



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: February 4, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Humboldt's Native Sun, LLC, Special Permits**
Record Number: PLN-2019-16106
Assessor's Parcel Number: 221-261-001
Salmon Creek Area

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

AGENDA ITEM TRANSMITTAL

Hearing Date February 4, 2021	Subject Special Permits	Contact Elizabeth Moreno
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Project: The applicant seeks approval of two Special Permits for a total of two acres (87,120 square feet (SF)) of pre-existing outdoor cannabis cultivation. The project includes onsite relocation and remediation of the historical sites. The cultivation will be composed of 79,320 SF of full sun outdoor cultivation and 7,800 SF will be in housed in hoop houses. Five greenhouses totaling 8,640 SF will be used as a propagation area. The water source is provided by two rainwater catchment ponds with a total capacity of 1.1 million gallons. The applicant is proposing an additional 150,000 to 300,000 gallons of water proposed to be stored in hard tanks and a well. The total water usage is estimated to be about 1.95 million gallons. Drying will occur onsite in two proposed structures; one 1,800 SF and the other at 1,440 SF and further processing will occur offsite. Four employees are expected to be required. Power will be provided by solar energy.

Project Location: This project is located in Humboldt County, in the Salmon Creek area, on the east side of East Fork Road, approximately 2,000 feet east as the crow flies from the intersection of East Fork Road and Road E, on the property known to be in the southeast quarter of the southwest quarter of Section 23, and the northeast quarter of the northwest quarter of Section 26 of Township 03 South, Range 02 East, Humboldt Base & Meridian..

Present Plan Land Use Designations Residential Agriculture: 40 acres (RA40), Density: 40 acres per unit, 2017 General Plan, Slope Stability: High Instability (3).

Present Zoning: Agricultural Exclusive (AE), Minimum building site area is 160 acres (B-5(160)).

Record Number: PLN-2019-16106

Assessor's Parcel Number: 221-261-001

Applicant	Owner	Agent
Humboldt's Native Sun, LLC 1271 Evergreen Road Redway, CA 95560	Charles Benbow 40 E Branch Rd Garberville, CA 95542	Same as Owner

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

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

Major Issues: None

HUMBOLDT'S NATIVE SUN, LLC
Record Number: PLN-2019-16106
Assessor's Parcel Numbers: 221-261-001

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on evidence in the staff report, and adopt the Resolution approving the proposed Humboldt's Native Sun, LLC, project subject to the recommended conditions.

Executive Summary: The applicant seeks approval of two acres (87,120 square feet (SF)) of pre-existing outdoor cannabis cultivation on an existing 1,203-acre ranch property. The project includes onsite relocation and remediation of the historical sites. The historical cultivation sites will be consolidated into a single cultivation location which will be composed of 79,320 SF of full sun outdoor cultivation and 7,800 SF will be in housed in hoop houses. Five greenhouses totaling 8,640 SF will be used as a propagation area. The water source is provided by two rainwater catchment ponds with a total capacity of 1.1 million gallons. The applicant is proposing an additional 150,000 to 300,000 gallons of water proposed to be stored in hard tanks and a well. The total water usage is estimated to be about 1.95 million gallons. Drying will occur onsite in two proposed structures; one 1,800 SF and the other at 1,440 SF and further processing will occur offsite. Four employees are expected to be required. Power will be provided by solar energy.

The applicant submitted has evidence of pre-existing cultivation, in a document prepared by William Rich and Associates, dated April 2020 (see Attachment 3). Staff reviewed the submitted photographic evidence of legacy cultivation within tree canopies and agreed that evidence supports the contention that at least 6 acres of pre-existing cultivation occurred over the 1,203-acres ranch property. However, after staff review it was determined that staff can only support six acres of cultivation. Pursuant to CCLUO, section 55.4.6.5, applications for pre-existing cultivation submitted between January 1, 2019 and December 31, 2019 shall not be approved for more than fifty percent of the documented existing cultivation. Therefore, the applicant is entitled to three acres of pre-existing cultivation which in this case would be no more than 3 acres of cultivation over the 1,203-acre ranch property. One acre of cultivation has already been approved under Record Number: PLN-2019-16104.

As a condition of approval, the applicant is to submit a Remediation and Monitoring Plan for the legacy 6 acres of cannabis cultivation. The pre-existing cultivation occurred throughout both APNs 221-131-034 and 221-261-001. Through this application, the applicant is proposing to relocate two acres of cultivation from both parcels to northern part of APN 221-261-001. Because the cultivation area will be relocated away from watercourses and to slopes of less than 15% and the ranch comprised of nine legal parcels will be managed as one land unit through time, and as a condition of approval the applicant will record an easement holding the entire ranch as one parcel for the entire life of both applications PLN-2019-16104 and PLN-2019-16106. In addition to relocation, the applicant is also proposing to reorganize 7,800 square feet of historically full sun outdoor cultivation into greenhouses. Reorganization of the historically full sun cultivation area into greenhouses will allow for two cultivation cycles, however, the number of growing days will remain the same or less. Greenhouses will allow for additional climate control to reduce unnecessary water use and change the irrigation source to a groundwater well as opposed to a diversionary source. Staff is in supportive of cultivation being relocated from APN 221-131-034 to APN 221-261-001 and holding the entire ranch as one, because holding the ranch one parcel will ensure all remediation, relocation and reorganization will environmentally improve project beyond the baseline conditions.

The applicant has completed a *Biological Assessment for Commercial Cannabis Cultivation*, prepared by O'Brian Biological Consultants, dated February 2020. There are no significant impacts to special status species, such as the Northern Spotted Owl. However, the report does list recommendations to avoid adverse impacts. The report recommends that a springtime floristic survey shall be performed for sensitive plants prior to ground disturbance. Additionally, the report recommends nesting bird surveys if any significant vegetation removal- or habitat alteration is planned within the nesting bird season. As a condition of approval the applicant is to adhere to the recommendations made on pages 25-26 of the report and the applicant shall provide evidence of compliance, by submitting a letter from a qualified biologist. Additionally, the applicant has submitted a draft Lake Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife, dated September 2020 addressing stream crossings and the outflow of ponds, the applicant obtain and adhere the final LSAA and the appropriate recommendations made in the agreement. No timberland is proposed to be converted as part of the project. The applicant removed dead trees near the existing ponds.

The applicant takes access off Solman Creek road and then onto Thomas Road and then onto Perry Meadow Road. The applicant has submitted a Road Assessment Report, dated April 2020, that provides a plan to maintain the road at functional capacity. The report also details what every segment needs to be maintained to not affect water quality and minimize erosion control. Measures include, winterization techniques, ongoing rocking of gravel roads, ditch repairs, and fixing and installing culverts. The applicant is to submit a monitoring plan for the road assessment every year upon inspection to the Planning Department. The Department of Public Works has commented and stated that paving Thomas Road was completed by the local community and that donations are being accepted by the applicant who coordinated that work, as a condition of approval the applicant contact the Road Maintenance Association and join and donate money for the work that was completed. The project is conditioned as such.

Additionally, the applicant has submitted a final Lake Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife, dated September 2020 addressing two stream crossings, the applicant is to adhere to the final LSAA, and the appropriate recommendations made in the agreement.

A *Cultural Resource Investigation* (CRS) was prepared for the project, per the request of the Bear River Band of the Rohnerville Rancheria Tribal Historic Preservation Officers (THPO). The applicant submitted CRS prepared by William Rich and Associates, dated May 2020. The investigation found a multicomponent archeological site containing an extensive scatter of ancestral Native American artifacts and possible house pits with a small cluster of historic-period and modern buildings associated with the applicant's ranch. The investigation recommends that the cultivation be limited to above ground containers within 100 feet of archeological site boundary. No ground disturbing activities should occur in the site or 100-foot radius without further archaeological testing. Further, the portion of the archaeological site within 100 feet of proposed cultivation, should be 100 feet of proposed cultivation, should be flagged or demarcated with visible flagging whisks, or stakes so that the site boundary is readily observable and avoided. The report was forwarded to BRB for review, who recommended that the applicant sign a Monitoring Contract with the Bear River Band Rohnerville Rancheria THPO and have a THPO monitor all ground disturbance. Additionally, the applicant has submitted a Measures for Cultural Resource Protection, a document that the applicant prepared to show how he will protect the CRS onsite. As a condition of approval, the applicant is to adhere to the River Band Rohnerville Rancheria THPO Monitoring Contract, adhere to the recommendations made in the CRS investigation prepared by William Rich and Associates, dated May 2020, and implement the Measures for Cultural Resource Protection, as described in the document.

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

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear

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

prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) The applicant has prepared a Site Management Plan, dated May 2020 and the applicant has also, addressed stormwater management in Operations Plan dated April 4, 2020. The applicant is implemented best management practices described in the document. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability.
- d) No timberland is proposed to be converted as part of the project. The applicant removed dead trees near the existing ponds.
- e) A Cultural Resource Investigation (CRS) was prepared for the project, per the request the Bear River Band of the Rohnerville Rancheria Tribal Historic Preservation Officers (THPO). The applicant submitted CRS prepared by William Rich and Associates, dated May 2020. The report was forward to BRB for review, who recommended that the applicant signed a Monitoring Contract with the Bear River Band Rohnerville Rancheria THPO and have a THPO monitor all ground disturbance. Additionally, the applicant has submitted a Measures for Cultural Resource Protection, a document that the applicant prepared to show how he will protect the CRS onsite. As a condition of approval, the applicant is to adhere to the River Band Rohnerville Rancheria THPO Monitoring Contract, adhere to the recommendations made in the CRS investigation prepared by William Rich and Associates, dated May 2020, and implement the Measures for Cultural Resource Protection, as described in the document

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

The CCLUO identified AE-zoned parcels five acres or larger as sites where existing cannabis cultivation activities could be allowed. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program. Addition, the applicant will hold the entire 1,203 acre ranch, compromised of nine legal acres as one parcel, this will result in remediation of six acres of legacy cultivation.

4) FINDING

The proposed development is consistent with the purposes of the existing AE zone in which the site is located.

- a) Humboldt County Code section 314-55.4.6-6.5 allows cultivation of up to 43,560 sq. ft. of Cultivation Area with a Special Permit on a parcel over 5 acres. As set forth in the following subsections, Pre-Existing Cultivation Sites that meet all other Eligibility and Siting Criteria and Performance Standards, may be permitted within AE, AG, RA, FR, FP, TPZ, and U zoning districts, where accompanied by a Resource Production, General Plan land use designation or Residential land use designation requiring parcel sizes on more than 5 acres. The application for 43,560 square feet pre-existing of outdoor cultivation on a 1,203-acre ranch, which is consistent with this and with the cultivation area verification prepared by the County. The cultivation area will be relocated away from watercourses and to slopes of less than 15% and the ranch comprised of nine legal parcels will be managed as one land unit through time, and as a condition of approval the applicant will record an easement holding the entire ranch as one parcel for the entire life of both applications PLN-2019-16104 and PLN-2019-16106.

