslope road will be decommissioned.

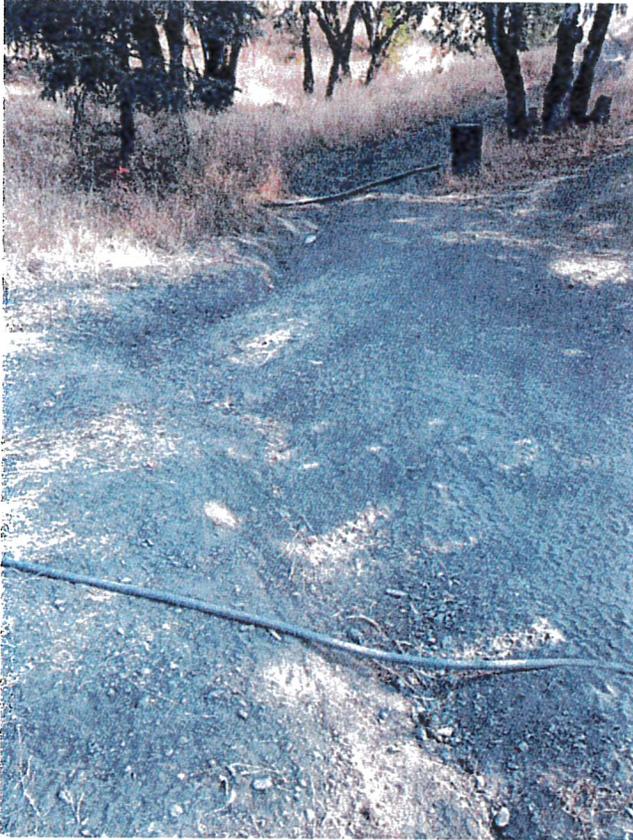


Photo 5: Road 2 where it receives surface road drainage from Road 3; also, where a rolling dip will be installed to divert any residual run-off eastward after the upslope Road 3 is decommissioned (see photo 4).



Photo 6: Small slash piles near Observation Site (d).



Photo 7: slash pile across Road 1 from Observation Site (d).



Photo 8: Slash and debris at head of Class III drainage to the northwest of Conversion Area B.

Resources

California Forest Practice Rules 2016. Sacramento: CAL FIRE, 2017. Print.

California Natural Diversity Database. California Department of Fish and Wildlife. Web. <https://www.wildlife.ca.gov/Data/CNDDB>. Version 5.56.24. Accessed September 13, 2017

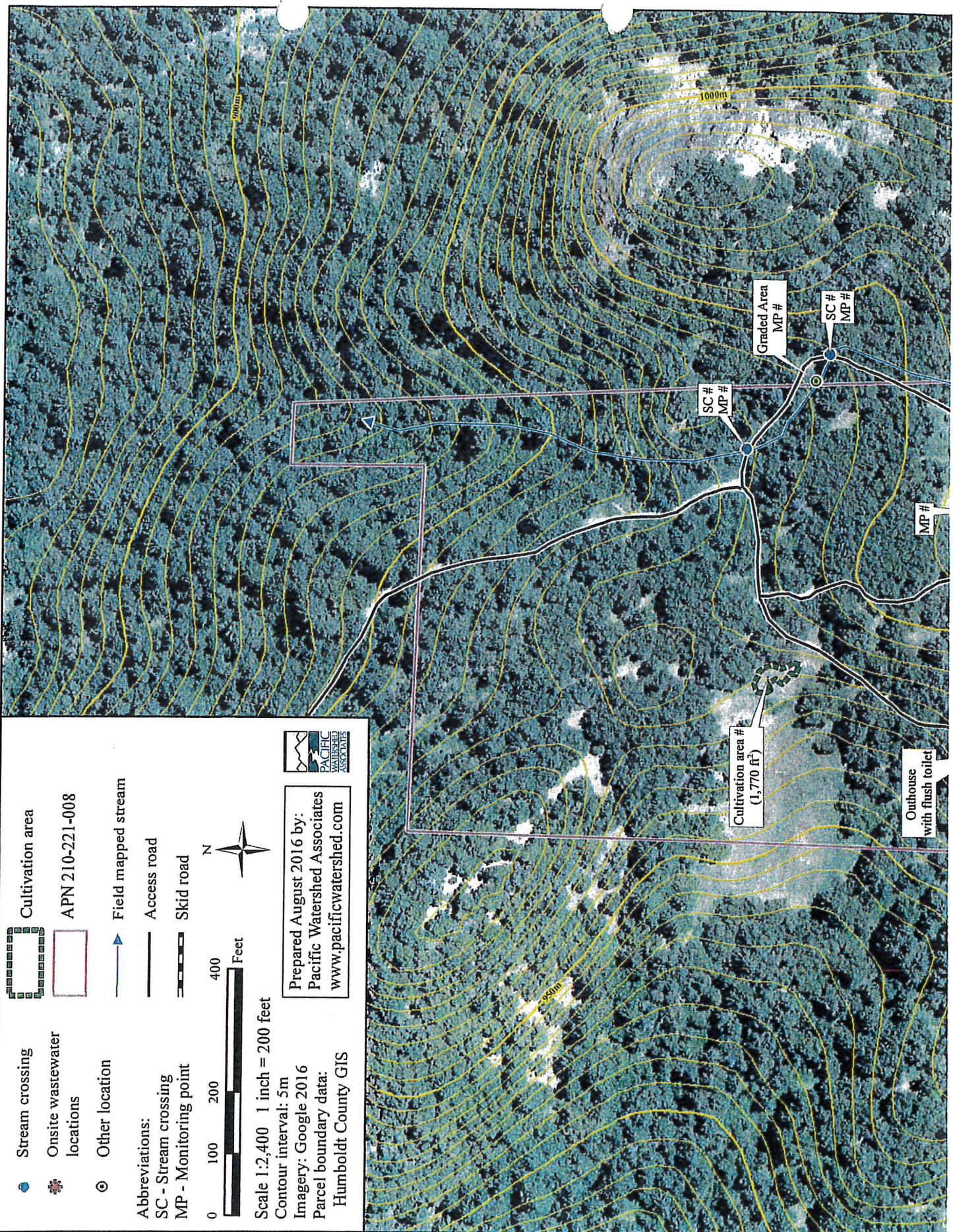
Forest Practice Watershed Mapper v2. CAL FIRE. Web. http://egis.fire.ca.gov/watershed_mapper/. Accessed September 6, 2017.

Humboldt County Web GIS. County of Humboldt. Web. <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>. Accessed September 6, 2017

Google Earth Pro



Figure 2. Site map for WDID #IB16169CHUM, APN 210-221-008, located off California Highway 36, Bridgeville, Humboldt County, California.



Stream crossing
 Onsite wastewater locations
 Other location

Cultivation area
 APN 210-221-008
 Field mapped stream
 Access road
 Skid road

Abbreviations:
 SC - Stream crossing
 MP - Monitoring point

0 100 200 400 Feet
 Scale 1:2,400 1 inch = 200 feet
 Contour interval: 5m
 Imagery: Google 2016
 Parcel boundary data:
 Humboldt County GIS

Prepared August 2016 by:
 Pacific Watershed Associates
www.pacificwatershed.com

CA 4
Outdoor

CANAL I, LLC: ATTACHMENT 7 to C#0 Plan

#11153

Photographs of Pre-2016 Cultivation in Oak Woodlands at CA 4 Area.



Photo 1. Photos of randomly placed grow bags under a native oak woodland forest area of Cultivation Area 4.



Photo 2. Photo of strategically placed grow bags in broader openings in the oak woodlands of Cultivation Area 4.



Providing Professional Forestry Services

PO Box 2517
McKinleyville, CA 95519

CELL 707.834.2990
EMAIL blairforestry@gmail.com

September 23, 2017

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



Dear Humboldt County Planning Department:

The following attached document is an evaluation of an existing, unauthorized timberland conversion which was inspected by Blair Forestry LLC for Canal I LLC within APN 210-221-008 for CMMLUO Application #11153. Please accept this letter as the Registered Professional Forester's (RPF) written report showing sufficient evidence that the converted area was inspected as required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10(j), sited below.

"Alternately, for existing operations occupying HUMBOLDT COUNTY, CA- ORDINANCE NO. 2559 Page 12 of 35 sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. .. "

The RPF has exercised due diligence in inspecting and evaluating the past timber conversion and in making recommendations so that the past conversion falls into compliance with the California Forest Practice Rules (CFPRs).

Sincerely,

Thomas Blair RPF#2607

A handwritten signature in blue ink, appearing to be "Thomas Blair", with a long horizontal line extending to the right.

Enclosed: Conversion Evaluation Report, Photos, CNDDDB Map, General Location Map, Timberland Conversion Area Map

Timberland Conversion Evaluation Report

September 23, 2017

As mandated by:

Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j)

"Alternately, for existing operations occupying HUMBOLDT COUNTY, CA - ORDINANCE NO. 2559 Page 12 of 35 sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. . . ."

Contact Information

1. Timberland Owners(s): **Canal I LLC**
Phone: **(415) 331-2555**
2. Timber Owner(s): **Same as above**
3. Registered Professional Forester (preparing report): **Thomas Blair**
RPF Number: **2607**
Address: **Blair Forestry LLC**
PO Box 2517
McKinleyville, CA 95519
Phone: **(707) 834-2990**

Location of Project

Legal Description of Ownership:
Address: **Hwy 36**
Dinsmore, CA 95526
APN(s): **210-221-008**
Section 8; T1N; R5E; HB&M; Humboldt County
Parcel Size: **40 acres**
Acres Converted: **0.62 acres**

Project Description

Property History

Note: The current property boundaries are based on a professional survey that Canal I LLC had done on their property in 2017. Assessor's Parcel data in the GIS mapping program differed slightly

geographically. The property background has been summarized using personal accounts of current landowners, historic orthographic photography, Humboldt County Web GIS, and CAL FIRE Watershed Mapper v2. To avoid speculation and maintain relevancy, the property background shall focus on the past 12 years (2005 to 2017).

There is no record of timber harvesting activity on the parcel from Cal Fire but the property was likely previously logged in the mid to late 20th century. Although this area was likely logged at one time, it has consisted of a mixture of open meadow habitat scattered with patches of forested areas as far back as aerial imagery exists. Orthographic photos from 1998 show evidence that much of the subject area that is currently non-timbered was already open meadow habitat.

