PLANNING DIVISION

HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT

3015 H STREET | EUREKA, CA 95501

Initial Study and Mitigated Negative Declaration

1.0 INTRODUCTION

1. **Project Title**

   The Hills, LLC Conditional Use Permit and Special Permit: Assessor's Parcel Numbers (APNs) 223-061-038, 223-061-043, 223-073-004, 223-073-005; Record Numbers: PLN-11638-CUP and PLN-11643-CUP.

2. **Lead Agency Name and Address**: Humboldt County Planning & Building Department, 3015 H Street, Eureka, CA 95501-4484; Phone: (707) 445-7541; Fax: (707) 445-7446.

3. **Contact Person and Phone Number**: Meghan Ryan, Senior Planner; Phone: (707) 445-7541; Fax: (707) 268-3792; Email: mryan2@co.humboldt.ca.us.

4. **Project Location**: Record Number: PLN-11638-CUP: The project site is located in Humboldt County, in the Garberville area, on the south side of Clark Road, approximately 1.0 south from the intersection of Clark Road and Shadow Light Ranch Road, on the property known as 960 Shadow Light Ranch Road.

   Record Number: PLN-11643-CUP: The project is located in Humboldt County, in the Garberville area, on the south side of Alderpoint Road, approximately 0.30 miles east from the intersection of Wallan Road, Pigeon Road and Clark Road to a private driveway, then approximately 1 mile south to the property line, on the property known to be in Section 19 of Township 04 South, Range 04 East, Humboldt Base & Meridian.

   Cumulatively referred to as the Project Site, it is depicted on the "Aerial Map", "Topo Map", and "Site Plan" in Appendix A (Figures 1-3).

5. **Project Sponsor's Name and Address**:

Applicant	**Owner**	**Agent**
The Hills, LLC	Shadowlight Ranch	Joshua Sweet
P.O. Box 250	773 Redwood Drive, Suite D	P.O. Box 250
Garberville, CA 95542	Garberville, CA 95542	Garberville, CA 95542

6. **General Plan Designation**: Agricultural Grazing (AG)

7. **Zoning**: APNs 223-061-038 and 223-061-043 are zoned Agriculture Exclusive with a Special Building Site Combining Zone specifying a minimum parcel size of 160 acres (AE-B-5(160)) and Timberland Production (TPZ). APNs 223-073-004 and 223-073-005 are zoned AE-B-5(160).

8. **Project Site History and Background:** The Project Site is comprised of the following APNs: 223-061-043 (Legal Parcel 1), approximately 171 acres, and 223-061-038, 223-073-004, and 223-073-005 (Legal Parcel 2), approximately 264.5 acres.

   Currently, the Project Site consists of six existing (interim) cannabis cultivation sites listed in Table 1. These cultivation areas are shown as the Interim Site Configuration on the Site Plan Page C-3 (see Appendix A).

Table 1. Existing (Interim) Cultivation at the Project Site

Existing Cultivation Site Location	Size (square feet [sf])
1. Lower 40	7,500 sf outdoor
2. Zone 1	22,650 sf (12,2650 = outdoor and 10,000 sf = mixed light)
3. Zone 2	5,950 sf (4,000 sf = outdoor and 1,950 sf = mixed light)
4. Roadside	6,300 sf outdoor
5. Corral	6,900 sf outdoor
6. South 80	8,000 sf outdoor

Cultivation activities are currently licensed under a provisional commercial cannabis cultivation license (CCL 19-0004617) issued by the California Department of Food and Agriculture (CDFA). Renewal of the commercial cannabis cultivation license is dependent on the resolution of violations noticed by the California Department of Fish and Wildlife (CDFW), the State Water Resources Control Board (SWRCB), and the North Coast Regional Water Quality Control Board (NCRWQCB). Notices of violation from CDFW, SWRCB, and NCRWQCB were received in 2017-2018 due to observed alteration of waters of the State and various water quality violations, including diversion of water for cannabis cultivation.

The project applicant has coordinated with CDFW to acquire a draft a Final Streambed Alteration Agreement (SAA), filed for approvals from the SWRCB for water rights, and enrolled in the NCRWQCB's Discharge Order. The applicant also migrated to the SWRCB Cannabis Cultivation Program. The objective of the proposed project is to improve cannabis cultivation activities at the project site and address associated requirements by permitting agencies, including remedying past violations. The County of Humboldt (County), as the CEQA lead agency, has prepared this Initial Study to identify potential environmental impacts and appropriate mitigation measures that would be associated with the proposed project. CEQA responsible agencies, including those mentioned above, are anticipated to review and rely on this CEQA document to finalize approvals and permits under their purview.

9. Description of the Project:

The project applicant is applying for two Conditional Use Permits for continued cannabis cultivation and processing of cannabis cultivated on the Project Site and one Special Permit for a wholesale nursery in accordance with the County's Commercial Medical Land Use Ordinance (CMMLUO), Ordinance No. 2559, adopted by the Humboldt County Board of Supervisors on September 13, 2016. The commercial cultivation activities seeking to be permitted are existing, having been established on the project site prior to January 1, 2016. Primarily, the project activities associated with the existing cultivation include the relocation and consolidation of these existing cultivation areas to environmentally superior locations and the remediation of the previously cultivated areas. Consolidation and remediation of historic cultivation areas and implementation of State and local regulations for cannabis cultivation (e.g. CDFW, NCRWCB, SWRCB and County of Humboldt) and associated development improve proposed site conditions from baseline conditions. New development activities associated with this project include greenhouses for existing and relocated cultivation areas, the proposed wholesale nursery and warehouse processing area. Proposed structures are required to comply with State and local regulations.

The record numbers and their corresponding relationship to the project are as follows:

- Record Number: PLN-11638-CUP is for the continued cultivation of 22,200 square feet of existing outdoor commercial cultivation on APN 223-061-043.

- Record Number: PLN-11643-CUP is for the continued cultivation of 6,240 square feet of existing mixed-light and 32,500 square feet of outdoor cultivation, a 10,080-square-foot wholesale nursery, on APNs 223-061-038, 223-073-004 and 223-073-005; the total historic and resultant cultivation area is 38,740 square feet. Also proposed for this parcel are four structures totaling 14,562 square feet for use as processing, storage and offices, and utilities. A 1,200-square-foot covered stored is also proposed. See Page A1.1 in Appendix B – Planning Plot Plans 5-11-2020.

The project requires two Conditional Use Permits for the cultivation operation and a Special Permit for the wholesale nursery and processing operations. The project also includes facilities appurtenant to the cultivation. Facilities are listed in Table 2. The project site concept plan is depicted on Page C-2, Proposed Site Plan, provided in Appendix B – Planning Plot Plans 5-11-2020.

Table 2. Project Components

Description of Work and Location	Size
Cultivation	
• Wholesale Nursery Greenhouse (Zone 2)	10,080 sq ft
• 32 Hoop Houses (Zone 1)	32,500 sq ft
• 24 Hoop Houses (Rock Pit)	22,200 sq ft
• 7 Hoop Houses (Roadside)	6,240 sq ft
Warehouse Processing Facility	
• Building A-Warehouse	1,200 sq ft
• Building B-Warehouse with 850 sq ft Mother Room for Wholesale Nursery	5,050 sq ft
• Building C-Processing	7,090 sq ft
• Building C-Offices	1,440 sq ft
Building D - Housing*	5,064 sq ft
Parking	27 spaces

*Future phase

Wholesale Nursery

The proposed wholesale nursery would be located in Zone 2. Juvenile plants would be propagated onsite from 'mother plants' located in Building B or the on-site nursery. Mother plants would remain in the vegetative stage solely for propagation. Cuttings would be sampled from the mother plants and rooted into a growing medium, typically oasis cubes, to produce 'clones.' The clones are tracked, traced, and placed into the Wholesale Nursery area. Clones for purpose of on-site cultivation would be sold from the Wholesale Nursery License to the Cultivation License. Clones produced for Wholesale Distribution would be tracked, traced, and sold to licensed cannabis cultivators.

Once the clones are fully rooted, they are transplanted directly into one (1) gallon or four-inch plastic containers containing a growing medium potting soil. The juvenile plants are irrigated using hand watering methods. After 2 - 4 weeks, the clones are then transplanted into 100-gallon pots outdoor or in a hoop house with beds containing potting soil to continue their vegetative cycle.

Cultivation Area

Historic cannabis cultivation sites are listed in Table 3. These cultivation areas are shown as the Interim Site Configuration on the Site Plan Page C-1 (see Appendix B).

Table 3. Historic Cultivation at the Project Site

Existing Cultivation Site Location	Size (square feet [sf])
1. Lower 40	7,500 sf outdoor
2. SBC	8,000 sf outdoor
3. NBC	7,500 sf outdoor
4. Zone 1	2,460 sf mixed light
5. Zone 2	2,580 sf mixed light
6. Roadside	0
7. Corral	6,900 sf outdoor
8. South 80	8,000 sf outdoor
9. PL	10,300 sf outdoor
10. GH	1,200 sf mixed light

Prior to January 1, 2016, there were three distinct cultivation areas on APN 223-061-043 (Record Number: PLN-11638-CUP) and there were seven distinct cultivation areas on the Lower 40 (Record Number: PLN-11638-CUP; APN 223-061-043) and 223-061-038, 223-073-004 and 223-073-005 (Record Number: PLN-11638-CUP). In total, there were 10 cultivation sites in existence prior to January 1, 2016. In 2017, 5 of the 10 cultivation areas were relocated to environmentally superior locations as the 5 cultivation areas were located with Streamside Management Area buffer and/or on steep slopes. The 5 cultivation areas that were relocated were consolidated with other cultivation areas on the Project site.

The existing (interim) cultivation areas are located in Zone 1, Zone 2, Roadside, Corral, and South areas (Record Number: PLN-11643-CUP; APNs 223-061-038, 223-073-004, and 223-073-005). The proposed project would move cultivation to existing sites at Zone 1, Zone 2, and Roadside and a new cultivation area at the Rockpit location (final configuration). Because the historic cultivation areas can only be relocated with the parcel boundaries, historic cultivation areas known as 'NBC' and 'SBC' are required to be located on APN 223-061-043 (in the interim they were relocated to Zone 1 and Roadside). The Rockpit location identified for the relocation of all historic cultivation areas that were in existence prior to January 1, 2016, allows for the continued cultivation of 22,200 square feet in an environmentally superior location. All cultivation occurring on APN 223-061-043 will be outdoor using light deprivation techniques. The applicant is proposing to construct 23 greenhouses in this location. Development of the 'Rockpit' location on APN 223-061-043 requires removal of 2 stumps and approximately 10 trees that are less than 12'' dBH. The applicant will submit an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two stumps and approximately 10 trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees are protected from encroachment and how newly planted trees will also be protected.

Historic and interim cultivation areas on APNs 223-061-038, 223-073-004, and 223-073-005 (Record Number: PLN-11643-CUP;) will be consolidated into Zone 1, which in its final configuration will consist of 32 greenhouses and 3,500 square feet of full sun outdoor cultivation in two distinct as shown as the Zone 1 Summary Page C-4 (see Appendix A). Mixed light cultivation would occur in ten (10) hoop houses, for a combined cultivation area of approximately 6,240 square feet. The hoop houses consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. The hoop houses would use a combination of artificial light and light deprivation to produce up to four (4) flowering cycles per year. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with the mixed light cultivation operation for a typical four cycle year. The light deprivation cultivation would occur in 22 hoop houses. The hoop houses would use a combination of natural light and light deprivation to produce up to two (2) flowering cycles per year. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with light deprivation cultivation operation for a typical two cycle year. The outdoor full term cultivation would occur in Zone 1. Plants would be taken directly from the propagation area and transplanted into 100 gallon pots for the vegetative and flowering cycle. It is proposed that hoop houses for light deprivation may be put on any outdoor cultivation areas.

In summary, the proposed project includes relocation and consolidation of historic cultivation sites to environmentally superior locations. Relocation that occurred during 2017 (refer to as the interim site configuration) will be relocated to ensure the final configuration is consistent with the requirements of the CMMLUO. Final cannabis cultivation sites are listed in Table 4. Total cultivation area is 60,940 square feet between the two parcels. These cultivation areas are shown as the Proposed Site Configuration on the Site Plan Page C-2 (see Appendix A).

Table 4. Final Cultivation at the Project Site

Final Cultivation Site Locations	Size (square feet [sf])
1. Rockpit (APN 223-061-043)	22,200 sf outdoor
2. Zone 1	32,500 sf outdoor
3. Zone 2 (Nursery)	10,080 sf
4. Roadside	6,240 sf mixed light

Processing Facility

Currently, processing occurs at an existing 1,200-square-foot building on APN 223-073-005 at Building A. On the same parcel, the proposed project would construct a new one-story, 5,050-square-foot processing facility, including Building B – Warehouse and a two-story, 7,592-square-foot Building C – Processing and Offices (footprint = 4,776 square feet). The proposed structures are shown on Page A1.1 of the Site Plan included in Appendix B. All cannabis processing would occur at the on-site processing facility. The processing facility would incorporate all aspects of processing including drying, curing, and trimming and would include an Americans with Disabilities Act (ADA) - compliant restroom for employees. The restroom would include a working flush toilet as well as a sink with cold and hot running water provided by an on demand propane water heater. Building B would be used as necessary for any overflow, hanging, curing, bucking, trimming, or storing from Building C. The proposed metal building would have an engineered concrete slab and conform to commercial building standards per the 2019 California Building Code.

When plants are ready for harvest, flowering branches would be removed and suspended in the drying room. Track and trace tags would be collected, and plants would be moved to "harvested" status. The drying process would take approximately 1-2 weeks. When the drying process is completed, the flowers are bucked into a manageable size and stored in totes for processing. The product is then tagged as bulk product with package tags in track and trace. The product is then processed by hand or trim machine and is separated into bud or trim. The finished product is entered into track and trace as trim or bud and stored in the processed materials room before being transported to a licensed distributor. Throughout the harvest process, all "waste or unusable product" would be weighed, logged into track and trace, and transported to the on-site secured compost area. All finished product, after being logged in to the track and trace system, would be stored on-site in a secure room in the processing building. All product would be transferred off-site by a licensed distributor for sale.

Employees and Schedule of Operations

Staff would include an agricultural crop farm manager, lead cultivator, inventory/processing manager, nursery manager, up to two full-time seasonal laborers, and temporary seasonal workers. The number of seasonal laborers varies based on the needs of the ranch during the cultivation, harvest, and processing seasons. During the peak harvest and processing season, there would be an estimated five (5) additional workers onsite. A total of 11 employees would be on the Project Site during peak operations.

Security and Hours of Operation

Security currently exists at the facility. The facilities, including cultivation, wholesale nursery greenhouse, processing buildings, and climate controlled storage buildings, would continue to be secured behind locked entry gates that are located off Clark Road and at the north perimeter of the property. The entry gates would remain locked at all times, and access to the site would be limited exclusively to employees and registered guests. Restricted access signs are posted conspicuously at the entry gates. The processing

facility area would have low intensity exterior lighting to illuminate the entrances and would include a small number of motion activated security lights. All lighting would be designed and located so that lightings are downward facing and confined to the property. Security cameras are installed throughout the ranch, at the main access gate and entrances to the facilities. The proposed processing and storage facility would include an alarm system.

Activities associated with cultivation (watering, transplanting, and harvesting) generally occur during daylight hours 8:00 a.m. to 5:00 p.m. Depending on seasonal activities, hours may need to be extended. All other activities, such as processing and wholesale nursery, typically occur no earlier than 8:00 a.m. and extend no later than 8:00 p.m. Monday through Friday, between the hours of 12:00 p.m. to 2:00 p.m., personnel would be on site to accommodate necessary inspections.

Water Use and Storage

Water for domestic use is provided by a spring. Historically, a 1.3-million-gallon rain catchment pond with a fully contained seep supplied the water for cannabis irrigation. In the future, water from the existing rain catchment pond may be stored for use on cannabis activities. In 2019, Shadow Light Ranch drilled a hydrologically disconnected well to irrigate cannabis. Water is pumped via solar power up to a series of water tanks that gravity feed the cultivation sites. Water management strategies would be implemented to conserve and reuse onsite water and fertilizers to achieve net zero discharge.

Table 5 below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains would have a slight effect on water use. At this time, water is not captured and stored for cannabis irrigation. Water is pumped daily from the well and enters into holding tanks where it is then used daily.

Table 5. Estimated Annual Irrigation Water Usage (Gallons)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
0	0	10K	60K	100K	165K	165K	165K	165K	165K	25K	0	1,020,000

Access/Parking

The project site would be accessed via an existing unnamed access road connecting to Clark Road, Wallan Road, and Alderpoint Road. In accordance with the County Department of Public Works' standards, the project applicant would be required to construct two 24-foot-wide commercial driveways that meet County Urban Driveway No. 1 standards. The project would provide 27 parking spaces, including two ADA-compliant spaces adjacent to the processing facility.

Storm Water Management

Currently, cultivation areas at the project site are mostly flat with surface flow in the wet season generally draining from the west to the east. All sites are designed to provide slope for drainage and two areas are slightly above 5% grade. The edges of the sites are ditched and have either a waddle like hay absorbing element or is further directed to a catchment zone that has a series of waddle filter zones to capture any runoff. All other sites, roads, driveways, parking areas, and turn arounds have drainage that is designed to code. The existing and proposed cultivation sites and greenhouses are located away from riparian zones. Fertilizers and pesticides are currently stored in a lockable storage shed with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

A Water Resources Protection Plan (WRPP) and Site Management Plan (SMP) have been developed for the proposed project. Proposed cultivation sites are located approximately 100-200 feet from the nearest watercourse and are anticipated to provide a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures would be

implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

The SMP includes erosion and sediment control BMPs designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery, including removing burn piles; removing livestock from the swale area of the property; constructing a sediment basin within the swale area to catch surface runoff; and constructing a drainage ditch that extends across the site. Additionally, the SMP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse.

Watershed Protection

The property is in the Eel River Hydrologic Unit (HUC-8010106), Existing and proposed cultivation activities and associated structures are located 50-200 feet from the nearest watercourse, providing a buffer between the cultivation operation and habitat. Site development and maintenance activities would implement BMPs in accordance with the NCRWQCB's and SWRCB's recommendations. Any grading and earthwork activities would be conducted by a licensed contractor in accordance with approved grading permits and the SMP.

Monitoring would be conducted to confirm the effectiveness of corrected measures listed in the SMP and determine if the site meets all standard conditions. Inspections would include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection would occur at those locations on the site where pollutants or wastes, if not contained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection would also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the SMP with photo points identified on the SMP map. Onsite monitoring shall occur in compliance with the water discharge order.

Prior to adoption of the SWRCB Cannabis Cultivation Policy, a WRPP was required for the proposed project. The WRPP includes conditions to protect riparian and wetland features, including but not limited to buffers from cultivation areas and associated facilities, spoil management, and proper storage of chemicals. These conditions would be included as conditions of approval for the proposed project to adhere to current NCRWQCB and SWRCB regulations with oversight of cannabis cultivation.

The applicant received Notice of Violation from the NCRWQCB dated June 27, 2018. The Notice of Violation identified several areas of non-compliance with NCRWQCB's Cannabis Waste Discharge Regulatory Program, that include, work performed without permits, standard conditions out of compliance, enrollment document discrepancies and deficiencies and revisions the WRPP. The applicant continues to coordination with the NCRWQCB and SWRCB to resolve the outstanding violations.

A Site Management Plan (SMP) was prepared for the project site in accordance with SWRCB's Cannabis Cultivation Policy (see Appendix H). The SMP identifies approximately 80 locations on the subject parcel that require remedial actions for compliance with the State Board Policy. Table 6 below identifies 17 projects that are required to improve hydrology and water quality.

Table 6. Site Management Plan Remediation Points

SMP-4	Maintenance road outsloping, crowning and existing inside ditch leadout/kickouts or install kickout drainage feature every 50-75 feet in segments where there are none of these features.
SMP-7	Install and maintain two water bars 100 feet apart
SMP-8	Install and maintain three water bars 100 feet apart
SMP-9	Install and maintain three water bars 100 feet apart
SMP-10	Install and maintain two water bars 100 feet apart
SMP-11	Install and maintain a water bar
SMP-12	Permit existing 42-inch culvert at road/stream crossing

SMP-17	Rock surface of access road 50 TP 60 feet from cultivation area and rock approaches to crossing
SMP-21	R-align watercourse to allow water to flow into historic flow path, excavate a ditch approximately 40-foot to 60-foot long by 2-feet deep by 4-feet
SMP-23	Install a Type 1 rocked rolling dip that drains into the existing kickout drainage features as flagged
SMP-24	Install a Type 1 rocked rolling dip that drains into the existing kickout drainage feature as flagged
SMP-25	Install a Type 3 rocked rolling dip
SMP-27	Install 18-inch diameter ditch relief culvert
SMP-30	Re-construct road fillslope
SMP-34	Re-construct the road fillslope
SMP-36	Re-construct the road fillslope
SMP-60	Install 15-inch ditch relief culvert

The proposed project includes improvements to the lower pond on APN 223-061-038 to improve water quality and ensure there is no sediment transport occurring. The pond was developed in 2006 by a previous owner. Improvements to the pond include correcting the overly steep outer embankment face to a slope no steeper than 2:1, which may require maintaining the current location of the outer embankment face or migrating it back and rebuilding it. Depending the outcome of pending violations with the NCRWCB and CDFW, the resolution may involve both strategies (see the Hydrology and Water Quality section of this document for additional information).

The project includes 31 existing and proposed encroachments/remediation actions, as conditioned by the pending SAA with CDFW. Four encroachments are for water diversion from unnamed tributaries to Bear Canyon Creek and the South Fork Eel River. Water is diverted for domestic use and, historically, for cannabis irrigation. Work for the water diversion would include use modifications of existing infrastructure, stream restoration, use, and maintenance of the water diversion infrastructure. Twenty-two existing and proposed encroachments would permit 14 existing culverts placed without permits, upgrade 2 existing culverts, and install infrastructure at 6 road/stream crossings where no conveyance structure is in place. Four encroachments would improve spillways for two ponds. One encroachment would realign a stream with its historic channel. Work for these encroachments would include excavation, removal of the falling culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armorings necessary to minimize erosion. All 31 CDFW LSAA encroachments/remediation actions are listed below in Table 7:

Table 7. Lake and Streambed Alteration Agreement Remediation Actions

Location	Remediation
Crossing-1	Permit existing 42" culvert
Crossing-2	Permit rocked ford crossing
Crossing-3	Permit existing 42" culvert
Crossing-4	Install a minimum 18" diameter culvert to improve dirt ford at road/stream crossing
Crossing-5	Install a minimum 18" diameter culvert to improve dirt ford at road/stream crossing
Crossing-6	Permit existing 24" diameter culvert at road/stream crossing
Crossing-7	Permit existing 42" culvert at road/stream crossing
Crossing-8	Permit existing 48" diameter culvert at road/stream crossing
Crossing-9	Rock armor outlet of an existing 36" diameter culvert
Crossing-10	Permit existing 60" culvert at road/stream crossing
Crossing-11	Install a minimum 36" diameter culvert at road/stream crossing
Crossing-12	Permit existing 18" culvert at road/stream crossing
Crossing-13	Install a minimum 18" diameter culvert to improve dirt ford at road/stream crossing

Location	Remediation
Crossing-14	Permit existing 60" diameter culvert at road/stream crossing
Crossing-15	Install a minimum 18" diameter culvert to improve rocked ford at road/stream crossing
Crossing-16	Permit existing 60" culvert at road/stream crossing
Crossing-17	Abandon existing dirt ford crossing.
Crossing-18	Permit existing 12" diameter culvert at road/stream crossing
Crossing-19	Permit existing 12" diameter culvert at road/bank seep crossing
Crossing-20	Permit existing 30" diameter culvert at road/stream crossing
Crossing-21	Install a minimum 18" diameter culvert to improve dirt ford at road/stream crossing
Crossing-22	Replace existing 12" diameter culvert with minimum 18" diameter culvert at road/stream crossing
23-Pond Spillway	Remove unpermitted pond spillway and redirect flow to approved location per approved stream restoration plan
24A-Overflow	Remove unpermitted pond spillway and redirect flow to approved location per approved stream restoration plan
24B-Pondspill Way	Rebuild pond spillway per approved stream restoration plan
Crossing-25	Install a minimum 18" diameter culvert to improve dirt ford at road/stream crossing
Map Point D	Realign Class 3 stream per approved stream restoration plan
Pod A	Remove cisterns and structures form stream and install as needed an approved water diversion structure per approved CDFW diversion infrastructure plan
Pod B	Remove cisterns and structures from stream and install as needed an approved water diversion structure per approved CDFW diversion infrastructure plan
Pod C	Water diversion from a Class II stream per approved CDFW diversion infrastructure plan
Pod D	Water diversion from a bank seep for domestic use

Hazardous Materials and Waste

Trash and recycling containers are located in the side basement under the deck of the ranch house. The containers are situated on a concrete pad to prevent storm water contamination and leachate from entering or percolating to receiving waters. The trash containers are in an enclosed area to prevent animal intrusion. Solid waste and recycling is hauled off-site to the Humboldt Waste Management Authority transfer station at least once per week. Future plans are to develop a fenced refuse area.

Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area (see Figure 3, Site Plan). Soils are analyzed annually and then amended and reused. Used pots would be collected and stored in the warehouse for the winter. All packaging from soil amendments and fertilizers would be collected and disposed of at an appropriate facility.

The water management plan aims to achieve low evaporation, properly absorbing irrigation and nutrient system. Drip system and hand watering methods minimize the overirrigation of plants and subsequent runoff.

Odors

Odors would be contained on the property on which the cannabis activity is located. Ventilation and control equipment would be installed to control dust, odor, and vapors that would prevent or reduce odor emission impacts to employees and/or properties located in the vicinity and cross contamination of cannabis produces/product. Additionally, rubbish disposal would be conveyed, stored, and/or disposed of to minimize the development of odor, deflect attraction of pests, and protect against cross contamination of any cannabis products.

Electrical Service

Off-grid electricity is currently provided by solar systems for all cultivation and domestic uses. Electricity for cultivation operations including lighting, ventilation, and climate control would be sourced from 100% renewable energy. Use of an on-site generator is limited to power outage events, and if the solar energy system is limited by undetermined weather conditions, guidelines by the County and State would be followed. The generator and diesel fuel is located within a secondary containment trough. Current plans include bringing PG&E onsite.

10. Surrounding Land Uses and Setting

Land uses surrounding the project site are in residential, timber, and agricultural use. The surrounding parcels are zoned Agricultural Exclusive (AE), Timber Production Zone (TPZ), Forest Recreation (FR), and Rural Residential (RR).

The project site and surrounding areas are not located in any hazardous areas. The project site is in Zone X, an area of minimal flood hazard, outside the 100-year flood zone mapped by the Federal Emergency Management Agency (FEMA). The project site is not in an Alquist-Priolo Fault Zone. No schools, school bus stops, places of worship, or public parks are located within six hundred (600) feet of the project site.

11. Other Public Agencies whose Approval is Required: (e.g., permits, financing approval, or participation agreement.)

A Commercial Cannabis Activity License for the wholesale nursery would be required from the State of California Department of Food and Agriculture (CDFA). Proposed water diversion and a Small Irrigation Use Registration (SIUR) for the rainwater catchment pond would be required from the SWRCB. Approval from the NCRWQCB would be required. Building permits would be required from the Humboldt County Building Department. Due to the project site's location in a State Responsibility Area (SRA), the California Department of Forestry and Fire Protection may have requirements pertaining to access and fire safety. A Final SAA from CDFW would be required for work in a river, stream, or lake under Section 1602 of the Fish and Game Code. An Operator ID Number from the County Department of Agriculture is also required. The status of these approvals are summarized in Table 8.

Table 8. Approvals Needed

Approval Needed	Agency	Status
Commercial Cannabis Activity License	State of California	Temporary licenses issued; Renewal dependent on compliance with CDFW, SWRCB, and Regional Water Board requirements.
Approval for diversion; SIUR	SWRCB	Filed for diversion and SIUR
Waste Discharge and Water Quality Certification	NCRWQCB	In June 10, 2016, enrolled for coverage under Tier 2 of Order No. R1 2015-0023. *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (WDID 1B16868CHUM); Enrolled in State Discharge Order in April 2019.
Building permits	Humboldt County Building Department	To be obtained upon approval of Conditional Use and Special Permits.
SRA Requirements	California Department of Forestry and Fire Protection (CAL FIRE)	Coordination in process.
Final SAA	CDFW	Agreement drafted and awaiting finalization/approval by CDFW.
Operator Identification Number	Humboldt County Department of Agriculture	Obtained.

2.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Energy
☐ Geology / Soils	☐ Greenhouse Gases Emissions	☐ Hazards & Hazardous Materials
☒ Hydrology / Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☒ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☒ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☒ Mandatory Findings of Significance

3.0 DETERMINATION: (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project COULD have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Meghan Ryan 06/18/2020

Signature Date

Meghan Ryan, Senior Planner Humboldt County Planning & Building Department

Printed name For

4.0 EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 21, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addresses. Identify which effects from the above checklist were within the scope of and adequately analyze in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plan, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and sources that have been used and individuals contacted should be cited in the discussion.

8) The explanation of each issue identifies:

   a) The significance criteria or threshold, if any, used to evaluate each question; and

   b) The mitigation measure identified, if any, to reduce the impact to less than significant.

5.0 CHECKLIST, DISCUSSION OF CHECKLIST RESPONSES, PROPOSED MITIGATION

5.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Setting:

Humboldt County is an area of diverse visual character. The project site is surrounded by agriculture/grazing land, forested land cover, and residential uses. Properties to the north of the project site are in single-family residential use, and lands east, south, and west of the project site are in agricultural use.

The project site is accessed from US-101 via Alderpoint Road, Wallen Road, Clark Road, and a private driveway. Part 3, Chapter 10.7 of the 2017 General Plan states that, although there are no "officially designated" scenic highways in Humboldt County, nearby US-101 could be eligible for official designation. The 2017 General Plan defines a scenic highway as one that, in addition to its transportation function, provides opportunities for the enjoyment of natural or scenic resources. The 2017 General Plan states that "[s]cenic highways direct views to areas of exceptional beauty, natural resources or landmarks, or historic or cultural interest."[1] While no there are no officially designated State Scenic or County Scenic highways in the County, Caltrans' list of *eligible* State Scenic Highways include the following:

- US-101 (from post mile 0.0 to 47.0) near Sylvandale, 0.1 mile north of Jordan Creek;
- US-101 (from post mile 0.0 to 38.8) near Arcata/Route 96 near Willow Creek;
- Route 299 (post mile 0.0 to 105.8) near Willow Creek/I-5 north of Yreka;
- US-101 (postmile 0.0 to R28.7) near Alton/Route 3 near Peanut; and
- Route 1 (post mile T91.3 to R30.8) near Leggett/Route 199 near Crescent City.

Based on the descriptions above, a segment of US-101 that is approximately 1 mile west of the project site is eligible for designation as a State Scenic Highway. Views from US-101 towards the project site, however, are blocked by topography and trees/vegetation adjacent to the roadway, and the proposed project would not be visible from eligible State Scenic Highways.

[1] Humboldt County. 2017. Humboldt County General Plan, page 10-46.

Analysis:

a) Finding: The project will not have a substantial adverse effect on a scenic vista. *No impact.*

Discussion: A scenic vista is defined as a viewpoint that provides expansive views of a highly-valued landscape (such as an area with remarkable scenery or a resource that is indigenous to the area) for the benefit of the general public. There are no features on the project site commonly associated with scenic vistas (peaks, overlooks, ridgelines, etc.). There are no designated scenic vistas in the area. No impact would occur.

b) Finding: The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. *No impact.*

Discussion: A segment of US-101 that is west of the project site is listed as an "Eligible State Scenic Highway." However, the project site does not contain any landmark trees, rock outcroppings, or buildings of historical significance and is not visible from the highway. Therefore, no impact would occur.

c) Finding: The project, located away from viewsheds of designated scenic resources, would not conflict with applicable zoning and other regulations governing scenic quality. *Less than significant impact.*

Discussion: Sensitive viewer groups typically include residents, recreationists, and motorists. The proposed cultivation sites and buildings would be located away from residential streets and at least 200 feet away from the nearest residence. Considering the forested land cover at the perimeter of the site and distances to potential viewers, the project site is generally not viewable. Potential impacts would be less than significant, and no mitigation would be necessary.

d) Finding: The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. *Less than significant impact.*

Discussion: The processing facility area would have low intensity exterior lighting to illuminate the entrances and would include a small number of motion activated security lights. All lighting would be designed and located so that direct rays are confined to the property. Any new lighting associated with the proposed project would be subject to Humboldt County standard practices regarding night lighting that would be made a condition of approval of the Conditional Use Permit and Special Permit. The exterior of proposed buildings would not be made of reflective materials that would introduce a new source of glare, and existing County standards would limit light spillover and intensity. Therefore, impacts would be a less than significant impact, and no mitigation is necessary.

Findings:

a) The project will not have a substantial adverse effect on a scenic vista: **No impact.**

b) The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway: **No impact.**

c) The project would not conflict with applicable zoning and other regulations governing scenic quality: **Less than significant impact.**

d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area: **Less than significant impact**.

5.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☒	☐	☐
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Setting:

As previously mentioned, the project site is designated "Agricultural Grazing" (AG) in the 2017 Humboldt County General Plan. APNs 223-061-043 and 223-061-038 are zoned AE-B-5(160); TPZ. APNs 223-073-004 and 223-073-005 are zoned AE-B-5(160). The project site is currently used for cannabis cultivation.

The Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency has not yet mapped farmland in Humboldt County.[2] According to the Humboldt County Web GIS mapping, the project site does not contain prime agricultural soils. Further, the Natural Resources Conservation Service soil survey has mapped this site as "Not prime farmland".[3]

[2] California Resources Agency. 2020. https://www.conservation.ca.gov/dlrp/fmmp/Pages/county_info.aspx. Accessed June 2, 2020.

[3] Natural Resource Conservation Service. 2020. Web Soil Survey. Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed June 2, 2020.

As a means of agricultural land preservation, the State Legislature enacted the California Land Conservation Act of 1965 commonly called the "Williamson Act." Under the Act, property owners may enter into contracts with the County to keep their lands in agricultural production for a minimum of 10 years, in exchange for property tax relief. Lands covered by Williamson Act contracts are assessed based on their agricultural value instead of their potential market value under non-agricultural uses and are known as "Agricultural Preserves." According to Humboldt County Web GIS mapping APN 223-073-005-000, at the east side of the project site is under Williamson Act contract. The Williamson Act Contract has been non-renewed, and will terimate February 1, 2026. Until contract termination, the Williamson Act contract requirements continue to apply.

The Z'berg-Warren-Keene-Collier Forest Taxation Reform Action 1979 requires counties to provide for the zoning of land used for growing and harvesting timber as timberland preserve. The project site is zoned Timberland Production Zone; however, no timber activities are taking place at the site or on adjacent properties.

Analysis:

a) Finding: The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. *No impact*.

Discussion: As previously mentioned, Humboldt County is not included in the FMMP, and prime agricultural soils have not been identified in the project site. Therefore, no impact would occur.

b) Finding: The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. *Less than significant impact*.

Discussion: APNs 223-061-043 and 223-061-038 are zoned AE-B-5(160); TPZ. APNs 223-073-004 and 223-073-005 are zoned AE-B-5(160). The proposed project will be considered for Conditional Use Permits and a Special Permit by the County. An operator with an existing outdoor cultivation area in excess of 5,000 square feet may apply for a Special Permit or Conditional Use Permit depending on the size of the grow. These land use permits are discretionary meaning that the permit may be approved, approved with conditions, or it may be denied.

According to Humboldt County Web GIS mapping, the subject parcels total 470 acres of lands within Williamson Act Contract 229. The proposed project would utilize less than 2 acres (or 0.27%) of the subject parcels. Although this contract is subject to non-renewal and subject to end on February 1, 2026, the proposed project would continue agricultural operations, uses would remain consistent with the Williamson Act contract and would not negatively impact the subject parcels to be grazed commercially. As discussed in the CMMLUO, CMMLUO provides for the cultivation and processing of cannabis within the zoning districts where agriculture is a principally permitted use.[4] Humboldt County recognizes cannabis cultivation as an agricultural activity and the County's Williamson Act Advisory Committee and Board of Supervisors have previously determined that commercial cannabis cultivation is a compatible land use within existing agricultural preserves. Therefore, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act Contract. No impact would occur.

c) Finding: The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526). *No impact.*

[4] Humboldt County. 2016. Resolution No. 16-14. https://humboldtgov.org/DocumentCenter/View/53374/Resolution-No-16-14---CMMLUO?bidId=

Discussion: Portions of the project site (APNs 223-061-043 and 223-061-038) are zoned as Timberland Production Zone. However, the proposed project does not require a rezone, and no impact would occur.

d) Finding: The project would not result in the loss of forest land or conversion of forest land to non-forest use. *Less Than Significant with Mitigation Incorporated*.

Discussion: The project site contains both forest lands and agricultural lands. All development associated with the proposed project will occur on the portions of the site zoned Agriculture Exclusive. Development of the 'Rockpit' location on APN 223-061-043 requires removal of 2 stumps and approximately 10 trees that are less than 12'' dBH. The applicant will submit an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two stumps and approximately 10 trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees are protected from encroachment and how newly planted trees will also be protected. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. With implementation of Mitigation Measure AFR-1, the proposed project would have a less than significant impact on the loss of forest land or conversion of forest land to a non-forest use.

e) Finding: The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. *No impact*.

Discussion: The project site would continue to be accessed via Wallan and Clark Roads and the private driveway to the entrance. While some improvements are anticipated to address CAL FIRE requirements, no new roadways or connections would be constructed that would encourage conversion of farmland to non-agricultural use or forest land to non-forest use. Therefore, the project would not lead to the conversion of farmland to non-agricultural use or forest land to non-forest use in the surrounding project area. No impact would occur.

Findings:

a) The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use: **No impact.**

b) The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract: **No impact**.

c) The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526): **No impact**.

d) The project would not result in the loss of forest land or conversion of forest land to non-forest use: ***Less Than Significant with Mitigation Incorporated*.**

e) The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **No impact.**

Mitigation:

AFR-1 Oak Woodland Restoration and Replacement

The applicant will submit an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two stumps and approximately 10 trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees are protected from encroachment and how newly planted trees will also be protected. The Plan shall include monitoring and reporting elements that require a minimum of 3 years of monitoring and achieve an 85% success rate. The monitoring reports will be provided to the Planning Department for review at the time of the annual inspection.

5.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Setting:

The project site is in Humboldt County, which lies within the North Coast Air Basin (NCAB). The NCAB extends for 250 miles from Sonoma County in the south to the Oregon border. The climate of NCAB is influenced by two major topographic units: the Klamath Mountains and the Coast Range provinces. The climate is moderate with the predominant weather factor being moist air masses from the ocean. Average annual rainfall in the area is approximately 50 to 60 inches with the majority falling between October and April. Predominant wind direction is from the northwest during summer months and from the southwest during winter storm events.

Project activities are subject to the authority of the North Coast Unified Air Quality Management District (NCUAQMD) and the California Air Resources Board (CARB). NCUAQMD is listed as "attainment" or "unclassified" for all the federal and state ambient air quality standards except for the state 24-hour particulate (PM_{10}) standard, which relates to concentrations of suspended airborne particles that are 10 micrometers or less in size.

In determining whether a project has potentially significant air quality impact on the environment, agencies often apply their local air district's thresholds of significance to project impacts in the review process. The District has not formally adopted specific significance thresholds, but rather utilizes the Best Available Control Technology (BACT) emissions rates for stationary sources as defined and listed in the NCUAQMD Rule and Regulations, Rule 110 – New Source Review (NSR) and Prevention of Significant Deterioration (PSD), Section 5.1 – BACT (pages 8-9)[5].

One sensitive receptor is located on parcel 223-073-005 at the southwest portion of the project site. Employees that would be housed at the project site in proposed future housing would also be considered sensitive receptors. Other sensitive receptors near the project site include residences north of the site, the nearest of which is approximately 200 feet north of the property line, and a residence approximately 350 feet east of the property line.

[5] North Coast Unified Air Quality Management District. 2020. District Rules and Regulations. Available at: http://www.ncuaqmd.org/index.php?page=rules.regulations. Accessed 5/28/20.

Analysis:

a) Finding: The project will not conflict with or obstruct implementation of the applicable air quality plan. *No impact*.

Discussion: A potentially significant impact to air quality would occur if the project would conflict with or obstruct the implementation of the applicable air quality management or attainment plan. Therefore, it is necessary to assess the project's consistency with these plans.

The California Clean Air Act (CCAA) requires the NCUAQMD to achieve and maintain state ambient air quality standards for PM_{10} by the earliest practicable date. The NCUAQMD prepared the Particulate Matter Attainment Plan, Draft Report, in May 1995. This report includes a description of the planning area (North Coast Unified Air District), an emissions inventory, general attainment goals, and a listing of cost-effective control strategies. The NCUAQMD's attainment plan established goals to reduce PM_{10} emissions and eliminate the number of days in which standards are exceeded. The plan includes three areas of recommended control strategies to meet these goals: (1) transportation, (2) land use, and (3) burning. Control measures for these areas are included in the Attainment Plan. The project design incorporates control measures identified in the PM_{10} Attainment Plan appropriate to this type of project, such as:

1) The project would be located at a site with existing cannabis cultivation activities. As an existing cannabis farm, vehicle miles traveled are not anticipated to increase. Further, the construction of employee housing on-site is anticipated to reduce vehicle miles traveled and would result in less associated vehicular exhaust emissions generated when compared to the existing condition.
2) The project would apply water in construction areas to control dust. Paved and gravel access roads would control dust.
3) The project involves a commercial cannabis cultivation and processing operation. The Humboldt County General Plan designates the project area as "Agricultural Grazing" (AG). The AG designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Particulate emissions from the proposed project would be appropriate for its General Plan Designation.
4) The proposed project's cannabis operation does not include any burning and would not employ wood stoves for heat.

The proposed project would not obstruct implementation of the NCUAQMD Attainment Plan for PM_{10}. No impact would occur.

b) Finding: The project would have a less than significant impact on a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. *Less than significant impact*.

Discussion: Air quality standards within the NCUAQMD are set for emissions that may include, but are not limited to visible emissions, particulate matter, and fugitive dust. Pursuant to Air Quality Regulation 1, Chapter IV, Rule 400 – *General Limitations*, a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, endanger the comfort, repose, health or safety of any such persons or the public, or have a natural tendency to cause injury or damage to business or property. Visible emissions include emissions that are visible to the naked eye, such as smoke from a fire. The proposed project involves the construction and operation of commercial cannabis cultivation and processing. No activities resulting in visible emissions, including intentional fire/burn, would be associated with the project.

Air quality impacts can be divided into two phases for a project: construction and operation.

Mobile sources of emissions include equipment used during short-term construction and vehicle/truck traffic and light-duty equipment from long-term operation. According to NCUAQMD Rule 102, the Air District does not currently require permits for the operation of heavy equipment used for construction (except pavement burners) or agricultural operations.[6] There are no "target" air quality standards/limits in this area; however, heavy equipment is generally subject to off-road equipment emission standards from CARB and exceeding those standards may constitute a "nuisance" condition and can be mitigated by proper equipment maintenance.

The project proposes to construct various buildings, 27 parking spaces, cultivation area hoop houses, and improvements to stream crossings throughout the site. Emissions from construction equipment would occur for a limited period, and the equipment would be maintained to meet current emissions standards as required by CARB and the NCUAQMD. As described in Section 5.17 – *Transportation*, during long-term operation at peak operating times, the project could generate up to 42 vehicle trips per day (21 in/21 out); this could be the maximum per day if at peak season every employee showed up for work, and distribution, supply run, equipment maintenance, and wholesale nursery all happened on the same day. The anticipated average daily trips would be 10 (5 in/5 out) from December to February; 16 (8 in/8 out) from March to April, and 30 (15 in/15 out) from May to November.

Stationary sources of emissions from the project would include the HVAC and filter systems for air conditioning, odor reduction, manufacturing, extraction, processing, and heating. According to NCUAQMD Rule 102, the Air District does not require permits for HVAC systems.

The project has the potential to generate particulate matter (dust) during construction activities. All activities at the project site are required to meet NCUAQMD Air Quality standards, including Regulation 1, which prohibits nuisance dust generation and is enforceable by the District. The NCUAQMD currently enforces dust emissions according to the CA Health and Safety Code (Section 41701) which limits visible dust emissions that exceed 40% density to a maximum of 3 minutes for anyone-hour period. NCUAQMD District Rule 104 states that "*reasonable precautions shall be taken to prevent particulate matter from becoming airborne*." The USEPA has determined that dust generally settles out of the atmosphere within 300 feet of the source. The closest sensitive receptors are the residence at the project site, residences approximately 200 feet to the north, and a residence 350 feet to the east, but because of the limited activity that would occur, the rapid dissipation of the dust, and the low density of residences, potential impacts would be minimal.

The project has the potential to generate particulate matter (dust) during construction activities. All activities at the project site are required to meet NCUAQMD Air Quality standards, including Regulation 1, which prohibits nuisance dust generation and is enforceable by the District.[7] Rule 104 states that:

1. No person shall allow handling, transporting, or open storage of materials in such a manner which allows or may allow unnecessary amounts of particulate matter to become airborne.

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[6] Northcoast Unified Air Quality Management District. 2020. District Rules and Regulations. http://www.ncuaqmd.org/index.php?page=rules.regulations. Accessed 5/28/20.

[7] Northcoast Unified Air Quality Mangement Distirct. 2015. 2015. General Provisions, Permits & Prohibitions. Adopted July 9, 2015.

2. Reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including, but not limited to, the following provisions:

    a. Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust.

    b. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Containment methods can be employed during sandblasting and other similar operations.

    c. Conduct agricultural practices in such a manner as to minimize the creation of airborne dust.

    d. The use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.

    e. The application of asphalt, oil, water or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts.

    f. The paving of roadways and their maintenance in a clean condition.

    g. The prompt removal of earth or other track out material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

The proposed project would comply with NCUAQMD regulations, thus potential impacts would be minimal.

Carbon monoxide (CO) hot spots are typically associated with idling vehicles at extremely busy intersections (i.e., intersection with an excess of 100,000 vehicle trips per day). There are no projected CO hot spot intersections in Humboldt County or in the general project area which exceed the 100,000 vehicles per day threshold typically associated with CO hot spots. In addition, the North Coast Air Basin is currently in attainment for CO. As such, project-related vehicular emissions would not create a hot spot nor contribute to an existing one.

Therefore, the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Additionally, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Therefore, impacts would be less than significant, and no mitigation would be necessary.

c) Finding: The project will not expose sensitive receptors to substantial pollutant concentrations. *Less than significant impact*.

Discussion: Sensitive receptors (e.g. children, senior citizens, and acutely or chronically ill people) are more susceptible to the effect of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, parks, childcare centers, hospitals, convalescent homes, and retirement homes. Sensitive receptors include a residence at the site, residences approximately 200 feet north, and a residence 350 feet to the east.

As indicated by the air quality impact analysis under subsection b), the proposed project would not produce significant quantities of criteria pollutants (e.g. PM_{10}) during short-term construction activities or long-term operation. In addition, the proposed project would not create a CO hot spot.

Cultivation operations involving application of dry or wet chemicals such as pesticides would be conducted inside the proposed buildings and therefore not susceptible to wind dispersal to

sensitive receptors. Therefore, the proposed project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant, and no mitigation would be necessary.

d) Finding: The project will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. *Less than significant impact*.

Discussion: During long-term operation of the project, there is potential to impact air quality due to odors that would be generated by the proposed cultivation and processing activities. The nearest sensitive receptors are the residence at the site, residences approximately 200 ft to the north, and a residence approximately 350 feet to the east. Odors during the construction phase would consist primarily of diesel truck fumes; however, these impacts would be temporary and less than significant. Odors from operations would be agriculture-related. Under Humboldt County Code Section 313-43, properly conducted agricultural operations are not deemed a nuisance and purchasers and users of property adjacent or near agricultural operations are notified of potential problems associated with such agricultural uses, including noises, odors, dust, chemicals, smoke and hours operation. The proposed project would not result in substantial other emissions (such as those leading to odors) affecting a substantial number of people. Impacts would be less than significant, and no mitigation would be necessary.

Findings:

a) The project will not conflict with or obstruct implementation of the applicable air quality plan: **No Impact.**

b) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard: **Less than significant impact.**

c) The project will not expose sensitive receptors to substantial pollutant concentrations **Less than significant impact.**

d) The project will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people: **Less than significant impact.**

5.4 BIOLOGICAL RESOURCES

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Setting:

A Biological Report was prepared for the proposed project in May 2020 by Natural Resources Management Corporation.[8] Information in this section is summarized from the Biological Report, which is provided in full as Appendix D. The study area consisted of APNs 223-061-038, 223-061-043, 223-073-004, and 223-073-005.

Overall, the project site can be described as a mid-mature forest dominated by Douglas fir interspersed with large open grassland areas within the rolling hills of the coastal range. When viewing the general area in Google Earth imagery from 1993-2019,[9], it appears the open areas previously utilized for cannabis

[8] Natural Resources Management Corporation. 2020. Biological Report Shadow Light Ranch, Garberville, Humboldt County, California, APNs 223-061-038, 223-061-043, 223-073-004, 223-073-005.

[9] Google. 2020. Google Earth Pro.

cultivation were natural grassland openings. Some open areas appear larger in earlier imagery, suggesting forest encroachment into the natural grassland openings.

The parcels have a general western aspect towards the South Fork Eel River, with elevations ranging from approximately 500 feet at the northwest corner to approximately 2,000 feet at the northeast parcel boundary, with several promontories across the open grassland areas.

At the northwest corner of the project site, a tributary to the South Fork Eel River in Bear Canyon flows into and back out of the northern parcel boundary, approximately 2 miles east of the South Fork Eel River. Just west of the parcel boundary, this tributary joins another tributary with forks originating in the south central portion of APN 223-061-038, approximately 0.2 miles (1,055 feet) west of Zone II, and in the southwest corner of APN 223-073-005, approximately 0.2 miles west of Zone I. This meets the required watercourse setbacks (buffers) for the SWRCB and Humboldt County.

The mainstem Eel River, a Class I fish bearing watercourse, flows northwest from Garberville to the confluence with South Fork Eel River at Dyerville, continuing another 20 air miles to the confluence with the Van Duzen River, then flows approximately 12 additional air miles to the Pacific Ocean.

Regionally Occurring Special Status Species:

Prior to the survey, the CDFW California Natural Diversity Data Base was queried for records of wildlife species occurrences in a nine-quad area surrounding the project site. A recent query[10] was done for the May 2020 revision of the Biological Report to ensure no additional records were added to the database since the site visit in 2018. Table 9 lists the potential special status species in the Garberville nine-quad area.

Table 9. California Natural Diversity Database List of Potential Special Status Species in the Garberville Nine-Quad Area

Common Name	Scientific Name	Federal/State Listing
Cooper's hawk	*Accipiter cooperii*	Watch List
golden eagle	Aquila chrysaetos	Fully Protected
osprey	Pandion haliaetus	Watch List
American peregrine falcon	Falco peregrinus anatum	Delisted, Fully Protected
little willow flycatcher	Empidonax traillii brewstersi	State Endangered
Sonoma tree vole	Arborimus pomo	Species of Special Concern
Pacific fisher- West Coast DPS	Pekania pennanti	Proposed & Candidate Threatened
pallid bat	Antrozous pallidus	Species of Special Concern
western pond turtle	Emys marmota	Species of Special Concern
Pacific tailed frog	Ascaphus truei	Species of Special Concern
foothill yellow-legged frog	Rana boylii	Candidate Threatened
Southern torrent salamander	Rhyacotriton variegatus	Species of Special Concern
red-bellied newt	Taricha rivularis	Species of Special Concern

Biological Report Survey Results

A field survey was conducted on April 26, 2018, by Natural Resources Management's biologist, Michelle McKenzie, and botanist, Claire Brown. No listed wildlife species or species of special concern were detected during the survey. In addition, no sensitive species or natural communities of plants were detected during the survey, and no wetland indicator vegetation was identified in the proposed cultivation areas. Special status and additional species of interest, and the potential for project impacts, are presented in Table 10, below.

[10] California Department of Fish and Wildlife (CDFW). 2020. California Natural Diversity Database (CNDDB). https://www.wildlife.ca.gov/Data/CNDDB

Table 10. Special Status Species, Species Potentially Present in the Project Areas, and Potential Impacts

Common Name	Listing Status	General Habitat Description	Presence of Suitable Habitat w/in Site?	Potentially Impacted by Project?	Comments
BIRDS					
Cooper's hawk	WL	Dense stands of live oak, riparian deciduous or other forest habitats near water used most frequently. Woodland, chiefly of open, interrupted or marginal type for hunting; nests usually in second growth conifer stands or deciduous riparian areas near streams	Yes	No	No impacts; nesting/foraging habitat present in wider general area; more likely utilizing watercourse areas
golden eagle	FP	Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas	Yes	No	No impacts; parcel in vicinity of habitat but unlikely to have any impacts due to extensive options and no nearby historic records
osprey	WL	Ocean shore, bays, freshwater lakes, and larger streams. Large nests built in tree-tops within 15 miles of a good fish-producing body of water	No	No	No impacts; likely present in SF Eel river watershed
American peregrine falcon	FP	Breeds near water in woodland, forest, and coastal habitats. Riparian areas important year-round. Requires cliffs, ledges for cover and breeding	No	No	No impacts; some large cliff areas typically of this species (locally) in the vicinity
northern spotted owl	T	Old-growth forests or mixed stands of old-growth and mature trees; occasionally in younger forests with patches of big trees	No	No	No impacts; nearest known AC is greater than 3 miles from project areas
little willow flycatcher	SE	Breeds in moist brushy thickets, open second-growth, and riparian woodland, especially with willow	No	No	No impacts; no concentrated areas of willow or other riparian brushy areas observed on parcels

Common Name	Listing Status	General Habitat Description	Presence of Suitable Habitat w/in Site?	Potentially Impacted by Project?	Comments
MAMMALS					
Sonoma tree vole	SSC	North coast fog belt from Oregon border to Sonoma County; in Douglas-fir, redwood & montane hardwood-conifer forests	Yes	No	No impacts; if habitat on parcel it occurs in areas with no disturbance; no habitat being removed
fisher	CT	Intermediate to large-tree stages of coniferous forests and deciduous-riparian areas with high percent canopy closure; denning structures include hollow trees, logs and snags	Yes	No	No impacts; this wide ranging species expected to be in general area foraging; may be denning structures present on ranch; no habitat being removed
Pallid bat	SSC	Frequents open habitats for foraging, often taking prey on the ground, such as crickets and grasshoppers; day roosts in caves, crevices and occasionally hollow trees and buildings; night roosts more open sites such as bridges and open buildings; prefers rocky outcrops, cliffs to access open habitats	Yes	No	No impacts; foraging habitat present, assume roosting in general vicinity
HERPETOFAUNA					
western pond turtle	SSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation	Yes	No	No impacts; not present/detected at pond sites, which dry up by July
Pacific tailed frog	SSC	Occurs in montane hardwood-conifer, redwood, Douglas-fir & ponderosa pine habitats	No	No	No impacts; Class III creek surveyed is not considered consistent or cool enough for this species
Red-bellied newt	SSC	Prefers clean rocky streams and rivers with moderate to fast flows	No	No	No impacts; no habitat; may be out of range for this species

Common Name	Listing Status	General Habitat Description	Presence of Suitable Habitat w/in Site?	Potentially Impacted by Project?	Comments
foothill yellow-legged frog	CT	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Need at least some cobble-sized substrate for egg-laying. Need at least 15 weeks to attain metamorphosis	No	No	No impacts; rarely encountered far from rocky streams with permanent water; no habitat in surveyed areas
southern torrent salamander	SSC	Coastal redwood, Douglas-fir, mixed conifer, montane riparian, and montane hardwood-conifer habitats; Old growth forests	No	No	No impacts; requires cold, well shaded permanent water; stays within splash zone; Class III not permanent

Botanical Survey

A botanical survey,[11] included in Appendix E, was completed on May 20, 2020 to identify special status plants and natural communities at the Rock Pit, proposed cultivation areas, and the new proposed building site. The survey identified no special status plants or plant communities in these areas.

Analysis:

a) Finding: The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. *Less than significant impact with mitigation.*

Discussion: There is low potential for several regionally-occurring special-status plant and animal species to occur in the project site and be affected by the proposed project. Queries of the CNDDB database identified three listed or candidate species (fisher, little willow flycatcher, foothill yellow-legged frog) potentially in the area. Based on surveys, there does not appear to be sufficient extensive habitat in the immediate project area to support these species, although foraging by fisher is presumed on forested patches. There is no willow on the project site to support willow flycatchers, and the watercourses surveyed did not provide optimal habitat for foothill yellow-legged frog, although habitat may exist elsewhere on the site; presence was not confirmed for either species.

The Upper Pond contained hundreds of tadpoles on the margins that appeared to be Northern Pacific tree frogs. According to the landowner, this pond, as well as the Tooby pond across the road, is shallow and tends to be dry by June which likely contributes to keeping the non-native bullfrog from establishing. This pond appears stable; what slumping has occurred appears contained and was perhaps due to unseasonably saturating rains the winter following

[11] Wear, Kyle, Botanical Consultant. 2020. Botanical Survey Results, Shadowlight Ranch, Rock Pit Cultivation Site, Humboldt County, CA.

construction. Should CDFW confirm that this pond needs to be removed, the Biological Report recommends that it be done once the pond has dried up and juvenile frogs have had time to disperse into the surrounding landscape.

The Lower Pond is connected to the Upper Pond via a culvert. The culvert connecting the two ponds showed some signs of slumping but did not appear to be delivering sediment to the Lower Pond during biological field survey. This pond currently contains Pacific tree frog tadpoles and some nesting red-winged blackbirds in the cattails. The habitat at this site is similar to that of the Upper Pond, but with an established emergent wetland along the margins. The area between the Lower Pond and the adjacent Class II below has some significant erosion issues that need to be addressed to avoid delivering sediment to the watercourse downslope. The Class II stream course was not surveyed during the April 2020 field survey; it is assumed that if habitat for foothill yellow-legged frog existed in the stream course, adult frogs would be present year-round. To mitigate for potential impacts, pre-construction surveys for foothill yellow-legged frogs should occur if earth moving activities are required in the vicinity of the stream course near the Lower Pond at any time of year. Implementation of Mitigation Measure BIO-1, pre-construction surveys for foothill yellow-legged frogs, would reduce impacts to less than significant.

Should CDFW determine the Lower Pond needs to be removed, it should be done once it dries, if indeed it does, and juvenile frogs or fledgling red-winged blackbirds from the last nesting attempt have had the opportunity to disperse. Mitigation Measure BIO-2, which would allow dispersal of juvenile frogs and red-wing blackbirds, would reduce impacts to less than significant.

For general wildlife protection, Mitigation Measures BIO-3 would require no use of plastic support netting and Mitigation Measure 4 would require no use of rodenticide. Mitigation Measure BIO-5 would prevent light or noise pollution that could affect wildlife Mitigation Measures BIO-1 through BIO-5 would reduce impacts to less than significant.

b) Finding: The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. *Less than significant impact.*

Discussion: Surveyed areas consisted of proposed project areas Zone I, Zone II, Roadside, and Rockpit. Zone 1, Zone II, and Roadside are existing cultivation flats with greenhouses. The Rockpit location is a previously disturbed quarry site. Ponds on-site, established for several years, were also surveyed. No sensitive species or natural communities of plants were detected during the survey, and no wetland indicator vegetation was identified in the proposed cultivation areas.

Potential impacts to sensitive communities would be less than significant.

c) Finding: The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. *Less than significant with mitigation.*

Discussion: During surveys for the Biological Report, the presence of wetland indicator and riparian vegetation was surveyed within and around the proposed cultivation sites. Within the surveyed areas, streams, wetlands, or natural water bodies on the project site include Bear Canyon Creek in the northern portion of the project site and unnamed tributaries flowing east through the project site. Two constructed ponds, the Upper Pond and Lower Pond, are located in the southern portion of the project site. An established emergent wetland occurs at the margins of the Lower Pond. The Upper Pond was constructed in 2016 and the Lower Pond was constructed in 2006. Based on the pending CDFW SAA (see Appendix F), these two ponds are to be removed.

An evaluation of wetlands near the upper pond was conducted by WRA Environmental Consultants dated April 11, 2019, for an evaluation to be included with the Small Irrigaiton Use Registration. The report identified 10, 661 square feet of wetlands in four distinct areas.

It is anticipated that impacts to streams, including the proposed LSAA encroachments and remediation actions, would be mitigated through provisions in permits and approvals from CDFW, SWRCB, and NCRWQCB. An SAA with CDFW has been drafted and is pending approval. The applicant would comply with all CDFW standards to obtain and maintain the Final SAA agreement. With implementation of Mitigation Measures BIO-6, 7, 8, and 9 the proposed project would have a less than significant impact on wetlands.

d) Finding: The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. *Less than significant with mitigation.*

Discussion: Migratory birds, including red-wing blackbirds, are presumed to nest in the area. Implementation of Mitigation Measure BIO-2 would reduce impacts to less than significant.

e) Finding: The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. *Less than significant impact with mitigation*.

Discussion: In addition to the general biological resources policies in the 2017 General Plan, the County maintains Streamside Management Areas (SMAs) to protect sensitive fish and wildlife habitats and minimize erosion, runoff, and other conditions detrimental to water quality. The SMA extends 50-100 feet to both sides of any stream, depending on the location (inside or outside of an urban area) and the nature of the stream (perennial or seasonal) and may extend up to 200 feet to include riparian vegetation. It is anticipated that impacts to streams, including the proposed LSAA encroachments and remediation actions, would be mitigated through provisions in permits and approvals from CDFW, SWRCB, and NCRWQCB. An LSAA with CDFW has been drafted and is pending approval. The applicant would comply with all CDFW standards to obtain and maintain the LSAA agreement.

The project cultivation sites are either existing cultivation areas or previously disturbed (Rockpit). Final design of the project at the Rockpit site requires tree removal of two stumps and approximately 10 trees that are less than 12" dBh and the Botanical Report identified a mosaic of mixed conifer and hardwood stands and grasslands at the site. The mixed conifer and hardwood stands include Douglas-fir, Oregon white oak (*Quercus garryana*), California bay (*Umbellularia californica*), madrone (*Arbutus menziesii*), buckeye (*Aesculus californica*), and tanoak (*Notholithocarpus densiflorus* var. *densiflorus*). See Agriculture and Forest Resources Section for a description and mitigation measure associated with the tree removal.

With implementation of Mitigation Measures BIO-7, 8, and 9, the proposed project would have a less than significant impact on local policies or ordinances protecting biological resources.

f) Finding: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. *No impact.*

Discussion: Habitat Conservation Plans in Humboldt County include the following: 1) Green Diamond Resource Company California Timberlands & Northern Spotted Owl (formerly Simpson Timber Company); 2) Humboldt Redwood Company (formerly Pacific Lumber, Headwaters); and 3) Regli Estates. These HCPs primarily apply to forest lands in the County. According to the USFWS Environmental Conservation Online System (ECOS), the project site is not located within the boundaries of a Habitat Conservation Plan (HCP)(USFWS 2020).

The conservation plans for Humboldt County listed on California Regional Conservation Plans Map on the CDFW website include the Green Diamond and Humboldt Redwoods Company

Habitat Conservation Plans. According to the CDFW website, the project site is not located in the boundaries of a Natural Community Conservation Plan.

The project would not conflict with any local policies or ordinances protecting biological resources or conflict with the provisions of an adopted HCP, Natural Community Plan, or other approved plan applicable to the project area.

Mitigation:

BIO-1 Avoid and Minimize Impacts to Foothill Yellow-Legged Frog

- Pre-construction surveys for foothill yellow-legged frogs shall be conducted by a qualified biologist in the vicinity of any earth moving activities near Class II water courses. If it is determined that earth moving activities will need to occur at or near the Lower Pond, surveys should be conducted on the adjacent Class II stream prior to any earth moving activities to determine presence/absence.

- The applicant or County shall coordinate with CDFW regarding FYLF. If, through coordination, it is determined that an incidental take permit under Section 2081 of the Fish and Game Code is required, then the applicant shall obtain the necessary permit and shall provide appropriate compensatory mitigation for impacts to FYLF habitat as agreed upon with CDFW. This process may involve presence/absence surveys in the year prior to construction (at a minimum) to determine the status of the frog at the site. There are no standard CDFW-approved survey protocols for FYLF; therefore, if presence/absence surveys are conducted, the proposed protocols shall be provided to CDFW for review and approval prior to conducting the surveys.

- A qualified biologist shall survey the work site prior to the initiation of construction activities to ensure that FYLF is not present within the project site. If, at the time of construction, FYLF is candidate for listing as threatened or listed as threatened under CESA, handling of FYLF without a take permit pursuant to the CESA is not allowed. If FYLF is found in the project site during preconstruction surveys, construction activities shall not start until the frog has been either relocated by the qualified biologist to a suitable location up or downstream of the construction zone, or allowed to leave the area on its own (if the County has not obtained a take permit pursuant to CESA). The approved biologist shall notify the County project manager and CDFW within 24 hours if FYLF is found, and if any individuals have been relocated, and shall reinitiate consultation with CDFW, if necessary.

- The preconstruction worker awareness training shall include a description of the FYLF and its habitat, the importance of the FYLF and its habitat, the avoidance and minimization measures that are being implemented to conserve the FYLF as they relate to the project, and the boundaries within which work may occur. Personnel will also be instructed on the penalties for not complying with avoidance and minimization measures. If new construction personnel are added to the project, the contractor will ensure that the new personnel received the mandatory training before starting work.

- The biological monitor's inspections and monitoring will involve monitoring for FYLF. If, at the time of construction, FYLF is candidate for listing as threatened or listed as threatened under CESA, handling of FYLF without a take permit pursuant to the CESA is not allowed. If FYLF are present during construction, construction activities within 50 feet of the frog shall cease until either the biological monitor is able to relocate the frog to a suitable location up or downstream of the construction zone, or the frog is allowed to leave the area on its own (if the County has not obtained a take permit pursuant to CESA). The biological monitor shall notify the County project manager and CDFW within 24 hours if FYLF is found, and shall notify of any individuals that have been relocated, and shall reinitiate consultation with CDFW, if necessary.

BIO-2 Allow dispersal of juvenile frogs and fledgling red-winged blackbirds from Lower Pond

Should CDFW determine the Lower Pond needs to be removed, it should be done once it dries and juvenile frogs or fledgling red-winged blackbirds from the last nesting attempt have had the opportunity to disperse. Prior to the removal of the Lower Pond, a qualified biologist shall confirm that red-winged blackbirds have fledged and left the site, juvenile frogs have dispersed, and the pond may be removed.

BIO-3 No use of plastic support netting

The applicant shall not use plastic support netting. Plastic netting is a hazard to all forms of wildlife and is not to be used. CDFW recommends using netting of natural materials such as jute or hemp, with no welded seams.

BIO-4 No rodenticides

The applicant shall not use rodenticides on the project site during construction or operations.

BIO-5 Avoid Light Spillover

The project applicant shall cover any structure requiring lighting (mixed-light greenhouses) one hour before sunrise to one hour after sunset to avoid any adverse effects on nocturnal wildlife during operations and construction.

BIO-6 Wetland Restoration

The applicant shall restore wetlands at a 3:1 ratio on the subject parcels as mitigation for the 10,661 square feet of wetlands that were filled as described by the WRA Environmental Consulting report dated April11, 2019. The wetland restoration plan shall be prepared by a qualified botanist specializing in wetland restoration. The report shall contain a monitoring and reporting plan that requires a minimum of 3 years of monitoring with an 85% success rate.

BIO-7 Obtain Regulatory Authorizations

Prior to commencement of ground disturbing activities, the Applicant shall obtain all required regulatory authorizations, including those from the SWRCB and NCRWQCB, for the discharge of dredged or fill material within waters of the state.

BIO-8 Obtain Streambed Alteration Agreement from CDFW

The applicant shall obtain a Final SAA from CDFW for impacts to habitats regulated by CDFW pursuant to Section 1600 et seq. of the California Fish and Game Code. Measures required by the LSAA shall be implemented as conditions of project approval, and prior to ground disturbance affecting resources regulated by CDFW. Additional mitigation for permanent impacts, if required, may be imposed at the discretion of CDFW.

BIO-9 Report of Waste Discharge

All aquatic resources delineated within the project site are likely to be determined to be classified either as waters of the U.S. and/or State. if it is determined that these features are not subject to federal jurisdiction but are subject to state jurisdiction, then these features would be subject to waste discharge requirements under the Porter-Cologne Water Quality Control Act should the project result in impacts to these features. Section 13260(a) of the Porter-Cologne Water Quality Control Act (contained in the California Water Code) requires any person discharging waste or proposing to discharge waste, other than to a community sewer system, within any region that could affect the quality of the waters of the State (all surface and subsurface waters) to file a report of waste discharge. The discharge of dredged or fill material may constitute a discharge

of waste that could affect the quality of waters of the State. A report of waste discharge shall be filed for impacts to non-federal waters, if required.

Findings:

a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service: **Less than significant impact with mitigation.**

b) The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service: **Less than significant impact.**

c) The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means: **Less than significant with mitigation.**

d) The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites: **Less than significant with mitigation.**

e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance: **Less than significant with mitigation.**

f) The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **No Impact.**

5.5 CULTURAL RESOURCES

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

Setting:

A Cultural Resource Investigation was prepared for the proposed project in May 2020 by William Rich Associates.[12] Information in this section is summarized from the Cultural Resource Investigation, which is provided as Appendix C. The study area consists of APNs 223-061-038, 223-061-043, 223-073-004, and 223-073-005. A comprehensive field survey was performed over the entire project area, encompassing 88 acres, on June 19 and July 25, 2017 and May 20, 2020.

The project area is within the ethnographic territory of the Sinkyone people. Tribal representatives from the Bear River Band of Rohnerville Rancheria, Intertribal Sinkyone Wilderness Council, Round Valley Indian Tribe, and the Wailaki Tribe were contacted during the course of the investigation. A letter was sent in May 2020 to Bear River Band of Rohnerville Rancheria requesting information and formal consultation per AB 52 on May 29, 2020, based on a list provided by the Native American Heritage Commission dated May 21, 2020. No ethnographic villages or other features were known in the project vicinity. Given the geography of the area, it is likely that prairie areas in or near the project area were used for hunting and gathering by Native Americans who had winter villages along the South Fork Eel River in the vicinity of modern-day Garberville. The project property was historically homesteaded by Henry Morse between 1874 and 1876. The government survey map from the latter year shows a house on this property, in the vicinity of the current project area. Other homesteaders and landowners on this property over the years included P. and J.E. Wood (1896), William Turner and William J. Turner (1896, 1898), E.N. Tooby (1921, 1922), Tooby and Dauphiny (1911), the Western Livestock Company (1922, 1949), and John Meyer (1927).

The field survey resulted in the identification of an archaeological site in the project site consisting of flaked-stone debitage, biface, and chert core. A historic-period refuse scatter is also present nearby. Since this cultural resource may be related to the local prehistory of the Sinkyone and early homesteaders of the region, it may contain important archaeological information and is presumed eligible for listing in the California Register of Historical Resources (CRHR) under Criterion 4 for its potential to address important research questions. The site should therefore be considered a historical resource under CEQA and considered a significant aspect of the environment. For these reasons, the site may also be considered a tribal cultural resource, pursuant to Assembly Bill 52 (Public Resource Code Section 21074), and is discussed in Section 5.18, Tribal Cultural Resources, of this Initial Study. On June 15, 2020, the Bear River Band of Rohnerville Rancheria responded to the request of formal consultant sent on May 29, 2020. The Bear River Band of Rohnerville Rancheria decline the formal consultation request and

[12] William Rich Associates. 2020. A Cultural Resources Investigation for Commercial Medical Cannabis Cultivation, The Hills, LLC, APN 223-061-043 (Legal Parcel 1), APN 223-061-038, 223-073-004 and 223-073-005 (Legal Parcel 2), Near Garberville, Humboldt County, California.

provide final comments on the cultural resources report stating they concur with the conclusion of the report

Analysis:

a) Finding: The project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5. *Less than significant with mitigation*.

Discussion: The archaeological site, WRA #1 (Sweet Hills), appears eligible for listing in the CRHR and should be considered a historical resource under CEQA. Impacts to the site may be significant. Implementation of Mitigation Measure CUL-1, avoidance of the site, would reduce impacts to a level that is less than significant.

There is always the possibility that previously unknown historic resources exist below ground surface. There is the potential for subsurface excavation activities to uncover previously unknown subsurface archaeological resources. Implementation of a standard cultural resource construction mitigation measure regarding inadvertent discovery, CUL-2, would reduce potential impacts to a level that is less than significant.

b) Finding: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5. *Less than significant with mitigation*.

Discussion: See discussion under subsection a) above.

c) Finding: The project would not disturb any human remains, including those interred outside of formal cemeteries. *Less than significant with mitigation*.

The record search conducted at the NWIC did not indicate known human remains on the project site. Implementation of a standard cultural resource construction mitigation measure regarding inadvertent discovery, CUL-2, would reduce potential impacts to a level of less than significant.

Mitigation:

CUL-1 Avoid archaeological site WRA #1 (Sweet Hills).

Archaeological Site WRA #1 (Sweet Hills) shall be avoided during all proposed cannabis cultivation and processing activities to be covered under the pending permit. This includes a restriction on heavy equipment entering the site boundaries, including the dirt ranch road which bisects the site between the two identified artifact concentrations. Project-related heavy equipment (including but not limited to excavators, bulldozers, dump trucks and domestic vehicles) may traverse the roads to the north and south of the site boundaries, but not the northerly-trending road connecting the two which bisects the archaeological site. The site boundaries are shown in relation to the existing roads (proposed for upgrade in preparation for the cannabis cultivation project) on the location map and sketch map contained in the accompanying site record (Appendix *C).

CUL-2 Inadvertent Discoveries of Cultural Resources and Human Remains.

If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

Prehistoric materials which could be encountered include obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened

midden, deposits of shell, faunal remains, and human burials. Historic materials which could be encountered include ceramics/pottery, glass, metals, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, etc.

If human remains are discovered during project construction, work would stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Findings:

a) The project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5: **Less than significant with mitigation.**

b) The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5: **Less than significant with mitigation.**

c) The project would not disturb any human remains, including those interred outside of dedicated cemeteries: **Less than significant with mitigation.**

5.6 ENERGY

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Setting:

In 2003, the California Public Utilities Commission, the California Energy Commission, and the California Power Authority adopted an Energy Action Plan to meet California's electricity and natural gas needs. The plan was revised and updated in 2005 and again in 2008. The primary objectives of the plan are to invest in energy efficiency, renewable resources, and a clean conventional electricity supply. Senate Bill (SB) 100, passed in 2018, sets in place a goal for to produce 50 percent renewable energy by 2026, 60 percent renewable energy by 2030, and 100 percent renewable energy by 2045 within the California electricity grid. As of 2017, renewable energy sources, including biomass, geothermal, hydrologic, solar, and wind, accounted for 29 percent of California's power mix[13].

Off-grid electricity is currently provided by solar systems for all cultivation and domestic uses on site. Electricity for cultivation operations including lighting, ventilation, and climate control would be sourced from 100% renewable energy. Use of an on-site generator is limited to power outage events, and if the solar energy system is limited by undetermined weather conditions, guidelines by the County and State would be followed. Current plans include bringing P. G. & E. onsite within 2 years of operation.

Analysis:

a) Finding: The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. *Less than significant impact*.

Discussion: The proposed project would be constructed according to modern building code standards. The cultivation, processing, and wholesale nursery would operate according to industry standards. Off-grid electricity is currently provided by solar systems for all cultivation and domestic uses on site. Electricity for cultivation operations including lighting, ventilation, and climate control would be sourced entirely from renewable energy. Use of an on-site generator is limited to emergency power outage events, and if the solar energy system is limited by weather conditions, guidelines by the County and State would be followed. The applicant plans to eventually connect the site to P. G. & E. electricity, while maintaining the use of renewable energy. Therefore, the proposed project would not result in a wasteful, inefficient, or unnecessary consumption of energy resources, and impacts would be less than significant.

d) Finding: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. *Less than significant impact*.

[13] California Energy Commission. 2020. https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data. Accessed on May 18, 2020.

Discussion: As discussed above, 100% of electricity use is sourced by an on-site solar system. The use of an on-site generator would be limited solely to emergency backup use. The proposed project would be constructed to meet, at a minimum, the requirements of Title 24.11, 2013 California Green Building Standards Code or the Building Standards Code in effect at the time of building design. Impacts would be less than significant.

Findings:

a) The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation: **Less than significant impact.**

b) The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency: **Less than significant impact**.

5.7 GEOLOGY AND SOILS

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Setting:

Geology

The project site and entire Northern California Region are located in a seismically active area. According to Humboldt County Web GIS and California Geological Survey data,[14] the project site is in the Garberville-Briceland Fault Zone and a north-northwest to south-southeast trending inferred fault segment runs through the eastern portion of the project site. The project site itself is not within an Alquist-Priolo earthquake fault zone (where the state of California anticipates potential surface rupture).

[14] Jennings, Charles W. and William A. Bryant. 2010. Fault Activity Map of California. Available at: https://cadoc.maps.arcgis.com/home/item.html?id=510bf02ccc9543f99b625551a3e7c7d0. Accessed June 2, 2020.

According to Humboldt County Web GIS data, the project site is not within an area of potential liquefaction; however, the project site has a Seismic Safety Classification of 2 which is considered "Moderate Instability", and historic landslides have occurred in the project site.

Soils

Based on a review of NRCS Web Soil Survey,[15] soils on the project site are mapped as:

- Map Unit 655—Yorknorth-Witherell complex, 15 to 30 percent slopes
- Map Unit 451—Burgsblock-Coolyork-Tannin complex, 15 to 30 percent slopes
- Map Unit 673—Coolyork-Yorknorth complex, 30 to 50 percent slopes
- Map Unit 452—Burgsblock-Coolyork-Tannin complex, 30 to 50 percent slopes
- Map Unit 405—Tannin-Wohly-Rockyglen complex, 30 to 50 percent slopes

Analysis:

a) i) Finding: The project would not directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Divisions of Mines and Geology Special Publication 42). *Less than significant impact.*

Discussion: Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake's seismic waves. The magnitude and nature of fault rupture can vary for different faults or even along different strands of the same fault. Surface rupture can damage or collapse buildings, cause severe damage to roads and pavement structures, and cause failure of overhead and underground utilities.

There are no Alquist-Priolo Fault Zone maps within the project area. For purposes of the Alquist-Priolo Act, an active fault is one that has ruptured in the last 11,000 years. Although a fault segment of the Quaternary-age Garberville-Briceland fault zone traverses the project site,[16]- it is not considered an active fault. Surface rupture is unlikely. The impact of surface rupture or other seismic-related movement at the project site would be reduced as new construction projects must comply with the California Building Code (CBC) requirements and have geotechnical/soils reports prepared prior to obtaining grading or building permits from the Humboldt County Building Division. A geotechnical/soils report was prepared by Lindberg Geologic Consultants for the location where the processing structures will be constructed (see Appendix G). The report includes recommendations to ensure stability of the structures that will have to be adhere to. With implementation of the proposed recommendations in the geotechnical/soils report and compliance with the CBC, impacts would be less than significant.

ii) Finding: The project would not directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. *Less than significant impact.*

Discussion: Earthquakes on active faults in the region have the capacity to produce a range of ground shaking intensities in the project area. Ground shaking may affect areas hundreds of miles distant from an earthquake's epicenter. Ground motion during an earthquake is described by the parameters of acceleration and velocity as well as the duration of the shaking. Because the project site is located within a seismically active area, some degree of ground motion

[15] Natural Resource Conservation Service. 2020. Web Soil Survey. Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed 5/28/20.
[16] California Geological Survey. 2020. Fault Activity Map of California. Available at: https://maps.conservation.ca.gov/cgs/fam/. Accessed 5/28/20.

resulting from seismic activity in the region is expected during the long-term operation of the project.

The State of California provides minimum standards for building design through the CBC (California Code of Regulations Title 24). Where no other building codes apply, CBC Chapter 29 regulates excavation, foundations, and retaining walls. The CBC applies to building design and construction in the State and is based on the federal Uniform Building Code (UBC) used widely throughout the country. The CBC has been modified for California conditions with numerous more detailed and/or more stringent regulations. Specific minimum seismic safety and structural design requirements are set forth in CBC Chapter 16. The Code identifies seismic factors that must be considered in structural design. With implementation of the proposed recommendations in the soils report and compliance with the CBC, impacts would be less than significant.

iii) Finding: The project would not directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. *Less than significant impact.*

Discussion: Liquefaction is a phenomenon whereby unconsolidated and/or near-saturated soils lose cohesion and are converted to a fluid state as a result of severe vibratory motion. The relatively rapid loss of soil shear strength during strong earthquake shaking results in temporary, fluid-like behavior of the soil. Soil liquefaction causes ground failure that can damage roads, pipelines, underground cables and buildings with shallow foundations.

Although the project site is not in an area subject to liquefaction, it is in an area with a Seismic Safety Classification of "Moderate Instability. This could threaten the integrity of the existing and proposed structures on the project site, and the people occupying those structures. The impact of seismic-related ground shaking on the project site would be reduced as new construction projects must comply with the CBC requirements and soils reports to obtaining grading or building permits from the Humboldt County Building Division. With implementation of the proposed recommendations in the soils report and compliance with the CBC, impacts would be less than significant.

iv) Finding: The project would not directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. *Less than significant impact.*

Discussion: Landslide susceptibility is a function of various combinations of factors including rainfall, rock and soil types, slop aspect, vegetation, seismic conditions, and human construction. Generally, landslides are expected to occur most often on slopes steeper than 15 percent grade in an area with a history of landslides underlain by certain geologic units. The proposed project would be located in an area that has a history of landslides. However, the risk of loss, injury, or death involving landslides associated with construction and operation of the proposed project would be less than significant with implementation of proposed recommendations in the soils/geotechnical report and compliance with the CBC.

b) Finding: The project would not result in substantial soil erosion or the loss of topsoil. *Less than significant impact.*

Discussion: The project applicant would be required to have a soils report prepared prior to receiving grading and/or building permits from the Humboldt County Building Division and implement all site improvement recommendations. Additionally, cultivation sites would be located away from natural surface water features to which sediment might be discharged. Therefore, with implementation of the proposed recommendations in the soils report, project impacts would be less than significant.

c) Finding: The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. *Less than significant impact.*

Discussion: According to Humboldt County Web GIS data, the project site has a Seismic Safety Classification of 2 which is indicates the project site is moderately instable. The project site is designated as an area not subject to liquefaction. The project applicant would be required to have a soils report prepared prior to receiving grading and/or building permits from the Humboldt County Building Division and implement all site improvement recommendations. Therefore, with implementation of the recommendations from the soils report, impacts would be less than significant.

d) Finding: The project would not be located on expansive soil, as defined in Table 18-1-B of the UBC (1994), creating substantial direct or indirect risks to life or property. *No impact.*

Discussion: Expansive soils possess a "shrink-swell" characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may occur over a long period of time due to expansive soils, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils.

The soils on the project site have low and moderate shrink-swell potential based on linear extensibility ratings.[17] (NRCS 2020). Therefore, the project would not be located on expansive soils creating substantial risks to life or property. Therefore, with implementation of the recommendations from the soils report, impacts would be less than significant.

e) Finding: Soils at the project site may have limited capability of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. *Less than significant impact.*

Discussion: The proposed project proposes septic tanks or alternative wastewater disposal system. Based on a preliminary review of soils via NRCS' Web Soil Survey, soils at the site have a rating of "Very Limited" regarding septic tank absorption fields. Construction of septic tanks would have to be in compliance with regulations and requirements of the Humboldt County Department of Health and Human Services. Regulations are included in the Humboldt County Onsite Wastewater Treatment System (OWTS) Regulations and Technical Manual. With compliance with the Humboldt County regulations related to the septic system, the proposed project would have a less than significant impact.

f) Finding: The project could directly or indirectly destroy a unique paleontological resource or site or unique geological feature. *Less than significant impact.*

Discussion: The proposed project area is not located in an area considered likely to have paleontological resources present. Previous disturbance from cultivation has taken place at the project site. Fossils of plants, animals, or other organisms of paleontological significance have not been discovered within the project area. In this context, the project would not result in significant impacts to paleontological resources or unique geologic features. Therefore, impacts would be less than significant.

Findings:

a) i) The project would not directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake

[17] Natural Resource Conservation Service. 2020. Web Soil Survey. Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed May 28, 2020.

fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Divisions of Mines and Geology Special Publication 42: **Less than significant impact.**

a) ii) The project would not directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking: **Less than significant impact.**

a) iii) The project would not directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction: **Less than significant impact.**

a) iv) The project would not directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides: **Less than significant impact.**

b) The project would not result in substantial soil erosion or the loss of topsoil: **Less than significant impact.**

c) The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse: **Less than significant impact.**

d) The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property: **No impact.**

e) The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater: **Less than significant impact**.

f) The project could directly or indirectly destroy a unique paleontological resource or site or unique geological feature: **Less than significant impact**.

5.8 GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emission, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Setting:

As a result of revisions to the State CEQA Guidelines that became effective in March 2010, CEQA lead agencies are obligated to determine whether a project's GHG emissions significantly affect the environment and to impose feasible mitigation to eliminate or substantially lessen any such significant effects (www.ncuaqmd.org). The County of Humboldt completed a draft Climate Action Plan for the General Plan Update in January 2012. The plan contains GHG reduction strategies designed to achieve the goal of limiting greenhouse gas emissions to 1990 emissions levels by 2020. The NCUAQMD and Humboldt County have not adopted any thresholds of significance for measuring the impact of GHG emissions generated by a proposed project.

Analysis:

a) Finding: The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. *Less than significant impact.*

Discussion: This section includes a qualitative discussion of potential GHG/climate change impacts with an emphasis on project features which would reduce construction and operational GHG emissions (see discussion under subsection b) below).

Construction

Construction GHG emissions are generated by vehicle engine exhaust from construction equipment, on-road hauling trucks, vendor trips, and worker commuting trips. The proposed project is relatively small, and construction would be short term (less than one year). All construction equipment and commercial trucks are maintained to meet current emissions standards as required by the CARB. Based on the size of the project and the short duration of construction activities, impacts associated with GHG emissions generated from construction would be less than significant.

Operation

The NCUAQMD and Humboldt County have not adopted any thresholds of significance for measuring the impact of GHG emissions generated by a proposed project. GHG emissions sources during operation would include vehicle traffic from workers and deliveries and operation of HVAC units for the proposed buildings. As described in Section 5.17 – *Transportation*, during long-term operation at peak operating times, the project could generate up to 42 vehicle trips per day (21 in/21 out); this would be the maximum per day if at peak season every employee showed up for work, and distribution, supply run, equipment maintenance and wholesale nursery all happened on the same day. The anticipated average daily trips would be 10 (5 in/5 out) from December to February; 16 (8 in/8 out) from March to April, and 30 (15 in/15 out) from May to November. Although up to 42 trips per day may occur during peak operation, 22 of the trips

would be during the morning and afternoon peak commute hours and the remainder of the trips would be distributed throughout the facility's operating hours. The number of vehicle trips is not considered substantial and GHG emissions would be less than significant.

The proposed nursery and indoor cultivation would feature HVAC and filter systems for air conditioning, odor reduction, and heating. The power used by the HVAC system would be provided by solar panels, any power usage not covered by solar panels would be offset with carbon credits purchased from a carbon offset company. According to NCUAQMD Rule 102, the Air District does not require permits for HVAC systems. The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

b) Finding: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. *Less than significant impact.*

Discussion: The proposed project was evaluated against the following applicable plans, policies, and regulations:

1) Humboldt County Draft Climate Action Plan

2) Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO)

3) NCUAQMD Particulate Matter Attainment Plan

Humboldt County Draft Climate Action Plan

The County's 2012 Draft Climate Action Plan contains strategies for reducing greenhouse gas emissions. This project, as proposed, mitigated, and conditioned, is consistent with the following GHG reduction strategies listed in the County of Humboldt Climate Action Plan:

a) Foster land use intensity near, along with connectivity to, retail and employment centers and services to reduce vehicle miles traveled and increase the efficiency of delivery services through adoption and implementation of focused growth principles and policies.

The project site is currently used for cannabis cultivation. Employees are anticipated to be living in the general area of Garberville, and vehicle miles traveled would not increase substantially. Further, upon construction of worker housing on-site, vehicle miles traveled by employees would reduce.

b) Conserve natural lands for carbon sequestration.

The proposed cultivation improvements are at existing cultivation areas. These areas were formerly open grasslands. No areas would be taken away from carbon sequestration.

c) Reduce length and frequency of vehicle trips.

See response to strategy a), above.

d) Promote the revitalization of communities in transition due to the decline of resource-based industries.

The project site is zoned for timber and agriculture. The proposed project would develop a commercial cannabis cultivation and processing operation, which is an agricultural product and would provide economic benefits to the Garberville area, similar to timber and traditional agriculture products.

e) Ensure that land use decisions conserve, enhance, and manage water resources on a sustainable basis to assure sufficient clean water for beneficial uses and future generations.

Sufficient water supply for cannabis irrigation comes from an on-site well drilled in 2019. The well is non-hydrologically connected. Domestic water comes from a spring. The Applicant has filed for a diversion and SIUR for the rainwater catchment pond from SWRCB. If the SIUR is approved, the objective would be to use rainwater as the primary source of water.

The proposed project would be constructed and operated in compliance with regulatory permits issued by CDFW, SWRCB, and NCRWQCB, and no conflicts with clean water or beneficial uses are anticipated.

Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO)

There are no applicable regulations in the CMMLUO regarding GHG.

NCUAQMD Particulate Matter Attainment Plan

As described under subsection a) in Section 5.3 – *Air Quality*, the proposed project incorporates control measures consistent with the goals included in the Attainment Plan. The goals include: (1) transportation, (2) land use, and (3) burning. The proposed project would not obstruct implementation of the NCUAQMD Attainment Plan for PM_{10}.

Therefore, the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases, and impacts would be less than significant.

Findings:

a) The project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment: **Less than significant impact**.

b) The project will not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases: **Less than significant impact**.

5.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Setting:

Hazardous materials and hazardous wastes are subject to extensive federal, state, and local regulations to protect public health and the environment. These regulations provide definitions of hazardous materials; establish reporting requirements; set guidelines for handling, storage, transport, and disposal of hazardous wastes; and require health and safety provisions for workers and the public. The major federal, state, and regional agencies enforcing these regulations are USEPA and the Occupational Safety and Health Administration (OSHA); California Department of Toxic Substances Control (DTSC); California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA); California Governor's Office of Emergency Services (Cal OES); and NCUAQMD.

The Humboldt County Department of Environmental Health serves as the local Certified Unified Program Agency (CUPA). The CUPA is responsible for collecting and disseminating hazardous materials information. If the facility has a maximum quantity on-site at any one time in excess of 55 gallons, then the facility must complete a Business Plan to the satisfaction of the CUPA. This information can then be made available to emergency first responders or other members of the public.

The project site is comprised of four parcels: APNs 223-061-043, 223-061-038, 233-073-004 and 223-073-005. APNs 223-061-043 and 223-061-038 are zoned AE-B-5(160) and TPZ, while APNs 223-073-004 and 223-073-005 are zoned AE-B-5(160). All parcels have a General Plan designation of AG.

The site is not shown as containing hazardous materials or being involved in any cleanup or monitoring programs on the U.S. Environmental Protection Agency (EPA) EnviroMapper[18], The California Department of Toxic Substances Control EnviroStor mapper[19], or the State Water Resource Control Board Geotracker[20].

Schools located nearest to the project site are Redway Elementary School located approximately 2.5 miles northwest of the project site.

The project site is located two miles northeast of the Garberville Airport, which is maintained by the County. The project site is not located within the Airport Land Use Compatibility Zone or the Building Height Restriction Area.

According to Humboldt County Web GIS data, the project site is within a Fire Rating Zone of "High" to "Very High" indicating the area is at high risk from wildland fires. The site is located within an SRA.

Analysis:

a) Finding: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. *Less than significant impact.*

Discussion: The proposed project would involve construction and operation of a commercial cannabis cultivation, wholesale nursery, and processing facility. Hazardous materials associated with construction include fuels, lubricants, and paint. Hazardous materials associated with the proposed operation include fertilizers, pesticides, and solvents. Best Management Practices (BMPs) are employed when storing, handling, mixing, application of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides would be located in a locked storage room and contained within a water-tight, locked and labeled container in accordance with manufactures instructions. Application rates would be tracked and reported with the end of the year monitoring report, required in the SMP. Employees responsible for the application of these products would be trained to handle, mix, apply and dispose of the products with the proper safety equipment in accordance with the manufacturer's recommendations. The SMP provides additional BMPs that the proposed project would be required to follow to ensure the safe and proper use of hazardous materials.

Hazardous chemicals would be purchased from licensed vendors and transported/shipped to the project site in accordance with all federal, state, and local regulations for the transport of hazardous materials.

With appropriate storage, handling, and application practices that comply with the requirements of Humboldt County, it is not anticipated that the use of these materials at the facility would not pose a significant hazard. The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and impacts would be less than significant.

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[18] https://geopub.epa.gov/myem/efmap/index.html?ve=8,40.879958,-123.984980&pText=95525,%20Blue%20Lake,%20California. Accessed May 18, 2020.

[19] https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=1691+Glendale+Drive%2C+Blue+Lake+California%2C+95525. Accessed May 18, 2020.

[20] https://geotracker.waterboards.ca.gov/map. Accessed May 18, 2020.

b) Finding: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. *Less than significant impact.*

Discussion: As described in the Cultivation and Operations Plan, all potentially hazardous materials would be properly stored. Existing materials are stored with secondary containment (the generator and diesel fuel is located within a secondary containment trough; fertilizers and pesticides are currently stored in a lockable storage shed with secondary containment to prevent contamination with runoff), and these practices are anticipated to continue.

Use of such materials would be required to comply with all applicable local, state, and federal standards associated with the handling and storage of hazardous materials, including the County Medical Marijuana Land Use Ordinance and oversite by the CUPA. These include implementation of spill prevention, control, and countermeasures and the maintenance of appropriate cleanup materials onsite. The project proponent would be required to file a Hazardous Materials Business Plan with the County Division of Environmental Health.

With appropriate storage, handling, and application practices, it is not anticipated that the use of these materials would pose a significant hazard. In the event of foreseeable upset and accident conditions, it is unlikely that these hazardous materials would be released in a manner that would create a significant hazard to the public or the environment. Therefore, impacts would be less than significant.

c) Finding: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. *No impact.*

Discussion: There are no schools located within one-quarter mile of the project site. The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. No impact would occur.

d) Finding: The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. *No impact.*

Discussion: The project site is not included on a list of hazardous materials sites reporting to the EPA. Because there are no hazardous materials concerns currently at the project site, implementation of the proposed project would not create a significant hazard to the public or the environment. No impact would occur.

e) Finding: The project would not result in a safety hazard or excessive noise for people residing or working in the project area for a project within two miles of a public airstrip. *No impact.*

Discussion: The project site is not located within an airport land use plan or the Building Height Restriction Area. The site is approximately 2 miles northeast of the Garberville Airport.

The proposed buildings would comply with Part 77 of the Code of Federal Regulations; Safe, Efficient Use, and Preservation of the Navigable Airspace, which limits the allowable height of all structures within the airport runway approaches. The project does not propose to construct a building greater than 200 feet tall. Therefore, the project applicant will not need to notify the Federal Aviation Authority, and no impact would occur.

f) Finding: The project would not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan. *Less than significant impact.*

Discussion: The project would comply with the requirements of the County Building Code, Cal Fire regarding emergency vehicle access, sprinkler systems, and minimum water supply

requirements. The project site is accessed by an existing driveway connecting to Clark Road. The project would not interfere with any emergency response or evacuation plan.

Therefore, the proposed project would not impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan. Potential impacts would be less than significant, and no mitigation would be necessary.

g) Finding: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. *Less than significant impact.*

Discussion: According to Humboldt County GIS data, the project site is within a Wildland Fire Rating Zone of "High," to "Very High" indicating the area is at High risk from wildland fires. The site is located within an SRA. CALFIRE has commented to the proposed project with a list of requirements and recommendations including emergency access with turnarounds, signing and building numbers, emergency water standards, and fuel modification standards. The proposed project would comply with all of these requirements. The project would result in a less than significant impact and no mitigation would be necessary.

Findings:

a) The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials: **Less than significant impact**.

b) The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment: **Less than significant impact**.

c) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school: **No impact**.

d) The project would not be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment: **No impact**.

e) The project would not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area: **No impact**.

f) The project would not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan: **Less than significant impact**.

g) The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires: **Less than significant impact**.

5.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site?	☐	☒	☐	☐
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off- site?	☐	☒	☐	☐
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff?	☐	☒	☐	☐
iv. Impede or redirect flood flows?	☐	☒	☐	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Setting:

The property is in Benbow Hydrologic Sub Area, which is part of the South Fork Eel River Hydrologic Area, which is part of the Eel River Hydrologic Unit (HUC-18010106). Bear Canyon Creek (Class II watercourse) and unnamed tributaries (Class III watercourses) flow east-west through the property that drain to the South Fork Eel River. The South Fork Eel River is listed on the State Water Resource Control Board 303(d) list as impaired by sediment and temperature.[21]

The South Fork Eel River is approximately 0.9 mi away, across US-101. The project site slopes to the west.

[21] North Coast Regional Water Quality Control Board. 2018. *Basin Plan*. Available at: https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/basin_plan_documents/.

FEMA flood insurance rate maps were reviewed for the project's proximity to a 100-year floodplain. The proposed project is on FEMA panel #0623C1985F, effective 11/4/2016. The project site is in an area mapped as Zone X, an area of minimal flood hazard.[22]

The project site is not connected to a municipal storm drainage system; however, the project would include internal storm water management measures as prescribed in the project's WRPP.

CDFW LSAA Remediation Actions

CDFW LSAA required actions would remediate previous encroachments and address proposed encroachments. The full list of remediation actions are included in Table 4 of this Initial Study.

NCRWQCB Required Site Management Plan

The Applicant Is enrolled with the NCRWQCB for Tier 2 coverage, and a WRPP has been developed using BMPs in accordance with the NCRWQCB's recommendations. The Applicant enrolled in the State Water Board Discharge Order in April of 2019. A SMP was developed by Timberland Resource Consultants to comply with BMPs of the order (see Appendix H).

Site Drainage and Runoff

The cultivation sites are mostly flat with surface flow in the wet season generally draining from the west to the east. All sites are slightly sloped to drain. Two zones are slightly above 5% grade. The edges of the sites are ditched and have either a waddle like hay absorbing element or is further directed to a catchment zone that has a series of waddle filter zones to capture any runoff. All other sites, roads, driveways, parking areas, and turn arounds have drainage that is designed to code. The existing and proposed cultivation sites and greenhouses are located away from riparian zones. Fertilizers and pesticides are currently stored in a lockable storage shed with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

Site investigation for the development of the WRPP and SMP showed no evidence of surface runoff with associated with the cultivation. The cultivation structures are located approximately 100-200 feet from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures would be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

Erosion Control

The SMP includes erosion and sediment control BMPs designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery, including removing burn piles; removing livestock from the swale area of the property; constructing a sediment basin within the swale area to catch surface runoff; and constructing a drainage ditch that extends across the site. The ditch is vegetated and does an adequate job in reducing water velocity and settling fine sediment and requires no corrective action. Additionally, the SMP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse.

Watershed and Habitat Protection

Adherence to the SMP would ensure that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are 50-200 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMPs in accordance with the NCRWQCB's recommendations. Any grading

[22] Flood Management Agency. 2016. Flood Insurance Rate Map 06023C1985F. Available at: https://msc.fema.gov/portal/home.

and earthwork activities would be conducted by a licensed contractor in accordance with approved grading permits and the SMP.

Monitoring and Reporting

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the SMP and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if not contained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the SMP with photo points identified on the SMP map. Onsite monitoring shall occur in compliance with the water discharge order.

An SMP has been prepared for the proposed project. Table 11, below, identifies proposed SMP Remediation Points. Approval would be required from the SWRCB and NCRWQCB.

Table 11. Site Management Plan Remediation Points

SMP-4	Maintenance road outsloping, crowning and existing inside ditch leadout/kickouts or install kickout drainage feature every 50-75 feet in segments where there are none of these features.
SMP-7	Install and maintain two water bars 100 feet apart
SMP-8	Install and maintain three water bars 100 feet apart
SMP-9	Install and maintain three water bars 100 feet apart
SMP-10	Install and maintain two water bars 100 feet apart
SMP-11	Install and maintain a water bar
SMP-12	Permit existing 42-inch culvert at road/stream crossing
SMP-17	Rock surface of access road 50 TP 60 feet from cultivation area and rock approaches to crossing
SMP-21	R-align watercourse to allow water to flow into historic flow path, excavate a ditch approximately 40-foot to 60-foot long by 2-feet deep by 4-feet
SMP-23	Install a Type 1 rocked rolling dip that drains into the existing kickout drainage features as flagged
SMP-24	Install a Type 1 rocked rolling dip that drains into the existing kickout drainage feature as flagged
SMP-25	Install a Type 3 rocked rolling dip
SMP-27	Install 18-inch diameter ditch relief culvert
SMP-30	Re-construct road fillslope
SMP-34	Re-construct the road fillslope
SMP-36	Re-construct the road fillslope
SMP-60	Install 15-inch ditch relief culvert

The proposed project includes improvements to the lower pond on APN 223-061-038 to improve water quality and ensure there is no sediment transport occurring. The pond was developed in 2006 by a previous owner. Improvements to the pond include correcting the overly steep outer embankment face to a slope no steeper than 2:1, which may require maintaining the current location of the outer embankment face or migrating it back and rebuilding it. Depending the outcome of pending violations with the NCRWQCB and CDFW, the resolution may involve both strategies. These recommendations are contained in the *Water Storage and Pond Embankment Stabilization, Shadow Light Ranch, APN 223-061-038, Garberville, California,* letter prepared by SHN dated July 9, 2019 (see Appendix I). The applicant is required to adhere to the contents of this report as it relates to the resolutions of violations associated with CDFW, NCRWQCB and SWRCB.

Analysis:

a) Finding: The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. *Less than significant impact with mitigation.*

Discussion: Construction activities associated with the project would involve excavation, grading, and other soil disturbing activities that have the potential to expose soil to erosion and may result in the transport of sediments which could adversely affect water quality. It is anticipated that impacts to water features, including the proposed LSAA encroachments and remediation actions and SMP remediation points, would be mitigated through provisions in permits and approvals from CDFW, SWRCB, and NCRWQCB. An LSAA with CDFW has been drafted and is pending approval. The applicant would comply with all CDFW standards to obtain and maintain the LSAA agreement. With implementation of Mitigation Measures BIO-7, -8, and -9, detailed in Section 5.4 - Biological Resources, the proposed project would have a less than significant impact on local policies or ordinances protecting biological resources. Construction activities would be conducted in accordance with the County's grading regulations and BMPs, including temporary erosion and runoff control measures, in accordance with the General Plan, would be implemented during construction to minimize the potential for erosion and storm water runoff.

Although the project would increase impermeable area at the processing facility, employee housing building, and associated parking, the site would be designed to route storm water runoff away from directly entering water features and allowing percolation into soils. Cultivation sites would be setback from drainages according to the watercourse classification (100-foot setbacks from Class 2- and 50-foot setbacks from Class 3). Other improvements, including LSAA encroachment and remediation actions and SMA remediation points described above would remediate previous violations and mitigate for the proposed project improvements.

Therefore, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

b) Finding: The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project impede sustainable groundwater management of the basin. *Less than significant impact.*

Discussion: The project site currently uses a spring for domestic uses and a non-hydrologically connected well-constructed in 2019 for cannabis irrigation. The well is expected to provide an adequate water supply for the proposed cultivation sites. The proposed project would not interfere with groundwater recharge; however, the proposed project would continue to use the well which would contribute to a decrease in groundwater supplies. The proposed would have a less than significant impact on groundwater supplies or groundwater recharge.

c) Finding: The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would:

i) Result in substantial erosion or siltation on- or off-site. *Less than significant impact with mitigation.*

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off- site. *Less than significant impact with mitigation.*

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater runoff drainage systems or provide substantial additional resources of polluted impact. *Less than significant impact with mitigation.*

iv) Impede or redirect flood flows. *Less than significant impact with mitigation.*

Discussion: As described in subsection a), soil disturbing activities have the potential to expose soil to erosion which may result in the transport of sediments that could adversely affect water quality. Impacts to water features, including the proposed LSAA encroachments and remediation actions and SMP remediation points, would be mitigated through provisions in permits and approvals from CDFW, SWRCB, and NCRWQCB. An LSAA with CDFW has been drafted and is pending approval. The applicant would comply with all CDFW standards to obtain and maintain the LSAA agreement. With implementation of Mitigation Measure BIO-6, 7, and 8, detailed in Section 5.4 - Biological Resources, the proposed project would have a less than significant impact on local policies or ordinances protecting biological resources.

The proposed project would add impermeable surfaces for the processing facility, employee housing, and parking onsite. This has the potential to increase the intensity and quantity of storm water runoff. While this would alter the drainage pattern of the site, implementation of the SMP would contain runoff on-site and reduce potential off-site impacts through the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone. Impacts to drainage patterns would be less than significant.

d) Finding: The project will not risk release of pollutants due to project inundation, in flood hazard, tsunami, seiche zones. *No impact.*

Discussion: The project is not in an area that is at risk from seiche, tsunami, or floods. The project is not located near a large body of water capable of producing a seiche or tsunami, and there are no 100-year flood hazard areas in the project site. Therefore, the proposed project would not risk release of pollutants due to project inundation from seiche, tsunami, or flood. No impact would occur.

e) Finding: The project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. *Less than significant impact.*

Discussion: The project is located within the area covered by the Water Quality Control Plan for the North Coast Region and would not conflict with or obstruct its implementation.

Construction activities would feature standard BMPs, including temporary erosion and runoff control measures that minimize the potential for erosion and storm water runoff. Based on compliance, the proposed project is unlikely to have an impact upon groundwater.

The project is not located in an area with a sustainable groundwater management plan in place, as the Sustainable Groundwater Management Act only applies to groundwater basins designated as medium or high priority. Currently there is one medium-priority basin, the Eel River Valley groundwater basin, within Humboldt County, located approximately 31 miles northwest of the project site.

Mitigation:

See Mitigation Measures BIO-7, 8, and 9 within Section 5.4 – Biological Resources.

Findings:

a) The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality: **Less than significant impact with mitigation.**

b) The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project impede sustainable groundwater management of the basin: **Less than significant impact**.

c) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would:

i) Result in substantial erosion or siltation on- or off-site. **Less than significant impact with mitigation**.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off- site. **Less than significant impact with mitigation**.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater runoff drainage systems or provide substantial additional resources of polluted impact. **Less than significant impact with mitigation**.

iv) Impede or redirect flood flows. **Less than significant impact with mitigation.**

d) The project will not risk release of pollutants due to project inundation, in flood hazard, tsunami, seiche zones: **No impact.**

e) The project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan: **Less than significant impact.**

5.11 LAND USE AND PLANNING

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Setting:

The Humboldt County General Plan designates the project area as "Agricultural Grazing" (AG). The AG designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Residential uses must support agricultural operation. APNs 223-061-043 and 223-061-038 are zoned Agricultural Exclusive (AE-B-5(160)) and Timber Production Zone (TPZ). APNs 223-073-004 and 223-073-005 are zoned Agricultural Exclusive (AE-B-5(160)). Principal permitted uses of AE include one-family dwelling, general agriculture, rooming and boarding of not more than two (2) persons, and manufactured home. All other uses not specified in principal permitted uses may be permitted upon the granting of a Use Permit. AE zones apply to bottomland farms and lands that can be irrigated, and it is also used in upland areas to retain agricultural character. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture. Residential subdivision is not supported. Residential uses must support agricultural operation.

Section 313-7.3 of the Humboldt County Zoning Regulations identifies that in TPZ zones, the principal permitted use is timber production. Conditionally permitted uses include "Any use not specifically enumerated…if it is similar and compatible with the uses permitted in the TPZ zone." Section 21.1 of the Humboldt County Zoning Regulations states that uses permitted with a conditional or special permit in TPZ zones will "not significantly detract from, or inhibit the growing and harvesting of timber on the site or on adjacent properties."

Analysis:

a) Finding: The project will not physically divide an established community. *No impact.*

Discussion: The proposed project would include cannabis cultivation, processing and a wholesale nursery on a site zoned to allow compatible uses upon the grant of a Conditional Use Permit. The project site is east of the community of Garberville and is surrounded by rural residential, timberland, and agricultural land uses. There is no established community on the project site or adjacent areas. The project site is accessed from Wallen and Clark Roads and a private driveway to the site. Proposed cultivation sites and associated buildings would stay within the project site, which has limited access via the private driveway. No new access roads would be required that would cut through existing neighborhoods. Therefore, the proposed project would not physically divide an established community, and no impact would occur.

b) Finding: The proposed project would not cause significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. *Less than significant impact.*

Discussion: The proposed project would develop a cannabis cultivation and processing operation on a property designated AG and zoned AE and TPZ. The proposed land use for the

project would be agricultural, which is compatible with the AG land use designation because it allows for non-prime agricultural lands. The proposed project does not fall under the principal permitted uses for lands classified AE or TPZ; however, other uses not specified in the principal permitted uses may be permitted upon the granting of a CUP. As part of the proposed project, the County would issue a CUP to allow for the proposed project operations. Upon County issuance of the CUP, the proposed project would not conflict with any goals, policies, or objectives in the County's General Plan or zoning ordinance intended to mitigate potential environmental impacts. Potential impacts would be less than significant, and no mitigation would be necessary.

Findings:

a) The project will not physically divide an established community: **No impact**.

b) The project will not cause significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect: **Less than significant impact**.

5.12 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Environmental Setting:

Current mineral resource production in the County is primarily limited to sand, gravel, and rock extraction. The State Surface Mining and Reclamation Act of 1975 (SMARA) brought about a State policy for the reclamation of mined lands. According to Humboldt County Web GIS, there are six SMARA parcels located near the project site. Two SMARA parcels are at Monschke Quarry (Mine ID 91-12-0011), approximately 0.5 miles north near Alderpoint Road at Quarry Road; one SMARA parcel is at Wallen Gravel Bar (Mine ID 91-12-0048), approximately 0.9 miles northeast at the South Fork Eel River at Bear Canyon Road; two SMARA parcels at Randall Quarry (Mine ID 91-12-0083 and 91-12-0014), approximately 1 mile southwest at the South Fork Eel River at Sprowl Creek Road, and one SMARA parcel at Tooby Park (Mine ID 91-12-0023), adjacent to Randall Quarry. These SMARA parcels are all sand and gravel quarries.

Environmental Analysis:

a) Finding: The project will not result in the loss of availability of a known mineral resource that would be of value to the region and/or residents of the state. *No impact.*

Discussion: According to SMARA Mines Online, the project site is not within or immediately adjacent to any mining operations. Implementation of the project would not result in the loss of availability of a known mineral resource, and no impact would occur.

b) Finding: The project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. *No impact.*

Discussion: There are no known mineral deposits of significance on or near the project site. Therefore, implementation of the proposed project would not result in the loss of availability of a locally important mineral resource recovery site, and no impact would occur.

Findings:

a) The project will not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state: **No impact.**

b) The project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan: **No impact.**

5.13 NOISE

Would the project result in:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Setting:

The project site is in a primarily agricultural and rural residential area of the County and bounded by residential properties to the north and agriculture/rural residential to the east, south, and west. Noise sensitive receptors primarily include residences and a mobile home park. One sensitive receptor is located in parcel 223-073-005 at the southwest portion of the project site. Other sensitive receptors near the project site include residences north of the site, the nearest of which is approximately 200 feet north of the property line, and a residence approximately 350 feet east of the property line. Employees that would be housed at the project site in proposed future housing would also be considered sensitive receptors.

The predominant existing noise sources in the vicinity of the proposed project site are vehicles on adjacent streets. Potential noise impacts as a result of the proposed project are those resulting from project construction activities. Construction noise would be short-term and temporary.

Analysis:

a) Finding: The project will result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. *Less than significant impact with mitigation.*

Discussion: The proposed project is on a site with agricultural and rural residential uses. During operation, the project would not generate noise greater than that of vehicle traffic on the streets in the project vicinity.

Potential noise sources associated with the project would include temporary noise during construction of the proposed buildings. The noise standards in the Humboldt County General Plan are based on EPA recommendations. Section 3240 of the 2017 General Plan states: *"The Environmental Protection Agency identifies 45 Ldn indoors and 55 Ldn outdoors as the maximum level below which no effects on public health and welfare occur. Ldn is the Day-Night Noise Level. Ldn is the average sound level in decibels, excluding frequencies beyond the range of the human ear, during a 24-hour period with a 10dB weighting applied to nighttime sound levels. A standard construction wood frame house reduces noise transmission by 15dB. Since interior noise*

levels for residences are not to exceed 45dB, the maximum acceptable exterior noise level for residences is 60dB without any additional insulation being required. Of course, this would vary depending on the land use designation, adjacent uses, distance to noise source, and intervening topography, vegetation, and other buffers." Since Ldn is a daily average, allowable noise levels can increase in relation to shorter periods of time. As stated in Section 3240, "*Fences, landscaping, and noise insulation can be used to mitigate the hazards of excessive noise levels*."

As noted above, the existing County noise standard utilizes an averaging mechanism (dBA Ldn) applicable to activities that generate sound sources averaged over a 24-hour period of time. This type of measurement is commonly used for measuring highway noise or industrial operations. A ten-decibel addition is added to noise levels occurring at nighttime – between 10:00 p.m. and 7:00 a.m. Utilizing a typical standard of 45 dBA Ldn interior noise level allows for a maximum of 60 dBA Ldn for 'normally acceptable' exterior levels.

Construction

Construction activities would result in a temporary increase in noise levels in the area. This noise increase would be short-term and would occur during daytime hours. Nearby noise sensitive receptors include the residence at the project site and residences 200 feet north and 350 feet east of the property line. Mitigation Measure NOI-1 is proposed to reduce potential impacts from construction noise to a level of less than significant. The proposed mitigation would limit construction hours and days and would require standard maintenance of tools and equipment to reduce noise levels. With implementation of the proposed mitigation, potentially significant impacts would be reduced to a level of less than significant.

Operation

Long-term operation of the project is not expected to generate significant noise levels that would exceed the Humboldt County General Plan Noise Element standards. Outdoor operations would be consistent with the sorts of activities that occur on the agricultural and rural residential uses, such as deliveries, personal vehicle travel, and routine maintenance. Processing operations would take place inside buildings which would not increase exterior noise. Potential noise impacts from typical operational activities would be less than significant. Additionally, HVAC units for the processing facility and housing would be located in enclosed structures with proper ventilation and located towards the center of the site; this would reduce the noise level for surrounding neighbors. Therefore, nearby sensitive receptors would not experience significant noise from fans or ventilation systems.

While not proposed as a primary energy source, the applicant may install generators for back up use in the event of a power outage. The County monitors the use of generators for cannabis operations pursuant to Section 55.4.11 (o) of the CMMLUO. Noncompliance with the ordinance would be a potentially significant impact. Mitigation Measure NOI-2 requires the applicant to notify the County of generator use and demonstrate there would be no violation of County noise standards.

Therefore, with the proposed mitigation measures, the proposed project would not expose persons to or result in the generation of temporary or permanent noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standard of other agencies. Impacts would be less than significant with mitigation.

b) Finding: The project will not generate excessive groundborne vibration or groundborne noise levels. *Less than significant impact.*

Discussion: Generally, construction activities within 200 feet and pile driving within 600 feet of a vibration sensitive use would be potentially disruptive to vibration-sensitive operations (Caltrans 2013). Land uses in which groundborne vibration could potentially interfere with operations or equipment, such as research, manufacturing, hospitals, and university research

operations are considered "vibration sensitive"(Caltrans, 2013). There are no vibration sensitive land uses within 200 feet of the proposed project. Operation of the project would not involve the use of heavy machinery or ground disturbing activities that would result in excessive groundborne vibration or groundborne noise levels. Therefore, the proposed project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels, and impacts would be less than significant.

c) Finding: The project will not expose people residing or working in the project area to excessive noise levels related to being in the vicinity of a private airstrip or airport land use plan or within two miles of a public airport or public use airport. *Less than significant impact.*

Discussion: The nearest airport to the project site is Garberville Airport, approximately 2 mi to the southwest. At this distance, there would be no excessive noise levels related to the airport. There are no private airstrips in the vicinity of the project site. The proposed project would not expose people working in the project area to excessive noise levels. Impacts would be less than significant, and no mitigation would be necessary.

Mitigation:

NOI-1 Construction Related Noise

The following shall be implemented during construction activities:

- The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall only occur between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- All stationery and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.

NOI-2 Generator Noise

The project applicant shall strictly adhere to Humboldt County Commercial Medical Marijuana Land Use Order (CMMLUO 1.0) regarding performance standard for noise at cultivation sites for generator use, if. Generators shall be housed in a ventilated and sound-insulated box to reduce noise pollution. Locations of the generators shall be provided to the County Planning and Building Department on a site plan, and the projected use shall be provided. The generators shall be sited so that the decibel level for generators measured at the property line shall be no more than 60 decibels.

Findings:

a) The project will not result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies: **Less than significant impact with mitigation.**

b) The project will not result in the generation excessive groundborne vibration or groundborne noise levels: **Less than significant impact**.

c) The project will not, for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels: **Less than significant impact**.

5.14 POPULATION AND HOUSING

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Setting:

Humboldt County is a rural county with a large land area and low population density. The Census Bureau estimates the County's population was 136,373 in 2018 and 134,794 in 2010.[23] The population of Garberville was 913 in 2010.[24] Existing population data is not available.

Analysis:

a) Finding: The project would not induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure). *Less than significant impact.*

Discussion: Growth inducing impacts are generally caused by projects that have a direct or indirect effect on economic growth, population growth, or when the project taxes community service facilities which require upgrades beyond the existing remaining capacity. The project proposes to construct a wholesale nursery and processing facility within a mile of Garberville. Existing cannabis cultivation will continue in distinct cultivation areas. Construction workers, employees, and customers of the project would likely be local and not commute long distances to reach the project site. Project operation would require up to 10 full-time workers which would not induce substantial population growth, either directly or indirectly. Impacts associated with population growth would be less than significant, and no mitigation would be necessary.

b) Finding: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. *No impact.*

Discussion: The proposed project would not remove the existing residence at the project site. As discussed under subsection a), the proposed project is not expected to result in an influx of people to surrounding communities that would displace current residents. Therefore, the proposed project would not displace existing people or housing. Although not required, the project does propose a new building for employee housing on-site for convenience and improved accessibility for workers. The construction of replacement housing elsewhere is not required.

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[23] U.S. Census Bureau. 2020. American Community Survey. 2018: ACS 1-Year Estimates Data Profiles, 2010: ACS 1-Year Estimates Data Profiles. Available at: https://data.census.gov/. Accessed June 11, 2020.

[24] Southern Humboldt County Chamber of Commerce. 2020. Official Southern Humboldt County Chamber of Commerce (website). Available at: www.garberville.org. Accessed June 11, 2020.

Findings:

a) The project will not induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure): **Less than significant impact**.

b) The project will not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere: **No impact**.

5.15 PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	**Potentially Significant**	**Potentially Significant Unless Mitigation Incorp.**	**Less Than Significant Impact**	**No Impact**
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

Setting:

The project site is in a State Responsibility Area served by the California Department of Forestry and Fire Protection. The nearest California Department of Forestry and Fire Protection Station is approximately 0.5 miles to the northwest at 324 Alderpoint Road, Garberville.

The Humboldt County Sheriff's Office is responsible for law enforcement in the area, including the project site. The nearest Humboldt County Sheriff's Office is approximately 0.6 miles to the west at 648 Locust Street, Garberville. The Sheriff's Office has mutual aid agreements with cities and the California Highway Patrol. Mutual aid is an agreement between agencies where the agency of jurisdiction can request manpower or resources from allied agencies or agencies within the surrounding areas.

The nearest school to the project site is Redway Elementary School located approximately 2.5 miles northwest of the project site.

There are no existing recreational resources at or adjacent to the project site. The nearest park is Tooby Memorial Park located approximately 1 mile southwest of the project site.

Analysis:

a) i) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for fire protection. *Less than significant impact.*

Discussion: The proposed project would result in continued cultivation of 60,240 square feet of outdoor and mixed light cultivation areas, addition of a 10,080-square-foot wholesale nursery and 14,562 square feet of proposed structures for processing. This would potentially increase the likelihood of structure fires. According to Humboldt County Web GIS data, the project site is within a Fire Rating Zone of "High" to "Very High" indicating the area is at high risk from wildland fires. The site is located within an SRA served by CAL FIRE. All proposed buildings would comply with County fire code requirements and access would be in compliance with requirements by CAL FIRE. Correspondingly, the project would not result in the need for new or physically altered fire protection facilities. Impacts to fire protection services from the proposed project would be less than significant, and no mitigation would be necessary.

ii) Finding: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered

governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any of the public services for police protection. *Less than significant impact*.

Discussion: Cannabis-related operations are commonly associated with greater security-related demands, which may result in an increase in law enforcement services provided by the County Sheriff's Department. The proposed project would have locked entry gates off Clark Road and at the north perimeter. The entry gates would remain locked at all times, and access to the site would be limited exclusively to employees and registered guests. Low intensity lighting, activated security lights, and security cameras would discourage break-ins. Implementation of the proposed security measures would minimize impacts to local law enforcement. The proposed project would not result in the need for new or physically altered law enforcement facilities. Potential impacts would be less than significant, and no mitigation would be necessary.

iii) Finding: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public schools. *No impact.*

Discussion: The proposed project would include employee housing on-site, but only up to eleven staff are anticipated. This would not directly or indirectly induce population growth in the area; therefore, the project would not result in the need for new or expanded school facilities. No impact on school facilities would occur.

iv) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public parks. *No impact.*

Discussion: As previously mentioned, the proposed project would not directly or indirectly induce substantial population growth and would not result in the need for new or expanded park facilities. No impact on park facilities would occur.

v) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any other public facilities. *No impact.*

Discussion: As previously mentioned, the proposed project would not directly or indirectly induce population growth and would not result in an increased demand for other public facilities. No impact on demand for public facilities would occur.

Findings:

a) i) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for fire protection: **Less than significant impact**.

a) ii) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental

impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for police protection: **Less than significant impact.**

a) iii) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services schools: **No impact**.

a) iv) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for parks: **No impact**.

a) v) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for other public facilities: **No impact.**

5.16 RECREATION

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Setting:

Recreational resources are addressed in the Humboldt County General Plan. There are no existing recreational resources in or near the project site. The nearest neighborhood or regional park is Tooby Memorial Park, approximately 1 mile to the southwest of the project site and on the other side of US-101.

Analysis:

a) Finding: The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. *No impact.*

Discussion: The project would not directly induce population growth or otherwise result in an increased demand on existing recreational facilities. There are no existing recreational facilities in or near the project site, and the project would not provide direct access to or increase the use of recreational facilities in the region. No impacts would occur.

b) Finding: The project will not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. *No impact.*

Discussion: The proposed project would not induce population growth or otherwise result in an increased demand on existing recreational facilities that would require the construction or expansion of recreational facilities. Further, the proposed project does not include construction of recreational facilities. No impacts would occur.

Findings:

a) The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated: **No impact.**

b) The project will not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment: **No impact**.

5.17 TRANSPORTATION

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

Setting:

From US-101, the subject property is accessed from Alderpoint Road, Wallan Road, and Clark Road. Alderpoint Road is identified as a Major Collector in the Humboldt County General Plan and Humboldt GIS Portal. The Humboldt County Travel Demand Forecasting Model Development Report specifies Major Collectors as generally having a capacity of 750 vehicles per lane per hour. Humboldt County GIS lists Alderpoint Road as having a lane capacity of 500 vehicles per hour.

According to California Department of Transportation (Caltrans) traffic census data for 2018[25], the average annual daily traffic on US-101 at the intersection with Glendale Drive was 7,500 to 7,700 vehicles, with a peak hourly traffic of 850 to 1,200 vehicles.

Analysis:

a) Finding: The project will not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. *Less than significant impact.*

Discussion: The project would be accessed from Clark Road via a gravel driveway. Construction of the project would result in a temporary increase in construction traffic that would be minimal and for a short duration. Construction activities would be contained on-site and would not result in substantial adverse effects or conflicts with the local roadway system.

Vehicle trips generated during operation of the project are anticipated to include daily round trips for each of up to 11 staff, plus round trips by distributors. During long-term operation during peak operating times the project could generate up to 42 vehicle trips per day (21 in/21 out); this could be the maximum per day if at peak season every employee showed up for work, and distribution, supply run, equipment maintenance and wholesale nursery all happened on the same day. The anticipated average daily trips would be 10 (5 in/5 out) from December to February; 16 (8 in/8 out) from March to April, and 30 (15 in/15 out) from May to November. Although up to 42 trips per day may occur during peak operation, 22 of the trips would be during

[25] California Department of Transportation. 2020. Traffic Census Program. File "2018_aadt-11y.xlsx" Available at: https://dot.ca.gov/programs/traffic-operations/census. Accessed June 2, 2020.

the morning and afternoon peak commute hours and the remainder of the trips would be distributed throughout the facilities operating hours. The number of vehicle trips are not considered substantial.

The 22 trips that occur during the peak hour would constitute approximately 4 percent of the lane capacity of Alderpoint Road. Based on the rural surroundings, it is unlikely that Alderpoint Road is operating close to its lane capacity of 500 vehicles per hour.

Site visibility must be maintained at the commercial driveway approaches in conformance with County Code. These improvements will be a condition of approval for the Use Permit, and the applicant would obtain an encroachment permit as required for any work in the County right-of-way before making the improvements.

Redwood Transit runs the Southern Humboldt Route, an intercity route, between the communities of Redcrest, Weott, Meyers Flat, Miranda, Phillipsville, Redway, Garberville, and Benbow; the route extends north to the communities of Rio Dell, Fortuna, and Eureka. The Southern Humboldt Route runs Monday through Sunday on Redwood Drive within Garberville. The operations associated with this project will not interfere with this transportation service.

Therefore, the proposed project will not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and impacts would be less than significant.

b) Finding: The project will not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision. *No impact.*

Discussion: State CEQA Guidelines Section 15064.3 requires that transportation impacts be analyzed based on vehicle miles traveled (VMT). For a land use project, VMT exceeding an applicable threshold of significance may indicate a significant impact. The Lead Agency is responsible for establishing the thresholds of significance and has until July 1, 2020 to establish those thresholds. At this time the County had not adopted thresholds to determine impacts based on VMT as a result of a project. This threshold is not yet in effect; therefore, the project would have no impact. Up to 11 employees are anticipated to work at the project site who will be driving to the site from Garberville and nearby surrounding agenices. The project will generate less than 110 trips per day and considering the County VMT as a whole, vehicle trips related to the project would not result in a considerable increase in VMT, and no impact would occur.

c) Finding: The project would not substantially increase hazards due to geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). *Less than significant impact.*

Discussion: The proposed project would use existing roadways to access the site. The property is accessed from Clark Road via a gravel driveway, which would be improved to County commercial driveway standards in compliance with the County Department of Public Works referral comments, as a condition of approval of the Use Permit. The proposed project does not include construction of any new public roads and would not introduce any incompatible uses on an existing public road. The County has not expressed concern regarding the traffic volume expected to be generated by the project.

Therefore, the proposed project would not substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersection) or incompatible uses (e.g. farm equipment). Potential impacts would be less than significant, and no mitigation would be necessary.

d) Finding: The project will not result in inadequate emergency access. *Less than significant impact.*

Discussion: As previously mentioned, the project site would be accessed by a County-approved driveway that would meet commercial driveway standards. The internal circulation driveway would provide emergency vehicle access to all proposed buildings in accordance with California Department of Forestry and Fire Protection requirements and would allow emergency vehicles to enter and exit without having to turn around. The proposed project would not result in inadequate emergency access. Potential impacts would be less than significant, and no mitigation would be necessary.

Findings:

a) The project will not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities: **Less than significant impact**.

b) The project will not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b): **No impact.**

c) The project will not substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment): **Less than significant impact.**

d) The project will not result in inadequate emergency access: **Less than significant impact**.

5.18 TRIBAL CULTURAL RESOURCES

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code §5020.1(k)?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1?	☐	☒	☐	☐

Setting:

The tribal cultural resources setting of the project is described in Section 5.5 – *Cultural Resources*.

Analysis:

a) Finding: The project will not cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code §5020.1(k). *Less than significant impact with mitigation.*

Discussion: As discussed under subsection a) of Section 5.5 – *Cultural Resources*, archaeological site WRA #1 (Sweet Hills) is located in the project site. Impacts to the archaeological site would be potentially significant without mitigation. Implementation of mitigation measure CUL-1 requiring avoidance would reduce impacts to a level of less than significant.

There is the potential for subsurface excavation activities to uncover previously unknown subsurface archaeological resources. Implementation of a standard cultural resource construction mitigation measure, CUL-2, regarding inadvertent discoveries would reduce potential impacts to a level of less than significant.

b) Finding: The project will not cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1. *Less than significant impact with mitigation.*

Discussion: See discussion a) above.

Findings:

a) Cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code §5020.1(k): **Less than significant impact with mitigation.**

b) Cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1: **Less than significant impact with mitigation.**

5.19 UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting:

The project area is served by the following service providers:

- Water supply – Water for domestic use is supplied by a spring. Existing cannabis cultivation at the project site is supplied by a non-hydrologically connected well-constructed in 2019. Water is pumped daily from the well and enters into holding tanks where it is then used daily.
- The Applicant has filed for a diversion with the SWRCB as well as a SIUR for the rainwater catchment pond. The SIUR is strictly for the exempt seep in the rainwater catchment pond. The capacity of the rainwater catchment pond is 1.3 million gallons. If the SIUR is approved, the objective would be to use rainwater as the primary source of water.
- The proposed project's water management plan aims to achieve a low evaporation, properly absorbing irrigation and nutrient system. Drip system and hand watering methods would be used to minimize the over-irrigation of plants and minimize subsequent runoff.
- Storm water drainage facilities – The proposed project would include the construction of on-site detention basins which would require excavations to depths of approximately 4 to 5 feet.
- Solid waste service – Solid waste is picked up weekly by Recology. Existing trash and recycling containers are located in the side basement under the deck of the ranch house. The containers are situated on a concrete pad to prevent storm water contamination and leachate from

entering or percolating to receiving waters. The trash containers are in an enclosed area to prevent animal intrusion. Solid waste and recycling is hauled off-site to the Humboldt Waste Management Authority transfer station at least once per week. Future plans are to develop a fenced refuse area.

Solid waste from Humboldt County is largely transported to one of three out-of-area landfills for disposal: the Anderson Landfill in Shasta County; Dry Creek Landfill in Medford, Oregon; and Potrero Hills Landfill in Suisun City. Cannabis green waste generated from pruning, trimming, and decay would be broken down and composted on site. Before any disposal of cannabis waste, the waste must be deemed "unusable and unrecognizable" by means of disguise through blending with soil or solid waste. Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area. Soils are analyzed annually then amended and reused. Used pots would be collected and stored in the warehouse for the winter. All packaging from soil amendments and fertilizers would be collected and disposed at an appropriate facility.

- Electricity – Existing off grid electricity is provided by solar systems for all cultivation and domestic uses. Use of the on-site generator is limited to power outage events and when solar electricity is limited by weather conditions. The generator is used following all guidelines set up by Humboldt County and the State of California. Electricity for cultivation operations including lighting, ventilation, and climate control will be sourced from 100% renewable energy. Current plans include PG&E to be brought onsite.

Analysis:

a) Finding: The project would result in the relocation or construction of new or expanded utilities, including water, wastewater treatment or storm water drainage, and electric power. The construction or relocation of utilities would not cause significant environmental effects. *Less than significant impact.*

Discussion: Construction of septic tanks would be in compliance with regulations and requirements of the Humboldt County Department of Health and Human Services. Regulations are included in the Humboldt County OWTS Regulations and Technical Manual. With compliance with County regulations, the proposed project is unlikely to have an impact on groundwater.

The project would not require or result in the construction of new expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Impacts would be less than significant, and mitigation would not be necessary.

b) Finding: The project will have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. *Less than significant impact.*

Discussion: Domestic water comes from a spring. Sufficient water supply for cannabis irrigation comes from an on-site well drilled in 2019. The well is non-hydrologically connected. The irrigation water usage is estimated to be 1.02 million gallons annually.

The Applicant has filed for a diversion and SIUR for the 1.3-million-gallon rainwater catchment pond from SWRCB. If the SIUR is approved, the objective would be to use rainwater as the primary source of water.

The proposed project would have sufficient water supplies available to serve the project during normal, dry and multiple dry years. Impacts would be less than significant, and no mitigation would be necessary.

c) Finding: The project will not result in a determination by the wastewater treatment provider which services or may serve the project that it does not have adequate capacity to serve the project's

projected demand in addition to the provider's existing commitments. *Less than significant impact.*

Discussion: The proposed project would construct a septic system on-site and would be required to comply with County regulations. Impacts would be less than significant, and no mitigation would be necessary.

d) Finding: The project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. *Less than significant impact.*

e) Finding: The project will not violate any federal, state, and local management and reduction statutes and regulations related to solid waste. *Less than significant impact.*

Discussion: The California Integrated Waste Management Act of 1989 (Public Resources Code Division 30), enacted through Assembly Bill (AB) 939 and modified by subsequent legislation, required all California cities and counties to implement programs to divert waste from landfills (Public Resources Code Section 41780). Compliance with AB 939 is determined by the Department of Resources, Recycling, and Recovery (Cal Recycle), formerly known as the California Integrated Waste Management Board (CIWMB). Each county is required to prepare and submit an Integrated Waste Management Plan for expected solid waste generation within the county to the CIWMB. In 2012, the unincorporated area of Humboldt County met or exceeded the waste diversion mandate of 50 percent set by the Integrated Waste Management Act of 1989.

The proposed project would comply with all federal, state, and local statutes related to solid waste, including AB 939. This would include compliance with the Humboldt Waste Management Authority's recycling, hazardous waste, and composting programs in the county to comply with AB 939.

Solid waste generated by the proposed project would be stored in secure containers and picked up weekly by Recology located at Redway Transfer Station, Redway, CA 95560. Solid waste from Humboldt County is largely transported to one of three out-of-area landfills for disposal: the Anderson Landfill in Shasta County; Dry Creek Landfill in Medford, Oregon; and Potrero Hills Landfill in Suisun City. The Anderson Landfill is not expected to close until 2036, Dry Creek is expected to remain open until 2099, and Potrero Hills until 2053. The proposed project would have a less than significant impact regarding solid waste as discussed for subsections d) and e).

Findings:

a) The project would require or result in the relocation or construction of new or expanded utilities, including water, wastewater treatment or storm water drainage, and electric power, natural gas, or telecommunications facilities. The construction or relocation of these utilities would not cause significant environmental effects: **Less than significant impact**.

b) The project will have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years: **Less than significant impact**.

C The project will not result in a determination by the wastewater treatment provider which services or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments: **Less than significant impact**.

d) The project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals: **Less than significant impact**.

e) The project will not violate any federal, state, and local management and reduction statutes and regulations related to solid waste: **Less than significant impact**.

5.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high severity zones, would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Setting:

SB 1241 (2012) requires the legislative body of a city to adopt a comprehensive, long-term general plan that includes a safety element for the protection of the community from unreasonable risks associated with wildland and urban fires. The update of the safety element must address fire risks on land classified as SRA and very high fire hazard severity zones.

The Humboldt County General Plan section on Fire Hazards outlines policies that address and reduce fire risk in the County. Policies include improving subdivision design and building code conformance, increasing information exchange and education, and encouraging prescribed burning and native plant conservation. The Humboldt County Community Wildfire Protection Plan gives further guidelines on how these policies will be implemented.

The proposed project is located in an SRA and is in a "High" to "Very High" hazard severity zone, as is the majority of the community of Garberville. Emergency response services would be provided by the CalFire from a station located at 324 Alderpoint Road, approximately 0.25 miles north of the project site.

Analysis:

a) Finding: The project will not substantially impair an adopted emergency response plan or emergency evacuation plan. *Less than significant impact.*

Discussion: The project site is located within the Southern Humboldt Wildfire Planning Unit. Evacuees from this area would travel either north or south along Highway 101, based on fire behavior, wind patterns, traffic, and ingress of emergency vehicles (HCFSC 2013). The project site is located in close vicinity of an urban area already served by emergency responders and is located approximately 1.25 miles from a designated evacuation route; therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

b) Finding: The project will not exacerbate wildfire risks, due to slope, prevailing winds, and other factors and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. *Less than significant impact.*

Discussion: The project is situated near an urbanized area and located within a "High" to "Very High" fire hazard severity zone. Cultivation activities already take place on-site. As described in the project description, the proposed project would introduce additional cultivation, processing, a wholesale nursery, employee housing and associated structures. Elevation ranges from approximately 500 feet at the northwest property boundary to approximately 2,000 feet at the northeast parcel boundary, with several promontories across the open grassland areas. Proposed development would be focused in areas with milder slopes on-site, and there are no plans to introduce slopes that may increase wildfire risks. As discussed in the project's operations plan, the proposed project would include improvements on site to meet CalFire SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space setback. Due to the fact that the cultivation on-site is existing, proposed development would be focused in areas with mild slopes and compliance with SRA requirements the risks of wildfire impacts on project occupants would reduce potential impacts to be less than significant.

c) Finding: The project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. *Less than significant impact.*

Discussion: The project site is accessed by an existing unnamed access road connecting to Clark Road, Wallen Road, and Alderpoint Road. The site would have a fire hydrant serviced by 2,500-gallon tank dedicated for fire response. The project would be required to comply with CalFire SRA requirements during the construction of the proposed project, compliance with these requirements would reduce any impacts to less than significant.

d) Finding: The project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. *Less than significant impact.*

Discussion: Based on FEMA Flood maps, the proposed project is located within an area of minimal flood hazard, therefore, people or structures would not be susceptible to significant risks involving downstream flooding as a result of runoff, post-fire slope instability or drainage changes[26]. The site is located within an area that has a history of landslides. Exposure of people and or structures involving landslides associated with construction and operation of the proposed project would be less than significant with implementation of proposed recommendations in the soils/geotechnical report and compliance with the CBC. Therefore, the proposed project would not expose people or structures to significant risks, and impacts would be less than significant.

Findings:

a) The project will not substantially impair an adopted emergency response plan or emergency evacuation plan: **Less than significant impact.**

[26] https://msc.fema.gov/portal/search?AddressQuery=garberville%20ca#searchresultsanchor; Accessed May 28, 2020.

b) The project will not exacerbate wildfire risks, due to slope, prevailing winds, and other factor, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire: **Less than significant impact**.

c) The project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment: **Less than significant impact.**

d) The project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes: **Less than significant impact**.

5.21 MANDATORY FINDINGS OF SIGNIFICANCE

Pursuant to CEQA guidelines Section 15065, an EIR shall be required where any of the following conditions occur:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable (the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Setting:

The project has been reviewed in Sections 5.1 through 5.20 for subsections a) and c) above, and determined to have no potentially significant unmitigated impact. With implementation of proposed mitigation measures AFR-1, BIO-1 through BIO-9, CUL-1 and CUL-2, NOI-1, and NOI-2 all potentially significant impacts would be reduced to less than significant.

Analysis:

a) Finding: The project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. *Less than significant impact with mitigation.*

Discussion: All impacts to the environment, including impacts to habitat for fish and wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plants and animal species, and historical and prehistorical resources were evaluated as part of the analysis in this document. Where impacts were determined to be potentially significant, mitigation measures have been proposed to reduce those impacts to less than significant levels. Accordingly, with incorporation of the proposed mitigation measures, the proposed project would not substantially degrade the quality of the environment, and impacts would be less than significant.

b) Finding: The project will not have impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). *Less than significant impact with mitigation.*

Discussion: An analysis of cumulative impacts considers the potential impacts of the project combined with the incremental effects of other approved, proposed, and reasonably foreseeable similar projects in the vicinity. The area considered for this cumulative analysis (study area) is the area within a three-mile radius from the project site. Within a three-mile radius, there are 40 approved projects, 36 canceled/closed projects, 15 incomplete projects, 14 approved support facilities, and 29 projects in referrals. The majority of these projects are cannabis-related drying, curing, manufacturing, and distribution projects seeking conditional use permits, zoning clearance certificates, or special permits. In total, these projects amount to 972,724 square feet of cannabis, of which 404,365 square feet are within approved projects and 568,359 square feet are within proposed projects. The total estimated water usage is 9,648,285 gallons, of which 3,169,663 gallons are at approved projects and 6,468,622 gallons are at proposed projects. The table provided in Appendix F summarizes the projects in the three-mile radius, which collectively are referred to as the "cumulative projects."

The proposed project would result in no impact to agriculture and forestry resources, mineral resources, or recreation and would therefore not contribute to cumulative impacts to those resources. Consequently, those resources are not discussed further in this section.

Aesthetics

As discussed in Section 5.1 – *Aesthetics*, due to topography, distance, or intervening forested landcover, the proposed project is generally not visible from US-101, the nearest eligible scenic highway, nor is it easily visible from sensitive viewers. The proposed project would therefore not contribute to cumulative aesthetic impacts on scenic resources.

The proposed project and the cumulative projects would incorporate minimum lighting and would be required to comply with County lighting standards and ordinances. Therefore, the project's contribution to light and glare would not be considerable, and the cumulative projects would not combine to result in a significant impact.

Air Quality

As discussed in Section 5.3 – *Air Quality*, the proposed project would have a less than significant impact on cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment. Emissions from construction would be minimal due to compliance with NCUAQMD regulations. Emissions from operations would not be substantial due to relatively low vehicle miles traveled and the project is consistent with the AG land use designation. The cumulative projects would not result in a significant impact to air quality. The applications for the other cumulative projects are at varying levels of completion. Consequently, the projects would have a staggered implementation schedule, and the construction impacts to Air Quality would not be cumulatively considerable. Potential effects from individual projects would be mitigated to less than significant, and the cumulative effects would be less than significant. The proposed project's contribution to air quality resource-related impacts would not be considerable, and the cumulative projects would not combine to result in a significant impact.

Biological Resources

As discussed in Section 5.4 – *Biological Resources,* no special status species were identified during surveys of the proposed cultivation sites. Although not observed, foothill yellow-legged frog could potentially be at the project site.

Considering the various cumulative projects, it is possible that special status species and habitat occur could be cumulatively affected. The proposed project's contribution to these impacts, however, would be less than significant with implementation of Mitigation Measures BIO-1 through 9. The proposed project would not result in a considerable contribution to cumulative effects on biological resources.

Cultural Resources

As discussed in Section 5.5 – *Cultural Resources*, an archaeological site was located within the project site. Avoidance of the site would reduce impacts to less than significant (Mitigation Measure CUL-1). The project has potential to affect previously undiscovered cultural resources that may be revealed during ground disturbance activities associated with construction. The inadvertent discovery protocols required would reduce any such impact to less than significant (Mitigation Measure CUL-2). Because each cultural resource is unique to a physical location, and inadvertent discovery protocols require notification and documentation of any cultural resource inadvertently discovered, no cumulative impact to cultural resources is possible from similar potential project-level impacts on other project sites.

Energy

As discussed in Section 5.6 – *Energy*, off-grid electricity is currently provided by solar systems for all cultivation and domestic uses and use of an on-site generator is limited to emergency power outage events and when the solar energy system is limited by weather conditions. The applicant plans to eventually connect the site to PG&E electricity while maintaining the use of renewable energy. Based on the planned continued use of renewable energy, the proposed project's contribution to cumulative energy impacts would be less than significant.

Geology and Soils

As discussed in Section 5.7 – *Geology and Soils*, the proposed project has potential to expose people using the project site to geologic hazards from seismic-related movement. Implementation of the site-specific design requirements recommended in the soils report to be prepared as part of the building permit process would reduce impacts to less than significant. The project would create these hazards only for people using the project site, and no component of the project would affect the geologic hazard to any other property. Consequently, the project could not contribute to any cumulative impact to geology and soils.

Greenhouse Gas Emissions

As discussed in Section 5.8 – *Greenhouse Gas Emissions*, the proposed project would result in less than significant impacts related to GHG emissions. The cumulative projects are consistent with the County's 2012 Draft Climate Action Plan strategies for reducing greenhouse gas emissions. As previously mentioned, the NCUAQMD has not adopted thresholds of significance for greenhouse gas emissions. The project would not result in a considerable contribution to greenhouse gas impacts, and the projects would not combine to result in a cumulatively significant impact.

Hazards and Hazardous Materials

The cumulative projects would not use large amounts of hazardous materials nor would their proximity create a threat by concentrating these materials in one area. The area is designated for agricultural uses in the area, and improvements at the site would not obstruct emergency services, nor create new hazards. Operation of the proposed cannabis facilities under the cumulative projects would involve the use of fertilizers, pesticides, and solvents. Hazardous materials associated with construction include fuels, lubricants, and paint. The County has ordinances applicable to cannabis operations that address impacts from the storage and use of hazardous materials. The projects would be required to comply with the regulations. With individual projects conforming to all standards for handling hazardous materials, there would be no additive effect of the cumulative

projects. The proposed project would not result in a considerable contribution to hazards and hazardous materials impacts, and the cumulative projects would not combine to result in a significant impact.

Hydrology and Water Quality

As described in Section 5.10 – *Hydrology and Water Quality*, the proposed project would result in less than significant impacts with mitigation incorporated related to hydrology and water quality. The project would obtain regulatory approvals and permits for LSAA and SMA remediation actions and construction activities would be conducted in accordance with the County's grading regulations and BMPs, including temporary erosion and runoff control measures in accordance with the General Plan, and would be implemented during construction to minimize the potential for erosion and storm water runoff.

Cumulative project would each be required to comply with water quality regulations and obtain permits, as applicable. Based on the proposed project's and cumulative projects' compliance with regulatory requirements, cumulative impacts on hydrology and water quality would be less than significant with mitigation.

Land Use and Planning

As discussed in Section 5.11 – *Land Use and Planning*, the proposed land use for the project would be agricultural, which is compatible with the AG land use designation because it allows for non-prime agricultural lands. The proposed project does not fall under the principal permitted uses for lands classified AE or TPZ; however, other uses not specified in the principal permitted uses may be permitted upon the granting of a CUP. As part of the proposed project, the County would issue a CUP to allow for the proposed project operations. Upon County issuance of the CUP, the proposed project would not conflict with any goals, policies, or objectives in the County's General Plan or zoning ordinance. The proposed project does not include any change to the land use designation or zoning of the project site, and therefore any impacts to land use and planning on the site would be unique to the project site and not affect land use and planning on adjacent properties. Consequently, the proposed project could not contribute to any cumulative impacts to land use and planning.

Noise

As discussed in Section 5.13 - *Noise*, construction activities would result in a temporary increase in noise levels in the area. This noise increase would be short-term and would occur during daytime hours. Nearby noise sensitive receptors include the residence at the project site and residences 200 feet north and 350 feet east of the property line. Mitigation Measure NOI-1 is proposed to reduce potential impacts from construction noise to a level of less than significant. Mitigation Measure NOI-2 is proposed to reduce noise from onsite generators when in use. During operation, the project is not expected to generate significant noise levels that would exceed the Humboldt County General Plan Noise Element standards. Outdoor operations would be consistent with the sorts of activities that occur on the agricultural and rural residential uses, such as deliveries, personal vehicle travel, and routine maintenance. Processing operations would take place inside buildings which would not increase exterior noise levels. Furthermore, other cumulative projects would be required to mitigate noise impacts to less than significant; therefore, the cumulative projects would not have a significant cumulative impact.

Population and Housing

As discussed in Section 5.14 – *Population and Housing*, the proposed project would not substantially induce population growth or require the construction of replacement housing. The proposed project is anticipated to have up to 21 staff members at peak season. Further, the project proposes employee housing on-site. The construction workers and operational workers for the proposed

project and cumulative projects are expected to be drawn from the existing labor pool in the region and would not directly result in population growth.

The cumulative projects are served by existing roads and would not result in the extension of roads or major utilities to lands not currently served. There would be no displacement of housing or population. The proposed project would not contribute to population and housing impacts, and the cumulative projects would not combine to result in a significant impact.

Public Services

The proposed project would not result in the need for unanticipated new or expanded facilities.

The potential demand for Sheriff's Department services at the project site may increase due to the project type. The proposed and cumulative projects would be required to implement Safety Plans in accordance with the CMMLUO, which would avoid the need for additional Sheriff's Department services. Individually, the projects would result in less than significant impacts and would not cumulatively result in the need for new or expanded facilities.

There would be little or no demand for other County services from the proposed project and cumulative projects, and thus would not cumulatively result in the need for new or expanded facilities. The proposed project would not result in a considerable contribution to public services, and the cumulative projects would not combine to result in a significant impact.

Transportation/Traffic

As discussed in Section 5.17 – *Transportation*, the proposed project would result in less than significant impacts related to transportation. Construction traffic would be minimal and temporary. Construction traffic from other cumulative projects would not combine to result in a cumulative transportation/traffic impact.

Operation of the proposed project would generate up to 42 vehicle trips per day. All of the cumulative projects are a relatively short distance (4.5 miles) from US-101. In Garberville, the average annual daily traffic at US-101 is 7,700 to 7,500 vehicles. The cumulative projects would create traffic volumes that are within the historical and designed limits.

The project would result in no impacts to traffic patterns and adopted policies, plans, and programs. The project would not result in a considerable contribution to transportation/traffic impacts, and the projects would not combine to result in a cumulatively significant impact.

Tribal Cultural Resources

As discussed in Section 5.18 – *Tribal Cultural Resources*, a cultural resource in the project site was identified during preparation of the cultural study. Additionally, the project has potential to affect previously undiscovered tribal cultural resources that may be revealed during ground disturbance activities associated with construction. Mitigation Measure CUL-1, requiring avoidance of the known cultural resource, and Mitigation Measures CUL-2, regarding inadvertent discovery protocols, would reduce impacts to less than significant. Because each tribal cultural resource is unique to a physical location, and inadvertent discovery protocols require notification and documentation of any tribal cultural resource inadvertently discovered, no cumulative impact to tribal cultural resources is possible from similar potential project-level impacts on neighboring properties.

Utilities and Service Systems

As described in Section 5.19 – *Utilities and Service Systems*, the project-level impacts to utilities and service systems from the proposed project would be less than significant. The proposed on-site septic system would be in compliance with County requirements. The proposed project would not

contribute to any cumulative impact, as all effects of the proposed project on wastewater and storm water treatment would be confined to the project site.

Successful permitting of cumulative projects requires assurances from the provider of water and sewer services that they have the capacity to serve these additional projects. The proposed project has received such assurances. If the capacity is not available to serve subsequent projects, then the service provider will inform the applicant of that, and the project will not be permitted.

Solid waste in Humboldt County is transported to landfills outside the County; therefore, cumulative effects of the project on solid waste disposal would depend on County-wide growth and development, which is outside the scope of this analysis.

Wildfire

As discussed in Section 5.20 – *Wildfire*, potential project impacts to the risks of wildfire would be less than significant. The proposed project is located in an SRA and is in a "High" to "Very High" hazard severity zone, as is the majority of the community of Garberville. Emergency response services would be provided by the CalFire from a station located at 324 Alderpoint Road, approximately 0.25 miles north of the project site. The proposed project would include improvements on site to meet CalFire SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space setback. Due to the fact that the cultivation on-site is existing, proposed development would be focused in areas with mild slopes and compliance with SRA requirements the risks of wildfire impacts on project occupants would be less than significant. Therefore, no cumulative impact to the risk of wildfire would occur.

c) Finding: The project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. *Less than significant impact with mitigation.*

Discussion: The proposed project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this document. In the instance where the proposed project has the potential to result in direct or indirect adverse effects to human beings, a mitigation measure has been identified to reduce the impact to below a level of significance. With implementation of Mitigation Measure NOI-1 and NOI-2 identified in this document, construction and operation of the proposed project would not involve any activities that would result in environmental effects which would cause substantial adverse effects on human beings. Therefore, impacts that could adversely affect human beings would be less than significant with mitigation.

Mitigation:

Mitigation Measures AFR-1, BIO-1 through BIO-8, CUL-1 through CUL-2, NOI-1, and NOI-2 discussed in this document shall apply (see Chapter 6, Discussion of Mitigation Measures, Monitoring, and Reporting Program).

Mitigation Measure NOI-1 discussed in this document shall apply (see Chapter 6, Discussion of Mitigation Measures, Monitoring, and Reporting Program).

Findings:

a) The project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory: **Less than significant impact with mitigation.**

b) The project would not have impacts that are individually limited, but cumulatively considerable (the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects): **Less than significant impact with mitigation**.

c) The project would not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly: **Less than significant impact with mitigation.**

6.0 DISCUSSION OF MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM

The Department found that the project could result in potentially significant adverse impacts unless mitigation measures are required. A list of measures that address and mitigate potentially significant adverse impacts to a level of non-significance follows. A mitigation monitoring and reporting program checklist is attached.

Mitigation:

AFR-1 Oak Woodland Restoration and Replacement

The applicant will submit an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two stumps and approximately 10 trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees are protected from encroachment and how newly planted trees will also be protected. The Plan shall include monitoring and reporting elements that require a minimum of 3 years of monitoring and achieve an 85% success rate. The monitoring reports will be provided to the Planning Department for review at the time of the annual inspection.

BIO-1 Avoid and Minimize Impacts to Foothill Yellow-Legged Frog

- Pre-construction surveys for foothill yellow-legged frogs shall be conducted by a qualified biologist in the vicinity of any earth moving activities near Class II water courses. If it is determined that earth moving activities will need to occur at or near the Lower Pond, surveys should be conducted on the adjacent Class II stream prior to any earth moving activities to determine presence/absence.

- The applicant or County shall coordinate with CDFW regarding FYLF. If, through coordination, it is determined that an incidental take permit under Section 2081 of the Fish and Game Code is required, then the applicant shall obtain the necessary permit and shall provide appropriate compensatory mitigation for impacts to FYLF habitat as agreed upon with CDFW. This process may involve presence/absence surveys in the year prior to construction (at a minimum) to determine the status of the frog at the site. There are no standard CDFW-approved survey protocols for FYLF; therefore, if presence/absence surveys are conducted, the proposed protocols shall be provided to CDFW for review and approval prior to conducting the surveys.

- A qualified biologist shall survey the work site prior to the initiation of construction activities to ensure that FYLF is not present within the project site. If, at the time of construction, FYLF is candidate for listing as threatened or listed as threatened under CESA, handling of FYLF without a take permit pursuant to the CESA is not allowed. If FYLF is found in the project site during preconstruction surveys, construction activities shall not start until the frog has been either relocated by the qualified biologist to a suitable location up or downstream of the construction zone, or allowed to leave the area on its own (if the County has not obtained a take permit pursuant to CESA). The approved biologist shall notify the County project manager and CDFW within 24 hours if FYLF is found, and if any individuals have been relocated, and shall reinitiate consultation with CDFW, if necessary.

- The preconstruction worker awareness training shall include a description of the FYLF and its habitat, the importance of the FYLF and its habitat, the avoidance and minimization measures that are being implemented to conserve the FYLF as they relate to the project, and the boundaries within which work may occur. Personnel will also be instructed on the penalties for not complying with avoidance and minimization measures. If new construction personnel are added to the project, the contractor will ensure that the new personnel received the mandatory training before starting work.

- The biological monitor's inspections and monitoring will involve monitoring for FYLF. If, at the time of construction, FYLF is candidate for listing as threatened or listed as threatened under CESA, handling of FYLF without a take permit pursuant to the CESA is not allowed. If FYLF are present during construction, construction activities within 50 feet of the frog shall cease until either the biological monitor is able to relocate the frog to a suitable location up or downstream of the construction zone, or the frog is allowed to leave the area on its own (if the County has not obtained a take permit pursuant to CESA). The biological monitor shall notify the County project manager and CDFW within 24 hours if FYLF is found, and shall notify of any individuals that have been relocated, and shall reinitiate consultation with CDFW, if necessary.

BIO-2 Allow dispersal of juvenile frogs and fledgling red-winged blackbirds from Lower Pond

Should CDFW determine the Lower Pond needs to be removed, it should be done once it dries and juvenile frogs or fledgling red-winged blackbirds from the last nesting attempt have had the opportunity to disperse. Prior to the removal of the Lower Pond, a qualified biologist shall confirm that red-winged blackbirds have fledged and left the site, juvenile frogs have dispersed, and the pond may be removed.

BIO-3 No use of plastic support netting

The applicant shall not use plastic support netting. Plastic netting is a hazard to all forms of wildlife and is not to be used. CDFW recommends using netting of natural materials such as jute or hemp, with no welded seams.

BIO-4 No rodenticides

The applicant shall not use rodenticides on the project site during construction or operations.

BIO-5 Avoid Light Spillover

The project applicant shall cover any structure requiring lighting (mixed-light greenhouses) one hour before sunrise to one hour after sunset to avoid any adverse effects on nocturnal wildlife during operations and construction.

BIO-6 Wetland Restoration

The applicant shall restore wetlands at a 3:1 ratio on the subject parcels as mitigation for the 10,661 square feet of wetlands that were filled as described by the WRA Environmental Consulting report dated April11, 2019. The wetland restoration plan shall be prepared by a qualified botanist specializing in wetland restoration. The report shall contain a monitoring and reporting plan that requires a minimum of 3 years of monitoring with an 85% success rate.

BIO-7 Obtain Regulatory Authorizations

Prior to commencement of ground disturbing activities, the Applicant shall obtain all required regulatory authorizations, including those from the SWRCB and NCRWQCB, for the discharge of dredged or fill material within waters of the state.

BIO-8 Obtain Streambed Alteration Agreement from CDFW

The applicant shall obtain a LSAA from CDFW for impacts to habitats regulated by CDFW pursuant to Section 1600 et seq. of the California Fish and Game Code. Measures required by the LSAA shall be implemented as a condition of project approval, and prior to ground disturbance affecting resources regulated by CDFW.

Mitigation for permanent impacts, if required, shall be determined at the discretion of CDFW.

BIO-9 Report of Waste Discharge

All aquatic resources delineated within the project site are likely to be determined to be classified either as waters of the U.S. and/or State. if it is determined that these features are not subject to federal jurisdiction but are subject to state jurisdiction, then these features would be subject to waste discharge requirements under the Porter-Cologne Water Quality Control Act should the project result in impacts to these features. Section 13260(a) of the Porter-Cologne Water Quality Control Act (contained in the California Water Code) requires any person discharging waste or proposing to discharge waste, other than to a community sewer system, within any region that could affect the quality of the waters of the State (all surface and subsurface waters) to file a report of waste discharge. The discharge of dredged or fill material may constitute a discharge of waste that could affect the quality of waters of the State. A report of waste discharge shall be filed for impacts to non-federal waters, if required.

CUL-1 Avoid archaeological site WRA #1 (Sweet Hills).

Archaeological site WRA #1 (Sweet Hills) shall be avoided during all proposed cannabis cultivation and processing activities to be covered under the pending permit. This includes a restriction on heavy equipment entering the site boundaries, including the dirt ranch road which bisects the site between the two identified artifact concentrations. Project-related heavy equipment (including but not limited to excavators, bulldozers, dump trucks and domestic vehicles) may traverse the roads to the north and south of the site boundaries, but not the northerly-trending road connecting the two which bisects the archaeological site. The site boundaries are shown in relation to the existing roads (proposed for upgrade in preparation for the cannabis cultivation project) on the location map and sketch map contained in the accompanying site record (Appendix *C).

CUL-2 Inadvertent Discoveries of Cultural Resources and Human Remains.

If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

Prehistoric materials which could be encountered include obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic materials which could be encountered include ceramics/pottery, glass, metals, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, etc.

If human remains are discovered during project construction, work would stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

NOI-1 Construction Related Noise

The following shall be implemented during construction activities:

- The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall only occur between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- All stationery and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.

NOI-2 Generator Noise

The project applicant shall strictly adhere to Humboldt County Commercial Medical Marijuana Land Use Order (CMMLUO 1.0) regarding performance standard for noise at cultivation sites for generator use, if. Generators shall be housed in a ventilated and sound-insulated box to reduce noise pollution. Locations of the generators shall be provided to the County Planning and Building Department on a site plan, and the projected use shall be provided. The generators shall be sited so that the decibel level for generators measured at the property line shall be no more than 60 decibels.

7.0 EARLIER ANALYSES

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 16063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

1. Humboldt County General Plan (2017)
2. Revised Draft Environmental Impact Report for the General Plan Update (2017)
3. CEQA Mitigated Negative Declaration for the Medical Marijuana Land Use Ordinance – Phase IV – Commercial Cultivation of Cannabis for Medical Use.
4. Humboldt County Zoning Ordinance

These items are available for review at Humboldt County Planning Division.

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THE HILLS LLC
MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM CHECKLIST

The following list of measures address and mitigate potentially significant adverse impacts to a level of non-significance.

Mitigation:

AFR-1 Oak Woodland Restoration and Replacement

The applicant will submit an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two stumps and approximately 10 trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees are protected from encroachment and how newly planted trees will also be protected. The Plan shall include monitoring and reporting elements that require a minimum of 3 years of monitoring and achieve an 85% success rate. The monitoring reports will be provided to the Planning Department for review at the time of the annual inspection.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD*		

BIO-1 Avoid and Minimize Impacts to Foothill Yellow-Legged Frog

• Pre-construction surveys for foothill yellow-legged frogs shall be conducted by a qualified biologist in the vicinity of any earth moving activities near Class II water courses. If it is determined that earth moving activities will need to occur at or near the Lower Pond, surveys should be conducted on the adjacent Class II stream prior to any earth moving activities to determine presence/absence.

• The applicant or County shall coordinate with CDFW regarding FYLF. If, through coordination, it is determined that an incidental take permit under Section 2081 of the Fish and Game Code is required, then the applicant shall obtain the necessary permit and shall provide appropriate compensatory mitigation for impacts to FYLF habitat as agreed upon with CDFW. This process may involve presence/absence surveys in the year prior to construction (at a minimum) to determine the status of the frog at the site. There are no standard CDFW-approved survey protocols for FYLF; therefore, if presence/absence surveys are conducted, the proposed protocols shall be provided to CDFW for review and approval prior to conducting the surveys.

• A qualified biologist shall survey the work site prior to the initiation of construction activities to ensure that FYLF is not present within the project site. If, at the time of construction, FYLF is candidate for listing as threatened or listed as threatened under CESA, handling of FYLF without a take permit pursuant to the CESA is not allowed. If FYLF is found in the project site during preconstruction surveys, construction activities shall not start until the frog has been either relocated by the qualified biologist to a suitable location up or downstream of the construction

zone, or allowed to leave the area on its own (if the County has not obtained a take permit pursuant to CESA). The approved biologist shall notify the County project manager and CDFW within 24 hours if FYLF is found, and if any individuals have been relocated, and shall reinitiate consultation with CDFW, if necessary.

• The preconstruction worker awareness training shall include a description of the FYLF and its habitat, the importance of the FYLF and its habitat, the avoidance and minimization measures that are being implemented to conserve the FYLF as they relate to the project, and the boundaries within which work may occur. Personnel will also be instructed on the penalties for not complying with avoidance and minimization measures. If new construction personnel are added to the project, the contractor will ensure that the new personnel received the mandatory training before starting work.

• The biological monitor's inspections and monitoring will involve monitoring for FYLF. If, at the time of construction, FYLF is candidate for listing as threatened or listed as threatened under CESA, handling of FYLF without a take permit pursuant to the CESA is not allowed. If FYLF are present during construction, construction activities within 50 feet of the frog shall cease until either the biological monitor is able to relocate the frog to a suitable location up or downstream of the construction zone, or the frog is allowed to leave the area on its own (if the County has not obtained a take permit pursuant to CESA). The biological monitor shall notify the County project manager and CDFW within 24 hours if FYLF is found, and shall notify of any individuals that have been relocated, and shall reinitiate consultation with CDFW, if necessary.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD* CDFW*		

BIO-2 Allow dispersal of juvenile frogs and fledgling red-winged blackbirds from Lower Pond

Should CDFW determine the Lower Pond needs to be removed, it should be done once it dries and juvenile frogs or fledgling red-winged blackbirds from the last nesting attempt have had the opportunity to disperse. Prior to the removal of the Lower Pond, a qualified biologist shall confirm that red-winged blackbirds have fledged and left the site, juvenile frogs have dispersed, and the pond may be removed.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
Within the timeframe proscribed in the Streambed Alteration Agreement issued by CDFW.	Continuous		HCP&BD* CDFW*		

BIO-3 No use of plastic support netting

The applicant shall not use plastic support netting. Plastic netting is a hazard to all forms of wildlife and is not to be used. CDFW recommends using netting of natural materials such as jute or hemp, with no welded seams.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
During project operations.	Continuous		HCP&BD*		

BIO-4 No rodenticides
The applicant shall not use rodenticides on the project site during construction or operations.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
During construction and during project operations.	Continuous		HCP&BD*		

BIO-5 Avoid Light Spillover
The project applicant shall cover any structure requiring lighting (mixed-light greenhouses) one hour before sunrise to one hour after sunset to avoid any adverse effects on nocturnal wildlife during operations and construction.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
During project operations.	Continuous		HCP&BD*		

BIO-6 Wetland Restoration
The applicant shall restore wetlands at a 3:1 ratio on the subject parcels as mitigation for the 10,661 square feet of wetlands that were filled as described by the WRA Environmental Consulting report dated April11, 2019. The wetland restoration plan shall be prepared by a qualified botanist specializing in wetland restoration. The report shall contain a monitoring and reporting plan that requires a minimum of 3 years of monitoring with an 85% success rate.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD*		

BIO-7 Obtain Regulatory Authorizations
Prior to commencement of ground disturbing activities, the Applicant shall obtain all required

regulatory authorizations, including those from the SWRCB and NCRWQCB, for the discharge of dredged or fill material within waters of the state.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD* CDFW* SWRCB* NCRWQCB*		

BIO-8 Obtain Streambed Alteration Agreement from CDFW

The applicant shall obtain a LSAA from CDFW for impacts to habitats regulated by CDFW pursuant to Section 1600 et seq. of the California Fish and Game Code. Measures required by the LSAA shall be implemented as a condition of project approval, and prior to ground disturbance affecting resources regulated by CDFW. Mitigation for permanent impacts, if required, shall be determined at the discretion of CDFW.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD* CDFW*		

BIO-9 Report of Waste Discharge

All aquatic resources delineated within the project site are likely to be determined to be classified either as waters of the U.S. and/or State. if it is determined that these features are not subject to federal jurisdiction but are subject to state jurisdiction, then these features would be subject to waste discharge requirements under the Porter-Cologne Water Quality Control Act should the project result in impacts to these features. Section 13260(a) of the Porter-Cologne Water Quality Control Act (contained in the California Water Code) requires any person discharging waste or proposing to discharge waste, other than to a community sewer system, within any region that could affect the quality of the waters of the State (all surface and subsurface waters) to file a report of waste discharge. The discharge of dredged or fill material may constitute a discharge of waste that could affect the quality of waters of the State. A report of waste discharge shall be filed for impacts to non-federal waters, if required.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD* SWRCB* NCRWQCB*		

CUL-1 Avoid archaeological site WRA #1 (Sweet Hills).
Archaeological site WRA #1 (Sweet Hills) shall be avoided during all proposed cannabis cultivation and processing activities to be covered under the pending permit. This includes a restriction on heavy equipment entering the site boundaries, including the dirt ranch road which bisects the site between the two identified artifact concentrations. Project-related heavy equipment (including but not limited to excavators, bulldozers, dump trucks and domestic vehicles) may traverse the roads to the north and south of the site boundaries, but not the northerly-trending road connecting the two which bisects the archaeological site. The site boundaries are shown in relation to the existing roads (proposed for upgrade in preparation for the cannabis cultivation project) on the location map and sketch map contained in the accompanying site record (Appendix *C).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
During construction and project operations.	Continuous		HCP&BD*		

CUL-2 Inadvertent Discoveries of Cultural Resources and Human Remains.
If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.
Prehistoric materials which could be encountered include obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic materials which could be encountered include ceramics/pottery, glass, metals, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, etc. If human remains are discovered during project construction, work would stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
During construction and project operations.	Continuous		HCP&BD*		

NOI-1 Construction Related Noise
The following shall be implemented during construction activities:

• The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall only occur between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
• No heavy equipment related construction activities shall be allowed on Sundays or holidays.
• All stationery and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD*		

NOI-2 Generator Noise
The project applicant shall strictly adhere to Humboldt County Commercial Medical Marijuana Land Use Order (CMMLUO 1.0) regarding performance standard for noise at cultivation sites for generator use, if. Generators shall be housed in a ventilated and sound-insulated box to reduce noise pollution. Locations of the generators shall be provided to the County Planning and Building Department on a site plan, and the projected use shall be provided. The generators shall be sited so that the decibel level for generators measured at the property line shall be no more than 60 decibels.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes | No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD*		

*CALFIRE = California Department of Fire and Forestry
*CDFW = California Department of Fish & Wildlife
*HCP&BD = Humboldt County Planning and Building Department
*NCUAQMD = North Coast Unified Air Quality Management District
*SWWQB= State Water Resources Control Board
*NCRWQCB=North Coast Regional Water Quality Control Board