



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: February 03, 2021

To: Humboldt County Planning Commission

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

Subject: **Larabee Valley Family Farms, LLC Conditional Use Permit**
Record Number PLN-13009-CUP
Assessor's Parcel Number (APN) 210-250-031
Hidden Valley Road, Bridgeville, California 95526

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Please contact Jordan Mayor, Senior Biologist and Contract Planner, at 707-683-4711 or by email at jordan.mayor@icf.com if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date February 3, 2021	Subject Conditional Use Permit	Contact Jordan Mayor
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Project Description: Larabee Valley Family Farms, LLC seeks a Conditional Use Permit for an existing 15,000-square-foot (SF) outdoor cannabis cultivation operation occurring on two graded flats on the 147-acre (assessed) parcel. Appurtenant nursery space is 1,500 SF. Irrigation water is sourced from an off-stream rain and seep-fed catchment pond. Existing available water storage is 137,000 gallons in a combination of four 3,000-gallon water tanks and one 125,000-gallon rain catchment pond. Estimated maximum annual water usage is below storage capacity at approximately 120,000 gallons (8 gallons/SF/year). Harvesting and drying will occur in two existing 400-SF structures (totaling 800 SF), and processing would occur offsite at a licensed facility. Three new greenhouses for cultivation and an additional 50,000 gallons of onsite storage are proposed. No employees are utilized on the farm. Power is provided by existing solar power and an emergency backup generator. The parcel is developed with three existing storage buildings totaling 900 SF.

Project Location: The project is located in Humboldt County, in the Bridgeville area, approximately 1.2 miles north of the intersection of Larabee Valley Road and Coyote Ridge Road and 1.0 mile north of where Larabee Valley Road turns into Hidden Valley Road at Location 40.4552, -123.6669, on the property known to be in a portion of Section 13 of Township 01N Range 04E and in a portion of Section 19 of Township 01N Range 5E, Humboldt Base & Meridian.

Present Plan Land Use Designations: Agricultural Exclusive (AE); Residential Agriculture (RA); Timberland (T); 2017 General Plan; Density: 40 acres per unit; Slope Stability: Low Instability (1) & High Instability (3)

Present Zoning: Agricultural Exclusive (AE); Timber Production (TPZ)

Record Number: PLN-13009-CUP

Assessor's Parcel Number: 210-250-031

Applicant

Larabee Valley Family Farms, LLC
Lauren Marlak
P.O. Box 188
Bridgeville, CA 95526

Owner

Simon Cristinzio
760 Redwood Drive, #75
Garberville, CA 95542

Agents

Steven Breitenstein
Green Road Consulting
1650 Central Avenue, Suite C
McKinleyville, CA 95519

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

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

Major Issues: None

Recommended Commission Action

1. Describe the application as part of the Consent Agenda
2. Survey the audience for any person who would like to discuss the application
3. If no one requests discussion, approve the Consent Agenda thereby adopting the Resolution to take the following actions:

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Larabee Valley Family Farms, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.

Executive Summary: Larabee Valley Family Farms, LLC seeks a Conditional Use Permit to allow the continued operation of an existing 15,000-square-foot (SF) outdoor cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated as Agricultural Exclusive (AE), Residential Agriculture (RA), and Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive (AE) and Timberland Production (TPZ). The cannabis cultivation operation consists of two 7,500-SF outdoor cannabis cultivation areas, totaling 15,000 SF, on two graded flats occurring on a 147-acre (assessed) parcel. All cannabis cultivation on the parcel would be cultivated in 10 existing and three proposed light-deprivation greenhouses. Appurtenant nursery space would be 1,500 SF in two proposed greenhouses. Minor grading is required for the addition of two greenhouses. Typically, only one harvest will occur, but occasionally two harvests may occur from a subset of the greenhouses for a growing season that extends from March through October. The parcel is developed with three existing storage buildings totaling 900 SF. Portable toilets and handwashing stations supplied by B&B are being used onsite until a permitted onsite septic completes design. All existing buildings and historic grading shall be permitted as a condition of approval (**COA #A6-8**). Harvesting and drying will occur in two existing 400-SF structures totaling 800 SF, and processing would occur offsite at SISU Extracts in Eureka. No employees are utilized on the farm. Power is provided onsite by existing solar power and an emergency backup generator.

The property is fully fenced and accessible only through two locked gates. Each gate location is equipped with motion sensors which alert to handheld walkie-talkies. The property is also equipped with motion-activated lights and game cameras. The applicant also has a Special Permit for 8,000 SF of outdoor cannabis cultivation on the adjacent parcel to the west (APN: 210-250-009; PLN-13006-SP), on the other side of Hidden Valley Road.

The project site is located in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project, the total number of approved permits in this planning watershed would be 108, and the total approved acres of cultivation would be 37.16.

Water Resources

As reported in the December 2019 Cultivation and Operations Plan (**Attachment 3a**) or shown on the December 2021 Site Plans, total water storage is 137,000 gallons in four 3,000-gallon tanks and one 125,000-gallon rain and seep-fed catchment pond lined with plastic. The seep flow from a historic cutbank is considered as a very minor input to the pond, and plans are to redirect the seep flow to a French drain, allowing full return infiltration. A Rain Catchment Estimate prepared by the applicant in December 2021 indicates the 3,000-SF pond surface area can intercept 126,000 gallons in a typical year. In the winter months, overflow water from the catchment pond is pumped into storage tanks and refilled from the pond as needed throughout the spring. The catchment pond is off stream, approximately 350

feet from a seasonal Class III stream management area, and is capable, along with existing and planned addition of 50,000 gallons of additional water storage tanks, of providing all irrigation needs, as reported to the North Coast Regional Water Quality Control Board annually.

Estimated maximum annual water usage is approximately 120,000 gallons—one cultivation area estimated to receive 48,000 gallons and the second area receiving 72,000 gallons. There is one historic point of diversion on the applicant's parcel, with a Right to Divert and Use certificate (H100396) with the California Division of Water Rights for a diversion from an unnamed Class II tributary near the Little Van Duzen River (shown on December 2021 Site Plan). Although this diversion has not been used for irrigation purposes during the past two years, the applicant retains water rights, should they choose to use them, to divert for irrigation use on the two adjacent parcels (APNs: 210-250-031 and 210-250-009) an amount up to 0.50 acre-feet (163,000 gallons) per year (January 1 to December 31), subject to any more restrictive diversion season specified by the current version of the State Water Resource Control Board's (SWRCB's) Cannabis Policy.

Based on the total disturbance area, slopes of disturbed areas, and riparian setbacks, this project site falls within a Tier 2 Low Risk category of the SWRCB Cannabis Cultivation Policy Order WQ 2019-0001-DWQ (General Order). In accordance with properties that fall into Tier 1 or 2 of the General Order, a Site Management Plan (SMP) was prepared by Pacific Watershed Associates in October 2021 for the applicant's cultivation projects on the two adjacent parcels (**Attachment 3b**). Abiding by the sediment discharge best practicable treatment and control measures detailed in the SMP is a condition of approval (**COA #A9**).

In addition, abiding by the conditions in the Final Lake or Streambed Alteration Agreement (LSAA) No. 1600-2019-0873-R1 with the California Department of Fish and Wildlife (CDFW) (**Attachment 3c**) is required by the SWRCB General Order and all CMMLUO projects (**COA #B17**). The Final LSAA allows for 15 encroachments on this parcel (APN: 210-250-031) and the adjacent parcel to the east under the same ownership (APN: 210-250-009)—three encroachments for water diversion for commercial irrigation purposes and 12 other proposed encroachments to upgrade failing and undersized stream crossings. Two of the three diversions mentioned in the LSAA are on this project's parcel, and, as mentioned above, the stream diversion is no longer in use on this project's parcel. The spring diversion for the water storage pond was included in the Final LSAA with a diversion season confined to November 1 to March 31. The applicant shall monitor all water use from the spring diversion to the pond, the pond, and the storage containers as a condition of approval (**COA #A10**).

The December 2021 Plot Plan shows several unnamed Class III headwater tributaries to an unnamed Class II drainage that flows into Butte Creek and Little Larabee Creek. The 2021 Revised Plot Plan indicates all associated setback distances exceed the Streamside Management Area buffer distances to seasonal and perennial streams to all disturbed soil and cultivation areas to the nearest drainage.

Biological Resources

No Biological Assessment has been prepared for the project; however, no tree clearing is proposed, only an emergency backup generator is used onsite, and no processing or mixed-light cultivation is occurring on the parcel. The California Natural Diversity Database mapped American peregrine falcon (*Falco peregrinus anatum*), foothill yellow-legged frog (*Rana boylei*), and north central coast summer steelhead stream occurrences within the project site. The project is conditioned to abide by the LSAA with CDFW to protect aquatic resources and organisms (**COA #B17**). The nearest Northern Spotted Owl (NSO) activity centers are located approximately 0.9 mile east of the cultivation sites; however, lands surrounding the site are heavily forested, and mapped NSO critical habitat occurs within 2.75 miles. Thus, there is high potential for NSO foraging habitat on the parcel and adjoining forested areas to the east. The project has been conditioned to ensure supplemental lighting associated with any nursery cultivation is fully contained with blackout tarps and that all outside lighting be placed on timers or motion sensors to reduce light exposure to wildlife and their potential habitat and to avoid heavy equipment operations during the NSO critical period (February 1–July 31) or perform protocol-level surveys prior to initiating that work (**COA #A11**). Per the Operations Plan, during the growing season, light

spillage from the two nursery greenhouses shall be prevented by use of black-out tarps that will be installed and securely fastened in place 1 hour prior to dusk and retained in place 1 hour after dawn to prevent light spillage from occurring. Furthermore, the project is conditioned to refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife (**COA #B4-8**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

Tribal Cultural Resource Coordination

There are no known tribal cultural resources on the project site. The project was referred to the Bear River Band of the Rohnerville Rancheria in 2020, which concluded that the parcel should be surveyed by a qualified archaeologist and recommended a study prior to commencement of project activities. Archaeological Research and Supply Company prepared a Cultural Resource Survey for the parcel in November 2021. The areas of potential effect (APE) had fair-to-excellent visibility of 50 to 100 percent, and the balance of the properties were surveyed using 15-meter (or less) transects on and around the project sites, including all associated infrastructure and access roads with a 600-foot buffer. Areas that were obscured by vegetation were subject to shovel probes every 15-meters and are entirely outside of the APE. No historic resources were identified as a result of the investigation. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Access

The property is located in Humboldt County, in the Bridgeville area, on the east and west sides of State Route 36, approximately 1 mile from the intersection where Larabee Valley Road turns into Hidden Valley Road. A Road Evaluation Report prepared by a licensed engineer, Stephen Nesvold (No. 25681), was prepared for Larabee Valley Road and Hidden Valley Road concluded that that the entire road segment is developed to the equivalent of a road category 4 standard (**Attachment 3d**). Public Works approved the project in a referral response dated October 14, 2020.

Environmental review for the 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 MND that was adopted for the CMMLUO and has prepared an addendum to this document for consideration by the Planning Commission (See **Attachment 2** for more information).

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

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

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Planning and Building Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least 2 months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 22-
Record Number PLN-13009-CUP
Assessor's Parcel Number: 210-250-031**

Resolution by the Planning Commission of the County of Humboldt certifies compliance with the California Environmental Quality Act (CEQA) and conditionally approves the Larabee Valley Family Farms, LLC Conditional Use Permit.

WHEREAS, Larabee Valley Family Farms, LLC submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 15,000-square-foot (SF) outdoor cannabis cultivation operation with harvest and drying activities; and

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

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on February 3, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit to allow a 15,000-SF outdoor cannabis cultivation operation occurring on two graded flats on the 147-acre (assessed) parcel. Cannabis would be cultivated in 10 existing and three proposed greenhouses, and appurtenant nursery space would be 1,500 SF in two additional proposed greenhouses. Power is provided by solar and an emergency backup generator. Water for irrigation is provided by four 4,000-gallon water tanks and one 125,000-gallon rain catchment pond. An additional 50,000 gallons of water storage tanks are proposed.

EVIDENCE: a) Project File: PLN-13009-CUP

- 2. FINDING:** **CEQA.** The requirements of CEQA have been met. The Humboldt County Planning Commission has considered the Addendum to the Final MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum prepared for the proposed project.

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

 c) A Site Management Plan was prepared by Pacific Watershed Associates to show compliance with the State Water Resources Control Board Cannabis Cultivation Policy -- General Order WQ 2019-0001.

- d) A Final Lake and Streambed Alteration Agreement (LSAA 1600-2019-0873-R1) with the California Department of Fish and Wildlife was signed in May 2020. The Final LSAA allows for 15 encroachments on the parcel: three encroachments for water diversion for commercial irrigation purposes, and 12 other proposed encroachments to upgrade failing and undersized stream crossings.
- e) The project was referred to the Bear River Band of the Rohnerville Rancheria in 2020, which concluded that the parcel should be surveyed by a qualified archaeologist prior to commencement of project activities. Archaeological Research and Supply Company prepared a Cultural Resource Survey for the parcel in November 2021. No historic resources were identified as a result of the investigation. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.
- f) Road Evaluation Reports were prepared by the applicant for Larabee Valley Road and Hidden Valley Road in March 2019 which indicate that both roads are developed to the equivalent of a road category of 4. Public Works approved the project in a referral response dated 10/14/20.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the Agriculture Exclusive (AE), Residential Agriculture (RA), and Timberland (T) combined land use designation. The proposed cannabis cultivation, an agricultural product, is entirely within land planned for agricultural purposes (RA), consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complementary to the Open Space Plan and its Open Space Action Program.

4. FINDING

The proposed development is consistent with the purposes of the existing AE zone and Timber Production Zone (TPZ) in which the parcel is located. All cultivation is within the AE zone on the parcel.

EVIDENCE

- a) The AE and TPZ zones are applied to areas of the County in which agriculture or timber production are the desirable predominant uses, and agriculture-related recreation is a secondary use.
- b) All general agricultural uses are principally permitted in the AE and TPZ zones.
- c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 15,000 SF of outdoor cannabis cultivation operation on 147 acres is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE and TPZ (Section 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration as shown as parcel 4 on parcel map 2332 book 20 (pages 111-112), in accordance with county and state subdivision regulations that would have applied to the creation of the parcel.
- c) The project will typically obtain water from a non-diversionary water source for irrigation, the 125,000-gallon rain catchment pond, 12,000 gallons of existing hard tank storage, and 50,000 gallons of proposed hard tank storage. There is one historic point of diversion on the applicant's parcel with a Right to Divert and Use certificate (H100396) with the California Division of Water Rights for a diversion from an unnamed Class II tributary near the Little Van Duzen River (shown on December 2021 Site Plan). Although this diversion has not been used for irrigation purposes in the past two years, the applicant retains water rights, should they choose to use them, to divert for irrigation use on the two adjacent parcels (APNs: 210-250-031 and 210-250-009) an amount up to 0.50 acre-feet (163,000 gallons) per year (January 1 to December 31), subject to any more restrictive diversion season specified by the current version of the State Water Resource Control Board's Cannabis Policy.
- d) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park, or tribal cultural resource.

6. FINDING

The cultivation of 15,000 SF of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located off Hidden Valley Road, a privately maintained road developed to the equivalent of a Category 4 road standard.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) The project will typically obtain water from a non-diversionary water source for irrigation, the 125,000-gallon rain catchment pond, 12,000 gallons of existing hard tank storage, and 50,000 gallons of proposed hard tank storage. There is one historic point of diversion on the applicant's parcel with a Right to Divert and Use certificate (H100396) with the California Division of Water Rights for a diversion from an unnamed Class II tributary near the Little Van Duzen River. Although this diversion has not been used for irrigation purposes in the last couple years, the applicant retains water rights, should they choose to use them.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property, and infiltration of water to

groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

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

8. FINDING

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

EVIDENCE

The project site is located in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project, the total approved permits in this planning watershed would be 108 permits, and the total approved acres would be 37.16 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Larabee Valley Family Farms, LLC based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

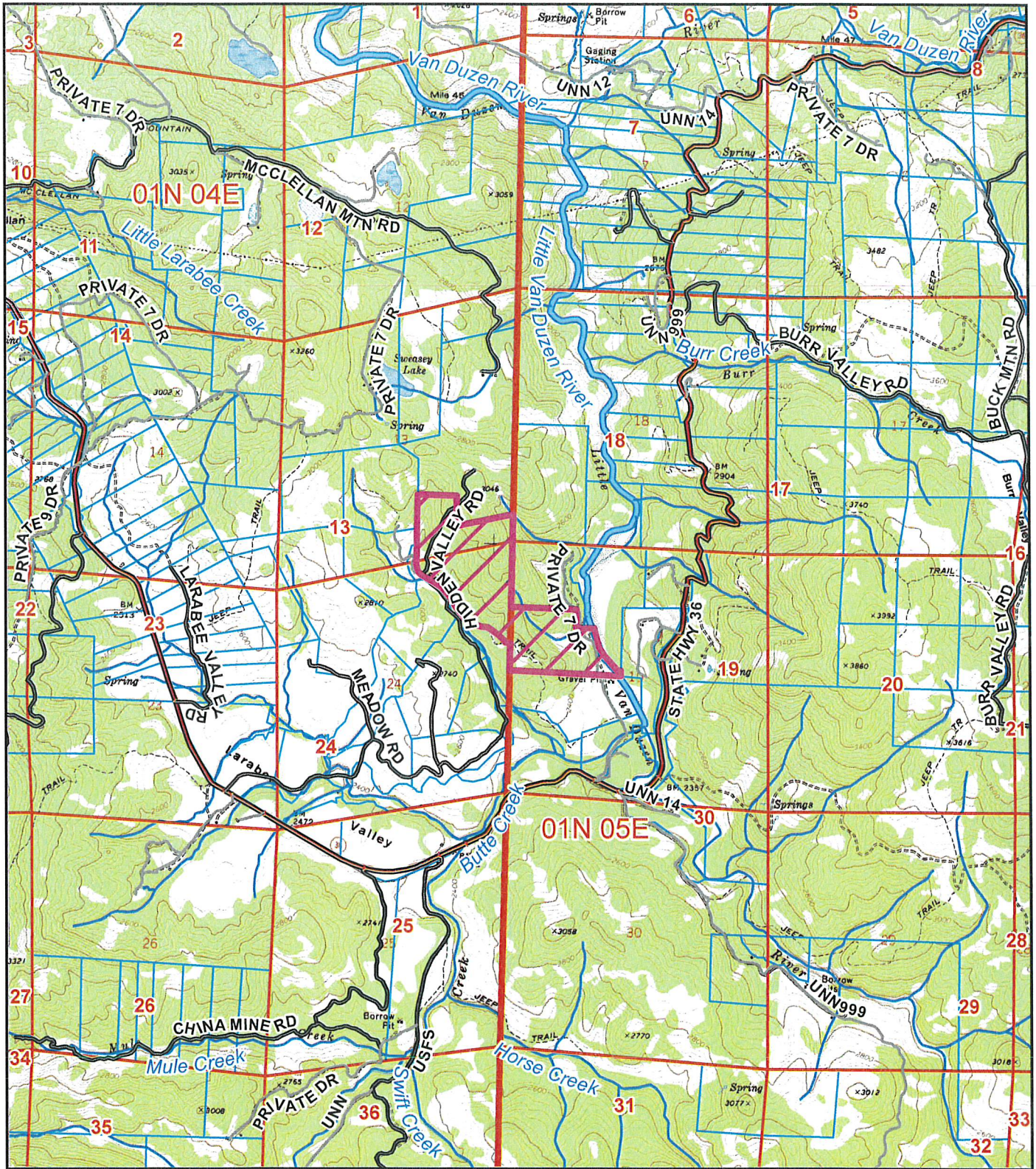
Adopted after review and consideration of all the evidence on February 03, 2022

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

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

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

 John Ford, Director
 Planning and Building Department

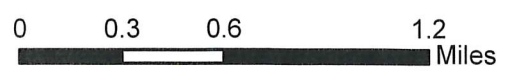


**TOPO MAP
 PROPOSED WILLIAM BRANDON INGLEY
 BRIDGEVILLE AREA
 CUP-16-954**

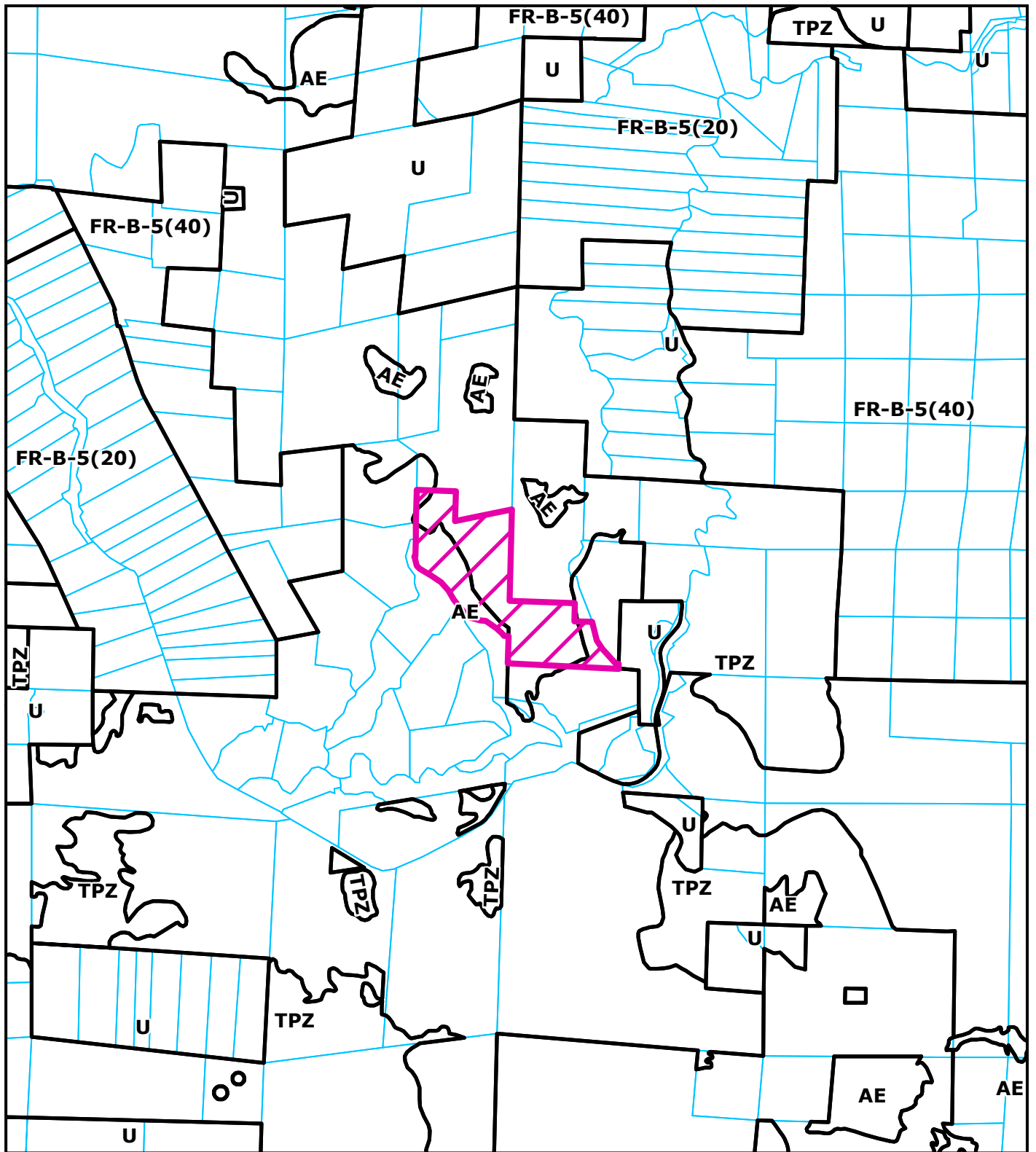
APN: 210-250-031-000

T01N R04E S13; S24; T01N R05E S19 HB&M (LARABEE VALLEY)

Project Area = 



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



**ZONING MAP
 PROPOSED WILLIAM BRANDON INGLEY
 BRIDGEVILLE AREA
 CUP-16-954**

APN: 210-250-031-000

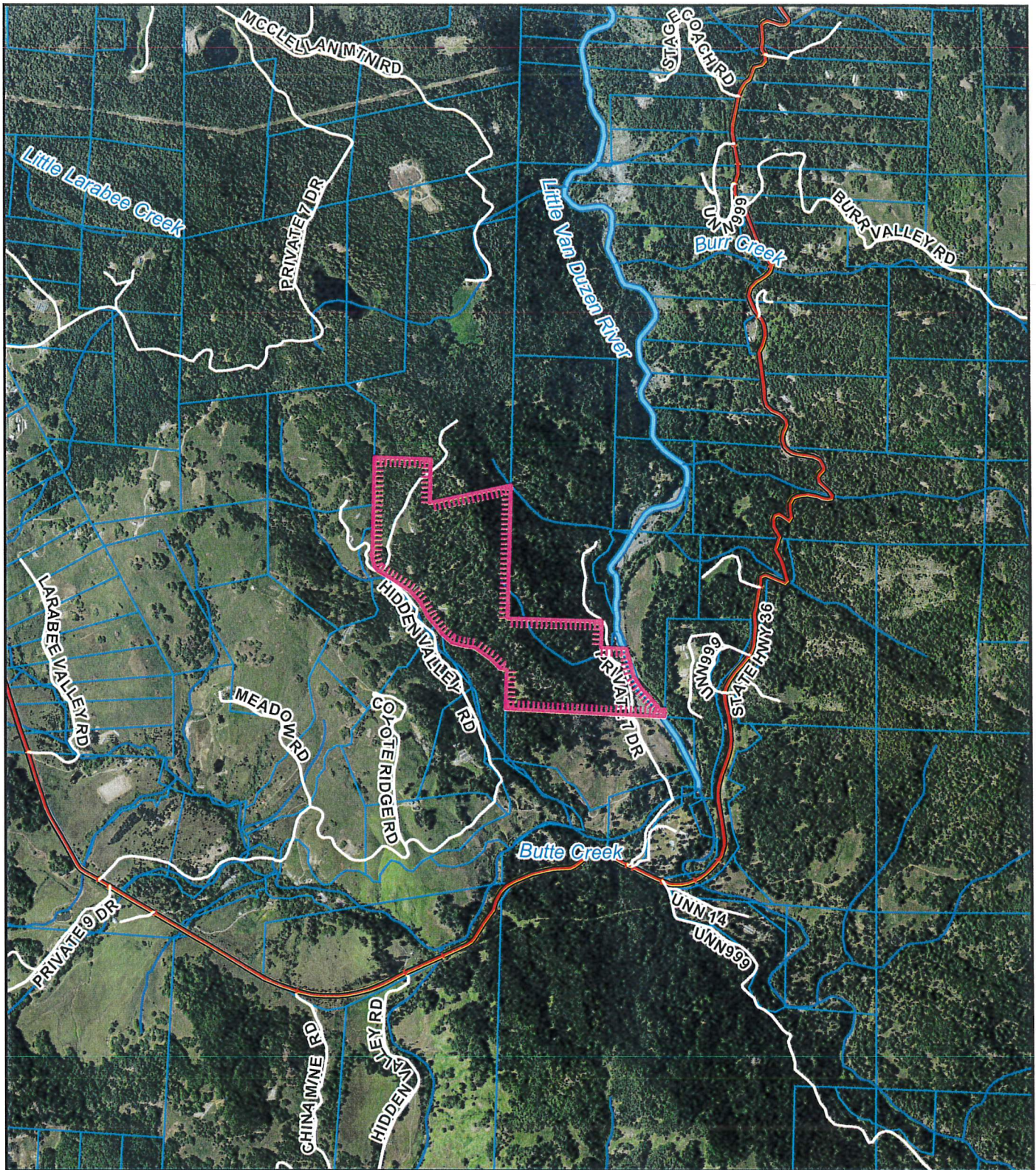
T01N R04E S13; S24; T01N R05E S19 HB&M (LARABEE VALLEY)

Project Area = 



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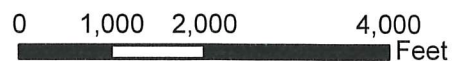
**AERIAL MAP
 PROPOSED WILLIAM BRANDON INGLEY
 BRIDGEVILLE AREA
 CUP-16-954**

Project Area = 

APN: 210-250-031-000

T01N R04E S13; S24; T01N R05E S19 HB&M (LARABEE VALLEY)

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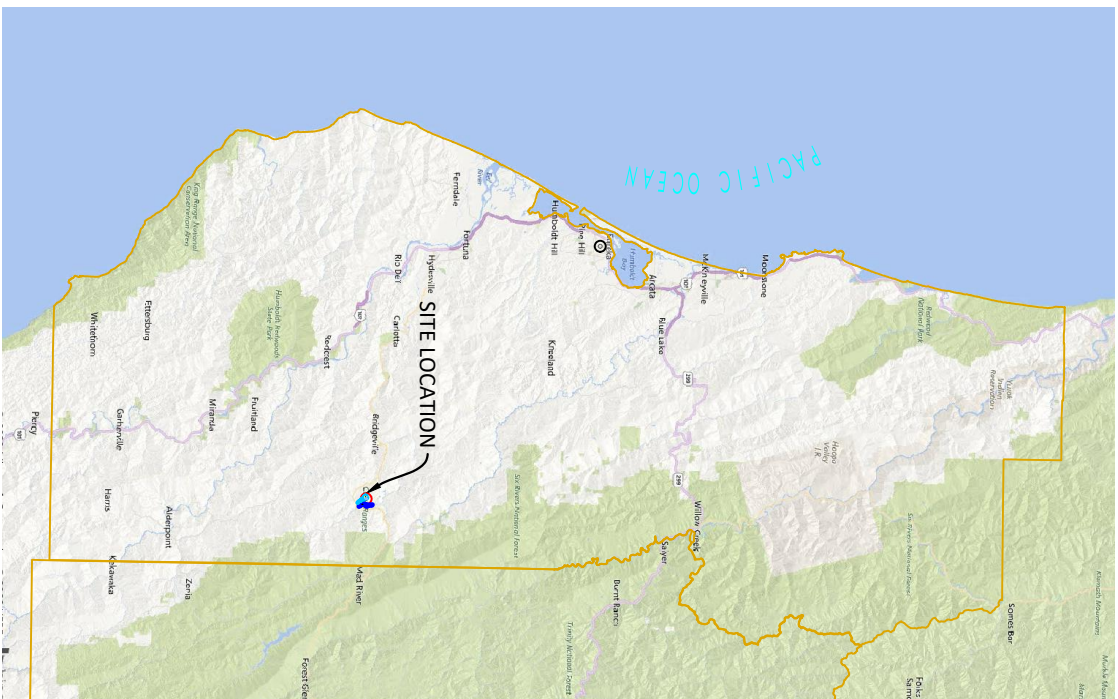


LARRABEE FAMILY VALLEY FARMS

APN: 210-250-031

VICINITY MAP

1:10,000



PROJECT DIRECTIONS

- FROM: EUREKA, CA
 -HEAD SOUTH ON US-101 (19.9 MI)
 -TAKE EXIT 685 FOR CA-36 E (0.3 MI)
 -TURN LEFT ONTO CA-36 E (33.4 MI)
 -TURN LEFT ONTO LARRABEE VALLEY RD (1.2 MI)
 -CONTINUE STRAIGHT ONTO COYOTE RIDGE RD (9 MI)
 -TURN RIGHT ON HIDDEN VALLEY RD.

TRAVEL TIME
 APPROXIMATELY: 1 H 20 MIN (68 MI)

SHEET INDEX

- CP-COVER PAGE
- C1-PARCEL OVERVIEW
- C2-INSET A & B

PROJECT INFORMATION

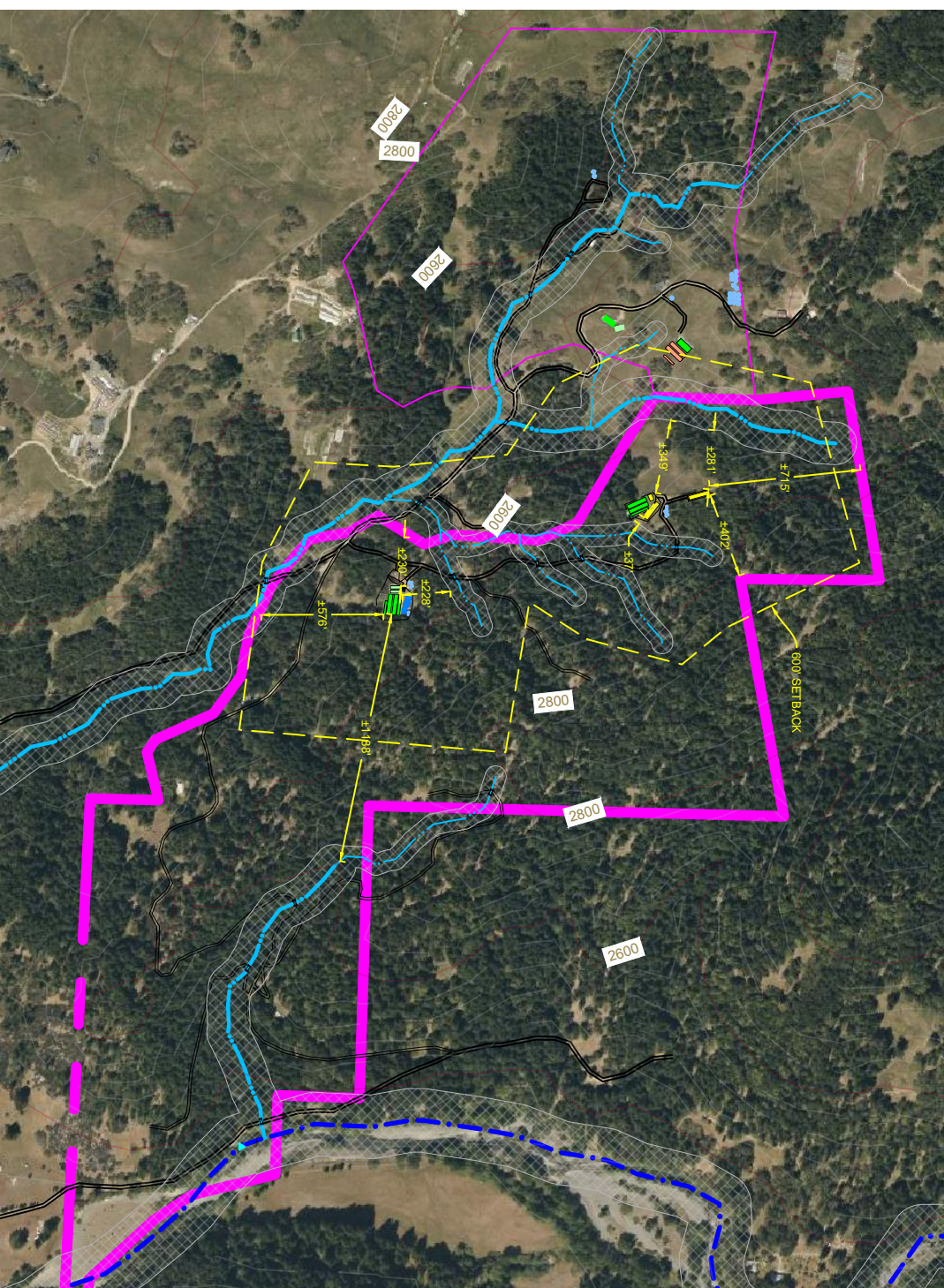
LAT/LONG: 40.4572, -123.6760
 APN: 210-250-031
 APPLICANT: LARRABEE VALLEY FARM
 PARCEL SIZE: ± 51 ACRES
 ZONING: FIND ON INFO PAGE
 APPLICATION TYPE:

COASTAL ZONE: **N**
 100 YEAR FLOOD: **N**

AGENT:

KAYLIE SAXON
 GREEN ROAD CONSULTING INC
 1650 CENTRAL AVE. SUITE C
 MCKINLEVILLE, CA 95519
 707-630-5041

AERIAL MAP



PROPERTY LINES, DISTANCES, AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.



LEGEND

- CLASS I WATERCOURSE WITH REQUIRED 150 FT BUFFER
- CLASS II WATERCOURSE WITH REQUIRED 100 FT BUFFER
- CLASS III DRAINAGE WITH REQUIRED 50 FT BUFFER
- STREAM CROSSING
- PARCEL LINE
- ADJACENT PARCEL LINE

PROJECT INFORMATION

PROPERTY OWNER: LARRABEE VALLEY FAMILY FARMS
 ADDRESS: _____
 SHEET INFO: _____
 APN: 210-250-031
 COVER PAGE



REVISIONS

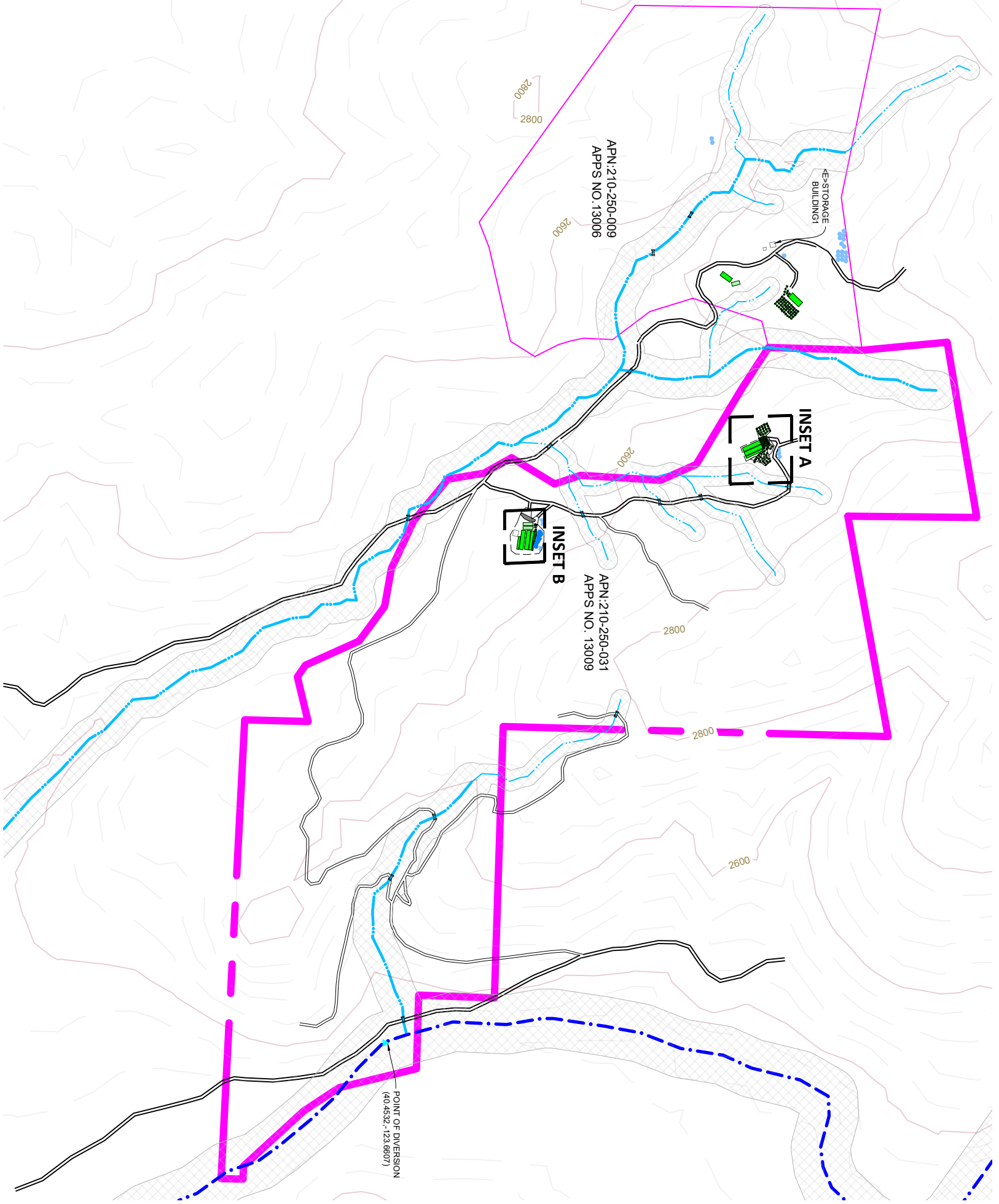
NO	NOTES	DATE
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2	NOTES INITIALS	00/00/00
3	NOTES INITIALS	00/00/00
4	NOTES INITIALS	00/00/00
5	NOTES INITIALS	00/00/00
6	NOTES INITIALS	00/00/00

DATE: 12/22/21
 DRAFTER: AS SHOWN
 SCALE: AS SHOWN

SHEET
CP

PARCEL OVERVIEW

APN: 210-250-031



PROJECT INFORMATION

GH	LENGTH	WIDTH	SQ FT
1	96	20	1,920
2	96	20	1,920
3	87	10	870
4	96	14	1,344
5	96	20	1,920
6	96	20	1,920
7	65	10	650
TOTAL AREA =			10,544 SQ FT

CA	SQ FT
1	3,276
2	1,180
TOTAL AREA =	
4,456 SQ FT	

GH	LENGTH	WIDTH	SQ FT
8	96	20	1,920
9	30.8	20	616
10	96	20	1,920
TOTAL AREA =			4,456 SQ FT

IMMATURE PLANT AREA	LENGTH	WIDTH	SQ FT
1	50	15	750
2	50	15	750
TOTAL MIXED LIGHT CULTIVATION AREA =			1,500 SQ FT

BUILDINGS	USE	SIZE	YEAR
STORAGE BUILDING 1	DRYING/HARVEST STORAGE/ADMIN	30'x24'	2015
STORAGE BUILDING 2	DRYING/HARVEST STORAGE/ADMIN	30'x26'	2015

EXISTING WATER STORAGE AND USE	TYPE	QUANTITY	GALLONS	TOTAL GALLONS
RAIN CATCHMENT POND	1	125,000	125,000	125,000
HOPE TANK	4	3,000	12,000	12,000
TOTAL AMOUNT OF WATER STORAGE =			137,000 GALLONS	

PROPOSED WATER STORAGE AND USE	TYPE	QUANTITY	GALLONS	TOTAL GALLONS
RAIN CATCHMENT POND	1	125,000	125,000	125,000
HOPE TANK	4	3,000	12,000	12,000
HOPE TANK (PROPOSED)	10	80,000	50,000	50,000
TOTAL AMOUNT OF WATER STORAGE =			187,000 GALLONS	

WATER SOURCE	TYPE	BENEFICIAL USE
RAINWATER CATCHMENT POND (MAIN SOURCE)	CANNABIS IRRIGATION	
POINT OF DIVERSION (BACKUP SOURCE)	CANNABIS IRRIGATION	

POWER SOURCE
GENERATOR

SURROUNDING BUILDINGS
THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.
THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

LEGEND

- CLASS I WATERCOURSE WITH REQUIRED 150 FT BUFFER
- CLASS II WATERCOURSE WITH REQUIRED 100 FT BUFFER
- CLASS III DRAINAGE WITH REQUIRED 50 FT BUFFER
- STREAM CROSSING
- PARCEL LINE
- ADJACENT PARCEL LINE

PROJECT INFORMATION

PROPERTY OWNER	LARRABEE VALLEY FAMILY FARMS
ADDRESS	APN: 210-250-031
SHEET INFO	PARCEL OVERVIEW



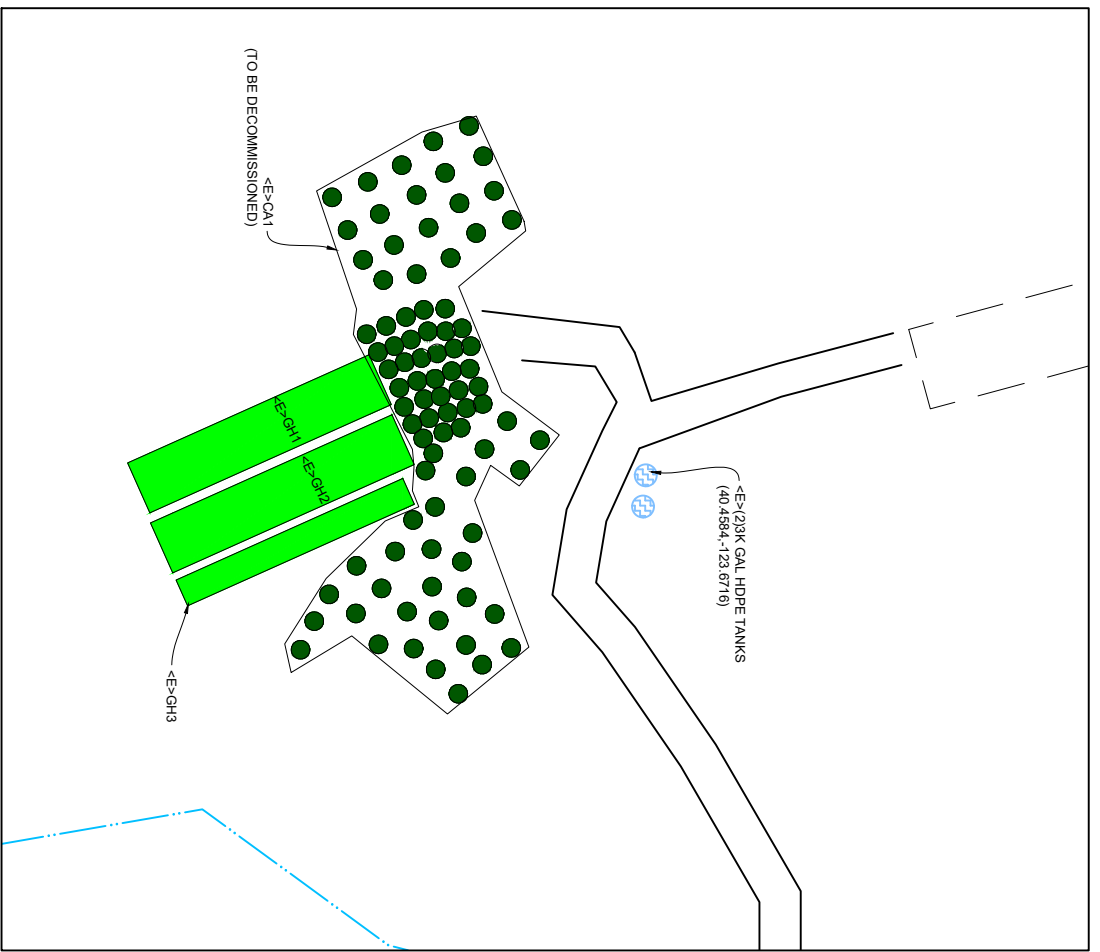
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3	NOTES-INITIALS	09/30/20
4	NOTES-INITIALS	09/30/20
5	NOTES-INITIALS	09/30/20
6	NOTES-INITIALS	09/30/20

DATE: 12/22/21
DRAFTER: XX
SCALE: AS SHOWN
SHEET: C1

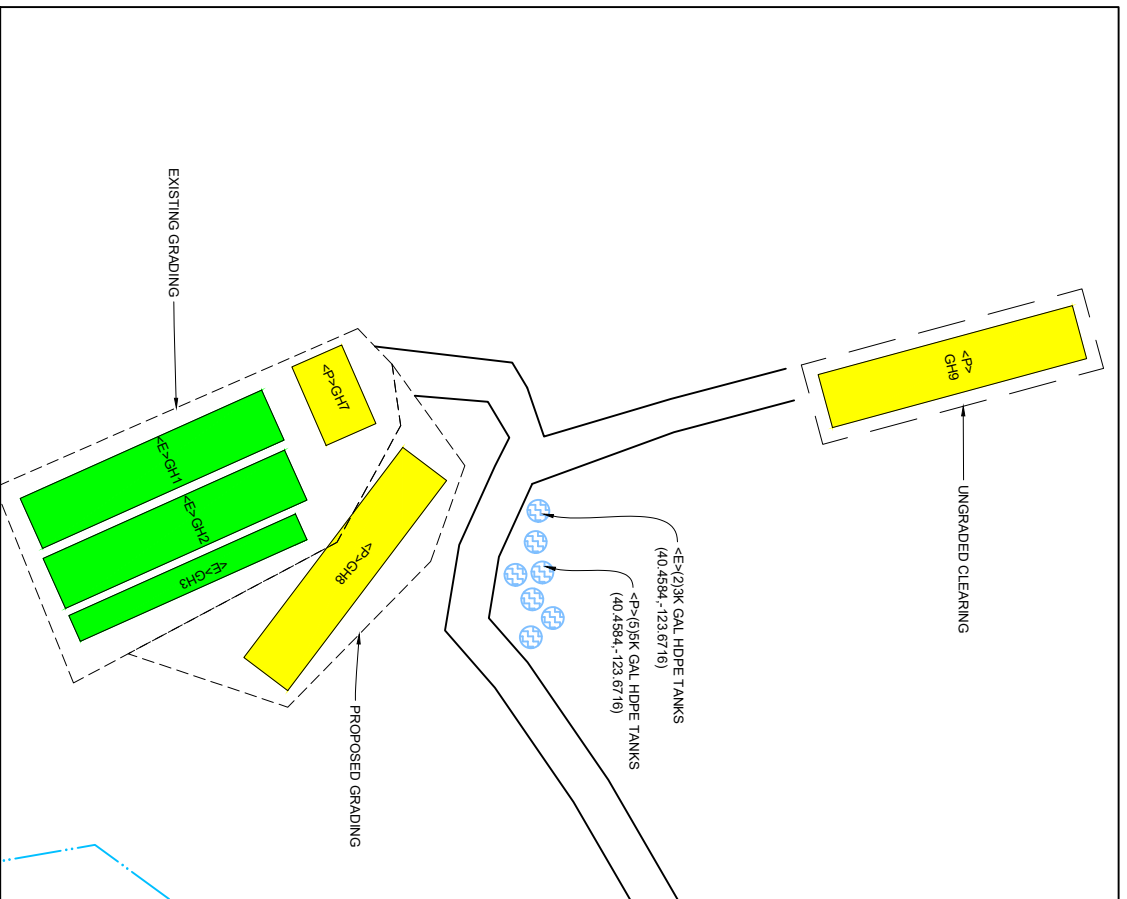
INSET A & B

APN: 210-250-031

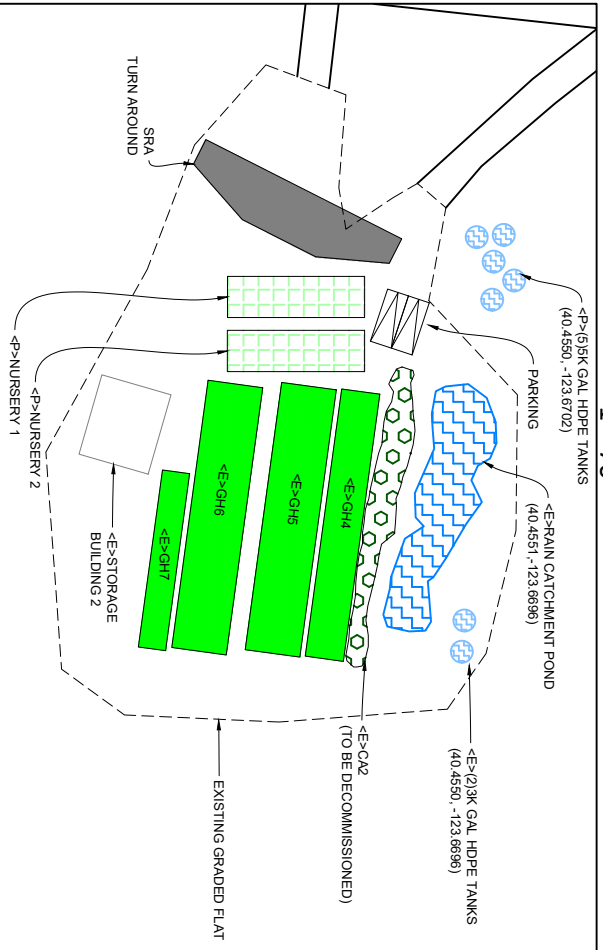
INSET A EXISTING LAYOUT
1"=70'



INSET A PROPOSED LAYOUT
1"=70'



INSET B
1"=70'



SHEET INFORMATION

GH	LENGTH	WIDTH	SQ FT
1	96	20	1,920
2	96	20	1,920
3	87	10	870
4	96	14	1,344
5	96	20	1,920
6	96	20	1,920
7	85	10	850

TOTAL AREA = 10,544 SQ FT

CA	SQ FT
1	3,276
2	1,180

TOTAL OUTDOOR CULTIVATION AREA = 4,456 SQ FT

PROPOSED DEPRIVATION (OUTDOOR) CULTIVATION AREA

GH	LENGTH	WIDTH	SQ FT
1	96	20	1,920
2	96	20	1,920
3	87	10	870
4	96	14	1,344
5	96	20	1,920
6	96	20	1,920
7	65	10	650
8	30.8	20	616
9	96	20	1,920
10	96	20	1,920

TOTAL AREA = 15,000 SQ FT

IMMATURE PLANT AREA

NURSERY	LENGTH	WIDTH	SQ FT
1	50	15	750
2	50	15	750

TOTAL MIXED LIGHT CULTIVATION AREA = 1,500 SQ FT

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
STORAGE BUILDING 2	DRYING/HARVEST STORAGE/ADMIN HOLD AREA	30'x26'	2015

EXISTING WATER STORAGE AND USE

TYPE	QUANTITY	GALLONS	TOTAL GALLONS
RAIN CATCHMENT POND	1	125,000	125,000
HDPE TANK	4	3,000	12,000

TOTAL AMOUNT OF WATER STORAGE = 137,000 GALLONS

PROPOSED WATER STORAGE AND USE

TYPE	QUANTITY	GALLONS	TOTAL GALLONS
RAIN CATCHMENT POND	1	125,000	125,000
HDPE TANK	4	3,000	12,000
HDPE TANK (PROPOSED)	10	5,000	50,000

TOTAL AMOUNT OF WATER STORAGE = 187,000 GALLONS

WATER SOURCE

TYPE	BENEFICIAL USE
RAIN CATCHMENT POND	CANNABIS IRRIGATION

PROJECT INFORMATION

PROPERTY OWNER: LARRABEE VALLEY FAMILY FARMS
 ADDRESS: _____
 SHEET INFO: APN: 210-250-031
 INSET A & B



REVISIONS

NO	NOTES	DATE
1	NOTES INITIALS	00/00/00
2	NOTES INITIALS	00/00/00
3	NOTES INITIALS	00/00/00
4	NOTES INITIALS	00/00/00
5	NOTES INITIALS	00/00/00
6	NOTES INITIALS	00/00/00

DATE: 12/22/21
 DRAFTER: [Signature]
 SCALE: AS SHOWN

SHEET C2

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time-and-materials basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning & 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 & Building Department, 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 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 and Building Department, 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 California Environmental Quality Act Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #10. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including 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 Planning and Building Department verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Inspection Division shall satisfy this requirement.
8. The applicant shall submit a grading, erosion, and sediment control plan s prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed and any proposed. A letter or similar communication from the Building and Planning Department verifying

that all grading related to the cannabis cultivation operation is permitted, or not needed, will satisfy this condition.

9. The applicant shall abide by the Sediment Discharge Best Practicable Treatment and Control Measures and prioritized implementation schedule detailed in the Site Management Plan (SMP) prepared for the two adjacent parcels in October 2021 by Pacific Watershed Associates, pursuant to Tier 1 or 2 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy Order WQ 2019-0001-DWQ. A letter or similar communication from the SWRCB verifying that all of its requirements have been met will satisfy this condition.
 - a. **Recommendation (R)1:** prevent soil nutrient leaching and transport and erosion on the site through implementation of preventive measures at the four cultivation sites, as needed.
 - b. **R2:** implement stream crossing treatments as described in California Department of Fish and Wildlife (CDFW) Lake or Streambed Alteration Agreement (LSAA) No. 1600-2019-0873-R1. See section 1.1.3 and Appendix A for treatment details.
 - c. **R3:** install water bars at road locations detailed in Figure 2B of the SMP as interim erosion control measures in the winter of 2021–2022 (water bars [WB] #14–34).
 - d. **R4:** install rolling-dips as permanent road drainage at road locations detailed in Figure 2B of the SMP (rolling dips [RD] #8–13).
 - e. **R5:** upgrade ditch relief culverts (DRCs) to a minimum of 18-inch diameter pipes (DRC #2 and #3/CDFW SCX2, DRC#4/CDFW SCX3) and ensure functionality to reduce erosion.
 - f. **R6:** install rock armor (RA) within inboard ditch draining western edge of Road #1 to dissipate energy off road runoff and mitigate sediment delivery.
 - g. **R7:** seed and mulch any bare soil areas with native seed and weed-free straw (DA/GP #3–4).
 - h. **R8:** store petroleum products in separate location from agricultural chemicals. Keep spill prevention kits accessible to areas where hazardous materials are used.
 - i. **R9:** collect and properly store household and cultivation-related wastes in a way that is protected from the elements and wildlife. Regularly remove and dispose of all waste at an appropriate facility.
 - j. **R10:** Service portable toilets on a regular basis as needed for the amount of use and keep records documenting this. Alternatively, a permitted onsite waste treatment system can be installed to the approval of the Division of Environmental Health. Wastewater from kitchen sinks and dishwashers is not considered graywater and must be disposed of through a permitted onsite wastewater treatment system. For true graywater (e.g., laundry, shower, bathroom sink), follow guidelines for California graywater regulations.
 - k. **R11:** Implement the necessary treatments to meet the requirements for reservoirs described in CDFW LSAA No. 1600-2019-0873-R1 for the lined offstream, cutbank, seep-fed pond. The applicant would like to disconnect the cutbank seep from the pond entirely by directing the flow away from the pond via a ditch, or by creating a French drain to allow the cutbank seep water to infiltrate back into the groundwater system. Additionally, the pond spillway could be improved by redefining the orientation of the outlet to direct overflow from the pond more to the southwest to eliminate any chance that water could enter nearby surface water to the east.
 - l. **R12:** monitor erosion control measures implemented at the three legacy cultivation areas.
10. The applicant shall install water monitoring device on each source—the rain catchment pond and surface diversion, if/when utilized, and storage tanks, as applicable—to monitor water sources used for cannabis irrigation, separate from any domestic use.
11. The applicant shall avoid heavy equipment operations during the NSO critical period (February 1–July 31) or perform protocol-level surveys prior to commencement of work.
12. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency 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 to keep the permit valid.

13. The applicant shall execute and file with the Planning and Building Department the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the Humboldt County Code and available at the Planning and Building Department.

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 Commercial Medical Marijuana Land Use Ordinance (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 U.S. Fish and Wildlife Service and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. The light source used in the two proposed nursery greenhouses should comply with the 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, uplight, or glare. Should the Humboldt County Planning and Building Department receive complaints that the lighting is out of alignment or not complying with these standards, within 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 has been repaired, inspected, and corrected as necessary.
3. Should the Humboldt County Planning and Building Department receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding, alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. The applicant shall ensure all generators and fuel are located on stable surfaces with secondary containment and with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
5. Use of synthetic netting is prohibited. To minimize the risk of wildlife entrapment, the applicant shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife-proof storage containers at all times and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The applicant shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.

10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 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 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. The applicant shall possess a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. The applicant shall comply with all statutes, regulations, and requirements of the SWRCB and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. The applicant shall confine the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. The applicant shall maintain enrollment in Tier 1 or 2 certification with State Water Resource Control Board (SWRCB) 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.
17. The applicant shall comply with the terms of any applicable LSAA (1600 or 1602) obtained from the CDFW.
18. The applicant shall comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection, if applicable.
19. The applicant shall consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. The applicant shall refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. The applicant shall pay all applicable application, review for conformance with conditions, and annual inspection fees.

22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency program, and in such a way that no spillage occurs.
23. The master log-books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. The applicant shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition, including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to face masks and gloves in good operable condition as applicable to their job functions.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets;
 - (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. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee safety practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. Onsite housing, if any
 30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
 31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within 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 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 filed on time pursuant to Section 55.4.13.
 32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and which may require the submittal of additional information to ensure that new standards are met.
 33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
 34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity, but in no event more than 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 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 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

**APN 210-250-031; Location 40.4552, -123.6669, Bridgeville Area
County of Humboldt**

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

January 2022

Background

Modified Project Description and Project History –

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

Larabee Valley Family Farms, LLC seeks a Conditional Use Permit for an existing 15,000-square-foot (SF) outdoor cannabis cultivation operation occurring on two graded flats on the 147-acre (assessed) parcel. Appurtenant nursery space is 1,500 SF. Irrigation water is sourced from an off-stream rain and seep-fed catchment pond. Existing available water storage is 137,000 gallons in a combination of four 3,000-gallon water tanks and one 125,000-gallon rain catchment pond. Estimated maximum annual water usage is below storage capacity at approximately 120,000 gallons (8 gallons/SF/year). Harvesting and drying will occur in two existing 400 SF structures (totaling 800 SF), and processing would occur offsite at a licensed facility. Three new greenhouses for cultivation and an additional 50,000 gallons of onsite storage are proposed. No employees are utilized on the farm. Power is provided by existing solar power and an emergency backup generator. The parcel is developed with three existing storage buildings totaling 900 SF.

The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria in 2017. The NWIC responded that its office has no record of any previous cultural resource studies for the project area, but that the project area has the possibility of containing unrecorded archaeological site(s). A study is recommended prior to commencement of project activities. Archaeological Research and Supply Company prepared a Cultural Resource Survey for the parcel in November 2021 and reported finding no historical cultural resources on the subject property. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources. No Biological Assessment was prepared for the project, and the planner concluded that while there is the potential for some sensitive and protected species to be present onsite, the proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices. Pre-construction surveys are required prior to any proposed future ground-disturbing development.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project-related noise does not harass nearby wildlife, which will limit impacts on biological resources as a result of light and noise.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent Environmental Impact Report (EIR) or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency

determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 15,000 SF of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project-related impacts to a less-than-significant level.

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

- Plot Plans prepared by Green Road Consulting dated and received 12/22/21
- Cultivation and Operations Plan dated 12/23/19
- Site Management Plan dated October 2021 prepared by Pacific Watershed Associates for the North Coast Regional Water Quality Control Board Order No. 2019-0001-DWQ
- Public Works referral response dated 10/14/20
- Road Evaluation Report dated 03/9/19 and received 12/23/20
- Right to Divert and Use Water from the State Water Resources Control Board (Registration H504504, Certificate H100396) dated 1/2/19 and received 12/23/20.
- Final Streambed Alteration Agreement Notification No. 1600-2019-0873-R1, signed 03/15/20 by the applicant and signed 5/11/20 by the California Department of Fish and Wildlife.
- Cultural Resources Investigation of APNS: 210-250-009 and 210-250-031 prepared by Archaeological Research and Supply Company, dated November 2021.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by Green Road Consulting dated and received 12/22/21 – **Attached** with project maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel and a description of cultivation activities (outdoor, indoor, mixed light); the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable; and a schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan dated 12/23/19 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license, or registration filed with the State Water Resources Control Board (SWRCB), Division of Water Rights, if applicable. (Notice of Applicability for Enrollment under Waiver of Waste Discharge Requirements dated 05/14/19 – **Attached** in Appendix A of Site Management Plan)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for SWRCB Cannabis General Order (Item 7. below)
7. Copy of Notice of Intent (NOI) and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (RWQCB) demonstrating enrollment in Tier 1, 2 or 3, North Coast RWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan October 2021 prepared by Pacific Watershed Associates for the North Coast RWQCB Order No. 2019-0001-DWQ - **Attached**)
8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife (CDFW). (Final Streambed Alteration Agreement Notification No. 1600-2019-0873-R1, signed 03/15/20 by the applicant and signed 5/11/20 by CDFW – **Attached**)

9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL FIRE. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with its Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under Senate Bill 18 (Burton) and Assembly Bill 52 (Gatto), which describe "government to government" consultation through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). (On file)
16. Road Evaluation Report dated 03/9/19 and received 12/23/20. (**Attached**)
17. Cultural Resources Investigation of APNS: 210-250-009 and 210-250-031 prepared by Archaeological Research and Supply Company, dated November 2021. (On file and confidential)

Larabee Valley Family Farms
Lauren Marlak

Cultivation and Operations Plan
APN 210-250-031



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

The water source for cultivation is a 125,000 gallon rainwater catchment pond. Water storage consists of the pond, a 20,000 gallon water bladder, three (3) 3,000 gallon tanks and one (1) 1,000 gallon tank. There is a total of 30,000 gallons of storage with the bladder and the tanks. Total water storage is 155,000 gallons

During the winter months, overflow is caught from the rainwater catchment pond and is pumped via solar to fill the bladder and the tanks. At the end of the winter, the pond, bladder and the tanks are full.

As the tanks and bladder are depleted during the season, water from the rainwater catchment pond is used to replenish the tanks and bladder.

Irrigation water is applied to the cultivation sites via drip irrigation regulated by timers. Site one receives approximately 2,400 of water weekly or 48,000 gallons for the 20-week growing season. Site two receives approximately 3,600 gallons of water weekly or 72,000 gallons for the 20-week growing season. Total projected water use at all sites is 120,000 gallons for the season.

Pacific Watershed Associates is under contract and scheduled to come do an initial assessment of the parcel at their first available time. Any of their advised changes for the water system will be implemented as as possible.

Description of site drainage, including runoff and erosion control measures:

The cultivation sites are flat and are irrigated with drip irrigation systems regulated by timers. Water is applied minimally with the goal of conserving as much as possible, and timers are monitored and adjusted for climate conditions, as necessary. Overwinter, garden sites are planted with cover crops to prevent erosion of the growing medium. There is no runoff at any of the cultivation sites

As for parcel-wide runoff and erosion control measures, any and all improvements recommended by Pacific Watershed Associates will be implemented as as possible.

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

As mentioned above, water is methodically regulated and applied conservatively to prevent runoff at all cultivation sites. Garden sites are planted with cover crops over winter to prevent erosion of the growing medium. All of the garden sites are within the recommended distance from streams and watercourses. The entire property boundary is fenced, preventing wildlife from accessing the garden sites. All pumps and fans are powered via solar power.

All improvements recommended by Pacific Watershed Associates in regards to

protecting the watershed and nearby habitat will be implemented as as possible.

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

Garden sites are amended only once in the spring, and at that time the amendments are purchased and applied directly to the garden sites immediately. Any additional products needed throughout the season are stored in the fully enclosed AG building on site, which has solid wood flooring. All products are organized and stored on shelving.

Description of cultivation activities:

Cultivation at this parcel is outdoors.

Processing plan:

Plant material is harvested and dried in the AG building. Processing is completed off-site by a subcontracted processor.

Schedule of activities during each month of the growing and harvesting seasons:

Overwinter: Cover cropping at garden sites; water collection and movement to storage locations; routine maintenance, structural improvements and or upkeep; general winterization and preparation for spring.

March: Amend soil with the only amendments required for the entire year; germinate seedlings.

April/May: Transplant seedlings into larger pots; maintain seedlings; prep garden sites; cover crop gets tilled into soil.

June: Sex seedlings and transplant them into their final location.

July/August: Regular plant maintenance including supporting and de-leafing fan leaves and pinching tops to control the shape of the plant for maximum yield; checking drip systems to make sure the are functioning properly.

September/October: Prep for harvest; continue to strip the majority of the fan leaves off; harvest early finishers from September into October; All plants usually harvested by last week in October.

November:Prep property for winter and general cleanup; take down greenhouse covers; put solar panels away; take down fans.

***No projected generator use at this site.**

Security plan:

The property is fully fenced and only accessible through two locked gates. There are motion sensors at each gate which alert to handheld walkie talkies. The parcel is also equipped with motion sensor lights and is under surveillance with game cameras. Neighborhood watch has been formed in the community and neighbors are in constant contact. The AG building is secure equipped with fire extinguishers/smoke detectors. Fully stocked first aid kits are on hand at all times.

Visitors are accepted by appointment only, and regular communication is maintained with neighbors. Cell service is robust and the neighbor has a landline and access to a flat spot suitable for a helicopter landing in case of extreme emergency.

Property owners name and assessor's parcel number
Simon Cristinzio APN 210-250-031

Revised Operations Plan APN 210-250-031

-The number of individuals required for operations both full time and seasonally are between two to four people

Elaboration on processing plan:

-Summary of processing practices

Plant material is harvested and dried in the AG building and processed off site by a sub-contractor.

-Description of location where processing will occur.

The processing sub-contractor used will be SISU Extracts. The processing will occur at their premises located at 112 W. Third ST. Eureka, CA 95501

-Summary of employee safety practices:

All OSHA recommendations are implemented and followed. Employees participate in emergency drills covering a variety of emergency topics including administering first aid and how to use a spill kit. All employees are required to attend our weekly safety meetings where any new topics are covered as they arise.

-Description of toilet and hand washing facilities:

Omsberg and Preston has been contracted to design a septic system. In the meantime B&B Portable Toilets has been providing the site with both portable toilets as well as hand washing stations

-Description of plumbing and/or septic system and whether or not the system is capable of handling increased usage.

Omsberg and Preston has been contracted to design a septic system. The contractor has been instructed to design a system capable of handling any increased usage during peak work months.

-Description of source drinking water for employees.

Fisch Well Drilling has been contracted to drill a ground water well. In the meantime drinking water is brought in from off site in 5 gallon drinking water jugs and available for employees as needed.

-Description of increased road use resulting from processing and a plan to

minimize that impact.

We have taken steps to ensure that there will not be much of an increase of road use resulting from processing, by sub-contacting the processing job to an off site location. This is our plan to minimize impact.

-Description of on-site housing, if any.

There is no on-site housing on the premises.

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

RECEIVED

MAY 01 2020

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2019-0873-R1

Unnamed Tributaries to the Little Van Duzen River, Tributary to the Van Duzen River, Tributary to the Eel River and the Pacific Ocean

Lauren Marlak
Marlak Water Diversions and Stream Crossings Project
15 Encroachments

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Lauren Marlak (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on November 7, 2019, and revised on February 11, 2020, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project is located within the Little Van Duzen River watershed, approximately four miles southwest of the town of Dinsmore, County of Humboldt, State of California. The project is located in Sections 13, 19, and 24, T1N, R4E, Humboldt Base and Meridian; in the Larabee Valley U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 210-250-009 and 210-250-031; latitude 40.4532 N and longitude 123.6607 W at the first point of diversion (POD-1); latitude 40.4584 N and longitude 123.6766 W at the second point of diversion (POD-2); latitude 40.4550 N and longitude 123.6699 W at the third point of diversion (POD-3).

PROJECT DESCRIPTION

This Agreement relies on the Notification materials and a desk review without a CDFW site inspection.

The project is limited to 15 encroachments (Table 1). Three encroachments are for water diversion for commercial irrigation purposes. Work for the water diversions will include use and maintenance of water diversion infrastructure. The 12 other proposed encroachments are to upgrade failing and undersized stream crossings. Work for these encroachments will include excavation, removal of fill material and/or failing culverts, replacement with new properly designed crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.4532, -123.6607	Water diversion from the Little Van Duzen River for commercial irrigation. Season of diversion confined to January 1 to March 31.
POD-2	40.4584, -123.6766	Water diversion from an unnamed tributary to the Little Van Duzen River for commercial irrigation. Season of diversion confined to March 1 to March 31.
Spring-diversion	40.4550, -123.6699	Water is diverted to a reservoir described as a lined, rainwater and spring-fed pond with storage capacity of 125,000 gallons. This reservoir may be subject to further evaluation by CDFW in coordination with SWRCB Division of Water Rights. Water is used for irrigation of adjacent cultivation areas. Season of diversion confined to November 1 to March 31.
Crossing-1	40.4532, -123.6740	Stream diverted down inside ditch until next stream crossing. Rock armor as necessary to prevent erosion and sediment delivery.
Crossing-2	40.4532, -123.6610	Replace existing undersized and improperly placed 24-in culvert crossing with minimum 54-inch diameter culvert of sufficient length.
Crossing-3	40.4530, -123.6636	Decommission the undersized and improperly placed culvert crossing and rehabilitate the stream channel. Relocate spoils to prevent sediment delivery to the stream.
Crossing-4	40.4560, -123.6667	Decommission the dirt fill crossing and rehabilitate the stream channel. Relocate spoils to prevent sediment delivery to the stream.
Crossing-5	40.4535, -123.6647	Decommission the undersized and failing crossing and rehabilitate the stream channel. Relocate spoils to prevent sediment delivery to the stream.
Crossing-6	40.4576, -123.6763	Decommission the crossing and rehabilitate the stream channel. Relocate spoils to prevent sediment delivery to the stream. Revegetate the area disturbed by the abandoned cultivation flat with native oaks and riparian plants appropriate to the area.
Crossing-8	40.4565, -123.6751	<i>This crossing appears to provide the sole access to at least two water tanks (10,000 gallon total capacity) and a residence shown in Photo 20 of the Notification; the Permittee/landowner stated regular use of this road shall be discontinued.</i> Remove the failing and significantly undersized culvert and reestablish the stream channel. Relocate spoils to prevent sediment delivery to the stream. Create an appropriately designed ford crossing. Revegetate the stream corridor with riparian plants appropriate to the area. Crossing shall only be used when fording surface is dry.
Crossing-9	40.4585, -123.6708	Existing failing dirt fill crossing. Install armored fill. Crossing shall only be used when fording surface is dry.
Crossing-10	40.4584, -123.6708	Redirect diverted stream to Crossing-9 as described in the Notification.

ID	Latitude/Longitude	Description
Crossing-11	40.4572, -123.6706	Existing failing dirt fill crossing. Install armored fill. Crossing shall only be used when fording surface is dry.
Crossing-12	40.4566, -123.6707	Existing failing dirt fill crossing. Install armored fill. Crossing shall only be used when fording surface is dry.
Crossing-13	40.4555, -123.6703	Existing failing dirt fill crossing. Install armored fill. Crossing shall only be used when fording surface is dry.

The Permittee disclosed an existing wet-ford crossing (“Stream Crossing #7” Lat/Long 40.4570, -123.6757). The Notification proposes no work at this crossing but states it will be used during the decommissioning of Crossing-6. Use of Stream Crossing #7 beyond that required for decommissioning Crossing-6 is not authorized by this Agreement and this Agreement does not provide any take authorization. Existing stream crossings disclosed in the Notification, but not included as 1602 projects with fees, are not covered under this Agreement. If maintenance (such as armoring) and/or replacement become necessary, that work must be covered by a major amendment or a separate Agreement.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any constructed reservoirs (including “ponds”), stream crossings, water diversions, modifications to riparian buffers, or other encroachments not described in Table 1.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include **Chinook Salmon** (*Oncorhynchus tshawytscha*), **Coho Salmon** (*O. kisutch*), **Steelhead Trout** (*O. mykiss*), **Western Brook Lamprey** (*Lampetra richardsoni*), **Pacific Lamprey** (*Entosphenus tridentatus*), **Southern Torrent Salamander** (*Rhyacotriton variegatus*), **Pacific Giant Salamander** (*Dicamptodon tenebrosus*), **Foothill Yellow-legged Frog** (*Rana boylei*), **Coastal Tailed Frog** (*Ascaphus truei*), **Western Pond Turtle** (*Actinemys marmorata marmorata*), **Northern Spotted Owl** (*Strix occidentalis caurina*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

- increased water temperature;
- reduced instream flow;
- increased sedimentation (chronic or episodic);

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

- loss or decline of riparian habitat;

direct impacts on benthic organisms;
direct and/or incidental take;

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

cumulative effect when other diversions on the same stream are considered;
diversion of flow from activity site;
indirect impacts;
impediment of up- or down-stream migration;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 Project Site Entry. The Permittee agrees to allow CDFW employees access to the Project site for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW law enforcement personnel.
- 1.5 Applicable Permits. Land development or alterations may be subject to additional federal, state and local laws, regulations, and permitting requirements, including but not limited to the following:

- The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the Permittee shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction.
- The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards).
- All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for grading, construction, and building.
- All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry.

1.6 Water Rights. This agreement does not constitute a valid water right. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights. Water rights are administered by the State Water Resources Control Board as described here:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/.

1.7 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures provided in this Agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.

1.8 Notification Materials. Permittee's Notification of Lake or Streambed Alteration, together with all maps, plans, photographs, drawings, and all other supporting documents submitted with the Notification and received on November 7, 2019, and revised on February 11, 2020, is hereby incorporated by reference into this Agreement. Permittee shall conduct project activities within the work areas, and using the protective measures, described in the Notification and supporting documents, unless such project activities, work areas or protective measures are modified by the provisions of this Agreement, in which case the activities shall be conducted as described in this Agreement.

- 1.1 Cannabis Cultivation Policy. If Cannabis is or becomes cultivated on the project parcel, Permittee shall comply with all requirements of the State Water Resource Control Board (SWRCB) Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation (Cannabis Cultivation Policy), dated April 16, 2019, or the latest version.
 - 1.1.1 Site Management Plan and Related Technical Reports. Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan and related technical reports that are prepared in conformance with the SWRCB Cannabis Cultivation Policy.
 - 1.1.2 Onstream Storage Reservoirs. Use of onstream storage reservoirs for cannabis cultivation requires a Small Irrigation Use Registration. Registrants must request a joint determination from the Deputy Director of the Division of Water Rights and CDFW. If additional work or reservoir decommissioning is deemed necessary, Permittee shall submit an amendment request or new Notification.

2. Avoidance and Minimization Measures

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

Work Periods and Pre-project Notice

- 2.1 Work Period. All work, not including diversion of water, shall be confined to the period **July 15 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.2 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW in writing within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW in writing no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDB submissions as required below.**
- 2.3 Work Period Modification. If Permittee needs more time to complete the project activity, the work may be permitted outside of the work period and extended on a day-to-day basis by the CDFW representative who reviewed the project. Requests

shall be made in writing via email or letter. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. The work period variance request should consider the effects of increased stream flows, rain delays, increased erosion control measures, limited access due to saturated soil conditions, and limited growth of erosion control grasses due to cool weather. Work period variances are issued at the discretion of CDFW. CDFW will review the written request to work outside of the established work period. CDFW reserves the right to require additional measures to protect fish and wildlife resources as a condition for granting the variance. CDFW shall have ten (10) calendar days to review the proposed work period variance.

General Species Protection Measures

- 2.4 **No Equipment in Stream.** No heavy equipment shall be operated within the wetted channel when water is present and flowing. The Permittee shall notify CDFW if it determines that the use of equipment in the stream channel is required to complete a project and will submit a diversion plan.
- 2.5 **Fish and Aquatic Species.** If surface water is or becomes present during construction, the Permittee shall: a) have the Designated Biologist survey the site and adjacent area for fish, amphibians, and turtles three (3) days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW will be contacted and work shall not commence until authorized by a CDFW representative.
- 2.6 **Maintain Passing of Fish Up and Down Stream.** It is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish (as defined in FGC Section 45 "fish" means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals) up and down stream pursuant to FGC section 5901
- 2.7 **Decontamination.** The Permittee is responsible for ensuring all project personnel adhere to the latest version of the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species Decontamination Protocol for all field gear and equipment that will be in contact with water. Heavy equipment and other motorized or mechanized equipment that comes in contact with water should generally follow watercraft decontamination protocols found in the AIS Decontamination Protocol. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=92821&inline>
- 2.8 **Staging and Storage.** Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located adjacent to the stream, shall be positioned over drip-pans. Any equipment or vehicles driven and/or operated in proximity to the stream must be

checked and maintained daily. Vehicles must be moved away from the stream prior to refueling and lubrication.

- 2.9 Allow Wildlife to Leave Unharmed. Permittee shall allow any wildlife encountered during the course of construction to leave the construction area unharmed. This Agreement does not allow for the trapping, capture, or relocation of any state or federally listed species.
- 2.10 Escape Ramp in Trench. At the end of each work day, Permittee shall place an escape ramp at each end of any open trench greater than 6-inches in depth and walls greater than 30 degrees to allow any animals that may have become entrapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees.
- 2.11 Prohibition Against Use of Plastic Netting in Erosion Control Measures. Permittee shall not use temporary or permanent erosion control devices containing plastic netting, including photo- or bio-degradable plastic netting. Erosion control and landscaping specifications shall allow only natural fiber for use in erosion control mats, blankets, and straw or fiber wattles.
- 2.12 Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the stream upon completion of project activities.

Designated Biologist

- 2.13 Designated Biologist. At least thirty (30) days before initiating project activities requiring biological surveys, the Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information for a Designated Biologist. Permittee shall obtain CDFW's written approval of the Designated Biologist prior to the commencement of project activities. The Designated Biologist shall be knowledgeable and experienced in the biology and natural history of local fish and wildlife resources present at the project site. In addition to these requirements, only Designated Biologists with a valid Scientific Collection Permit issued pursuant to FGC sections 1002 and 1002.5 will be approved and authorized to capture, handle, and relocate any species of fish and wildlife. The Designated Biologist shall be responsible for monitoring all project activities, avoidance measures, including any ground-disturbing activities in areas subject to this Agreement.
- 2.14 Designated Biologist Authority. To ensure compliance with the measures within this Agreement, the Designated Biologist shall have authority to immediately stop any activity that is not in compliance with this Agreement, and/or to order any reasonable measure to avoid the unauthorized take of Special Status Species. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying

with the Measures within this Agreement, including cease-work orders issued by the CDFW.

Special Status Species Avoidance and Minimization

- 2.15 Prohibition on Take of Listed Species. This agreement does not authorize the take or incidental take of any State or Federal listed threatened or endangered listed species. State Listed or Fully Protected Species include any native plant species listed as rare under the Native Plant Protection Act (Fish & G. Code, § 1900 et seq.; Cal. Code Regs., tit. 14, § 670.2); any species that is listed or is a candidate for listing under the California Endangered Species Act (Fish & G. Code, § 2080 et seq.; Cal. Code Regs., tit. 14, §§ 670.2, 670.5); or any fully protected species (Fish & G. Code, §§ 3511, 4700, 5050, 5515). The Permittee is required, as prescribed in these laws, to consult with the appropriate agency prior to commencement of the project.
- 2.16 Northern Spotted Owl (NSO) Avoidance. To avoid take of NSO from noise disturbance (U.S. Fish and Wildlife Service, July 26, 2006, guidance document "Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California), all road maintenance and improvement activities are prohibited during the breeding season until **July 10** of each year.
The Northern Spotted Owl Take Avoidance Analysis and Guidance for California Coast Forest District ("Attachment A") can be found at:
https://www.fire.ca.gov/media/4894/revised_usfws_attachement_a_nso_take_avoidance_analysis-coast-redwood_3-15-11.pdf
- The Northern Spotted Owl Take Avoidance Analysis and Guidance for Interior ("Attachment B") can be found at: <https://www.fire.ca.gov/media/4935/revised-usfws-attachement-b-nso-take-avoidance-analysis-interior-2-27-08.pdf>
- 2.17 Avoidance of Nesting Birds. Permittee shall avoid nests occurring within and near the project site pursuant to the Migratory Bird Treaty Act of 1918 and Fish and Game Code section 3503. Vegetation maintenance/removal as necessary within the scope of the project shall be confined to the period commencing **August 16 and ending February 28**, of any year in which this Agreement is valid, provided the work area is outside of the actively flowing stream. Vegetation maintenance/removal may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.
- 2.18 Nesting Bird Survey Before Commencement. If vegetation removal or other project-related improvements that could impact nesting birds are scheduled during the nesting season (typically **March 1 to August 15**), a focused survey for active bird nests shall be conducted by a Designated Biologist within seven (7) days prior to the beginning to project-related activities. Surveys shall begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The results of the survey shall be submitted to CDFW by email within three (3) business days of

survey completion. Survey results shall include a description of the area surveyed, time and date of surveys, ambient conditions, species observed, active nests observed, evidence of breeding behaviors (e.g., courtship, carrying nesting material or food, etc), and a description of any outstanding conditions that may have impacted survey results (e.g. weather conditions, excess noise, predators present, etc.) If an active nest is found, the Permittee shall avoid disturbance and destruction of the nest by implementing avoidance measures. If the nest cannot be avoided, consult with CDFW regarding appropriate action to comply with the Fish & Game Code section 3503. If a lapse in project-related work of seven (7) days or longer occurs, another focused survey and if required, consultation with CDFW, will be required before project work can be reinitiated.

2.19 Special-Status Plants. If Special-Status plants (State listed and taxa that meet the definition of Rare or Endangered under CEQA Guidelines 15380, including California Rare Plant Rank 1A, 1B, 2A and 2B) may occur on the project site, the Designated Biologist shall conduct annual, focused surveys on the Project site during the bloom periods and before the implementation of Project-related activities. If populations of any of these species are found:

2.19.1 Fencing shall be installed a minimum of 100 feet from the location of special-status plants, and no Project activity will be permitted in the area occupied by special-status plants or the 100-foot buffer area around these plants.

2.19.2 If special-status plant populations are found on the Project site and it is not feasible to avoid them during Project-related activities, the Project applicant shall consult with CDFW to determine if the project may be covered under this Agreement. Separate notification pursuant to FGC 1602 may be required in some instances.

Dewatering and Sediment Control

2.20 Dewatering and Sediment Control Plan. If flowing water is present or reasonably anticipated, the Permittee shall submit for approval a detailed dewatering or sediment control plan to CDFW for review and approval. Dewatering and sediment control structures may include the use of a sandbag coffer dam or a water bladder dam. Within 15 days of receiving the dewatering plan, CDFW will review the proposed dewatering method, to approve the Plan or provide the requirements for that approval. Dewatering shall be conducted under the guidance of the Designated Biologist who shall have stop work authority over dewatering activities. The Permittee may not commence the dewatering of the stream without the explicit approval from CDFW. At minimum, diversion/dewatering plans shall include the following species protections:

2.20.1 Screen According to Existing Standards. In order to prevent impingement, the inlets of the dewatering pump structure shall be fitted with fish screens meeting the "fry-size" criteria of CDFW and the National Marine Fisheries

Service (NMFS) before water is pumped from within the coffer dams.

- 2.20.2 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
- 2.20.3 Maintain Water Quality. Permittee shall divert flow in a manner that prevents turbidity, siltation, or pollution and provides flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion.
- 2.20.4 Fish Capture and Relocation. Prior to dewatering a construction site, fish and amphibian species shall be captured and relocated by the Designated Biologist. The following measures shall be taken to minimize harm and mortality to fish and amphibians resulting from fish relocation and dewatering activities:
 - 2.20.4.1 Fish relocation and dewatering activities shall only occur between July 15 and October 15 of each year.
 - 2.20.4.2 Fish relocation shall be performed by a Designated Biologist, with all necessary State and Federal permits. Rescued fish shall be moved to the nearest appropriate site outside of the work area. A record shall be maintained of all fish rescued and moved. The record shall include the date, time and duration of capture and relocation; identification of capture personnel; the method of capture, the location of the relocation site in relation to the project site; stream, transport and receiving water temperatures; the number and species of fish captured and relocated; an enumeration of any tagged fish collected, encountered, and released; and an estimate of any short-term/immediate mortality that resulted from the relocation. Anesthetization or measuring fish shall be avoided. The record shall be provided to CDFW within two weeks of the completion of the work season or project, whichever comes first.
 - 2.20.4.3 Capture methods may include dip nets. All nets shall be made of a soft braded nylon material that is nonabrasive. Mesh sizing shall be matched to species and the life stages likely encountered. Electrofishing shall be used as a last resort and only when appropriate according to the National Marine Fisheries Service Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act.
 - 2.20.4.4 Prior to capturing fish, the most appropriate release location(s)

and the most direct route to that location(s) shall be determined. The following shall be determined:

- Temperature: Water temperature shall be similar as the capture location.
- Habitat: There shall be ample habitat for the captured fish.

2.20.4.5 Capture and handling of animals shall be minimized. Prior to any capture of animals, an effort shall be made to herd species downstream and out of the work area

2.20.4.6 Exclusions from work site: There shall be a low likelihood for the fish to reenter the work site or become impinged on exclusion net or screen.

2.20.4.7 The most efficient method for capturing fish shall be determined by the Designated Biologist. Complex stream habitat generally requires the use of electrofishing equipment, whereas in outlet pools, fish may be concentrated by pumping-down the pool and then seining or dip netting fish.

2.20.4.8 Handling of native fish shall be minimized. However, when handling is necessary, all hands and equipment shall be wetted down with stream water and shall be free of any materials including hand sanitizers, sunscreen or insect repellent. No animals shall be handled with dry hands or dry equipment.

2.20.4.9 Temporarily hold fish in cool, shaded, aerated water in a container with a lid. Protect fish from jostling and noise and do not remove fish from this container until time of release. An aeration system shall be used in any live well or other holding facility. The aerator shall be operating prior to placing animals in it to ensure that sufficient oxygen is present during the adjustment period and to minimize the build-up of toxic carbon dioxide in holding waters. The aeration rate and the number of animals in each holding facility shall be managed such that the dissolved oxygen concentration shall be maintained above 6 ppm.

2.20.4.10 Water from the local collection site shall be used in live wells or other holding facilities during loading and transport. At no time will chlorinated tap water be used.

2.20.4.11 Air and water temperatures shall be measured periodically. A thermometer shall be placed in holding containers and, if necessary, periodically conduct partial water changes to maintain a stable water temperature. If water temperature reaches or exceeds

18 °C, fish shall be released, and rescue operations ceased.

2.20.4.12 Overcrowding in containers shall be avoided by having at least two containers and segregating young-of-year (YOY) fish from larger age-classes to avoid predation. Larger amphibians, such as salamanders, shall be placed in the container with larger fish or in a separate container. If fish are abundant, the capturing of fish and amphibians shall cease periodically and shall be released at the predetermined locations.

2.20.4.13 If feasible, initial fish relocation efforts shall be performed several days prior to the start of construction. This provides the Designated Biologist an opportunity to return to the work area and perform additional electrofishing passes immediately prior to construction. In many instances, additional fish will be captured that eluded the previous day's efforts.

2.20.4.14 If mortality during relocation occurs, capturing efforts shall be stopped and the CDFW shall be contacted immediately.

2.20.4.15 If native cold water species are expected to be present, activities shall not be initiated when and if water temperatures exceed or are expected to exceed 68°F.

2.20.4.16 If maximum daytime air temperatures are expected to exceed 23 °C (~75 °F), relocation activities shall be performed in the morning when the temperatures are cooler.

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

2.20.4.18 If these mitigation measures cannot be implemented, or the project actions proposed at a specific work site cannot be modified to prevent or avoid potential impacts to native fish or their habitat, then activity at that work site shall be discontinued and CDFW shall be contacted immediately.

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

Vegetation Management

2.21 Riparian Buffers. Riparian buffers shall not be modified, unless authorized by CDFW in writing.

- 2.22 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.23 Vegetation Maintenance. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of Authorized Activity to the use of hand tools. Vegetation management shall not include treatment with herbicides.
- 2.24 Invasive Plant Species. Permittee shall not plant, seed or otherwise introduce invasive plant species within the Project area. Invasive plant species include those identified in the California Invasive Plant Council's inventory database, which is accessible at: <https://www.cal-ipc.org/plants/inventory/>.

Water Diversion

- 2.25 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.26 Bypass Flow. The Permittee shall pass **90% of the flow** at all times at each of the PODs to keep all aquatic species including fish and other aquatic life in good condition below the POD.
- 2.27 Seasonal Diversion Minimization. No water shall be diverted during the low flow season from **April 1 to October 31** of each year. Water shall be diverted only if the Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.
- 2.28 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.28.1 A log including the date, time and quantity of water diverted from the POD.
- 2.28.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.28.3 Permittee shall make available for review at the request of CDFW the diversion records required by the SWRCB Cannabis Cultivation Policy.

Water Diversion Infrastructure

- 2.29 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.30 Intake Structure Placement. Infrastructure installed in the streambed (e.g. spring box) shall not exceed 10% of the active channel width.
- 2.31 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.31.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet.
- 2.31.2 The intakes screen shall be designed so that approach velocity is no more than 0.1 foot per second. Approach velocity is the velocity of the water perpendicular to the screen face measured three (3) inches in front of the screen surface.
- 2.31.3 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.31.4 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted and should have a minimum of 27% open area. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.31.5 The screen shall be designed to distribute the flow uniformly over the entire screen area.
- 2.32 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.33 Intake Maintenance. Intakes shall be kept in good repair. Intakes shall be inspected periodically and kept clean and free of accumulated algae, leaves or other debris, which could block portions of the screen surface and increase approach velocities at any point on the screen. No part of screen surfaces shall be obstructed.

- 2.34 Exclusionary Devices. Permittee shall keep the diversion-related structures covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.35 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve located near the source), or remove all intakes when no water diversion is planned for a period of one week or longer.
- 2.36 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

Diversion to Storage

- 2.37 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) shall be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the POD when WSFs are filled to capacity.
- 2.38 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.39 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.40 Limitations on Impoundment and Use of Diverted Water. The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.

Reservoirs

- 2.41 Reservoirs. Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. The Permittee shall install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching Waters of the State. The spillway shall be designed and placed to allow for a minimum of two-feet of freeboard.

- 2.42 Diversion. Water shall be diverted to reservoirs only if the Permittee can adhere to the diversion rate, bypass flow, season of diversion and all other relevant conditions of this Agreement.
- 2.43 No Stocking. Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from CDFW pursuant to FGC section 6400.
- 2.44 Invasive Species Management for Reservoirs. Permittee shall implement an invasive species management plan for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for invasive aquatic species, including the American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*). The Designated Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.
- 2.44.1 Bullfrog Management Plan. If bullfrogs are observed, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of reservoirs, shall follow the guidelines in Exhibit A. A copy of the annual monitoring report, shall be submitted to CDFW in accordance with the reporting measures described in Exhibit A and in the Reporting Measures section of this Agreement.
- 2.44.2 All Other Invasive Aquatic Species. If at any time additional invasive aquatic species are detected, Permittee shall submit an updated Invasive Species Management Plan for Reservoirs for CDFW review and approval.
- 2.45 Wildlife Entrapment Prevention. If open reservoirs have plastic lining, slopes greater than 2:1, or if there is any potential for wildlife entrapment, Permittee shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, and shall provide a feasible mechanism of escape. A notice of completed work, with supplemental pictures, shall be submitted to CDFW **within seven (7) days** of project completion as part of the work completion report.

Stream Crossings

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

- 2.47 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.48 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.49 No Equipment in Wetted Areas. No heavy equipment shall enter the wetted stream channel.
- 2.50 Fill Materials. No fill material, other than clean rock, shall be placed in the stream channel.
- 2.51 Material Sizing. Rock shall be sized to withstand washout from high stream flows and extend above the ordinary high-water level.
- 2.52 Crossing Maintenance. The Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable. Permanent culverts shall be maintained and kept open year-round. The Permittee is responsible for such maintenance as long as the culvert remains in the stream.
- 2.53 Armoring. The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow.
- 2.54 Armor Placement. Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

Culvert Installation

- 2.55 Permanent Culvert Sizing. Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.
- 2.56 Critical Dips. Where diversion potential exists, a critical dip shall be installed to direct flood flow over the crossing fill and back into the channel. Critical dips shall be constructed to accommodate the entire estimated 100-year flood flow and may

be installed by lowering the existing fill over the crossing or by constructing a deep, broad rolling dip over the crossing surface to prevent flood flow from diverting down the road.

- 2.57 Culvert Materials in High Fire Zones. If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe. Use of High-Density Polyethylene pipe is discouraged. <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>
- 2.58 Fill Material. Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
- 2.59 Culvert Grade. Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.
- 2.60 Culvert Bed. Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted. No geotextile fabric shall be placed in the culvert bed, streambed, bank or channel.
- 2.61 Culvert Armoring. Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.
- 2.62 Project Inspection. The Project shall be inspected by a qualified licensed professional to ensure that the stream crossings were installed and functioning as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

Fords, Armored and Vented Crossings

- 2.63 Design Capacity. Fords, armored and vented crossings are considered permanent watercourse encroachments and shall be designed and sized to accommodate the 100-year flood flow plus associated sediment and debris.
- 2.64 Crossing Maintenance. Fords, armored and vented crossings and hydrologically-connected road approaches shall be maintained as necessary to avoid delivery of fine sediment to the watercourse below.
- 2.65 Outslope Crossings. Fords, armored and vented crossings shall be sufficiently outsloped to minimize aggradation of suspended sediments at the crossing.
- 2.66 Crossing Alignment. The lowest point of fords, armored and vented crossings shall be constructed within or directly over the original stream channel, to the extent feasible, in order to contain high flows up to twice bank-full and to avoid diversion potential.
- 2.67 Crossing Materials. Armor material shall be comprised of durable angular screened quarry rock of sufficient size and placement to minimize mobilization during a 100-year storm event. Wood may be used for armoring if sound, tight-grained, redwood is applied and sufficiently keyed into the fillslope to resist movement during a 100-year storm event.
- 2.67.1 If maximum fill heights exceed 15 feet or fills exceed 500 cubic yards of fill, rock sizing, armoring thickness, chute width and chute depth shall be calculated and sized using the nomograph provided in Figure 23 of Cafferata et al. (2017).
- 2.68 Scour Prevention. Stream crossing spillway fill slopes shall be armored from roadbed to the natural channel in a manner sufficient to prevent significant scour or removal of armor during high flows. Scour is expected through road surface rock cap.
- 2.69 No Geotextiles In Stream. No geotextile fabric shall be placed in the streambed, bank or channel.
- 2.70 Ford Use. Fords shall only be used when the fording surface is dry.
- 2.71 Project Inspection. The Project shall be inspected by qualified licensed professional to ensure that the stream crossings were installed and functioning as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

Erosion and Sediment Control

- 2.72 Erosion Control. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from exposed slopes threatens to enter waters of the State. Erosion control measures, such as, silt fences, straw hay bales, gravel or rock lined ditches, water check bars, and broadcasted straw shall be used where ever sediment has the potential to leave the work site and enter the stream.
- 2.73 Silt Laden Runoff. At no time shall silt laden runoff be allowed to enter the stream or directed to where it may enter the stream. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed.
- 2.74 Disposal and Removal of Material. All removed spoils and construction debris shall be moved outside the work area prior to inundation by water. Spoil sites shall not be located within the stream channel or areas that may be subjected to stream flows, where spoil may be washed back into a stream, or where it may impact streambed habitat, aquatic or riparian vegetation. All removed material shall be disposed of according to State and local laws and ordinances.

Equipment and Vehicles

- 2.75 Operating Equipment and Vehicle Leaks. Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat.
- 2.76 Stationary Equipment Leaks. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak.
- 2.77 Equipment Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream channel and banks.
- 2.78 Stockpiled Materials. Building materials and/or construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when half inch (0.5") or more precipitation within a 48-hour or greater period and/or when a rain event with 30 percent or greater probability of precipitation is forecasted. Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area.

Debris Materials and Waste

- 2.79 Waste Containment and Disposal. Permittee shall contain all refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly

disposed of, at the close of the cultivation season and/or when the parcel is no longer in use.

- 2.80 No Dumping. Permittee and all contractors, subcontractors, and employees shall not dump any litter or construction debris within the stream, or where it may pass into the stream.
- 2.81 Pick Up Debris. Permittee shall pick up all debris and waste daily.
- 2.82 Wash Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

Toxic and Hazardous Materials

- 2.83 Toxic Materials. Any hazardous or toxic materials that could be deleterious to aquatic life that could be washed into the stream or its tributaries shall be contained in water tight containers or removed from the project site.
- 2.84 Hazardous Substances. Permittee shall ensure that debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement and concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to any life stage of fish and wildlife or their habitat (includes food sources) does not enter the riparian setback or waters of the state, pursuant to FGC Section 5650. Permittee shall immediately remove any of these materials placed within, or where they may enter, a stream or lake or other waters of the state.
- 2.85 Hazardous Materials. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, wildlife, or riparian habitat resulting from the project related activities shall be prevented from contaminating the soil and/or entering the waters of the State.

Spills and Emergencies

- 2.86 Spill Clean Up Equipment. Clean up equipment such as extra boom, absorbent pads, skimmers, shall be on site prior to the start of work within the stream zone.
- 2.87 Spill Cleanup. Permittee shall begin the cleanup of all spills immediately. CDFW shall be notified immediately by the Permittee of any spills and shall be consulted regarding cleanup procedures. The Permittee shall have all spill clean-up equipment on site during construction.
- 2.88 Spill Containment. All activities performed in or near a stream shall have absorbent materials designated for spill containment and clean-up activities on-

site for use in an accidental spill. The Permittee shall immediately notify the California Emergency Management Agency at 1-800-852-7550 and immediately initiate the clean-up activities. CDFW shall be notified by the Permittee and consulted regarding clean-up procedures.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 CDFW Notification of Work Initiation. The Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
- 3.2 Work Completion. The proposed work shall be completed by no later than **October 15, 2021**. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions** and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.
 - 3.2.1 Wildlife Entrapment Prevention for Reservoirs. A notice of completed work, with supplemental photos, shall be submitted to CDFW.
- 3.3 Project Inspection. The Project shall be inspected a by licensed professional to ensure that the stream crossings were installed and functioning as designed and/or the stream rehabilitation was implemented and is functioning as designed and/or the diversion infrastructure complies with the terms of this Agreement. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of each separate project. The Permittee shall submit the **Project Inspection Report** to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.4 Measurement of Diverted Flow. Copies of the **Water Diversion Records** shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501 no later than **March 31** of each year beginning in **2021**, to report the preceding year's diversion.
- 3.5 Site Management Plan and Related Technical Reports. The Permittee shall submit to CDFW the project's current draft of the Site Management Plan and related technical reports if it was not included in the Notification. If the Site Management Plan and/or related technical reports are still in preparation, Permittee shall submit it and all subsequent revisions and updates within 30 days of submittal to the SWRCB.

- 3.6 Invasive Species Management Plan for Reservoirs. The Permittee shall submit an Invasive Species Management Plan for Reservoirs by **May 31, 2020** for CDFW approval; or adopt the Bullfrog Management Plan (Exhibit A) if no other invasive species are present. Permittee shall submit Monitoring and Implementation Report no later than **December 31** of each year. The Invasive Species documents shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.7 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, the Designated Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Lauren Marlak
P.O. Box 188
Bridgeville, California 95526
707-672-5516
larabeevalleyfamilyfarms@gmail.com

To Contact:

Courtney Sundberg
P.O. Box 4433
Arcata, California 95518
707-839-5130
courtneys@pacificwatershed.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program – Jonathan Hollis
Notification #1600-2019-0873-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of

authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

In accordance with FGC section 1605, subdivision (b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a

completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under CEQA; and 3) after payment of the applicable FGC section 711.4 filing fee listed at

<https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall **expire five (5) years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605, subdivision (a)(2) requires.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

A. Exhibit A. Bullfrog Management Plan

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR LAUREN MARLAK



Lauren Marlak

March 15th 2020

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Cheri Sanville
Senior Environmental Scientist Supervisor

Date

Prepared by: Jonathan Hollis, Environmental Scientist, February 12, 2020

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2019-0873-R1

GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California and poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable conditions to bullfrogs such as artificially created agricultural ponds, canals, and ditches where warm, still water occurs. As a result, bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect, and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey effort must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

*Day time monitoring can also be conducted to aid detection but is not required under this plan.

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successfully implemented if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going

efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

OPTIONS FOR MANAGEMENT

Two management methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Scientist Jonathan Hollis at Jonathan.Hollis@wildlife.ca.gov.

Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not limited to the active/breeding season, occurring May – July;
- A minimum of **five** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

Pond Dewatering

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically, in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and **the underside of the bullfrog's hind legs are not shaded pink or red.**

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: Part A may be completed by the applicant

Applicant Name: SIMON CRISTINZIO #
MARC GULIZIO APN: 210-250-009 App # 13006

Planning & Building Department Case/File No.: 210-250-031 App # 13009

Road Name: LARABEE VALLEY ROAD (complete a separate form for each road)

From Road (Cross street): HIGHWAY 36

To Road (Cross street): MEADOW LAWN

Length of road segment: 0.7 miles Date Inspected: 3/5/19

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

Check one of the following:

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

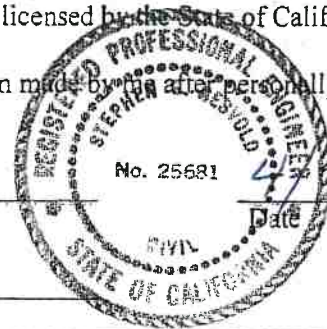
Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

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

Stephen G. Nesbald PE
Signature



STEPHEN G. NESBALD
Name Printed

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

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HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: SIMON CRISTIANZO & MARC GUILIHO APN: 210-250-009 App# 13006

Planning & Building Department Case/File No.: 210-250-031 App# 13009

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

From Road (Cross street): LARABEE VALLEY ROAD

To Road (Cross street): HIDDEN VALLEY ROAD

Length of road segment: 0.6 miles Date Inspected: 3/9/19

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

Check one of the following:

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

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

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

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

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

Signature

Stephen G. Mesold
STEPHEN G. MESOLD

Name Printed



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

**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT**

PART A: Part A may be completed by the applicant

Applicant Name: SIMON CRISTINZIO & MARK GULLIZIO APN: 210-250-009 App # 13006

Planning & Building Department Case/File No.: 210-250-031 App # 13009

Road Name: HIDDEN VALLEY ROAD (complete a separate form for each road)

From Road (Cross street): MEADOW LANE

To Road (Cross street): PROJECT SITE

Length of road segment: 1.0 miles Date Inspected: 3/9/19

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

Check one of the following:

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

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

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

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

The statements in PART A are true and correct and have been made by Stephen G. Nesvold personally inspecting and measuring the road.

Stephen G. Nesvold
Signature
STEPHEN G. NESVOLD
Name Printed



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

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ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No Response	
Division Environmental Health		No Response	
Public Works, Land Use Division	✓	Approved	On file
Regional Bridgeville Fire Protection District		No Response	
Cal Fire	✓	No Comment	On file
California Department of Fish and Wildlife		No Response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	Coordination meeting notes – on file.
County Counsel		No Response	
Humboldt County Sheriff	✓	Approved	On file
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	