

ATTACHMENT 7

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Approval	On file
Public Works Land Use Division	✓	Conditional Approval	Attached
Environmental Health Division	✓	Approval	Attached
CALFIRE		No Comment	
Telegraph Ridge Fire Protection District		No Comment	
CA Department of Fish & Wildlife	✓	Conditional Approval	Attached
NWIC	✓	Cultural Resources Survey	On file with Planning
Bear River Band	✓	Inadvertent Discovery Protocol	On file with Planning
Intertribal Sinkyone Wilderness Council		No Comment	
RWQCB		No Comment	
State Division of Water Resources		No Comment	
Bureau of Land Management	✓	Conditional Approval	Attached
CA Division of Water Resources		No Comment	
County Counsel		No Comment	
County Agricultural Commissioner		No Comment	
Humboldt County Sheriff		No Comment	
Southern Humboldt Joint Union School District		No Comment	
Pacific Gas & Electric		No Comment	
Humboldt County District Attorney		No Comment	



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3598

AVIATION

839-5401

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 03-09-2012

RE:

Applicant Name	Big River Farm LLC
APN	108-023-008
APPS#	11892

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Public Works Recommended Conditions of Approval

APPS # 11892

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

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

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

A-1



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

17/18-0681

RECEIVED

9/14/2017

SEP 14 2017

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkyone Wilderness Council, Telegraph Ridge Fire Protection District, Southern Humboldt Joint Unified School District, Humboldt County Sheriff

Applicant Name Big River Farm LLC **Key Parcel Number** 108-023-008-000

Application (APPS#) 11892 **Assigned Planner** () - **Case Number(s)** CUP16-437

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

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

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

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

Return Response No Later Than 9/29/2017

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

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

☒ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DISTRIBUTED
3-19-18

DATE:

3/15/18

PRINT NAME:

Ben Delf

2746



California Department of Fish and Wildlife CEQA: Project Referral Comments

Applicant: Big River Farms		Date: 2-28-19	
APPS No.: 11892	APN: 108-023-008	DFW CEQA No.: 2017-0772	Case No.: CUP16-437
☐ New	☒ Existing	Proposed: ☒ Mixed-light (SF): 22,000	

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions below.
- ☒ Applicant needs to submit additional information. Please see the list of items below.
- ☐ Recommend Denial. See comments below.

The project proposes to utilize mixed light (artificial light) cultivation within the 600 setback to federal lands owned and managed by the BLM. The project is ~1400 from a known Northern Spotted Owl (NSO) activity center. CDFW requests that the applicant not be granted permission to utilize mixed light cultivation within this close proximity to NSO, and if the project cannot be relocated further from the NSO and associated habitat on federal lands, CDFW recommends that RRR of the site may be appropriate.

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

- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was less than 22,000 square feet. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- ☒ CDFW is not clear on how the water use estimates were derived or how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, prior to Project approval, that the applicant provide further detail on the methods used to estimate water usage.
- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. See:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
- ☒ If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.
- ☒ The Project may have a potentially significant adverse effect on biological resources. The Project proposes to utilize mixed-light (artificial light) cultivation within Northern Spotted Owl (*Strix occidentalis caurina*), a State- and Federally-Threatened species) occupied habitat. CDFW requests

that no mixed-light cultivation methods be permitted at this site. CDFW further requests that project scoping be conducted by an experienced qualified professional for the potential for presence/absence of NSO nesting/roosting habitat. Prior to scoping completion, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include but are not limited to the prohibition of generators, project lighting and fans.

- ☒ CDFW request that the applicant reevaluate the required water storage necessary for seasonal water diversion minimization.

Please note the following information and/or requested standard conditions of Project approval:

- ☒ Water for this Project is sourced from a groundwater well. It is estimated that water use may be as high as 200,000 gallons per year. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- ☒ A Final Lake or Streambed Alteration Agreement (1600-2018-0086) has been issued to the applicant. As of February 2019, the reporting requirements in the Agreement have not been met.
- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, 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.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of

project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.

- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to david.manthorne@wildlife.ca.gov .

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

From: [Sutfin, Devin](#)
To: [Manthorne, David@Wildlife](mailto:Manthorne_David@Wildlife)
Cc: [Kamoroff, Corrina@Wildlife](mailto:Kamoroff_Corrina@Wildlife)
Subject: RE: Revised Plans Including Relocation and Remediation, Big River Farm, LLC, APN 108-023-008, Apps 11892
Date: Wednesday, June 7, 2023 1:12:00 PM
Attachments: [image002.png](#)
[image003.png](#)

Hi David,

Thank you for those details. Yes, we would also entertain and support reduction of cultivation in conjunction with restoring the southern cultivation area, but the applicant and their Agent of Record may propose an alternative that we would need to assess. They may be able to come up with a proposal that allows onsite relocation without timber conversion.

I reached out to the main email for Arcata BLM and asked for contact emails for the BLM attendees, BLM_CA_Web_AR@blm.gov. Thank you for providing names of the BLM attendees, my notes were brief and incomplete in that respect. You wouldn't happen to have email contact for them handy, would you? No worries if not.

Will keep you all informed of any BLM response, and any changes to the 07/06/2023 Planning Commission hearing target.

Respectfully,



Devin Sutfin

Associate Planner

[Planning and Building Department](#)

dsutfin1@co.humboldt.ca.us

707.268.3778

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Wednesday, June 7, 2023 12:57 PM
To: Sutfin, Devin <dsutfin1@co.humboldt.ca.us>
Cc: BLM_CA_Web_AR@blm.gov; Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>
Subject: RE: Revised Plans Including Relocation and Remediation, Big River Farm, LLC, APN 108-023-008, Apps 11892

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hi Devin,

I am not clear if Ms. Brown is still the BLM contact, but other staff on the call included Jennifer Wheeler, Dan Wooden, Justin Windsor, and David Anton. While CDFW is not strictly opposed to your proposal to relocate to an area that would not require timber conversion, I believe the BLM

consensus was to remove the greenhouse in question and permit less cultivation. I just wanted to be sure that was clear. We appreciate the collaboration.

Thank you

From: Sutfin, Devin <dsutfin1@co.humboldt.ca.us>

Sent: Wednesday, June 7, 2023 12:48 PM

To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>; Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>

Cc: BLM_CA_Web_AR@blm.gov

Subject: RE: Revised Plans Including Relocation and Remediation, Big River Farm, LLC, APN 108-023-008, Apps 11892

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Dear David, Corrina, and Molly Brown of Bureau of Land Management,

After our remote meeting on Tuesday, May 30 we determined there was a possibility of supporting onsite relocation of the current southern-most greenhouse and restoring the approximate 1.25-acre area as long as no conversion of timberland would be required for the relocation. We have included a map that outlines the potential restoration/relocation area, and have also created a draft condition for review.

Restoration Condition Draft

In order to more adequately protect nearby sensitive receptors applicant shall provide a remediation plan for relocating the southern-most greenhouse to an area not containing timber. The remediation plan shall include remediating the southern-most cultivation area to provide a more adequate buffer for publicly owned lands and sensitive habitat to the south. Remediation shall incorporate removal of all cultivation related materials, replanting of appropriate timber species per the recommendations of a Registered Professional Forester, and include a monitoring element of at least 3 years. A completion report authored by a qualified professional will be required to complete this item.



Devin Sutfin

Associate Planner

[Planning and Building Department](#)

dsutfin1@co.humboldt.ca.us

707.268.3778

From: [Sutfin, Devin](#)
To: [Kamoroff, Corrina@Wildlife](mailto:Kamoroff_Corrina@Wildlife)
Cc: [Manthorne, David@Wildlife](mailto:Manthorne_David@Wildlife)
Subject: FW: RE: PC Hearing 09/21, Big River Farms, LLC, APN 108-023-008, Apps 11892
Date: Friday, August 18, 2023 1:43:00 PM
Attachments: [image001.png](#)
[11892 REVIEW DRAFT Conditions of Approval 08.08.2023.pdf](#)
[11982 REVIEW DRAFT Big River Farms LLC Staff Report DSS BOS Format 08.08.2023.pdf](#)
[image002.png](#)

Hi Corrina,

This is the project we inspected together on 05/18/2023. Aiming to have this on 09/21 PC calendar, and wanted to offer another opportunity to weigh in on the updated staff report and conditions of approval. Please let me know if additional details or materials are needed.

Thank you,



Devin Sutfin

Associate Planner

[Planning and Building Department](#)

dsutfin1@co.humboldt.ca.us

707.268.3778

From: Sutfin, Devin
Sent: Friday, August 18, 2023 1:41 PM
To: Steven Luu <steven@slconsultinginc.com>; Petko Iliev <phumgold@gmail.com>; Ivan Iliev <duloivan@gmail.com>
Subject: RE: PC Hearing 09/21, Big River Farms, LLC, APN 108-023-008, Apps 11892

Hi Steven and Petko,

Aiming to put this on the calendar for 09/21 Planning Commission hearing. I will reach out to CDFW with a draft staff report and incorporate any additional requests they may have into the staff report and conditions of approval. Attached drafts of staff report and conditions of approval. Look them over and reach out with any questions or concerns well before the hearing date.

Thank you,



Devin Sutfin

Associate Planner

[Planning and Building Department](#)

dsutfin1@co.humboldt.ca.us

707.268.3778

ATTACHMENT 1A

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this filing cost to the project.
5. No tree removal or conversion of Timberland (as defined by Humboldt County Code, Section 314-55.4.4) is proposed or authorized as part of this land use permit. Any tree removal must be first proposed and authorized, and is subject to review and approval by the Planning and Building Department.
6. 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 #7 through #20. 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.
7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, grading that occurred without the benefit of County review at the central-southern portion of the parcel immediately adjacent to Bureau of Land Management owned parcel to the south, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment

structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. 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. A protocol level botanical survey is required prior to any ground disturbing activities including, but not limited to, development of the proposed 34'x65' ancillary nursery greenhouse. The survey shall be conducted by a qualified biologist for any California Rare Plant Ranked Species that may be present within 200 feet of the project site.
9. To avoid construction-related noise impacts on northern spotted owl, the applicant shall, to the extent feasible, avoid commencing construction during the nesting bird season (February 15 to September 1). If construction activities will occur during the breeding/nesting season for northern spotted owl, a qualified biologist shall conduct pre-construction surveys in the project site, no earlier than three days prior to the start of ground-disturbing activities. If no nesting activities are observed during the surveys, then the activities may commence. If nesting northern spotted owl are observed, the California Department of Fish and Wildlife (CDFW) shall be notified within 24 hours of the observation and consulted with to determine the appropriate buffer and the appropriate measures.
10. Within 90 days of project approval, the applicant shall provide Site Management Plan (SMP) for the project, developed in accordance with State Water Resources Control Board (SWRCB) General Order No. WQ-2019-0001-DWQ to the Planning Division. Applicant shall adhere to all requirements contained within, including but not limited to, annual winterization of the site.
11. The applicant states PG&E serves the parcel, but further proposes generator to serve as emergency backup in times of limited insolation. It is unclear whether the amount of power provided by PG&E supports 100% of the proposed commercial operation, or if generator is used to supplement the limited residential power from PG&E. The applicant shall transition from mixed generator/solar use for operations to primarily renewable energy (e.g., solar, wind, hydropower, grid power purchased from a renewable portfolio) sources by the January 1, 2026. The applicant shall submit an energy budget outlining power needs for the project, noting the renewable energy source chosen, and demonstrating capability to supply renewable energy for 80% of the project power needs. Final signoff from the Planning Department will satisfy this condition.
12. The applicant shall adhere to the requirements contained within the Restocking Plan from Timberland Resource Consultants dated June 26, 2023. Within 12 months of approval the applicant shall obtain replanting stock and conduct the replanting. Applicant shall further conduct monitoring to ensure replanting success. Final signoff on this item requires a report from a Registered Professional Forester certifying the 1.10-acre replanted area meets minimum stocking standards of 14 CCR 912.7, and Planning Division signoff.
13. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. In addition, fire-resistant materials shall be utilized for construction of the generator containment

structures. No generator use is authorized by this permit until the applicant can demonstrate compliance with this standard. Verification from Planning Division staff is required.

14. All artificial lighting, including but not limited to propagation area lighting, shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No use of artificial lighting is authorized by this permit until the applicant can demonstrate compliance with this standard. Verification from Planning Division staff is required.
15. The applicant shall also pave the surface at the location of the private driveway where it meets Ettersburg Road for a minimum width of 20 feet and a length of 50 feet where it intersects the County Road. An encroachment must be secured from the Department of Public Works before work commences within the County right-of-way Confirmation from the Department of Public Works that the work has been done will satisfy this requirement.
16. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Confirmation from the Department of Public Works will satisfy this condition.
17. The applicant shall ensure all fences and gates are located out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way. Confirmation from the Department of Public Works that the work has been done will satisfy this condition.
18. The applicant shall demonstrate the driveway and interior emergency vehicle turn around(s) conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turnaround(s) into compliance. A letter from a qualified engineer shall satisfy this requirement.
19. The groundwater well shall be inspected annually to evaluate drawdown. This evaluation shall include a standard pump test to be conducted during the dry season. Evaluation of the pump test results shall be conducted by a licensed professional. The results of the analysis shall be sent to the Planning Division for review. Final signoff from the Planning Department will satisfy this condition.
20. The applicant shall install a water meter to measure annual water supply to meet the demands of the project. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month. Final signoff from the Planning Department will satisfy this condition.
21. The applicant shall demonstrate that the BMPs listed in the WRPP have been implemented. In lieu of BMP implementation, the applicant shall show, to the satisfaction of the County, a revised schedule for implementation. Final signoff from the Planning Department will satisfy this condition.
22. The applicant shall contact the local fire service provider [Telegraph Ridge Volunteer Fire Department] and furnish written documentation from that agency of the available

emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.

23. 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.
24. 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.
2. 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.
3. Prohibition of 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.
4. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
5. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
6. The use of anticoagulant rodenticide is prohibited.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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).
14. Maintain enrollment in Tier 1 or 2 certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
15. 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).
16. 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.
17. 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).

18. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
19. Pay all applicable application, review for conformance with conditions and annual inspection fees.
20. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
21. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
22. 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

23. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
24. 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).
25. 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.
26. 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.
27. 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
28. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
29. 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.
30. 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.

31. 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.
32. 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.
33. 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 #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

The permit holder is ultimately responsible for maintaining compliance with this requirement.

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Big River Farm, LLC; Conditional Use Permit and Special Permit

Record Number: PLN-12565-CUP (filed 12/27/2016)

Assessor Parcel Numbers (APN) 217-271-005

Ettersburg area

A Conditional Use Permit (CUP) for Big River Farm, LLC to allow 22,000 square feet (SF) existing outdoor cannabis cultivation on a 90-acre parcel. The project is within 600 feet of public land and requires a Special Permit to reduce the setback to BLM public land. An approximately 1.1-acre area at the southern parcel line will be planted with trees under the guidance and review of a Registered Professional Forester to increase the buffer to publicly owned and managed lands, and to increase the habitat buffer. Cultivation occurs in six (6) greenhouses utilizing light deprivation to achieve two harvest cycles. Propagation occurs onsite in a 2,190 SF ancillary nursery. Irrigation water is sourced from a groundwater well which has been evaluated for connectivity to surface waters, supplemented by rain catchment. The estimated annual irrigation water usage is 219,000-gal. (9.9 gal./SF/year). Water storage totals 86,600 gallons in hard tanks, and applicant has secured grant funding to install an additional 50,000-gal. of storage tanks for a total of approximately 138,700-gal. Processing such as drying and curing will occur onsite in an existing 30' x 40' garage attached to the 1,200 square foot residence, or in the existing 30' x 40' storage shed. All other processing such as trimming and packaging will occur offsite at a licensed facility. Power for the cultivation operation is provided by P.G.&E., and generators for emergency backup power. Five employees are anticipated to meet operational needs during peak season.

RECOMMENDATION(S):

That the Planning Commission:

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 part of the Consent Agenda; and
4. Adopt the resolution (Resolution 23-___). (Attachment 1) which does the following:
 - a. Finds that the Planning Commission has considered the project specific Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance that was prepared for the Big River Farms, LLC project); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit and Special Permit, subject to the recommended conditions of approval (Attachment 1A); and
 - d. Approves the Cultivations Operations Plan (Attachment 1B) and Site Plan (Attachment 1C).

DISCUSSION:

Project Location: The project is in the Ettersburg area, on the southeast and northwest side of Wilder Ridge Road, approximately 1.9 miles from the intersection of Kings Peak and Wilder Ridge Road, on the property known as 9320 Wilder Ridge Road.

Access: The project is located in the Ettersburg area. The property is accessed via private road, 0.2 miles in length, that is accessed on the southerly side of Wilder Ridge Road. The private drive trends south and west to the project site. Wilder Ridge Road is accessed from Ettersburg Road. The Department of Public Works has approved Ettersburg Road and Wilder Ridge Road for commercial cannabis use. The applicant has completed a road evaluation report self-certifying that the entire segment of the private road is developed to the equivalent of a Category 4 road standard. The proposed project is not anticipated to generate significant additional vehicle trips or road use.

Present General Plan Land Use Designation: Agriculture General (AG); Timber Production (T), Slope Stability: Moderate Instability (2), Density: 160 to 20 acres per dwelling unit.

Present Zoning: Agriculture Exclusive (AE); Timberland Production (TPZ).

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

State Appeal: The proposed project is NOT appealable to the California Coastal Commission.

Major concerns: None.

Executive Summary: Big River Farm, LLC seeks a Conditional Use Permit to allow 22,000 square feet (SF) existing outdoor cannabis cultivation on a 90-acre parcel. The project is within 600 feet of public land and requires a Special Permit to reduce the setback to BLM public land. An approximately 1.1-acre area at the southern parcel line will be planted with trees under the guidance and review of a Registered Professional Forester to more comprehensively address and increase the buffer to publicly owned and managed lands, and to increase the habitat buffer. Cultivation occurs in six (6) greenhouses utilizing light deprivation to achieve two harvest cycles. Juvenile plants are propagated on-site in a 2,190 SF ancillary nursery. Irrigation water is sourced from a groundwater well which has been evaluated for connectivity to surface waters. The estimated annual irrigation water usage is 219,000-gal. (9.9 gal./SF/year). Water storage totals 88,700-gal. in hard tanks, one is a 40,000-gal. metal tank which stores rainwater captured from the roof of the 2,400 SF residence. and applicant has secured grant funding to install an additional 50,000-gal. of storage tanks for a total of approximately 138,700-gal. Processing such as drying and curing will occur onsite in an existing 30' x 40' garage attached to the 1,200 square foot residence, or in the existing 30' x 40' storage shed. All other processing such as trimming and packaging will occur offsite at a licensed facility. Power for the cultivation operation is provided by P.G.&E., and generators for emergency backup power. Five employees are anticipated to meet operational needs during peak season.

Water Resources: Water for irrigation will be sourced from a permitted groundwater well (Permit No. 17/18-1912) which has been evaluated for connectivity to surface waters and wetlands, supplemented by rain catchment. An assessment of the well was conducted by Lindberg Geological Consulting which determined the well to likely not be hydrologically connected to surface waters or wetlands. The assessment indicates there are no permitted springs within 1.5-miles of the project. However, according to the State Water Resources Control Board's eWIRMS water rights GIS mapping tool there are approximately 10 registered Points of Diversion from surface waters within one mile of the project site. The applicant anticipates 219,000-gal. of water will be required annually for irrigation. Current water storage totals 88,700-gal. in hard tanks, one of which is a 40,000-gal. metal tank that stores rain captured from the roof of the 2,400 SF residence. The applicant has secured grant funding to allow development of ten (10) additional 5,000-gal. tanks to bring the proposed total water storage up to approximately 138,700-gal. The 138,700-gal. of existing and proposed storage represents approximately 63% of the annual irrigation budget.

Biological Resources: According to the California Natural Diversity Database (CNDDDB), there are no endangered or threatened species located on the parcel. However, the project is in close proximity to sensitive habitat. The proposed project is located on a ridge in the North Fork Bear Creek watershed in the Mattole River drainage. A Northern Spotted Owl (NSO) activity center is mapped 0.3 miles to the southeast of Greenhouse #4, and sightings connected to this activity center appear to the northwest of the project site. Marbled Murrelet critical habitat is located 0.5 miles to the southwest of the subject property. A portion of Jewett Creek originates in the northeast portion of the parcel. Approximately 0.5 mile downstream, the main stem of Jewett Creek is mapped as having the potential to support a winter steelhead run. The project area is outside of the required buffer for all Streamside Management Areas (SMAs) or other surface waters. Conditions of approval are included based on consultation with the California Department of Fish and Wildlife (CDFW). A noise and light attenuation plan will be required prior to the use of lights, fans, or emergency backup generator in the cultivation operation. Any supplemental lighting used for ancillary propagation will be shielded to meet International Dark Sky Standards. The project utilizes grid energy, and a generator is used for emergency backup purposes. The conditions of approval require containment for any generators used on the subject parcel. The maximum allowable noise exposure level for the cannabis operation is 50 dB when measured from the noise source at a distance of 100 feet or at the edge of habitat, whichever is closer. Project conditions regarding mitigation of light and noise are designed to prevent direct or indirect impacts to northern spotted owl or marbled murrelet species into the future. Staff verification of generator noise attenuation and light shielding are required prior to their use.

Onsite relocation of a pre-existing cultivation area and replanting of a buffer for the southern parcel line are discussed immediately below in section labeled Public Land.

Public Land: The project was referred to the Bureau of Land Management (BLM). BLM provided comments dated May 1, 2019 and requested a boundary line survey be prepared to demonstrate that the cultivation does not encroach on federal property. A previous boundary survey was provided, prepared by licensed surveyor Dylan Kolstad in June 2015 showing the property line. The nearest greenhouse, after the onsite relocation, is currently setback 170 feet from the southern parcel line. The adjacent public lands are subject to the *2005 King Range National Conservation Area Resource Management Plan* (RMP). The lands adjacent to the project site are designated Front Country Zone in the RMP, and management activities in that zone include forest stand management, fuel reduction, fire break construction, and habitat and watershed protection and restoration. Staff believes that the Outdoor greenhouse 170 feet from the public lands, where Northern Spotted Owl habitat exists, is consistent with the goal of the RMP because no artificial lighting is allowed in the Outdoor greenhouse and project conditions require verification from staff before the use of fans; no lights are allowed within this greenhouse. The project is consistent with the RMP because the cultivation activities will protect fisheries and aquatic habitat on forest lands by restoring and maintaining buffers from streams and by placing controls on the storage and use of pesticides, rodenticides and fertilizers, and minimizing risk from wildfire by adhering to the County's Fire Safe Regulations, and the requiring adequate road access. The RMP's provisions for protection of heritage resources will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. The project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and trails.

This project was originally noticed for a hearing in front of the Planning Commission in April 2019. Based on concerns from BLM, CDFW and neighboring property owners, the applicant decided to pursue retirement of this existing operation and relocate it under the RRR provisions of the Ordinance. A site in Honeydew was selected and the Planning Commission approved the relocation site as part of a larger relocation effort on October 3, 2019 (Honeydew Ranch, Application 12256). This application was appealed to the Board of Supervisors and the Board of Supervisors did not approve the relocation proposal. The applicant has since been unable to secure an alternative relocation site and is seeking approval of the existing operation.

Restoration: Due to the close proximity of publicly owned lands and environmentally sensitive habitat, and consultation with staff from CDFW and BLM, the applicant is proposing to restore an approximately 1.1-acre area with trees to provide a more comprehensive buffer between the public land, sensitive habitat, and the cannabis operation. BLM and CDFW staff had slight variations on specific planting recommendations. CDFW indicated conifers were preferred, as they would grow quickly compared to oak species like tanoak (*Notholithocarpus densiflorus*) or true oaks (*Quercus spp.*), and would provide denser canopy for habitat. BLM staff indicated both tanoak or true oaks would be acceptable, and treating for conifer encroachment would be up to the desires of the applicant. The applicant is managing the site, developed with a residence, with a Registered Professional Forester to mitigate fire risk, and they prefer to restock with tanoak. A Restocking Plan prepared by a Registered Professional Forester (RPF) from Timberland Resource Consultants dated June 26, 2023 describes site preparation and restocking of Dougals-fir or tanoak, a monitoring period to ensure seedling survival, and a five-year monitoring completion report prepared by an RPF to be provided to the Planning Division to certify the replanted area meets minimum stocking standards of 14 CCR 912.7.

Public Comment: The project was Noticed for Planning Commission hearing on 05/02/2019, which resulted in some public comment regarding the project as described in 2019. Subsequent changes to the application have been made to address some of these comments.

Public Comment A: Email dated 04/2/2019 from neighboring property owners, and email dated 04/30/2019 from Steve Madrone raised two main concerns. First, the concern is that illegal activity may be occurring on the property and that gun violence did occur on this property related to the cannabis operation and that violence of this nature should be grounds for permit denial. Specifically, the neighboring property owners witnessed a gun fight occurred on the subject property and on the neighboring property. The second concern raised in this public comment was unpermitted development with potential sediment delivery to Bear Creek.

Staff response to Public Comment A: The concern raised in the comments regarding violence and illegal activity is directly related to the findings that the Planning Commission is required to make in order to approve the project. Section 312-17.1.4 of the Humboldt County Code states that the Hearing officer may only approve or conditionally approve a project if it finds that “*The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to properties or improvements in the vicinity.*” Gun fights on the property would certainly be conditions that are detrimental to the public health, safety and welfare, and materially injurious to properties and improvements in the vicinity. There is nothing in the applicant’s submitted information to indicate that gunfire and illegal activity is part of how they operate the business, and they were fully enrolled in the County’s track and trace program. However, after receiving these comments planning staff contacted the County Sheriff regarding the property in question. The property in question was not identified as related to the illegal grow referenced in the comment letter and the Sherriff stated that there is no specific confirmation of any illegal activity on the subject property. There are ongoing investigations in this part of the County regarding organized crime and activity similar to those raised in the public comment letters, but they cannot comment on the specifics of on-going investigations. These concerns were shared with the applicant, however the applicant has not responded. The incident raised by the concerned neighbors appears to have been a single incident, and staff has not been able to conclude that this is typical of the conditions under which the business is operated. However, the Planning Commission should consider the submitted public comments and any comments by the applicant and applicant’s representative at this public hearing in deciding whether the operation is likely to be detrimental to the public health, safety or welfare, or to properties or improvements in the vicinity.

Public Comment B: The second concern raised in these comments is regarding water quality in the Bear Creek Watershed, specifically that unpermitted work on this property may have been responsible for increased sedimentation in Bear River Creek. The comments indicate that sedimentation in the creek was more severe than any time in the 15 years that they lived on the property, and they believe that this site may be at least somewhat responsible.

Staff response to Public Comment B: The second issue raised of unpermitted development and potential sediment transport into Bear Creek was assessed using overhead imagery over the temporal range of 2005 (National Aerial Imagery Program – NAIP) to current, and an onsite inspection conducted on May 18, 2023 concurrently with staff from CDFW. Bear Creek is located approximately 2.5-miles southeast of the project site, at that location the project would have the unlikely potential to deliver sediment to Bear Creek. However, a fork of Jewett Creek is located 0.38-mile southeast of the project site, which is a tributary to Bear Creek. It would be difficult to determine if excess sedimentation of Bear Creek in 2019, as mentioned by the commenter, could be attributed solely to development on this site. Applicant will be required to obtain after the fact grading permits for all grading, including the development encroaching on BLM parcel to the south, and is required to winterize the site and immediately address any erosion issues in accordance with WRPP. As proposed and conditioned, staff believes the project will not deliver sediment to either Jewett Creek nearby, or Bear Creek.