Project Description

The current landowner, Canal I LLC, purchased the property in February of 2016. There is record of multiple landowners prior to the current landowner. The previous landowners conducted an initial illegal conversion of 0.52 acres between 2005 and 2006 (See Conversion Evaluation Map, Conversion Area A). Orthographic evidence shows this area as a mix grassland and oak woodland with some Douglas-fir likely encroaching from downslope. A second smaller area of about 0.1 acres was converted by previous landowners sometime between 2014 and 2016 according to available historic orthographic imagery (Conversion Area B). Given current surrounding stand conditions and the small size of Conversion Area B, it was likely a very small number of trees were removed. Conversion Area B connected and expanded two historically open grassland areas making one larger clearing. See conversion area details in the table below.

Conversion Area	Acreage	Year of Completion
A	0.52	2005-2006
B	0.1	2014-2016
Total Conversion Area	0.62 acres	

The total acreage of converted area on the property is 0.62 acres, well below the 3-acre maximum.

There were no large visible piles of slash or debris apparent anywhere. Some small brush piles were around but did not appear to be the product of tree removal.

Humboldt County has zoned this parcel **Timber Production Zone (TPZ)** – As established under the Timberlands Preservation Act (California Government Code Section 51113), a zoning district to designate and set standards in areas designated for growth, harvesting, and production of timber, timber products, and other compatible uses.

A field inspection of the property and conversion areas was conducted on September 5, 2017 by representatives of Blair Forestry Consulting LLC. All relevant sites concerning the past conversion areas were examined. Findings from this evaluation are summarized below.

Timber Stand Description

The property near the conversion areas is dominated by true oak/Douglas-fir mix (approximately 60/40 respectively). Dominant hardwood species include white oak, black oak, live oak and madrone. Douglas-fir age ranges from young growth to 60 years. Oak/fir forested areas give way to open grassland habitat dominated along the periphery almost entirely of oak woodland.

The property is located within Humboldt County, which is in the Zone of Infestation for Sudden Oak Death (SOD). No symptoms or signs of SOD were observed during evaluation.

Analysis of Consistency Between Unauthorized Conversion and Applicable California Forest Practice Rules (CFPRs)

Timber Harvesting and Operations

There are no records of practices used for harvesting on these conversions but it can be assumed that operations involved tractor skidding. There is an established historical mainline rocked logging road system that is used to enter the property from HWY 36. This established logging road connects both conversion areas and was likely used for skidding logs (See Timberland Conversion Area Map, Road 1).

No Winter Operations Plan was recorded for either Conversion Area A or B. Although it is difficult to tell what time of year operations took place, no erosion hazards resulting from timber operations on the larger Conversion Area A were apparent on any established skid trails or permanent roads. The more recent, smaller Conversion Area B was likely hand felled and occurred during the dry time of year. As stated above, this was likely a small number of trees as it represents less than 1/10 of an acre and connected two open grassland areas. There were no erosion hazards associated with timber operations on Conversion Area B with established skid trails or permanent roads. Slopes in both conversion areas are relatively gentle and both conversion areas received minor grading shortly after the conversions took place.

Roads, Soil Stabilization and Erosion Control

Operations used established roads and skid trails for yarding and hauling. No new road construction has occurred since the current property owner purchased the property.

The entire road system associated with any conversion activities was walked and assessed for sediment delivery potential. The existing primary access road (Road 1) was rocked recently and the landowner is currently in the process of obtaining a CDFW 1600 Lake and Streambed Alteration Permit for 2 culvert site upgrades on the way up to the conversion areas. As stated above, Road 1 connects Conversion Areas A and B. The head of a Class III watercourse is located below Road 1 at the west side of Conversion Area B. There is no current evidence of hydrological connection from the conversion areas or the road surface to this watercourse but there is perched fill within 30 feet of the Class III along the edge of the graded area (historically grassland) (Observation Site(a)). Both cleared areas associated with conversion activities shed water in a way that reduces overall sediment transport and eliminate sediment delivery.

There is an unimproved seasonal road (Road 3) unassociated with any previous unauthorized conversion activities. This road is severely rutted from recreational truck and quad use and heads upslope and southeast from the conversion areas (see Conversion Map). This road goes for a short distance before leaving the property. This road is of concern because it is poorly drained and is delivering sediment downslope toward a historical opening above Conversion Area B. Road 1 ultimately intersects a road (Road 2) that presumably may have been used for unauthorized timber operations or former ranching activities. Road 2 shows evidence of seepage down its western fillslope originating from Road 3 (Observation Site(b)).

Overall, the soils, slope, aspect and climate are all suitable for the converted uses.

Recommendations:

- Remove perched fill, seed and mulch within 30 feet of the Class III watercourse at the western side of graded area north of Conversion Area B (Observation Site (a)).
- Decommission Road 3 (Observation Site (b)). It leads off property to areas that could be easily accessed by more gentle grade roads.
 - o Till or rip road surface to encourage filtration.
 - o Install waterbars at minimally every 50 feet or where appropriate to shed water and improve drainage to comply with 12 CCR 914.6.
 - o Seed and mulch.
 - o Install rolling dip at base of Road 3 where it intersects road 2 to divert any remaining water eastward away from conversion areas.

Watercourses and Water Resources

14 CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."

The property has a primary drainage originating from eastern boundary which exits the property to the northeast. This Class II drainage begins at the confluence of multiple seasonal Class III swales which originate upslope. One very small Class III drainage begins along the edge of a historical meadow area (See Conversion Evaluation Map, Observation site (c)). This site barely exhibits sediment movement and is borderline classifiable as it is discontinuous for nearly 100 feet downslope. For timberland conversions, the California Forest Practice Rules allow for a 30-foot Equipment Limitation Zone (ELZ) (for slopes <30%) in TPZ zoned forestlands where no timber operations may occur. No portion of either conversion Areas A or B are within 30 feet of this Class III. It is important to note: there is a historical meadow adjacent to the east side of this feature below the Observation Site (c).

No other watercourses or Water Resources were near conversion activities.

Recommendations:

- Seed and mulch any exposed soil within 30 feet on the east side of the Class III feature to prevent sediment delivery.
- Do not operate machinery or vehicles within 30 feet of the Class III stream (this does not preclude use of Road 1)

Hazard Reduction

14 CCR 1104.1(a)(2)(0)(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."

Small remnant slash piles exist near Conversion Area B (Observation Site (d)) and at the head of the Class III drainage. It is difficult to discern whether these are remnant of past conversion activities or road maintenance. The RPF recommends that slash and woody debris be removed from the head of the Class III drainage and that piles be burned during the winter wet period to reduce overall fuel load. These small slash piles are not intermixed with fill and small enough to not pose a serious hazard.

Recommendations:

- Burn downed, dead and dry woody debris around Observation Site (d) during winter months to reduce fuel loads on the property.

Biological Resources

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895. 1"

A query of the California Natural Diversity Database (CNDDDB) on September 10th, 2017 showed no observations of sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile buffer area surrounding the parcel. Additionally, none of these species were observed during the field assessment of the property. A copy of the CNDDDB map generated by this query is included in this report.

Conversion activities did not appear to have altered habitat for other non-listed species of wildlife (i.e. no evidence of felled snags). Additionally, there is abundant wildlife habitat elsewhere on the property in the form of tree cavities, grazing/foraging sites and mast-producing tree species such as oaks.

The conversions areas appear to comply with 14 CCR 1104.1 (2)(H). No recommendation is suggested regarding biological resources.

Cultural Resources

14 CCR 1104.1 (2)(1): "No timber operations are allowed on significant historical or archeological sites."

No archeological sites were observed during the conversion evaluation. All relative Native American entities have been notified of the operation activities.

The conversion areas appear to comply with 14 CCR 1104.1 (2)(1). No recommendation is suggested regarding cultural resources.

Summary of Recommendations

Overall, it is the opinion of the RPF that the past unauthorized conversion activities did not entirely meet the standards set forth in the CFPRs and requires the following mitigation recommendations:

1. Roads, Soil Stabilization and Erosion Control

- a. Remove perched fill, seed and mulch within 30 feet of the Class III watercourse at the western side of Conversion Area B (Observation Site (a)).
- b. Decommission Road 3 (Observation Site (b)). It leads off property to areas that could be easily accessed by more gentle grade roads.
 - Till and rip road surface on Road 3.
 - Install waterbars at minimally every 50 feet or where appropriate to shed water and improve drainage to comply with 12 CCR 914.6.
 - Seed and mulch.
 - Install rolling dip at base of Road 3 where it intersects Road 2 to divert any remaining water eastward away from conversion areas.

2. Watercourses and Water Resources

- a. Seed and mulch any exposed soil within 30 feet on the east side of the Class III feature to prevent sediment delivery.
- b. Do not operate machinery or vehicles within 30 feet of the Class III stream (this does not preclude use of Road I)

3. Hazard Reduction

- a. Burn downed, dead and dry woody debris around Observation Site (d) along both sides of Road 1 during winter months to reduce fuel loads on the property.

Site Maps

General Location Map: Shows ownership boundary in proximity to recognizable landmarks and general location of conversion within property boundary.

Timberland Conversion Map: Location of timber conversion operations, Boundaries of the conversion areas A and B, location and classification of watercourses, Observation Sites and roads.

Additional Information

Photos



Photo 1: View looking from Road 1 south toward Conversion Area A.

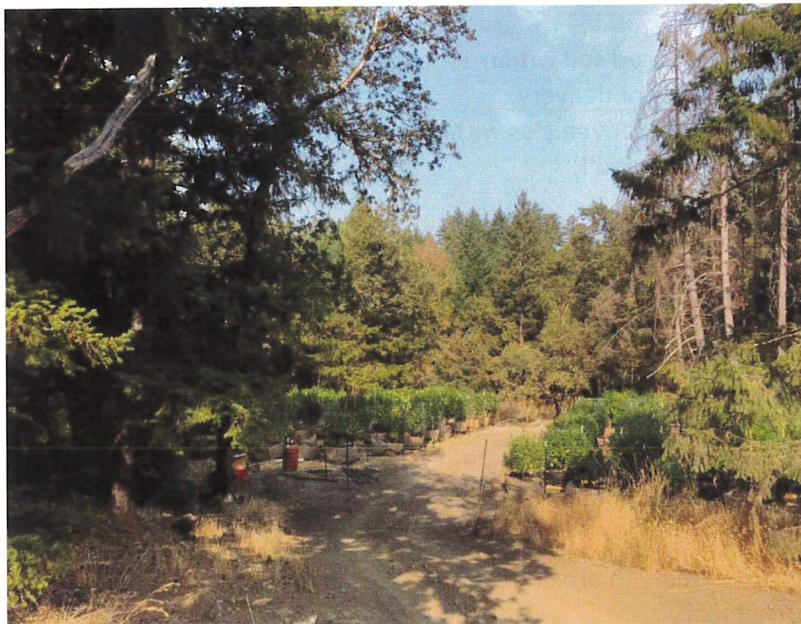


Photo 2: View looking north down Road 1. Conversion Area B to the right, historical grassland to the left



Photo 3: Perched fill at edge of graded area (Observation Site (a), historical grassland area to right) within 30 feet of Class III drainage.

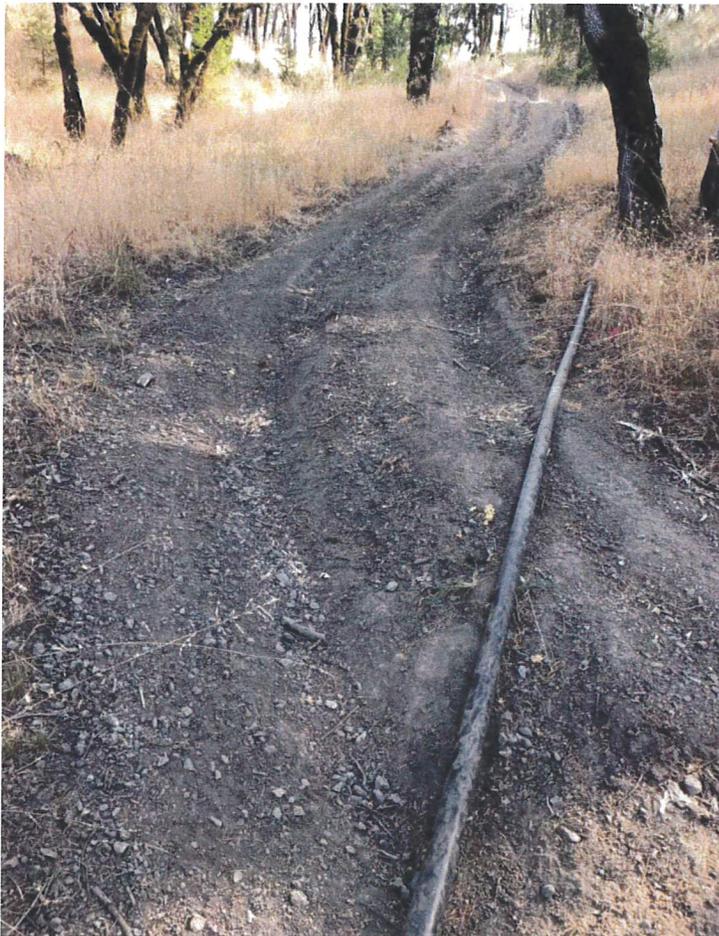


Photo 4: Base of Road 3 where it connects with Road 2 where the upslope road will be decommissioned.



Photo 5: Road 2 where it receives surface road drainage from Road 3; also, where a rolling dip will be installed to divert any residual run-off eastward after the upslope Road 3 is decommissioned (see photo 4).



Photo 6: Small slash piles near Observation Site (d).



Photo 7: slash pile across Road 1 from Observation Site (d).



Photo 8: Slash and debris at head of Class III drainage to the northwest of Conversion Area B.

Resources

California Forest Practice Rules 2016. Sacramento: CAL FIRE, 2017. Print.

California Natural Diversity Database. California Department of Fish and Wildlife. Web.
<https://www.wildlife.ca.gov/Data/CNDDDB>. Version 5.56.24. Accessed September 13, 2017

Forest Practice Watershed Mapper v2. CAL FIRE. Web. http://egis.fire.ca.gov/watershed_mapper/.
Accessed September 6, 2017.

Humboldt County Web GIS. County of Humboldt. Web. <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>.
Accessed September 6, 2017

Google Earth Pro

Canal I LLC CNDDDB

Approximate Canal I
LLC Property
Boundary

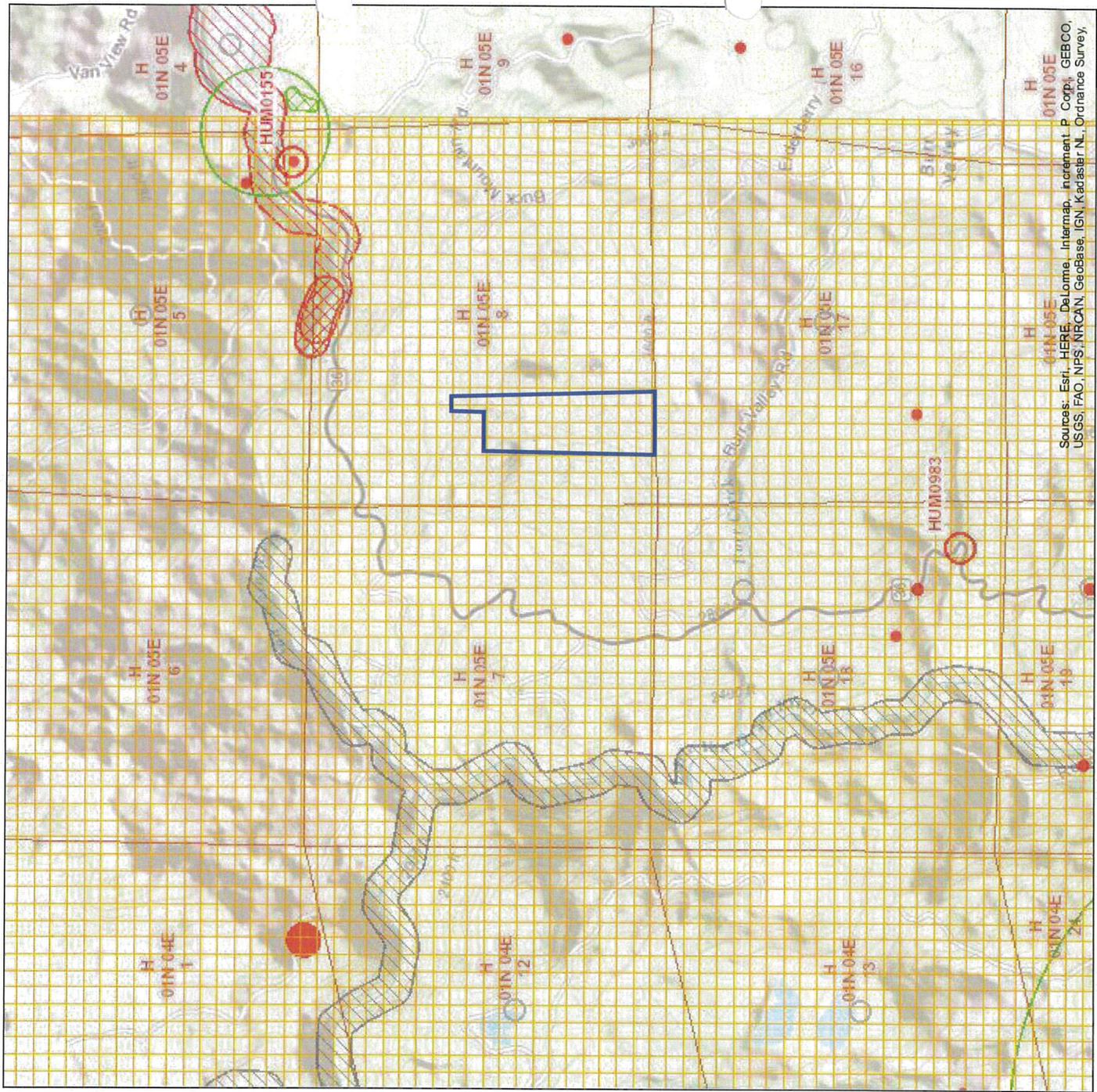
Spotted Owl Observations [ds704]

- Positive Observation
- Negative Observation
- Activity Center
- Not Valid Activity Center
- Abandoned

California Natural Diversity Database (CNDDDB) Commercial [ds85]

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)

- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)
- Aquatic Comm. (circular)
- Multiple (80m)



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp, GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey,

Author: cnddb.com
Printed from htm/htins rfn ca nrv

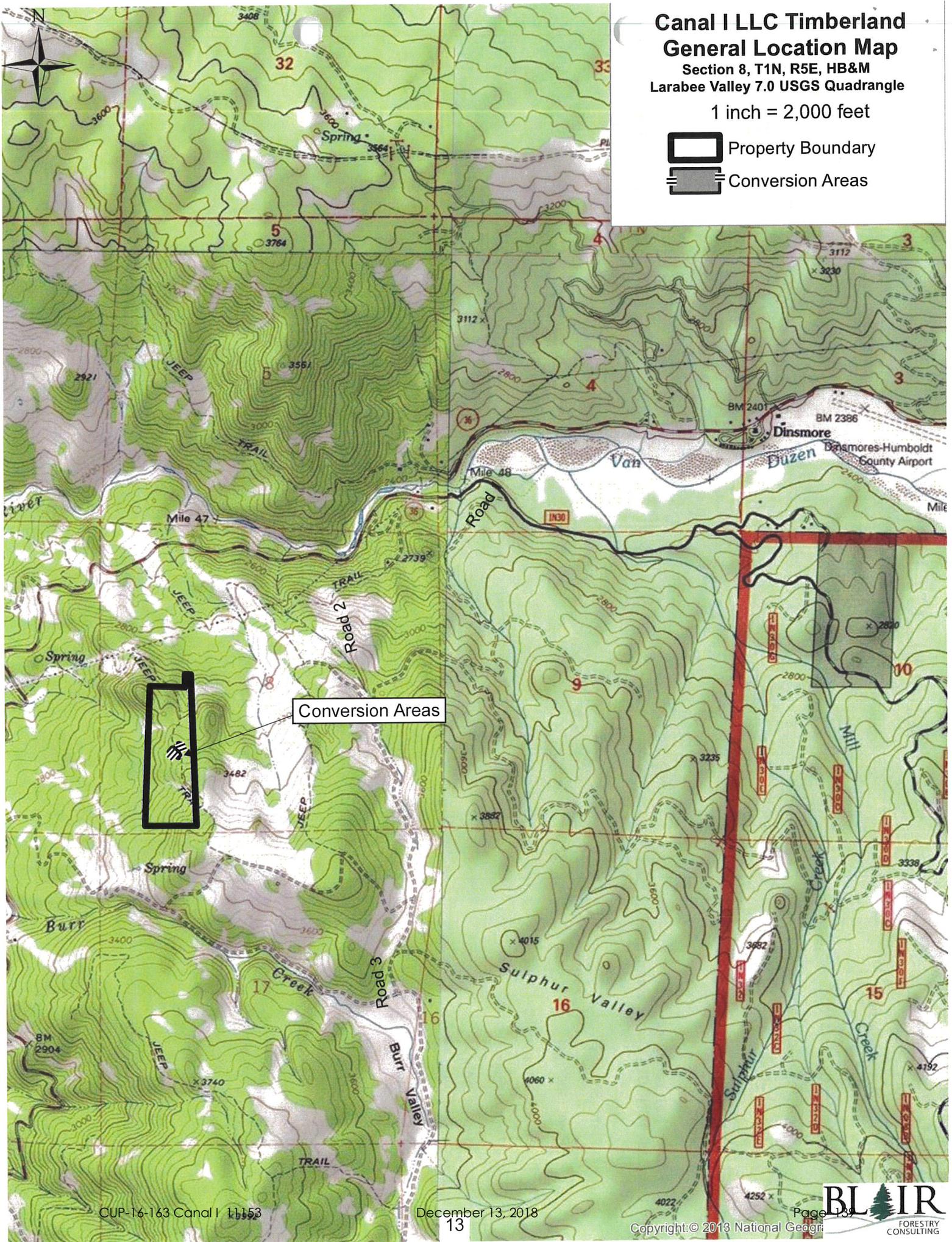


Canal I LLC Timberland General Location Map

Section 8, T1N, R5E, HB&M
Larabee Valley 7.0 USGS Quadrangle

1 inch = 2,000 feet

-  Property Boundary
-  Conversion Areas





Canal I LLC Timberland Conversion Evaluation Map

Section 8, T1N, R5E, HB&M
Larabee Valley 7.0 USGS Quadrangle

1 inch = 100 feet

-  Property Boundary
-  Conversion Areas
-  Historic Mainline Road
-  Seasonal Road
-  Unimproved Seasonal Road
-  Class II Watercourse
-  Class III Watercourse
-  Historical Meadow

Observation Site (a) -
Remove perched fill at edge of graded area

Observation Site (d) -
Burn small slash piles and downed woody debris

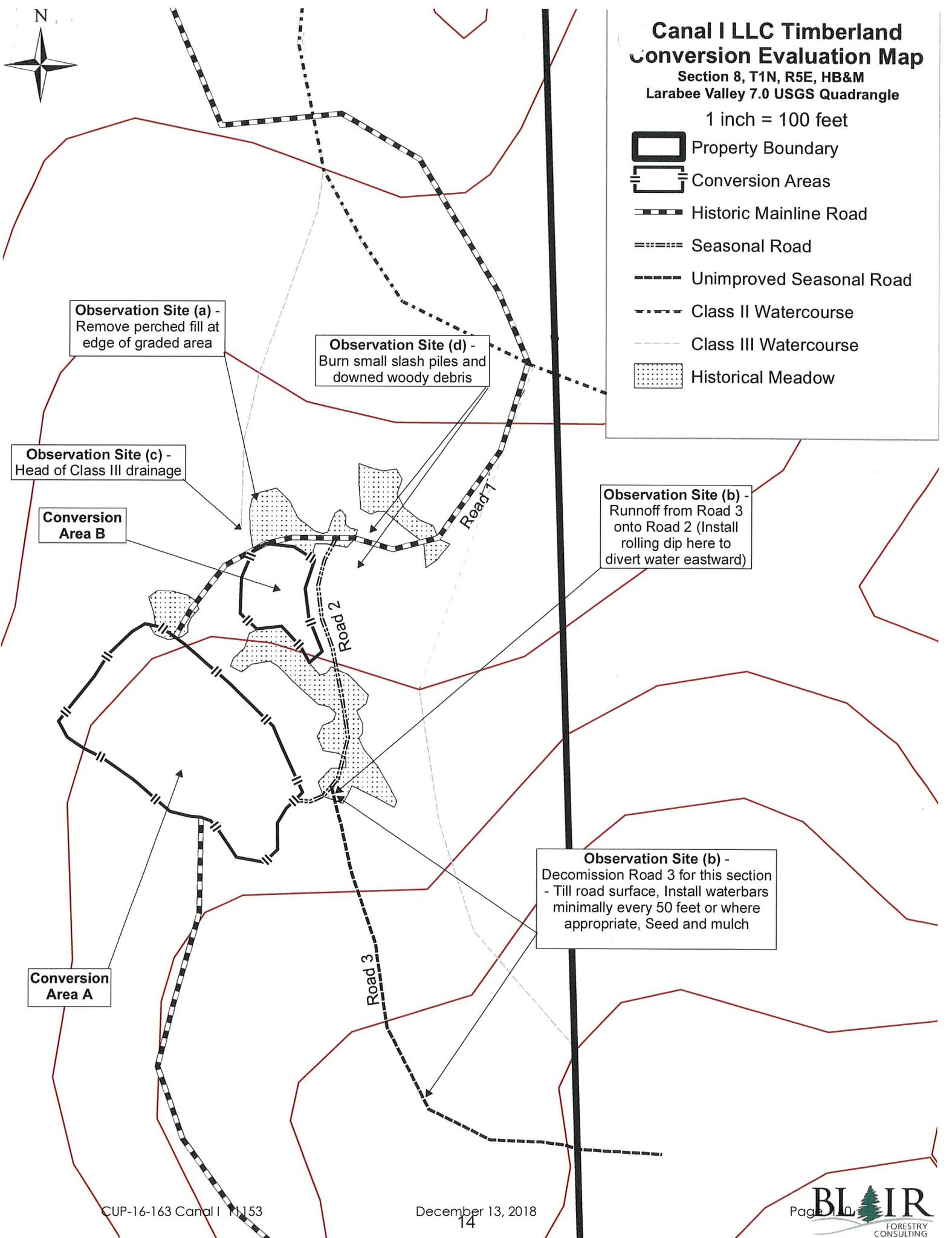
Observation Site (c) -
Head of Class III drainage

Conversion Area B

Observation Site (b) -
Runoff from Road 3 onto Road 2 (Install rolling dip here to divert water eastward)

Observation Site (b) -
Decommission Road 3 for this section
- Till road surface, Install waterbars minimally every 50 feet or where appropriate, Seed and mulch

Conversion Area A



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	✓	Submit additional information	Attached
Calfire	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Further review	On file with Planning
Department of Fish & Wildlife	✓	Applicant needs to submit additional information. Please see the list of items below. Recommend Denial. See comments attached.	Attached
Division Environmental Health		No Response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
RWQCB		No Response	
Bridgeville Elementary School District		No response	
Bridgeville Fire Protection District		No response	
Fortuna Union High School District		No response	
Humboldt County Sheriff		No response	
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Standard inadvertent discovery	On file with Planning
CA Division of Water Rights	✓	Other comments	On file with Planning



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

Applicant: Canal I, LLC		Date: 7/30/2018	
APPS No.: 11153	APN: 210-221-008	CDFW CEQA: 2017-11153	Case No.: CUP16-163
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 6,720	<input checked="" type="checkbox"/> Outdoor (SF): 32,440 <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.

The project proposes to utilize mixed-light cultivation within one-mile of NSO occupied habitat. CDFW requests that no mixed-light be permitted prior to conducting protocol level NSO surveys. CDFW further requests that proof of mixed-light use prior to the CEQA baseline be provided. Referral materials suggest that mixed-light did/does not exist and that the applicant plans to install mixed-light greenhouses in the fall/winter of 2018.

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

- Aerial imagery and referral materials suggest that significant grading has taken place on the parcel. Please provide evidence of one or more of the following: a valid grading permit or a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.

Please note the following information:

- Water for this project is sourced from a groundwater well. It is estimated that water use may be as high as 587,400 gallons per year. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- A Final Lake or Streambed Alteration Agreement (1600-2017-0630) was issued to the applicant on.
- Aerial imagery suggests that the part of the proposed project has been implemented prior to Project approval. CDFW requests that the project be placed on hold and that all activities cease until appropriate environmental review has occurred.

- ☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests, prior to 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.
- ☒ CDFW requests, as a condition of Project approval, all Mixed-light (greenhouses and generators) be relocated to stable surfaces with a minimum 200ft buffer from Class I and Class II streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 6,792 square feet. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Coastal rainbow trout (*O. mykiss irideus*), Pacific Lamprey (*Entosphenus tridentatus*), Humboldt sucker (*Catostomus occidentalis humboldtianus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Rough-skinned Newt (*Taricha granulosa*), 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

Laney, Megan

From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Monday, October 02, 2017 3:38 PM
To: Planning Clerk
Subject: FW: 210-221-008 Pacific Watershed Assoc.



Chris Ramey
Battalion Chief, Fire Planning

CAL FIRE

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

From: Lee, Bo@CALFIRE
Sent: Sunday, October 1, 2017 9:05 PM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Subject: 210-221-008 Pacific Watershed Assoc.

Reviewed by B1213. Recommend:

- Emergency access
 - Turnarounds

Bo Lee
Battalion Chief
CAL FIRE
Humboldt-Del Norte Unit
707-499-2244



From: Lee, Bo@CALFIRE
To: [Planning Clerk](#); [HUU CEQA@CALFIRE](#)
Subject: 210-221-008-000, Canal I, LLC, Bonnie Frank, application #11153
Date: Monday, February 19, 2018 3:23:42 PM

Reviewed by B1213.

Recommend:

- Emergency Access
 - Turnarounds
- Signing and building numbers
- Emergency water standards
 - Designated water storage for fire
- Fuel modification standards

Bo Lee
Battalion Chief
CAL FIRE
Humboldt-Del Norte Unit
707-499-2244



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

4/10

2/7/2018

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Bridgeville Fire Protection District, Bridgeville Elementary School District, Fortuna Union High School District

Applicant Name Canal I, LLC **Key Parcel Number** 210-221-008-000

Application (APPS#) 11153 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-163

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

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

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

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

DATE: 4/10/18

PRINT NAME: Rudy Marenghi



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 46246/11153
Parcel No.: 210-221-008
Case No.: CUP16-163

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

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

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: Revise plot plan to show all streams with SMA and setbacks, proposed well as existing, all water tanks, all grading (old and new), and all solar panels.

Name: Rudy Marenghi

Date: 4/18/18

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