



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: April 1, 2021

To: Humboldt County Planning Commission

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

Subject: **Ancient Truth, LLC Conditional Use Permit**
Application Number PLN-12659-CUP
Assessor's Parcel Number (APN) 217-401-003
Sylvan Grade Road, Blocksburg, CA 95514

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Please contact Sarah Faraola, Planner (Harris & Associates) at 831-346-7028 or by email at sarah.faraola@weareharris.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date April 1, 2021	Subject Conditional Use Permit – Type I	Contact Sarah Faraola
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Project Description: Ancient Truth, LLC, seeks Conditional Use Permit (CUP-16-793) to permit 11,430 square feet (SF) of existing outdoor light deprivation cultivation and a 375 SF ancillary nursery. The outdoor cultivation area is comprised of four greenhouses that include: Greenhouse 1 (4,000 SF), Greenhouse 2 (1,750 SF), Greenhouse 3 (1,680 SF), and Greenhouse 4 (4,000 SF)

The source of water for irrigation is an onsite permitted well (No. 15/16-0474). Total estimated annual water use is 144,450 gallons (12.6 gallons/SF). Water is stored in seven (7) HDPE tanks, divided as follows: one (1) 2,500-gallon tank, four (4) 500-gallon tanks, and two (2) 2,600-gallon tanks. Total water storage is 9,700 gallons.

Drying would occur onsite in a 180-SF drying and storage area, and post-processing activities would occur offsite at a licensed third party facility. The project would require two (2) to three (3) employees. Electrical power is provided by one (1) onsite generator (25 kW).

Project Location: The project is located at Sylvan Grade Road, in the unincorporated community of Blocksburg, in central Humboldt County.

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

Present Zoning: FR-B-5(40), Forestry Recreation combined with Special Building area 5(40).

Record Number: PLN-12659-CUP

Case Numbers: CUP-16-793

Assessor's Parcel Number: 217-401-003

Applicant

Ancient Truth Farms LLC
C/O Val Marinov
345 Franklin Street,
San Francisco, CA 94102

Owner

Vesella Iordanova & Matin
Moghadam
3103 Sorrelwood Drive,
San Ramon, CA 94582

Agents

Green Road Consulting, Inc.
C/O Kaylie Saxon
1650 Central Avenue, Suite C
McKinleyville, CA 95519

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

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

Major Issues: No major issues/concerns were identified for this project.

Recommended Commission Action

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

Adopt the Resolution to:

1. *Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines;*
2. *Make the required findings for approval of the Conditional Use Permit; and*
3. *Approve the Ancient Truth Farms, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.*

Executive Summary Ancient Truth, LLC, seeks a Conditional Use Permit (PLN-12659-CUP) for 11,430 square feet (SF) of existing outdoor light deprivation cultivation. The outdoor cultivation area is comprised of four greenhouses as follows: Greenhouse 1 (4,000 SF), Greenhouse 2 (1,750 SF), Greenhouse 3 (1,680 SF), and Greenhouse 4 (4,000 SF). The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The sites has been issued a Zoning Clearance Certificate for Interim Permit (IP), based upon the Cultivation Area Verification (CAV) developed for the site. The cultivation area for this Conditional Use Permit is based upon the CAV prepared for the IP.

The project area is at an elevation of 1,600 feet and is located on mountainous slopes with high instability. The present land use designation is Residential Agriculture (RA), as defined in the Humboldt County 2017 General Plan Update, and the 40-acre parcel is zoned as Forestry Recreation. There are two cultivation buildings that include a 375-SF nursery and a 180-SF drying and harvest storage area, as well as one (1) residence that is 768 SF. Drying would occur onsite, and further processing would occur at a licensed third party facility offsite. There would be two (2) to three (3) employees active in the cultivation process throughout the year. Electrical power is provided by one (1) onsite generator (25 kW). The primary use of generator power is not allowed to occur beyond December 31, 2025. To ensure that generator use is not extended beyond this date, the project has been conditioned to provide permanent power to the site prior to December 31, 2025 (**Condition 19**).

Water Resources

Irrigation water is sourced from an onsite permitted well (No. 15/16-0474). Total estimated annual water use is 144,450 gallons. Water is stored in seven (7) HDPE tanks, divided as follows: one (1) 2,500-gallon tank, four (4) 500-gallon tanks, and two (2) 2,600-gallon tanks. Total water storage is 9,700 gallons. The project area is located within the Eel River watershed, and contains multiple watercourses that include: one Class I watercourse (Basin Creek), one (1) Class II watercourse, and four (4) Class III drainages. Although there are six (6) total watercourses within the project area, only three (3) of the watercourses are under the jurisdiction of the landowner, and the remaining three (3) stream crossings are located on the county-managed Sylvan Glade Road.

The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within an SMA to comply with erosion control and required mitigation measures. A site assessment of the property conducted by Green Road Consultants determined that four (4) of the six (6) active cultivation areas and associated facilities are located within the SMA buffer zone, which includes 100 feet of a Class I or II watercourse, or within 50 feet of the Class III watercourse. Therefore, the applicant has been

conditioned to remove and relocate all cultivation activities to outside of the SMA, which is reflected on the 'Proposed' section of the current Site Plan (January 2020) (**Condition 12**).

A Site Management Plan (SMP) was created in order to protect the water resources within the project area through annual site inspection, monitoring, and reporting of Tier 2 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB). The proposed project is enrolled with the NCRWQCB under the water quality identification number (WDID No. 1_12CC402277). Onsite monitoring shall occur during the following activities: 1) Before and after alteration or upgrade to a stream crossing, road segment or sediment discharge site; 2) Prior to the start of the water season on October 15 and December 15, in order to evaluate site winterization and preparedness for stormwater runoff; and 3) Following any rainfall event with an intensity of 3 inches of precipitation within 24 hours.

The SMP identified issues present within the project area, defined as High Risk Treatment Priority Remediation Measures (SMP pages 12-13). In order for the permit to be granted, the applicant must remediate the issues described within the Remediation Summary Table, which principally include: 1) Perform maintenance activities (rocking and armoring) to all locations along the road and at stream outfalls that are causing erosion; 2) Ensure all petroleum products within the project area are properly stored; and 3) Perform stream crossing maintenance within the three streams within the project area (**Condition 11**).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (No. 1600-2018-0704-R1). All three stream crossings are hydrologically connected to adjacent watercourses and require mitigation measures to bring the streams into compliance with the SWRCB water resources protection order. Stream crossing one (STX1) and stream crossing two (STX2) will be rocked on either side of approaching roads; waterbars will be installed upslope; and the outfall where head cutting has occurred will be armored with vegetated riprap for stabilization. At stream crossing two (STX2), the culvert will need to be re-installed to 48-inch diameter in order to allow for a 100-year storm event. At stream crossing three (STX3), there is a 2 foot drop that causes erosion and sediment delivery to the watercourse below, and the culvert will need to be replaced with a 42-inch diameter culvert to allow for a 100 year storm event (**Condition 13**).

The LSAA establishes specific mitigation measures that the applicant must apply to offset any potential impacts to waterways within the area. The mitigation measures are summarized as follows: 1) Document all activities that occur within waterways at the project site; 2) All work (excluding the water diversion) shall be confined to the dry weather period of June 15th through October 1st of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities; and 5) The completed project shall be inspected by Green Road Consultants to ensure the stream crossings were installed as designed, and a copy of the inspection report shall be submitted to CDFW within 90 days of project completion (**Condition 13**).

The applicant is conditioned to address the above stated issues that are further detailed in the SMP Remediation Summary Table (attached to the SMP), and submit monitoring and reporting of Facility Status, as well as Site Maintenance and Stormwater Runoff observations annually to the State Water Resources Control Board. These actions are to be completed within 6 months of the permit being granted (**Conditions 11, 12 and 13**).

Disturbed Area Stabilization Plan

A Disturbed Area Stabilization Plan was created in order to identify conditions present within the project area that may adversely affect water quality and water resources within the project area. There are nine (9) disturbed areas on the parcel, five (5) of which are located within the Streamside Management Areas, and two (2) are located on disturbed road segments. All of the disturbed areas within the SMA, as described above in the Water Resources Section, have been proposed on the current site plan (January 2020) to be relocated outside the SMA (**Condition 12**).

All of the disturbed areas developed after 2015 have oak trees (over 4 inches tall) that removed, will need to be replanted with a 3 to 1 ratio (3 trees planted for every 1 tree removed). Cultivation areas that are to be relocated must be mulched and re-seeded, and will be subject to annual monitoring and maintenance to ensure that erosion control measures and planting are executed successfully (**Condition 12**).

Biological Resources

A Primary Biological Resource Assessment (PBRA) was conducted by TransTerra Consulting in May 2020. The PBRA includes acquiring information from published research, maps and databases, as well as an onsite field evaluation, to determine the presence of biological resources in the project area. A list of special status species that could potentially occur in the project area was generated using the following information systems: California Natural Diversity Database (CNDDDB), which includes the California Native Plant Society (CNPS) and the Northern Spotted Owl (NSO) Database. There were no special status species identified within a one-mile diameter of the project area. However, NSO habitat was found approximately 1.4 miles from the parcel, and the forested nature of the project area has the potential to provide habitat for other species not identified in the survey. The stream crossings within the project area are likely to contain aquatic wildlife and plant species, and all mitigation measures set forth in the LSAA (when obtained) must be followed during any in-stream maintenance work (**Condition 13**).

There were multiple piles of solid waste associated with cultivation activities (e.g., tarps, pots, dirt piles) throughout the project area, that the applicant is conditioned to remove in order to maintain the integrity of the project site and not inadvertently impact biological resources within the area (**Condition 12**). General project activities are not expected to produce any adverse or cumulative effects to any special-status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources are considered low and unlikely.

Tribal Cultural Resource Coordination

A records search for known cultural resources was requested from the Northwest Information Center (NWIC), and no results were returned; therefore, an archaeological survey report was not prepared for this project. However, the NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band was contacted and responded that the Inadvertent Discovery Protocol should be implemented, in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 14**).

Access

The site is located at Sylvan Grade Road in the unincorporated community of Blocksburg, in central Humboldt County. The site has 0.54 miles of permanent roads and 0.41 miles of seasonal access roads, which are in poor condition and adjacent to waterways at certain segments in the road. The SMP includes measures to address erosion control issues along the access roads, including: install and develop waterbars in all steep sections of the road for proper drainage, and rock/armor all roads to a minimum of 50 feet on either side at the segments that approach stream crossings (**Condition 11**).

The County Department of Public Works reviewed the project referral and determined that Sylvan Grade Road, which is the main access road to the project site and is maintained by the county, is developed to the equivalent of a road category 4 standard and thus is adequate for the proposed use. However, DPW recommended standard conditions pertaining to driveway and private road intersection visibility (**Conditions 15, 16 & 17**).

Timberland Conversion Evaluation

A Timberland Conversion Evaluation Report was developed in December 2019 to address the conversion of unauthorized converted timberland within the project area. A field inspection of the conversion area was conducted by Thomas Blair, Registered Professional Forester (RPF), and found that the total unauthorized acreage is less than 1.07 acres, which is below the 3-acre maximum Conversion Exemption. There are three unauthorized conversion sites within the project area, two of which occurred before

2012, and one of which occurred between 2016 and 2018. The RPF identified the following mitigation measures necessary to bring the conversion areas into compliance with the Forest Practices Act and CMMLUO, including: 1) Update the access roads with erosion control and drainage features; 2) Re-seed all bare soil where cultivation activities have been exposed or at the interface of watercourse protection zones; and 3) Adhere to the Site Management Plan and the future LSAA to address all water quality and erosion issues identified within the project area. The RPF recommends the mitigation measures set forth in **Conditions 11, 12 and 13** to bring the project site into compliance with the Forest Practices Act and CMMLUO.

Generator Use

The application is for outdoor cultivation, and the applicant uses generators as the primary power source. Consistent with past actions of the Planning Commission, a condition has been added that the power source of all cannabis related activities shall be converted to a renewable source by December 31, 2025 (**Condition 19**).

California Environmental Quality Act (CEQA)

Environmental review for this project was conducted in February 2021 by the County. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) adopted for the Commercial Medical Marijuana Land Use Ordinance on January 26, 2016. Accordingly, staff has prepared an addendum to this document for consideration by the Planning Commission. See **Attachment 2** for more information.

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

ALTERNATIVES: The Planning Commission could elect to 1) not approve the project, or 2) require the applicant to submit further evidence or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-
Record Number PLN-12659-CUP
Assessor's Parcel Number: 217-401-003**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Ancient Truth LLC, Conditional Use Permit.

WHEREAS, Ancient Truth LLC applied for Conditional Use Permits (CUP-16-793) for the continued operation of an existing 11,430 square foot (SF) outdoor cannabis cultivation operation, with appurtenant propagation and drying activities;

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **April 1, 2021**, and reviewed, considered, and discussed the application for the requested Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit CUP-16-793 for the continued operation of an existing 11,430 SF cannabis cultivation operation and associated 375 SF immature plant/nursery area, with appurtenant propagation and drying activities. Electrical power is provided by one (1) onsite generator (25kW). Irrigation water is sourced from an onsite permitted well (No. 15/16-0474).

EVIDENCE: a) Project File: PLN-12659-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum to the MND prepared for the proposed project in compliance with CEQA.

b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

c) A Biological Report was prepared for the project in May 2020 that included an analysis of published research, maps and databases, as well as an onsite field evaluation to determine the presence of biological resources in the project area. A list of special status species that could potentially occur in the project area was generated using the following information systems:

California Natural Diversity Database (CNDDDB), which includes the California Native Plant Society (CNPS) and the Northern Spotted Owl (NSO) Database. There were no special status species identified within a one-mile diameter of the project area. However, NSO habitat was found approximately 1.4 miles from the parcel, and the forested nature of the project area has the potential to provide habitat for other species not identified in the survey. Proposed cultivation activities would not degrade or remove any suitable habitat, or result in noise or disturbance that would adversely impact any protected species. Therefore, impacts to biological resources are considered low/unlikely.

- d) A Site Management Plan (SMP), as well as a Disturbed Area Stabilization Plan, was prepared by Green Road Consultants to show compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, in order to protect the water quality of waterways within the project area. Issues identified within the SMP include: relocation of cultivation activities outside of the Streamside Management Area, stream crossing maintenance, erosion control and drainage features along access roads, and proper removal of cultivation related waste. In order to bring the project up to environmental management standards, the applicant must comply with **Conditions 11, 12 and 13**.
- e) A records search for known cultural resources was requested from the Northwest Information Center (NWIC), and no results were returned; therefore, an archaeological survey report was not prepared for this project. However, the NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band was contacted and responded that the Inadvertent Discovery Protocol should be implemented, in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 14**).
- f) A Timberland Conversion Evaluation Report was developed in December 2019 by Thomas Blair, Registered Professional Forester (RPF), to assess the conversion and remediation of less than 1.07 acres of unauthorized converted timberland into "flat area" on the project site. The report was developed in accordance with the California Forest Practice Rules (CFPRs), in order to comply with CMMLUO. A field inspection and satellite image review of the conversion area determined that timberland conversion of 1.07 acres is below the 3-acre maximum allowed. There are three unauthorized conversion areas within the project area, two of which occurred before 2012, and one occurred between 2016 and 2018. The RPF recommends the mitigation measures set forth in **Conditions 11, 12 and 13** to bring the project site into compliance with the Forest Practices Act and CMMLUO.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

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

EVIDENCE

- a) Forestry Recreation (FR) is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action

Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

- b) The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with Humboldt County General Plan Policy BR-P6, which requires development within an SMA to comply with Standards BR-S8 (Required Mitigation Measures) and BR-S9 (Erosion Control). The proposed project was designed with mitigating features, including: 1) Cultivation is sited to avoid activity within the stream channel; 2) All cultivation areas are proposed to be located off of slopes and will not involve vegetation removal or land clearing; and 3) Prior unseeded exposed soils have been addressed with native seeding. Therefore the project is not considered 'High Risk' and is consistent with Policy BR-P6, and Standards BR-S8 and BR-S9.

4. FINDING

The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) and Special Building Site (B-5(20)) designations in which the site is located.

EVIDENCE

- a) Forestry Recreation (FR) areas are intended to be applied to areas of the County in which forestry recreation is the desirable predominant use. Special Building Site (B-5(20)) areas are subzones that are intended to be combined with any principal zone, consistent with cultivation activities within the project area.
- b) Humboldt County Code section 313-106.6 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 11,430 SF of outdoor cultivation and a total of 375 SF of immature plant/nursery areas on a 40-acre parcel is consistent with the Humboldt County Code and with the Cultivation Area Verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Forestry Recreation (FR) and Special Building Sites (B-5(20)), (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) The project will obtain water from a permitted well (No. 15/16-0474). The total water usage is approved at 144,450 gallons per year.
- d) The slope of the land where cannabis will be cultivated is less than 15%. At some locations where disturbance areas have been identified and cannabis has been historically cultivated, the slopes range from 30% to 45%. However, the proposed re-location of all cannabis-related activities are 15% or less.
- e) The cultivation of cannabis will not result in the net conversion of timberland.

The proposed cultivation area(s) are located within a historical cultivation area. Prior illegal grading has been conducted on the site and was abated pursuant to Timberland Resource Conversion assessment.

- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING

The outdoor cultivation of 11,430 SF of cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site was assessed by Green Road Consulting and is described in the Site Management Plan and Disturbed Area Stabilization Plan. All access roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are to be hydrologically disconnected to receiving waters. To ensure that roads meet this condition, the applicant shall implement the erosion control measures outlined in the SMP, that address the adverse effects of the degraded road quality on adjacent water features. Erosion control measures include: install and develop waterbars in all steep sections of the road for proper drainage, and rock/armor all roads to a minimum of 50 feet on either side at the segments that approach stream crossings (**Condition 11**).
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a permitted groundwater well.
- e) Provisions have been made in the applicant's proposal to protect water quality, through yearly site inspection, monitoring, and reporting to the NCRWQCB. The site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected.

7. FINDING

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

Development in determining compliance with housing element law.

EVIDENCE

The parcel currently contains a single existing residential unit. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential unit on site.

DECISION

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

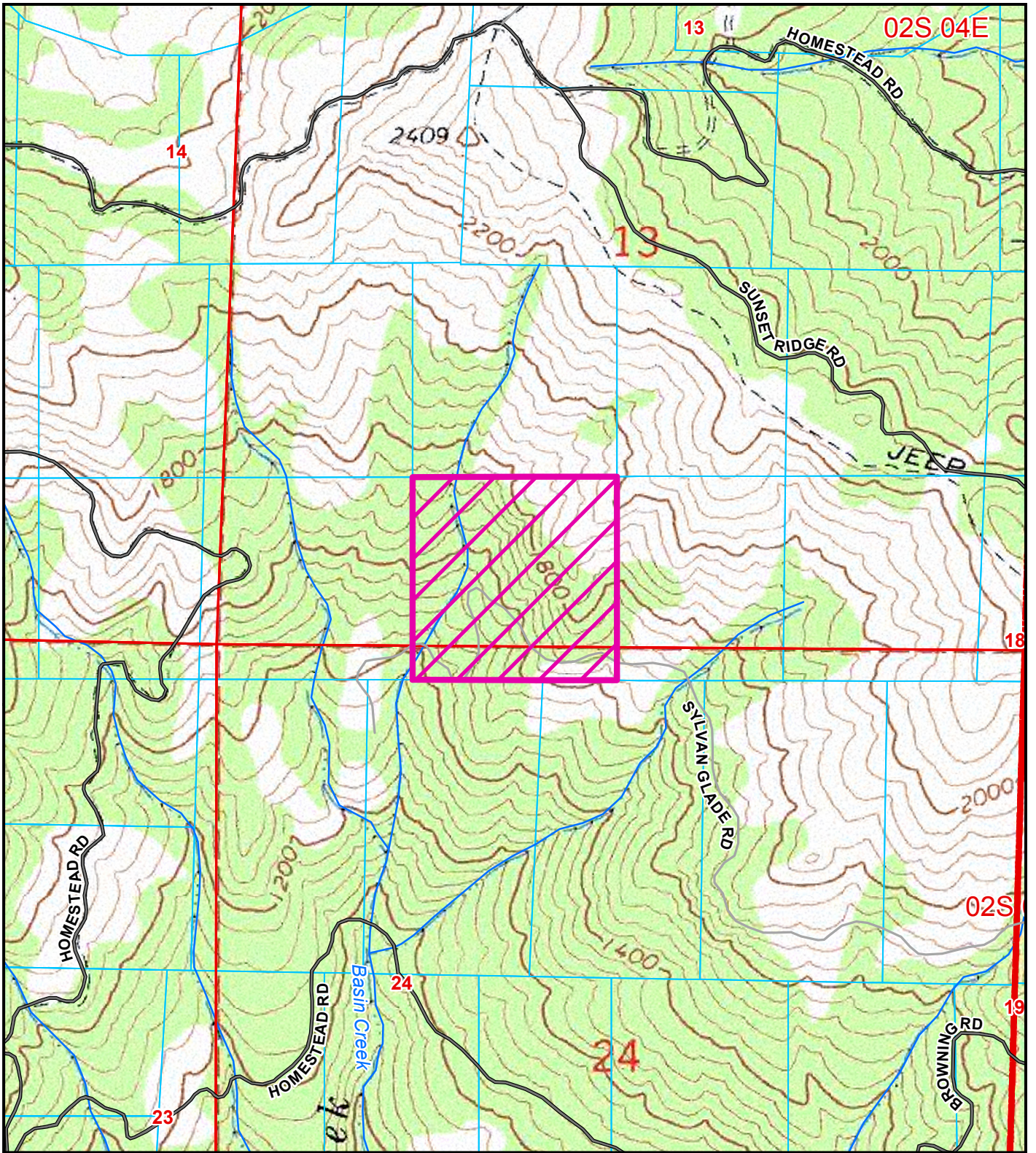
- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permits (PLN-12659-CUP) for Ancient Truth LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
- Adopted after review and consideration of all the evidence on April 1, 2020.

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

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

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

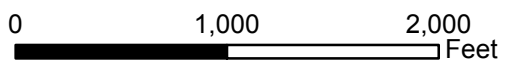
 John Ford, Director
 Planning and Building Department



**TOPO MAP
 PROPOSED ANCIENT TRUTH INC
 BLOCKSBURG AREA
 CUP-16-793**

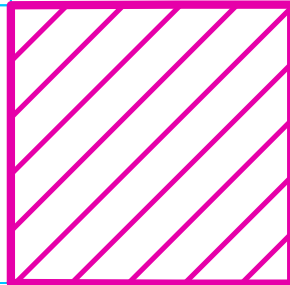
**APN: 217-401-003-000
 T02S R04E S13; S24 HB&M (BLOCKSBURG)**

Project Area = 



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

AE-B-5(160)



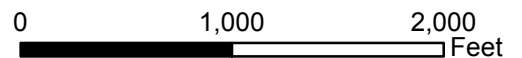
FR-B-5(40)

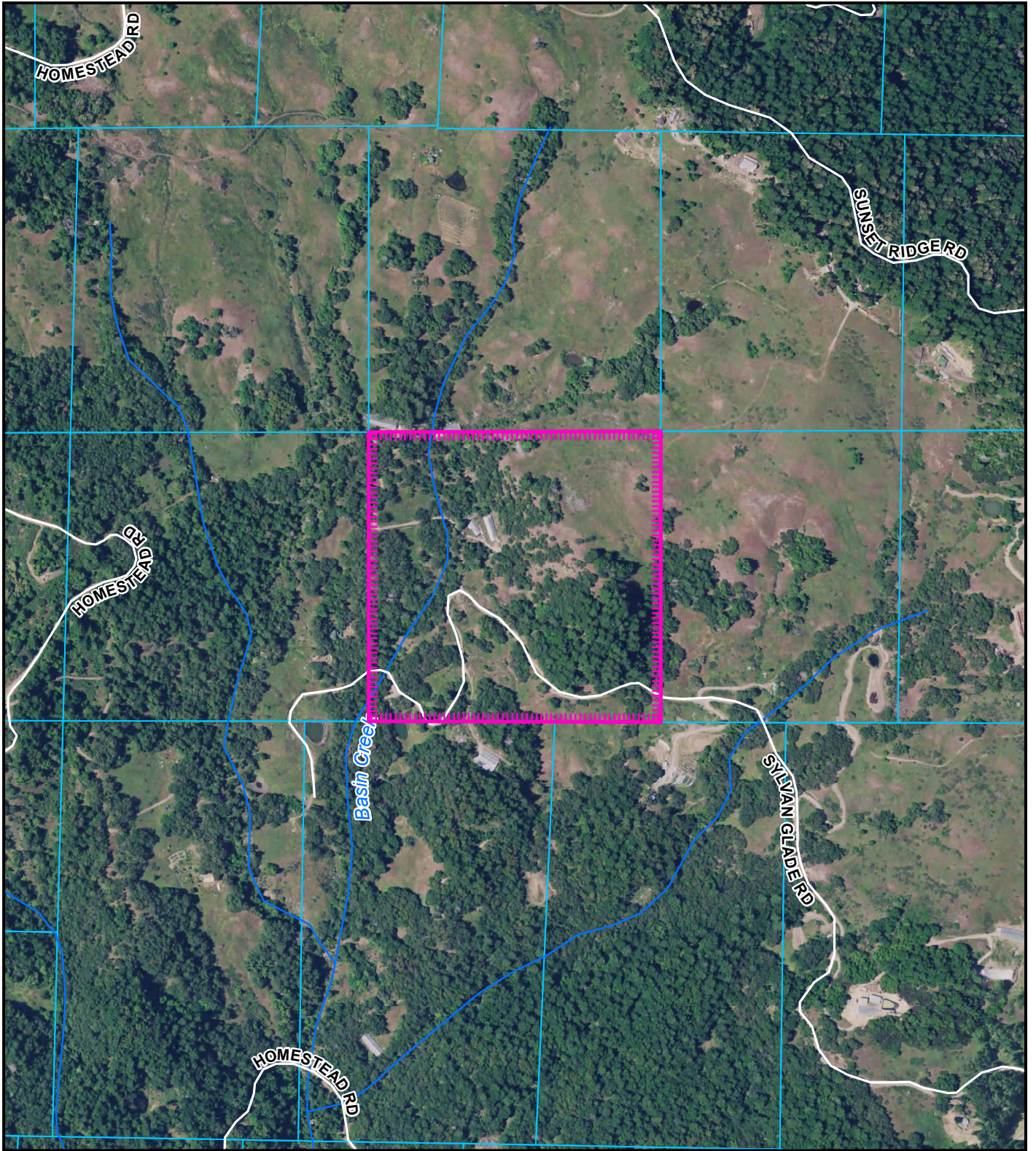
Project Area = 

ZONING MAP
PROPOSED ANCIENT TRUTH INC
BLOCKSBURG AREA
CUP-16-793
APN: 217-401-003-000
T02S R04E S13; S24 HB&M (BLOCKSBURG)



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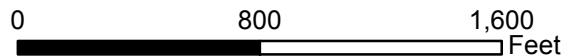
Project Area = 

**AERIAL MAP
PROPOSED ANCIENT TRUTH INC
BLOCKSBURG AREA
CUP-16-793**

**APN: 217-401-003-000
T02S R04E S13; S24 HB&M (BLOCKSBURG)**

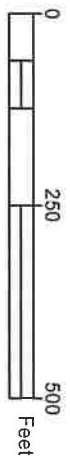
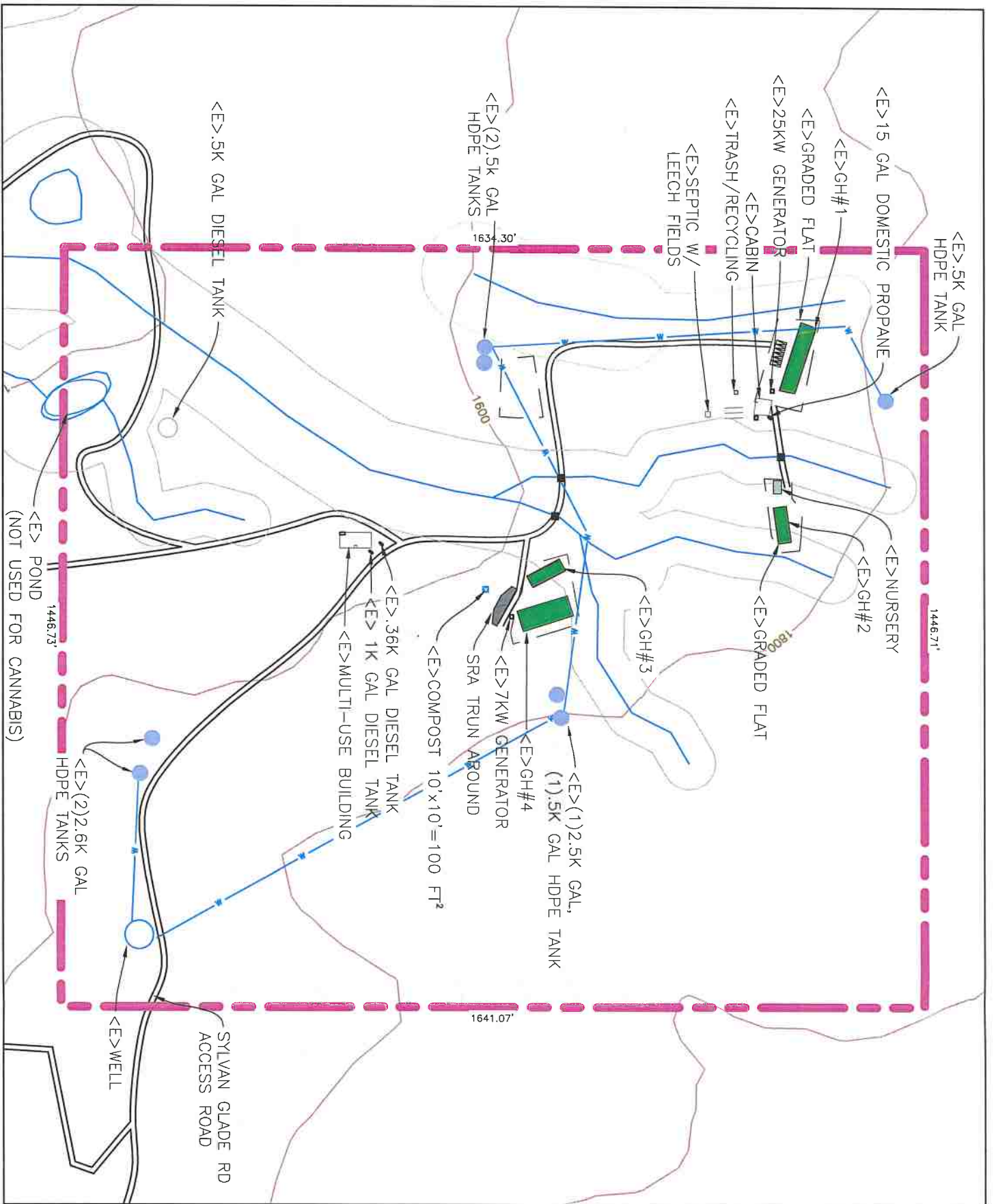


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



PARCEL OVERVIEW

APN:217-401-003



CULTIVATION INFORMATION

LIGHT DEPRIVATION (OUTDOOR) CULTIVATION AREA

GH	LENGTH	WIDTH	SQ FT
1	100	40	4,000
2	70	25	1,750
3	70	25	1,750
4	100	40	4,000

TOTAL LIGHT DEPRIVATION CULTIVATION AREA = 11,500 SQ FT

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
MULTI-USE BUILDING	DRIVING/HARVEST STORAGE/ NUTRIENT RAMENIMENT STORAGE	30'x60'	2016
NURSERY	IMMATURE PLANT AREA	15'x25'	2015

DOMESTIC BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
CABIN	PLACE OF LIVING	768 FT²	2004

WATER STORAGE AND USE

TYPE	DATE OF INSTALLATION	QUANTITY	GALLONS	TOTAL GALLONS
HOPE TANK	2014	1	2,500	2,500
HOPE TANK	2014	4	500	2,000
HOPE TANK	2014	2	2,600	5,200

TOTAL AMOUNT OF WATER STORAGE= 9,700 GALLONS

POWER SOURCE

25KW GENERATOR, 7KW GENERATOR, (3) 3KW GENERATORS (PORTABLE)

LEGEND

- CLASS II STREAM WITH REQUIRED 100 FT BUFFER
- UNNAMED CLASS III STREAM WITH REQUIRED 50 FT BUFFER
- WATERLINE

SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 500 FEET OF THE CULTIVATION SITE. THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.



GREEN ROAD
CONSULTING

PROJECT INFORMATION

PROPERTY OWNER VESSELA IORDANOVA & MATIN T. MOGHADAM
 APN: 217-401-003
 SHEET INFO PARCEL OVERVIEW

NO.	NOTES	DATE

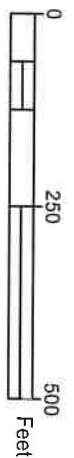
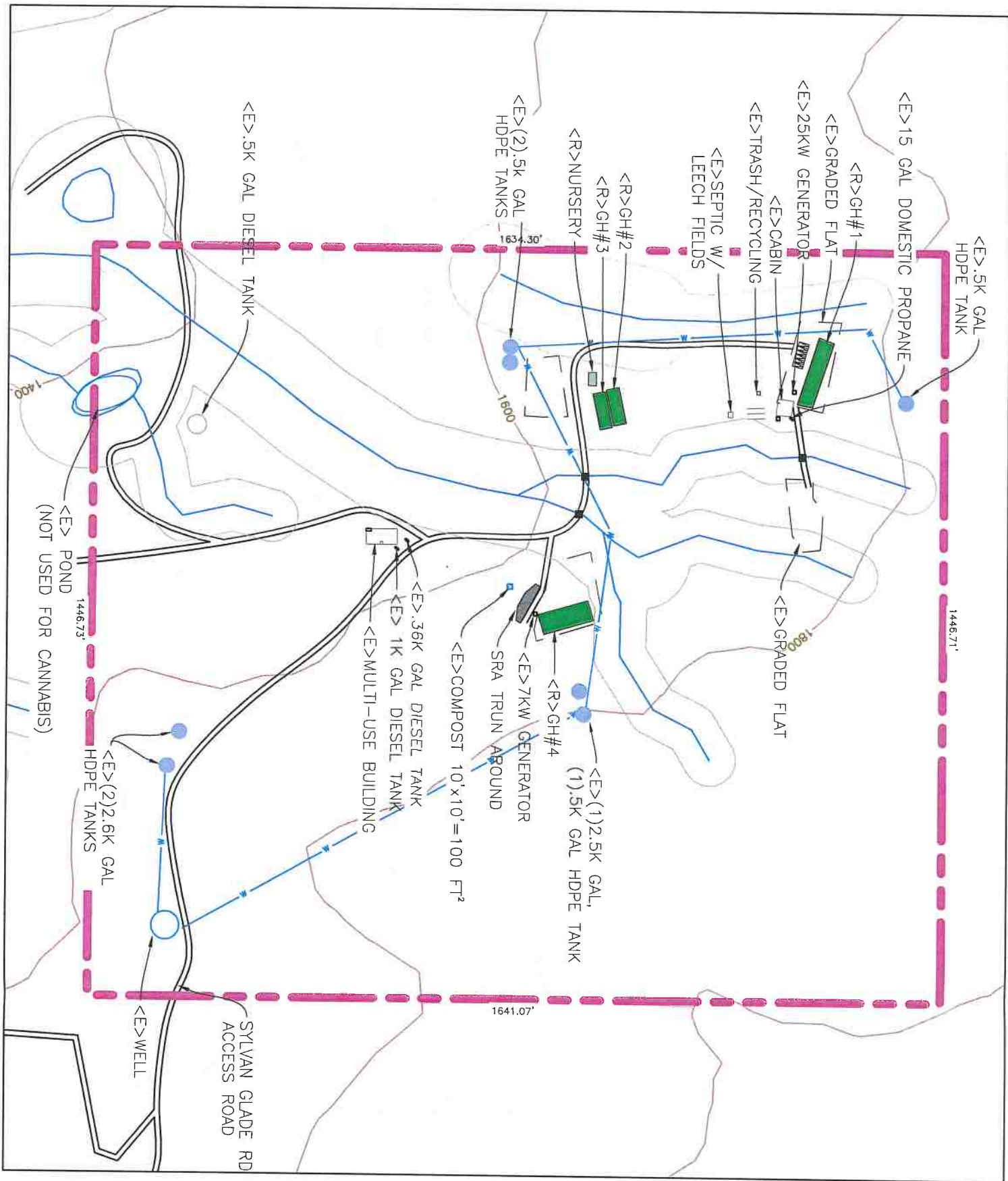
DATE	RF/RAW
1/16/20	

DRAFTER AS SHOWN
 SCALE AS SHOWN

SHEET C1

PROPOSED RELOCATION

APN:217-401-003



CULTIVATION INFORMATION

LIGHT DEPREAVATION (OUTDOOR) CULTIVATION AREA

GH	LENGTH	WIDTH	SQ FT
1	100	40	4,000
2	70	25	1,750
3	70	24	1,680
4	100	40	4,000

TOTAL LIGHT DEPREAVATION CULTIVATION AREA = 11,430 SQ FT

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
MULTI-USE BUILDING	DRYING/HARVEST STORAGE/ NUTRIENT &AMENDMENT STORAGE	30'x60'	2016
NURSERY	IMMATURE PLANT AREA	15'x25'	2015

DOMESTIC BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
CABIN	PLACE OF LIVING	768 FT²	2004

WATER STORAGE AND USE

TYPE	DATE OF INSTALLATION	QUANTITY	GALLONS	TOTAL GALLONS
HDPE TANK	2014	1	2,500	2,500
HDPE TANK	2014	4	500	2,000
HDPE TANK	2014	2	2,600	5,200

TOTAL AMOUNT OF WATER STORAGE= 9,700 GALLONS

POWER SOURCE
25KW GENERATOR, 7KW GENERATOR, (3) 3KW GENERATORS (PORTABLE)

LEGEND

[Blue line]	CLASS II STREAM WITH REQUIRED 100 FT BUFFER
[Blue line]	UNNAMED CLASS III STREAM WITH REQUIRED 50 FT BUFFER
[Blue line]	WATERLINE

SURROUNDING BUILDINGS
THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL, CULTURAL RESOURCES WITHIN 500 FEET OF THE CULTIVATION SITE. THERE ARE NO OFF-SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.



PROJECT INFORMATION

PROPERTY OWNER	VESSELA IORDANOVA & MATIN T. MOGHADAM
APN:	217-401-003
SHEET INFO	PARCEL OVERVIEW



NO.	NOTES	DATE

DATE: 1/16/20
DRAFTER: RP/AMM
SCALE: AS SHOWN
SHEET: PO

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions:

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #23. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. Communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted and were approved by Building Inspection Department on August 27, 2020.
7. The applicant shall submit a grading, erosion and sediment control plan prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed and any proposed grading. A letter or similar communication from the Building Division, verifying that all grading related to the cannabis cultivation operation are permitted or not needed, will satisfy this

condition.

8. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
9. Prior to renewal of the permit, the operator is required to submit to the Department of Environmental Health (DEH), receipts or copy of the permit of the presently unpermitted septic system, and provide written assessment from a qualified septic consultant confirming a Tier 0 status for the addition of an onsite wastewater treatment system serving the dwelling (Department of Environmental Services).
10. The applicant shall install a water monitoring device on each surface diversion to monitor water diverted to storage and a separate meter shall be installed for all irrigation water used. The water use shall be recorded monthly for both diversion and water use and shall be submitted as part of the annual inspection.
11. The applicant shall adhere to the following High Risk Treatment Priority Remediation Measures, as set forth in the Site Management Plan, to ensure proper environmental management within the project area. The applicant shall complete the following remediation measures to bring the project into compliance: 1) Perform maintenance activities (rocking and armoring road) to all locations along the road and at stream outfalls that are causing erosion; and 2) Ensure all petroleum products within the project area are properly stored. Monitoring and reporting shall be conducted annually and include Facility Status, Site Maintenance, and Storm Water Runoff observations and recommendations, and reported to the State Water Resources Control Board. The applicant shall complete the above measures within 6 months of permit approval.
12. The applicant shall comply with all policies set forth by the Humboldt County General Plan Policy BR-P6, to ensure that all Streamside Management Areas within the project area are properly managed throughout cultivation related activities. The applicant shall remove and relocate all cultivation activities that are currently within the SMA to outside of the SMA, and remove all solid waste piles throughout the project site. All exposed soils shall be remediated by re-seeding (with native seed mix) and mulching. The applicant shall complete the above measures within 6 months of permit approval.
13. The applicant shall comply with all mitigation measures set forth in the Lake and Streambed Alternation Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW), and shall implement all corrective actions detailed/required within the LSAA. Upon completion of the proposed construction activities that are to take place within the waterways (STX1, STX2 and STX3) of the project area, a letter or similar communication from CDFW verifying that all their requirements have been met will satisfy this condition.
14. The applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities.
15. COUNTY ROADS – DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY: All driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approve for a business license.
16. COUNTY ROAD – DRIVEWAY (PART 2): Any existing or proposed driveways, which will serve as access for the proposed project that connect to a county maintained road, shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also

includes installing or replacing driveway culverts; minimum size is typically 18 inches. If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and length of 50 feet. The exact location and quantity of driveways shall be approved by the Department of Public Works at the time the applicant applies to the Department for an Encroachment Permit. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approve for a business license.

17. COUNTY ROADS – FENCES & ENCROACHMENTS: All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
18. The applicant shall contact the Garberville Fire Protection District and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
19. The use of generators as a primary power source for cannabis related activities shall cease by December 31, 2021. The applicant shall either connect to a utility or have an alternative source of power starting January 1, 2026.
20. The applicant shall obtain a permit to operate the single onsite generator (25 kW) from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.
21. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
22. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
23. At such time the applicant increases cultivation to maximum aggregate allotment, allowed under the CMMLUO 1.0 and Cultivation Area Verification (CAV) allowances, the applicant/operator/owner shall submit a revised site plan, showing placement of all cannabis cultivation, broken down by zone and growing version (outdoor and/or mixed light), at least 30 days prior to placement/development of the cultivation area(s). The site plan shall be reviewed and approved by the Director of Planning and Building Services

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl (NSO) species, as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of NSO habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only be placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, the permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers at all times, and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. When offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. The permittee shall have possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. The permittee shall be in compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. The permittee shall comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. The permittee shall consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
20. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled and used in accordance with applicable regulations.

22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

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

assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

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

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

**(APN) 217-401-003 Sylvan Grade Road, Blocksburg, CA 95514
County of Humboldt**

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

March 2021

Modified Project Description

The modified project involves a Conditional Use Permit (PLN-12659-CUP) for 11,430 square feet (SF) of existing outdoor light deprivation cultivation. Outdoor cultivation area is comprised of four greenhouses as follows: Greenhouse 1 (4,000 SF), Greenhouse 2 (1,750 SF), Greenhouse 3 (1,680 SF), and Greenhouse 4 (4,000 SF). Drying would occur onsite in a 180-SF drying shed and storage area, and further processing would occur offsite at a licensed third party facility. There would be two (2) to three (3) employees active in the cultivation process throughout the year. Electrical power is provided by one (1) onsite generator (25 kW).

Irrigation water is sourced from an onsite permitted well (No. 15/16-0474). Total estimated annual water use is 144,450 gallons. Water is stored in seven (7) HDPE tanks, divided as follows: one (1) 2,500-gallon tank, four (4) 500-gallon tanks, and two (2) 2,600-gallon tanks. Total water storage is 9,700 gallons. The project area is located within the Eel River watershed, and contains multiple watercourses that include: one Class I watercourse (Basin Creek), one (1) Class II watercourse, and four (4) Class III drainages.

The Site Management Plan identified issues present within the project area, defined as High Risk Treatment Priority Remediation Measures. In order for the permit to be granted, the applicant must remediate the issues described within the Remediation Summary Table, which principally include: 1) Perform maintenance activities (rocking and armoring road) to all locations along the road and at stream outfalls that are causing erosion; 2) Ensure all petroleum products within the project area are properly stored; and 3) Perform stream crossing maintenance within the three streams within the project area. The applicant is conditioned to address the above stated issues and submit monitoring and reporting of Facility Status, as well as Site Maintenance and Stormwater Runoff observations annually to the State Water Resources Control Board. These actions are to be completed upon the issuance of the Lake and Streambed Alteration Agreement (LSAA) or within 6 months of the permit being granted (**Condition 13**).

A Primary Biological Resource Assessment (PBRA) was conducted by TransTerra Consulting in May 2020. A list of special status species that could potentially occur in the project area was generated using the California Natural Diversity Database (CNDDB), which includes the California Native Plant Society (CNPS) and the Northern Spotted Owl (NSO) Database. There were no special status species identified within a one-mile diameter of the project area. However, NSO habitat was found approximately 1.4 miles from the parcel, and the forested nature of the project area has the potential to provide habitat for other species not identified in the survey. The stream crossings within the project area are likely to contain aquatic wildlife and plant species, and all mitigation measures set forth in the LSAA (when obtained) must be followed during any in-stream maintenance work (**Condition 13**). Project activities are not expected to produce any adverse or cumulative effects to any special-species or habitat, due to the small size of the project area and the type of proposed activities.

NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band was contacted and responded that the Inadvertent Discovery Protocol should be implemented, in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 14**).

The site is located at Sylvan Grade Road in the unincorporated community of Blocksburg, in central Humboldt County. The seasonal roads are in poor condition and hydrologically connected to adjacent waterways at certain segments in the road. The SMP includes measures to address erosion control issues along the access roads, including: install and develop waterbars in all steep sections of the road for proper drainage, and rock/armor all roads to a minimum of 50 feet on either side at the segments that approach stream crossings (**Condition 11**). The County Department of Public Works, reviewed the project referral and determined that Sylvan Grade Road, which is the main access road to the project site and is maintained by the county, is developed to the equivalent of a road category 4 standard and thus is adequate for the proposed use. However, DPW recommended standard conditions pertaining to driveway and private road intersection visibility (**Conditions 15, 16 & 17**).

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO, which were intended to mitigate impacts of existing cultivation.

Summary of Significant Project Effects and Required Mitigation

No changes are proposed for the mitigation measures identified in the original MND. The proposal to authorize the continued operation of an existing cannabis cultivation site, consisting of 11,430 SF of existing outdoor light deprivation cultivation within four (4) greenhouses and one (1) 375 SF ancillary nursery, is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- Site Plan prepared by Green Road Consulting, report dated 1/16/2020 and received 1/21/2020.
- Cultivation and Operations Plan prepared by Green Road Consulting, received 9/1/2017.
- Site Management Plan by Green Road Consulting, completed 7/30/2019 and received 1/21/2020.
- Disturbed Area Stabilization Plan (WDID 1_12CC402277), completed 12/19/2019 and received 1/21/2020.
- Preliminary Biological Resource Assessment conducted by TransTerra Consulting, completed in May 2020.
- Well Completion Report (Permit No. 15/16-0474), completed 8/22/2016.
- Lake and Streambed Alteration Application for California Department of Fish and Wildlife, (Notification # 1600-2018-0704-R1), dated 6/22/2020.
- North West Information Center (NWIC) records search conducted by Bryan Much on 3/3/2020.
- Department of Public Works Road Evaluation Report, dated 9/5/2018.
- Timberland Conversion Evaluation Report, evaluation conducted by Thomas Blair (RPF #2607), 12/20/2019.
- Cal Fire application communication with forester Tim Meyers, dated 3/12/2020.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Ancient Truth LLC, would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, than the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported.

FINDINGS

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

CONCLUSION

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

Attachment 3
Application Report of Findings

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

1. The name, contact address, and phone number(s) of the applicant. **(On file)**
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. **(On file)**
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Green Road Consulting dated 1/16, 2020, **Map 4**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Green Road Consulting, 9/1/2017 – **Attachment 3a**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4 above - **Attachment 3a**)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. **(On file)**
8. If any onsite or offsite component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife on June 22, 2020 (LSAA# 1600-2018-0704-R1). **(On file)**
9. If the source of water is a well, a copy of the County well permit, if available. **(On file)**
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Project is in compliance with CalFire)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. **(On file)**
12. Acknowledgment that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section, in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. **(On file)**
13. Acknowledgment that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). **(On file)**
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). **(On file)**



**GREEN
ROAD**
CONSULTING



Site Plan Overview and Cultivation and Operations Plan

Applicant

Substantial Green, Inc.

1383 N. Broadway

Walnut Creek, CA 94596

Parcel: 217-401-003

Agent

Kaylie Saxon

Green Road Consulting, Inc.

1650 Central Avenue, Suite C

McKinleyville, CA 95519

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I. Site Plan Overview

1.0 Project Information

Substantial Green, Inc. ("Applicant") is submitting this application for a Type 3B Use Permit for 11,425 square feet of existing outdoor commercial cannabis cultivation on a 40-acre parcel, located near Bridgeville, CA ("Parcel"), Assessor's Parcel Number 217-401-003.

All water used for cultivation is sourced from the permitted, confined aquifer well. There are seven (7) HDPE water tanks that total 9,700-gallons of water storage. The Applicant estimates their annual water use to be 144,450-gallons.

There are three (3) existing structures located on the parcel. The Cabin is a domestic structure, and not used for cultivation purposes. Multi-Use Building is 1,800 square feet and was built in 2016. It is used for drying and curing harvested cannabis. The Nursery is 15'x25' and was built in 2015. It is used for propagating immature cannabis.

The applicant will be pulling tarps over the greenhouses in order to have two (2) harvests of cannabis via light deprivation in July and October. The Applicant will use string fluorescent lights in the nursery. All processing will be performed by the Applicant and collective members outdoors using a machine trimmer.

This application is submitted through their agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Type 3B Use Permit would achieve the following results for the Applicant:

- a. Permit 11,245 square feet of outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO; and
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Bridgeville, CA. The Parcel is comprised of 40-acres and is identified by Assessor's Parcel Number ("APN") 217-401-003.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is FR-B-5(40) with a Current General Plan of AL40 (FRWK). The CMMLUO permits existing Outdoor commercial cannabis cultivation on land zoned as FR-B-5(40) with cultivation sites up to 43,560 square feet.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following information is taken from Exhibit "A" of the recorded Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this Application.

"PARCEL 1

Parcel Numbered 38 as shown on that certain Parcel Map No. 64, recorded in Humboldt County Recorder's Office. Book 1 of Parcel Maps, pages 95 through 11.1, inclusive.

Reference to said Parcel Map No. 64 does not constitute a recognition or creation of any rights or easements in the roads as shown on said Parcel Map, said roads having been relocated and superseded by the roads shown on rile Record of Survey shown in Parcel 2 below.

PARCEL 2

A nonexclusive easement for ingress, egress and public utility purposes , fifty (50) feet in width, the center line of which as shown on that certain Record of Survey, Recorded in Book 37 of Surveys, pages 41 through 48, inclusive, Official Records, Humboldt County Records. The easement as shown on said Record of Survey supersedes the easements as shown on Parcel Map No. 64 referred to in Parcel 1 above.

PARCEL 3

An undivided 1/10 interest in and to riparian water rights and an undivided 1/10 interest in and to all other water rights in that certain spring located within tile following described parcel of land:

BEGINNING on the West line of Parcel 23 as shown on said Parcel Map No. 64 at a point distant South thereon 755 feet from the Northwest corner of said Parcel 23;

thence East, 50 feet;

thence South parallel with the West line of said Parcel 23, a distance of 100 feet;

thence West 50 feet to the West line of Parcel 23;

and thence North along said West line 100 feet to the point of beginning.

TOGETHER with the right to develop said spring and a non-exclusive easement for a water pipeline and ingress and egress to repair, maintain, improve and replace said pipeline, over a strip of land 10 feet in width, the West line of which is the West line of said Parcel 23 from the South line of the above spring parcel South to the South line of said Parcel 23.

Said water rights being the same as conveyed to Forrest Clamer, et al, by Substitution of Spring Rights, recorded August 22, 1980 in Book 1602, Official Records, page 327 and Book 1620, Official Record, page 335."

4.0 Natural Waterways

Basin Creek, Class I Watercourse, Unnamed Class II Watercourse and five (5) Unnamed Class III Drainages run through the parcel.

5.0 Location and Area of Existing Cultivation

The 11,425 square feet of outdoor cannabis cultivation occurs in three (3) general locations on the parcel.

Cultivation Area

Greenhouse #1

Greenhouse #1 is a 100'x40' greenhouse structure totaling 4,000 ft² of light deprivation cultivation area.

Greenhouse #2

Greenhouse #2 is a 70'x25' greenhouse structure totaling 1,750 ft² of light deprivation cultivation area.

Greenhouse #3

Greenhouse #3 is a 70'x24' greenhouse structure totaling 1,680 ft² of light deprivation cultivation area.

Greenhouse #4

Greenhouse #4 is a 100'x40' greenhouse structure totaling 4,000 ft² of light deprivation cultivation area.

6.0 Setbacks of Cultivation Area

Greenhouse #1 and #2

Greenhouse #1 and #2 are setback from the northern parcel line by approximately 673 feet and the eastern parcel line by approximately 705 feet.

Greenhouse #3

Greenhouse #3 is setback from the western parcel line by approximately 152 feet, the northern line by more than 204 feet.

Greenhouse #4

Greenhouse #4 is setback from the western parcel line by approximately 195 feet, the southern parcel line by approximately 846 feet.

7.0 Access Roads

The Parcel is located off Sylvan Glad Road, which is in usable condition. The roadways require general maintenance with the installation of rolling dips to disperse and reduce channelized

flow. A majority of the roadway requires resurfacing with rock, especially approaching stream crossings and rolling dips in either direction.

8.0 Graded Flats

There are three (3) existing graded flats on the Parcel and may require permitting with the Humboldt County Building Department.

9.0 Existing Buildings

Domestic Related Structures

Cabin

The Cabin is an existing 768 square foot structure that is used as a place of living. It was constructed in 2004 and may require permitting with the Humboldt County Building Department.

Cultivation Related Structures

Multi-Use Building

Multi-Use Building is 1,800 square feet and was built in 2016. It is used for drying and curing harvested cannabis.

Nursery

The Nursery is 15'x25' and was built in 2015. It is used for propagating immature cannabis.

Water Source, Storage, Irrigation Plan and Projected Water Usage

10.1 Water Source

All water used for cultivation is sourced from the permitted, confined aquifer well.

Instream Pond

The instream pond located on APN:217-401-009 is not a part of the Applicants project. As stated above the Applicants sole source of water is a confined groundwater aquifer. The instream pond is utilized by the owner of APN: 217-401-009. The owner of APN 217-401-009 is a client of Green Road Consulting and has claimed responsibility for the pond and utilizes the pond for their existing cannabis project. An LSA notification was filed on the behalf of the owner of APN 217-401-009. The LSA notification includes maintenance/ remediation measures for the instream pond. Any additional work needed on the instream pond will fall to the owner of APN 217-401-009.

10.2 Water Storage

There are seven (7) HDPE water tanks. The individual number and size are outlined below:

- Two (2) 2,600-gallon HDPE tanks;
- One (1) 2,500-gallon HDPE tank; and
- Four (4) 500-gallon HDPE tanks;

Total=9,700 gallons

10.3 Irrigation Plan

All irrigation of cannabis is completed by a timed, metered, drip irrigation system preventing any over watering or runoff.

10.4 Projected Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

The Applicant estimates their annual water use to be 144,450-gallons.

11.0 Site Drainage, Runoff, Erosion Control Measures and Remediation/ Restoration Plan

Site Drainage, Runoff, Erosion Control Measures

The roadways require general maintenance with the installation of rolling dips to disperse and reduce channelized flow. A majority of the roadway requires resurfacing with rock, especially approaching stream crossings and rolling dips in either direction.

Activities on the property do not significantly increase the impact to the road. However, the Applicant will take the necessary steps to reduce the impact that their project has on the access road to the property. The Applicant will consider placing rocks on the access road to reduce the amount of sediment pick-up as a result of passing vehicles. The Applicant will also consider installing drainage features on the along the road to reduce the impact of erosion.

Remediation/ Restoration Plan

**The following Remediation/ Restoration plan was taken directly from the Applicant's Disturbed Area Plan. It addresses the necessity to relocate the cultivation and remediate the former sites. It was drafted to the specifications of the State Water Resources Quality Control Board.*

The final decision on the necessity of regrading the previously disturbed areas will be determined by Humboldt County and their grading ordinance. If the county doesn't require regrading of the disturbed areas, then seed casting and tree planting will be the remediation measures taken for the flat. If the county decides that regrading is required grading plans will be developed along with a new set of temporary and permeant BMP's to stabilize the graded areas. If grading is required, the seed casting shall take place regardless to prevent erosion. If grading is required, the tree planting will take place once the area has been graded as part of the long-term stabilization effort. All erosion control and stabilization measures must be completed prior to the onset of winter to promote stability (Oct 1st). All seed casting shall take place in October prior to rain to promote success in unirrigated areas. Non-native or invasive plants are not allowed, for a list of prohibited plants see www.cal-ipc.org.paf/. No matter the revegetation method chosen seedless straw shall be applied to a depth of 2-inches in the seeded area. Trees shall be planted when the soils are saturated December to February in non-irrigated areas.

Erosion control materials shall consist of loose-weave mesh such as jute, hemp or coco fiber, no monofilament plastic or nylon shall be used to reduce the risk of wildlife entanglement.

Disturbed Area 1: DA1 has two (2) greenhouses located on a man-made flat (CA1 &2). The flat was made from cutting material on the eastern section of the disturbed area and adding it to the western section. Cultivation area 1 must be decommissioned and remediated given its proximity to the watercourse. During 2020 the applicant shall submit grading plans to Humboldt County to receive approval for grading flats at the proposed relocation site. Assuming the client can obtain the required county grading permits for relocating the flats during 2020 the greenhouses will be relocated for the 2021 cultivation season.

Once CA1 greenhouse is relocated the flat will be bare. Two (2) straw wattles approximately 12-feet apart shall be installed along the bare face to prevent erosion. The bare soils shall have seed casted to promote stability along with oak container planting to mitigate for the removal of trees within the riparian buffer. This area was disturbed in 2012 prior to the order therefore the discharger is only using a 3:1 mitigation for trees removed within the riparian buffers. Knowing that approximately 7,000-ft² of riparian canopy was removed and assuming that each adult oak was 30-foot diameter (700ft²) it's estimated that approximately 10 oaks were removed from the riparian area to create Disturbed Area 1. The oaks removed within the riparian area will be mitigated for by plating 3 for every removed therefore 30 oaks will be replanted. Cultivation area 1 will be used to plant Canyon live oak (*Quercus chrysolepis*), Oregon white oak (*Quercus garryana*) and California black oak (*Quercus kelloggii*). See section 8 appendices for supplemental illustration diagrams on how to properly plant container oaks trees and straw wattles. Proper oak plating spacing is a 10-foot diameter. Disturbed area 1 map in the appendices illustrates the remediation described above.

CA2 is slightly within the setbacks and there is room on the flat to move the greenhouse to the south approximately 30-feet to reside outside of the setback. No trees or vegetation shall be removed to relocate the greenhouse. There is a bare area already to the south, the greenhouse just needs to be shifted south. The area within the buffer doesn't have trees removed but there will be bare earth after moving the greenhouse. The bare earth below the greenhouse shall have a straw wattle installed to buffer the watercourse. Along with a straw wattle the areas shall be seeded with native seed and mulched with weed free straw to a depth of 2-inches.

Image 1: Disturbed area 1, left showing imagery from 2012 before the disturbance and the right showing post-



disturbance 2016 imagery.

Disturbed Area 3: The disturbance from creating the flat resulted in approximately 2 oak species were removed to clear the area. Order WQ 2107-0029-DWQ states that oak species shall be replaced at a rate of 3:1 therefore 6 oak species shall be planted to mitigate for oak removal. These trees were removed in 2019 while the discharger was enrolled in the order therefore shall be mitigated for. The native surface was cut from the west and northern side and filled along the southern and eastern side. The fill slope is approximately 2:1 with limited vegetation along the face. The fill slopes maximum height is along the southern edge where the slope is approximately 15-feet tall. Straw wattles shall be installed in the middle of the fill slope to reduce sheet flow distance. The slope shall be seeded with native seeds along with being mulched with weed free straw to a depth of 2-inches prior to October each year for winterization until the area has become fully vegetated. The water tanks shall be relocated outside of the setbacks. The area shall be seeded with native seed and mulched with 2-inches of rice straw. Disturbed area 3 map in the appendices illustrates the remediation described above.

Image 2: Disturbed area 3, left showing imagery from 2018 before the disturbance and the right showing post-disturbance 2019 imagery.



Disturbed Area 5: The disturbance from creating the flat resulted in approximately 2 oak species were removed from the riparian area. The remaining area of the flat consisted of oak canopy prior to the development. Since the area is relatively flat the soil wasn't graded to create a flat area for the greenhouse. The greenhouse will be relocated approximately 35-feet east to meet the setback requirements. The area within the riparian area shall be used to mitigate for the 2 Oaks which were removed to clear the flat. The area that was previously below the greenhouse will require seed and a straw wattle to prevent any erosion or sediment delivery to the nearby watercourse. Disturbed area 5 map in the appendices illustrates the remediation described above.

Image 3: Disturbed area 5, left showing imagery from 2018 before the disturbance and the right showing post-disturbance 2019 imagery



Disturbed Area 6: This area was disturbed in 2012, the disturbance was minimal with no trees removed from the natural meadow. The cultivation area and nursery shall be relocated to the area proposed on the site overview map. The area had a subtle slope which was slightly graded to create a flat for the greenhouse. Material was cut from the northern section and added to the southern section leaving approximately 4-foot of 2:1 fill. Once the greenhouse is removed the ground below will be left bare and requires stabilization. The area below the greenhouse shall be seeded with native seed and mulched up to 2-inches of rice straw to promote revegetation. Along with seed and mulch discharger shall install straw wattles every 20-feet to reduce stormwater flow which has the potential of eroding the surface. Disturbed area 6 map in the appendices illustrates the remediation described above.

Image 4: Disturbed area 6, left showing imagery from 2012 before the disturbance and the right showing post-disturbance 2019 imagery.



Disturbed Area (DA)	Winterization and temporary BMP installation	Schedule for permanent stabilization measures
DA 1	October 15 th , Annually	October 15 th 2021
DA 3	October 15 th , Annually	October 15 th 2020
DA 5	October 15 th , Annually	October 15 th 2020
DA 6	October 15 th , Annually	October 15 th 2021

DA 9	October 15 th , Annually	October 15 th 2020
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12.0 Distances from Significant Landmarks

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site.

II. Cultivation and Operations Plan

1.0 Materials Storage

Fertilizer/ Pesticides

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The Applicant will be using items that were accepted under Legal Pest Management Practices for Marijuana Growers in California.

All fertilizers and amendments are located in the Multi-use Building on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained and will need to be stored in water tight secondary containment with enough volume to hold largest container in the event of a spill. All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

The Applicant has a 7KW, 25KW and five (5) 3KW generators located on the parcel. There is a 15-gallon Propane Tank that supplies the Cabin and a 360 gallon, 1,000 gallons, and 500-gallon diesel tanks located on the property. All generators need to be covered with drip pans underneath. All petroleum containers need to be stored and covered in contained areas with enough volume to hold the contents of the largest container in the event of a spill. Large fuel containers will need to be registered with the Department of Environmental Health.

All cultivation related waste is stored in water tight trash containers in the Shed #1 and disposed of weekly. The applicant does not have any compost piles.

There is no soil pile on-site. The Applicant brings in soil to fill the beds and pots. The soil is reamended for each cultivation cycle. Once the dirt is no longer viable for cultivation, it is removed and disposed of at Wes Green in Arcata.

2.0 Cultivation Activities

Cultivation activities typically begin sometime during March when cannabis plants are brought to the Parcel for planting.

The Applicant will have string fluorescent lights in the nursery. The Applicant will cover the nursery during sunset hours in order to ensure compliance with the International Dark Sky Standards.

The applicant will be pulling tarps over the greenhouses in order to have two (2) harvests of cannabis via light deprivation in July and October. Tarps will be pulled by hand and will not have any negative effects to the surrounding area or the cannabis.

Employee Safety Practices

The Applicant anticipates using 2-3 seasonal employees for the operations. There will be no onsite housing.

All those working on the property will be instructed in safe and proper techniques for performing any duties pretraining to cultivation and/ or processing. This includes the utilization of personal protective equipment and proper use of tools and necessary instruments required for the performance of one's duties. Personal protective equipment shall be provided for all employees and/or independent contractors via the proponent as well as having ample personal protective equipment in stock and onsite. Clean and safe drinking water will be provided for in the manner of a water dispenser which will utilize five-gallon containers of spring water.

For the safety of the public and employees working while intoxicated will not be tolerated. All Employee and/or independent contractors shall be made aware of the following.

- I. Location of fire extinguishers and the "P.A.S.S" technique.
- II. List of operations manager contacts;
- III. List of emergency control contacts;
- IV. List of poison control contacts;
- V. Location of first aid kit;
- VI. Location of Restroom and hand washing stations;
- VII. Location of clean drinking water and;
- VIII. Location of Personal protective equipment.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

3.0 Processing Practices

Until the Applicant can design, permit and construct a new building to minimum commercial standard or permit an existing structure to commercial standard, the Applicant will utilize a licensed third-party processor.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

4.0 Security Measures

The access to the parcel is gated and locked. There are game cameras placed over the gate, buildings and cultivation areas.



Site Management Plan

WDID: 1_12CC402277



Prepared for:

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

Prepared by:

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

Date of completion:

7/30/2019

General Site Information

<u>Discharger:</u>	Substantial Green, INC
<u>Landowner:</u>	Iordanova Vessela B & Moghadam Martin T
<u>Site Address:</u>	40.2853, -123.6799 (Near Blocksburg, via Alderpoint Rd.)
<u>Mailing Address:</u>	345 Franklin St, San Francisco CA 94102
<u>Parcel Number:</u>	217-401-003
<u>General Plan Designation:</u>	AL40 (FRWK)
<u>Zone:</u>	FR-B-5(40)
<u>Parcel Size:</u>	40-acres
<u>HUC12 Watershed:</u>	180101050501 – Basin Creek-Eel River
<u>Disturbed Area:</u>	39,000-ft ²
<u>Cultivation Area:</u>	17,476-ft ²
<u>Tier Level:</u>	1
<u>Risk Level:</u>	High

Abbreviations

CA	Cultivation Area
CPP	Corrugated Plastic Pipe
CMP	Corrugated Metal Pipe
CDFW	California Department of Fish and Wildlife
DRC	Ditch Relief Culvert
GRC	Green Road Consulting
HDPE	High-density Polyethylene
LSAA	Lake or Streambed Alteration Agreement
NCRWQCB	North Coast Regional Water Quality Control Board
SWRCB	State Water Resources Control Board
STX	Stream Crossing

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1. Introduction

This document was prepared by Green Road Consulting (GRC) for Substantial Green, Inc; parcel number 217-401-003, as required by the SWRCB Order WQ 2017-0023-DWQ¹. The purpose of the order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the Site Management Plan is to identify conditions present on a parcel that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set forth in the order. Green Road Consulting (GRC) has made an initial assessment of this parcel through field work as well as through a variety of county, state, and private websites (e.g. USDA web soil survey, USGS stream stats program, Google Earth, Humboldt County Web GIS). The parcel boundaries are approximate and obtained from Humboldt County. Property lines on maps created by GRC may be shifted to match property lines and corners located in the field. The site was surveyed with a GPS unit (2 to 4-meter accuracy) to document roads, buildings, cultivation sites, watercourses, and areas requiring remediation. Maps were created using the software ESRI ArcMap.

2. Site Characteristics

2.1. General

The site is in southeastern Humboldt County, approximately 3.5-miles west of Blocksburg, CA. To access the site, take Alderpoint Road to Homestead Road, then fork left onto Sunset Ridge Road. Next, turn left at Browning Road and then right at Sylvan Grade Road. The elevation of the site is approximately 1,600-feet above sea level. The parcel is located on a mountainous hillslope with Basin Creek that flows south into the Eel River. The Eel River is on the USEPA's Section 303(d) list for impairment or threat of impairment to water quality associated with elevated sediment and temperature levels. The Eel River Watershed is known to have Coho and Chinook Salmon as well as Steelhead trout which are designated as a Federally and State threatened species. Slopes on the site range from 0-50%. The hillslopes in the region are known to have high instability. The site geology is part of the Franciscan complex: Cretaceous and Jurassic sandstone with smaller amounts of shale, chert, limestone, and conglomerate.

2.2. Site Overview

The 40-acre property has one (1) single family residence with an unpermitted septic system, two (2) designated areas for fuel storage, one (1) designated area for fertilizer storage, and two (2) general storage sheds. There are seven (7) HDPE water tanks, a (1) permitted groundwater well, one (1) in-stream pond, and six (6) cultivation areas. Four (4) of the cultivation areas are located partially within riparian setbacks (**MP2,6,14 & 15**). One (1) soil pile (**MP6**) and one (1) fuel storage within riparian setbacks (**MP11**). The setback for a Class III watercourse is a 50-foot distance. The setback for a Class II watercourse is a 100-foot distance. See Table 1 for an outline of the cultivation area attributes. See the Site Overview Map for a visual representation of the riparian setbacks. Roads on the site were in meager condition. Steep sections had insufficient drainage features (**MP12**).

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

Water for domestic and irrigation use is pumped primarily from a permitted 340-foot deep well on the property (40.28396, -123.6794). There is a onstream pond that straddles the parcel boundary to the south (APN: 217-401-009), the pond was previously used for irrigation. Since the well has been drilled the pond is disused. The pond has a riparian claim registered for the water impoundment (S027214). The instream pond is partially on an adjacent parcel, APN: 217-401-009. The pond is in the process of getting permitted on both parcels. A 1600 was submitted by GRC for the pond (10/01/2018). The applicant is waiting for the agreement to come back form CDFW.

The site has six (6) cultivation areas (CA). The square footage across the cultivation totals to 17,476-ft². Vegetation removal and/or exposed earth were observed adjacent to some garden areas and were mapped as disturbed area. The site had approximately 39,000-ft² of disturbed area and some of it was located inside of the watercourse buffers. Proper adherence to the measures specified in the “Erosion Prevention and Sediment Capture Plan” and the “Disturbed Area Stabilization Plan” attached to this report will be necessary to ensure that these areas are sufficiently stabilized.

Table 1. Cultivation area overview.

Cultivation Area (CA)	Cultivation Area (ft ²)	Natural Slope (%)	Distance to Waterbody (ft)*	Water Body Classification
CA1	1,750	22	47/33	Class II/Class III
CA2	4,000	22	40	Class III
CA3	4,500	17	75	Class III
CA4	1,460	14	91	Class III
CA5	4,020	24	32	Class III
CA6	1,750	18	27	Class III
Total:	17,476			

*Distance to Waterbody (ft) is not an exact distance; slope is not factored in.

2.3. Access Roads

The site has 0.54-miles of permanent roads, 0.41-miles of seasonal access roads, and 0-miles of skid roads. The main road is maintained by a road association. The seasonal roads on the site were in poor condition and were hydrologically connected in some segments. Sections of road were steep with insufficient drainage features (MP12). Waterbars must be developed and maintained in these steep sections to allow for proper drainage. The roads need to be rocked at least 50-feet on either side of the approaches to stream crossings.

2.4. Stream Crossings

There are (6) stream crossings in the parcel, three (3) stream crossings are the responsibility of the landowner. The remaining crossings are located on a Humboldt county-maintained road (Sylvan Glade Road). All stream crossings, culverts, and water structures shall be designed to withstand a 100-year storm event, accounting for any debris in runoff. All in-stream work will require the appropriate notification to the California Department of Fish and Wildlife (CDFW) and to the State Water Resources Control Board (SWRCB) before any work begins.

Stream crossing one (STX1) is a 48-inch corrugated metal pipe (CMP) which is conveying a Class II watercourse across the seasonal access road. The existing culvert had a 15% rust-line. The road system is

hydrologically connected to the Class II watercourse and showed evidence of significant head cutting at the outfall (**MP2**). The approaches on either side of the crossing will be rocked to alleviate hydrologic connectivity to the watercourse. Out sloping and installing waterbars upslope of the crossing will reduce the amount of water contributing to the head cutting. The outfall where head cutting has occurred will be armored with 2-4 yards of vegetated riprap to stabilize. The culvert appeared to be sized appropriately and the hydrologic study confirms that the culvert is correctly sized for a 100- year storm event.

Stream crossing two (**STX2**) has a 36-inch corrugated plastic pipe (CPP) on a Class III watercourse. The road is also hydrologically connected to the watercourse, and the road fill slope is eroding into the Class III watercourse (**MP3**). Out sloping and installing waterbars upslope of the crossing will reduce the amount of water contributing to the head cutting. The approaches on either side of the crossing will be rocked to alleviate hydrologic connectivity to the watercourse. The fill slope of the access road is bare and unstable, vegetation shall be planted to solidify this section off fill (detailed in the Erosion Prevention and Sediment Capture Plan). A 48-inch diameter CMP will need to be installed to pass the 100-yr storm event.

Stream crossing three (**STX3**) is a 36-inch corrugated plastic pipe (CPP) on a Class III watercourse. The outfall of the culvert has a 2-ft drop resulting in erosion and delivery of sediment to the watercourse (**MP8**). The culvert will need to be replaced with a 42-inch diameter culvert will need to be installed to pass a 100-year flow event. The culvert shall be set to grade to prevent erosion at the outlet.

All stream crossings are existing with no new culvert proposed, only replacement. Minimal vegetation (grasses and brush) will be disturbed by replacing maintaining the culverts. **STX2** and **STX3** will require disturbing approximately 150-ft² each. **STX1** will require the installation of rock riprap below the outfall. **STX1** will require stabilizing approximately 10-ft long by 5-ft tall head cut below the culvert. The work will take place after the LSAA is acquired and while the watercourse is dry. No vehicles or heavy machinery shall be allowed in the watercourse. Once the culvert is installed any disturbed banks from the installation of the culvert will be stabilized with weed-free straw and native plant seed. The road surface and approaches will be rocked on 50-feet on either side of the crossing.

Table 2. Overview of stream crossing on the property.

Label	Diameter (inch)	Type	Watercourse Class	Action
STX1	48	CMP	Class II	Rocking road approaches on either side of the crossing to alleviate hydrologic connectivity to the watercourse. Once the CDFW agreement is reached, armoring with rock riprap is to be installed where head cutting has occurred at the outlet.
STX2	36	CPP	Class III	Once the CDFW agreement is reached, rock road approaches on either side of the crossing to alleviate hydrologic connectivity to the watercourse. Upgrading the culvert to 48" diameter CMP to pass a 100-year storm event.
STX3	36	CPP	Class III	Upgrading to a 42" diameter CMP to pass a 100-year storm event.

2.5. Legacy Waste Discharges

The County road is the only identified legacy feature on this parcel. The road can be seen from imagery dating back to 1998.

3. Erosion Prevention and Sediment Capture

The disturbed areas consisted of the cultivation areas, stream crossings, soil piles, storage locations, and steep road segments lacking drainage features (see Site Map). See the “Disturbed Area Stabilization Plan” for measure to stabilize areas in the stream buffers. A graded flat and fill slope have exposed soils (MP4). Straw and seed should be applied to stabilize ground and prevent erosion. Waterbars will be installed and maintained with wash rocks or vegetation kept at the outlets to capture sediment and dissipate flow.

4. Water Uses

Water for cannabis irrigation and domestic uses is sourced from the permitted well. There is also an on-stream pond that was historically used for cultivation, the pond is no longer used for cultivation. The pond was registered with the State Water Resource and Control Board under an initial statement of diversion (S027214). The pond requires an appropriative water right to be onstream, the applicant should consider applying for a Small Domestic water right. The estimated water use is summarized in Table 3.

The pond is situated on the southern boundary of the parcel and is located partially on the adjacent parcel. The on-stream pond is in the process of getting permitted through the adjacent parcel APN: 217-401-009 (MP9). Green Road Consulting (GRC) submitted a Lake and Streambed Alteration Agreement (LSAA) for the pond (10/01/2018). The applicant is waiting the final LSAA Agreement. The embankments showed no signs of cracking or potential failure when the site inspection took place.

The estimated holding capacity of the pond is 425,000-gallons. Water storage on the site consists of two (2) 2,600-gallon high density polyurethane tanks (HDPE), one (1) 2,500-gallon HDPE Tank, and four (4) 500-gallon HDPE Tanks. The tanks are used for temporarily storing well water, fire protection, and mixing nutrients. Water storage on site totals 9,700-gallons which is summarized in Table 4.

All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. Weed free mulch or straw will be used in cultivation areas that do not have ground cover to reduce evaporation and conserve water. The cultivator must install water meters. The cultivator will record daily irrigation water usage and maintain records on site for a minimum of 5 years. Water conservation methods such as watering when the sun is low, for long durations, and watering at less frequent intervals will be employed to ensure water is applied at agronomic rates.

Table 3. Annual water use on the parcel.

Source	Use	Start Date	End Date	To Storage (gallons)	To Use (gallons)
Well	Cannabis	Jan. 1	Dec. 31	0	144,450
Well	Domestic	Jan. 1	Dec. 31	0	13,500

Table 4. Summary of water storage on the parcel.

Water Storage Type	Size (gallons)	Number	Total (gallons)
HDPE Hard Tank	2,600	2	5,200
HDPE Hard Tank	2,500	1	2,500
HDPE Hard Tank	500	4	2,000
Total			9,700

5. Fertilizers, Pesticides and Herbicides

5.1. Application, Storage and Disposal

Fertilizer containers were inappropriately stored on bare soil (MP7). Fertilizers will be stored in covered building with secondary containment. The building used for containment shall have an impermeable floor to prevent pollution. There shall be a basin to catch the liquid nutrients in case these spill accidentally. Cultivation soils must be kept outside of the riparian setbacks, surrounded with a wattle and covered with a tarp prior to the onset of precipitation and weather events. Spent soil was found within the riparian setbacks (MP6). All fertilizers, pesticides, herbicides and rodenticides will be mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Fertilizers, pesticides, herbicides and rodenticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers, pesticides and herbicides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in separate secondary containment. During the off season all chemicals will be stored in a locked building. Agricultural chemicals will not be applied within 48-hr of a predicted rain event with a 50% or greater chance of 0.25-inches. Disposal of unused products will be consistent with labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored by chemical storage locations. No restricted materials or pesticides will be used or stored on site. The cultivator must keep a log of the annual fertilizer and chemical use for annual reporting. No greater than 319 pounds of nitrogen per acre per year shall be applied. A summary of fertilizers, pesticides, and herbicides used annually are listed below. Total pounds/acre/year of nitrogen is 116 pounds.

Table 5. Overview of annual chemical use.

Product Name	Chemical Type	N-P-K or Active Ingredient	Annual Use (lbs.)
Max. Gro	Fertilizer	10-5-14	200 lbs.
Max. Bloom	Fertilizer	5-15-14	200 lbs.
Floralicious Plus	Fertilizer	2-0.8-0.02	300 lbs.
Liquid Kool Bloom	Fertilizer	0-10-10	200 lbs.
Cal-MaG	Fertilizer	1-0-0	400 lbs.
Regalia	Fungicide	Knotweed extract	25 lbs.
Pure AG	Insecticide / Pesticide	Thyme Oil	100 lbs.
Sulfur	Insecticide / Pesticide	Sulfur	As needed

5.2. Spill Prevention and Clean Up

A spill cleanup kit will be in a shed near the both cultivation areas. In case of a major spill of fertilizers, or any petroleum products, the cannabis cultivator shall immediately notify the California Office of

Emergency Services at 1-800-852-7550 and initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.

6. Petroleum

6.1. Use, Storage, and Disposal

During the initial site investigation, a gasoline powered well pump was observed sitting on bare soil (**MP10**). The pump will need to be on an impervious surface such as a drip pan or bermed concrete pad and covered in order to reduce the risk of gasoline contaminating ground or surface waters. The pump shall be covered and stored in a shed during winter months. Additionally, a generator used to power fans in greenhouse was sitting on bare soil (**MP5**). The temporary generator will need to be on an impervious surface such as a drip pan or concrete pad. The generator shall be covered and stored in a shed during winter months. Generators were inappropriately stored on bare soil (**MP7**). The temporary generator will need to be on an impervious surface such as a drip pan or concrete pad. The generator shall be covered and stored in a shed during winter months.

The applicant has a 7KW, 25KW and five (5) 3KW generators located on the parcel. There are (3) large diesel fuel tanks: a 360-gallon, a 1,000-gallon, and a 500-gallon. All generators need to be covered with drip pans underneath and sheltered by rooftops. All petroleum containers need to be stored and covered in contained areas with enough volume to hold the contents of the largest container in the event of a spill. Several large (250-gallon) fuel containers were sitting on pallets (**MP1**). The fuel canisters will need to be stored in a covered shed with secondary containment. Storage tanks over 110 gallons need to be registered with the County Health Department or removed from the site and relocated to the appropriate location. The smaller generators near the cultivation sites need drip pans while in use. Spill cleanup kits must be kept near the fuel storage. The registrant must keep a log of their petroleum use for annual reporting.

The generators will need to be stored with drip containment outside of riparian setbacks. Fueling of the generators, as well as any other equipment or vehicles, will also take place outside of the riparian setbacks. All equipment containing petroleum derivatives will be inspected regularly for leaks. When the generators are not in use they will be stored in a covered building.

Table 6. Overview annual petroleum usage.

Product	Chemical Type	Annual Use
Gasoline	Petroleum	100 gallons
Motor Oil	Petroleum	25 gallons

7. Cultivation Waste, Trash/Refuse and Domestic Wastewater

7.1. Trash/Refuse Overview

Trash is properly contained in a shed next to the residence. Cultivation-related wastes such as stems, and leaves are kept in watertight containment until their disposal at Wes Green in Arcata. Other measures for handling cultivation wastes may be employed. Composting and soil piles must be limited to 100-cubic

yards or 250-ft². They must also have perimeter controls and be covered during strong winds. Any soil to be disposed of should be brought to Wes Green in Arcata for disposal. Any compost should be stored in a location and manner to ensure pollutants and residuals do not migrate or leach into surface waters or ground water. All other cultivation related wastes such as soil bags and garden pots must be stored in suitable watertight containers and disposed of at the appropriate waste facility. At **MP6** soil bags were piled up within the riparian setbacks and will need to be removed.

7.2. Domestic Wastewater BPTC Measures

The septic is not permitted and will need to be back permitted with the Department of Environmental Health (**MP13**). The septic is not within riparian setbacks. Portable toilets will be brought onto the site for the seasonal workers if needed. Portable toilets will be serviced regularly and located outside of riparian setbacks and away from unstable areas.

8. Winterization Measures

8.1. Summary

It is required that winterization measures be completed annually before the onset of the winter rainy season. The SWRCB has defined the winter season as beginning November 1st and concluding April 1st. Winterization measures apply to cultivation areas, any additional disturbed areas including roads, and stream crossings. These measures aim to prepare the site for an extended period of heavy precipitation during which frequent access, monitoring, and maintenance can be challenging or infeasible. The end goal is to reduce the erosion of unstable areas and prevent the delivery of eroded sediment to sensitive waterways. One of the primary techniques of winterization consists of stabilizing all bare soils with straw and seed. Fiber rolls shall additionally be installed at grade breaks and along slopes of disturbed areas to break up flow paths, thereby reducing the speed and erosive energy of runoff. No heavy machinery shall be used during the winter season to avoid the degradation of saturated roadways and unstable surfaces. Soil stockpiles shall be guarded before the onset of winter with a cover and/or perimeter controls such as fiber rolls. Culverts shall be inspected and maintained to ensure integrity during winter. This includes clearing inlets and outlets of sediment and/or debris and ensuring that sufficient energy dissipation exists at outlets to reduce bank erosion. Seasonal access roads shall be locked to ensure that roads are not in use during the wet season by trespassers. Aside from the erosion control components to winterization, a general and thorough site cleanup will be performed to remove all refuse from the site. Additionally, all fertilizers and petroleum products to be left on site will be stored in secondary containment and locked in the shipping container to avoid spillage and discharge to surface or groundwater. Winterization measures for high risk sites without >30% slopes will be discussed in the Disturbed Area Stabilization Plan.

9. Monitoring

Monitoring is broken up into 3 reports; Facility Status, Site Maintenance, and Storm Water Runoff Monitoring. For Low Risk sites the only monitoring report required is the Facility Status Report. For High-Risk sites all three monitoring reports need to be completed. See "Disturbed Area Stabilization Plan" for details on the Site Maintenance and Storm Water Runoff Monitoring. Annual reports for the cultivation site will be submitted to the North Coast Regional Water Quality and Control Board (NCRWQCB) prior to March 1 of the following year. The annual report shall include the following: Facility Status, Site Maintenance, and Storm Water Runoff Monitoring; Name and contact information for the person

responsible for operation, maintenance, and monitoring. Reporting documents can be emailed to northcoast@waterboards.ca.gov or mailed to 5550 Skyline Blvd., Ste. A, Santa Rosa, CA 95403.

Table 7. Facility status monitoring requirements.

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

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

Legally Responsible Person _____ Date _____

Appendices

- Maps (Site Overview, Project Features, Water System)
- Well Permit
- Initial Statement of Diversion for the Pond

Remediation Summary Table

Map Point (MP)	Topic	Issue	Remediation Measure	Treatment Priority	Expected Completion Date	Actual Completion Date
MP1	Fertilizers, Pesticides and Petroleum Products	A 250-gallon fuel tank lacks debris/rain shelter and drip catchment basin. A drip catchment basin shall be able to contain the volume of the tank.	Placing tank on top of a drip catchment basin. Constructing roofing above the tank to prevent debris or rain from filling the basin.	High	Oct. 2019	
MP2	Land Development and Maintenance, Erosion Control, and Drainage Features Riparian and Wetland Protection and Management	Erosional downcutting at the outfall of STX1. The road system is hydrologically connected to the Class II watercourse. CA1 is partially within the riparian setbacks.	Waiting for LSAA. Rocking road approaches on either side of the crossing to alleviate hydrologic connectivity to the watercourse. Armoring with rock where head cutting has occurred at the outfall. Removing the greenhouse from the riparian setbacks. Stabilizing the bare ground with 2" layer of straw and sowing native grass seed. Consider a location out of the setbacks.	High High	Oct. 2019 Oct. 2019	
MP3	Land Development and Maintenance, Erosion Control, and Drainage Features	Fill slope is eroding from the road into the Class III watercourse (STX2). The road is hydrologically connected. The culvert is undersized.	Waiting for LSAA approval. Rocking road approaches on either side of the crossing to alleviate hydrologic connectivity to the watercourse. Laying erosion control fabric to stabilize the fill slope. Upgrading the culvert to 48" diameter.	High	Oct. 2019	
MP4	Land Development and Maintenance, Erosion Control, and Drainage Features Water Storage and Use	Graded flat and fill slope are bare and could erode sediment toward a watercourse. Water tanks for irrigation are within the riparian setbacks.	Stabilizing the fill slope with 2" layer of straw and sowing native grass seed. Relocating the water tanks out of the riparian setbacks.	High High	Oct. 2019 Oct. 2019	
MP5	Fertilizers, Pesticides and Petroleum Products	Generator and fuel stored inappropriately.	Storing fuel cans and generator in a covered shed with impermeable floor. Placing generator and fuel upon drip catchment basins while in use.	High	Oct. 2019	
MP6	Riparian and Wetland Protection and Management	Greenhouse is partially within the riparian setbacks.	Removing the greenhouse from the riparian setbacks. Stabilizing the bare ground with 2" layer of straw and sowing native grass seed.	High	Oct. 2019	

Map Point (MP)	Topic	Issue	Remediation Measure	Treatment Priority	Expected Completion Date	Actual Completion Date
MP6	Soil Disposal and Spoils Management	A soil pile partially within riparian setbacks.	Relocating soil pile somewhere out of riparian setbacks. Surrounding the pile with a straw wattle and covering the pile with a tarp to prevent emigration of sediment.	High	Oct. 2019	
MP7	Fertilizers, Pesticides and Petroleum Products	Fertilizer out of designated containment area. Small generators without containment.	Storing fertilizers within a storage unit with impermeable floor and roof. Store generators on drip catchment basin. Cover generators with a roof.	High	Oct. 2019	
MP8	Stream Crossing Installation and Maintenance	Erosional downcutting at the outfall of STX3. The outfall of the culvert has a 2-ft drop. The culvert is undersized.	Waiting for LSAA approval. Preventing erosion by armoring the outfall with rock. Upgrading to a 42" diameter culvert.	High	Oct. 2019	
MP9	Water Storage and Use	An off-channel pond was installed without any permits or environmental review.	The on-stream pond will need to be permitted through local, state, and federal agencies to ensure the pond/diversion is not affecting riparian habitat.	Low	Oct. 2020	
MP10	Fertilizers, Pesticides and Petroleum Products	A gasoline powered well pump was observed sitting on bare soil.	Placing the pump on a drip catchment basin to reduce the risk of gasoline contaminating ground or surface water. Storing the pump in a shed with an impermeable floor and roof during winter months.	High	Oct. 2019	
MP11	Fertilizers, Pesticides and Petroleum Products	A fuel storage area is within the riparian setbacks.	Relocating the fuel storage area out of the riparian setbacks.	High	Oct. 2019	
MP12	Land Development and Maintenance, Erosion Control, and Drainage Features	Steep sections of seasonal road lacked drainage features.	Installing waterbars on the seasonal roads to prevent concentrated runoff and erosion. Placing wash rock or planting at the outlets of the waterbars to dissipate flow. Maintaining these prior to the winter period. Inspecting these after storm events.	High	Oct. 2019	
MP13	Domestic Wastewater	Functioning unpermitted septic system.	Receive permits with Humboldt County Department of Environmental Health.	Moderate	Oct. 2020	
MP14	Riparian and Wetland Protection and Management	Greenhouse is partially within the riparian setbacks.	Removing the greenhouse from the riparian setbacks. Stabilizing the bare ground with 2" layer of straw and sowing native grass seed.	High	Oct. 2020	
MP15	Riparian and Wetland Protection and Management	Greenhouse is partially within the riparian setbacks.	Removing the greenhouse from the riparian setbacks. Stabilizing the bare ground with 2" layer of straw and sowing native grass seed.	High	Oct. 2020	

December 19, 2019

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



Dear Humboldt County Planning Department:

The following attached document is an evaluation of an existing, unauthorized timberland conversion which was inspected by Blair Forestry LLC for Ancient Truth INC within APN 217-401-003. Please accept this letter as the Registered Professional Forester's (RPF) written report showing sufficient evidence that the converted area was inspected as required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10(j), sited below.

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

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

Sincerely,

Thomas Blair RPF#2607

A handwritten signature in blue ink, appearing to read 'Thomas Blair', is written over a horizontal line.

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

Timberland Conversion Evaluation Report

December 20, 2019

As mandated by:

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

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

Contact Information

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

Location of Project

Assessor's Parcel Number (APN): **217-401-003**

Parcel Addresses: **Sylvan Glade Road**
Blocksburg, CA 95514

Legal Description: **Section 13; T2S; R4E; HB&M; Humboldt County**

Assessed Parcel Acres: **40 acres**

Acres Converted: **Approximately 1.07 acres**

Project Description

Property and Timberland Conversion History

Note: Property boundaries are based on the Humboldt County Assessor's APN parcel maps and may vary geographically. Assessor's Parcel data in the GIS mapping program differed slightly geographically. The property background has been summarized using personal accounts of current landowners, historic orthographic photography, Humboldt County Web GIS, and CAL FIRE Watershed Mapper v2.

This conversion evaluation report will focus primarily on unauthorized conversion activities from 2005 through the present (last 15 years). There are 3 areas on the parcel where trees were cleared (Conversion Sites 1-3; See Timberland Conversion Evaluation Map). There is no publicly accessible Timber Harvest Plan on record from CalFire for the subject APN or Timberland Conversion Site discussed in this report.

The parcel is located approximately 2 miles west of the community of Blocksburg, California on southwest facing slopes below Sunset Ridge Road. Access to the parcel is by taking Sunset Ridge Road off Alderpoint Road to Browning Road and to Sylvan Glade Road which runs through the parcel after entering a locked gate.

Imagery analysis indicates that most of the timberland conversion activity on this parcel occurred sometime between September 2010 and August 2012 (Conversion Sites 1 and 2). These conversion activities included approximately 1,000 feet of road construction for access (Seasonal Road A on Timberland Conversion Evaluation Map). A third small timberland conversion occurred between 2016 and 2018 at Conversion Site 3. It is unknown when the current landowner, Ancient Truth INC, acquired the property. See Table 1 below for a summation of conversion history and brief notes on Conversion Sites for these parcels and the focus of this Timberland Conversion Evaluation.

Table 1.

Conversion Site	Approximate Acreage	Time of Completion	Notes
1	0.2	Sometime between September 2010 and August 2012.	Doesn't appear to have had significant cultivation activity associated with it.
2	0.5	Sometime between September 2010 and August 2012.	Primary original cultivation site established on property.
3	0.07	Sometime between 2016 and 2018.	
Roads	0.3	Concurrent with Conversion Sites 1 and 2 sometime between September 2010 and August 2012.	
Total Conversion Acreage		Approximately 1.07	

Timber Stand Description

The timber stand where conversion activities took place can best be described as white-oak woodland interspersed with small encroaching Douglas-fir, bay laurel and big-leaf maple. The general region consists of a mosaic of open prairie habitat, true oak stands and 40-60 year-old Douglas-fir stands. Trees observed to have been removed during conversion activities were mostly white oak.

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

Project Description

There are 3 unauthorized timberland Conversion Sites within the subject parcel (Conversion Sites 1 – 3). As part of the commercial cannabis cultivation permitting process with the Humboldt County Planning Department and State agencies, the current landowners seek a Registered Professional Forester's (RPF's) recommendations as to remedial actions necessary to bring the conversion areas into compliance with provisions of the Forest Practices Act, specifically 14 CCR 1104.1.

This Timberland Conversion Evaluation focused on unauthorized timberland conversion activities and inconsistencies with the requirements of the California Forest Practice Rules (CFPRs). Timberland Conversion Sites are located near the central western portion of the parcel at approximately 1,640 feet in elevation. The parcel and Conversion Sites are located at the upper extent of the Basin Creek drainage on a southwestern facing aspect. The combined acreage of the three Conversion Sites (including construction of seasonal access road) inspected during this evaluation is approximately 1.07 acres which is smaller than the Less Than 3-acre maximum Conversion Exemption allowed under 14 CCR 1104.1.

Humboldt County has zoned this parcel **Forestry Recreation (FR)** – The *Humboldt County Zoning Regulations Section 314 – 7.3* describes FR as “intended to be applied to forested areas of the County in which timber production and recreation are the desirable prominent uses and agriculture is the secondary use, and in which protection of timber and recreational lands is essential to the general welfare” (More specific information can be found in Chapter 4, Page 31 of the Humboldt County Zoning Regulations).

A field inspection of the property and conversion area was conducted on December 16, 2019 by representatives of Blair Forestry Consulting LLC. All relevant sites concerning the past conversion areas were examined. Findings from this evaluation are summarized below.

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

Conversion Site, Timber Harvesting and Operations Descriptions

14 CCR 914.1 Felling Practices

14 CCR 914.2 Tractor Operations

14 CCR 914.7 Timber Operations, Winter Period

Although no records of timber harvesting are available for conversion activities on this parcel, operations presumably involved hand felling with chainsaws, tractor skidding and piling. Dead trees with root mass still attached at the base adjacent to graded flats indicate that tractors were likely used to fell trees by pushing them over during grading activities.

Tractor operations took place within the Watercourse and Lake Protection Zone (WLPZ) of a Class III watercourse at Conversion Site 2 which is inconsistent with 14CCR 914.2(a) - 914 “Timber operations should be conducted to...prevent degradation of the quality and beneficial uses of water...”. These operations will be discussed in the Watercourse and Water Resources section below. There are no records of a winter operation plan for the Conversion Sites. It is unknown what time of year operations took place and there was no obvious indication that conversion activities at any site were in violation of 14 CCR 914.7.

Roads, Soil Stabilization and Erosion Control

14 CCR Article 12 Logging Roads, Landings, and Logging Road Watercourse Crossings
14 CCR 914.6 Waterbreaks

Logging Roads and Watercourse Crossings

Historic logging and ranching operations originating in the late 1800's related to the historic growth of the nearby community of Blocksburg are responsible for the current rocked road system that accesses and runs through the subject parcel (Sylvan Glade Road). As stated in the Project Description, approximately 1,000 feet of road (Seasonal Road A) were constructed associated with conversion activities to access the Conversion Sites. Currently, there are 5 watercourse crossings associated with the rocked permanent road (a.k.a. Sylvan Glade Rd.) running through the parcel and 2 watercourse crossings associated with Seasonal Road A which was constructed in association with conversion activities.

The Permanent Road system (Sylvan Glade Rd.), which runs downhill through the parcel from east to west, was sufficiently rocked in most places but shows surface rutting carrying water in a few areas that will require installation of drainage features (i.e. rolling dips) and addressing the running surface. Watercourse crossings STX3, STX4 and STX6 were functional during the site visit. Watercourse crossing STX5 is non-functional and requires replacement. Crossing STX 6 was outside of the gate and may not even be on the property.

Seasonal Road A running surfaces are not sufficiently rocked in most areas and exhibit advanced erosion along steeper areas. Watercourse crossing sites STX1 and STX2 were hydrologically connected to the road. During the site visit, it was observed that Seasonal Road A accessing watercourse crossings STX1 and STX2 from where it originates at the Permanent Road (Sylvan Glade) required the most urgent attention (Observation Area SRA(1)). This includes drainage structure installment (rolling dips/waterbars) and rock surfacing at crossings STX1 and STX2. Watercourse crossings STX1 and STX2 were otherwise functional.

Access Road B is an access spur road for the neighboring parcel off the permanent Road and had a cut bank seep that was draining into a system that brought water under Access Road B via a 12-inch plastic culvert and tubing into the inside ditch of the Permanent Road. This site (Observation Area ARB(1)) should be addressed during the road evaluation.

The property owner, with Green Roads Consulting, is in the process of conducting a detailed road assessment for this parcel addressing road conditions, drainage and functionality (pers. comm. with property owner and Green Roads Consulting). Proposed mitigation measures should adhere minimally to all erosion control requirements in 14 CCR Article 12 (923.5 specifically). Table 2 below summarizes current road and watercourse crossing conditions.

Table 2.

Crossing/Observation Area	Watercourse Classification	Current Culvert Size	Description
SRA(1)	N/A	N/A	Steep grade off Permanent Road (Sylvan Glade Rd.) without waterbars/rolling dips. Advanced road surface rutting.
ARB(1)	N/A	N/A	Clipped cutbank seep draining into 5-gallon bucket which drains into waterline to 12" plastic culvert with inlet buried. 12" culvert under seasonal spur road (ARB1). Outlet drains into another 5-gallon bucket which enters inside ditch on main road and dissipates.
STX1	Class II (Basin Creek)	40"	Class II watercourse, road not rocked and hydrologically connected to stream. Culvert currently functioning - plastic 40" culvert set to grade. Outlet armored.

Crossing/Observation Area	Watercourse Classification	Current Culvert Size	Description
STX2	Class II	48"	Class II watercourse, road not rocked and hydrologically connected to stream. 48" CMP currently functioning with some waterline rust.
STX3	Class II (Basin Creek)	54"	Class II watercourse, road rocked but hydrologically connected down fill slope. Functioning 54" CMP; Some waterline rust; culvert slightly squashed in center under road base but not pinched.
STX4	Class III	18"	Class III watercourse, road rocked and hydrologically disconnected. 18" CMP feeds instream pond. Pond with 18" overflow culvert with downspout (appears to be newer) empties back into Class III watercourse channel. Low flow watercourse.
STX5	Class III	18"	Class III watercourse originating from seep above road that runs down inside ditch on main road into non-functioning 18" CMP. Water undercutting culvert.
STX6	II/III interface?	24"	ClassII/III interface? Functioning; shot gunned outlet

General RPF Recommendations: Adhere to recommendations of the detailed road assessment being provided by Green Road Consulting for this parcel addressing road conditions, drainage and functionality. Proposed mitigation measures should adhere minimally to all erosion control requirements in 14 CCR Article 12 (923.5 specifically). The RPF also recommends that where graded flats and fill slopes have exposed soil or interface with watercourse protection zones that winter stabilization structures (i.e. wattles) be placed at these locations.

No additional imminent soil stabilization or erosion control issues were observed on the Conversion Sites at the other sites.

Watercourses and Water Resources

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

The parcel is in the Basin Creek Watershed (# 1111.410401) and contains Class II and Class III watercourses that all meet at Basin Creek and drain to the main stem of the Eel River approximately 3.5 miles downstream. The Conversion Sites are situated on a southwest facing slope and situated around the upper Class II reaches of Basin Creek which runs between Conversion Sites 2 and 3. For Less Than 3 Acre Exemptions (14CCR 1104.1) in areas of Humboldt County zoned Forestry Recreation, the Humboldt County Planning and Building Department defers to the California Forest Practice Rules and requires "No Timber Operations" Watercourse and Lake Protection Zone (WLPZ) buffer widths be established by 14CCR 916.5.

Tractor operations associated with tree removal and grading occurred within the WLPZ and channel of a Class III watercourse at Conversion Site 2 (Observation Point 2(a)). Additionally, tractor operations and tree removal occurred within the WLPZ of two Class II watercourses associated with installation of Seasonal Road A and watercourse crossings STX1 and STX2. It is unknown if a Lake and Streambed Alteration agreement was procured with California Department of Fish and Wildlife (CDFW) prior to crossing installation.

General RPF Recommendations: Adhere to the Site Management Plan being prepared by Green Road Consulting and CDFW and County recommendations concerning permitting and potential remediation measures that may arise. Minimally, replant area along south side of Class III watercourse at Observation Point 2(a) out to a minimum of 30 feet from the watercourse transition line with native white oak or Douglas-fir. For white oak maintain a minimum stocking requirement of 14CCR 913.4(f)(1) – 35 sq. ft of BA/Acre. For Douglas-fir planting,

replant area with seedlings to comply with minimum stocking standards of 14CCR 912.7 (12' x 12' spacing). Immediately mulch and/or seed area to prevent erosion.

Hazard Reduction

14 CCR 1104.1(a)(2)(D)(6): "Full slash and woody debris treatment may include any of the following: a. burying; b. chipping and spreading; c. piling and burning; or d. removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated."

The conversion sites and the surrounding timber stand were walked and assessed for debris resulting from timberland conversion activities. Areas where Hazard Reduction was observed and easily accessible adjacent to Conversion Sites have been depicted on the Timberland Conversion Evaluation Map. The RPF recommends that where soil disturbance will not result, cutting sawlogs at these locations to a minimum of 2 feet in length as per 14 CCR 1104.1(a)(2)(D)(1) or obtain proper county burn permits and burn debris during rainy period.

Biological Resources

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1"

No surveys were conducted on this parcel for Northern Spotted Owls (NSOs) or other potential Rare, Threatened or Endangered Species or Species of Special Concern (RTES or SSC) associated with the timberland conversion operations. Without survey information prior to conversion activities, it is impossible to know whether RTES or SSC were historically present or that the conversion activities negatively affected known or unknown occurrences of these species.

The California Natural Diversity Database (CNDDDB) showed no known sites of RTES or SSC on or around the subject parcels or Conversion Sites. There are numerous past Timber Harvest Plans (THPs) and Non-Industrial Timber Management Plans (NTMPs) in the region surrounding the upper Basin Creek Watershed but not immediately adjacent to the parcel. The nearest NSO Activity Center is approximately 1.5 miles northwest of the Conversion Sites, likely a detection associated with THP 1-02-260-HUM or 1-96-289-HUM.

Less Than 3 Acre Conversion Exemptions under 14 CCR 1104.1 are generally exempt from biological surveys but require that disturbance to any known or discovered sensitive, rare, threatened, or endangered species (RTES) or species of special concern (SSC) be avoided.

A CNDDDB map showing known occurrences of RTES is included at the end of this report. No recommendation is suggested regarding biological resources.

Cultural Resources

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

This area was historically occupied by Nongatl and Lassik Native American entities and settled by European Americans in the mid-1800s. The conversion site was inspected for the presence of pre-historic, proto-historic and historic artifacts. No archeological evidence was observed during the conversion evaluation site visit. Native American entities associated with this region and identified by CAL FIRE's Native American Contact List in consultation with Native American Heritage Commission (NAHC) have been notified of the conversion activities.

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

Summary of Recommendations

Overall, it is the opinion of the RPF that the past unauthorized Conversion Sites did not entirely meet the standards set forth in the California Forest Practice Rules (CFPRs) nor are they fully in conformance with 14CCR 1104.1 – Less Than 3 Acre Conversion Exemption. Table 3 below summarizes RPF recommendations:

<p>Roads, Soil Stabilization and Erosion Control</p>	<ul style="list-style-type: none"> - Adhere to recommendations of the detailed road assessment being provided by Green Road Consulting for this parcel addressing road conditions, drainage and functionality. - Place winter stabilization structures (i.e. wattles) along graded flats and fill slopes with exposed soil or interfaced with watercourse protection zones.
<p>Watercourses and Water Resources</p>	<ul style="list-style-type: none"> - Adhere to the Site Management Plan being prepared by Green Road Consulting and CDFW and County recommendations concerning permitting and potential remediation measures that may arise. - Replant area along south side of Class III watercourse at Observation Point 2(a) out to a minimum of 30 feet from the watercourse transition line with native white oak or Douglas-fir. For white oak maintain a minimum stocking requirement of 14CCR 913.4(f)(1) – 35 sq. ft of BA/Acre. For Douglas-fir planting, replant area with seedlings to comply with minimum stocking standards of 14CCR 912.7 (12' x 12' spacing). Immediately mulch and/or seed area to prevent erosion.
<p>Hazard Reduction</p>	<ul style="list-style-type: none"> - Where soil disturbance will not result, cut sawlogs at depicted locations to a minimum of 2 feet in length as per 14 CCR 1104.1(a)(2)(D)(1) or obtain proper county burn permits and burn debris during rainy period.

Site Maps

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

Timberland Conversion Evaluation Map: Parcel boundary, location of timberland conversion operations and Conversion Sites, location and classification of watercourses, roads, watercourse crossings, and Observation Points/Areas.

California Natural Diversity Database (CNDDDB) Project Location Map: Location of timber conversion in relation to biological resources.

Resources

California Forest Practice Rules 2019. Sacramento: CAL FIRE, 2019. Print.

California Natural Diversity Database. California Department of Fish and Wildlife. Web. <https://www.wildlife.ca.gov/Data/CNDDDB>. Version 5.77.14. Accessed December 19, 2019.

California Native Plant Society, Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed December, 2019].

Forest Practice Watershed Mapper v2. CAL FIRE. Web. http://egis.fire.ca.gov/watershed_mapper/. Accessed November 21, 2019.

Handbook of North American Indians: volume 8 – California, Robert Heizer - 1978

Humboldt County Web GIS. County of Humboldt. Web. <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>. Accessed December 13, 2019.

Google Earth Pro

Weaver, W.E., Weppner, E.M. and Hagans, D.K., 2015, Handbook for Forest, Ranch and Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining and Closing Wildland Roads (Rev. 1st ed.), Mendocino County Resource Conservation District, Ukiah, California.

PHOTOS



Photo 1. Conversion Site 2 – Looking south from northeast corner of Conversion Site.

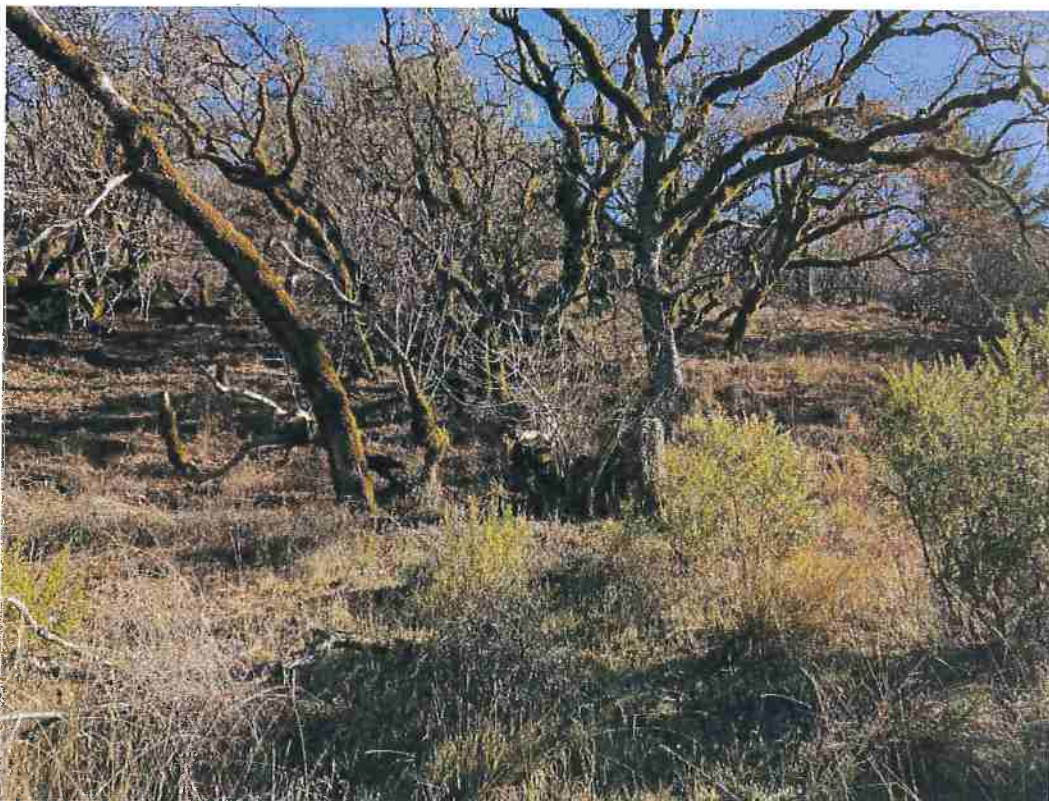


Photo 2. Conversion Site 2 – Looking eastward upslope from Conversion Site.



Photo 3. Conversion Site 2 – Hazard Reduction area along northern edge of Conversion Site.

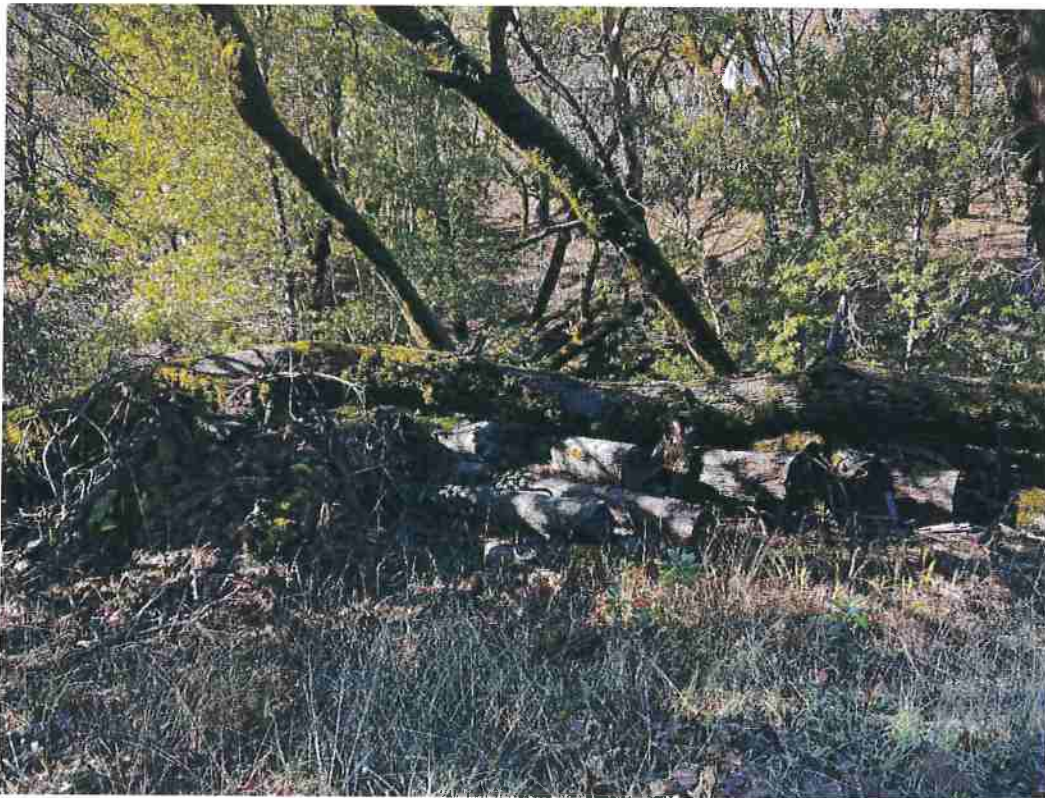


Photo 4. Hazard Reduction area along western side of Seasonal Road A.

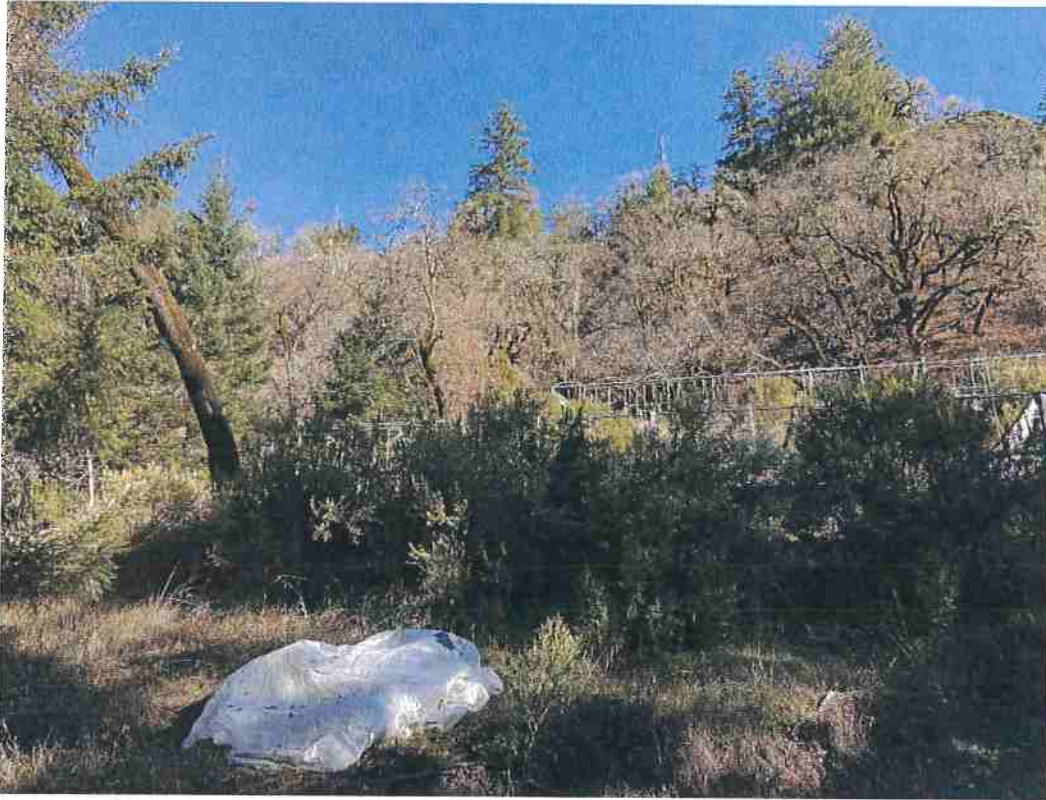


Photo 5. View of Conversion Site 2 looking eastward from Seasonal Road A.



Photo 6. Hazard Reduction area along the southern side of Conversion Site 2.

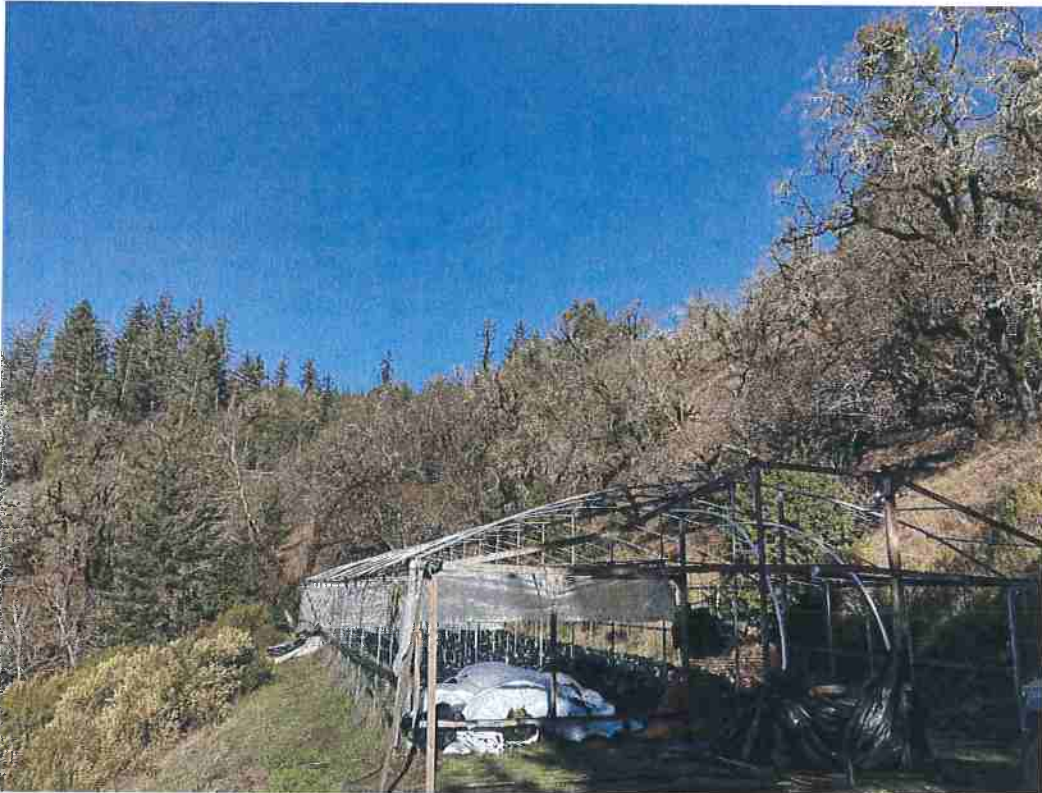


Photo 7. Conversion Site 2 – Looking northward from southeastern corner of Conversion Site 2.



Photo 8. Conversion Site 3.

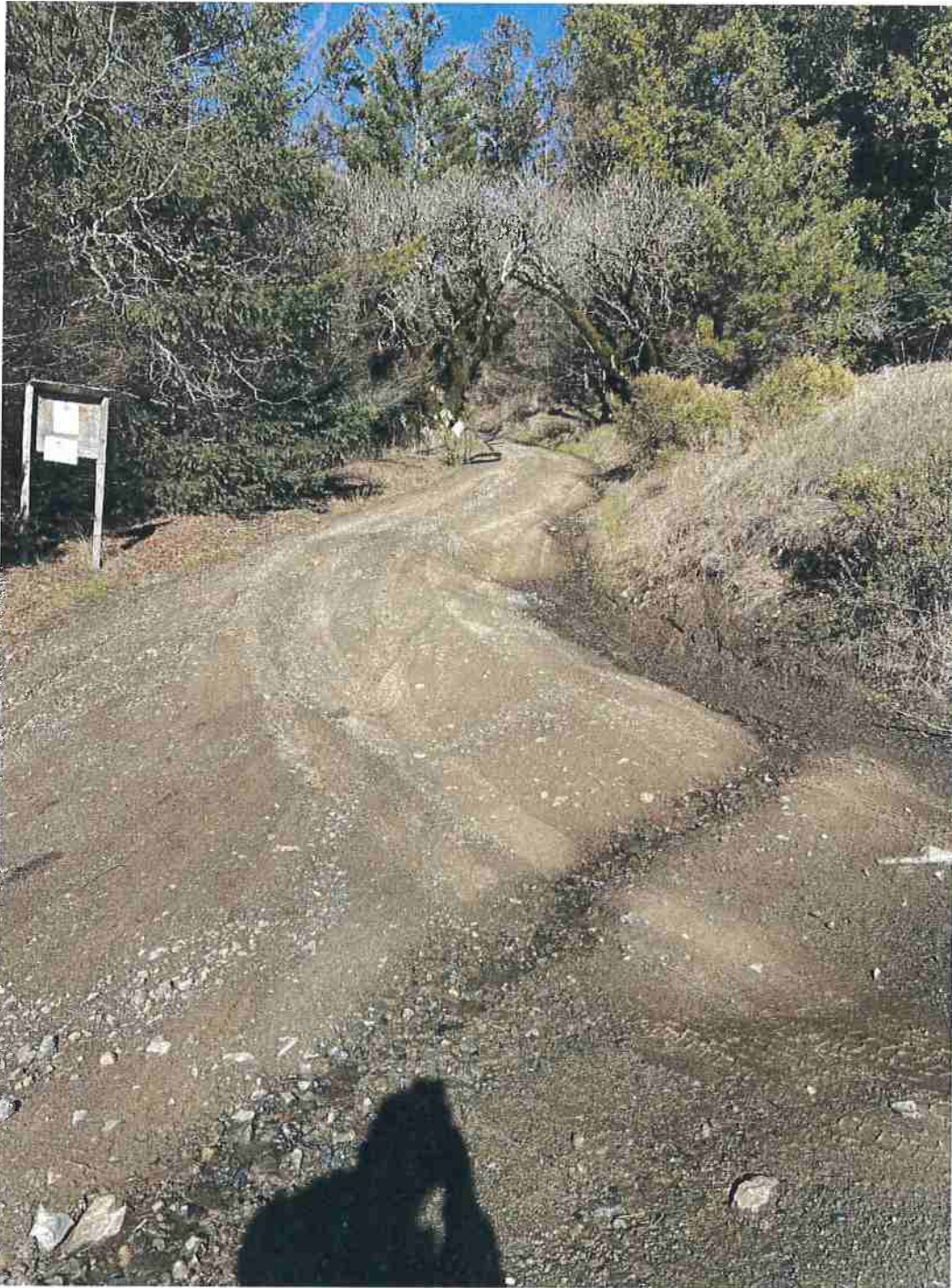


Photo 9. Start of Observation Area SRA(1) looking up Seasonal Road A from Permanent Road (Sylvan Glade Rd.).

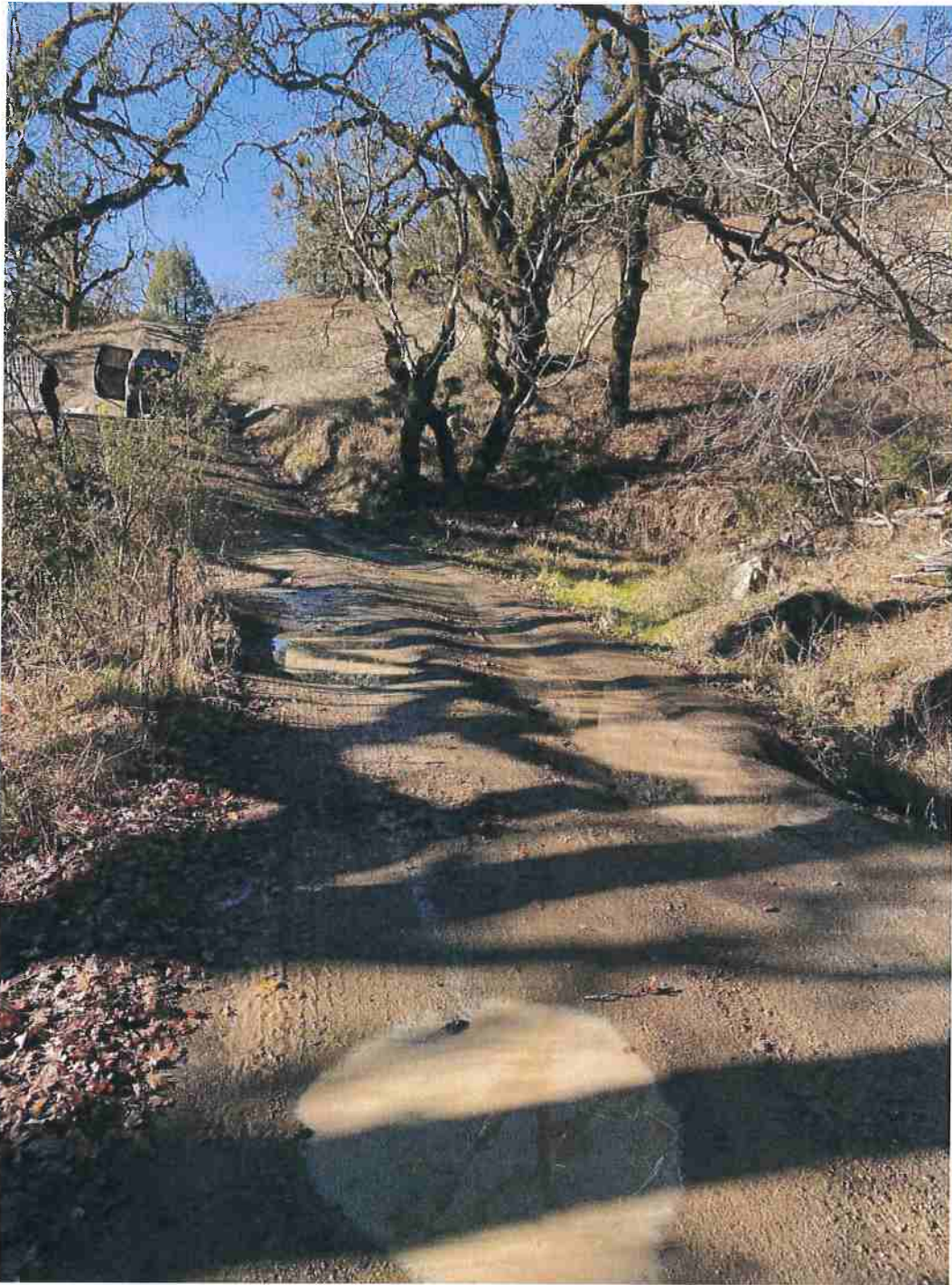




Photo 10. Watercourse crossing STX1.

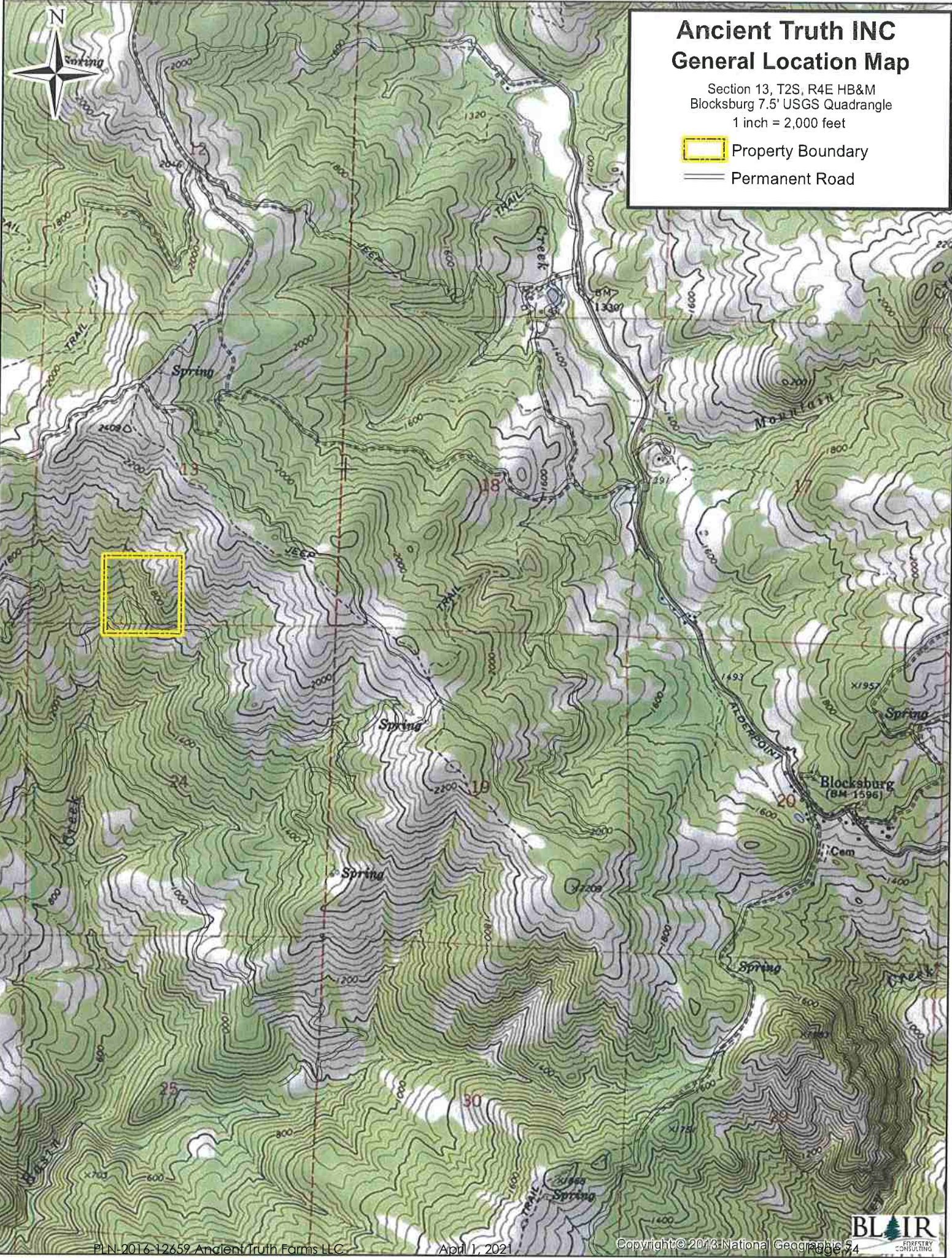


Photo 11. Watercourse crossing STX2.

Ancient Truth INC General Location Map

Section 13, T2S, R4E HB&M
Blocksburg 7.5' USGS Quadrangle
1 inch = 2,000 feet

-  Property Boundary
-  Permanent Road

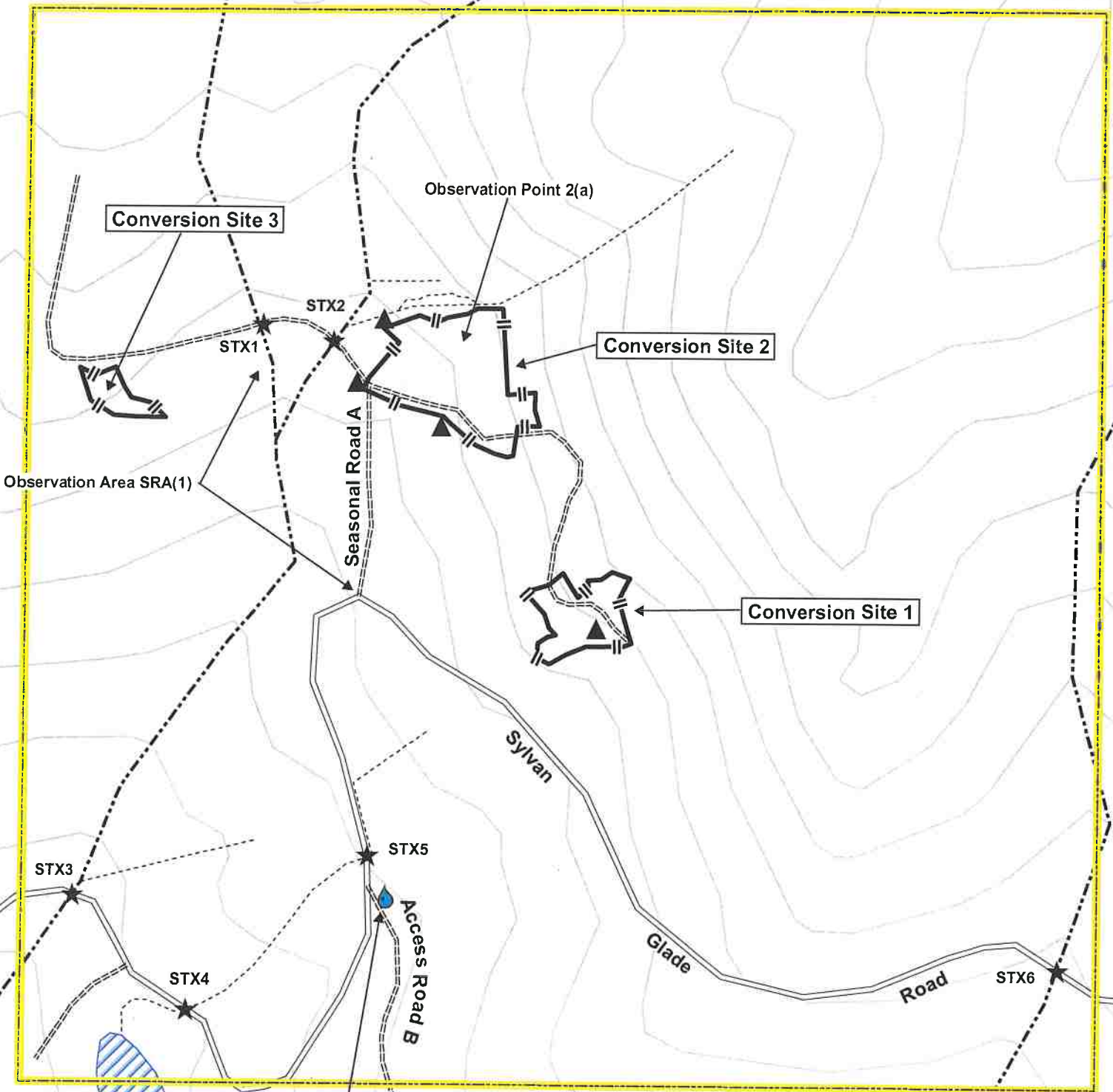




Ancient Truth INC Conversion Evaluation Map

Section 13, T2S, R4E HB&M
Blocksburg 7.5' USGS Quadrangle
1 inch = 175 feet

- | | |
|--|---|
|  Property Boundary |  Class III Watercourse |
|  Converted Areas |  In-Stream Pond |
|  Permanent Road |  Watercourse Crossing |
|  Seasonal Road |  Cutbank Seep |
|  Class II Watercourse |  Hazard Reduction |



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation
Department of Health and Human Services	✓	Letter (9/15/2020) with conditions. Onsite septic system must be permitted. On File
Public Works, Land Use Division	✓	Memo (9/5/2018). On File
CalFIRE	✓	Memo (3/12/2020) and Timberland Conversion Evaluation Report. On File
Northwest Information Center (NWIC)	✓	Email (3/3/2020). On File
California Division of Water Rights	✓	Letter (3/4/2020) Approved with conditions. On File
California Department of Fish and Wildlife, Lake and Streambed Alteration Agreement (LSAA)	✓	Letter (6/22/2020). On File

ATTACHMENT 5

PUBLIC COMMENTS