A review of the aerial imagery found that the open grassland area where the cannabis cultivation occurs was in a similar configuration dating back to June 1993 (Google Earth). Outdoor cultivation was occurring by 2005 (Humboldt County WebGIS and Google Earth) and continued through 2014. Reorganization of greenhouses and site grading occurred in 2015 (TerraServer). According to the Survey Report prepared June 3, 2015, prepared by Kolstad Land Surveyors, approximately 5,000 square feet of fill dirt with scattered straw below the greenhouses encroachments on APN 108-022-016 owned by the Bureau of Land Management. As indicated by the Water Resources Protection Plan (WRPP), Page 12, the applicant installed a large spoil containment area to the east of Greenhouse #4. It does not appear that significant amount of grading has occurred between 2016 and present.

To address potential impacts to water quality from the cultivation site, conditions of approval have been revised to require the applicant to obtain a grading permit for all grading conducted without the benefit of County review, including any grading conducted on APN 108-022-016. For all grading conducted for cannabis cultivation that is no longer being used for cannabis cultivation, the application is required to re-contour those areas to natural grade and revegetate with native grass species. Additionally, the WRPP states that all cultivation is located over 600 feet from nearby streams and all Best Management Practices (BMPs) required by the North Coast Regional Water Quality Control Board Cannabis Cultivation Discharge Waiver Program (Order No. R1-2015-0023) will be adhered to. The WRPP (Page 12) recommends corrective actions to improve sediment and erosion control measures around Greenhouse #4 and large spoil containment area. Per recommendations in the WRPP, the applicant is required to install jute netting at the top of the containment bench. The WRPP requires the applicant to seed and straw all dirt areas immediately surrounding the containment area, install silt fencing, and cover the large spoil containment area between the months of October to April with plastic to contain all run-off. Conditions of approval require the applicant to provide an updated Site Management Plan (SMP), adhere to and implement all recommendations in the WRPP/SMP, and meet the requirements of the State Water Resources Control Board (SWRCB) for cannabis cultivation.

Staff determined that implementation of the Compliance Agreement, which requires satisfying the project's conditions of approval and adhering to the recommendations in the WRPP/SMP, will improve water quality both on the subject parcel and to the watershed.

Public Comment C: Letter from Molly Brown, Arcata Field Manager, Bureau of Land Management (BLM), dated May 1, 2019. The concerns raised in this letter concern the proximity of suitable nesting, roosting, and foraging habitat for Northern Spotted Owl (NSO) near the cultivation site. Due to these concerns, BLM is recommending denial of the requested setback reduction. More recent communications with BLM staff (June 7, 2023) has been incorporated into section below labeled Staff response to Public Comment C.

Staff response to Public Comment C: The setback reduction would allow for cultivation to be located as close as 70 feet from the public lands, which contain habitat for Northern Spotted Owl (NSO). The nearest habitat is approximately 100 feet away from the closest greenhouse. While power to the subject parcel is provided by P. G. & E, generator use is proposed solely as emergency backup in cases of power outages, and artificial lighting is limited to the ancillary nursery greenhouses, impacts to NSO could occur as a result of lights and fan noise, as well as human activity associated with the cannabis cultivation. The application was initially proposed as Mixed Light, but due to the concerns about the nearby habitat planning staff recommended the entire operation be converted to Outdoor. The applicant has submitted a habitat assessment, which states that fans associated with this project are rated at 54 decibels at 50 feet, which at the edge of the nearest habitat approximately 100 feet away would be below 50 decibels and therefore unlikely to have any impact to NSO. Further, project conditions require the applicant to submit a light and noise attenuation plan that shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife. Staff have also added a recommended Condition of Approval to clarify the allowable noise levels and verification from Planning Division staff prior to the use of lights and fans. The applicant has provided a wildlife assessment that addresses NSO habitat, and while the assessment does not follow proper protocol for determining presence of the species, it does identify that suitable habitat is located approximately 100 feet from the proposed cultivation. As a result, staff has worked with the applicant to revise the proposed project to reduce development intensity from Mixed Light to Outdoor, and limitations described above for shielding light escape from ancillary nursery, attenuating generator noise, and prohibition of the use of monofilament netting and anticoagulant rodenticides.

County staff has assumed the presence of Northern Spotted Owls to be as close as 100 feet from the project. Planning Division staff has worked with the applicant and added conditions of approval to this project to reduce or eliminate impacts to NSO based on the assumption of presence as close as 100 feet. No use of generator(s) for backup until it/they can be demonstrated by the applicant to operate at or below the 50 decibel (dB) threshold, fans rated at 54 decibels at 50 feet, and automated blackout curtains will significantly reduce the noise and light impacts associated with the project. However, at that time (in 2019), even with these attenuation measures, the Bureau of Land Management was requesting denial of the setback reduction due to their concerns about the overall impacts from any project within 600 feet of their lands and the potential to conflict with their federally mandated requirements to manage the land for endangered species.

There are no suitable locations on the property for cultivation that is not within 600 feet of the BLM land, and the setback reduction is therefore necessary in order to approve pre-existing cannabis cultivation on the property. County planning staff has communicated with BLM staff more recently (June 7, 2023), providing revised project plans including remediating an approximately 1.1-acre area at the southern parcel line with BLM lands to increase the buffer to sensitive habitat on public lands, restricting the use of backup generator(s) until they can be verified to operate at or below 50 decibels (dB) at 100 feet or nearest habitat (whichever is closer), elimination of Mixed Light and reduction to Outdoor in greenhouses, and prohibition on use of monofilament netting or anticoagulant rodenticides.

While the noise and light impacts of the project have been addressed to the maximum extent feasible, BLM remains concerned with the potential of the project to conflict with their land use goals. The 600-foot setback is intended to allow for public land managers to have significant input on cannabis cultivation that

could impact the management of their lands, and as a result of their specific concerns with this project the applicant has agreed to eliminate the Mixed Light previously proposed, has removed one greenhouse developed on BLM land, and has proposed further onsite relocation of a second greenhouse, including replanting over an acre of previous meadow at the southern BLM parcel line to increase buffer between cultivation area and land managed for sensitive habitat.

Public Comment D: Neighbor complaint received August 9, 2023 indicating trimming and selling unlawfully.

Staff Response to Public Comment: Staff requested METRC manifests for the operation from 2018 to 2022, as those were the year the locally issued Interim Permit was valid. Applicant and their Agent of Record provided redacted METRC manifests which appear to show a lawful selling of cannabis, both flower and trim/shake, for 2019 through 2022. METRC was not required by the state Bureau of Cannabis Control (BCC) until 2019, and many distributors, third-party processors, and similar were only initiating METRC system in 2019. Additionally, METRC was only required for annual state license holders, and not provisional license holders. Trimming would be allowed as proposed under the Interim Permit and is not considered a violation of the terms and conditions of the Interim Permit. Staff believes the applicant has provided enough details to address the complaint.

Tribal Consultation: The project is located in the Bear River Band Rancheria and Sinkyone Aboriginal Ancestral Territories. A Cultural Resources Investigation was conducted for the proposed project in June 2018 by William Rich and Associates. No cultural, historic, or archeological resources were identified on the subject property. Correspondence was conducted with the Native American Heritage Commission (NAHC), a representative of the Bear River Band of the Rohnerville Rancheria, and a representative of the Intertribal Sinkyone Wilderness Council. The Northwestern Information Center (NWIC) indicated no records of any previous studies and no responses from the native tribes or other interested parties were received. The Bear River Band referral response stated the Tribal Historic Preservation Officer (THPO) was not aware of any sensitive cultural resources on the subject parcel. A comprehensive field survey was performed over the entire proposed cannabis cultivation area and much of the 600-foot buffer with the parcel. As a condition of approval, the inadvertent discovery protocol to protect cultural resources has been added to the proposed project.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration (MND) that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared a site specific addendum to the MND for consideration by the Planning Commission (See Attachment 3 for more information).

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or remove conditions of approval; OR
2. The Planning Commission could deny approval of the requested permits if you are 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 staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan
 - C. Site Plan
 - D. Cultivation Area Verification dated November 9, 2017
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Lake and Streambed Alteration Agreement
 - B. Hydrologic Isolation Assessment
 - C. Update to the Well Analysis
 - D. Light Management Plan
 - E. Notice of Intent
 - F. Property Boundary Survey
 - G. Road Evaluation
 - H. Water Well Application
 - I. Well Completion Report
 - J. Water Resources Protection Plan
 - K. Division of Environmental Health Worksheet
 - L. Restocking Plan
5. Referral Agency Comments and Recommendations
6. Public Comment from 2019 hearing
7. Public Comment from 2022 hearing

Owner

Wilder Ridge, LLC
403 Rifle Camp Road
Woodland Park, NJ 07424

Applicant

Big River Farm, LLC
Ivan Iliev
9320 Wilder Ridge Road
Ettersburg, CA 95542

Agent

SL Consulting Services, Inc.
Steven Luu
973 Dowler Drive
Eureka, CA 95501

Please contact planner Devin Sutfin at (707) 44-7541 or via email at dsutfin1@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

From: [Luther, Stephen](#)
To: "Manthorne, David@Wildlife"
Cc: [Bocast, Kalyn@Wildlife](#); [Bauer, Scott@Wildlife](#); [Johnson, Cliff](#); [Ryan, Meghan](#)
Subject: RE: CDFW Referral Comments: Big River Farms (APPS: 11892), CEQA-2017-0772, APN: 108-023-008
Date: Wednesday, March 06, 2019 9:31:00 AM
Attachments: [11892 CAV.pdf](#)
[image001.png](#)
[CEQA Referral APPS-11892 CEQA-2017-0772 BigRiverFarm.pdf](#)

David,

Thank you for your comments. This project is scheduled for the Planning Commission on April 4th. Please see my response below:

- 1) Attached is the County CAV for this project which found existing cultivation on 9/18/15 that supports a cultivation area of 22,000 sq ft.
- 2) The project proponent is required to provide a more accurate monthly water use table prior to project approval.
- 3) A retroactive grading permit is required as a condition of approval. According to the CNDDDB there are no rare plants within 200 feet of the project site.
- 4) Applicant has been asked to describe the type of vegetation removed.
- 5) A condition of approval stipulates that no lights, fans or generator use can occur until a scoping survey for the presence of NSO has been completed and the results approved by the Planning Department in consultation with CDFW. Applicant must also prepare a lighting plan. Generators are not used in the cultivation operation, but containment is nonetheless required for the domestic backup generator.
- 6) The water storage is currently 60,300 gallons. The project must meet all SRA requirements for fire suppression. A condition has also been incorporated for the applicant to submit a 1600 notification to CDFW for the well. In the event CDFW determines the well is hydrologically connected, the applicant will be required to increase storage to comply with the forbearance period. A condition has also been included to monitor the drawdown of the well on an annual basis.

All other information has been included as ongoing operational conditions and/or conditions of approval. Please let me know if you have further concerns.

Sincerely,



Stephen Luther
Planner, Cannabis Division
[Planning and Building Department](#)
707.268.3737

From: Manthorne, David@Wildlife [mailto:David.Manthorne@wildlife.ca.gov]
Sent: Thursday, February 28, 2019 4:38 PM

To: Planning Clerk <planningclerk@co.humboldt.ca.us>

Cc: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>; Luther, Stephen <SLuther@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Ryan, Meghan <mryan2@co.humboldt.ca.us>

Subject: CDFW Referral Comments: Big River Farms (APPS: 11892), CEQA-2017-0772, APN: 108-023-008

To Whom it May Concern:

Please see the attached comments regarding the subject application, Big River Farms (APPS: 11892), CEQA-2017-0772, APN: 108-023-008.

Thank you for the opportunity to comment on this project.

Sincerely,

David Manthorne
Senior Environmental Scientist Specialist
Habitat Conservation and Planning (WET)
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501
(707) 441-5900

Cultivation Area Verification (CAV)

- 1) Enter amount of verified cultivation area.

Existing Outdoor Square Footage: _____

Existing Mixed Light Square Footage: 23,120 sq ft

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

Base Year Date and Source: 9/18/2015

- 3) Enter person performing verification:

Verified By: Laco JMH

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

Date Verified: 11-9-17

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

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



CAV
 Laco Im H
 11-9-17



California Department of Fish and Wildlife CEQA: Project Referral Comments

Applicant: Big River Farms		Date: 2-28-19	
APPS No.: 11892	APN: 108-023-008	DFW CEQA No.: 2017-0772	Case No.: CUP16-437
☐ New	☒ Existing	Proposed: ☒ Mixed-light (SF): 22,000	

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions below.
- ☒ Applicant needs to submit additional information. Please see the list of items below.
- ☐ Recommend Denial. See comments below.

The project proposes to utilize mixed light (artificial light) cultivation within the 600 setback to federal lands owned and managed by the BLM. The project is ~1400 from a known Northern Spotted Owl (NSO) activity center. CDFW requests that the applicant not be granted permission to utilize mixed light cultivation within this close proximity to NSO, and if the project cannot be relocated further from the NSO and associated habitat on federal lands, CDFW recommends that RRR of the site may be appropriate.

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

- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was less than 22,000 square feet. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- ☒ CDFW is not clear on how the water use estimates were derived or how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, prior to Project approval, that the applicant provide further detail on the methods used to estimate water usage.
- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. See:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
- ☒ If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.
- ☒ The Project may have a potentially significant adverse effect on biological resources. The Project proposes to utilize mixed-light (artificial light) cultivation within Northern Spotted Owl (*Strix occidentalis caurina*), a State- and Federally-Threatened species) occupied habitat. CDFW requests

that no mixed-light cultivation methods be permitted at this site. CDFW further requests that project scoping be conducted by an experienced qualified professional for the potential for presence/absence of NSO nesting/roosting habitat. Prior to scoping completion, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include but are not limited to the prohibition of generators, project lighting and fans.

- ☒ CDFW request that the applicant reevaluate the required water storage necessary for seasonal water diversion minimization.

Please note the following information and/or requested standard conditions of Project approval:

- ☒ Water for this Project is sourced from a groundwater well. It is estimated that water use may be as high as 200,000 gallons per year. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- ☒ A Final Lake or Streambed Alteration Agreement (1600-2018-0086) has been issued to the applicant. As of February 2019, the reporting requirements in the Agreement have not been met.
- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, 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.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of

project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.

- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to david.manthorne@wildlife.ca.gov .

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501



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

REFERRAL FORM
PLANNING AND BUILDING DEPARTMENT ~ PLANNING DIVISION

Date Sent 3/2/2018
Generated By Stacy J
Application Number 45890
Assessor Parcel Number 108-023-008-000
Applicant Name Stillwater Sciences

SITE INFO

Street 9320 Wilder Ridge Rd
City Ettersburg State CA
Zip

PROJECT INFO

Project Other
Project Type X - Excavation/Fill
Project Description Engineered grading to create a pond for commercial cultivation (rainwater catchment to fill the pond)

PLANNING DIVISION RESPONSE

We have reviewed the project and recommend the following:
Must await approval of CUP for cultivation.

Violation Cost Recovery Fee Required No

Referral Action

Planning Review Returned - Unapproved By Elanah Adler On 3/5/2018 11:53:45 AM

From: [Sutfin, Devin](#)
To: Manthorne, David@Wildlife; Kamoroff, Corrina@Wildlife
Cc: ["BLM CA Web AR@blm.gov"](mailto:BLM_CA_Web_AR@blm.gov)
Subject: RE: Revised Plans Including Relocation and Remediation, Big River Farm, LLC, APN 108-023-008, Apps 11892
Date: Wednesday, June 7, 2023 12:47:00 PM
Attachments: [11892 Potential Restoration Area 06.01.2023.JPG](#)
[image001.png](#)

Dear David, Corrina, and Molly Brown of Bureau of Land Management,

After our remote meeting on Tuesday, May 30 we determined there was a possibility of supporting onsite relocation of the current southern-most greenhouse and restoring the approximate 1.25-acre area as long as no conversion of timberland would be required for the relocation. We have included a map that outlines the potential restoration/relocation area, and have also created a draft condition for review.

Restoration Condition Draft

In order to more adequately protect nearby sensitive receptors applicant shall provide a remediation plan for relocating the southern-most greenhouse to an area not containing timber. The remediation plan shall include remediating the southern-most cultivation area to provide a more adequate buffer for publicly owned lands and sensitive habitat to the south. Remediation shall incorporate removal of all cultivation related materials, replanting of appropriate timber species per the recommendations of a Registered Professional Forester, and include a monitoring element of at least 3 years. A completion report authored by a qualified professional will be required to complete this item.



Devin Sutfin

Associate Planner

[Planning and Building Department](#)

dsutfin1@co.humboldt.ca.us

707.268.3778



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Arcata Field Office
1695 Heindon Road
Arcata, CA 95521-4573
www.blm.gov/california



May 1, 2019

In Reply Refer To:

6840 CA330(P)

Stephen Luther
Planner, Cannabis Division
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

Dear Mr. Luther:

The Bureau of Land Management (BLM), Arcata Field Office, provides this information to supplement our March 7, 2019 response to Cannabis Application 11892, applicant Big River Farm, LLC (BRF).

The Big River Farm Wildlife Assessment dated April 26, 2019 identifies the location of the BRF cannabis development within 100 feet north of Critical Habitat for the Federally and State listed Northern Spotted Owl (NSO) on adjacent BLM land, as delineated by the U.S. Fish and Wildlife Service. The Assessment also identifies suitable nesting, roosting and foraging habitat for the NSO within 100 feet to the south and east of the BRF development as well as a historic NSO activity center approximately 1500 feet from the BRF development.

The NSO continues to suffer population loss across its range due, in part, to habitat loss and human encroachment. The BLM is concerned about the close proximity of this cannabis operation to NSO critical habitat and a historic NSO activity center. To meet the requirements of the Endangered Species Act (ESA), the BLM is required, for all actions, to minimize the impacts to listed species including their habitat.

The Humboldt County Ordinance No. 2559, Performance Standards for all Commercial Medical Marijuana Land Use Ordinance, Cultivation and Processing Operations section 55.4.11 item d, requires a 600 foot setback for publicly owned lands managed for open space and/or wildlife habitat purposes. The BLM does not support a reduced setback because of the potential impacts to wildlife habitat.

Sincerely,

Molly Brown
Arcata Field Manager

From: [Wheeler, Jennifer S](#)
To: [Sutfin, Devin](#)
Cc: [Anthon, David C](#); [Fritze, Paul H](#); [Sander-McDonald, Clara E](#); [Wooden, Daniel D](#); [Windsor, Justin A](#); [Ewing, Collin J](#); [Manthorne, David@Wildlife](#); [Kamoroff, Corrina@Wildlife](#)
Subject: Re: [EXTERNAL] FW: Restocking Detail Inquiry, Big River Farm, LLC, APN 108-023-008, Apps 11892
Date: Thursday, June 15, 2023 2:46:48 PM
Attachments: [image001.png](#)

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hi Devin,

I consulted with our foresters and their response was that the proposal seems fine to them, and added a caveat that "from a forestry perspective, if they're going to replant with tanoak, the planned removal of encroaching conifers over time probably isn't necessary based on the images of the surrounding stands that are Doug-fir/tanoak. But if they want to plan on doing that for other reasons, that's also fine with us. "

Please let us know if there are further questions,

*Jennifer Wheeler
Assistant Field Manager
Arcata Field Office, California
Recreation, Realty, Operations
work (707) 825-2310
cell (707) 298-8504*

From: Sutfin, Devin <dsutfin1@co.humboldt.ca.us>
Sent: Wednesday, June 14, 2023 8:10 AM
To: Wheeler, Jennifer S <jswheele@blm.gov>
Cc: Anthon, David C <danthon@blm.gov>; Fritze, Paul H <pfritze@blm.gov>; Sander-McDonald, Clara E <csandermcdonald@blm.gov>; Wooden, Daniel D <dwooden@blm.gov>; Windsor, Justin A <jwindsor@blm.gov>; Ewing, Collin J <cewing@blm.gov>; Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>; Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>
Subject: [EXTERNAL] FW: Restocking Detail Inquiry, Big River Farm, LLC, APN 108-023-008, Apps 11892

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Jennifer,

Circling back on this project as the applicant and their representative, Steven Luu, have proposed restocking the roughly 1.1-acre area pictured in the attachment with hardwoods, and continued management for removing conifer seedlings. Sourcing Douglas-fir seedlings seems to have been problematic in the recent past. Can you all provide some feedback as to this proposal, and whether it would be amenable to your agency?

See their email below dated yesterday, 06/13/2023, and please let us know if any additional details are needed to facilitate this request. Thank you for your time and consideration.

Respectfully,



Devin Sutfin
Associate Planner
[Planning and Building Department](#)

dsutfin1@co.humboldt.ca.us
707.268.3778

From: Sutfin, Devin
Sent: Wednesday, June 14, 2023 8:04 AM
To: 'Steven Luu' <steven@slconsultinginc.com>
Cc: Ivan Iliev <duloivan@gmail.com>; Petko Iliev <phumgold@gmail.com>
Subject: RE: Path Forward, Big River Farm, LLC, APN 108-023-008, Apps 11893

Hi Steven,

Let me run that by them. I will send the email now/soon/today and will let you all know what feedback we receive.



Devin Sutfin
Associate Planner
[Planning and Building Department](#)
dsutfin1@co.humboldt.ca.us
707.268.3778

From: Steven Luu <steven@slconsultinginc.com>
Sent: Tuesday, June 13, 2023 7:05 PM
To: Sutfin, Devin <dsutfin1@co.humboldt.ca.us>
Cc: Ivan Iliev <duloivan@gmail.com>; Petko Iliev <phumgold@gmail.com>
Subject: Re: Path Forward, Big River Farm, LLC, APN 108-023-008, Apps 11893

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Devin,

Would county, BLM and CDFW support a hardwood restock of the 1.11 acres? From what I understand, hardwoods are generally considered as better habitat and we can write in removal of encroaching for seedlings as part of the monitoring and mitigation requirements. We have had issues sourcing the doug fir seedlings for a couple years now anyways.

Restock is usually done with Doug fir for commercial timber restock but since we are managing for habitat buffer I wanted to bring this alternative up.

Let me know so I can have the forester contracted with the appropriate scope.

Sincerely,

Steve Luu

On Mon, Jun 12, 2023 at 8:53 AM Sutfin, Devin <dsutfin1@co.humboldt.ca.us> wrote:

Hi Steven and Petko,

Thank you both for your patience, we have heard back from CDFW and BLM regarding the project and path forward. It appears we are in support of relocating the southern-most greenhouse onsite during the last inspection, and restoring approximately 1.11-acres of the former cultivation site to provide a more solid buffer for nearby wildlife habitat at or across the southern parcel line. We would support relocation of those cultivation sites if the area slated for relocation *does not* result in any further conversion of timberland. The following summarizes the proposed project requirements moving forward:

1. Propose relocation (or elimination) of the southern-most greenhouse.
2. Propose a remediation plan to revegetate and/or reforest the roughly 1.11-acre area bordering southern parcel line to provide buffer for nearby sensitive habitat and receptors.
3. No Mixed Light, all Outdoor (already part of plan).
4. Conditions will be added:
 - a. Power from grid or renewable energy, generator as backup will be limited and can only be used after it can be

- verified to operate at or below 50 decibels (dB) at 100 feet or nearest forested edge, whichever is closer.
- b. No use of rodenticides
 - c. No artificial lighting in ancillary nursery until staff can verify the light is shielded and a light pollution plan submitted for staff review and approval.

At this juncture, we need you all to provide revised plans for staff to review. We will need:

- a. Revised Site Plan showing proposal to relocate or eliminate the current southern-most greenhouse.
- b. Remediation Plan for revegetating or reforesting approximately 1.11-acres at the southern parcel line, prepared by a qualified professional and a 3 year monitoring element.
- c. Revised Operations Plan, or Addendum, describing the proposal. This includes whether a reduction or relocation is proposed, and discussion of remediation to ensue.

In summary, we received feedback from BLM and CDFW and have outlined the path forward to include relocating or eliminating the southern-most greenhouse, restoring/revegetating/remediating the area at the southern parcel line, and providing revised plans for staff to review and move project forward. Please reach out with any questions that may arise.

Respectfully,



Devin Sutfin

Associate Planner
[Planning and Building
Department](#)

dsutfin1@co.humboldt.ca.us
707.268.3778

From: Sutfin, Devin
Sent: Thursday, June 1, 2023 8:55 AM
To: Steven Luu <steven@slconsultinginc.com>
Cc: Petko Iliev <phumgold@gmail.com>; Ivan Iliev <duloivan@gmail.com>
Subject: RE: Path Forward, Big River Farm, LLC, APN 108-023-008, Apps 11893

Hi Steven,

We consulted with Bureau of Land Management (BLM) and California Dept. of Fish and Wildlife (CDFW) about the project and its proximity to sensitive biological receptors, and adjacent land managed for wildlife habitat by BLM & CDFW. We discussed two options, one to leave the cultivation in place, and the second to relocate the current southern-most greenhouse and restore the area near the southern parcel line.

We discussed the potential for onsite relocation of the southern-most greenhouse currently onsite, as long as it does not result in any additional conversion of timberland. The onsite relocation would include restoration of the area outlined in the attached GIS map, to ensure habitat buffer for sensitive species nearby.

At this juncture, we are preparing options for BLM and CDFW to consider and provide feedback/guidance. As we discussed onsite, preparing a plan for leaving cultivation in place, and also for proposed onsite relocation to provide a more thorough buffer for the southern BLM parcel line and sensitive habitat may be most prudent. As long as the relocation does not result in conversion of any timberland we may be able to support onsite relocation to address the respective agencies' referral responses.

Let us know if any questions or concerns arise.

Respectfully,



Devin Sutfin

Associate Planner
[Planning and Building
Department](#)

dsutfin1@co.humboldt.ca.us
707.268.3778

From: Steven Luu <steven@slconsultinginc.com>
Sent: Wednesday, May 31, 2023 7:24 AM
To: Sutfin, Devin <dsutfin1@co.humboldt.ca.us>
Cc: Petko Iliev <phumgold@gmail.com>; Ivan Iliev <duloivan@gmail.com>
Subject: Re: Big River Apps#11893 Thoughts

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hello Devin,

Checking in on this project - let me know if you have any feedback for us to take action on as far as updating the documents.

Sincerely,

Steve Luu

On Mon, May 22, 2023 at 3:50 PM Steven Luu <steven@slconsultinginc.com> wrote:

Hello Devin,

Appended please find updated (2019) USFW recommendations for avoidance of take of Northern Spotted Owl. The noise buffer is 0.25 miles which I is met per our call. Further guidance is provided under page 26 of the PDF under IX. Timber operations that do not modify spotted owl habitat. I believe that section is most applicable in analysis relative to this project as no modification of the habitat is proposed as the project is baseline and will now be outdoor cultivation and no logging operations are to be conducted - no studies beyond the 0.25 mile buffer is required. Furthermore, mitigation in converting the project to outdoor cultivation will reduce impacts.

Also let me know if we have a final decision on canopy/CAV.

We discussed the BLM setback issue - let me know what you and Cliff decide upon for that issue as it would be a variance request. I hope this is less of an issue if we can properly condition the project and meet NSO setbacks per the updated USFW recommendations.

I would like to get all documents updated per the decisions above as soon as possible to take this project to decision.

Thanks,

Steve Luu



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Arcata Field Office
1695 Heindon Road
Arcata, CA 95521-4573
www.blm.gov/california



March 7, 2019

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

Dear Sir or Madam:

In response to Application APP(S) # PLN-11892-CUP

BLM has had issues with trespass on public lands. In our review of property boundaries, it appears there is a high probability of an existing trespass on BLM land. Therefore, we strongly recommend the property owner have their property surveyed to ensure that their operations do not trespass upon or cause resource damage to federal lands. The survey should be completed by a professional land surveyor.

Any activity related to cannabis operations on public land such as the cultivation, production, transportation or distribution of supplies or product will violate the Controlled Substances Act and may be subject to federal criminal and/or civil action.

Sincerely,

Molly Brown
Field Manager