5) FINDING

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

EVIDENCE

- a) APN 221-261-001 contains 9 separate legal parcels.
- b) The project will obtain water from a non-diversionary water source.
- c) The applicant takes access off Salman Creek road and the onto Thomas Road and then onto Perry Meadow Road. The applicant has submitted a Road Assessment Report, dated April 2020, that provides a plan to maintain the road at the appropriate functional capacity for the project. The report also details what every segment needs to be to be maintained to not affect water quality and minimize erosion control. Measures include, winterization techniques, ongoing rocking of gravel roads, ditch repairs, and fixing and installing culverts. As a condition of approval the applicant is to submit monitoring plan for the road assessment every year upon inspection to the Planning Department. Paving of Thomas Road was completed by local community members and donations are currently being accepted by the applicant who coordinated that work. As a condition of approval the applicant shall contact the Road Maintenance Association and join and donate money for the work that was completed.
- d) No timberland will be converted.
- e) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. (a.-f.). It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6) FINDING

EVIDENCE Cultivation of 87,120 square feet of outdoor (square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been approved by Public Works to accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) Irrigation water will come from two off stream ponds onsite.
- e) Provisions have been made in the applicant’s proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7) FINDING

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

EVIDENCE

- a) The 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.

DECISION

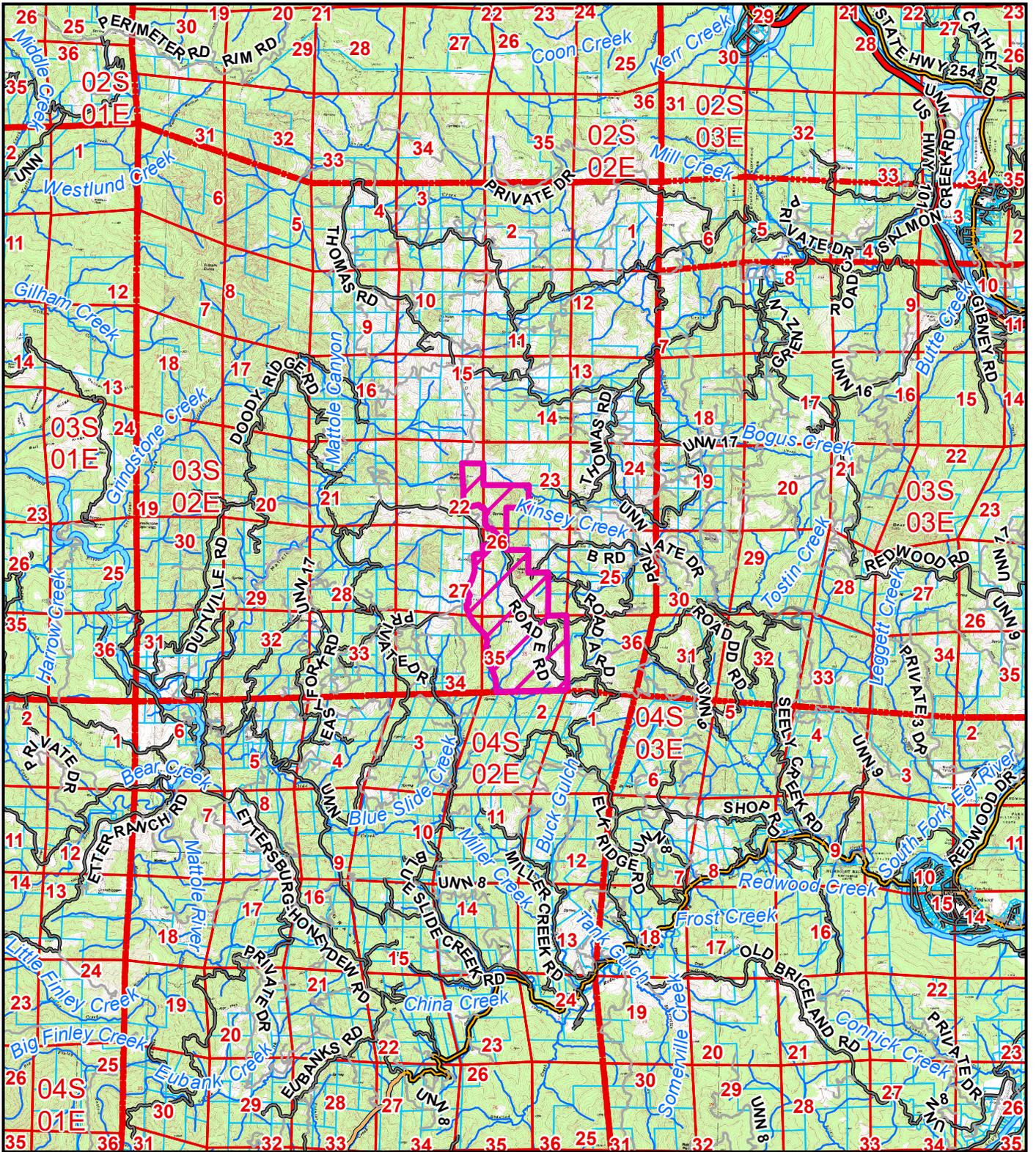
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for Wild Turkey Ranch, LLC based upon the Findings and Evidence and subject to the conditions of approval attached here to as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on February 4, 2021.

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

John H. Ford
 Zoning Administrator, Planning and Building Department



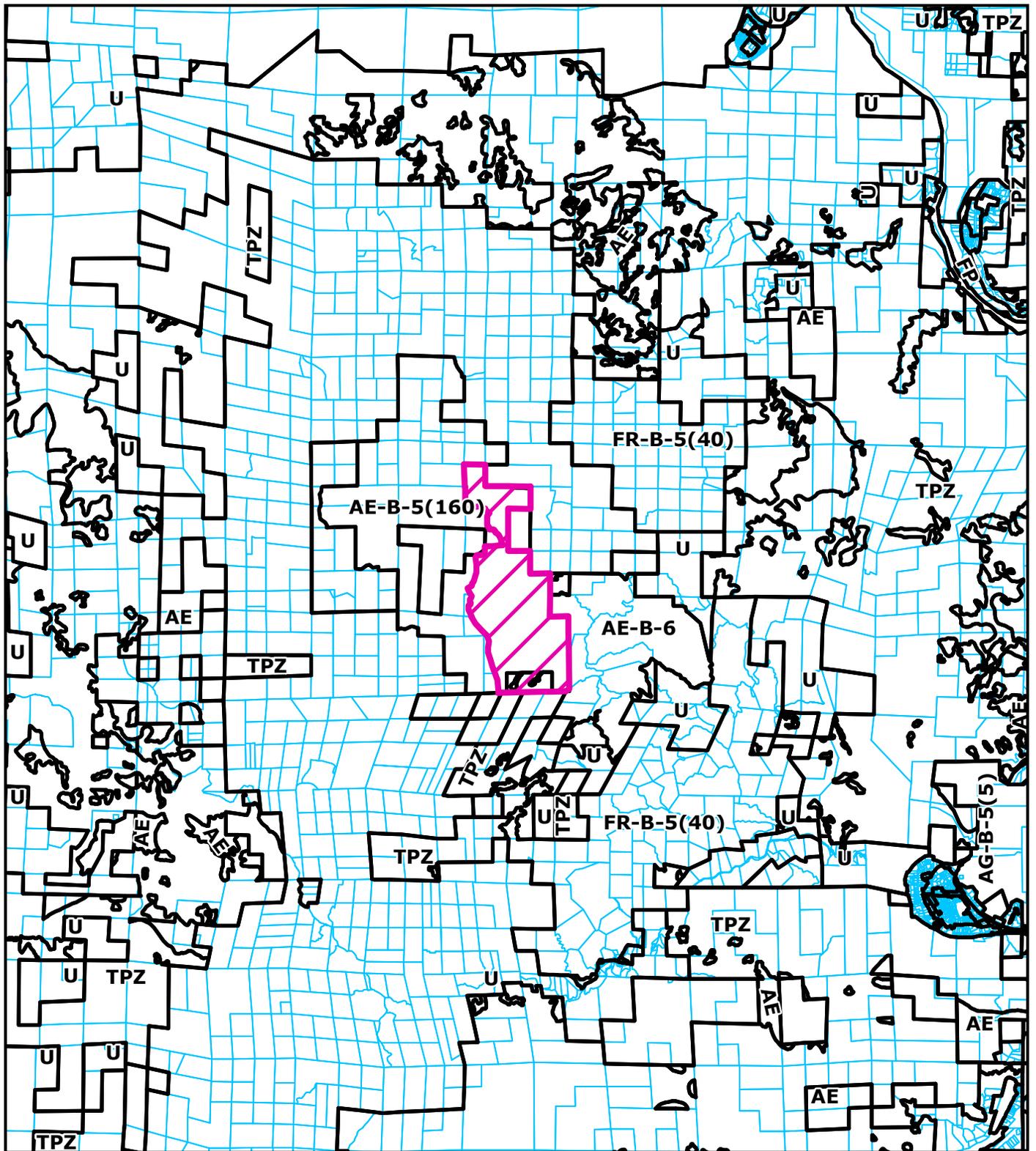
TOPO MAP
PROPOSED CLARKS BUTTE RANCH LLC
BRICELAND AREA
PLN--2019-16106
APN: 221-261-001-000

Project Area =

T03S R02E S22; S23; S27; S26; S34; S35 HB&M (ETTERSBURG)

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.



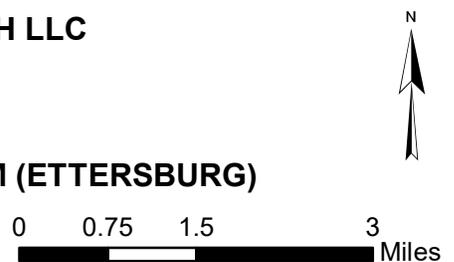


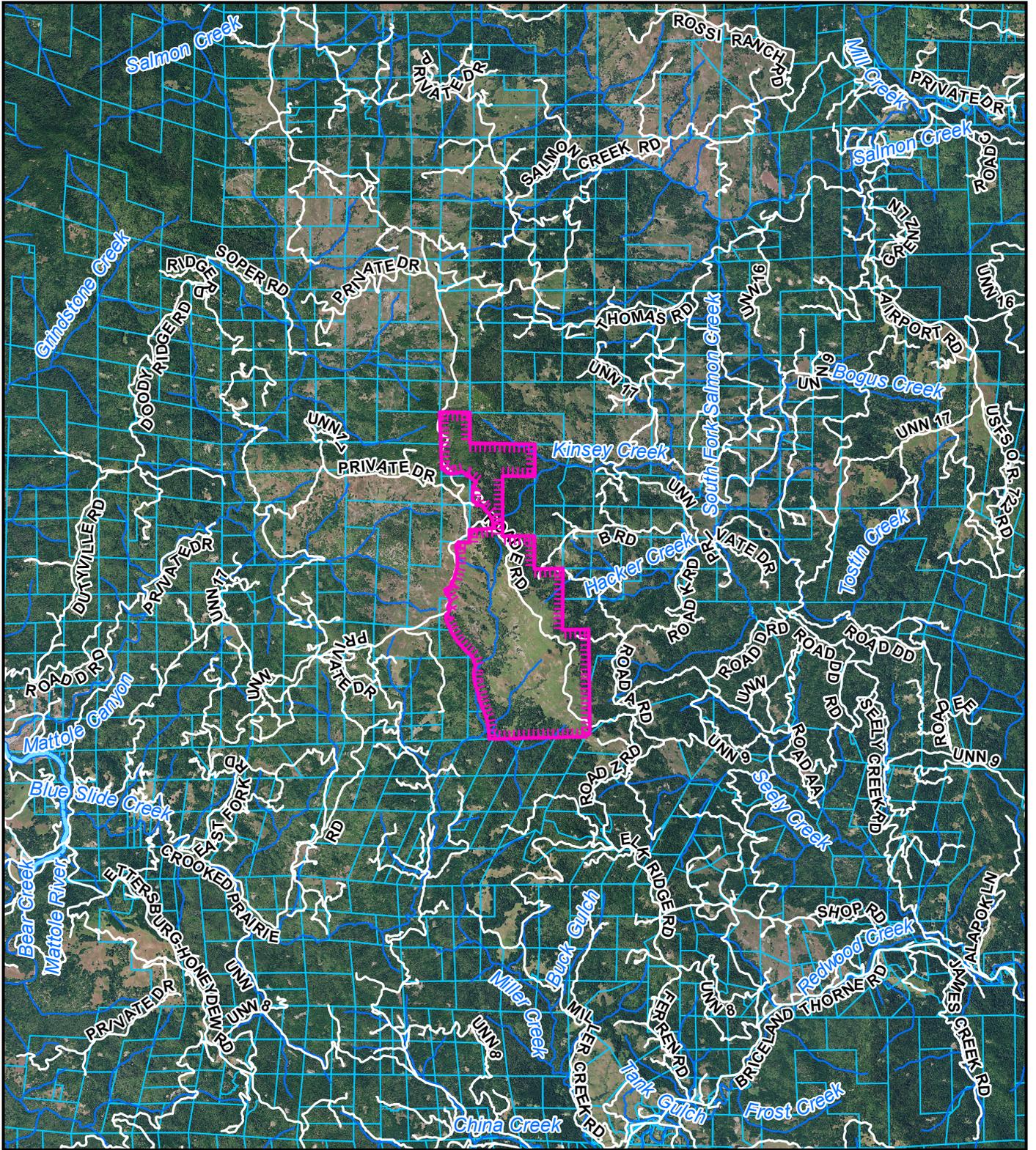
**ZONING MAP
 PROPOSED CLARKS BUTTE RANCH LLC
 BRICELAND AREA
 PLN--2019-16106
 APN: 221-261-001-000**

Project Area = 

T03S R02E S22; S23; S27; S26; S34; S35 HB&M (ETTERSBURG)

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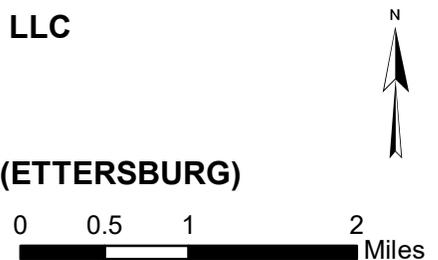
**AERIAL MAP
PROPOSED CLARKS BUTTE RANCH LLC
BRICELAND AREA**

Project Area = 

**PLN--2019-16106
APN: 221-261-001-000**

T03S R02E S22; S23; S27; S26; S34; S35 HB&M (ETTERSBURG)

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Clarks Butte Ranch LLC, SMP Site Map

Road Assessment Map - Ranch Center
 A Portion of APN# 221-261-001
 PLN-2019-16104

16106



Legend

- Exist Building
- Exist Rain Catchment Pond
- Parcel Dimensions
- Parking
- Property Line
- Proposed Ag Exempt Building
- Proposed Ag Exempt Light Dep Building
- Proposed Ag Exempt Propagation Build
- Proposed Outdoor Cultivation
- Proposed Tank Site
- RC Domestic Spring Area
- Road
- Stream

- 1. Rolling Dip
- 2. Rolling Dip
- 3. Rolling Dip
- 4. Rolling Dip
- 5. Rolling Dip
- 6. Rolling Dip
- 7. 15" Culvert TBR

8. Small Culvert TBR

1.376'

1.311'

1.333'

1.327'

1.319'

1.319'

1.297'

2.692'

2000 ft



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. **Within three days of the effective date of permit approval**, 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 #19. 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. Within 60 day of approval the applicant will sign an easement holding the entire ranch compromised of nine legal parcels as one land unit for the life application number PLN-2019-16104 and PLN-2019-16106.
7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing greenhouses, water tanks over 5,000 gallons, existing structures associated with drying and storage and processing, or any activity with a nexus to cannabis. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
8. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.

9. The applicant to submit a noise assessment as described by Section §314-55.4.12.6 (c) within 60 days of the effective date of this permit. The noise assessment will include the ambient noise level at the subject parcel. A sign-off from the Planning Department will satisfy this condition.
10. The applicant is to submit a Remediation and Monitoring Plan prepared by a qualified biologist for the legacy six acres of cannabis cultivation. The Remediation and Monitoring Plan shall include a monitoring and reporting section that requires a minimum of three years of monitoring and an 85% success rate for any revegetation required. The Remediation and Monitoring Plan shall be reviewed and approved by the Planning Department. A sign-off from the Planning Department will satisfy this condition.
11. The applicant is to adhere to the River Band Rohnerville Rancheria THPO Monitoring Contract, adhere to the recommendations made in the CRS investigation prepared by William Rich and Associates, dated May 2020, and implement the Measures for Cultural Resource Protection, as described in the document.
12. The applicant is to adhere to the recommendations made on pages 25-26 of the Biological Assessment for Commercial Cannabis Cultivation, prepared by O'Brian Biological Consultants, dated February 2020. The applicant shall provide evidence of compliance, by submitting a letter from a qualified biologist. A sign-off from the Planning Department will satisfy this condition.
13. The applicant is to submit a monitoring plan for the road assessment every year upon inspection to the Planning Department. Additionally, that the applicant shall provide evidence of joining the Road Maintenance Association and donating a fair-share of the cost for the work that was already completed for Thomas Road.
14. The applicant is to adhere to the appropriate recommendations made in the final Lake Streambed Alteration Agreement, issued from the California Department of Fish and Wildlife.
15. The applicant is to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
16. The applicant shall furnish receipts or other documentation to the Department of Environmental Health for the continual use of portable toilets. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
17. The applicant to continue to monitor the cultivation area for invasive species and develop an eradication plan should invasive species appear. Additionally, the applicant shall submit annual monitoring records for invasive species at the time of the annual inspection. The plan shall be submitted to the Planning Department for review and approval. A sign-off from the Planning Department will satisfy this condition.
18. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid Portable restroom facilities are to be provided for employees or workers performing cultivation activities only

(not processing). A letter or similar communication from the DEH verifying that this has been completed will satisfy this condition.

19. 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.
20. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation. The applicant is to limit the use of heavy equipment during nesting season February 1st through August 15th.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. No generators shall be used for the operation of cannabis cultivation.
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 the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:

- (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - 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 per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to

transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

**CEQA ADDENDUM TO THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

**Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), January 2018**

APN 221-261-001, Approximately 2,000 feet east as the crow flies from the intersection of East Fork Road and Road E, on the property known to be in the southeast quarter of the southwest quarter of Section 23, and the northeast quarter of the northwest quarter of Section 26 of Township 03 South, Range 02 East, Humboldt Base & Meridian, Salmon Creek Area County of Humboldt.

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

January 2021

Background

Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO 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. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project is for two acres (87,120 square feet (SF)) of pre-existing outdoor cannabis cultivation. The project includes onsite relocation and remediation of the historical sites. The cultivation will be composed of 79,320 SF of full sun outdoor cultivation and 7,800 SF will be in housed in hoop houses. Five greenhouses totaling 8,640 SF will be used as a propagation area. The water source is provided by two rainwater catchment ponds with a total capacity of 1.1 million gallons. The applicant is proposing an additional 150,000 to 300,000 gallons of water proposed to be stored in hard tanks and a well. The total water usage is estimated to be about 1.95 million gallons. Drying will occur onsite in two proposed structures; one 1,800 SF and the other at 1,440 SF and further processing will occur offsite. Four employees are expected to be required. Power will be provided by solar energy.

The applicant seeks approval of two acres (87,120 square feet (SF)) of pre-existing outdoor cannabis cultivation. The project includes onsite relocation and remediation of the historical sites. The cultivation will be composed of 79,320 SF of full sun outdoor cultivation and 7,800 SF will be in housed in hoop houses. Five greenhouses totaling 8,640 SF will be used as a propagation area. The water source is provided by two rainwater catchment ponds with a total capacity of 1.1 million gallons. The applicant is proposing an additional 150,000 to 300,000 gallons of water proposed to be stored in hard tanks and a well. The total water usage is estimated to be about 1.95 million gallons. Drying will occur onsite in two proposed structures; one 1,800 SF and the other at 1,440 SF and further processing will occur offsite. Four employees are expected to be required. Power will be provided by solar energy.

The applicant submitted has evidence of pre-existing cultivation, in a document prepared by William Rich and Associates, dated April 2020 (see Attachment 3). The document provides photographic evidence of legacy cultivation within tree canopies. The report states that about 10 acres of cultivation was pre-existing in the entire ranch consisting of 1,203 acres. However, after staff review it was determined that staff can only support six acres of cultivation. While the report established there was prior cultivation on the on the entire ranch, the methodology used to calculate the total area of cultivation was not consistent with the county's definition of cultivation area. Specifically, polygons were

used in the conclusions and using polygons in these scenarios would result in the inclusion of empty spaces and natural vegetation therefore, County Staff requested an estimation of plant count of baseline for a single year as Staff was unable to combine cultivation areas that occurred in different years. The applicant then submitted additional evidence dated June 2020, which provided a plant count. Staff was able to use the plant count to calculate (using 37 Square feet radius per plant) and settled on six acres of cultivation, which, pursuant to CCLUO, section 55.4.6.5, applications for pre-existing cultivation submitted between January 1, 2019 and December 31, 2019 shall not be approved for more than fifty percent of the documented existing cultivation. Therefore, the applicant is entitled to three acres of pre-existing cultivation.

One acre of cultivation has been approved under Record Number: PLN-2019-16104. As a condition of approval, the applicant is to submit a Remediation and Monitoring Plan for the legacy 6 acres of cannabis cultivation. The pre-existing cultivation occurred throughout both APNs 221-131-034 and 221-261-001. Through this application, the applicant is proposing to relocate two acres of cultivation from both parcels to northern part of APN 221-261-001. Because the cultivation area will be relocated away from watercourses and to slopes of less than 15% and the ranch comprised of nine legal parcels will be managed as one land unit through time, and as a condition of approval the applicant will record an easement holding the entire ranch as one parcel for the entire life of both applications PLN-2019-16104 and PLN-2019-16106. In addition to relocation, the applicant is also proposing to reorganize 7,800 square feet of historically full sun outdoor cultivation into greenhouses. Reorganization of the historically full sun cultivation area into greenhouses will allow for two cultivation cycles, however, the number of growing days will remain the same or less. Greenhouses will allow for additional climate control to reduce unnecessary water use and change the irrigation source to a groundwater well as opposed to a diversionary source. Staff is in supportive of cultivation being relocated from APN 221-131-034 to APN 221-261-001 and holding the entire ranch as one, because holding the ranch one parcel will ensure all remediation, relocation and reorganization will environmentally improve project beyond the baseline conditions.

The applicant has completed a Biological Assessment for Commercial Cannabis Cultivation, prepared by O'Brian Biological Consultants, dated February 2020. There are no significant impacts to special status species, such as the Northern Spotted Owl. However, the report does list recommendations to avoid adverse impacts. The report recommends that a springtime floristic survey shall be performed for sensitive plants prior to ground disturbance. Additionally, the report recommends nesting bird surveys if any significant vegetation removal- or habitat alteration is planned within the nesting bird season. As condition of approval the applicant is to adhere to the recommendations made on pages 25-26 of the report and the applicant shall provide evidence of compliance, by submitting a letter from a qualified biologist. Additionally, the applicant has submitted a draft Lake Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife, dated September 2020 addressing stream crossings and the outflow of ponds, the applicant obtain and adhere the final LSAA and the appropriate recommendations made in the agreement.

No trees are proposed to be removed as part of the project. The applicant removed dead trees near the existing ponds. The applicant submitted photo graphic evidence of dead trees; however, in the future, the applicant must provide evidence that timber removal occurred in compliance with the Forest Practices Act.

The applicant takes access odd Solman Creek road and the onto Thomas Road and then onto Perry Meadow Road. The applicant has submitted a Road Assessment Report, dated April 2020, that provides entails a plan to maintain the road at functional capacity. The report also details what every segment needs to be to be maintained to not affect water quality and minimize erosion control. Measures include, winterization techniques, ongoing rocking of gravel roads, ditch repairs, and fixing and installing culverts. The applicant is to submit monitoring plan for the road assessment every year upon inspection to the Planning Department. The Department of Public Works has commented and stated that paving Thomas Road was completed by the local community and that donations are being accepted by the applicant who coordinated that work, as a condition of approval the applicant contact the Road

Maintenance Association and join and donate money for the work that was completed. The project is conditioned as such.

Additionally, the applicant has submitted a final Lake Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife, dated September 2020 addressing two stream crossings, the applicant is to adhere to the final LSAA, and the appropriate recommendations made in the agreement.

A Cultural Resource Investigation (CRS) was prepared for the project, per the request the Bear River Band of the Rohnerville Rancheria Tribal Historic Preservation Officers (THPO). The applicant submitted CRS prepared by William Rich and Associates, dated May 2020. The investigation found a multicomponent archeological site containing an extensive scatter of ancestral Native American artifacts and possible house pits with a small cluster of historic-period and modern buildings associated the applicants ranch. The investigation recommends that the cultivation be limited to above ground containers within 100 feet of archeological site boundary. No ground disturbing activities should occur in the site or 100-foot radius without further archaeological testing. Further, the portion of the archaeological site within 100 feet of proposed cultivation, should be 100 feet of proposed cultivation, should be flagged or demarked with visible flagging whisks, or stakes so that the site boundary is readily observable and avoided. The report was forward to BRB for review, who recommended that the applicant signed a Monitoring Contract with the Bear River Band Rohnerville Rancheria THPO and have a THPO monitor all ground disturbance. Additionally, the applicant has submitted a Measures for Cultural Resource Protection, a document that the applicant prepared to show how he will protect the CRS onsite. As a condition of approval, the applicant is to adhere to the River Band Rohnerville Rancheria THPO Monitoring Contract, adhere to the recommendations made in the CRS investigation prepared by William Rich and Associates, dated May 2020, and implement the Measures for Cultural Resource Protection, as described in the document.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) 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 EIR 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 EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize consisting 11,555 sf of outdoor cannabis cultivation and to construct minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Biological Assessment for Commercial Cannabis Cultivation, prepared by O'Brian Biological Consultants, dated February 2020.
- Road Assessment Report dated April 2020.
- Lake Streambed Alteration Agreement from the California Department of Fish and Wildlife dated September 2020.
- Cultural Resource Investigation prepared by William Rich and Associates, dated May 2020.
- Site Management Plan, prepared by owner Charles Benbow, dated May 2020.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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 EIR was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit a 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 EIR was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, remain in full force and effect on the original project.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
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.
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in 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. (Site Management Plan, 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. (Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (on file)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

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

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. *Biological Assessment for Commercial Cannabis Cultivation*, prepared by O'Brien Biological Consultants, dated February 2020. (Attached)
16. DEH Worksheet (On file)
17. Road Assessment Report dated April 2020. (Attached)
18. Cultural Resource Investigation prepared by William Rich and Associates, dated May 2020. (On file and confidential)

Cultivation and Operating Plan
Revision (1)
PLN-2019-16106
For
Clarks Butte Ranch, LLC
Clarks Butte Permit (CBP)
A Portion of APN# 221-261-001

Proposed Commercial Cannabis Cultivation Facilities

Lead Agency
Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Prepared By:

Charles Benbow
40 East Branch Road
Garberville, CA 95542

December 2019
Revision (1)
4/4/20

OPERATIN PLAN
CLARKS BUTTE PERMIT
Revision (1)

Clarks Butte Ranch LLC, Clarks Butte Permit PLN-2019-16106

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1. PROJECT SUMMARY

1.1. Project Objective

Clarks Butte Ranch, LLC (CBRLLC) is proposing to permit pre-existing cannabis cultivation activities in accordance with the County of Humboldt's (County) Commercial Cannabis Land Use Ordinance (CCLUO). The project requires a Special Permit for approximately 2 acres of outdoor cannabis cultivation to serve the Clarks Butte Permit (CBP). The project proposal includes permitting items appurtenant to the cultivation such as water storage facilities and other requirements as deemed necessary to fully comply with State and County cultivation regulations.

1.2. Site Description

The project is located on Clarks Butte, a part of Elk Ridge, 6.47 Miles SW of the Miranda Exit of US Highway 101, Sections 22 & 23, Township 3S, Range 2E. There's no TPZ on the parcels. The subject parcels are +/-116.35 acres and 40.15 acres in size. The property is entirely in an "Impaired Watershed" draining into Kinsey Creek and Hacker Creek, tributaries of Salmon Creek then the South Fork of the Eel River and into Mattole Canyon Creek, a tributary of the Mattole River. The parcel is mostly timbered with +/-20 acres of open grasslands. Topography of the timbered area varies from flat to steep. The proposed cultivation sites are located in grasslands atop ridges with level or nearly level topography. No cultivation site exceeds grades of over 8% and most are flat. Some minor grading will occur. The top 1-5 inches of the cultivation surface areas has been disturbed over the years by equipment removing brush and other invasive vegetation. The uneven surface will be slightly graded to make a uniform safe walking surface. Concrete footings for buildings will be necessary. Soils on Clarks Butte and within the cultivation sites are underlain by sandstone. As a result, there is little, or no surface run off even in winter storm events. There are no defined water courses within the cultivation site.

There are three (3) deeded right of ways accessing the site: Perry Meadow Road to Briceland-Thorne Road, Blue Slide Creek to the Ettersburg Road, and Thomas Road to Highway 101. Proof of these are in the Title Report and Easement docs contained in Appendix B. Appendix B also includes proof of ownership documents, corporate documents, and Operating Agreements for CBRLLC.

1.3 Land Use

The subject property has a General Plan designation of Residential Agriculture (RA) and is zoned Agricultural Exclusive (AE). The surrounding properties have similar General Plan designations.

1.4 State and Local Compliance

1.4.1 State of California Commercial Cannabis Activity License

CBP will obtain a Commercial Cannabis Activity License from the State of California once the local approval has been received.

1.4.2. State Water Resources Control Board

The water sources for cannabis cultivation will be two (2) rainwater catchment ponds, a well and 150,000-300,000 gal of tank water storage. An application with the State Water Board has been submitted however that submission will be modified or cancelled as we have been informed by the Humboldt County Planning Department (HCPD) that no POD's are allowed under this application. Four (4) tanks from the pre-existing cultivation sites totaling 6,000 gallons are on the parcel. Additional tank storage of 150,000-300,000-gallons may be needed. Location of tanks and ponds are noted on the Site Plan, Appendix A, attached. The SUIR has been filed with the State Water Resource Board (SWRCB). The Registration ID is H508792. The Wastewater Discharge Application number is BA10423131. (Appendix C) As stated above these will be modified or eliminated as appropriate.

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1.4.3. North Coast Regional Water Control Board

A Site Management Plan (SMP) was previously submitted under Tier 1 requirements by Charles Benbow (Previously Appendix D). The previous format is for the Central Coast Regional Water Control Board. This format contains the information necessary for an SMP. The SMP has not yet been filed with the SWB and the North Coast Regional Water Quality Control Board (NCRWQCB). It will be adapted and filed to meet the requirements of the NCRWQCB and Humboldt County and be submitted as Appendix I.

1.4.4. Humboldt County Building Department

All necessary building permits will be obtained from the Humboldt County Building Department for any proposed structures or infrastructure upon approval of the Special Permit.

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles and management of trees and vegetation around structures to maintain the required 100-foot defensible space. All structures on the property will meet the 30-foot SRA setback requirement from property lines. A fire riser and 2,500-gallon water tank dedicated to fire suppression will be installed. Fire boxes with back pumper, 2 shovels, 2 axes and 2 McClouds will be placed wherever human activities occur.

1.4.6. California Department of Fish and Wildlife

Timberland Resources Consultants has been retained to create required Department of Fish and Wildlife 1600 report attached as Appendix D.

1.4.7. Cultural Resources

An archaeological study has been completed by William Rich and Associates. The report is forthcoming. See Appendix E.

1.4.8. Biological Reconnaissance Survey

A Biological Assessment for Cannabis Cultivation has been completed by O'Brian Biological Consultants. See Appendix F

2. CULTIVATION AND PROCESSING

2.1. Nursery Propagation and Initial Transport

Five (5) propagation greenhouses totaling 8,640(sf) are proposed per the Site Plan, Appendix A. They will be solar powered and no light will be visible from the exterior of the building. Juvenile plants (clones) will be purchased as required by rule, or propagated from seeds, that demonstrate the desired genetics for the specific cannabis strain. The clones will be placed into the nursery, in container trays and once fully rooted transplanted directly into one (1) gallon plastic containers containing a growing medium of coco-core fiber and perlite. The nursery size will be less than 10% of the permitted (sf) of the cultivation area. After 2-4 weeks the plants will be moved outside or into green houses. Clones will be transplanted into 25-gallon smart pots or beds with the same soil and perlite medium where they continue their "vegetative" cycle. Light proof tarps will be used in the propagation phase to limit light escaping the building during the minimal lighting used in the propagation process. Seed propagation may also be used in the future as allowed by local and state requirements.

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2.2. Outdoor Cultivation Plan and Schedule

A single cycle outdoor cultivation of 79,320 (sf) will occur on the property within three (4) cultivation areas commencing on or about June 25th and terminating on or about October 5th is scheduled. See Appendix A. Two (2) light dep greenhouses totaling 7,800(sf) of proposed greenhouse light deprivation space will be utilized for two (2) flowering cycles per year from April to October. 3

Farming proposes a unique set of metrics in planning and scheduling. One must have available land, proper soil, capital, labor, product markets, suitable weather and adequate water. Plans and schedules must be adapted for all of these considerations. For RCP the most critical of these is water. Under the CCLOU water used for cultivation must come from wells and/or rain catchment ponds. Rainfall in Humboldt County is seasonal, falling between October and May. As a result, we can predict with some certainty the available water for the summer growing season and plan accordingly. Schedule A in section 2.3 below is a detailed model of CBP projected planting and water use in "normal" rainfall years.

2.3. Irrigation Plan and Schedule

Growing cannabis is farming. Schedule A of this section is a model for schedule and irrigation of plants using drip irrigation. Drip irrigation has been selected by CBP because it is the most water efficient. See Appendix C. The model assumes "normal" growing conditions. In our area of Humboldt County and under CCLOU rules, water supply for the summer cannabis outdoor growing season is based on previous winter rainfall. Should available water be diminished for lack of rain then, like any other farm the number and size of plants, days the plant is in the ground, and irrigation days must be adjusted accordingly. In addition, abnormal heat or cool weather will also increase or decrease the amount of water the plant uses. CBP will take all of these conditions into consideration when planting their outdoor crop each year and adjust accordingly.

Total water for cultivation is 1.95 million gallons for 14,541 plants. These are optimum estimates and will vary based on multiple factors.

See Schedule A Attached

Schedule A, Clarks Butte Permit Cultivation and Irrigation Schedule

Cultivation Area/ Ac	2.0
(sf)/Acre	43,560
Total (sf)	87,120
% of (sf) Unused	0.0%
Plantable (sf)	87,120
Outdoor (sf)	79,320
Outdoor Light Dep (sf)	7,800

Actual Planting

3.1	1,245 plants in 30'x130' LD
8.3	2,400 plants in 20,000(sf) Outdoor

Outdoor

Per Plant	1.0
# Months of Irrigation	3.2
Irrigation Days/Mo	15.0
Total Irrig Days	48.0
Gal/Plant/Irrig Days	2.5
Total Gal/Plant (sf)/Plant	120.0
Plants/1,000 (sf)	1,000.0
Gal Irrig/1,000 (sf)	14,458
(sf) Outdoor	79,320
Total Plants	9,557
Total Water/Gals	1,146,795

Outdoor Light Deprivation

Grows	2.0
Per Plant	1.0
# Month of Irrigation	2.5
Irrigation Days/Mo	15.0
Total Irrig Days	75.0
Gal/Plant/Irrig Days	2.0
Total Gal/Plant (sf)/Plant	150.0
Plants/1,000 (sf)	1,000.0
Gal Irrig/1,000 (sf)	15,311
(sf) Outdoor Light Dep	7,800
Total Plants	4,984
Total Water/Gals	747,604

Propagation

Grows	1.1
Per Plant	1.0
# Month of Irrigation	1.0
Irrigation Days/Mo	15.0
Total Irrig Days	16.5
Gal/Plant/Irrig Days	0.3
Total Gal/Plant (sf)/Plant	4.1
Plants/1,000 (sf)	0.2500
Gal Irrig/1,000 (sf)	1,000.0
(sf) Propagation	14,541
Total Plants	14,541
Total Water/Gals	59,980

Total Water for Cultivation/Gal 1,954,379.2

Schedule for Outdoor Cultivation

	January	Febuary	March	April	May	Jun	July	August	September	October	November	December	
% Use /Mo	0.00%	0.00%	0.00%	0.00%	0.00%	5.00%	30.00%	35.00%	25.00%	5.00%	0.00%	0.00%	100.00%
Amt Water/Gal	0	0	0	0	0	57,340	344,039	401,378	286,699	57,340	0	0	
Total Water OD/Gal	1,146,795												

Schedule for Outdoor Cultivation (Light Dep)

	January	Febuary	March	April	May	Jun	July	August	September	October	November	December	
% Use/Mo	0.00%	0.00%	0.00%	7.50%	10.00%	20.00%	15.00%	20.00%	20.00%	7.50%	0.00%	0.00%	100.00%
Amt Water/Gal	0	0	0	56,070	74,760	149,521	112,141	149,521	149,521	56,070	0	0	
Total Water LD/Gal	747,604												

2.4. Harvesting, Drying, and Trimming

(2) Drying buildings totaling will be constructed on site. When permitted these buildings will serve the dual purpose of winter equipment storage and cannabis drying. This should pose little conflict as drying operations should not consume more than 6 weeks of the year.

Plants that are ready for harvest have their flowering branches removed and suspended in a drying facility which must be equipped with ventilation fans. The drying process takes approximately one to two weeks. When proposed drying facilities are built on the parcel, permits will be obtained from HCPD as required. No generators will be used. Solar power will be incorporated and wood burning heat may also be needed.

The dried flowers are then bucked into manageable buds and transported to an off-site processing facility or licensed manufacturing facility.

The finished product is stored in a processed materials room before being transported to a licensed distribution facility. The waste product, or "trim" is collected and placed into bins to be weighed, labeled, and sealed. Trim will be transferred to an offsite licensed manufacturing facility.

2.5. Processing Facility

No cannabis trimming or packaging will occur on-site. CBP will contract with a licensed off-site processing facility and/or sell bulk cannabis to a commercial cannabis manufacturer.

2.6. Employee Plan

Labor for the CBP cannabis growing operations will be provided by family members. It is not anticipated that outside labor will be necessary. If outside labor is needed, CBP will become an "agricultural employer" as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975, Part 3,5 (commencing with Section 1140) of Division 2 of the Labor Code) and will comply with all applicable federal, state and local laws and regulations governing California Agricultural Employers. The existing residence on the CBRLLC may be used for cultivation workers during the growing season. We will obtain a building permit as required by HCPD.

2.6.1. Job Description and Employee Summary

Job description: All aspects of propagation, planting, cultivation, harvesting, and drying.

2.6.2. Staffing Requirements

It is expected that site tasks can be accomplished by four (4) individuals for both CBP and RCP. Staff requirements may change based on terms and conditions of this permit.

2.6.3. Employee Parking

All parking, including employee parking, will be in areas marked as such on the Site Plan Appendix A. Parking suitable for 4-8 vehicles will be provided. Turnarounds are also delineated on the Site Plan. Ample space for parking and turnarounds away from access corridors will be maintained for emergency vehicles.

2.6.4. Worker Training and Safety

On-site cultivation and harvesting are performed by family members trained on each aspect of the procedures including cultivation, harvesting techniques, use of pruning tools and proper handling of pesticides and fertilizers. All cultivation and processing personnel are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the on-site cultivation facilities are limited to authorized and trained staff

All personnel are trained on proper safety procedures including fire safety, use of rubber gloves and respirators, proper hand washing guidelines, and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control will be posted on the bulletin board at cultivation site entrances. Each individual at work is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS), when applicable, are kept on site and accessible to personal if applicable. No smoking of any kind will be allowed on site or coming to and going from the site. Cell service is available on site. First-aid supplies, a hose connection, hand and eye washing station will be provided at each site.

2.6.5. Toilet and Handwashing Facilities

Cultivation personnel will be served by portable toilet(s) and hand washing station. Anti-bacterial liquid soap and paper hand towels will be made available. Restroom and handwashing units will be serviced at regular intervals by a contractor or trained personnel. Personnel will work at a distance no greater than 750 feet from the restroom facility.

2.6.6. On-Site Housing

No on-site housing is anticipated. Should that situation change, building permits and leach fields will be obtained per Planning Department regulations.

2.7. Security Plan and Hours of Operation

2.7.1. Facility Security

The site is extremely safe. The parcel is isolated by steep topography to the west and east with the west boundary being shared with the Phelps ranch of +/- 1,800 acres. Ridgeland LLC borders to the north with an occupied home on it. Three locked gates must be passed when entering from the north. Entrance from the south is also through a locked gate and passes through the ranch center. Both the Phelps and CBR LLC properties have perimeter fencing. The access roads connect at Cedar Flat in the middle of the Phelps and Benbow ranches. Since there are no easements for anyone but Phelps and Benbow through their properties the roads act as dead ends at the property entrance gates. Emergency CAL FIRE vehicles have permitted access. See Deeds and Easements Appendix B. These legal easements are unique to CBR and Phelps's ownership which encompass +/- 3,000 acres, a secure buffer of isolation for the sites. Security and motion detection cameras will be placed strategically. No outdoor lighting is required for these cameras.

2.7.2. Hours of Operation

Activities associated with cultivation generally occur during daylight hours. No nighttime operations are planned. Activity hours under normal conditions will be between sunrise and sunset limiting noise and light during nighttime.

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3. ENVIRONMENT

3.1. Water Source and Projected Water Use.

Water for cultivation will be provided in two ways. The primary source will be rainwater catchment ponds. These are built but, we believe, will need liners to hold water. Fisch Drilling has been retained to drill a well and is currently in the permitting phase. An additional rain catchment pond may also be added in the future. 100,000 - 300,000 gallons of water tank storage will be constructed and filled by well or pond water. Well and tank sites are noted on the Site Plan, Appendix A, attached. The well may be moved from the mapped location as dictated by drilling. Domestic water will be supplied from a spring on the property. Water will be pumped from the spring site (noted on Site Plan) to a domestic water tank at the tank site on top of the ridge. CBP will utilize water management strategies to conserve water. Refer to section 2.4 for a summary of irrigation practices, and Schedule A in section 2.3 of the Operations Manual for monthly irrigation schedule. 1.954 million gallons of water are projected for a normal growing season. 1.15 gals for 9,557 outdoor plants, 747,604 gallons for 4,984 light dep plants and 38,300 gallons for propagation. See Section 2.3 of Operating Plan for more detailed information.

An SUIR application (SUIR Reg# H508792) and Wastewater Discharge Application BA10423131H were filed with the State Water Resource Board (SWRCB). Consultation with the Humboldt County Planning Department (HCPD) has revealed that no running water sources are allowed for irrigation of cannabis throughout the year in an "Impaired Area," under the CCLOU. Only rainwater catchment ponds and wells are allowed. These were/are the water sources planned but information from the SWB led to the application that was filled. Since the SUIR is not necessary, or valid, and POD's are not allowed under the CCLUO v2 they will be eliminated from the revised Site Plan as part of the revisions requested in our application. We are in the process of working with the SWB to resolve any conflicts.

3.2. Water Storage

Water will be stored in two (2) rain catchment ponds

Upper approximately 426,264 gallons

Lower approximately 661,455 gallons

Estimated total 1.1 million gallons.

Water tank storage of 100,000-300,000 gallons filled from rain catchment and a well is also proposed. A 5,000-gallon domestic water tank and A 2,500-gallon dedicated fire tank along with riser will also be installed and is noted Site Plan Appendix A.

3.3. Site Drainage, Runoff, and Erosion Control

The cultivation sites are on Clarks Butte. The topsoil is shallow, 6" -2.0' with uplifted rock outcrops. A layer of mixed clay and sandstone is present below the topsoil in most places. Rains saturate the soils in winter storm events. Cultivation areas on the ridge have little or no signs of erosion. Ridgetop cultivation sites are critically important as they naturally shed surface water, without channeling, and don't infringe on natural drainage. There are no defined water courses of any kind within the cultivation site as area as water soaks into the ground and slopes are level to 6%. A Site Management Plan (SMP) was developed under Tier 1 requirements by Charles Benbow (See Appendix I)

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3.3.1. Site Drainage and Runoff

Site investigation showed no evidence of runoff associated with the proposed cultivation areas. This would be expected given the topography, nearly level, location, atop the ridge, vegetation, soil porosity. There are no defined watercourses on, or within 350 ft. of the cultivation site. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including controlled irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zones. Drainage from Clarks Butte, upon which the cultivation site is located, does not begin to channel until approximate 200 yards downslope from the top of the ridge on either side. Drainage from this section of Elk Ridge runs westerly to Mattole Canyon Creek then on to the Mattole River. Water falling on the east side of the ridge flows to Kinsey then Salmon Creek, and on to the South Fork of the Eel River.

3.3.2. Erosion Control

The Site Management Plan (SMP) includes erosion and sediment control BPTC's designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery, including: out sloping and rocking the main roads, adding rocked rolling dips on all roads, adding seed and straw to exposed dirt surfaces for stabilization, planting grass plugs and trees, and using rip-rap for bank stabilization, as watercourse energy dissipaters and for headwall and discharge rock walls at culvert sites. Additionally, the SMP requires mulch piles and spoils from any grading to be stored so as not to enter a designated water course.

3.4. Water and Habitat Protection.

Adherence to the SMP ensures that the watershed and the surrounding habitat are protected. As long-time owners and stewards of the land, this has been a priority for years. The cultivation activities and any associated structures are more than 50' from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, the site development and maintenance activities utilize BMTC's in accordance with the State and Federal agency standards.

3.5. Monitoring and Reporting

Monitoring will be conducted to confirm the effectiveness of corrective measures listed in the SMP and determine if the site meets all Standard Conditions. Scheduled inspections will include photographic documentation of any event that produces sedimentation to a water course. Visual inspections will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented.

On-site monitoring shall occur:

1. Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation.
2. Prior to October 15 to evaluate site preparedness for storm events and stormwater runoff.
3. Following any rainfall event with an intensity of 1-inch precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forcast>.

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3.6. Energy and Generator Use

CBP plans to install solar arrays to provide all energy needs for the site including any buildings that may be permitted. The applicant will use on-site generators in the construction phase of improvements and as back up auxiliary to solar power in the future. No fuel for generators will be stored on site. Honda EU2000i, EU3000i and EU7000i generators will be used with decibel levels at the exhaust of 57db, 57db and 58db respectively. Additional sound suppression measures will also be implemented to insure 50db at 100' keeping generator noise nearly undetectable.

3.7. Use and Storage of Regulated Products

3.7.1. Best Management Practices

Best Practical Treatment or Controls (BPTC's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides will be located in a locked storage room or con-ex, and contained within watertight, locked and labeled containers in accordance with instruction. Application rates will be tracked and reported with the end of the year monitoring report as required. Workers responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye, body and respiratory protection in accordance with the manufacturer's recommendations.

3.7.2. Fertilizers

The protocol for storing fertilizer is not to store fertilizer. This is a basic farming practice. Fertilizer, whether organic or chemical is unstable and reactive. Fertilizer should be, and will be, purchased when we are ready to apply it. The anticipated products that will be used are organic pelletized chicken manure, a seaweed supplement such as Maxicrop, and crushed oyster shell flour from the Pacific Pearl Corporation. Fertilizer will be stored in a watertight, con-ex container during application.

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

3.7.3. Pesticides and Fungicides

Pesticides and fungicides used for cultivation include:

Peppermint Soap

See Appendix G – *Regulated Products Resource List* for product details.

3.8. Waste Management

3.8.1. Solid Waste Management

All trash/refuse generated on-site will be kept in the storage/staging area, within a trailer or refuse bin, where it will not migrate or leach into waters of the state. (See Site Map Appendix A). Cultivation-related organic waste will be composted in a designate area and stabilized with the appropriate BPTC measures. There will be no "spent soil." Soil is a medium that can be amended or enhanced as time goes on. During the dormant season, mulching or cover cropping will be used to help accomplish this. Household and other cultivation-related waste and recycling are temporarily stored in wildlife-impenetrable storage containers. All refuse and cultivation waste are then transported to the Recology Eel River Disposal waste t facility approximately twice a month.

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3.8.2. Wastewater Management

Drip irrigation methods will be used to minimize the over-irrigation of plants and subsequent runoff. There is no existing bathroom within the cultivation but should fixed bathrooms be constructed in the future, a soils report and septic system design will be completed along with all required HCPD building permits. Porta-potties will be provided at the cultivation site and will be serviced regularly by the provider

4. PRODUCT MANAGEMENT

4.1. Product Testing and Labeling

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product will then be labeled and will include tracking ID's provided by the County of Humboldt and/or Statewide tracking system.

4.2. Product Inventory and Tracking

The applicant will enroll in the Humboldt County cannabis product and inventory tracking system, an internally developed system of inventory and tracking utilized by the County of Humboldt as required. The *Agent in Charge* and *Lead Cultivator* will ensure all commercial cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and local regulations. The information recorded for each harvest includes:

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

Tracked products are required for legal entry into the State marketplace. Currently, the State marketplace does not have a tracking program online. At the time that the first annual licenses are distributed, a State sanctioned tracking program (Metrac) will come online. All state-issued annual licenses are required to use the California Cannabis Track and Trace (CCTT)-Metrac system to record, track, and maintain information about their cannabis, cannabis product inventories, and activities. Cultivators pursuing State Licensure must complete the state-provided training before using the CCTT-Metrac system.

4.3. Transportation and Distribution

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

1. Product ID numbers and product weight
2. Route to be traveled
3. Origin and destination addresses
4. Time of departure
5. Time of arrival

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

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5.0 Lot Line Adjustment (LLA)

As part of the applicant's coordination with the HCPD, it has been determined that an LLA will be needed. The LLA boundaries are represented in the Site Plan Appendix A, attached. The LLA will be processed by Elizabeth Marino, the planner assigned this permit as part of the Special Cannabis Permit Application PLN-2019-16106.

6.0 Cultivation Impact on a Per Acre Basis

Clarks Butte Ranch is composed of +/-1,213 acres in eleven (11) legal parcels. In the two (2) Special Permits being applied for there are three (3) acres of cultivation requested. These three (3) acres represent 0.247% of the land CBRLLC owns. We believe that the combination of the following greatly reduces and mitigates any impact on all aspects of the land use being considered in this permit application:

1. The limited acreage being utilized for cannabis cultivation 0.247% of the ranch.
2. Ridgetop locations on previously farmed land.
3. Rain catchment ponds constructed where no defined water entered the pond.
4. No PODs. Wells and water storage tanks.
5. Protection of Native Californian cultural site.
6. Utilization of existing structures to the extent possible.
7. Prior and ongoing road maintenance and repair made using guidelines in the SMP.
8. NRCS programs for Road Construction, Oak Renewal, Erosion Control, Special Botanical Zones and Streams.
9. Dead, dying and disease permits for damaged tree removal.
10. Community access for emergency vehicles connecting four road systems, Ettersburg-Honeydew Road, Briceland-Thorne Road, Salmon Creek Road and the Highway 101 corridor. A total of 240 square miles covered.

A

16106



SITE MANAGEMENT PLAN

APPENDIX I

REVISED & SUBMITTED TO NCRWQCB 5/20/2020

CLARKS BUTTE PERMIT
Portion of, APN# 221-261-001
PLN-2019-2019-16106

Submitted by:

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SITE MANAGEMENT PLAN

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Schedule A: Cultivation and Irrigation Schedule

Appendix A: Site/Plot Plan

Appendix D: DFW 1600 Submission and Receipt (see Rev-1 application)

Appendix J: Road Assessment Map

1. INTRODUCTION

This Site Management Plan (SMP)/ Water Resource Protection Plan (WRPP)/Stormwater Management Plan has been developed to satisfy conditions of the Tier 1 enrollment requirements in the State Water Resource Control Board (SWRCB) Order No. WQ 2017-0023-DWQ (Order), and Order No. 2015-0023 for the North Coast Regional Water Quality Control Board (NCRWQCB). The purpose of the Order is to implement the Cannabis Policy requirements for waste discharges associated with cannabis cultivation. The Policy provides a structure for managing water quality and instream flow impacts associated with cannabis cultivation. It also establishes criteria for personal use and site conditional exemptions and includes a tiered approach for permitting discharges of waste. All eligible dischargers developing land for cannabis cultivation activities are required to enroll in the program under the Order. Dischargers must implement Best Practical Treatment or Control (BPTC) measures and submit technical and monitoring reports to assure compliance with the Order. The SMP describes how the discharger is complying with the applicable BPTC measures listed in the Policy and how they are implemented property wide.

2. SITE INFORMATION

Registrant: Clark's Butte Ranch, LLC
40 East Branch Road
Garberville, CA 95542

Site Address: Elk Ridge
Humboldt County

Parcel: APN # 221-161-001

Zoning: Agricultural Exclusive (AE) – B-5(160)

Acres: Approximately 116.35 and 40.15 Acres

Location: The site is located on Elk Ridge 6.47 miles SW of Miranda. Starting on Highway 101 South exit at the Salmon Creek Road. Turn west and proceed 2.84 miles, turn left on Thomas Road for 3.88 miles, turn right on Thomas Road for 2.65 miles, turn left on Perry Meadow Road for 1.12 miles turn right on Perry Meadow Road to cultivation area.

Site

Description: The project site is located on two legal parcels, 116.35-acre parcel and 40.15-acre parcel on the top of Elk Ridge. The site drains east into the headwaters of Kinsey Creek and Hacker Creek, tributaries of Salmon Creek and west into Mattole Canyon Creek. The property consists of primarily oak and fir timberland with approximately 20 acres of grassland. The cultivation area is flat or nearly so. The cannabis application is for two (2)

acres of outdoor cultivation. There are no structures or improvements on the parcels. Though a SUIR was filed, the applicant has been informed by Humboldt County it is not required as no water is being diverted, there are no POD's requested. The Wastewater Permit, receipt BA10423131, designates the site as Tier 2, Low Risk, but may be modified to reflect the revised cultivation specifications. Water for the project will be from two (2) existing rain catchment ponds totaling about 1.10 million gallons. A well and tank storage is also proposed. There are three (3) cultivation areas. Area 1 is 813 ft. from the closest watercourse. Area 2 is 927 ft. from the closest watercourse. Area 3 is 362 ft. from the closest watercourse. A Notification of Lake or Streambed Alteration has been filed and received by CDFW which contains two (2) stream upgrades/maintenance 1600s on the parcels' road system. Refer to Schedule A for Water Use and Irrigation Schedule and Appendix D for the filing of the Streambed Alteration Agreement.

3. TIER AND RISK DESIGNATION

Tier: 2

Risk: Low

Disturbed Area: 32,900 sq. ft.

Cumulative Disturbed Area: 32,900 sq. ft.

Cultivation Area: 87,120 sq. ft.

Cumulative Cultivation Area: 43,500 sq. ft.

4. BEST PRACTICAL TREATMENT OR CONTROL (BPTC) MEASURES

BPTC measure re being utilized as part of the road maintenance program to protect water quality. References used for correct maintenance and monitoring of all applicable erosion control and sediment capture measures are the following:

A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds

Handbook for Forest, Ranch and Rural Roads

The California Board of Forest Fire Protection SRA Fire Safe Regulations

Appendix to Title III, Division 2, of Humboldt County, Establishing Subdivision Design and Standard Improvements

5. SEDIMENT DISCHARGE BPTC MEASURES

A. SITE CHARACTERISTICS

SITE MAP

The site map shows all relevant site features: streams, stream crossings, storage areas, roads, and cultivation areas. (see Site/Plot Plan Appendix A).

B. ROAD CONDITIONS

The main entrance road receives limited vehicle use in the peak season (May – October) and minimal vehicle trips in the winter season. Estimated use during the peak season is 1-2 commuter vehicles per day, 1 commercial vehicle per week and less than 5 uses by heavy equipment during the season. During the winter season, average vehicle use is less than 1 vehicle of any type per day.

The road surface is gravel. As in almost all roads in Humboldt County, the access road acts as a conveyance for water during storm events. Erosion from this is negligible as crowns, out-sloped roads, rolling dips, culverts, armored ditches and BPTCs limit energy build-up and prevent erosion. The number, spacing, and discharge location of water drainage features on the road depends on the slope and drainage during winter events. The main road is out-sloped and has 5 rolling dips. (See Road Assessment Map Appendix J). Three more rolling dips are planned. There is one (1) culverted stream crossing on an unused access road within the parcel.

The erosion control measures, and sediment capture measures used on the access roads and water drainage features include geotextiles, straw mulch, vegetation preservation and planting, vegetated channels and riprap and other use of rock. Fiber rolls, silt fences and rock lined ditches are used to keep erosion from entering water courses from disturbed or steep pitches. Geotextiles are used behind riprapped banks and underneath notoriously wet areas under roads to keep soil behind/under the rock from entering the watercourse.

To maintain the roads and maintain erosion control measures, the road is checked and repaired continually. Equipment is kept onsite year-round for road maintenance. Equipment onsite includes two excavators, a crawler tractor, two dump trucks, and a skid steer. A compactor and a backhoe are available as needed. The road is continuously inspected and repaired as needed when weather permits. Rock is added as needed, weather permitting. The road is shaped by grading annually in summer and repairs made as needed during the dry summer season

C. STREAMS

The site is on Elk Ridge. Unnamed streams drain to Hacker Creek and Kinsey Creek into the Salmon Creek drainage to the east. The western drainage is to Mattole Canyon Creek.

There is one (1) culvert on the unused access road for the stream crossing on the parcels.

The stream crossing has been maintained and upgraded throughout the years. Continuing maintenance will be performed as needed. A Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) has been filed. CDFW has issued registrant a receipt for the 1600 assessment on the legal parcels containing the proposed cultivation site (See Appendix D). The 1600 assessment was completed by Timberland Resource Consultants in Fortuna, CA.

6. SEDIMENT CONTROL BPTC MEASURES

The physical BPTC measures that have been implemented to capture sediment onsite are silt fences, fiber rolls, rock fills, riprap and straw. During the winter (October – May), hand shoveling to keep water in the ditches is critical and prevents erosion. Lining waterways with rock during the summer prevents energy build up. When slides occur, the material is removed to fill sites where it is compacted, strawed and seeded to prevent material from entering the water course. Silt fences and fiber rolls are used on shallow cuts and fills from construction sites, which are minimal on the property.

Biological BPTC measures are also used for sediment control. As part of our contracts with the NRCS programs, grass plugs and trees have been planted to stabilize bank and wick moisture.

The physical and biological BPTC measures already in place will be continued and provided as needed to insure the prevention and limitation of erosion.

7. MAINTENANCE ACTIVITIES-EROSION PREVENTION AND SEDIMENT CONTROL

To monitor and maintain the erosion prevention BPTC measures, sediment control BPTC measures and stormwater conveyance systems, inspections are made during and after storm events. Minimal equipment interface in winter months is necessary due to saturated soils. Hand digging of drainage and straw and wattles have proven the most successful methods of temporary fixes during winter when weather prevents permanent repairs. Maintenance during the summer is made as soon as noted and needed using the BPTC measures described. If captured sediment is present, a determination is made of the sediment, whether it can be stabilized temporarily, whether there is a way to import material to stabilize it, and when, or if, it can be hauled to a fill site. All practices have been implemented and will continue to be implemented on the site.

8. FERTILIZER, PESTICIDE, HERBICIDE AND RODENTICIDE BPTC MEASURES

No fertilizers, pesticides, herbicides or rodenticides have been used to date.

Planned fertilizer usage is for pelletized chicken manure, a seaweed supplement such as Maxicrop, and crushed oyster shell flour from the Pacific Pearl Corporation. All products are organic.

Planned Pesticides and Fungicides usage is for Peppermint Soap.

No planned usage of herbicides or rodenticides.

9. PRODUCT STORAGE LOCATION

No products have been stored to date.

Storage of fertilizers, pesticides and fungicides will be in a locked storage room or Conex and contained within watertight and labeled containers in accordance with product instructions.

Empty containers will be hauled to County dump site commensurate with the type of waste to be disposed.

To prevent spills of fertilizer and pesticides, secondary containment will be used. Training will be given for both the use of the product and emergency procedures for spills.

If a spill occurs, an analysis of the material spilled will be made and the spill promptly reported to management. Spilled material and any soil contaminated will be treated as required. Remediation prescriptions appropriate with the spilled material will be used. Such treatments may be to neutralize with other chemicals or remove and haul to dump or hazardous waste site. This remediation is not anticipated because the products we are using are all organic.

10. PETROLEUM PRODUCT BPTC MEASURES

PRODUCT LIST

Grease in solid grease tubes

Oil in 1-5-gallon cans

These products will not be stored onsite but will be in secondary containment if policy changes. Watertight containers for petroleum products will be required and empty containers will be disposed of by recycling or hauling to County Dump. To prevent spills of petroleum products, no bulk gas or diesel is onsite. Training and practice related to fueling equipment is critical and will be mandatory. Fuel transfer is never done, nor will be ever done where a spill could enter the water course. Should a spill occur, the spilled material and contaminated soil will be removed as appropriate to a site commensurate with the hazardous waste.

11. TRASH/REFUSE AND DOMESTIC WASTEWATER BPTC MEASURES

Trash or refuse generated at the site will include plastic, paper, woody debris, and waste vegetation. Trash will be placed in containment receptacles placed at storage and staging areas and then hauled to County Dump for recycling or garbage disposal. Woody debris and waste vegetation will be composted onsite.

Labor for the cannabis growing operations will be done by three (3) family members. A chemical toilet will be provided at the cultivation site for personal waste management. It will be serviced by B & B Portable Toilets Company on a regular basis.

12. WINTERIZATION BPTC MEASURES

WINTERIZATION ACTIVITIES PERFORMED

To winterize the site and prevent discharges of waste, seeding and placing straw on graded areas, wattles and silt fences, as required, and rocking of surfaces used for vehicular or foot traffic will be implemented. If left onsite during the winter, residuals of listed fertilizers and pesticides and listed petroleum products will be secured in secondary containment and weatherproof areas.

13. MAINTENANCE OF DRAINAGE AND SEDIMENT CAPTURE FEATURES

Maintenance activities to be performed to remove debris and soil blockages from drainage and sediment capture features and ensure adequate capacity include inspection, hand or equipment stabilization as weather permits or removal to adequate sites ensuring that material does not enter the water courses.

14. COMPLIANCE SCHEDULE FOR WINTERIZATION

The compliance schedule for winterization measures is inspection based on winter storm events no less often than weekly during the precipitation season. Inspection during the summer is ongoing daily by those using the access road and the cultivation site.

15. CANNABIS CULTIVATION DETAILS

Cannabis will be grown outdoor in pots and in raised beds.

Irrigation water is not filtered prior to use.

Revegetation activities at the beginning or end of the precipitation season are seeding and placing straw where appropriate.

RECEIVED

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

JUN 25 2020

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2020-0178-R1

Unnamed Tributary to Kinsey Creek, Tributary to South Fork Salmon Creek, Tributary to Salmon Creek, Tributary to the South Fork Eel River, Tributary to the Eel River and the Pacific Ocean

Charles Benbow
Benbow Stream Crossings Project
2 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on April 13, 2020, 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 Kinsey Creek watershed, approximately 6.92 miles southwest of the town of Miranda, County of Humboldt, State of California. The project is located in sections 22 and 23, T3S, R2E, Humboldt Base and Meridian; in the Ettersburg, CA U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 221-261-001; latitude 40.184169 N and longitude 123.930549 W at Crossing #1.

PROJECT DESCRIPTION

The project is limited to 2 encroachments on unnamed tributaries to Kinsey Creek (Table 1). Both encroachments are to upgrade existing stream crossings. Work for

these encroachments will include some or all of the following; excavation, culvert removal, culvert installation, 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	40.184169, -123.930549	Upgrade existing ford crossing to a minimum 24" diameter culvert with rock armoring to minimize erosion.
Crossing-2	40.184005, -123.92975	Upgrade existing undersized 12" diameter culvert with minimum 30" diameter culvert. Rock armor inboard ditch as necessary to minimize sediment discharge.

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*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), as well as other aquatic and riparian amphibian, reptile, aquatic invertebrate, mammal and bird species.

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

Impacts to water quality:

temporary increase in fine sediment transport;

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

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

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

direct and/or incidental take;
 indirect impacts;
 impediment of up- or down-stream migration;
 water quality degradation; and
 damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 Agreement Compliance. The proposed work shall comply with the measures of this Agreement. **Failure to comply with these measures shall result in suspension or revocation of this agreement.**
- 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 April 13, 2020, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **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.
- 2.3 **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.
- 2.4 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2021**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.5 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Vegetation Management

- 2.6 **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.
- 2.7 **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 Storage Ponds

- 2.8 **Wildlife Entrapment Prevention.** The Permittee shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood), and be a minimum length of 1.5 times the radius of the pond.

- 2.9 **Pond Spillway.** The Permittee shall install an overflow spillway that will withstand a 100-year flood event and control concentrated overflow. The spillway shall prevent surface overflow from reaching waters of the State. The Permittee shall regard pond water in the same manner as a stream, and where applicable, shall adhere to conditions 2.11 below. If pond spillway will connect to waters of the state, the Permittee shall amend the agreement to include spillways as project(s).
- 2.10 **No Stocking.** Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.

Stream Crossings

- 2.11 **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.
- 2.12 **Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.13 **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.
- 2.14 **Dewatering.**
- 2.14.1 **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.
- 2.14.2 **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.

- 2.14.3 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.
- 2.14.4 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.
- 2.14.5 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.
- 2.14.6 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.
- 2.14.7 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.
- 2.15 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.
- 2.16 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.

2.17 Culvert Installation.

- 2.17.1 The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. Culvert materials should consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe should be avoided.
- 2.17.2 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.
- 2.17.3 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.
- 2.17.4 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.
- 2.17.5 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.
- 2.17.6 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.

2.18 Rock Armor Placement.

- 2.18.1 No heavy equipment shall enter the wetted stream channel.

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

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

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

2.19 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings *on 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.

2.20 Project Inspection. The Project shall be inspected by Timberland Resource Consultants or a licensed engineer to ensure that the stream crossings were installed as designed and proposed. 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

2.21 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.

2.22 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.

2.23 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.

- 2.24 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.
- 2.25 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.
- 2.26 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.
- 2.27 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 Project Inspection. The Permittee shall submit the **Project Inspection Report** (Measure 2.20) to CDFW (see contact information below) within 90 days of completion of this project.

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:

Charles Benbow
Mr. Charles Benbow
Clark's Butte Ranch LLC
40 East Branch Road
Garberville, CA 95542
charlesbenbow@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification # 1600-2020-0178-R1
ryan.bourque@wildlife.ca.gov

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.

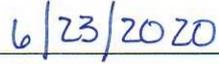
CONCURRENCE

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

FOR Charles Benbow



Charles Benbow

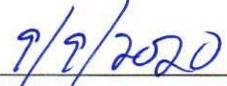


Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor



Date

Prepared by: Ryan Bourque, Senior Environmental Scientist Specialist, June 12, 2020

Clarks Butte Permit Road Assessment
December 20, 2019
PLN-2019-16106
Revision (1) 4/4/2020

1.0 Project Description

This Road assessment evaluates the roads accessing the Clarks Butte Permit (CBP) Cultivation Site, to and within, the Clarks Butte Ranch LLC (CBRLLC), PLN-2019-16106.

CBP is located within two legal parcels. The larger is +/-116 acres, the smaller +/- 40.15 on the north end of CBRLLC. The route being used for access to this originates at the Salmon Creek Exit on Highway 101 and access the property via Salmon Creek Rd -Thomas Road - Perry Meadow Road.

CBR and surrounding properties were originally settled by homesteaders. Trails and narrow roads were built leading to the homesteads. Starting in the early 1940's, the trails and narrow access road systems transitioned to roads for logging trucks. Millions of board feet of timber were removed from Elk Ridge. Main haul roads were built wide enough for trucks to pass, with grades shallow enough for loaded trucks to pull and turns with enough radius for trucks with trailers to navigate. The roads specifications allowed 65' truck and trailers carrying 25 tons of logs to navigate off the mountain to the mills. The roads in this survey were built as main haul roads and have been modified, maintained, and improved over the last 60-70 years.

Elk Ridge is the third major ridge east of the Pacific Coast. As storms approach from the ocean, air rises over the King Range, Telegraph Ridge, then Elk Ridge releasing large amounts of water. Annual rainfall totals generally exceed 60". Rainfall is very seasonal, falling mid-October to April. Little or no rainfall occurs outside this period. Road and site profile, surface and drainage must be constructed, maintained, and repaired to limit erosion and protect watersheds during the winter storm events.

2.0 Road Assessment

The main goals of the Clarks Butte Ranch Road system are:

1. Safety. Roads built to allow for the safe passage of vehicles. Important factors include:
 - A. The amount of traffic using the road, Average Daily Travel (ADT).
 - B. The size of the vehicle using the road.
 - C. The number of parcels/people using the road
2. Water Quality. Limiting erosion to reduce sedimentation into the watercourses.
3. Access. To provide year-round access to our property and homes.

This assessment gives a brief outline of the existing roads and their current condition. The SMP (Appendix H) thoroughly describes the management practices utilized in monitoring, repairing and maintaining the roads. The 1600 (Appendix D) describes watercourse crossings within the parcels.

3.0 Private Road Designations Providing Access to the Parcels

For the purpose of this permit, Road name designations will be those used on the Humboldt County GIS and Google Maps.

4.0 Access Road Distance to CBP

Salmon Creek Road (County Road) from exit on Highway 101 to Thomas Road (County Road)	2.84 Miles
Thomas Road to end of pavement (End of County Road)	3.88 Miles
Thomas Road (County Road) on Thomas Road (Private) to Perry Meadow Intersection	2.65 miles
Perry Meadow Road from Intersection with Thomas Road to CBRLLC Property Line	1.12 Miles
Perry Meadow Road from Property Line to 1 st CBP Cultivation Site	0.22 Miles
Perry Meadow Road to 2 nd CBP Cultivation Site	0.14 Miles
Perry Meadow Road to 3 rd CBP Cultivation Site	0.61 Miles

5.0 Road Assessment on Clarks Butte Permit Access Roads.

5.1 Salmon Creek Road (County Road) from exit on Highway 101 to Thomas Road (County Road) 2.84 Miles

This section is a paved County road, serving multiple parcels, including many permitted and unpermitted cannabis cultivation sites.

5.2 Thomas Road to End of Pavement (End of County Road) 3.88 Miles

This section is a paved County road serving multiple parcels, including many permitted and unpermitted cannabis cultivation sites.

5.3 Thomas Road (County Road) on Thomas Road (Private) to Perry Meadow Intersection 2.65 miles

This section of Thomas Road is private. It is a year-round road and is maintained by two (2) separate road associations. It meets category 4 standards with minor pinch points. The road prism needs to be addressed to improve drainage. The road surface is rock but needs additional rock. The road serves multiple parcels, many of which have permitted and unpermitted cultivation sites. Numerous users make road prism modifications difficult as owners along the right-of-way have various stipulations on what they will allow. This makes drainage, cuts and fills difficult. In addition, the numerous users have varying opinions on what road work should be done and what they will pay for. The applicant will work diligently to bring the Road Maintenance Associations into compliance with rules under the CCLUO.

5.4 Perry Meadow Road from Intersection with Thomas Road to CBRLLC Property Line 1.12 Miles

This road serves four (4) parcels. It is maintained by the landowners. Road surface is rock and additional rock is added annually. The applicant will form a Road Maintenance Association per CCLUO. The road sits atop Elk Ridge. There is one stream crossing and two small ditch relief culverts fed by inside ditches of approximately 100 ft. Though the road prism meets category 4 standards with pinch points, only a portion of the road is needed or used for travel. Similar to the roads feeding into it, the road was improved as a major haul road and retains the integrity of its bank cuts. No portion of the traveled roadway is on a fill.

5.6 Perry Meadow Road from entrance gate to 1st Cultivation Site on Perry Meadow Road 0.22 Miles

5.7 Perry Meadow Road from 1st to 2nd Cultivation Site

0.14 Miles

5.8 Perry Meadow Road from 2nd to 3rd Cultivation Site

These three (3) sections of road total 0.96 miles. They are internal ranch roads with no rights-of-way beyond those of the owners. As with the other roads in this assessment, they were constructed as major logging haul roads. The traveled track is considerably smaller than the road width. The road is surfaced with native rock and is used year-round. Due to the road's location and the underlying sandstone soils, there are no defined watercourses or drainage culverts traversed by Perry Meadow Road in these sections. There is a rocked rolling dip which crosses a watercourse in major winter storm events. Even during those storms this watercourse runs little water.

6.0 Winterization

Appropriate erosion prevention and sediment control measures are in effect to ensure proper maintenance, repair and construction of roads. They are monitored for effectiveness prior to and during the winter season. Winterization of the main access roads includes temporary and long-term runoff management and soil stabilization measures, such as the rocking of inboard ditches, installing check dams, and stream inlet protection. Culverts will be inspected for erosion or clogging prior to and after significant storm events. Any debris and sediment found to be clogging culverts, inlets/outlets, or drainageways will be removed and appropriately stored, reused or disposed.

Sediment and erosion control are covered thoroughly in the Site Management Plan (SMP) attached as Appendix H to the Operation Plan in the permit submittal.

CBRLLC road guidelines include USDA *Practice Requirements for Water Control Plastic Pipe Culverts*, along with *Practices Requirements for Access Roads*, and *Guidelines for riparian trees and shrubs*. These practices along with those outlined in *A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds*, the *Handbook for Forest, Ranch and Rural Roads*, *The California Board of Forestry Fire Protection SRA Fire Safe Regulations*, and *Appendix to Title III, Division 2, of Humboldt County, Establishing Subdivision Design and Standard Improvements* are used to determine the scope of work and implement repairs or maintenance on the roads of Clarks Butte Ranch.

7.0 Photographs

Photographic examples of bank stabilization, ditch repair and rock lining, rolling and critical dips, culvert installation and bank failure are attached in the previously submitted road assessment report.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Clarks Butte Ranch LLC (Clarks Butte Permit Rev) APN: 221-261-001

Planning & Building Department Case/File No.: PLN-2019-16106

Road Name: Perry Meadow (N) (complete a separate form for each road)

From Road (Cross street): Thomas Road

To Road (Cross street): Perry Meadow Road to Cultivation Site on Perry Meadow Road

Length of road segment: 2.09 miles Date Inspected: 12/29/2019

Road is maintained by: County Other Road Associations
(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.

Charles Benbow
Signature

3/14/2020
Date

Charles Benbow
Name Printed

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

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: _____ Date Inspected: _____ APN: _____
 From Road: _____ (Post Mile _____) Planning & Building
 To Road: _____ (Post Mile _____) Department Case/File No.: _____

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:
 (Contact the Planning & Building Department for information on other nearby projects.) _____

ADT: _____ Date(s) measured: _____

Method used to measure ADT: Counters Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? Yes No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*. Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)* for guidance.)

A. Pattern of curve related crashes.

Check one: No. Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: No. Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: No. Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: No. Yes (check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: No. Yes.

F. Need for turn-outs.

Check one: No. Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a Neighborhood Traffic Management Plan is also required and is attached.)

The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

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

Signature of Civil Engineer _____

Date _____

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

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Clarks Butte Ranch LLC (Clarks Butte Permit Rev) APN: 221-261-001

Planning & Building Department Case/File No.: PLN-2019-16106

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

From Road (Cross street): Thomas Road (County Termination) from Salmon Creek Road

To Road (Cross street): Perry Meadow Road Cultivation Site

Length of road segment: 2.65 miles Date Inspected: 12/29/2019

Road is maintained by: County Other Road Associations
(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.

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

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

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

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

Signature Charles Benbow

Date 3/14/2020

Name Printed Charles Benbow

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

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: _____ Date Inspected: _____ APN: _____
 From Road: _____ (Post Mile _____) Planning & Building
 To Road: _____ (Post Mile _____) Department Case/File No.: _____

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations: _____
 (Contact the Planning & Building Department for information on other nearby projects.)

ADT: _____ Date(s) measured: _____

Method used to measure ADT: Counters Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? Yes No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400). Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO A Policy on Geometric Design of Highways and Streets, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400) for guidance.)

- A. Pattern of curve related crashes.
Check one: No. Yes, see attached sheet for Post Mile (PM) locations.
- B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles.
Check one: No. Yes, see attached sheet for PM locations.
- C. Substantial edge rutting or encroachment.
Check one: No. Yes, see attached sheet for PM locations.
- D. History of complaints from residents or law enforcement.
Check one: No. Yes (check if written documentation is attached)
- E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)
Check one: No. Yes.
- F. Need for turn-outs.
Check one: No. Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:
 The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.
 The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a Neighborhood Traffic Management Plan is also required and is attached.)
 The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

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

Signature of Civil Engineer _____ Date _____

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

RECEIVED
APR 16 2020
Humboldt County
Planning Dept.

Clarks Butte Ranch LLC
PLN-2019-1606 Revision (1)
Clarks Butte Permit
A Portion of APN 221-261-001

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
Division Environmental Health	✓	Conditional Approval	On File
Public Works, Land Use Division	✓	Conditional Approval	Attached
Building Division	✓	Conditional Approval	Attached
Cal FIRE	✓	No Comments	Attached
California Department of Fish & Wildlife		No comment	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of The Rohnerville Rancheria	✓	Comments	On file and confidential
Sheriff		No Comment	
Bridgeville Fire Protection District		No comment	
County Counsel		No comment	
CA State Water Resources Control Board – Division of Water Rights		No response	
Cal Trans District 1		No Comments	
NCUAQMD		No Comments	
District Attorney		No Comments	
Ag Commissioner		No Comments	



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

ON-LINE
 WEB: CO.HUMBOLDT.CA.US

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7483	ROADS	445-7421

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

LAND USE	445-7205
----------	----------

TO: Elizabeth Moreno, Planner, Planning & Building Department
 FROM: Kenneth M. Freed, Assistant Engineer 
 DATE: 06/08/2020

RE:

Applicant Name	CLARKS BUTTE RANCH LLC
APN	221-261-001
APPS#	PLN-2019-16106

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"**

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report dated 3/14/2020, received April 16, 2020 by the Humboldt County Planning Department, with Part A –Box 2 checked, certifying that the roads are equivalent to a road Cat 4 standard.

Note: The requirement to surface the end of Thomas Road (County maintained portion) was completed by the local community. Donations are being accepted by the applicant that coordinated the work. Applicant should contact the road maintenance association if they did not participate in completing this requirement.

// END //



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

6/8/2020

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Corps of Engineers, FPD: Briceland, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC, US Marine Corps

Applicant Name Clarks Butte Ranch, LLC **Key Parcel Number** 221-261-001-000

Application (APPS#) PLN-2019-16106 **Assigned Planner** Elizabeth Moreno 707-268-3713

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: 6/23/2020

Planning Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
Email: 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: Revise & resubmit plot plan to show SRA turnouts of turn
arounds, Road/Easement widths, and Grading done for existing water
main

DATE: 6/10/2020 PRINT NAME: Meah Mathieson

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

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary: