



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: May 5, 2022
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: **Love and Laughter Farms, LLC, Special Permits**
Record Number: PLN-12457-SP
Assessor's Parcel Number (APN): 522-941-001
Hoopa Area

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Please contact Abbie Strickland, Planner, at 707-441-2630 or by email at astrickland@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 5, 2022	Subject Special Permits	Contact Abbie Strickland
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Project Description: The applicant is seeking a Special Permit for 10,000 square feet of existing full-sun outdoor commercial cannabis cultivation. One harvest is obtained annually. Water for irrigation has historically been sourced from a registered point of diversion from Pine Creek, however prior to the 2023 cultivation season the applicant will transition to entirely rainwater catchment. The applicants projected annual water usage is 37,500 gallons. Water storage onsite totals 37,500 gallons. Processing such as drying and curing occurs onsite in an existing structure, further processing occurs offsite at a licensed third-party processing facility. The project is owner operated; therefore, no employees are required. Energy for the project is sourced from a generator however staff has recommended the project be conditioned to require development of an alternative energy system. A Special Permit is also required for a setback reduction to public lands.

Project Location: The project is located in Humboldt County, in the Hoopa area, on the North and south sides of Bair Road, approximately 8.79 miles west from the intersection of Pine Creek Road and Bair Road, on the property known to be in Sections 7 and 18 of Township 07 North, Range 04 East, Humboldt Base & Meridian. (NOM completed for APNs 522-013-004 & -010 & 522-021-001 resulting in new APN 522-941-001)

Present Plan Land Use Designations: Timberland (T), 2017 General Plan, Slope Stability: Moderate Instability (2).

Present Zoning: Timberland Production Zone (TPZ)

Record Number: PLN-12457-SP

Assessor's Parcel Number: 522-941-001

Applicant	Owner	Agents
Love and Laughter Farm, LLC Stephen DiTuro 1006 Villa Way Arcata, CA 95521	Stephen Sharpe, Denise Devereaux, Stephen DiTuro, Kristin Aaiders 4475 Fairway Drive Soquel, CA 95073	N/A

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

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

Major Issues: None.

Recommended Commission Action:

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

Adopt the resolution finding that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section § 15164 of the State CEQA Guidelines, making all of the required findings for approval of the *Special Permits based on evidence in the staff report, and adopt the Resolution approving the Love and Laughter Farms, LLC., project subject to the recommended conditions.*

Executive Summary: The applicant is seeking a Special Permit for 10,000 square feet of existing full-sun outdoor commercial cannabis cultivation. One harvest is obtained annually. Processing such as drying and curing occurs onsite in an existing 770 square foot structure, further processing occurs offsite at a licensed third-party processing facility. The project is owner operated; therefore, no employees are required. The project was referred to the Division of Environmental Health which requested that the applicant be required to either provide portable toilets to the cultivation site or install a permitted onsite wastewater treatment system and discontinue the use of the backpacking toilet. This requirement is included as a condition of approval (**General Condition A.10**).

Setback Reduction

The applicant is also seeking a Special Permit for a setback reduction to public lands. The applicant submitted a *Boundary Survey*, prepared by a qualified surveyor, which found that the southernmost cultivation site is located 72 feet from the western property line shared with the BLM and the northern cultivation site is located 160 feet from the western property line. The project was referred to the BLM on September 13, 2021, no response was received.

Energy Resources

Energy for the project is sourced from two generators, one of which is a 2-kW generator, and the other is a 6.5-kW generator. The 2-kW generator is used to power an electric atomizer for foliar spraying twice a month for a few hours at a time. The 6.5-kW generator is used to power drying equipment which is required for approximately 10 to 14 days and run continuously during that time. An ongoing requirement for the project will require the applicant to maintain project related noise at or below 50 decibels as measured 100 feet from the noise source or edge of habitat (**Ongoing Requirement B.1**). A recommended condition of approval would require the applicant develop an alternative energy source on the parcel within 3 years of project approval that is capable of supplying 80% of the energy demands of the cultivation operation including , all nursery lighting, fans, dehumidifiers, and water pumps used for irrigation (**Condition of Approval A.9**).

Water Resources

Water for irrigation has historically been sourced from a registered point of diversion from Pine Creek (H100554). However, the applicant is transitioning to rainwater catchment as the primary irrigation source. The applicant is required to install a rainwater catchment system prior to the 2023 cultivation season and submit a revised site plan and addendum to the Operations Plan to the Planning Department for review and approval (**General Condition A.6**). The registered diversion will be utilized for domestic purposes. The applicants projected annual water usage is 37,500 gallons and existing water storage totals 37,500 gallons. To ensure there is adequate water onsite to serve the operation, a

condition of approval for the project will require the applicant to install a water meter at the point of withdrawal from the rainwater collection system and maintain records of weekly water usage (**General Condition A.7**).

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Lower Klamath Planning Watershed, which under Resolution 18-43 is limited to 161 permits and 56 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 16 cultivation permits and the total approved acres would be 5.41 acres of cultivation.

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

Biological Resources

A review of the California Natural Diversity Database found that the nearest Northern spotted owl (NSO) activity center is approximately .8 miles north of the project site. The project site is also adjacent to public lands which is designated critical habitat for the Marbled murrelet. The applicant submitted a *Biological Assessment* prepared by Leopardo Wildlife Associates which states that the project will not impact the NSO or Marbled Murrelet with noise mitigation, nor is the project anticipated to impact any sensitive natural communities or special status plant or animal species.

The CNDDDB also reflects the potential for the site to host the foothill yellow-legged frog. All project components adhere to the streamside management area setback requirements. The drying shed which is located nearest Pine Creek is located over 100 feet from the top of the bank. The project was referred to the California Department of Fish and Wildlife (CDFW) in August of 2017, no response was received. The applicant has entered into a Final Lake and Streambed Alteration Agreement (LSAA) with CDFW which will require the applicant to improve and replace undersized culverts, upgrade stream crossings, and improve diversion infrastructure. The applicant is required to adhere to all provisions outlined in the Final LSAA (**Ongoing Requirement B.17**).

Timber Conversion

The project was referred to CAL FIRE in September of 2017 and received a response that their department could not support the project due to unpermitted tree removal on the parcel. Based on aerial imagery, trees were removed from the parcel between 2016 and 2018. The applicant submitted a *Timber Conversion Evaluation Report* which documented the conversion of .20 acres of timberland post-2015 baseline conditions. The applicant submitted a *Restocking Plan*, prepared by a Registered Professional Forester which calls for the restocking of an equivalent area. A condition of approval requires the applicant to implement the RPF's recommendations (**Condition of Approval A.8**). The project will not result in the net loss of timberland.

Tribal Cultural Coordination

The project site is located in the aboriginal territory of the Hoopa Valley Tribe. The project was referred to the Northwest Information Center (NWIC) and Hoopa Valley Tribe in August of 2017. The assigned planner contacted the tribe via email on December 20, 2021, January 10, 2022, January 19, 2022, and January 24, 2022, but was not successful at receiving a response. The NWIC recommended the applicant submit a Cultural Resource Survey. The applicant submitted a *Cultural Resource Inventory Report*

prepared by DZC Archaeological and Cultural Resource Management, dated February 2022, which states that the project as proposed is not anticipated to impact any tribal cultural resources. The applicant will be required to adhere to the inadvertent discovery protocol (**Ongoing Requirement B.X**).

On April 8, 2022, the Planning Department submitted a letter to the Hoopa Valley Tribe (attached) requesting a response to the proposed project. The letter included the Project Description, *Site Plan*, and a copy of the *Cultural Resource Inventory Report* submitted by the applicant. The documents were sent via certified mail, and were stamped received on April 12, 2022. No response to the materials has been received.

Access

The subject parcel is located approximately .65 miles off a privately maintained road which takes access from Bair Road, a county-maintained road. A *Road Evaluation Report* was prepared by the applicant for the private access road which documents the access road as being developed to the equivalent of a Category 4 standard and meets the functional capacity required for the project's needs. The applicant will implement the recommendations made by the Department of Public Works Land Use Division which requested two conditions of approval be added to the project requiring the applicant to improve and maintain visibility where the private access road intersects with the county-maintained road, Bair Road and that the applicant be required to improve the location where the driveway intersects with Bair Road. These recommendations have been included as conditions of approval for the project (**General Conditions A.13**). Provisions have been made in the applicant's *Site Management Plan*, dated May 2021, to minimize discharge of sediment off-site and improve drainage features on the private access road. A condition of approval will require the applicant to implement the recommendations outlined in tables 1 and 2 of the *Site Management Plan* (**Condition of Approval A.11**).

The subject parcel is located within an area with very high fire hazard severity. The subject property is located within the State Fire Responsibility Area for fire protection (CAL-FIRE). Comments made by the California Department of Forestry and Fire Protection recommend compliance with the requirements of the County's Fire Safe Regulations. A condition of approval will require the applicant to submit a revised site plan showing the location of the SRA turn around and the location of a 2,500-gallon water tank dedicated to fire suppression (**Condition of Approval A.12**).

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

RECOMMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Special Permit.

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning 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 that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

Resolution Number 22-

Record Number: PLN-12457-SP

Assessor's Parcel Number: 522-941-001

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Love and Laughter Farms, LLC, Special Permits request.

WHEREAS, Love and Laughter Farms, LLC, submitted an application and evidence in support of approving a Special Permit for 10,000 square feet of existing full-sun outdoor commercial cannabis cultivation. One harvest is obtained annually. Water for irrigation has historically been sourced from a registered point of diversion from Pine Creek, however prior to the 2023 cultivation season the applicant will transition to entirely rainwater catchment. The applicants projected annual water usage is 37,500 gallons. Water storage onsite totals 37,500 gallons. Processing such as drying and curing occurs onsite in an existing structure, further processing occurs offsite at a licensed third-party processing facility. The project is owner operated; therefore, no employees are required. Energy for the project is sourced from a generator. A Special Permit is also required for a setback reduction to public lands.

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

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on **May 5, 2022**, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The applicant is seeking a Special Permit for 10,000 square feet of existing full-sun outdoor commercial cannabis cultivation. One harvest is obtained annually. Water for irrigation has historically been sourced from a registered point of diversion from Pine Creek, however, prior to the 2023 cultivation season the applicant will transition to entirely rainwater catchment. The applicants projected annual water usage is 37,500 gallons. Water storage onsite totals 37,500 gallons. Processing such as drying and curing occurs onsite in an existing structure, further processing occurs offsite at a licensed third-party processing facility. The project is owner operated; therefore, no employees are required. Energy for the project is sourced from a generator. A Special Permit is also required for a setback reduction to public lands.

EVIDENCE: a) Project File: PLN-12457-SP

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

- EVIDENCE:**
- a) Addendum prepared for the proposed project.
 - b) A *Site Management Plan* (SMP) was prepared by Pacific Watershed Associates in May of 2021 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
 - c) The project site also adjacent to public lands which is designated critical habitat for the Marbled Murrelet. The applicant submitted a Biological Assessment prepared by Leopardo Wildlife Associates which states that the project will not impact the NSO or Marbled Murrelet with noise mitigation, nor is the project anticipated to impact any sensitive natural communities or special status plant or animal species.
 - d) The applicant submitted a *Cultural Resource Inventory Report* prepared by DZC Archaeological and Cultural Resource Management, dated February 2022, which states that the project as proposed is not anticipated to impact any tribal cultural resources. The applicant will be required to adhere to the inadvertent discovery protocol.
 - e) The project will not result in the net loss of timberland. The applicant submitted a *Restocking Plan* which calls for the restocking of .20 acres of timberland. A condition of approval requires the applicant to implement the plan.
 - f) A *Road Evaluation Report* was prepared by the applicant for the private access road which documents the access road as being developed to the equivalent of a Category 4 standard and meets the functional capacity required for the project's needs. Provisions have been made in the applicant's *Site Management Plan* to minimize discharge of sediment off-site and improve drainage features on the private access road.
 - g) An ongoing requirement for the project will require the applicant to maintain project related noise at or below 50 decibels as measured 100 feet from the noise source or edge of habitat.
 - h) All lighting used in the operation is required to adhere to International Dark Sky Standards. No artificial lighting will be used in the cultivation areas.

FINDINGS FOR SPECIAL PERMITS

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

EVIDENCE a) General agriculture is a use type permitted in the Timberland (T) land use designation. The existing cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes. The project is consistent with, and complimentary to, the Open Space Plan and its Open Space Action Program.

4. FINDING The proposed development is consistent with the purposes of the existing Timberland Production Zone (TPZ) in which the site is located.

EVIDENCE a) General agricultural is a principally permitted use in the Timberland Production (TPZ) Zone.
 b) Humboldt County Code section 314-55.4.8.2.2 allows between 5,000 SF and 10,000 SF of existing cannabis cultivation on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was

in existence prior to January 1, 2016. The application for 10,000 square feet of existing outdoor cultivation on a 210-acre parcel is consistent with the CMMLUO 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.

- a) The subject parcel is determined to be one legal parcel following the completion of a Notice of Merger and Certificate of Subdivision Compliance, case number PLN-2018- 15088.
- b) Water for irrigation has historically been sourced from a registered point of diversion from Pine Creek (H100554). However, the applicant is transitioning to entirely rainwater catchment for irrigation. The registered diversion will be utilized for domestic purposes.
- c) The applicant has entered into a *Final Lake and Streambed Alteration Agreement* with the California Department of Fish and Wildlife. The applicant will be required to adhere to the provisions outlined in the LSAA.
- d) Energy for the project is sourced from two generators, one of which is a 2-kW generator, and the other is a 6.5-kW generator.
- e) The subject parcel is location in the State Fire Responsibility Area. A condition of approval will require the applicant to submit a revised site plan showing the location of the SRA turn around and the location of a 2,500-gallon water tank dedicated to fire suppression, in accordance with the Humboldt County Fire Safe Ordinance
- f) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in a secondary containment unit.
- g) The location of the cultivation complies with following setbacks required in Section 314-55.4.11(d). It is more than 30 feet from any property line, more than 600 feet from any school, school bus stop, church, or other place of worship, and more than 1,000 feet from any Tribal Cultural Resource. A Special Permit is being sought for a setback reduction to public lands.

6. FINDING

The continued cultivation of 10,000 square feet 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 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. 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 sizes in the area.
- b) The applicant submitted a *Cultural Resource Inventory Report* prepared by DZC Archaeological and Cultural Resource Management, dated February 2022, which states that the project as proposed is not anticipated to impact any tribal cultural resources. The applicant will be required to adhere to the inadvertent discovery protocol.
- c) The project site also adjacent to public lands which is designated critical habitat for the Marbled Murrelet. The applicant submitted a Biological Assessment prepared by Leopardo Wildlife Associates which states that the project will not impact the NSO or Marbled Murrelet with noise mitigation, nor is the project anticipated to impact any sensitive natural communities or

special status plant or animal species.

- d) The project will not result in the net loss of timberland.
- e) The location of the cultivation complies with following setbacks required in Section 314-55.4.11(d). It is more than 30 feet from any property line, more than 600 feet from any school, school bus stop, church, or other place of worship, and more than 1,000 feet from any Tribal Cultural Resource. A Special Permit is being sought for a setback reduction to public lands.
- f) Water for irrigation has historically been sourced from a registered point of diversion from Pine Creek (H100554). However, the applicant is transitioning to entirely rainwater catchment for irrigation. The registered diversion will be utilized for domestic purposes.
- g) Provisions have been made in the applicant's *Site Management Plan* to minimize discharge of sediment off-site and improve drainage features on the private access road. A condition of approval will require the applicant to implement the recommendations within the *Site Management Plan*.
- h) The applicant is required to implement noise and light mitigation measures.
- i) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in a secondary containment unit.

7. FINDING

The existing development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

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

8. FINDING

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

EVIDENCE

- a) The project is located in the Lower Klamath Planning Watershed, which under Resolution 18-43 is limited to 161 permits and 56 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 16 permits and the total approved acres would be 5.41 acres of cultivation.

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 approves the Love and Laughter Farms, LLC, Special Permits based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

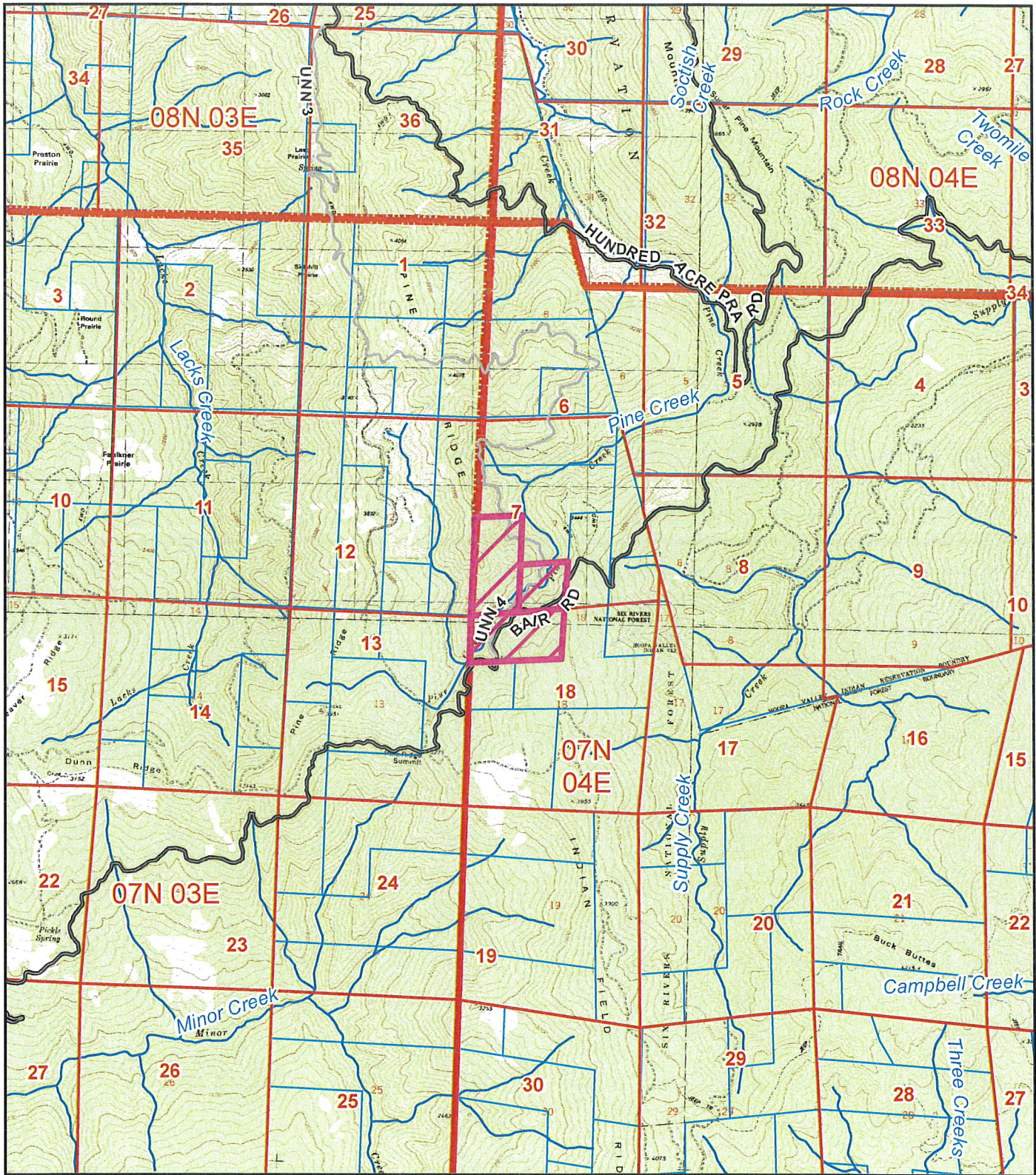
Adopted after review and consideration of all the evidence on May 5, 2022.

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 LOVE AND LAUGHTER FARMS
 WILLOW CREEK AREA
 SP-16-530**

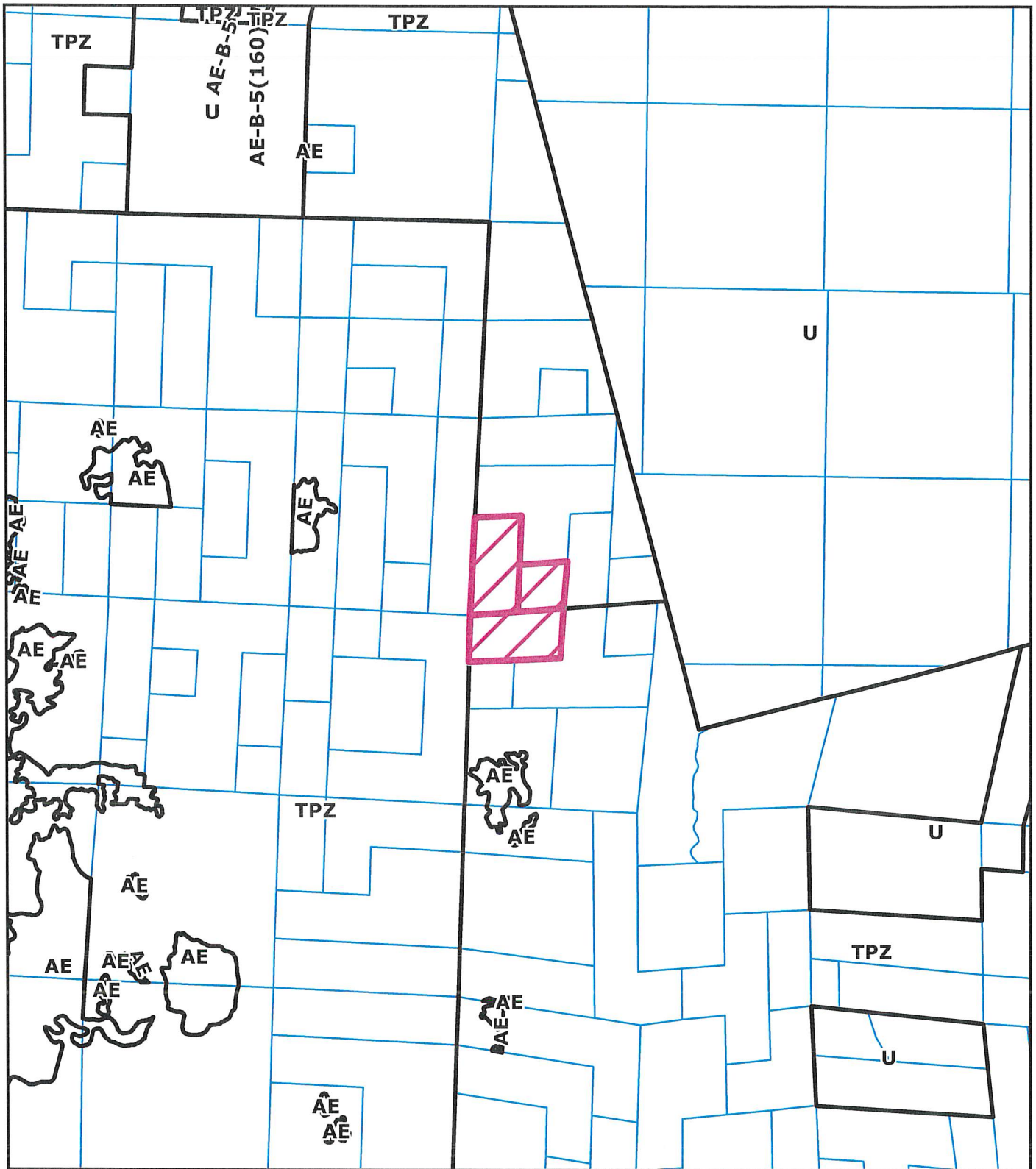
Project Area = 

APN: 522-013-004; 522-021-001; 522-013-010

T07N R03E S12; T07N R04E S7; T07N R04E S18; S13 HB&M (HUPA MOUNTAIN)

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





**ZONING MAP
 PROPOSED LOVE AND LAUGHTER FARMS
 WILLOW CREEK AREA
 SP-16-530**

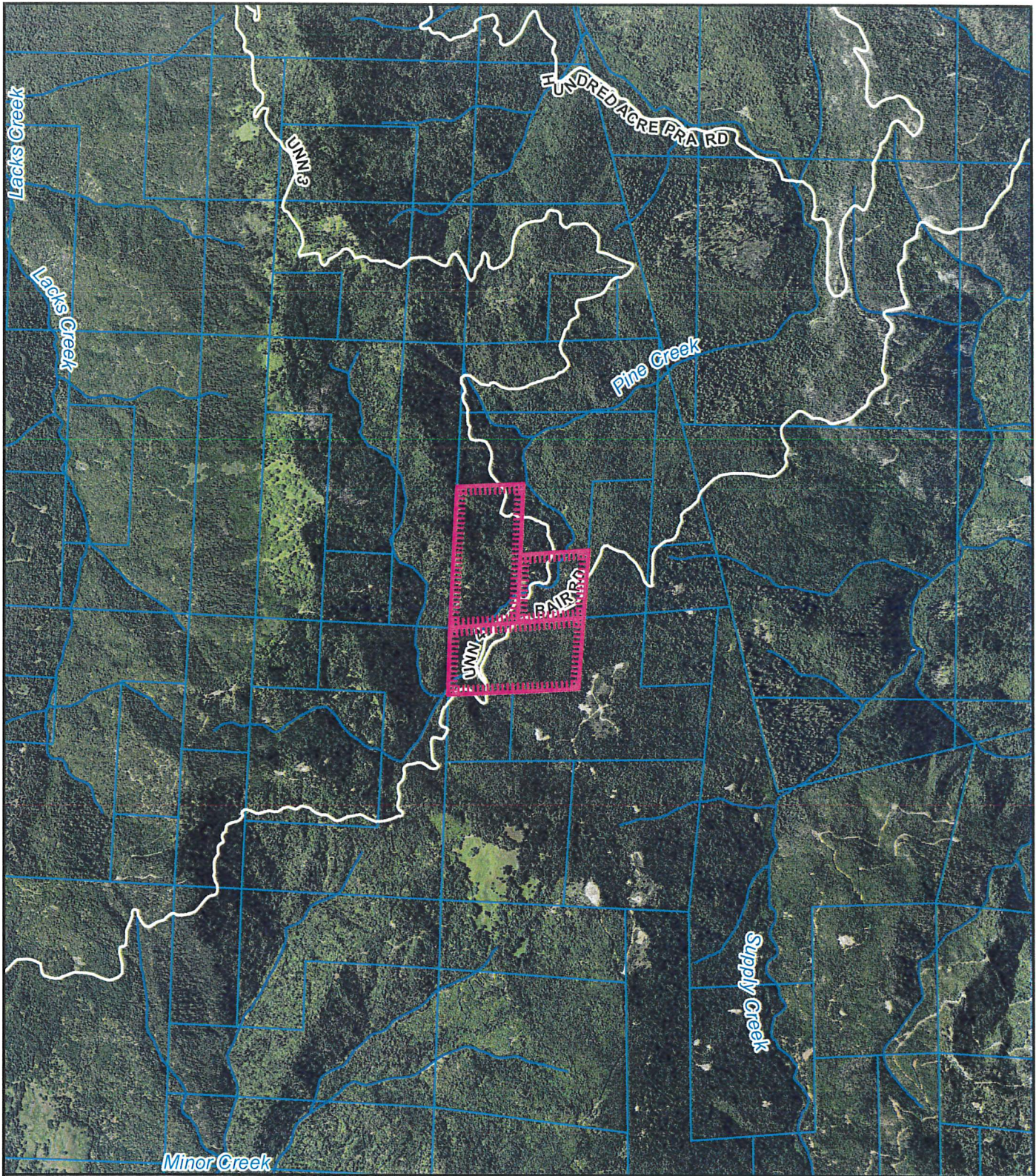
Project Area = 

APN: 522-013-004; 522-021-001; 522-013-010

T07N R03E S12; T07N R04E S7; T07N R04E S18; S13 HB&M (HUPA MOUNTAIN)

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**AERIAL MAP
 PROPOSED LOVE AND LAUGHTER FARMS
 WILLOW CREEK AREA
 SP-16-530**

Project Area = 

APN: 522-013-004; 522-021-001; 522-013-010

T07N R03E S12; T07N R04E S7; T07N R04E S18; S13 HB&M (HUPA MOUNTAIN)

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.

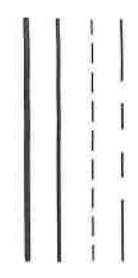


12457



LEGEND
(N74°15'19"W 98.70')
N74°15'19"W 98.70'

- RECORD BEARING AND DISTANCE MEASURED BEARING AND DISTANCE
- FOUND RECORD MONUMENT AS SHOWN ON THE BLM RETRACEMENT SURVEY (SEE NOTE BELOW)
- RECORD MONUMENT NOT SEARCHED FOR THIS SURVEY
- POINTS WEST SURVEY CONTROL POINT
- BOUNDARY LINES OF LANDS OF DI-TURO ET AL ADJACENT BOUNDARY LINES
- EXISTING CULTIVATION AREA BOUNDARY
- INTERIOR SECTION LINES



SURVEY NOTES:

Data shown hereon is based on a field survey performed by Points West Surveying dated June 14, 2018. Measured distances shown hereon are in grid feet and decimals thereof.

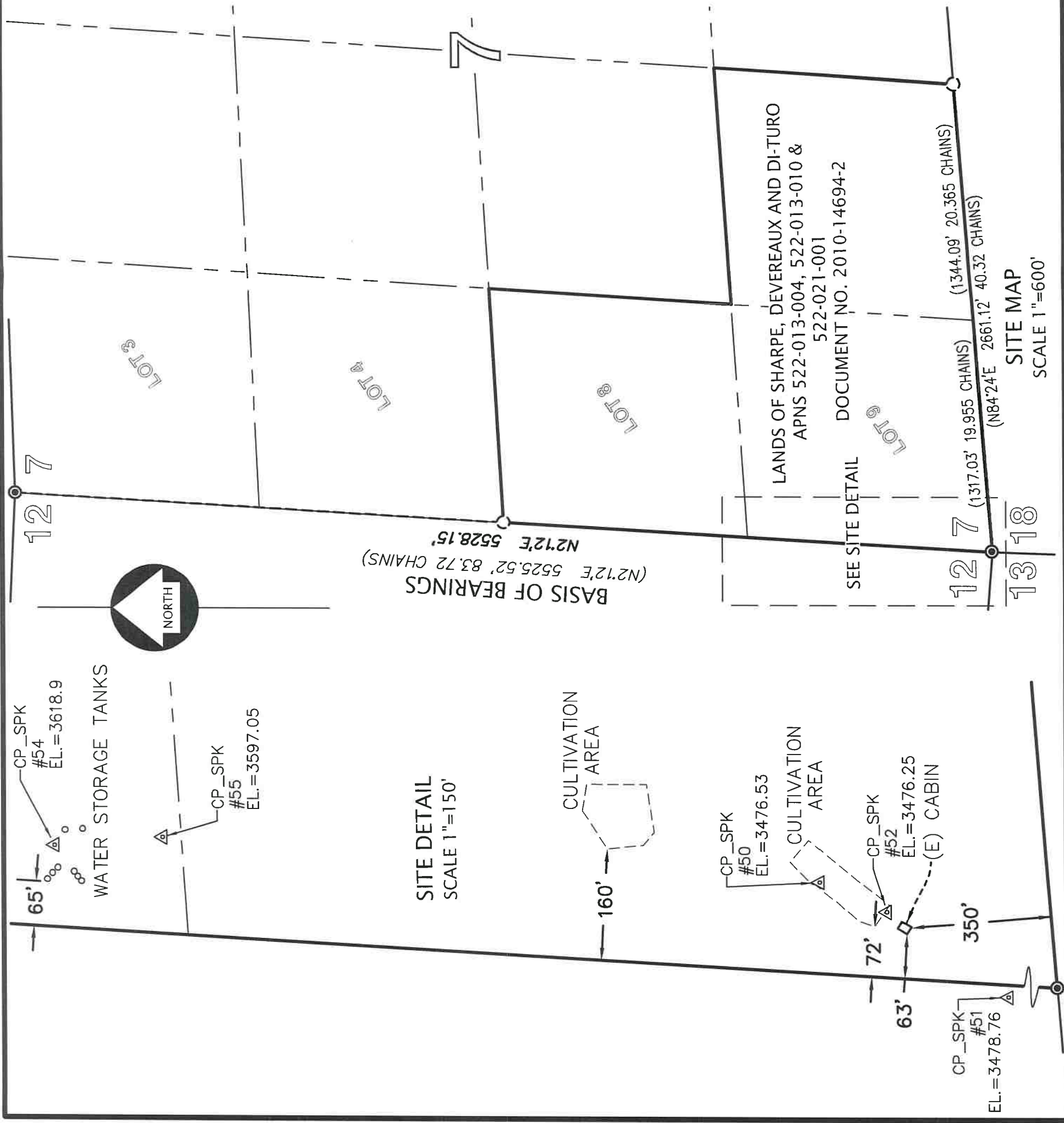
The west line of Section 7 shown hereon is based on the 1961 BLM dependent resurvey of the east and north boundaries and subdivisional lines, T. 7 N., R. 3 E, Humboldt Meridian, executed by Roger F. Wilson, July 27, to September 24, 1954. Interior lines of Section 7 are shown based on the 1961 BLM dependent resurvey of Section 7, T. 7 N., R. 4 E, Humboldt Meridian, executed by Roger F. Wilson, August 30 to September 23, 1954.

BOUNDARY EXHIBIT

for
LOVE AND LAUGHTER FARMS
SECTION 7, T7N, R4E,
HUMBOLDT MERIDIAN

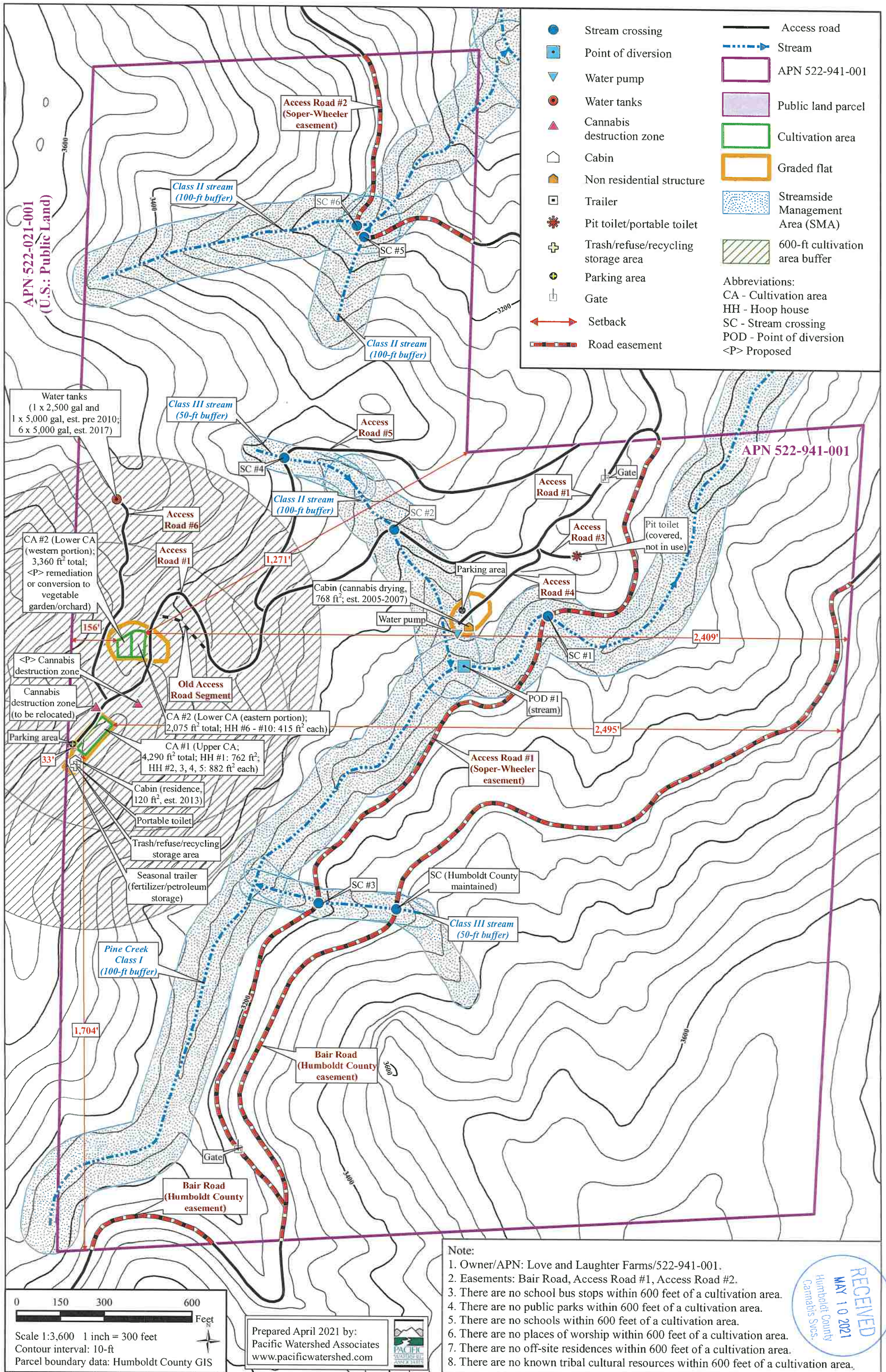
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
STATE OF CALIFORNIA
JUNE 2018

SCALE: 1" = AS NOTED
SHEET 1 OF 1



SITE DETAIL
SCALE 1"=150'

SITE MAP
SCALE 1"=600'



APN 522-021-001
(U.S.: Public Land)

Water tanks
(1 x 2,500 gal and
1 x 5,000 gal, est. pre 2010;
6 x 5,000 gal, est. 2017)

CA #2 (Lower CA
(western portion);
3,360 ft² total;
<P> remediation
or conversion to
vegetable
garden/orchard)

<P> Cannabis
destruction zone
Cannabis
destruction zone
(to be relocated)

CA #2 (Lower CA (eastern portion);
2,075 ft² total; HH #6 - #10: 415 ft² each)

CA #1 (Upper CA;
4,290 ft² total; HH #1: 762 ft²;
HH #2, 3, 4, 5: 882 ft² each)

Cabin (residence,
120 ft², est. 2013)

Portable toilet

Trash/refuse/recycling
storage area

Seasonal trailer
(fertilizer/petroleum
storage)

Pine Creek
Class I
(100-ft buffer)

Bair Road
(Humboldt County
easement)

Bair Road
(Humboldt County
easement)

Gate

Gate

Gate

Gate

Gate

Gate

Gate

Gate

Gate

Gate

Gate

Gate

Gate

Gate

Gate

Gate

Gate

Gate

Scale 1:3,600 1 inch = 300 feet
Contour interval: 10-ft
Parcel boundary data: Humboldt County GIS

Prepared April 2021 by:
Pacific Watershed Associates
www.pacificwatershed.com



- Note:
1. Owner/APN: Love and Laughter Farms/522-941-001.
 2. Easements: Bair Road, Access Road #1, Access Road #2.
 3. There are no school bus stops within 600 feet of a cultivation area.
 4. There are no public parks within 600 feet of a cultivation area.
 5. There are no schools within 600 feet of a cultivation area.
 6. There are no places of worship within 600 feet of a cultivation area.
 7. There are no off-site residences within 600 feet of a cultivation area.
 8. There are no known tribal cultural resources within 600 feet of a cultivation area.



12457

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall 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 #12. 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. Prior to the 2023 cultivation season, the applicant will install a rainwater catchment system to support the needs of the project. The applicant will submit a revised Site Plan showing the location of the rainwater catchment system(s) and an addendum to the Operations Plan describing the catchment area, to the Planning Department for review and approval.
7. To ensure there is adequate water onsite to serve the operation, a condition of approval for the project will require the applicant to install a water meter at the point of withdrawal from the rainwater collection system and maintain records of weekly water usage.
8. The applicant will implement the submitted *Restocking Plan* which calls for the restocking of .20 acres of timberland.
9. The applicant shall develop an alternative energy source on the parcel within 3 years of project approval that is capable of supplying 80% of the energy demands of the cultivation operation including, all nursery lighting, fans, dehumidifiers, and water pumps used for irrigation. The applicant

will submit a revised Energy Plan documenting the installation of the alternative power source to the Planning Department for review and approval.

10. The applicant will provide a portable toilet to the cultivation area and discontinue the use of the backpacking toilet. Maintenance records shall be kept onsite and made available for review during the applicant's annual inspection. Alternatively, the applicant may install a permitted onsite wastewater treatment system.
11. The applicant will implement the provisions outlined in the submitted *Site Management Plan*, to minimize discharge of sediment off-site and improve drainage features on the private access road.
12. Within 60 days from the date of project approval, the applicant shall submit a revised Site Plan showing the following:
 - a) The location of the SRA turnaround; and
 - b) The location of a 2,500- gallon water tank dedicated to fire suppression

The applicant shall submit the revised Site Plan to the Planning Department for review and approval. A final sign-off from the Planning Department will satisfy this condition.

13. The applicant will implement the recommendations made by the Department of Public works and improve and maintain visibility where the private access road intersects with Bair Road in accordance with the County's Sight Visibility Ordinance. If Bair Road has a paved surface at the location of the intersection with the private access road, the applicant shall obtain an encroachment permit and pave the driveway for a minimum width of 20 feet and a length of 50 feet. If Bair Road has gravel at the intersection with the private access road, the applicant shall obtain an encroachment permit and gravel the access roads for a minimum width of 20 feet and a length of 50 feet. A letter or similar communication from the Department of Public Works stating the work has been completed to their satisfaction will satisfy this condition.
14. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator, or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written

verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

4. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. 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.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. 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.
12. 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.
13. 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.
14. 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.

15. 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).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. 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).
18. 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.
19. 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).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. 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.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. 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

25. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.

- d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any

appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - 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.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

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 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 the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to

evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

**APN 522-941-001, Bair Road, Hoopa Area
County of Humboldt**

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

April 2022

Background

Modified Project Description and Project History –

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

The applicant is seeking a Special Permit for 10,000 square feet of existing full-sun outdoor commercial cannabis cultivation. One harvest is obtained annually. Water for irrigation has historically been sourced from a registered point of diversion from Pine Creek (H100554). However, the applicant is transitioning to rainwater catchment as the primary irrigation source. Processing such as drying and curing occurs onsite in an existing 770 square foot structure, further processing occurs offsite at a licensed third-party processing facility. The project is owner operated; therefore, no employees are required. Energy for the project is sourced from two generators, one of which is a 2-kW generator, and the other is a 6.5-kW generator.

The applicant submitted a Biological Assessment prepared by Leopardo Wildlife Associates which states that the project will not impact the NSO or Marbled Murrelet with noise mitigation, nor is the project anticipated to impact any sensitive natural communities or special status plant or animal species.

The applicant submitted a Cultural Resource Inventory Report prepared by DZC Archaeological and Cultural Resource Management, dated February 2022, which states that the project as proposed is not anticipated to impact any tribal cultural resources. The applicant will be required to adhere to the inadvertent discovery protocol.

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 for impacts of existing cultivation. These include relocation from sensitive riparian areas.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- *Site Plan* prepared by Pacific Watershed Associates, submitted May 10, 2021.
- *Cultivation and Operations Plan* prepared by the applicant, dated May 10, 2021.
- *Site Management Plan (SMP)* prepared by Pacific Watershed Associates for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- *Biological Assessment* prepared by Leopardo Wildlife Associates, dated March 29, 2021.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
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 the applicant received August 4, 2021 – **Attached** with project maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Rain & Zepp, PLC, received 8/04/21 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in the Cultivation Operations Plan- item 4. above).
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. (NOI and reporting, and *Water Resources Protection Plan* (WRPP) prepared by Pacific Watershed Associates- **Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2017-0351-R1- **Attached**)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. *Road Evaluation Report* for Bair Road, prepared by the applicant, dated May 10, 2021. **(Attached)**
15. Restocking Plan prepared by Baldwin, Blomstrom, Wilkinson and Associates, Inc., dated October 4, 2021. **(Attached)**
16. Timber Conversion Evaluation Report prepared by Baldwin, Blomstrom, Wilkinson and Associates, Inc., dated October 9, 2019. **(Attached)**
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
18. *Cultural Resource Investigation* prepared by DZC Archaeological Resource Management, dated April 2022. (On file- Confidential)
19. Letter to the Hoopa Valley Tribal Heritage Preservation Office, submitted by the Planning Department. **(Attached)**
20. *Biological Assessment* prepared by Leopardo Wildlife on May 10, 2021. **(Attached)**



Cultivation and Operations Plan for APN 522-941-001

1. Description of water source, storage, irrigation plan, and projected water usage:

Water Source and Storage: Water is intermittently pumped from the Pine Creek via a solar powered well pump, to a 550 gallon storage tank located a few feet from the drying shed, and then pumped by a gas-powered diaphragm pump through 1" schedule 80 PVC water line approximately one mile to storage tanks. Screening is utilized at the pump inlet to prevent wildlife from entering the line. Tanks are standard plastic. There is one 2,500 gallon tank and seven 5,000 gallon tanks. We have installed flow meters at tank outlets and the diversion pump to accurately gauge water usage. The 37,500 gallons of water stored is used for all cultivation and our domestic water usage.

Irrigation Plan: Drip irrigation is used and is gravity fed from the holding tanks. We occasionally hand water after applying dry fertilizer on an as-needed basis. Watering is on an as-needed basis according to plant size, temperature, and weather conditions.

Projected Water Usage: During the wet and cool periods of the season water usage is minimal to none. Water usage fluctuates according to the seasonal weather patterns (more on hot and dry years, less on cool wet years). On average, no water is used from the months of November through May. In June about 750 gallons are used. In July, about 7500 gallons are used. In August and September, about 9000 gallons are used per month. In October, about 7000 gallons are used. In November up to 1750 gallons are used. Annually, the water usage does not exceed 37,500 gallons, and is often less. Our soil was initially amended with water holding pumice and compost. Our deep-trench in-ground planting layout utilizes the natural cooler temperature of the earths crust to reduce evaporation and therefore the total water needs of the plants. We also plant row style with a dense plant count. This increases the shading of the soil in the trenches and further reduces evaporation.

There are currently no plans to increase water storage or water usage. In case of fire, there is a hose linked to the irrigated site, with gravity-fed water from the storage tanks.

2. Description of site drainage, including run-off and erosion control measures:

Site Drainage: The slope of the cultivated areas is less than 5% grade. The garden is located on a ridge and surrounded by forested land. There is at least 1/4 mile of forested and or terraced land between the cultivation area and a drainage or water course and more than 1/4 mile to the Pine Creek. Additional organic material such as

hay and/or cover crops are utilized on the soil surface to decrease the risk of soil run-off during wet winter months.

Erosion Control Measures: Land owner has been working with Pacific Watershed Associates to remediate any previous erosion control issues. In addition, cover crops are planted and/or a hay layer is spread on the soil surface at the end of the season to prevent soil erosion. Access to the cultivation area is seasonal, which limits road use, and adds to the erosion prevention control. The cultivation site is surrounded by dense forest which limits soil erosion caused by wind and rain.

3. Detail of measures taken to ensure protection of watershed and nearby habitat:

Protection of Watershed and Habitat: The cultivation site is located more than ¼ mile from any water course. No chemical pesticides or rodent control poison is ever used. Only OMRI certified fertilizers and products are used. A pump house was built for the water diversion pump by the land owner to prevent noise pollution to wildlife and to ensure there is proper secondary containment. Land owners participated in a multi-parcel watershed study testing for contaminants and flow of the Pine Creek, as well as the Supply and Campbell Creek Watershed (SPC Creeks Water Study). Very limited power is ever used on the parcel, allowing for no noise contamination or light pollution for wildlife. A fish biologist was hired to assess and protect the impact of native species prior to the completion of the LSAA 1600 work. A biological assessment was also completed.

4. Protocols for proper storage and use of fertilizers, pesticides, and other regulated products utilized:

Storage of Farm Products: The landowner currently stores fertilizers in an enclosed landscaping trailer. Only OMRI products are utilized. Landowner is currently building a storage shed to hold fertilizers and other farm products, in place of the trailer. All fertilizers are removed from property when not in use.

Storage of Other Regulated Products: All petroleum products on site are stored within secondary containment with a capacity greater than the total volume of the petroleum product being contained. Used batteries are taken off site and recycled appropriately monthly (if needed). Landowner plans to build a small petroleum shed to securely house the secondary containers when on site.

Soil Management Plan: All soil is amended as needed and is never discarded.

Toilet, Hand Washing, Drinking Water: Domestic sewage is currently collected per use in a portable toilet bag system, that is stored near the upper cultivation site. All

domestic sewage is carried off site and disposed of appropriately weekly. Land owner hopes to build a pit privy in the near future. Drinking/hand washing water is brought from town, in 5 gallon jugs. Sink that is used for hand washing collects grey water, which is used in the vegetable garden. Only organic, nontoxic soap is used, which is beneficial to the garden.

5. Description of cultivation activities (e.g. outdoor, indoor, mixedlight):

Cultivation Activities: The approximate 6538 square foot upper cultivation area is used for outdoor, full term cannabis cultivation. The PVC hoops are utilized for support for trellising plants. The landowner runs 1 full term cycle. The lower cultivation area is 12 rows. 5 of the rows are being considered for cannabis cultivation to increase the cultivation area to 10,000 square feet. The remaining rows will be utilized for an orchard and vegetable garden.

Propagation Activities: Purchased organic juvenile plants and/or personally harvested and stored seeds are planted into 4 inch pots between the months of March and June and watered as needed. Plants are then transplanted into trenches within the cultivation area where they remain until the end of the season.

6. Processing Plan:

Processing: Plants are harvested at the base of the trunk, and roots are left in ground. The approximately 770 sf unfinished cabin serves as a drying structure. The drying cabin space is cleaned and sanitized prior to being used. The product remains in the drying space for approximately 7-14 days before it is placed in large food grade bins where it continues curing. Manicuring will take place by an off-site licensed 3rd party facility. Landowner also may sell the product to a licensed 3rd party facility as a fresh product.

7. Schedule of activities during each month of the growing and harvesting season:

December-February: No activities (Property is typically covered in snow and inaccessible).

March-April: Depending on the weather, seeds are planted and/or juvenile plants are acquired and transplanted. Weeds in the rows of the cultivation area are removed manually. General property maintenance is performed (fence/road repair, downed tree removal, water system check).

May: Plants continue to be transplanted. Plants are watered and soil is amended as needed. General property maintenance continues.

June-August: Plants are managed and maintained for optimal health. General property maintenance continues.

September and October: Plants begin to be harvested as they are ready. Drying and curing process is managed. Plants are managed and maintained for optimal health. As plants are harvested, cover crops are planted and/or hay is spread. General property maintenance continues.

November: Cover crop planting is finished. General property maintenance continues. Structures are left clean and empty to prevent theft (farm tools/machines/equipment are towed to an off-site storage facility).

8. Security Plan:

Security Plan: Security measures include: Two locking forest service style gates on the ingress/egress access road to the site. The cultivation area is currently fenced with 6 foot hog-wire. There are dogs on site to keep the wildlife at bay. All buildings have lockable doors and windows. There are multiple hidden game cameras throughout the property. Dried product will be picked up promptly by the 3rd party facility for processing.

9. Employees:

Employees: Landowners will be the only on site workers. Manicuring will take place off-site as mentioned above. Landowners drive approximately 30 miles from Arcata to the property in personal vehicles. Commute takes place between 0 and 2 times a day, with an average of once every 3 days.

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

RECEIVED

JUL 18 2018

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2017-0351-R1

Unnamed Tributaries to Pine Creek, Tributary to the Klamath River and the Pacific Ocean

Stephen DiTuro
DiTuro Water Diversion and Stream Crossings Project
6 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on June 14, 2017 with revisions received on June 4 2018, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Klamath River watershed, approximately 25 miles northeast of the Town of Blue Lake, County of Humboldt, State of California. The project is located in Section 7, T7N, R4E, Humboldt Base and Meridian; in the Hupa Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number's 522-013-004, 522-013-010 and 522-021-001; latitude 41.0028 N and longitude -123.7680 W at Crossing #1.

PROJECT DESCRIPTION

The project is limited to six (6) encroachments (Table 1). One encroachment is for water diversion from Pine Creek. Water is diverted for domestic use and irrigation. Work for the water diversion will include facility retrofit, use and maintenance of the water

diversion infrastructure. One encroachment is to upgrade a failing and undersized culvert to a bridge crossing. Work for this encroachment will include excavation, removal of the failing culvert, replacement with a new properly sized bridge, channel recontouring, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. Two encroachments are to conduct crossing maintenance. Work for these encroachments will include minor excavation of streambank material and rock armoring as necessary to minimize erosion. The two other proposed encroachments are to upgrade failing and undersized culverts. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	41.0028, -123.76801	Replace undersized culvert on Class I stream with a 12' wide by 60' long bridge
Crossing-2	41.00363, -123.76994	Rock armor 24" diameter culvert on Class III stream at inlet and outlet
Crossing-3	41.00007, -123.77077	Excavate rock from culvert outlet on Class III stream
Crossing-5	41.00636, -123.77034	Upgrade Class II stream crossing with a minimum 24" diameter culvert, install a critical dip, fill the inboard ditch and rock armor
Crossing-6	41.00647, -123.77043	Replace undersized 18" diameter culvert on Class II stream with a minimum 30" diameter culvert and critical dip
POD-1	41.0023, -123.76902	Facility retrofit, use and maintenance of POD on Class I stream

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Coastal rainbow trout (*O. mykiss irideus*), Coastal Cutthroat Trout (*O. clarki clarki*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Rough-skinned Newt (*Taricha granulosa*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

- increased water temperature;
- reduced instream flow;
- temporary increase in fine sediment transport;
- short-term release of contaminants (e.g., incidental from construction);
- long-term release of contaminants (e.g., concrete, creosote, wood preservative)

leachates); and
change in dissolved oxygen (DO)

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

loss or decline of riparian habitat;
loss or decline of instream channel habitat;
change in contour of bed, channel or bank;
disturbance from project activity;
direct impacts on benthic organisms;
direct and/or incidental take of aquatic species

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

cumulative effect when other diversions on the same stream are considered;
diversion of flow from activity site;
indirect impacts;
impediment of up- or down-stream migration;
dewatering;
rewatering;
loss of pools or riffles;
change in flow depth, width or velocity;
change in fluvial geomorphology;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on June 14, 2017 with revisions received on June 4 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Incidental Take. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Project Timing

- 2.3 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.4 **Work Completion.** The proposed work shall be completed by no later than **October 15, 2019**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.5 **Extension of the Work Period.** If weather conditions permit, and the Permittee, wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.

Specific Measures for Endangered, Rare, or Threatened Species That Could Occur at Specific Work Sites

2.6 **Rare Plants.**

2.6.1 If any special status plant species are identified at a work site, CDFW shall require one or more of the following protective measures to be implemented before work can proceed:

2.6.1.1 Fencing to prevent accidental disturbance of rare plants during construction;

2.6.1.2 On-site monitoring by a qualified biologist during construction to assure that rare plants are not disturbed; and

2.6.1.3 Redesign of proposed work to avoid disturbance of rare plants.

2.6.2 If it becomes impossible to implement the project at a work site without potentially significant impacts to rare plants, then activity at that work site shall be discontinued.

2.7 **Rare Coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), and Steelhead (*Oncorhynchus mykiss*).** In order to avoid any potential for negative impacts to these species, the following measures will be implemented:

2.7.1 Project work within the wetted stream shall be limited to the period between June 15 and November 1, or the first significant rainfall, or whichever

comes first. This is to take advantage of low stream flows and to avoid the spawning and egg/alevin incubation period of salmon and steelhead. Whenever possible, the work period at individual sites shall be further limited to entirely avoid periods when salmonids are present (for example, in a seasonal creek, work will be confined to the period when the stream is dry).

2.7.2 Suitable large woody debris removed from fish passage barriers that is not used for habitat enhancement, shall be left within the riparian zone so as to provide a source for future recruitment of wood into the stream, reduce surface erosion, contribute to amounts of organic debris in the soil, encourage fungi, provide immediate cover for small terrestrial species and to speed recovery of native vegetation.

2.7.3 Prior to dewatering a construction site, fish and amphibian species shall be captured and relocated by CDFW personnel (or designated agents). Measures shall be taken to minimize harm and mortality to listed salmonids resulting from fish relocation and dewatering activities:

2.7.3.1 Fish relocation and dewatering activities shall only occur between June 15 and November 1 of each year.

2.7.3.2 Fish relocation shall be performed by a qualified fisheries biologist, with all necessary State and Federal permits. Rescued fish shall be moved to the nearest appropriate site outside of the work area. A record shall be maintained of all fish rescued and moved. The record shall include the date of capture and relocation, the method of capture, the location of the relocation site in relation to the project site, and the number and species of fish captured and relocated. The record shall be provided to CDFW within two weeks of the completion of the work season or project, whichever comes first.

2.7.3.3 Electrofishing shall be conducted by properly trained personnel following NOAA Guidelines for Electrofishing Waters Containing Salmonids Listed under the Endangered Species Act, June 2000.

2.7.3.4 Prior to capturing fish, the most appropriate release location(s) shall be determined. The following shall be determined:

2.7.3.4.1 Temperature: Water temperature shall be similar as the capture location.

2.7.3.4.2 Habitat: There shall be ample habitat for the captured fish.

2.7.3.4.3 Exclusions from work site: There shall be a low likelihood

for the fish to reenter the work site or become impinged on exclusion net or screen

- 2.7.3.5 The most efficient method for capturing fish shall be determined by the biologist. Complex stream habitat generally requires the use of electrofishing equipment, whereas in outlet pools, fish may be concentrated by pumping-down the pool and then seining or dipnetting fish.
- 2.7.3.6 Handling of salmonids shall be minimized. However, when handling is necessary, always wet hands or nets prior to touching fish.
- 2.7.3.7 Temporarily hold fish in cool, shaded, aerated water in a container with a lid. Provide aeration with a battery-powered external bubbler. Protect fish from jostling and noise and do not remove fish from this container until time of release.
- 2.7.3.8 Air and water temperatures shall be measured periodically. A thermometer shall be placed in holding containers and, if necessary, periodically conduct partial water changes to maintain a stable water temperature. If water temperature reaches or exceeds 18 °C, fish shall be released and rescue operations ceased.
- 2.7.3.9 Overcrowding in containers shall be avoided by having at least two containers and segregating young-of-year (YOY) fish from larger age-classes to avoid predation. Larger amphibians, such as Pacific giant salamanders, shall be placed in the container with larger fish. If fish are abundant, the capturing of fish and amphibians shall cease periodically and shall be released at the predetermined locations.
- 2.7.3.10 Species and year-class of fish shall be visually estimated at time of release. The number of fish captured shall be counted and recorded. Anesthetization or measuring fish shall be avoided.
- 2.7.3.11 If feasible, initial fish relocation efforts shall be performed several days prior to the start of construction. This provides the fisheries biologist an opportunity to return to the work area and perform additional electrofishing passes immediately prior to construction.
- 2.7.3.12 If mortality during relocation exceeds five percent, capturing efforts shall be stopped and the appropriate agencies shall be

contacted immediately.

2.7.3.13 In regions of California with high summer temperatures, relocation activities shall be performed in the morning when the temperatures are cooler.

2.7.3.14 The responsible party shall minimize the amount of wetted stream channel that is dewatered at each individual project site to the fullest extent possible.

2.7.3.15 Additional measures to minimize injury and mortality of salmonids during fish relocation and dewatering activities shall be implemented as described in Part IX, pages 52 and 53 of the California Salmonid Stream Habitat Restoration Manual.

2.7.4 If these mitigation measures cannot be implemented, or the project actions proposed at a specific work site cannot be modified to prevent or avoid potential impacts to anadromous salmonids or their habitat, then activity at that work site shall be discontinued.

Vegetation Management

2.8 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.

2.9 Vegetation Management. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

Water Diversion

2.10 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.

2.11 Bypass Flow. The Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.

2.12 Seasonal Diversion Minimization. No more than **200 gallons per day** shall be diverted during the low flow season from **May 15 to October 31** of each year. Water shall be diverted only if the Permittee can adhere to conditions 2.8 and 2.9 of this Agreement.

- 2.13 **Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.13.1 The date and time diversion occurred.
 - 2.13.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
 - 2.13.3 Permittee shall make available for review at the request of the department the diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.14 **Water Management Plan.** The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

Water Diversion Facility Retrofit

- 2.15 **Intake Structure.** No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.16 **Intake Structure Placement.** Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.17 **Intake Screening.** The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.17.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.

- 2.17.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.17.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.17.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.18 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.19 Exclusionary Devices. Permittee shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.20 Diversion Infrastructure Plan (DIP). The Permittee shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting photographs and/or diagrams, and justification of how compliance with the CDFW Fish Screen Criteria will be achieved under this Agreement.
- 2.21 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.22 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

Diversion to Storage

- 2.23 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.

- 2.24 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.25 Limitations on Impoundment and Use of Diverted Water. The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.
- 2.26 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.27 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

Stream Crossings

- 2.28 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.29 Equipment Storage and Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Staging/storage areas for equipment, materials, fuels, lubricants, and solvents, will be located outside of the stream's high water channel and associated riparian area where it cannot enter the stream channel. Stationary equipment such as motors, pumps, generators, compressors, and welders located within the dry portion of the stream channel or adjacent to the stream, will be positioned over drip-pans.
- 2.30 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-

7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

2.31 Access Routes. The number of access routes, number and size of staging areas, and the total area of the work site activity shall be limited to the minimum necessary to complete the restoration action while minimizing riparian disturbance without affecting less stable areas, which may increase the risk of channel instability. Existing roads shall be used to access work sites as much as practicable.

2.32 Dewatering.

2.32.1 Disturbance. Projects shall not disturb or dewater more than 500 feet of contiguous stream reach.

2.32.2 Stream Diversion. Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

2.32.3 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.

2.32.4 Stranded Aquatic Life. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.

2.32.5 Relocation of Aquatic Life. Any equipment entering the active stream (for example, in the process of installing a coffer dam) shall be preceded by an individual on foot to displace wildlife and prevent them from being crushed.

2.32.6 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water

diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.

2.32.7 Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.

2.32.8 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.

2.32.9 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

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

2.34 Construction Debris. Any construction debris shall be prevented from falling into the stream channel. Any material that does fall into a stream during construction shall be immediately removed in a manner that has minimal impact to the streambed and water quality.

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

2.36 Permanent Bridge Construction.

2.36.1 On streams which cannot be dewatered, heavy equipment shall be permitted up to two passes (stream crossings across and back), to install the bridge. If turbidity is observed greater than 500 feet downstream of the crossing, operations shall cease until turbidity dissipates.

2.36.2 Abutment fill below the high water mark shall only be log and/or rock.

Abutments shall not constrict the streamflow in a manner that limits upstream or downstream fish passage or is detrimental to aquatic life. If fill material needs to be placed within the stream when surface flows are present, only rip-rap, logs, clean, screened gravel, filter fabric, or other substances or structures that cause no siltation or other pollution shall be used.

2.36.3 As long as the bridge remains in place, the Permittee is responsible for maintaining free-flowing conditions under the bridge and clearing all debris that does not pass.

2.36.4 All permanent bridges shall accommodate the 100-year flow and associated debris. A minimum of two feet of freeboard from the bridge deck to the 100-year high water mark shall be established.

2.37 Culvert Installation.

2.37.1 The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. CDFW recommends corrugated metal pipe (CMP) for use in culvert installation and/or replacement.

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

2.37.3 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

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

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

and the outfall area.

2.37.6 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.38 Crossing Maintenance

2.38.1 The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow

2.38.2 No heavy equipment shall enter the wetted stream channel.

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

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

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

2.39 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock, compacted grindings, pavement, or chip-seal.

2.40 Foothill Yellow-legged Frog Avoidance

2.40.1 No crossing construction/reconstruction shall occur if water is present, unless a visual encounter survey is conducted for all life-stages of FYLF by a qualified individual (knowledgeable of all life stages of FYLF and similar species) within the project area no more than two weeks prior to operations.

2.40.2 Visual encounter surveys shall consist of walking the entire survey reach and visually scanning in the water and on the banks. Any frog species encountered shall be recorded and submitted to the Department along with the work completion report. Observation reports shall be recorded on a CNDDDB report form found at:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

2.40.3 Permittee shall install exclusion fencing to deter frog entry into project area during project implementation. Fencing shall be installed using the following guidelines:

2.40.3.1 Fencing shall be installed directly upstream and downstream of the project area, perpendicular to the direction of flow, within the bankfull channel, and fitted with wings, a minimum of ten feet in length, angled 45 degrees away from the project area.

2.40.3.2 The bottom edge of fencing should be securely in contact with the ground to prevent individuals from passing underneath.

2.40.3.3 When surface flow is present, fencing material spanning the channel shall not impede natural flow of water but shall prohibit passage of juvenile frogs (e.g., netting with no greater than 0.25 inch opening size).

2.40.3.4 Wing fencing shall be made of material FYLF cannot climb (e.g. geotextile fabric).

2.41 Project Inspection. The Project shall be inspected by Pacific Watershed Associates or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

Erosion Control and Pollution

2.42 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.

2.43 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

2.44 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment

and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.

- 2.45 Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 2.46 Waste Containment and Disposal. Permittee shall contain all operation associated refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of, at the close of the cultivation season and/or when the parcel is no longer in use. Photo documentation of newly installed storage containers shall be included in the Work Completion Report (condition 2.4).
- 2.47 Site Maintenance. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.48 Cover Spoil Piles. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.
- 2.49 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

3. Reporting Measures

- 3.1 Work Completion. The proposed work shall be completed by no later than **October 15, 2019**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.

- 3.2 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.12) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2018**.
- 3.3 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.13) within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.4 Diversion Infrastructure Plan. The Permittee shall **allow 60 days for CDFW review and approval** after submittal of a Diversion Infrastructure Plan (condition 2.20). This document shall be submitted to CDFW at the 619 Second Street, Eureka, CA 95501
- 3.5 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.41) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

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

To Permittee:

Stephen DiTuro
1006 Villa Way
Arcata, California 95521
707-502-8590
Caly4nia@aol.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0351-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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


AUTHORIZATION

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

CONCURRENCE

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

FOR STEPHEN DITURO




Stephen DiTuro

7-17-18

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor

7/19/18

Date

Prepared by: Kalya Bocast, Environmental Scientist, June 28, 2018



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 619 Second Street
 Eureka CA, 95501
 (707) 445-6493
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



December 13, 2019

Stephen DiTuro
 1006 Villa Way
 Arcata, CA 95521

Dear Stephen DiTuro:

Amendment of Lake or Streambed Alteration, Notification No. 1600-2017-0351-R1

The California Department of Fish and Wildlife (CDFW) has received your request to amend Lake or Streambed Alteration Agreement 1600-2017-0351-R1 (Agreement) and the required fee in the amount of \$447.25 for a minor amendment. Your request to amend the Agreement includes an extension of the work completion deadline from October 15, 2019 to October 15, 2020, for the following projects: stream crossings #1-3, #5 and #6 and point of diversion #1.

CDFW hereby agrees to amend the Agreement with addition of the following conditions:

- POD#1 – Retrofit water diversion facility consistent with conditions outlined in the original Agreement, by no later than January 15, 2019. Photographs shall be taken and submitted to CDFW by January 20, 2020, confirming facility retrofit completion.

All other conditions in the Agreement remain in effect unless otherwise noted herein.

Please sign and return one copy of this letter to acknowledge the amendment. Copies of the Agreement and this amendment must be readily available at project worksites and must be presented when requested by a CDFW representative or agency with inspection authority.

If you have any questions regarding this letter, please contact Environmental Scientist Kalyn Bocast at kalyn.bocast@wildlife.ca.gov.

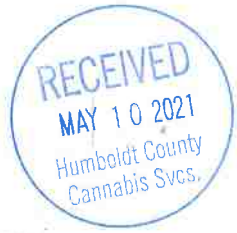
Sincerely,

Scott Bauer
 Senior Environmental Scientist Supervisor

ec. Jack Skeahan
 Pacific Watershed Associates
jacks@pacificwatershed.com

12457

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: Part A may be completed by the applicant

Applicant Name: Steven DiTuro

APN: 522-941-001

Planning & Building Department Case/File No. App No. PLN-12457_SP; Case No. SP16-530

Road Name: Bair Road (complete a separate form for each road)

From Road (Cross street): Highway 299

To Road (Cross street): Private Driveway

Length of road segment: 11.4 miles miles Date Inspected: N/A

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

Check one of the following:

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

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

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

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

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road. A map showing the location and limits of the road being evaluated in PART A is attached.

Signature: Stephen C. DiTuro

Date: 4-11-21

Name Printed: Stephen C. DiTuro

Employees: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7791

Baldwin, Blomstrom, Wilkinson and Associates, Inc.
Implementing Ecosystem Forestry in Northwestern California
POB 702
Arcata, CA 95518



**Re: Re-stocking plan for Pending Permit #12457 Love & Laughter Farms
Property APN # 522-941-001.**

October 4, 2021
Prepared For:
Steven Dituro and Brianne Aalders

Prepared by:

Mark Andre
Registered Professional Forester #2391
Baldwin, Blomstrom, Wilkinson and Associates Inc.
PO Box 702

A handwritten signature in black ink that reads "Mark Andre".

Mark Andre, RPF #2391
Associate Forester
Email: mandre2391@gmail.com
(707) 822-8542 cell (707) 845-5804

General Location

The subject parcel is located in the Hupa Mountain Quadrangle, Southeast ¼ of Section 7, Township 7N, Range 4E, H.B. & M. Lat. 41.0022; Long. -123.7735). The project is located on an 83-acre parcel within the unincorporated county area and is zoned "TPZ". It is in an area of TPZ and rural residences accessed from Bair Road. The property owner is Stephen Dituro and Brianne Aalders. The assessor parcel number is 522-941-001.

The project area is at the southern end of Pine Ridge, draining to the Pine Creek drainage. The location is one air mile west of the Hoopa Tribal land. The elevation is approximately 3,400 feet and aspect is southeast. The Cal watershed is Lower Pine Creek ID # 1105.110105. The project site involves primarily a second growth Douglas fir and tanoak forest on a private parcel with existing roads and graded ridgetop. There are no wetlands, watercourses or Watercourse Protection Zones within the proposed re-stocking area.

Information used for this report

1. Field review conducted by Mark Andre RPF#2391 on August 20th 2019.
2. Deficiency letter from County of Humboldt.
3. Site plan developed by Pacific Watershed Associates.

Background

BBW & Associates Mark Andre, RPF #2391 was requested by the property owners to develop a re-stocking plan in order to restore 0.20 acres of land to native trees.

The area subject to re-stocking is 0.20 acres

Timber site class is Site III.

The seed zone for ordering conifer stock is 092 and elevation is 3,400 feet.

Soil type is Mooncreek-Noisy-Sidehill complex (Unit 463); 30 to 75 percent slopes Humboldt and Del Norte Area, California

From my site review of this property in 2019, I noticed that there has been natural seeding of conifer trees in the vicinity of the area to be re-stocked, therefore natural seedling combined with a robust re-forestation effort will provide a high probability of re-establishment of native trees to the cleared area that will meet the California Forest Practice Rules stocking standards per 14 CCR 912.7.

Site preparation:

- Planting spots will be scalped 18' x 18' to bare mineral soil with the side of the hoedad planting tool.

Planting method and practices:

- In order to re-stock the cleared area 110 Douglas fir (*Pseudotsuga menziesii*) seedlings will be planted on a 10'x10' spacing using a hoedad planting tool. The RPF can assist the landowner in obtaining the planting stock from a location nursery.
- Two-year-old bare root or containerized seedlings obtained for this seed zone and elevation will be planted during the period of December -March.
- Vexar tubes will be applied to the seedlings to prevent deer browse.

To help prevent damage, keep roots covered and moist from the moment seedlings are removed from their shipping bundles until they are planted. Plant in the rain if possible. Carry seedlings in a planting bag or bucket to protect them from sun and wind, and remove just one tree at a time for planting - after the hole has been dug. Dig a sufficient hole. Many planting errors can be blamed on holes too small for the roots going in them. Holes should be deep enough to hold the root system with ease and allow for broken soil all around the root system to promote root growth. If the roots are nine inches long, dig the hole at least 12 inches deep to provide broken soil under the seedling. Hoedads and planting shovels are both viable hole-digging options – just make the hole big enough.

Plant at the right depth. Planting too shallow leaves upper roots exposed, leading to their death. Planting too deep can be a problem if lower twigs and needles are buried.

Place the roots in a natural position. Be sure the planting hole is large enough in width and depth so the root system will not be crowded or j-rooted.

Some common hand planting errors include:

Planting the seedling too shallow: The root collar and roots are exposed above the soil drying out the roots.

Planting the seedling too deep: The conifer seedlings root collar is buried 1” or more below the soil surface.

J or U Roots: Roots form a J or U shape from the seedling being pushed into the planting hole resulting in the primary root to point to the side or back upward. This problem contributes to poor root development and seedling problems. (Avoid by making the planting hole a little wider before planting the seedling.)

Seedling too loose: A firm pull on the seedling should not move the plant. The seedling should be packed firmly in the soil. Seedling not erect: The tap root should not be planted at more than 30 degrees from perpendicular

Firm the soil around each plant. While holding the tree in an upright position at the correct depth, fill the hole with loose, moist soil. Do not let dry soil, rocks or surface litter fall in the hole, or roots in these dry spots could be damaged or killed. When the hole is filled in with moist soil, press it down firmly.

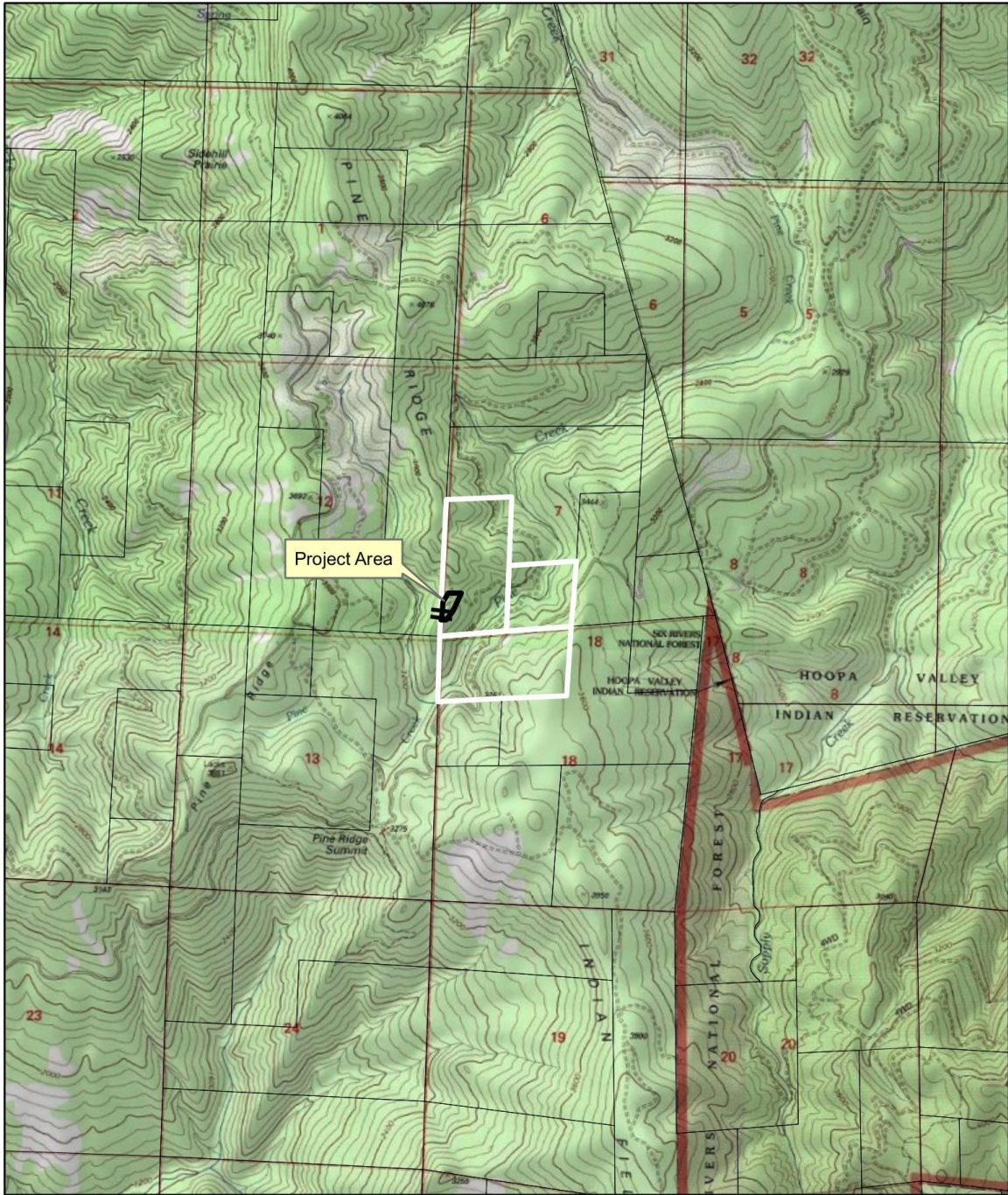
Provide mulch around each planting spot using wood chips, bark or tree debris or paper collars to prevent drying of soil near seedling. Completing vegetation should not be an issue at this planting location.

Provide supervision and inspection by a qualified forester and/or tree-planting technician to assure quality control of the planting. Provide annual inspections for a period of five (5) years following the initial planting to determine seedling survival, natural seed establishment, and adequacy of the reforestation effort. Excessive mortality must be remedied through additional plantings and additional protection measures

Manage competition. Control competing vegetation for at least the next two years to give the tree time to become fully established. Control methods for this small site can be using hand tools to scrape or grub out competing vegetation.

Attachments: Location and Site Maps

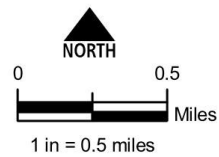
General Location Map of Area to Re-stock with native conifers-APN # 522-941-001



Dituro/Aalders

location map (1" = 0.5 miles)

USGS 7.5 Minute Quadrangles
 Hupa Mountain: Section 7 of T.7.N., R.4.E. of H.B. & M & Map date 2012
 Lord-Ellis Summit: Section 18 of T.7.N., R.4.E. of H.B. & M contour interval =80'



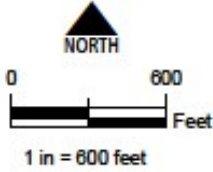
Location Map of area to be re-stocked APN 522-941-001

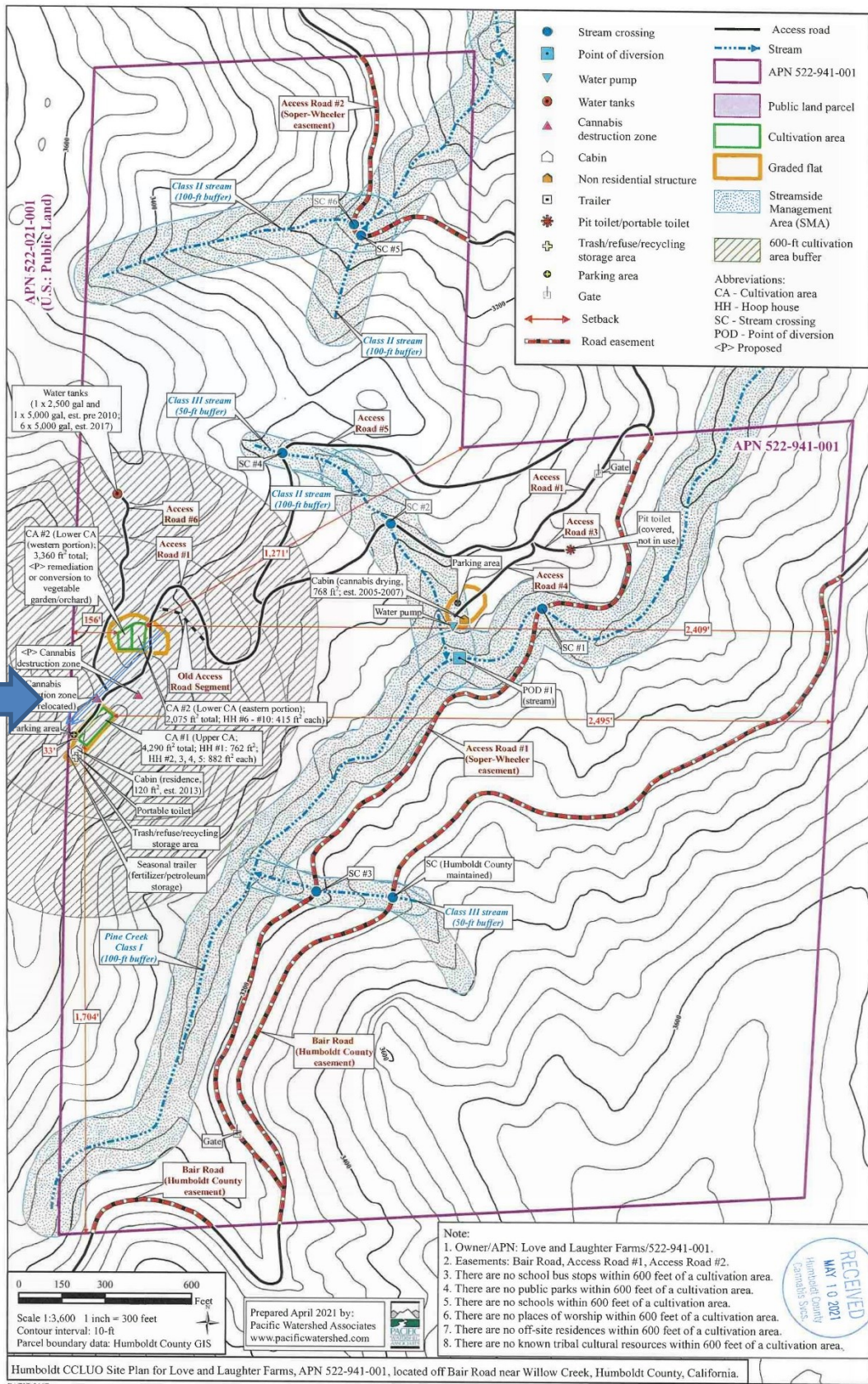


Dituro/Aalders

2018 NAIP Imagery (1" = 600')

USGS 7.5 Minute Quadrangles
Hupa Mountain: Section 7 of T.7.N., R.4.E. of H.B. & M &
Lord-Ellis Summit: Section 18 of T.7.N., R.4.E. of H.B. & M

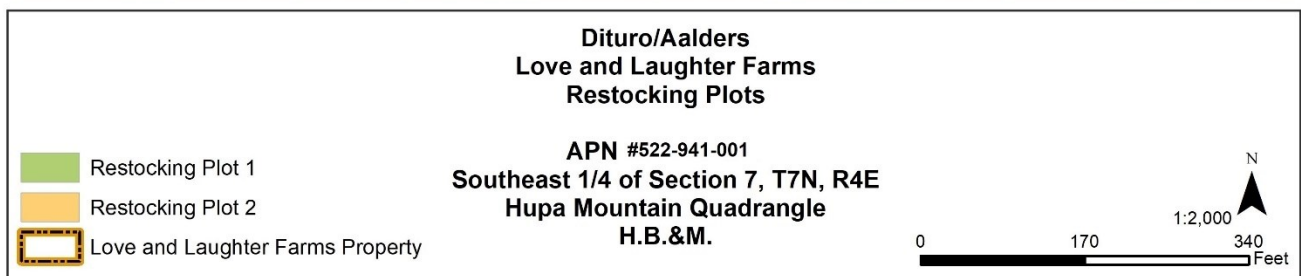
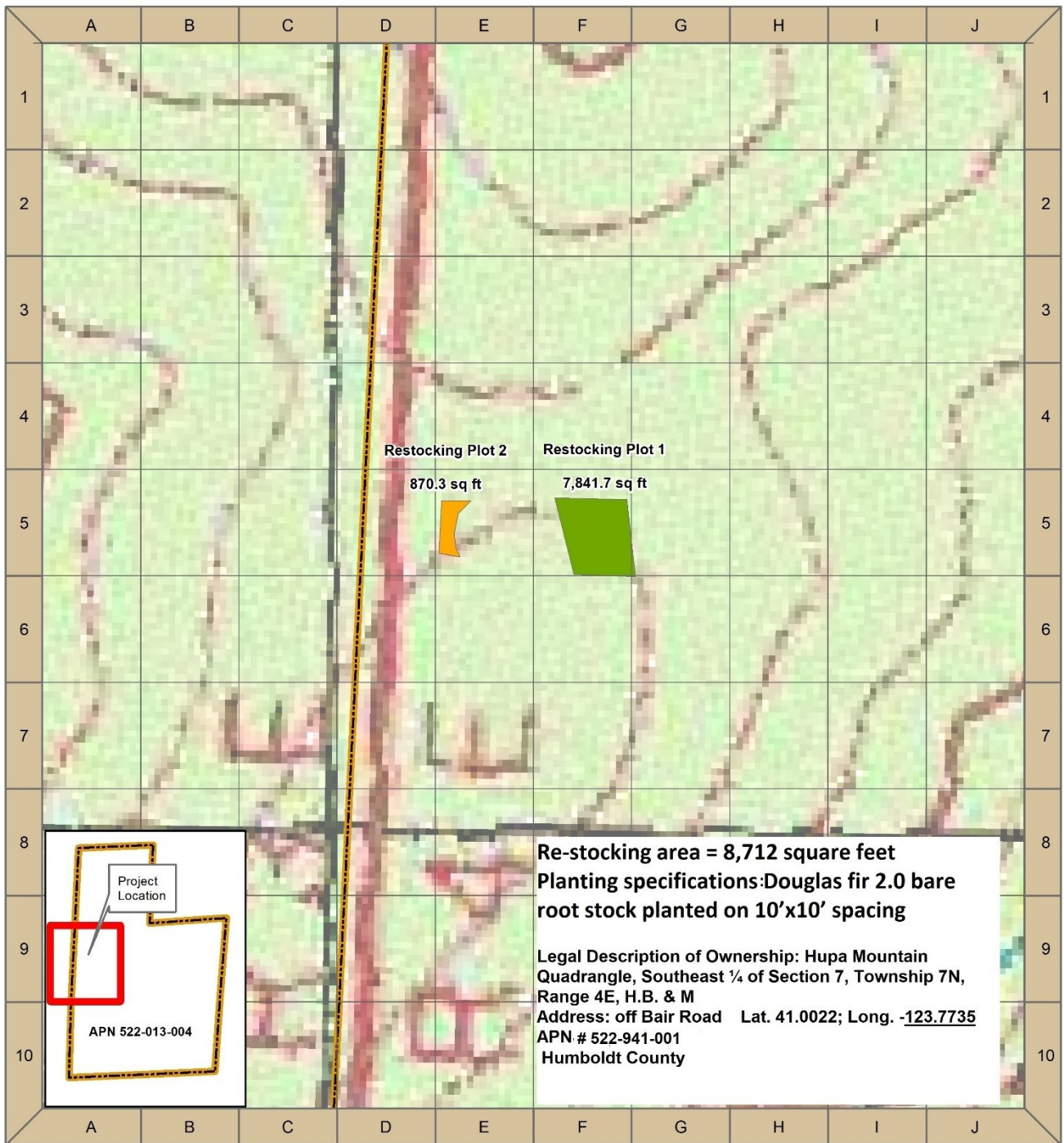




Re-stocking area

RECEIVED
 MAY 10 2021
 Humboldt County
 Cannabis Sites

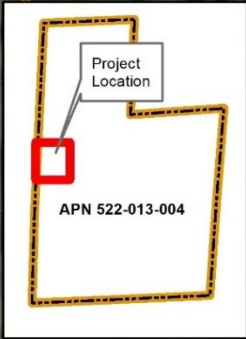
12457





Re-stocking area = 8,712 square feet
Planting specifications Douglas fir 2.0 bare root stock planted on 10'x10' spacing

Legal Description of Ownership: Hupa Mountain Quadrangle, S Southeast 1/4 of Section 7, Township 7N, Range 4E, H.B. & M
 Address: off Bair Road Lat. 41.0022; Long. -123.7735
 APN # 522-941-001



**Dituro/Alders
 Love and Laughter Farms
 Restocking Plots**

APN 522-941-001
Southeast 1/4 of Section 7, T7N, R4E
Hupa Mountain Quadrangle
H.B.&M.

Legend:
 Restocking Plot 1
 Restocking Plot 2
 Love and Laughter Farms Property

N
 1:800
 0 65 130 Feet

April 8, 2022

Keduescha Lara-Colegrove, MA., THPO
Tribal Heritage Preservation Office
Hoopa Valley Tribe
PO Box 1348 and P.O. Box 1130
Hoopa, CA, 95546

Re: Commercial Cannabis Application PLN-12457-SP- Love and Laughter Farms
(APN 309-071-030)

Dear Keduescha,

On December 23, 2016, the Humboldt County Planning Department accepted an application for 10,000 square feet of existing outdoor commercial cannabis cultivation on a parcel located within Hoopa ancestral lands. Below you will find a map of the general location of the project (application number PLN-12457-SP) and the project description. You will find that this project is not located in the Supply Creek Watershed which we have committed to not move forward without further consultation. On December 12, 2021, and January 10, 2022, the assigned Planner submitted the project information to your organization to solicit input on the project. We have not received a response to the follow-up emails submitted on January 10, 2022, and January 24, 2022 and want to ensure that you have had time to review and provide input on this project. The Planning Department is considering the approval of the Special Permit as the applicant has submitted all required documentation for the Special Permit which includes a *Cultural Resource Investigation* (attached). We are projecting a May 5, 2022, Planning Commission hearing date and wanted to provide you with sufficient advance notice so that we may address any concerns your organization might have.

If you have questions about the project or would like additional information, please contact Abbie Strickland, Planner, at (707)441-2630 or by email at astrickland@co.humboldt.ca.us.

Thank you,



Cliff Johnson
Supervising Planner
(707)268-3721

Attached:
Map of Project Location
Project Description
Applicants Site Plan
Confidential- Cultural Resource Investigation

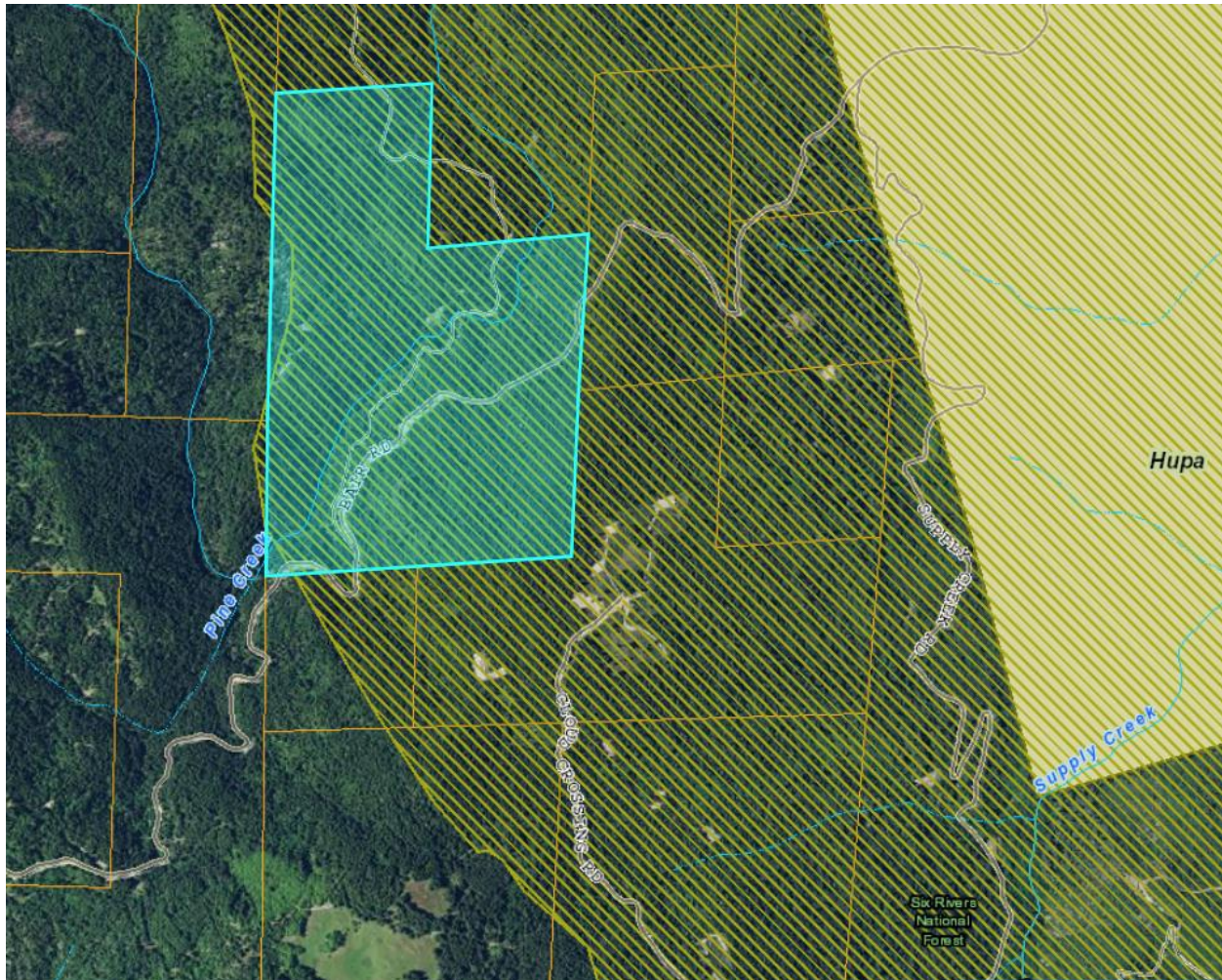


Figure 1: Subject parcel in relation to ancestral territory.

Figure 2: Project Description

“The applicant is seeking a Special Permit for 10,000 square feet of existing full-sun outdoor commercial cannabis cultivation. One harvest is obtained annually. Water for irrigation was historically sourced from a registered spring diversion from Pine Creek, however, the applicant is transitioning to entirely rainwater catchment. The applicants projected annual water usage is 37,500 gallons. Water storage onsite totals 37,500 gallons. Processing such as drying and curing occurs onsite in an existing 770 square foot structure, further processing occurs offsite at a licensed third-party processing facility. The project is owner operated; therefore, no employees are required. The minimal energy required for the project will be sourced from a generator.”



March 29, 2021

CONFIDENTIAL



Biological Assessment for Love and Laughter Farms Cannabis Cultivation Project

1. INTRODUCTION

The permit for Love and Laughter Farms cannabis cultivation project (APPS No: 12457), or Love and Laughter Farms (LLF), involves 10,000 square feet (sq. ft.) of outdoor cultivation in northcentral Humboldt County. About eight and a half miles northwest of the town of Willow Creek, on a parcel (APN 522-941-001) assessed as 210 acres, this project is located off Bair Road, in the southwest ¼ of Section 7, Township 7 North, Range 4 East, HBM.

Owned and operated by partners Stephen Di Turo and Brianne Aalders; however, Humboldt County Planning and Building Department's (HCPBD) Cannabis Service Division has required additional biological information to finalize the application process. According to October 8, 2019 HCPBD Deficiency Letter:

7. *There are documented Northern Spotted Owl (NSO) and Marbled Murrelet (MAMU) occurrences on the parcel, please submit a scoping report for NSO and MAMU habitat prepared by a biologist or forester with experience in the life history of the species and prepare a light and noise attenuation plan. Conformance shall be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature.*
8. *There is habitat for rare or endangered species (in addition to NSO and MAMU) within the project site; therefore, a biological survey report prepared by a qualified biologist for all existing and proposed developments is required. The minimum requirements of the report are:*
 - *A review of relevant databases, literature, etc. regarding possible present species, for both animals and plants,*
 - *A review of the site-specific conditions as to the likelihood of hosting habitat for species, and*
 - *If habitat is present, completion of protocol level surveys*

As such, Mr. Di Turo has asked me to address the above-mentioned issues, and assess potential environmental impacts according to due process. Having consulted on northern California forest-wildlife matters since 1990, I specialize in biological analysis for protected and sensitive species in compliance with State and federal law. A qualifying "Spotted Owl Expert" (SOE), my [resume](#) also demonstrates extensive knowledge of environmental regulations and policy.

Consequently, this report focuses on potential impacts of existing and proposed commercial agricultural activities pursuant to California Environmental Quality Act (CEQA) statute (Public Resources Code Section 21000 and following), the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures. Streamlining investigation of potential significant environmental impacts, this report incorporates (tiers) documentation for this project previously submitted to the HCPBD.

Specifically, in addition to a final Lake or Streambed Alteration Agreement (LSAA) with California Department of Fish and Wildlife (CDFW), and Watershed Resources Protection Plan (WRPP) by Pacific Watershed Associates (PWA), this biological assessment (BA) is in large part based on Timberland Conversion Evaluation Report (TCER) prepared by licensed Forester working for Baldwin, Blomstrom, Wilkinson and Associates, Inc (BBW).

PROJECT DESCRIPTION

This project involves 10,000 sq. ft. of existing outdoor cultivation in outdoor gardens and/or hoop-houses. With an operational disturbance footprint of about one and a half acres, mostly located on existing roads and graded ridgetop, this cannabis cultivation and associated small utility shed is off-the-grid. In cleared second growth Douglas fir and tanoak forest, it appears medical marihuana may have been grown on this ownership since at least 2010. Zoned as Timber Production Zone (TPZ), according to TCER prepared for Humboldt County by BBW Registered Professional Forester (RPF) Mark Andre (#2391):

“Previous property owners began converting timbered areas into non-timbered uses at some time before 2009. Additional conversion activities of approximately 1/5 acre occurred by the current property owner after 2016. Overall, the combined converted areas of approximately 0.55 acres took place in multiple steps between the original conversion prior to 2009 and sometime after 2016.”

The landowners have also completed substantial watershed improvements, such as upgrading failing or undersized culverts, and replacing creek-crossing with a properly sized bridge. According to the final LSAA signed with CDFW, water diverted from Pine Creek shall be stored in eight plastic tanks with a total capacity of 37,500 gallons. However, limited to three gallons a minute (gpm), no more than 200 gallons a day shall be diverted during the low flow season (May 15 to October 31).

ENVIRONMENTAL SETTING

Classified according to “A GUIDE TO WILDLIFE HABITATS OF CALIFORNIA” (Mayer and Laudenslayer 1988), the proposed cannabis cultivation will be conducted in cleared second growth Douglas-Fir Habitat. Sandwiched between the Hoopa Valley Reservation (HVR) and adjacent Bureau of Land Management (BLM) holdings, this ownership is located in the headwaters of Pine Creek, approximately 20 miles upstream from its confluence with the Klamath River.

On a well-drained ridge, at an elevation of 3,500 feet, the area around this cannabis cultivation was likely clear-cut in the mid-1900s, and then logged at least once since then. Within the range of the northern spotted owl (NSO) (*Strix occidentalis caurina*); however, more than 18 miles from the Pacific Ocean, in previously cut-over ground, this project area cannot be considered as suitable habitat for marbled murrelets (*Brachyramphus marmoratus*).

Previously field inspected by environmental specialists and consultants, TCER by BBW Forester Mark Andre provides a comprehensive environmental baseline analysis. However, other than two small unpermitted clearings associated with cannabis cultivation, the TCER found no evidence of forest management was found since 1993. Visiting this project site on March 24, 2021, I confirmed the absence of wetlands and/or other sensitive habitats potentially impacted by proposed cannabis cultivation.

Existing habitat conditions were evaluated in accordance to Regulatory and Scientific Basis for U.S. Fish and Wildlife Service Guidelines for Evaluation of Take for Northern Spotted Owls on Private Timberlands in California's Northern Interior Region (USFWS 2008). Although this site is unsuitable as NSO nesting habitat, foraging habitat is present within 100 feet of operations. Suitable nesting habitat may be present elsewhere on this ownership, or on adjacent public lands to the west.

REGULATORY SETTING

Proposition 64 (the California Marijuana Legalization Initiative) gives each municipality the right to make their own rules. As such, the HCPBD began accepting applications for projects in the Inland Zone after the CMMLUO was adopted by the Board of Supervisors on February 26, 2016. Accordingly:

"It is intended to address the County of Humboldt's prerogative to license, permit, and control commercial cultivation, processing, manufacturing and distribution of cannabis for medical marijuana as set forth in the MMRSA, including, but not limited to the provisions of Business and Professions Code Sections 19315, 19316, 19320, 19322, 19332, and 19360 and Health and Safety Code Section 11362.777, in conjunction with state licensing requirements, in order to protect the public health, safety, and welfare of the residents of the County of Humboldt, and to reduce or eliminate any adverse environmental effects of existing commercial cannabis cultivation operations in the County of Humboldt, and to prevent adverse environmental effects of any new commercial cannabis activities which may be permitted in the future in accordance with this Section and state law."

The Commercial Cannabis Land Use Ordinance (CCLUO), as revised on January 11, 2018, limits the maximum allowable cultivation area for outdoor and/or mixed light cultivation to the size of the existing cultivation area prior to January 1, 2016. As per Section 314-55.4.9, Table of Humboldt County Commercial Cannabis Cultivation Permit Types – Inland Zone, the maximum area for an existing cultivation project, on a single parcel ten acres or larger, is 22,000 sq. ft. for mixed-light, and 43,560 sq. ft. for outdoor cultivation.

Although 55.4.6.5 provides accommodations for pre-existing cultivation sites that exempts them from performance standards required of new developments, general provisions applicable to all commercial cannabis land use activities intended to alleviate adverse environmental impacts include addressing potential disturbance of federally listed species in accordance to the Endangered Species Act (ESA), the CCLUO specify:

“The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.”

Cannabis cultivators applying for an Annual License from the California Department of Food and Agriculture must also address potentially significant adverse environmental effect in accordance to CEQA. Although CEQA does not directly regulate land use, it does require state and local agencies to follow a protocol of analysis and public disclosure. It also provides a blueprint for determining detrimental significant environmental impacts.

Water quality in California is governed by the Porter-Cologne Water Quality Control Act and certification authority under Section 401 of the Clean Water Act (CWA), as administered by the Regional Water Quality Control Board (RWQCB). The Section 401 water quality certification program allows the State to ensure that activities requiring a Federal permit or license comply with State water quality standards. Water quality certification must be based on a finding that the proposed discharge will comply with water quality standards which are in the regional board’s basin plans.

Furthermore, cannabis cultivation is often conducted on land cleared under the 1973 Z’berg-Nejedly Forest Practice Act (Public Resources Code Section 4551 et seq.). Hereto referred to as the California Forest Practice Rules (FPRs), not only are these rules functionally equivalent to CEQA, enforced by the California Department of Forestry and Fire Protection (Cal Fire), they provide firmly established thresholds of significance for sensitive biological resources. Specifically, 14 CCR §919.9 and §919.10 contain U.S. Fish and Wildlife Service (USFWS) recommendations for avoiding take of NSOs.

Under the FPRs, three-acre conversions are exempt from preparing a Timber Harvest Plan (THP), because such limited habitat modifications can typically be accomplished as a ministerial action, as long as they comply with other federal, State and County ordinances. As such, a TCER was prepared to address environmental issues linked to unpermitted minor clearings associated with this project in accordance to Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10(j).

While the USFWS and the National Marine Fisheries Service (NMFS) have authority over federally listed species, and the USFWS has statutory authority and responsibility for enforcing the Migratory Bird Treaty Act (MBTA), CDFW is responsible for implementation the CESA. Also authorized to comment and make recommendations on

CEQA projects; however, as Lead Agency, permitting legal cannabis cultivation according to due process, in a manner that prevents or minimizes significant environmental impacts, is ultimately a Humboldt County responsibility.

1. BIOLOGICAL COMMUNITIES

In addition to a literature review of floral and faunal communities likely impacted by the proposed cannabis cultivation using CDFW's List of Special Animals (2021), preliminary environmental scoping also included a query of the CNDDDB for special status species within 1.3 miles of the project. Compatible with the standards for evaluating impacts on NSOs, there are four historical Territories within the assessment area; HUM0052, HUM0158, HUM0535 and HUM0789. However, the closest known occupied MAMU habitat is over fifteen miles away, in lower Redwood Creek.

The CNDDDB does not document special status species directly associated with proposed cannabis cultivation, but in addition to NSOs, there are six other special status species within the assessment area. Southern torrent salamanders (*Rhyacotriton variegatus*) and foothills yellow-legged frogs (*Rana boylei*), as well as four special status plants; giant fawn lily (*Erythronium oregonum*), coast fawn lily (*Erythronium revolutum*), white-flowered rein orchid (*Piperia candida*), and Pacific gilia (*Gilia capitata ssp. pacifica*).

Whereas pertinent floral and faunal communities potentially impacted by proposed operations have been assessed in terms of ecological guilds, this report is in large part based on comprehensive environmental investigation provided in the TCER:

"In the opinion of the RPF, the project site does not contain any special habitat features associated with listed species within the Hupa Mountain and Lord Elis Summit Quadrangles. No unique habitat elements are present on site. No nests or rookeries were observed. No rocks out crops, wet areas or large snags were observed within the conversion area."

2. DISCUSSION OF ENVIRONMENTAL IMPACTS

Article 5 of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) provide rules for "Preliminary Review of Project and Conduct of Initial Study". Concerned with present plant or animal communities threatened by local elimination, in jeopardy of substantial habitat reduction, or dropping below self-sustaining levels as a result of proposed project [§15065(a)(1)], CEQA requires substantial evidence of significant environmental effects before empowering lead agency to authorize additional mitigations or alternatives [§15126.4 (a)(3)].

To the best extent possible, such arguments should contain an element of Forecasting (§15144), as well as a degree of Specificity (§15146) and Technical Detail (§15147). Limited to activities which are within the agency's area of expertise [§15096 (d)], comments need to be written in a manner that is meaningful and useful to the decision-making body and the public [§21003(b)].

“Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence” [14 CCR §21080(e)(2)].”

Consequently, special-status species potentially impacted by the proposed cannabis cultivation have been discussed with emphasis on CEQA significance, starting with those listed under the ESA, followed by CESA listed species, and lastly, non-listed sensitive species. Although potential effects to animals with large territories were considered inside 1.3 miles, impacts to species with smaller ranges and/or specific habitat requirements were evaluated within the disturbance footprint of proposed operations.

Addressed in terms of ecological guilds, floral and faunal impacts have been discussed for Northern Spotted Owl and Late Mature Forest Species, Bald Eagle, Osprey and Forest Raptors, Aquatic/Wet Site Species, Forest Mustelids and Other Small Mammals and Special Status Plants. Parameters used to appraise potential CEQA significance included (1) occurrence and distribution of the species in relation to the project area, (2) species sensitivity to disturbance, (3) existing baseline conditions, and (4) the species legal status and population size.

A species would be dropped from further consideration, if the project area was found to occur outside its distribution, or vital habitat requirements for that species were absent. As such, located more than 100 feet from watercourses, this project’s near ridge location allays potential impacts to anadromous fish habitats. Unsuitable for marbled murrelets, further analysis for this species has also been dropped.

Northern Spotted Owl and Late Mature Forest Guild Species

The NSO requires mature forest patches with permanent water and suitable nesting trees and snags (Zeiner et al. 1990). Although initially believed to be old growth obligate, they commonly occur in younger forest types of northern California (USDA 1994). Nevertheless, spotted owls share an affinity for mature forest with other sensitive species dependent on large more decadent trees, downed woody debris, or require lower ambient temperatures associated with interior stand conditions.

Whereas the CNDDDB records detections attributed to NSO Territory HUM0535 about 0.7 miles north of this project, reoccurring surveys by neighboring timberland owners have apparently not picked up owls inside this assessment area since 1995. To the west, HUM0052 has not nested within the assessment area since 1992. Similarly, HUM0158 and HUM0789 are historical NSO Territories located more than a mile from the project site, from which detections have not been detected for at least twenty years.

The FPRs specify a protection zone around nesting NSOs, but given the absence of documented Activity Centers (ACs) within a ¼ mile of this project, and that proposed operations do not involve additional habitat encroachment, this cannabis cultivation is unlikely to impacts spotted owls in a manner that would amount to take. As such, protocol NSO surveys would be inappropriate. Not required to assess impacts from such small-scale tree removal, broadcasting spotted owl vocalizations in this manner may be construed as take. Especially if it results in conflict with exotic and invasive Barred Owls.

Nevertheless, because it is conceivable that disturbance from agricultural activities could potentially violate the ESA, potential incidental take has been assessed in accordance to USFWS protocol for avoiding logging disturbance. As per “**Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California (USFWS 2006)**”, disturbance may reach the level of “take” when one of the following conditions are met:

- *Project-generated sound exceeds ambient nesting conditions by 20-25 decibels (dB)*
- *Project-generated sound, when added to existing ambient conditions, exceeds 90 dB*
- *Human activities occur within a visual line-of-sight distance of 40 m or less from a nest*

Cannabis cultivation does not generate the same type of landscape-wide disturbance as logging, and impacts to these guild species are unlikely. However, potential NSO disturbance has been assessed according to the 50 decibel (dB) threshold, at 100 feet, or the edge of habitat, as required by CDFW for cannabis cultivation in Humboldt County.

Bald Eagle, Osprey and Forest Raptor Guild

Bald eagles (*Haliaeetus leucocephalus*) and osprey (*Pandion haliaetus*) typically prefer nesting close to streams and rivers. Occupying the same niche as great blue herons; however, golden eagles (*Aquila chrysaetos*) favor large trees and rock faces on prominent ridges associated with grassy meadows. Fully protected, as are all nesting raptors, although the CNDDDB does not record rookeries or other nesting birds of prey within 1.3 miles of this project, regularly observed in the Klamath River watershed, the populations of these large birds are generally increasing.

Nevertheless, no active raptor nests or rookeries have been observed in association with this project. Given existing environmental baseline conditions, and that proposed cannabis cultivation does not involve additional habitat removal, it is reasonable to conclude that this project will not significantly impact these guild species.

Aquatic/Wet Site Guild

The CNDDDB indicates the presence of southern torrent salamanders further down in Pine Creek, and this database also included a 1960 record of foothills yellow-legged frog. Lumped together based on their affinity for water, wet areas and riparian habitat, potential habitat for pacific giant salamander (*Dicamptodon tenebrosus*), rough-skinned newt (*Taricha granulosa*), Pacific tailed frog (*Ascaphus truei*) and northern red-legged frog (*Rana aurora*) may also occur within the assessment area.

Nevertheless, there are no records of aquatic/wet site guild species on this ownership, and more than 100 feet from a watercourse, cannabis cultivation does not involve drawing water from streams or ponds in a way that would impact aquatic/wet site species. As such, further consideration for these species has been dropped. Because measures specified in the LSAA and agreed to by the landowner mitigate significant impacts to these species.

Forest Mustelids and Other Small Mammals

The CNDDDB has no records of sensitive mammals within 1.3 miles. Although the surrounding mixed hardwood-conifer forest is likely to contain suitable habitat for Sonoma tree vole (*Arborimus pomo*) and Fishers (*Pekania pennantiare*), North American porcupines (*Erethizon dorsatum*) are less common. Nevertheless, grasslands or open meadows potentially suitable for American badgers (*Taxidea taxus*) do not occur in association with this project, and outside the geographic range of the Humboldt marten (*Martes americana humboldtensis*), suitable habitat for Townsend's big-eared bats (*Corynorhinus townsendii*) was not observed.

Prohibited from using rodenticides, proposed cannabis cultivation does not involve additional habitat encroachment. Thus, it is unlikely to significantly impact forest mammal populations. Moreover, the use of monofilament netting shall be avoided to reduce the risk of ensnaring wildlife. Consequently, further consideration of these guild species has been dropped.

Protected Plant Guild

The closest recorded special status plants reported by the CNDDDB are historical occurrences of giant fawn lily and coast fawn lily, about 400 feet to the south along Bair Road, dating back to 1973 and 1927, respectively. Whereas Pacific gilia and white-flowered rein orchid are also present about a mile away, comprehensive botanical scoping provided in the TCER lists fourteen sensitive plant species as possibly within the range of this project. Accordingly, impacts to sensitive floral communities have been addressed as per the California Native Plant Society (CNPS):

“Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, or those considered to be functionally equivalent to CEQA, as they meet the definition of Rare or Endangered under CEQA Guidelines §15125; (c) and/or §15380.”

Nevertheless, considering existing baseline conditions, potential impacts to sensitive botanical communities can reasonably be dismissed, because proposed cannabis cultivation does not involve additional ground disturbance of the type that could affect sensitive plant communities in ways that could be CEQA significant.

3. DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

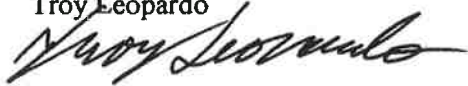
A determination of potential significant environmental effects calls for careful judgment on the part of the public agencies involved. However, not only does CEQA require that a project's potentially harmful impacts be discussed with an emphasis in proportion to their severity and probability of occurrence (§15143), those impacts must also be judged against existing baseline conditions. According to the CCLUO, Exhibit A – FINDINGS AND STATEMENT OF OVERIDING CONSIDERATIONS:

“The EIR adopts as its baseline for analysis of impacts the existing environmental conditions that include the legacy of a half century of unregulated cannabis cultivation in remote and environmentally sensitive areas ...that unquestionable caused harmful environmental impacts that are documented in the EIR...”

The importance of factoring in current habitat conditions when conducting an ESA “take” analysis is also indicated in the [Section 7 USFWS Consultation Handbook](#). Moreover, held to higher standards than other legally permitted land uses, the implementation of the CCLUO has also resulted in severely reducing the harmful effects of illegal growing.

Thus, it is reasonable to conclude that this project will not impact special status plants or animal communities in a manner that could be CEQA significant. Nevertheless, for the purposes of this BA, potential disturbance to special status species has been assessed in accordance to take avoidance guidelines for NSOs developed specifically by CDFW for Humboldt County. As such, noise levels from cultivation operations should not exceed 50 decibels (dB) at 100 feet, or the edge of habitat.

Troy Leopardo



Leopardo Wildlife Associates
145 Liscom Hill Road
McKinlyville, CA 95519
(707) 502-9357
leowild@prodigy.net

4. SOURCES AND LITERATURE CITED

Association for Environmental Professionals (AEP). 2020. California Environmental Quality Act (CEQA) Statute and Guidelines, califaep.org

California Department of Fish and Wildlife. 2021. Natural Diversity Data Base Spotted Owl Data Viewer. March 22, 2021 Report

Mayer, K.E and William F. Laudenslayer (1988). A Guide to Wildlife Habitats of California. California Dep. Of Forestry and Fire Protection, Pacific Southwest Forest and Range Experiment Station (Berkeley, Calif.)

U.S. Fish and Wildlife Service. 2006. Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California July 26, 2006

U.S. Fish and Wildlife Service. 2008. Regulatory and Scientific Basis for U.S. Fish and Wildlife Service Guidelines for Evaluation of Take for Northern Spotted Owls on Private Timberlands in California's Northern Interior Region.

U.S. Fish and Wildlife Service. 2011. Revised Recovery Plan for the Northern Spotted Owl (*Strix occidentalis caurina*). U.S. Fish and Wildlife Service. Portland, Oregon. Xvi+258pp.

U.S. Fish and Wildlife Service. 2012 Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls. Endorsed by the U.S. Fish and Wildlife Service February 2, 2011 Revised January 9, 20

Zeiner et al. 1990. California's Wildlife, Volume II Birds. Editors. David C. Zeiner. William F. Laudenslayer, Jr. Kenneth E. Mayer. Marshall White.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Comments	Attached
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study	On file and confidential
Hoopla Valley Tribe		No response	
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
Green Point School District		No response	
Klamath- Trinity Joint Unified School District		No response	
United States Bureau of Land Management		No response	
California Division of Water Rights		No response	



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



8/21/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Green Point School District, Klamath Trinity Joint School District, Humboldt County Sheriff

Applicant Name Love and Laughter Farms **Key Parcel Number** 522-013-004-000
Application (APPS#) 12457 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-530

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than 9/5/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Other Comments: _____

DATE: 10-28-17 PRINT NAME: Gustin Dumler

522-013-004



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 12457 (44993)
Parcel No.: 522-013-004
Case No.: SP16-530

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

Site/plot plan appears to be accurate.

Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.

Existing operation appears to have expanded, see comments: _____

Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.

Proposed new operation has already started.

Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

Other Comments: See photos @ SP16-530 - folder 522-013-004
- grading has been done
- Tanks & cabin not shown on plot plan
- Residence is for drying.

Name: Cristin Dumber

Date: 10-28-17

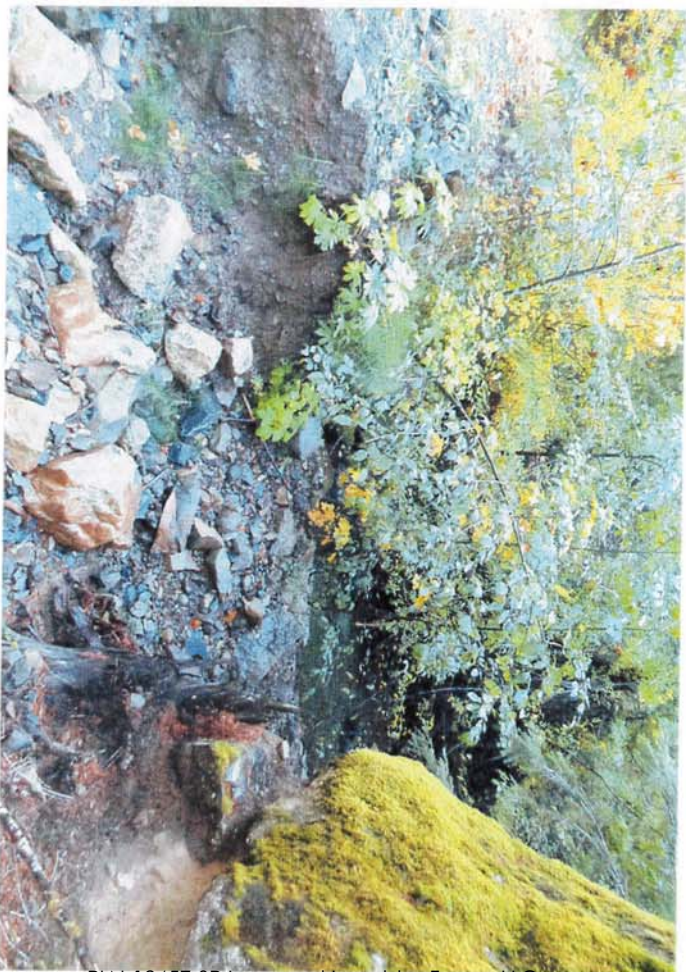
Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects,(CUP, SP, ZCC) Case number.

10/23/17 522-013-004

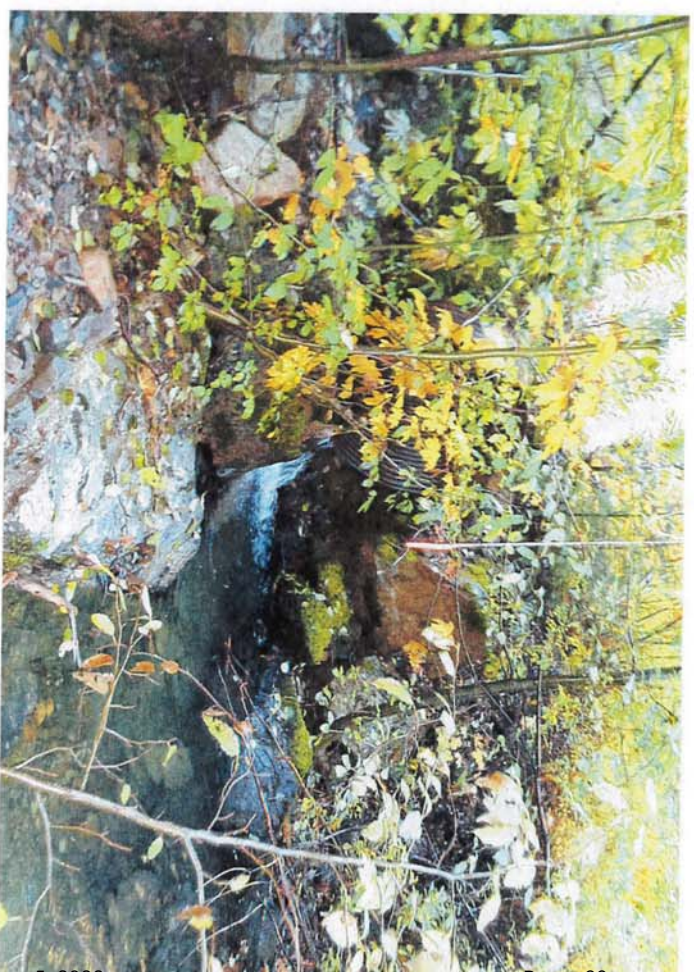
Water Division



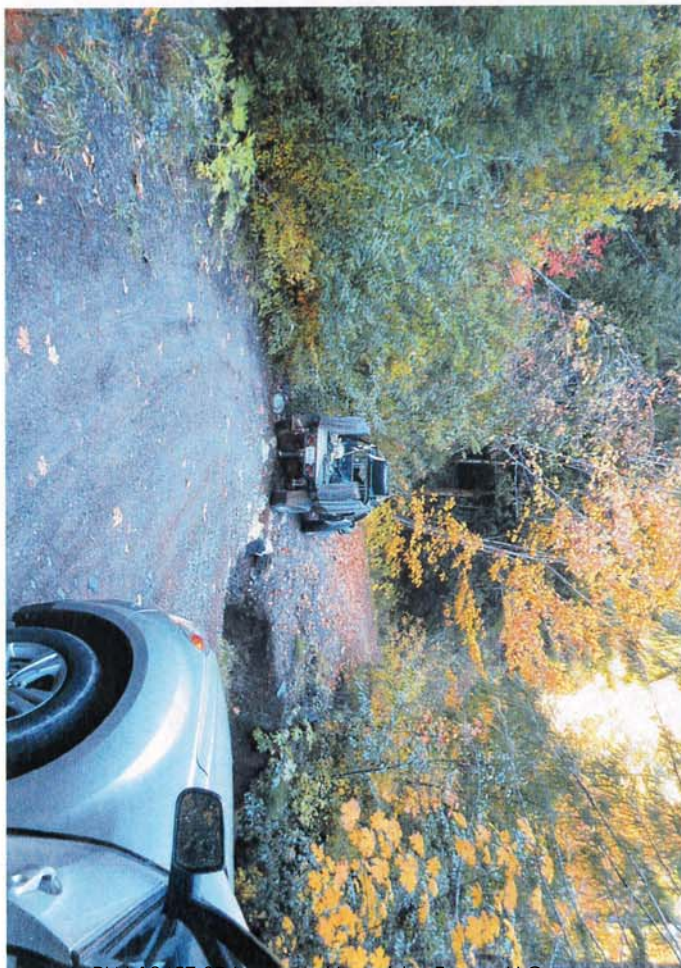
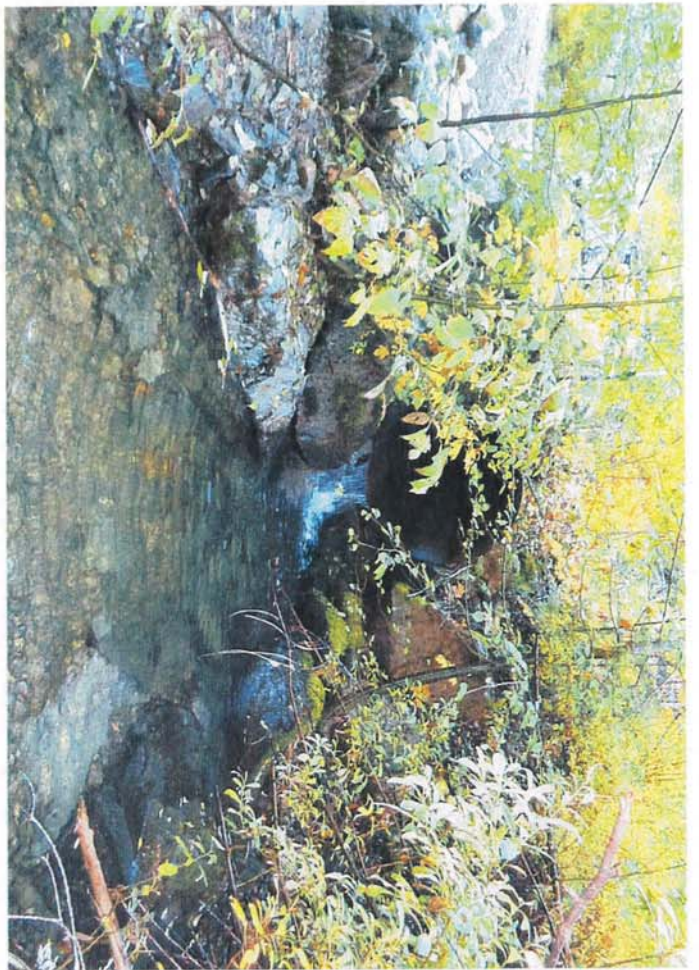
Crossing 1



Crossing 1

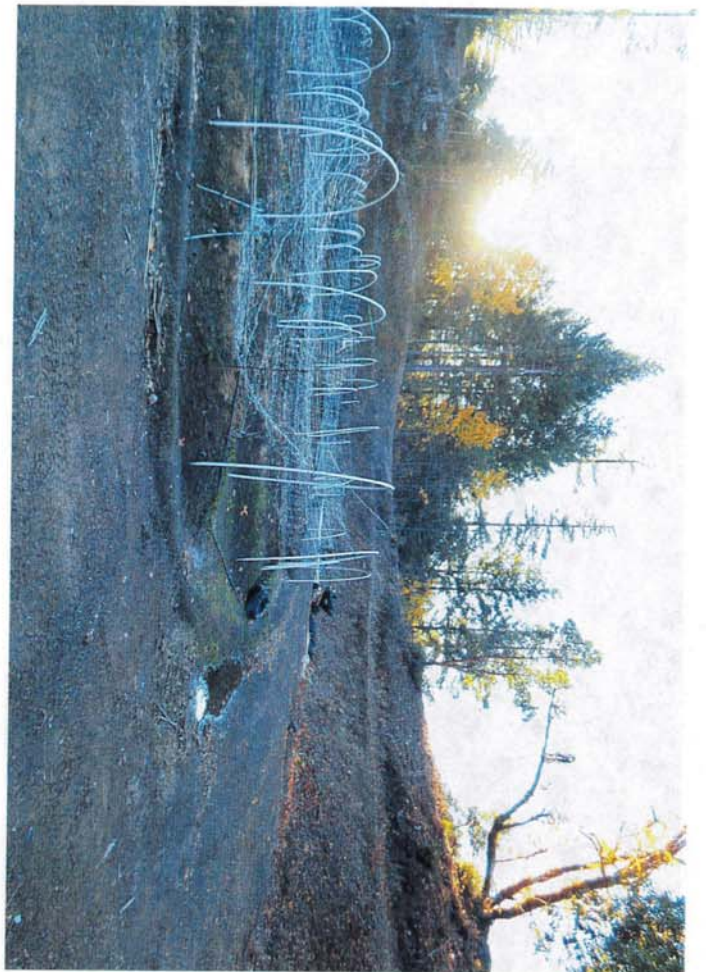
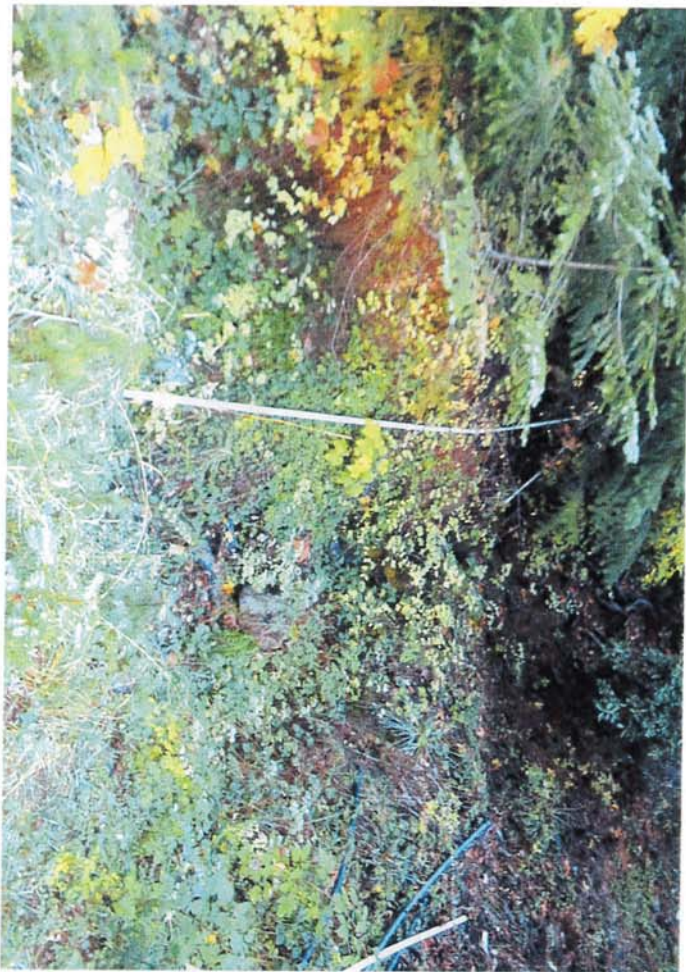


Crossing 1



Crossing 1

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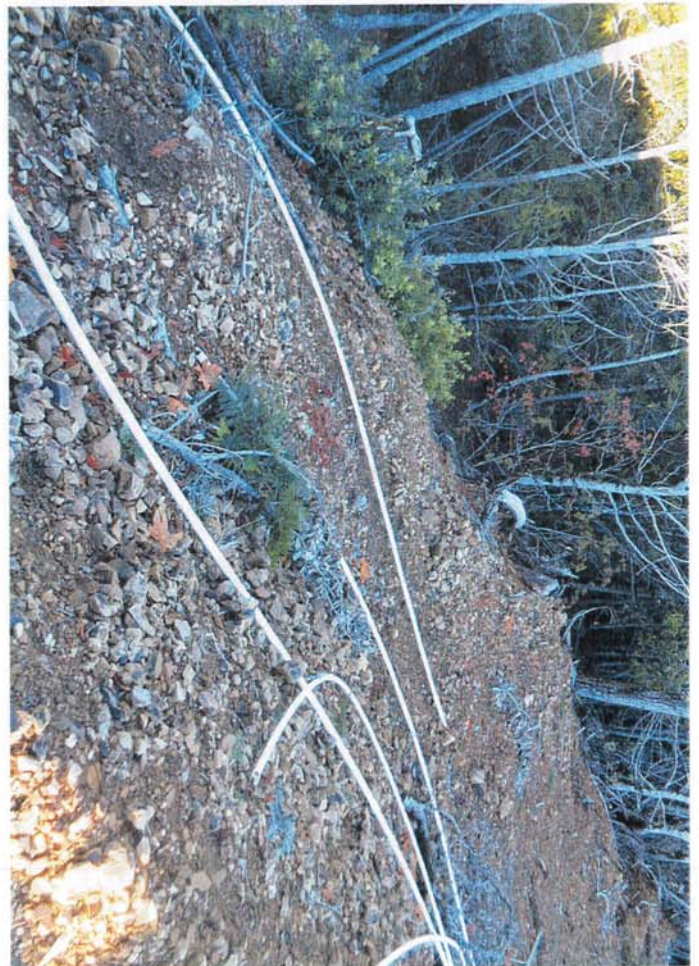
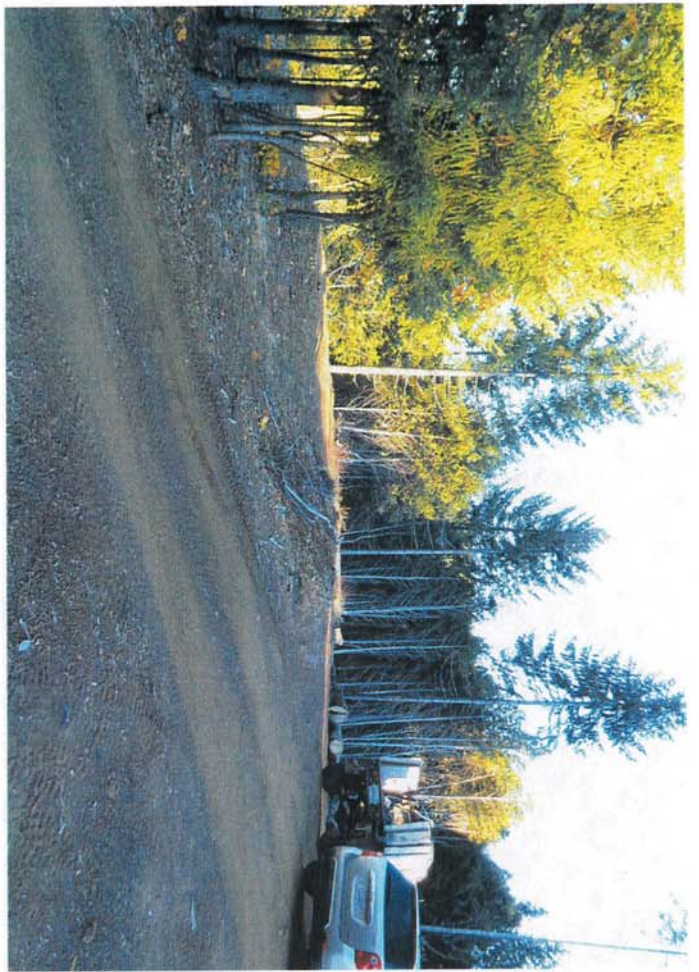


Lower Site

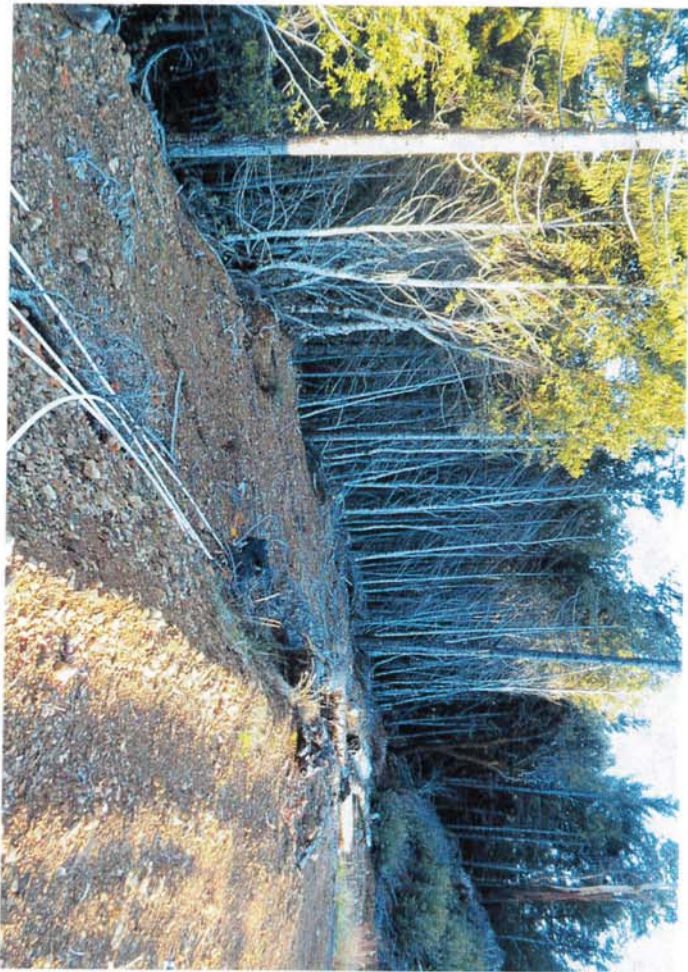


Grading

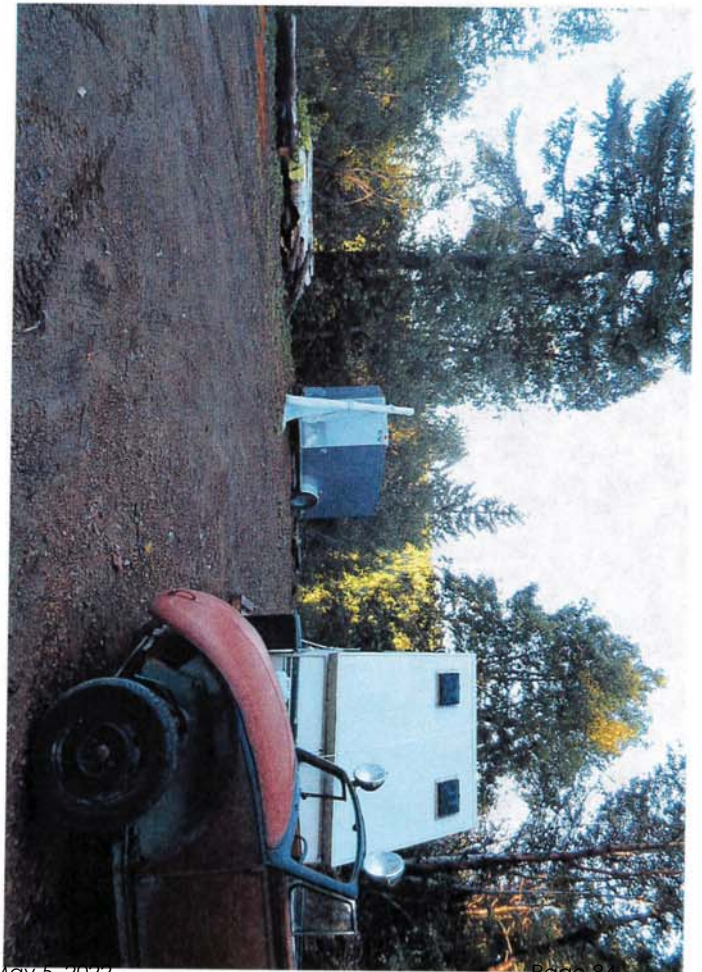
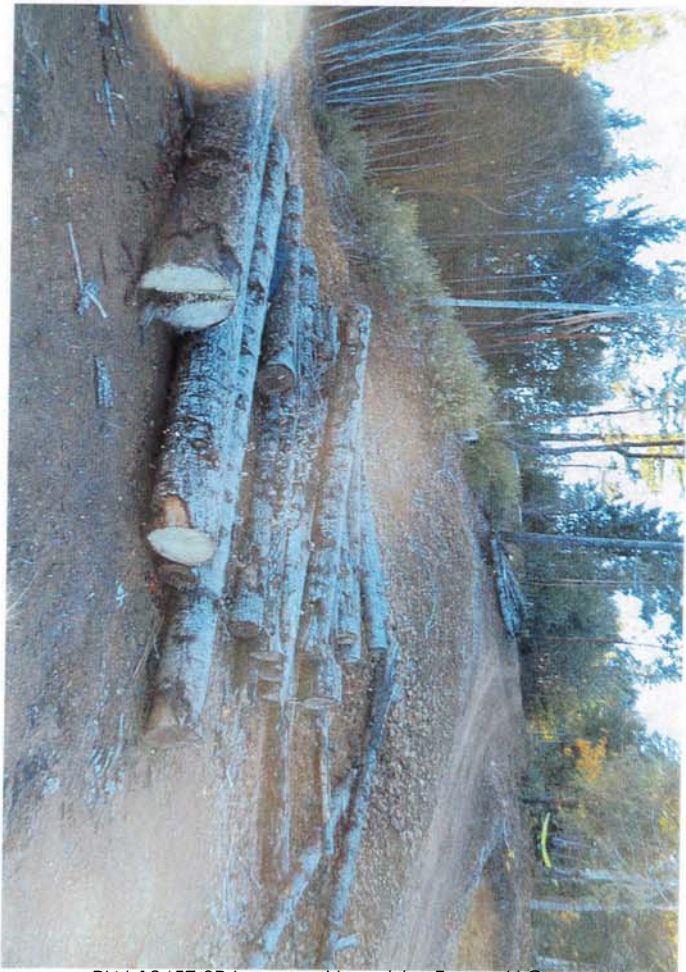
leaser site

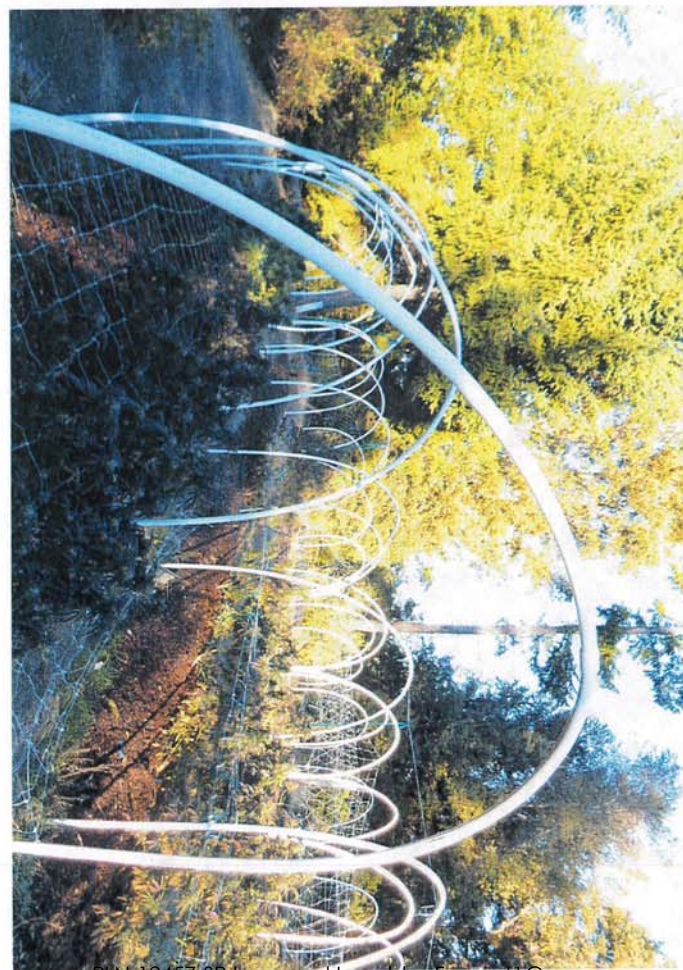


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lower Site



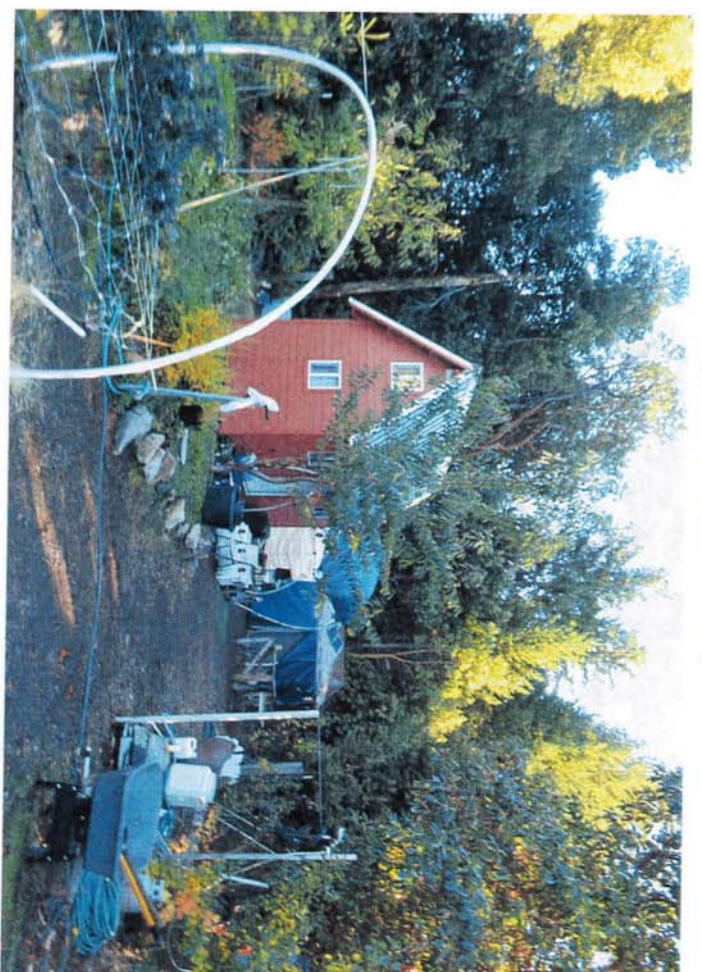
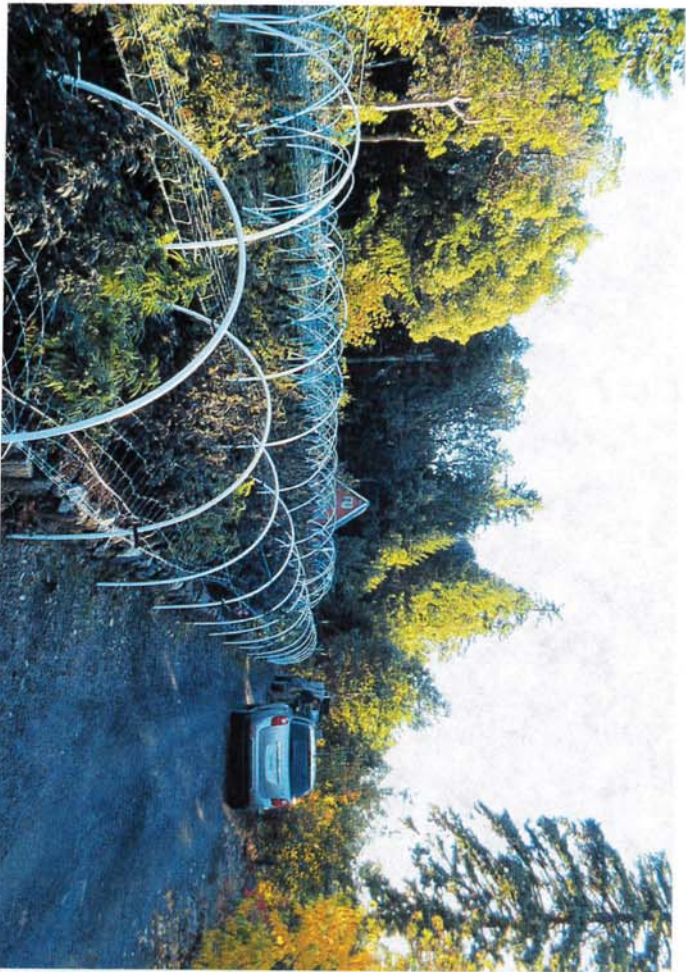


Upper site

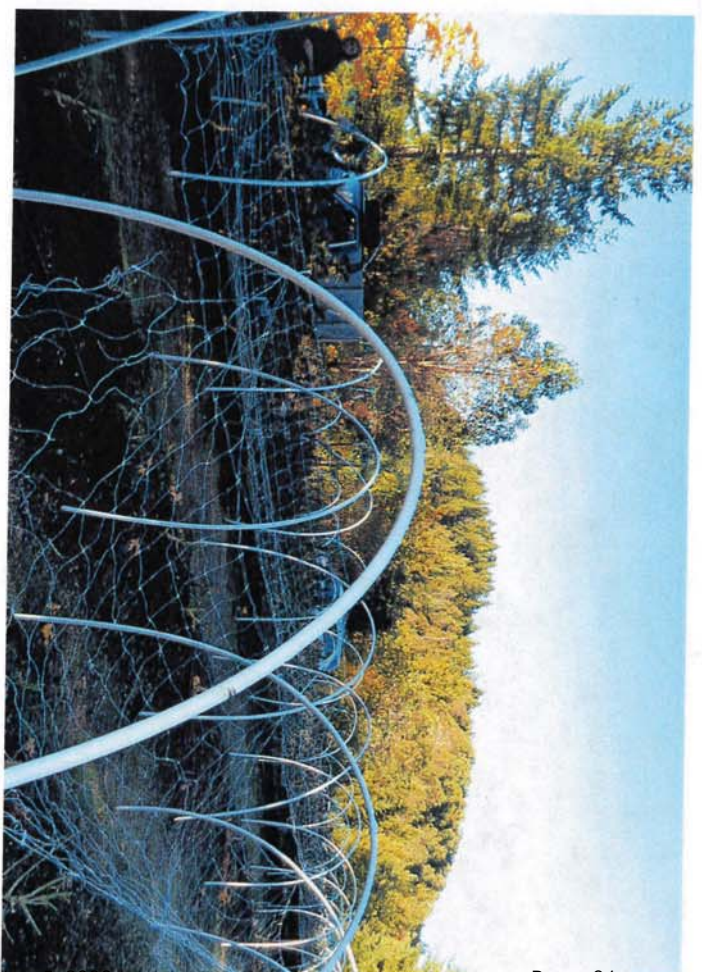
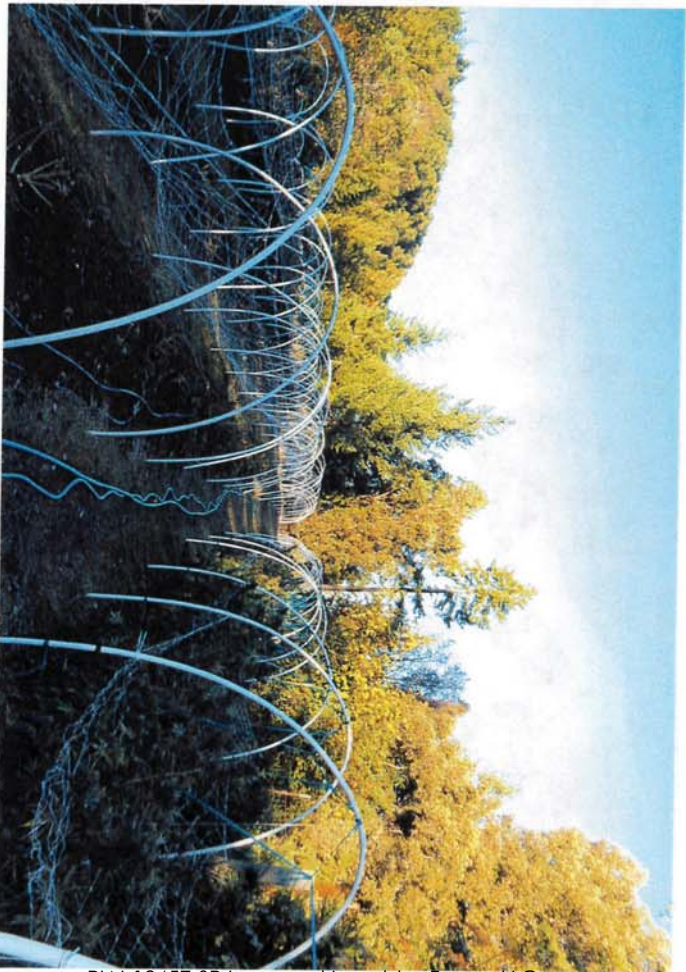
Upper site

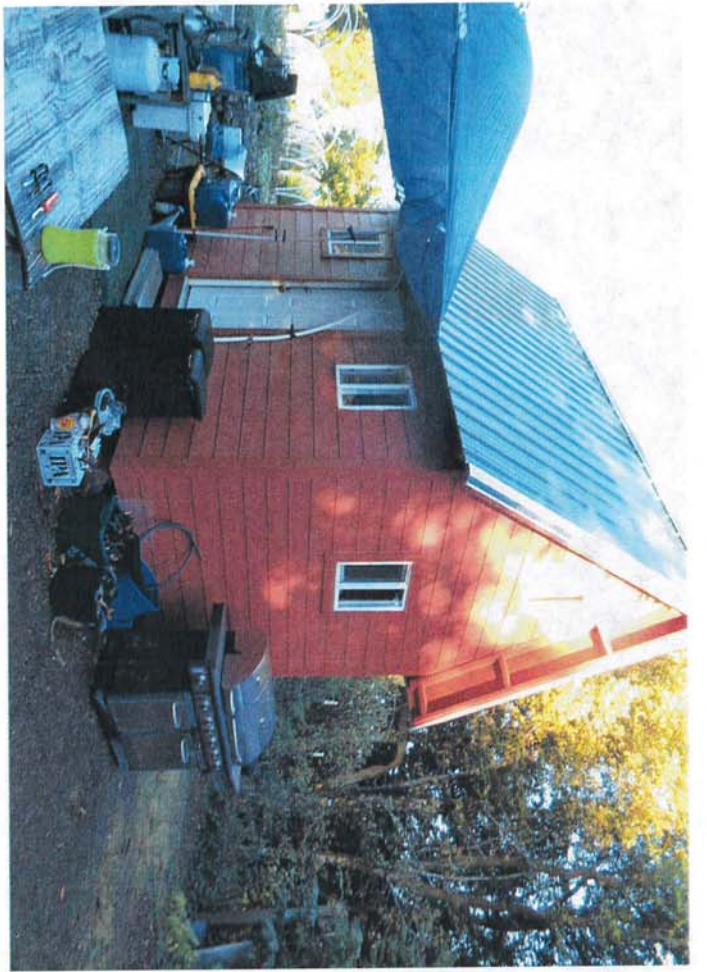
10/23/17 522-013-004

upper site



Cabin not shown





upper site

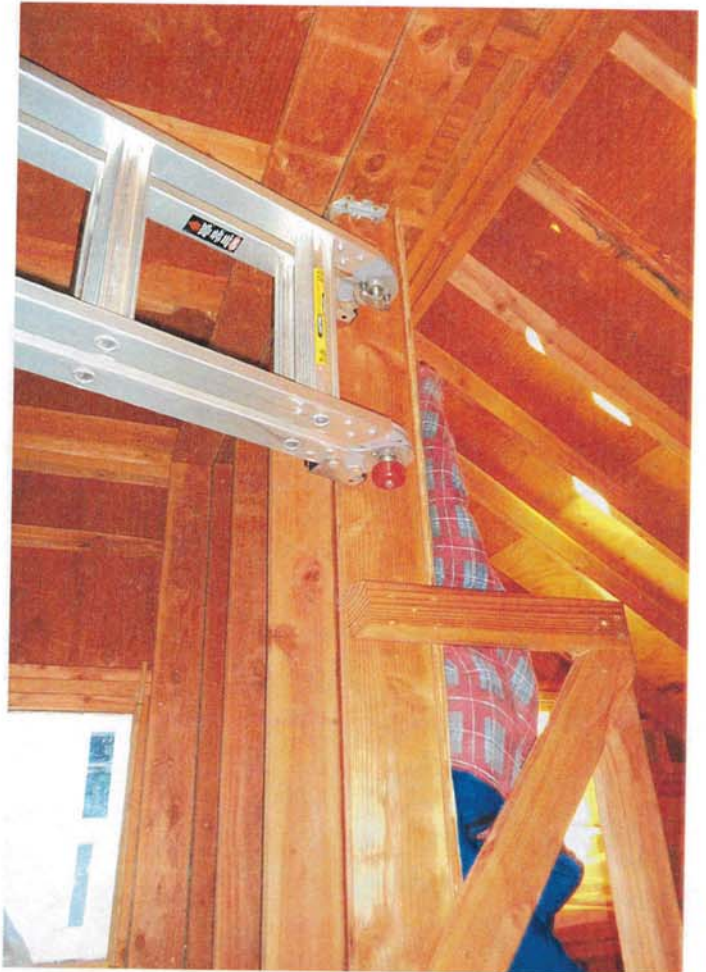
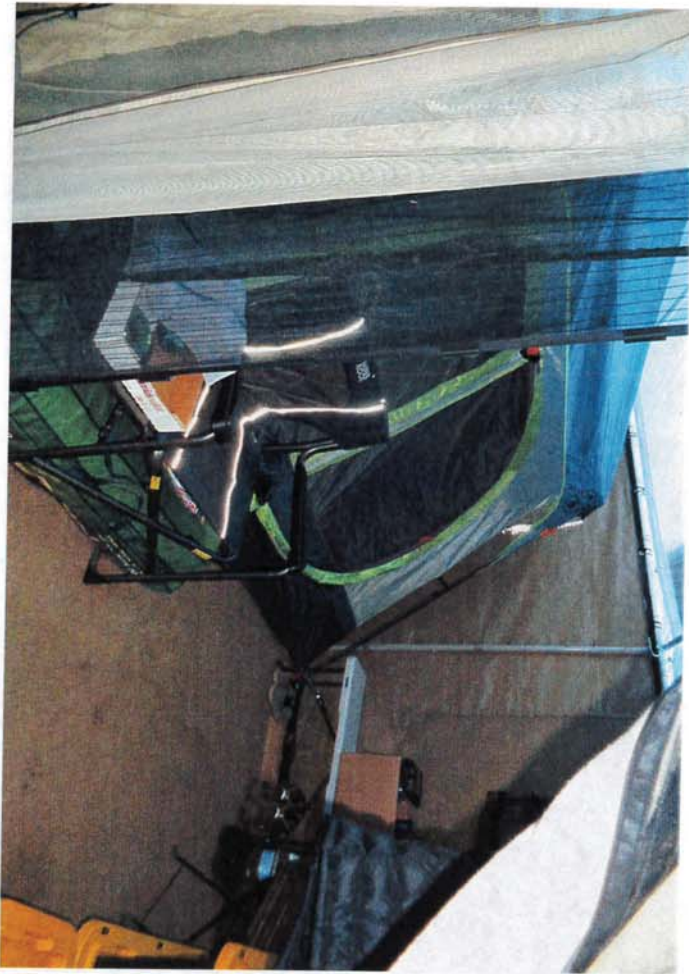
Cabin

Tent / Kitchen

10-23-17

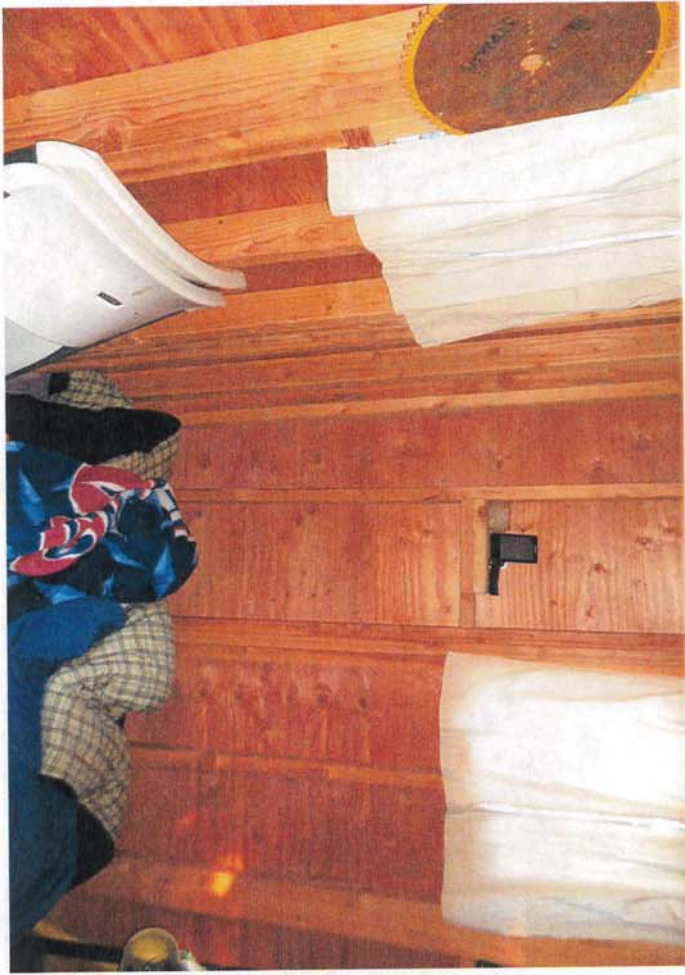
500-013-004

Tent / Kitchen

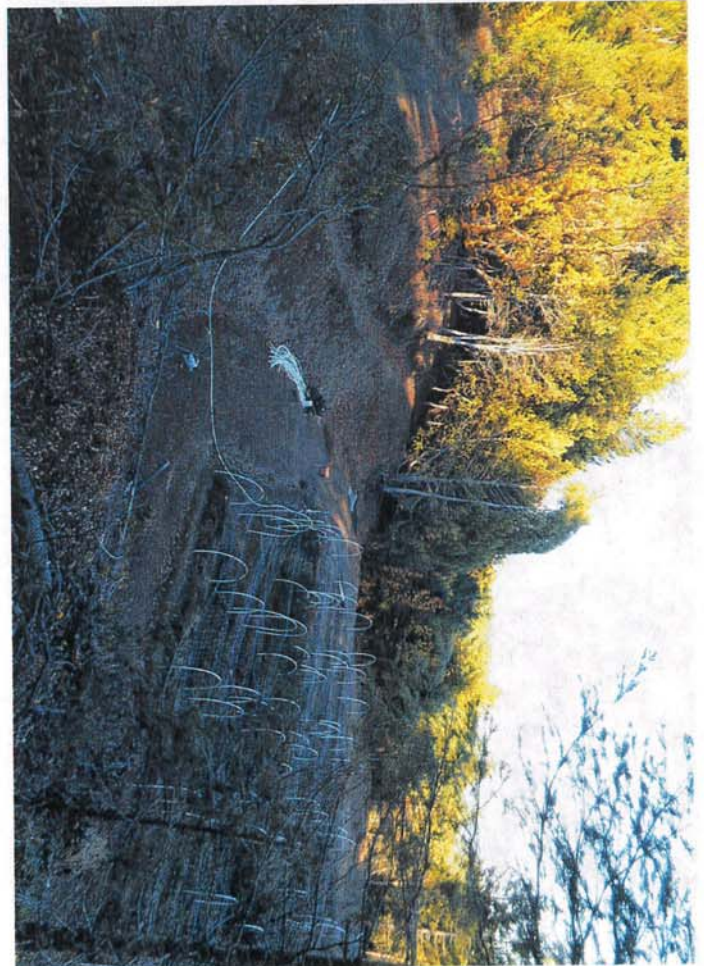


Cabin





lower site



lower site

10/23/17 5-22-013-004

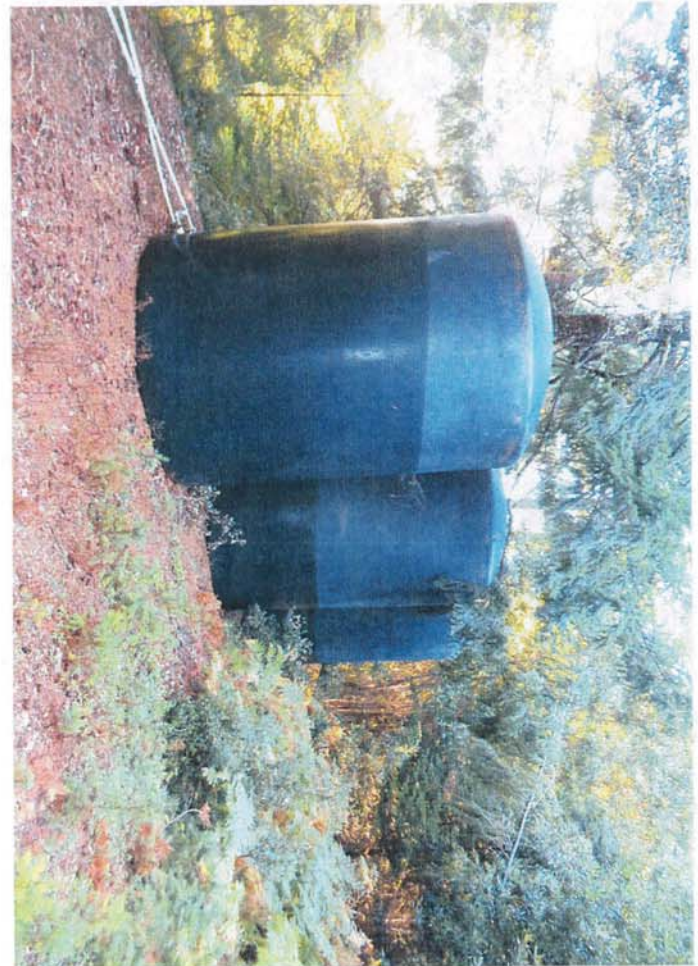
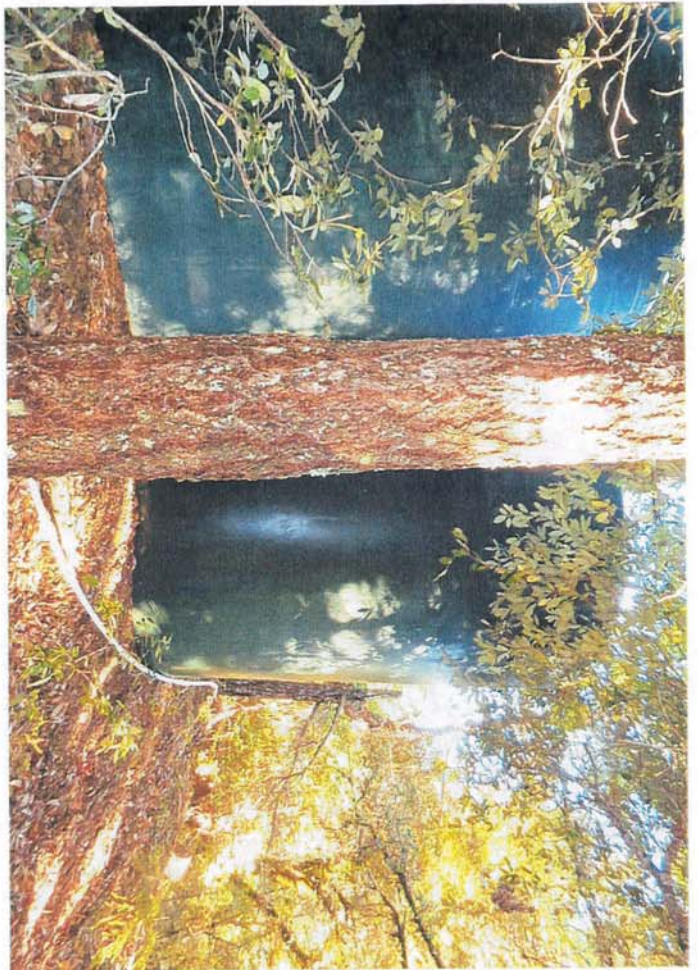
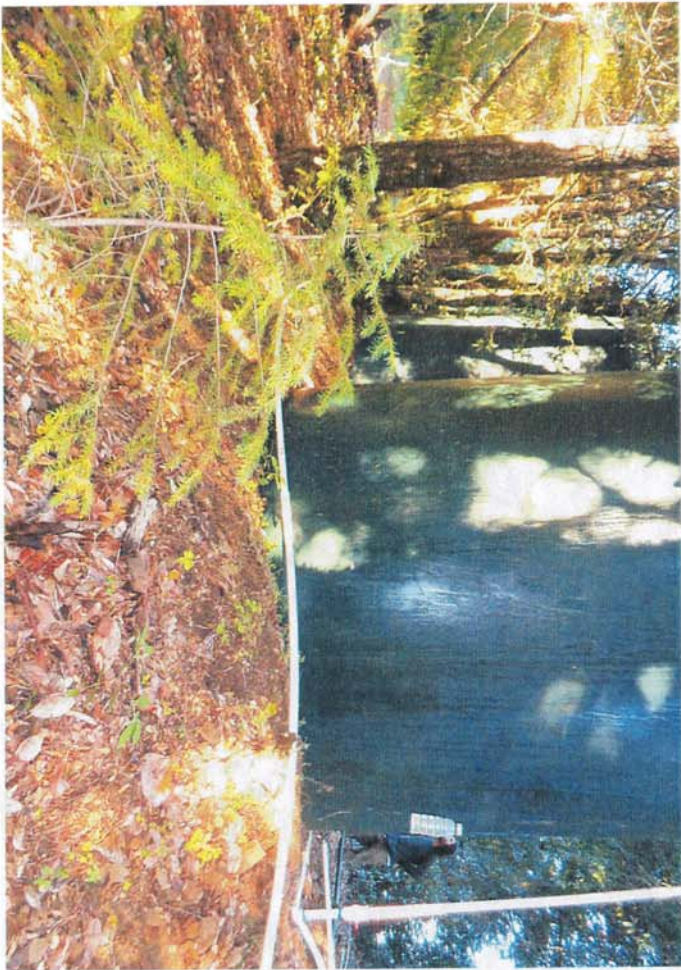


(In steady) ↓ Multiple 6000 gal tanks



(leaning ↓)

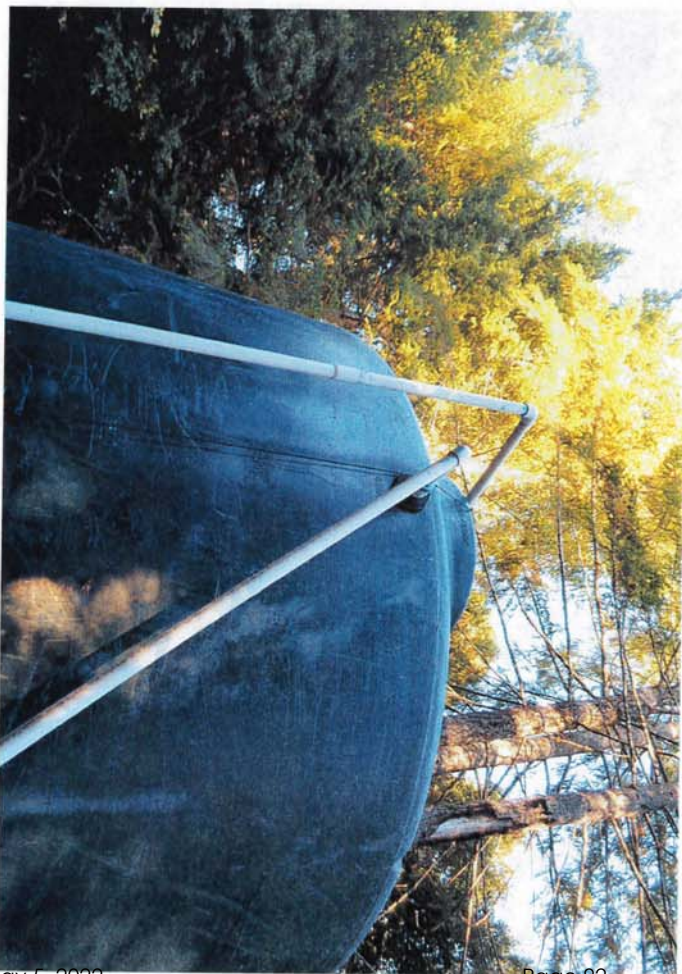
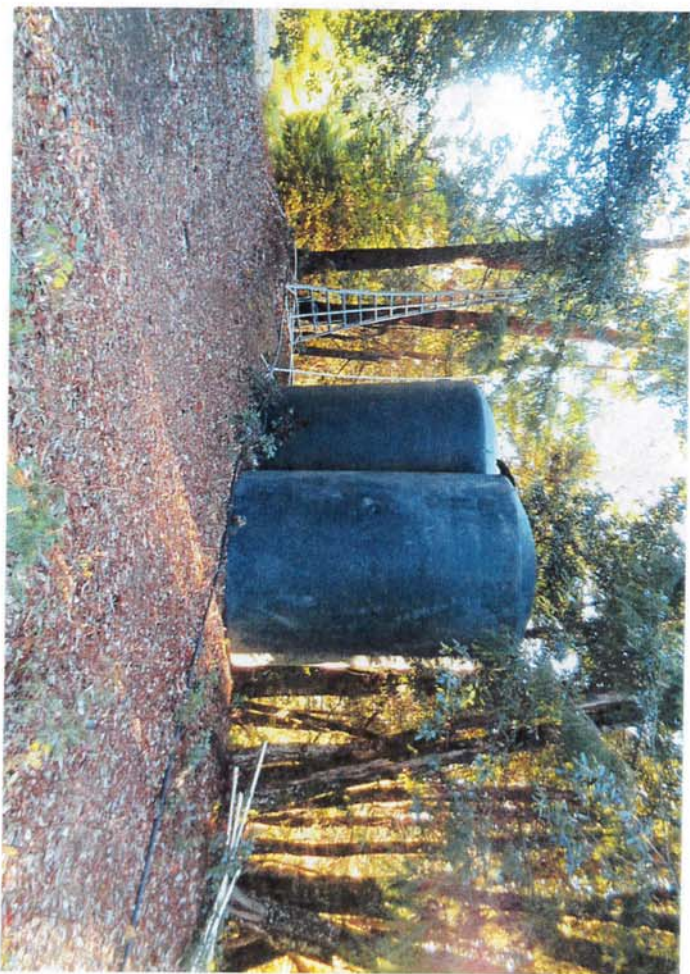
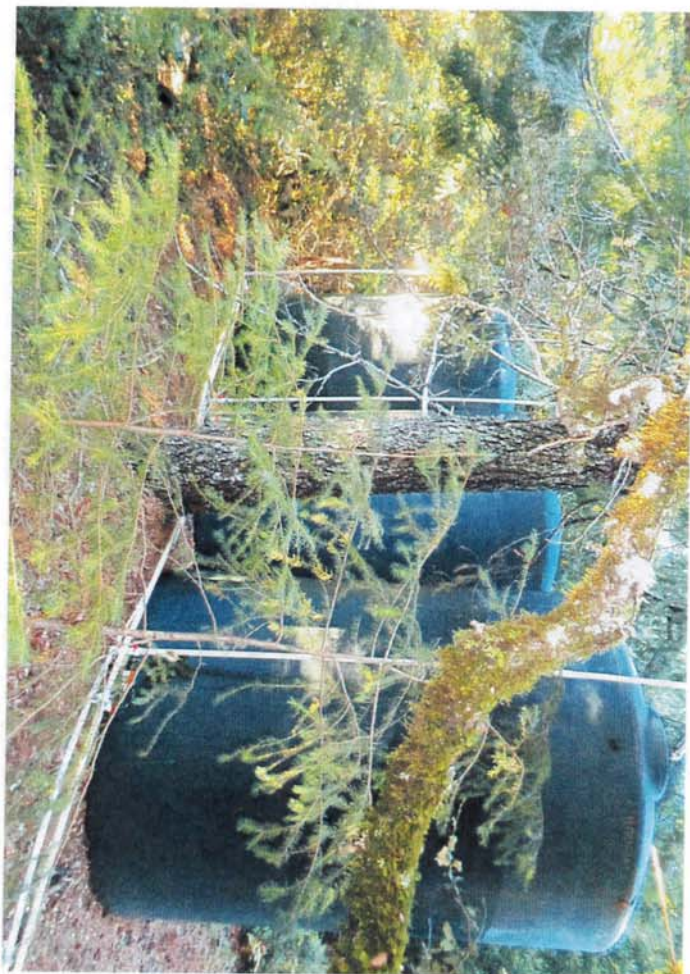
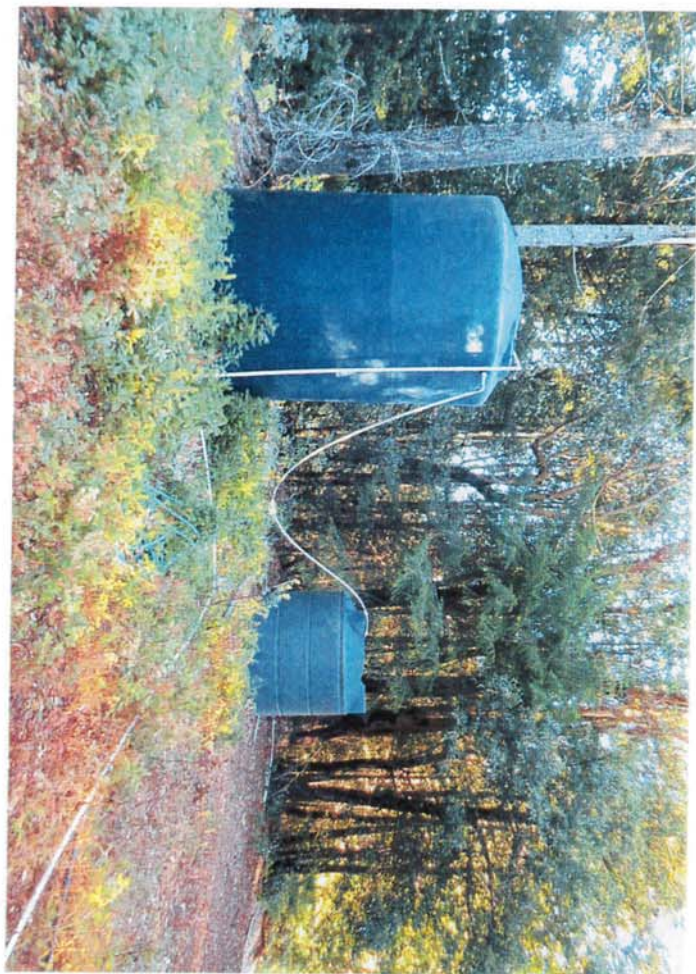
PLN-12457-SP



Tanks

10/23/17 522-013-004

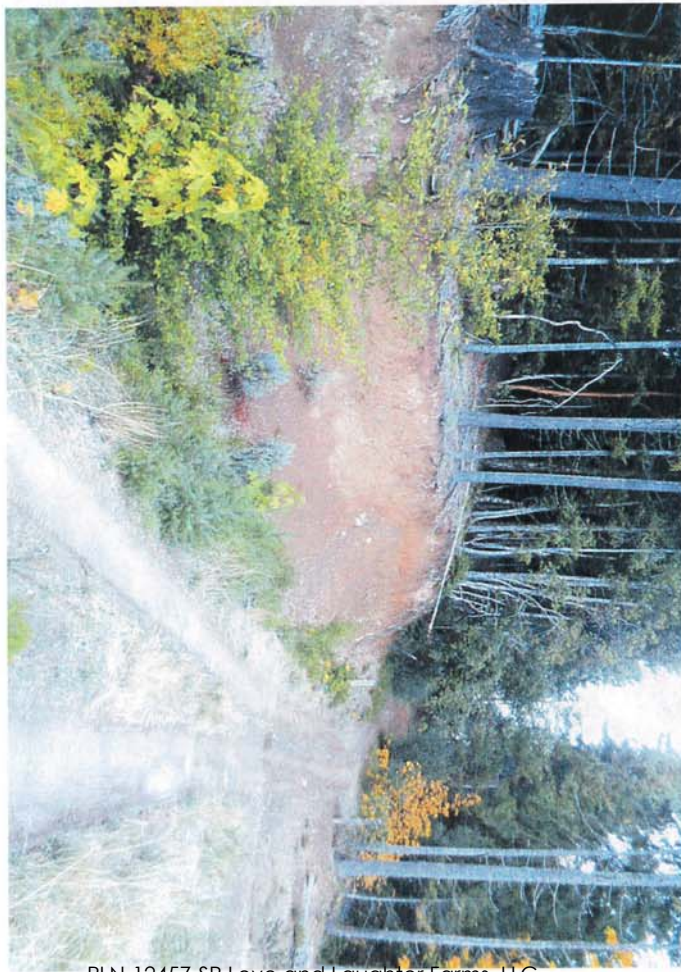
Tanks



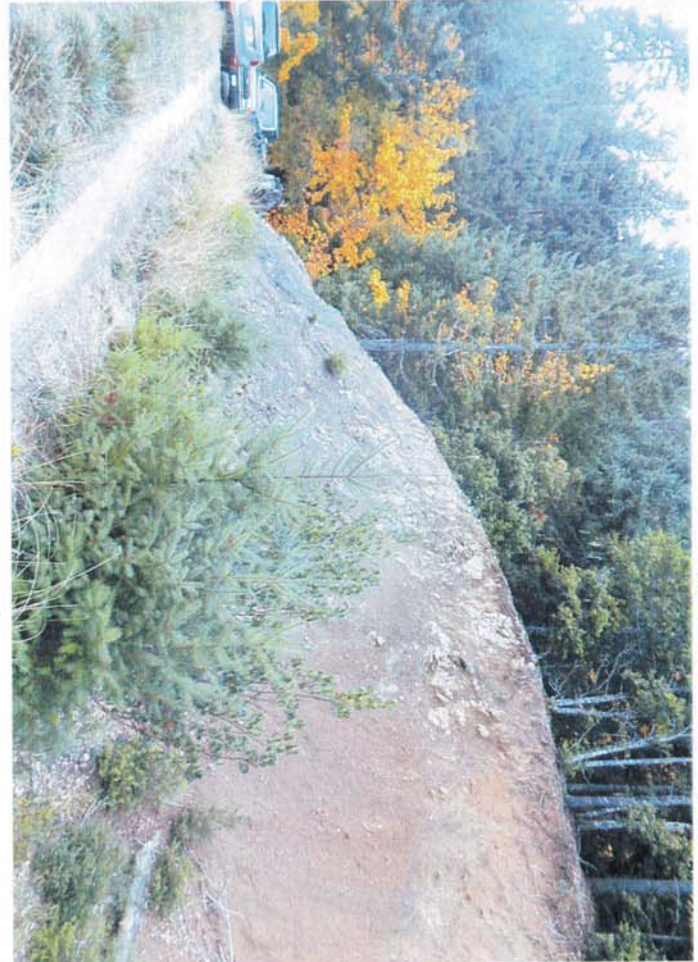
Lower Site



Site of residence

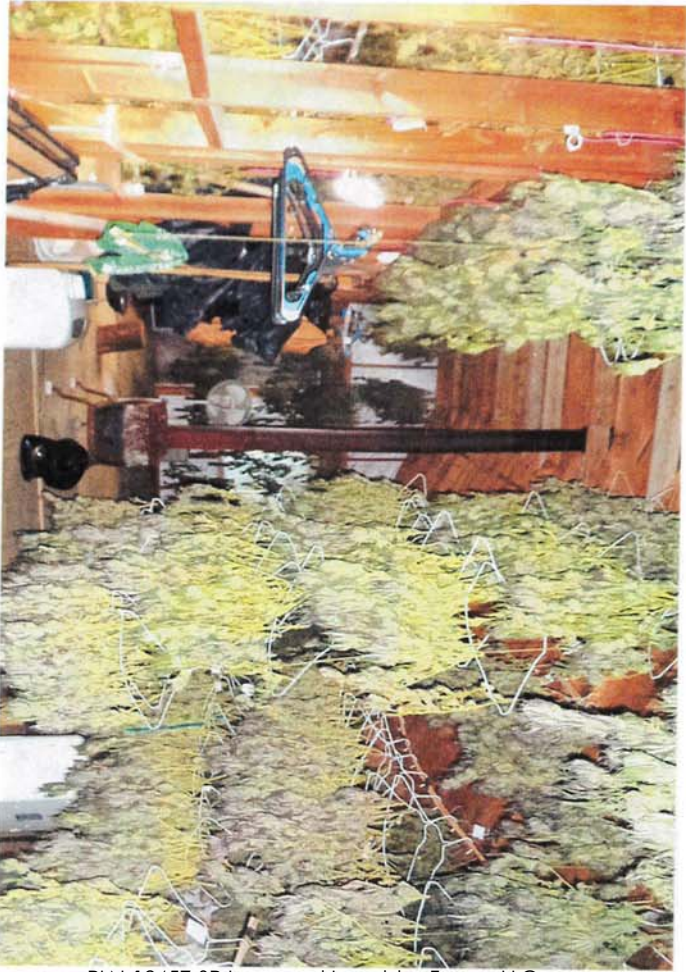
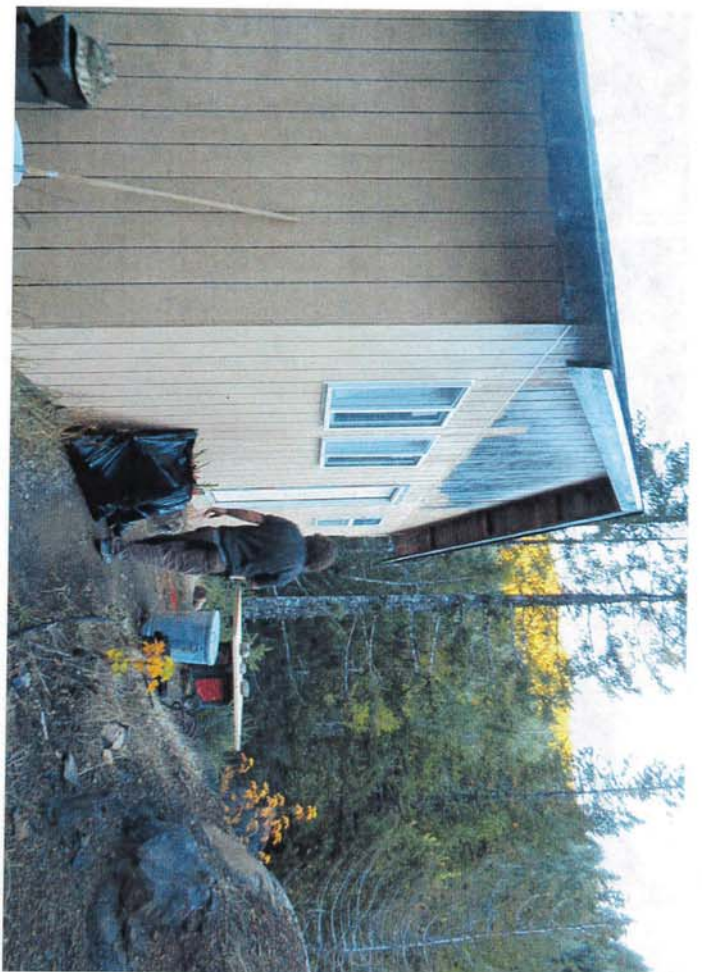


Seasonal Residence



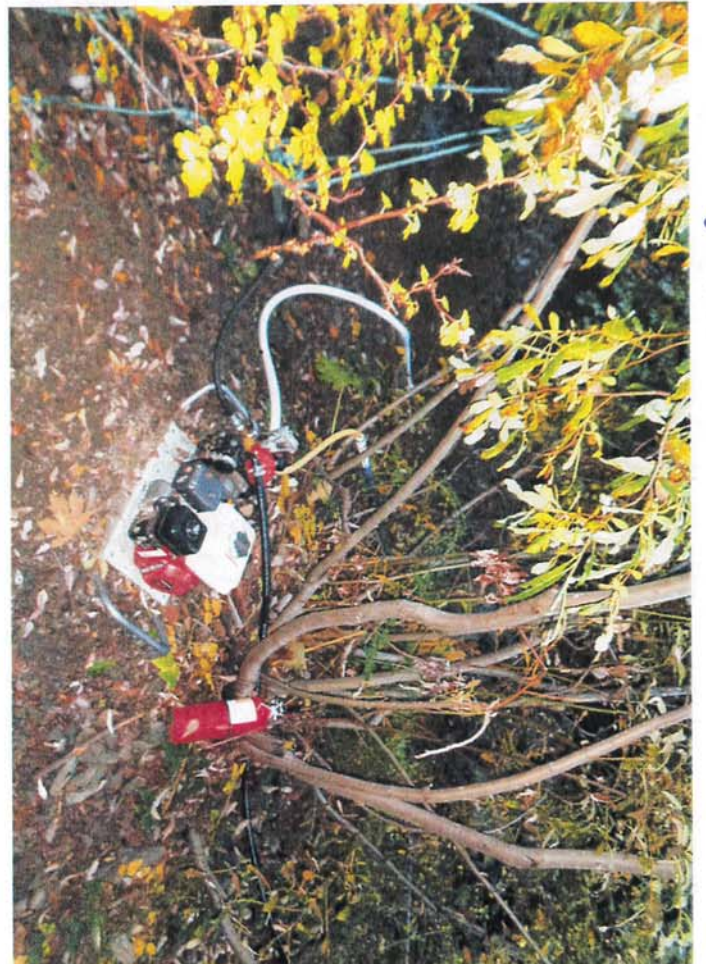
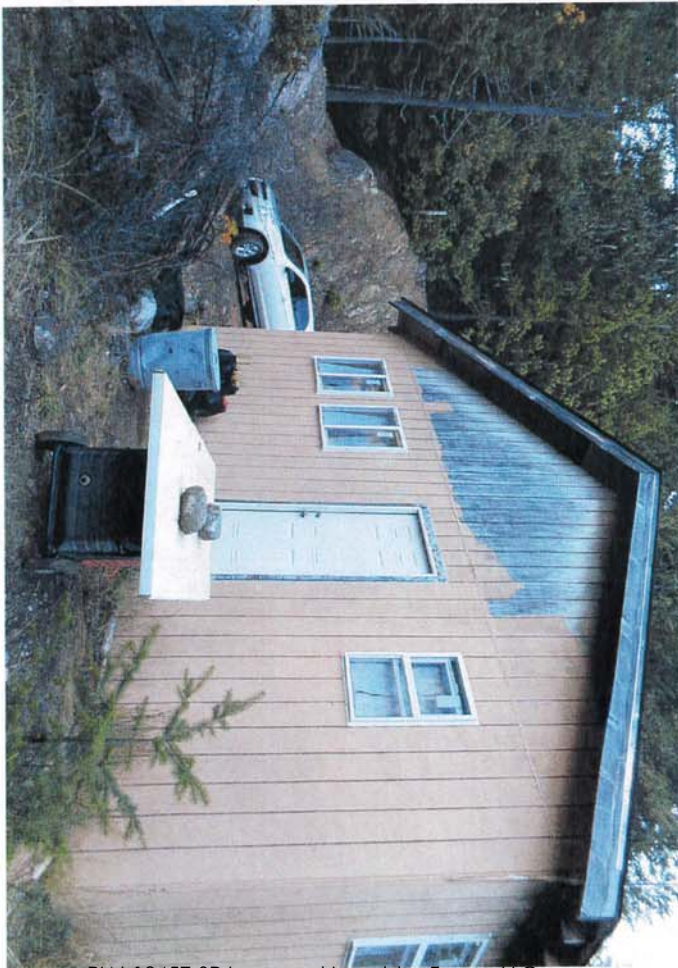
10/23/17 Saa-013-004

Cabin, (seasonal residence)



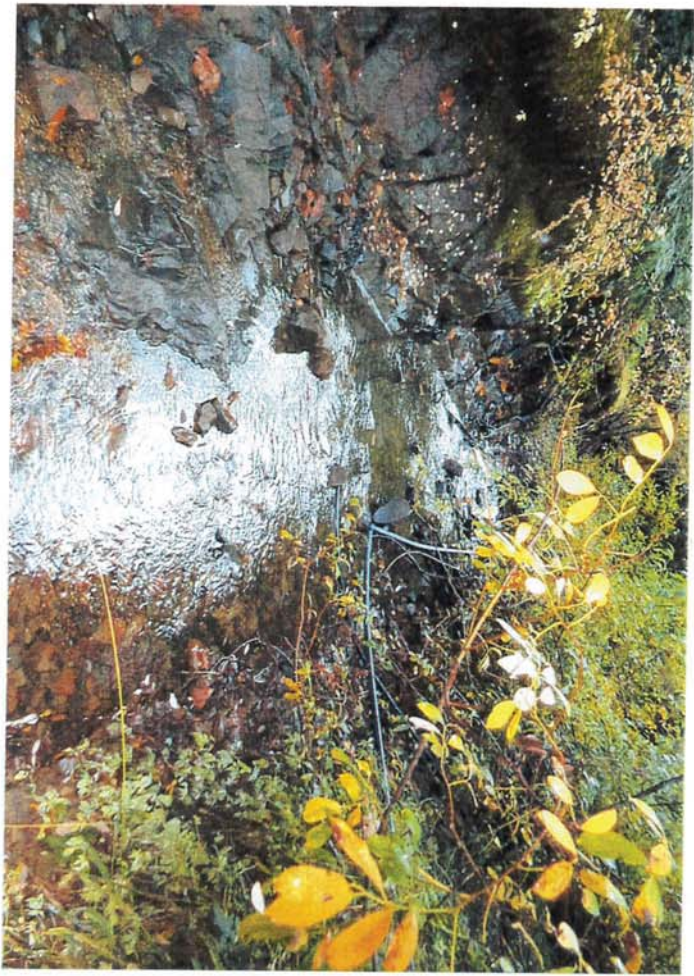


residence



water diversion

10/23/17 SDA-013-004



water diversion



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



DEH received
 8-22-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

1718-0378

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Green Point School District, Klamath Trinity Joint School District, Humboldt County Sheriff

Applicant Name Love and Laughter Farms **Key Parcel Number** 522-013-004-000

Application (APPS#) 12457 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-530

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

- (1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

DISTRIBUTED
 3-12-18

Response Date: 3/9/2018 **Recommendation By:** Joey Whittlesey



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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



ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 1-09-2018

RE:	Applicant Name	LOVE AND LAUGHTER FARMS
	APN	522-013-004
	APPS#	12457

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Item #4 on Exhibit "c"
Road Evaluation for private access road.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12457

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require ~~substantial~~ modification in order to comply with County Code. ~~The applicant may wish to consider relocating the driveway apron if a more suitable location is available.~~

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 12457

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?
 YES NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the *Road Evaluation Report(s)* for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?
 YES NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? YES NO

If YES, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? YES NO

How to check: **Method 1:** Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel ___ of Parcel Map No. ___" then there may be deferred subdivision improvements; further research will be needed. **Method 2:** Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? YES NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. 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.

Exhibit "C"

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? YES NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:
- If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
 - If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
 - If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
 - If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO** or **NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? YES NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //

Exhibit "D"

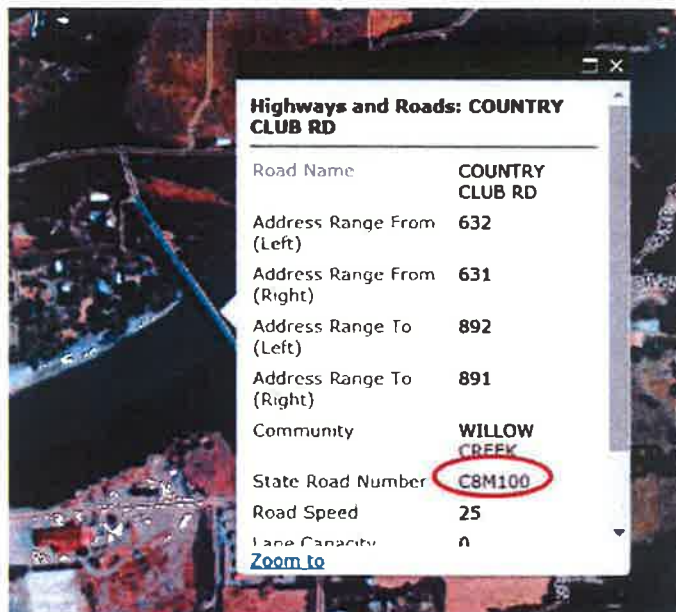
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** **Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project.** The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in **RED**.

A County maintained road will have a 5 or 6 character identifier. The general format is **ABCDDD** where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD
A 3 M 0 2 0 Murray Road
F 6 B 1 6 5 Alderpoint Road
6 C 0 4 0 Thomas Road

Exhibit "D"

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Fickle Hill Road	C5J040	Arcata city limits at PM [] to PM [] [end of centerline stripe]
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Kneeland Road		Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
Murray Road	C3M020	All
Patterson Road	C3M130	All
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Brannon Mountain Road		Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Warren Creek Road	5L740	PM 0.0 to PM 0.95 [End of County maintained]
Sprowel Creek Road	6B095	PM 4.00 to PM 7.22 [End of County maintained]

// END //

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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



Ref: 7100 Planning
Date: August 29, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Love and Laughter Farms
APN: 522-013-004-000
Area: Hoopa
Case Numbers: SP16-530

Humboldt County Application #: 12457
Type of Application: Special Permit
Date Received: 8/23/2017
Due Date: 9/5/2017

Project Description: A Special Permit for 9,000 square feet (SF) of existing outdoor commercial medical cannabis cultivation area. Water source is a diversion via Pine Creek. Water storage of 7,500 gallons occurs in tanks that are filled approximately once per week. Processing occurs on-site in an existing outbuilding. Power source is unknown.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

Laney, Megan

From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Tuesday, September 12, 2017 12:06 PM
To: Planning Clerk
Subject: FW: SP; 522-013-004; Bair Rd; Love & Laughter Farm

Chris Ramey
Battalion Chief, Fire Planning

CAL FIRE

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

From: Poli, Chris@CALFIRE
Sent: Monday, September 11, 2017 1:36 PM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Subject: SP; 522-013-004; Bair Rd; Love & Laughter Farm

It appears that an unpermitted timberland conversion exists on this property. CAL FIRE cannot support this proposal.

Chris Poli

Forester I - RPF #2930



Trinidad Resource Management

Humboldt-Del Norte Unit

P.O. Box 749

Trinidad, CA 95570

Office [\(707\) 677-0761](tel:7076770761)

Cell [\(707\) 599-0609](tel:7075990609)

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DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
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Fortuna, CA 95540
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Date: August 29, 2017

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3015 H Street
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CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief