



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: October 21, 2021

To: Humboldt County Planning Commission

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

Subject: **Humboldt's Own, LLC Special Permit**
Application Number PLN-2021-11786
Assessor's Parcel Number (APN) 105-071-006
702 Chambers Road, Petrolia, CA 95558

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Please contact Alec Barton, Planner (Harris & Associates) at 435-851-4003 or by email at alec.barton@weareharris.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date October 21, 2021	Subject Special Permit – Existing Cultivation Special Permit – New Cultivation	Contact Alec Barton
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Project Description: Humboldt's Own, LLC, seeks a Special Permit for 24,800 square feet (SF) of outdoor cannabis cultivation and 9,800 SF of new outdoor cannabis cultivation, and a Special Permit for 30,200 SF of cultivation being transferred from a Retirement, Relocation, and Remediation (RRR) site to the property. Total permitted cultivation would be 64,800 SF, with appurtenant propagation and drying activities. Propagation occurs in four (4) 2,496-SF greenhouses, totaling 9,984 SF.

The source of water for irrigation is an onsite permitted well (No. 16/17-0721). Total estimated annual water use is 540,000 gallons (8.3 gal/SF). There is no onsite water storage for irrigation purposes.

Drying will occur in a 7,200-SF facility onsite. Further processing occurs offsite at a licensed third-party facility. The project requires a maximum of fifteen (15) employees during peak staffing season, which lasts for approximately six (6) to eight (8) weeks. Electrical power is provided by PG&E.

Project Location: The project is located at 702 Chambers Road, approximately 1 mile southeast of the unincorporated community of Petrolia, in southern Humboldt County.

Present Plan Land Use Designations Agricultural General (AG); 2017 General Plan; Density: 60-120 acres per unit; Slope Stability: Low Instability (1)

Present Zoning: AE-B-5(160), Agriculture Exclusive combined with Special Building area 5(160).

Record Number: PLN-2021-11786

Assessor's Parcel Number: 105-071-006

Applicant

Matthew Goforth
Humboldt's Own, LLC
702 Chambers Road
Petrolia, CA 95558

Owner

Melissa I Cohen
C/O Bobby Cohen
PO Box 36
Petrolia, CA 95558

Agents

Teisha M. Mechetti
Universal Enterprise Solutions,
LLC
512 I Street
Eureka, CA 95501

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

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

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

Humboldt's Own, LLC

Record Number: PLN-2021-11786

Assessor's Parcel Number: 105-071-006

Recommended Commission Action

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

Adopt the Resolution to:

1. Find that the Commission has considered the Addendum to the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines;
2. Make the required findings for approval of the Special Permit; and
3. Approve the Humboldt's Own, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.

Executive Summary Humboldt's Own, LLC, seeks a Special Permit for 24,800 square feet (SF) of outdoor cannabis cultivation and 9,800 SF of new outdoor cannabis cultivation, and a Special Permit for 30,200 SF of cultivation being transferred from a Retirement, Relocation, and Remediation (RRR) site to the property. Total permitted cultivation would be 64,800 SF, with appurtenant propagation and drying activities. Propagation occurs in four (4) 2,496-SF greenhouses, totaling 9,984 SF. The applicant is conditioned to reduce the size of propagation areas to 6,480 SF, or ten (10) percent of the total cultivation area (**Condition 25**).

The project area is on a gently-sloping 38-acre parcel near the Mattole River in the Mattole Valley. The present land use designation is Agricultural General (AG), as defined in the Humboldt County 2017 General Plan Update, and the parcel is zoned as Agriculture Exclusive (AE). Drying would occur onsite in a 7,200-SF facility, and further processing would occur at a licensed third-party facility offsite. Additional buildings onsite include a residence with attached garage, cabin, containers for pesticide and chemical storage, and sheds for tool and equipment storage. There would be approximately fifteen (15) employees active in the cultivation process during peak staffing season, which lasts for approximately six (6) to eight (8) weeks.

Electrical power is provided by PG&E. The Commercial Cannabis Land Use Ordinance (CCLUO 2.0) requires the applicant to source electricity exclusively from a renewable source. This can be accomplished in one of three ways: (1) Using grid power supplied from 100% renewable source; (2) Using an onsite renewable energy system with 20% net non-renewable energy use; or (3) Using grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits. Within six (6) months of project approval, the applicant shall demonstrate compliance with this condition by submitting documentation of energy source to Humboldt County Department of Planning and Building (**Condition 9**).

Water Resources

Irrigation water is sourced from an onsite permitted well (No. 16/17-0721) with a yield of 20 gallons per minute. The well draws from 140 feet below the surface. Total estimated annual water use is 540,000 gallons (8.3 gal/SF). David Fisch of Fisch Drilling evaluated the well and found it to be hydrologically disconnected from surface waters and shallow aquifers. Because the project utilizes a groundwater well, forbearance during the dry season is not required. There is no onsite water storage for irrigation purposes; however, the project area includes 10,000 gallons of permanent water storage for fire suppression. The applicant plans to increase storage for fire suppression by 40,000 gallons via ten (10) 5,000-gallon tanks at the beginning of next year.

The project area is located within the Mattole River watershed and contains two watercourses: one Class II watercourse (Stream #1) and one Class III watercourse (Stream #2). There is one (1) stream crossing on the property.

A Site Management Plan (SMP) was created to protect water resources within the project area through annual site inspection, monitoring, and reporting of Tier 2 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB). The proposed project is enrolled with the NCRWQCB under water quality identification WDID No. 1B16528CHUM. The SMP identifies corrective actions the applicant must meet to protect water resources, including: cover and properly store cultivation waste/materials; regularly check irrigation/water storage systems for leaks; add gravel to bare dirt areas on the main access road (Road A); perform annual road maintenance and surfacing; upgrade stream crossing on Road F with larger culvert to meet 100-year flood volumes; remove all cultivation and cannabis related infrastructure out of riparian setbacks; add a spill kit to fertilizer and/or petroleum product storage areas; separate storage of petroleum products and fertilizers/pesticides; continue to service portable toilet facilities; contain and regularly remove all debris and trash; cover trash storage area to prevent animal intrusion and dispersion by wind; prepare a disturbed area stabilization plan; and prepare a nitrogen management plan (**Condition 10**).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address work to be done within the waterways (No. 1600-2018-0839-R1). Meters and float valves will be installed to stop water overflow into an onstream reservoir. CDFW approval is required prior to filling in the reservoir, and the applicant must submit an invasive species management plan or adopt the Bullfrog Management Plan. At the single stream crossing onsite, the applicant will replace an existing culvert with an appropriately sized culvert (at least 48 inches in width) to convey 100-year storm flow and debris (**Condition 11**).

The LSAA establishes specific corrective actions that the applicant must apply to offset any potential impacts to waterways within the area. The corrective actions are summarized as follows: 1) Document all activities that occur within waterways at the project area; 2) All work (excluding the water diversion) shall be confined to the dry weather period of June 15th through October 1st of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities; and 5) The completed project shall be inspected by a licensed professional to ensure the stream crossing was installed as designed, and a copy of the inspection report shall be submitted to CDFW within 90 days of project completion (**Condition 12**).

Biological Resources

A Biological Resources Report was prepared by Jenell Jackson and Michelle McKenzie of Natural Resources Management Corporation (NRMCM) in November 2020. The report addressed potential impacts to biological resources in new cultivation areas. NRMCM concluded that the project area has potential to serve as habitat for several sensitive species, including Howell's montia, maple leaved checkerbloom, nodding semaphore grass, Siskiyou checkerbloom, Sierra gooseberry, and Pacific gilia. However, none of these species and no sensitive communities were observed during NRMCM's survey of the project area.

The project is unlikely to have impacts on wildlife species occurring within the vicinity of the parcel, but the project area does have potential to serve as habitat for the foothill yellow-legged frog, a state-listed species of special concern. NRMCM recommended several measures to reduce potential impacts to sensitive species within the project vicinity, including: comply with requirements of the relocation plan, adhere to all stream setback requirements, refrain from use of rodenticides and plastic support netting, and avoid sediment runoff by not overwatering plants and properly storing materials (**Condition 13**). Additionally, if early season lighting is used in hoop houses, these must be covered with blackout tarps from at least one hour prior to sunset to one hour past sunrise (**Condition B.2**).

Tribal Cultural Resource Coordination

A records search for known cultural resources was requested from the Northwest Information Center (NWIC) by Bryan Much (February 2018). The search indicated two previous studies (Brunmeier and Roscoe 1994, Roscoe and Rich 2006) included or may have included portions of the project area. The Brunmeier and Roscoe study (1994) was unclear as to whether researchers surveyed the northwestern portion of the project area. The Roscoe and Rich study (2006) covered the southeastern portion of the

project area and identified no cultural resources in this area. Neither study covered, and no records exist for the southwestern portion of the project area. The NWIC recommended contacting local Native American Tribes to ensure project activities will not disturb Tribal Cultural Resources.

The Bear River Band of the Rohnerville Rancheria was contacted and responded that the Inadvertent Discovery Protocol should be implemented in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 14**).

Retirement, Relocation, Remediation Program

The project area currently consists of three (3) outdoor cultivation areas and five (5) greenhouses totaling 16,831 SF of cultivation. These cultivation areas will be relocated into eight (8) greenhouses and a portion of a ninth (9th) greenhouse pursuant to the Retirement, Relocation, and Remediation (RRR) program, which incentivizes the retirement of cultivation areas in inappropriate, marginal, or environmentally sensitive sites. The relocated cultivation area totals 24,800 SF, consistent with the Cultivation Area Verification (CAV) for the site. In addition, the site will receive one (1) 5,000-SF cultivation project from parcels 107-124-014 and 107-235-009, which will be expanded to 20,000 SF per the provisions of the RRR program. An additional 20,000 SF of new outdoor cultivation is proposed, and this proposed cultivation together with the expanded cultivation from parcels 107-124-014 and 107-235-009 (40,000 SF total) requires a Special Permit.

The RRR program is intended to remediate sites which, because of steep slopes or proximity to impacted watersheds, are inappropriate for cannabis cultivation. As this application includes the receiving area (105-071-006) for the donor site at parcels 107-124-014 and 107-235-009, the applicant is responsible for the preparation and implementation of a full environmental remediation report for parcels 107-124-014 (Parcel 1) and 107-235-009 (Parcel 2). DTN Engineering & Consulting prepared a Remediation Report on December 31, 2020. The report recommended a series of corrective actions be implemented.

At Site 1-A of Parcel 1, the applicant shall dismantle a 6,500-SF greenhouse, remove all cultivation-related structures and equipment, cover exposed soils with straw and then seed for stabilization, and replant the flat with native vegetation akin to the existing forest composition in the area. At Site 1-B of Parcel 1, the applicant shall dismantle a 7,600-SF greenhouse, remove two (2) 3,000-gallon water storage tanks, remove junk and dilapidated structures from the area just below the flat, remove all cultivation-related structures and equipment, cover exposed soils with straw and then seed for stabilization, and replant the flat with native vegetation akin to the existing forest composition in the area.

The access road to Parcel 1 shall be decommissioned once remediation work at Sites 1-A and 1-B has been completed. Both stream crossings will be removed and stream channels restored to their original contours. Work on the road will include ripping and out-sloping of the road surface, installing waterbars and rolling dips, covering the surface with straw and seed to promote revegetation, and blocking the entrance of the road to motor vehicles. Work at both stream crossings requires a Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW).

At Site 2-A of Parcel 2, the applicant shall dismantle seven (7) greenhouse structures, remove all cultivation waste to an offsite soil recycling facility, obtain permits for a residence from Humboldt County Department of Planning and Building and from the Department of Health and Human Services, and discontinue unpermitted water diversion. At Site 2-B of Parcel 2, the applicant shall dismantle a greenhouse and outdoor cultivation area, remove all cultivation-related structures and equipment, obtain permits for two (2) residences from the Departments of Planning and Building and Health and Human Services, and discontinue unpermitted water diversion.

The access road to Parcel 2 will be maintained to provide access to the residences. Required work on the road includes installing waterbars, reconfiguring a stream crossing (SC-2), and fortifying a culvert at another stream crossing (SC-5) with rock armoring. Work at both stream crossings requires an LSAA from CDFW (**Condition 15**).

Access

The area is located at 702 Chambers Road in the unincorporated community of Petrolia, in southern Humboldt County. DTN Engineering & Consulting reviewed roads within and leading to the project area and determined that Chambers Road, which is the main access road to the project area and is maintained by the county, is developed to the equivalent of a road category 4 standard and thus is adequate for the proposed use.

The driveway onsite is a category 2 equivalent roadway based upon a site visit on March 21, 2018. The grades are flat with sufficient space for vehicles to pass each other. Most of the driveway and some buildings are within the 100-year floodplain of Mill Creek. The intersection of the driveway and Chambers Road does not have a paved approach. This will be constructed per a standard condition required by DPW (**Condition 16**). Other standard conditions pertaining to driveways, fences, and proximity to farms are included herein (**Conditions 17, 18, and 19**).

Soils Report

A Soils Report was prepared by Trinity Valley Consulting Engineers, Inc. (TVCE) in October 2020 to evaluate existing conditions within the project area. The applicant proposes to grade two (2) landings prior to installing twenty-one (21) greenhouses and a processing facility. Grading will cover 3.36 acres and the combined cut and fill quantities for both sites will be 3,792 cubic feet. The areas proposed for grading work are not prone to flooding, and the report concluded that the potential for liquefaction, surface rupture, soil strength loss, or faulting at either location is low. The report includes recommendations related to site preparation, footings, floor slab design, grading, compaction standards, fills, drainwater and landscaping, and erosion control. The applicant shall comply with all recommendations included in the report (**Condition 24**).

Setbacks

CCLUO Section 55.4.6.4.4 ("Setbacks") requires cultivation sites to be located at least 270 feet from any adjacent undeveloped separately-owned parcel and at least 300 feet from any residence on an adjacent separately-owned parcel. Both setbacks may be reduced or waived with the express written consent of owners of adjacent parcels. Portions of the cultivation areas at this project area extend into the 270- and 300-foot setbacks. The applicant has acquired waivers from the owners of four (4) adjacent properties certifying that cultivation may occur within these setbacks. These waivers are included as attachments to the staff report.

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-X
Record Number PLN-2021-11786
Assessor's Parcel Number: 105-071-006**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Humboldt's Own, LLC, Special Permits.

WHEREAS, Humboldt's Own, LLC applied for a Special Permit for 24,800 SF of outdoor cannabis cultivation and 9,800 SF of new outdoor cannabis cultivation, and a Special Permit for 30,200 SF of cultivation being transferred from an RRR site to the property. Total permitted cultivation would be 64,800 SF, with appurtenant propagation and drying activities; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the Environmental Impact Report. 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 **October 21, 2021**, and reviewed, considered, and discussed the application for the requested Special Permits 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 Special Permit for 24,800 SF of outdoor cannabis cultivation and 9,800 SF of new outdoor cannabis cultivation, and a Special Permit for 30,200 SF of cultivation being transferred from an RRR site to the property. Total permitted cultivation would be 64,800 SF, with appurtenant propagation and drying activities. Electrical power is provided by PG&E. Irrigation water is sourced from an onsite permitted well (No. 16/17-0721).

EVIDENCE: a) Project File: PLN-2021-11786

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Addendum to an Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

EVIDENCE: a) Addendum prepared for the proposed project.
b) The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report (EIR). No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) A Biological Resources Report was prepared by Natural Resources Management Corporation (NRMC) in November 2020. The report addressed potential impacts to biological resources in new cultivation areas. NRMC concluded that the project area has potential to serve as habitat for several sensitive species, including Howell's montia, maple leaved checkerbloom, nodding semaphore grass, Siskiyou checkerbloom, Sierra gooseberry, and Pacific gilia. However, none of these species and no sensitive communities were observed during NRMC's survey of the project area. The project is unlikely to have impacts on wildlife species occurring within the vicinity of the parcel, but the project area does have potential to serve as habitat for the foothill yellow-legged frog, a state-listed species of special concern. NRMC recommended several measures to reduce potential impacts to sensitive species within the project vicinity, including: comply with requirements of relocation plan, adhere to all stream setback requirements, refrain from use of rodenticides and plastic support netting, and avoid sediment runoff by not overwatering plants and properly storing materials (**Condition 13**). Additionally, if early season lighting is used in hoop houses, these must be covered with blackout tarps from at least one hour prior to sunset to one hour past sunrise (**Condition B.2**).
- d) A records search for known cultural resources was requested from the Northwest Information Center (NWIC) by Bryan Much (February 2018). The search indicated two previous studies (Brunmeier and Roscoe 1994, Roscoe and Rich 2006) included or may have included portions of the project area. The Brunmeier and Roscoe study (1994) was unclear as to whether researchers surveyed the northwestern portion of the project area. The Roscoe and Rich study (2006) covered the southeastern portion of the project area and identified no cultural resources in this area. Neither study covered, and no records exist for the southwestern portion of the project area. The NWIC recommended contacting local Native American Tribes to ensure project activities will not disturb Tribal Cultural Resources. The Bear River Band of the Rohnerville Rancheria was contacted and responded that the Inadvertent Discovery Protocol should be implemented in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 14**).

FINDINGS FOR SPECIAL 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) zoning district. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes and is 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 Agricultural Exclusive (AE) zone in which the site is located.
- EVIDENCE** a) Agriculture Exclusive (AE) is intended to be applied to fertile areas of the County in which agriculture should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. All general agricultural uses, including cannabis cultivation, are principally permitted in this zoning district. Special

Building Site (B-5(160)) areas are subzones that are intended to be combined with any principal zone, consistent with cultivation activities within the project area.

- b) Humboldt County Code (HCC) section 314-55.4.6-6.5 allows cultivation of up to 43,560 SF with a Special Permit on a parcel over five (5) acres. The Retirement, Relocation, and Remediation (RRR) Program allows additional cultivation to occur onsite. The application for 64,800 SF of outdoor cannabis cultivation is consistent with Humboldt County Code and the provisions of the RRR Program.

5. FINDING

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

EVIDENCE

- a) The CCLUO allows cannabis cultivation to be permitted in areas zoned Agriculture Exclusive (AE) and Special Building Sites (B-5(160)), (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded with the County of Humboldt on January 31, 1991.
- c) The project will obtain water from a permitted groundwater well (No. 16/17-0721), and forbearance is not required. The total estimated water usage is 540,000 gallons (8.3 gal/SF) per year.
- d) The slope of the land where cannabis will be cultivated is less than 15%.
- e) The cultivation of cannabis will not result in the net conversion of timberland. The proposed cultivation area(s) are located within a historical cultivation area in an Agriculture Exclusive (AE) zone.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING

The cultivation of 64,800 SF of cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The project area is in a rural part of the County where the typical parcel size is over 20 acres, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- b) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- c) Irrigation water will come from a permitted groundwater well (No. 16/17-0721).
- d) Provisions have been made in the applicant's proposal to protect water

quality through yearly site inspection, monitoring, and reporting to the North Coast Regional Water Quality Control Board (NCRWQCB), in accordance with the Water Resources Protection Plan prepared for the project area. The site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected (**Condition 10**).

7. FINDING

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

EVIDENCE

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

DECISION

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

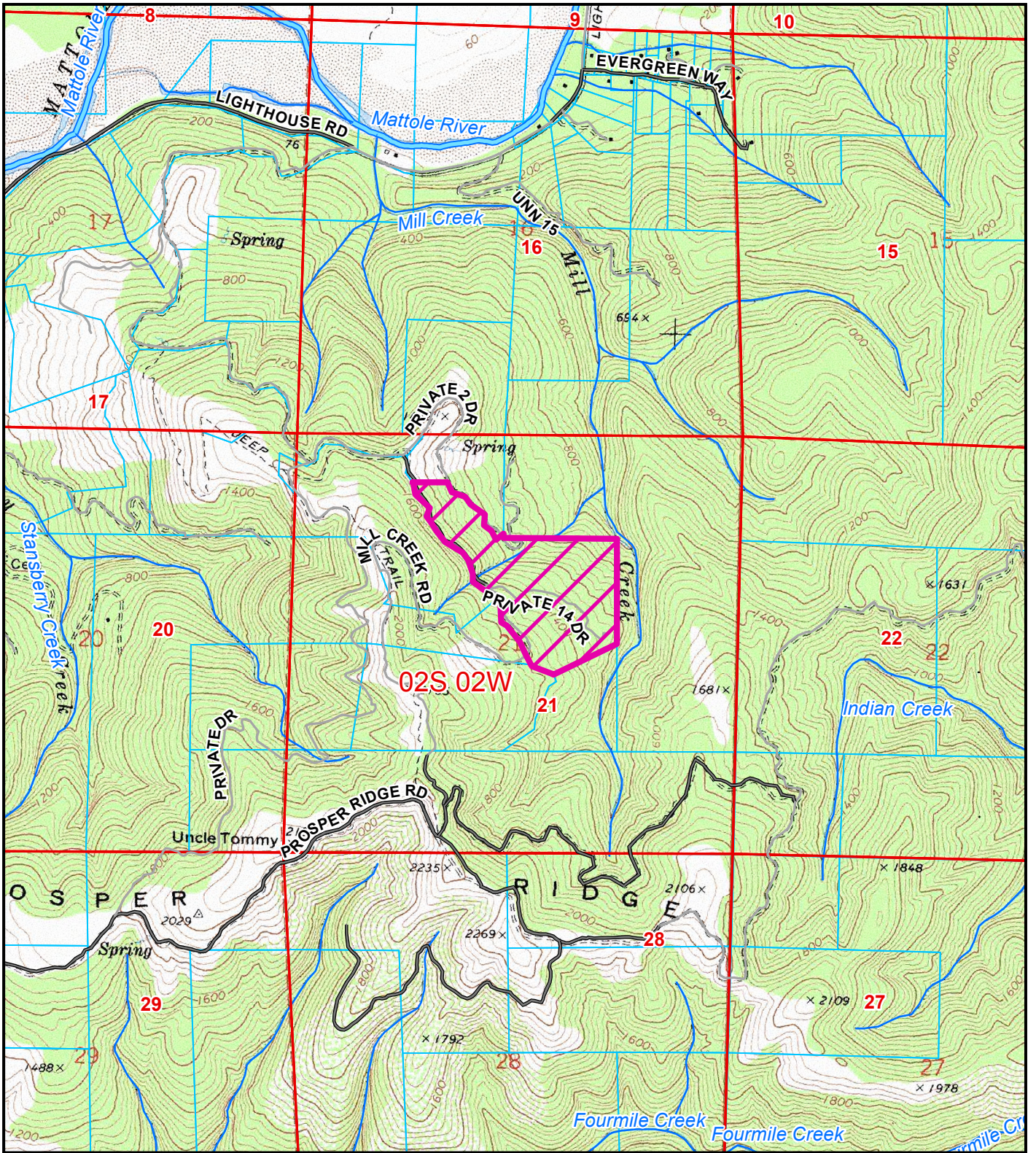
- Adopt the findings set forth in this resolution; and
- Conditionally approve the Special Permits for Humboldt's Own, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
- Adopted after review and consideration of all the evidence on October 21, 2021.

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:

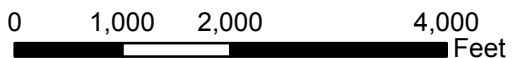
I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department

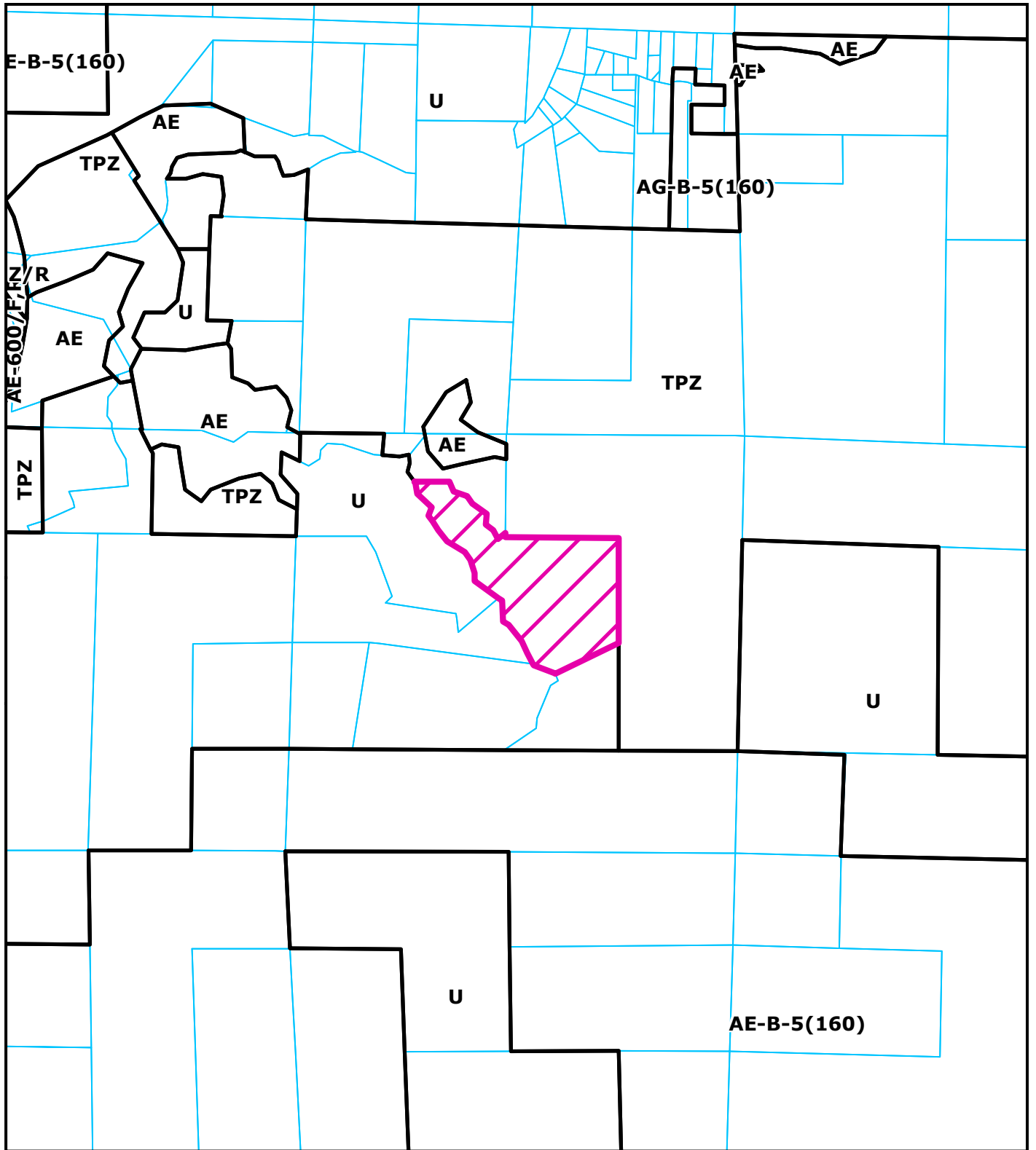


TOPO MAP
PROPOSED HUMBOLDT'S OWN, LLC
PETROLIA AREA


Project Area =  **CUP-16-384; SP-16-309; ZCC-16-251; ZCC-16-252**
APN: 104-131-016
T02S R02W S21 HB&M (PETROLIA)



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.



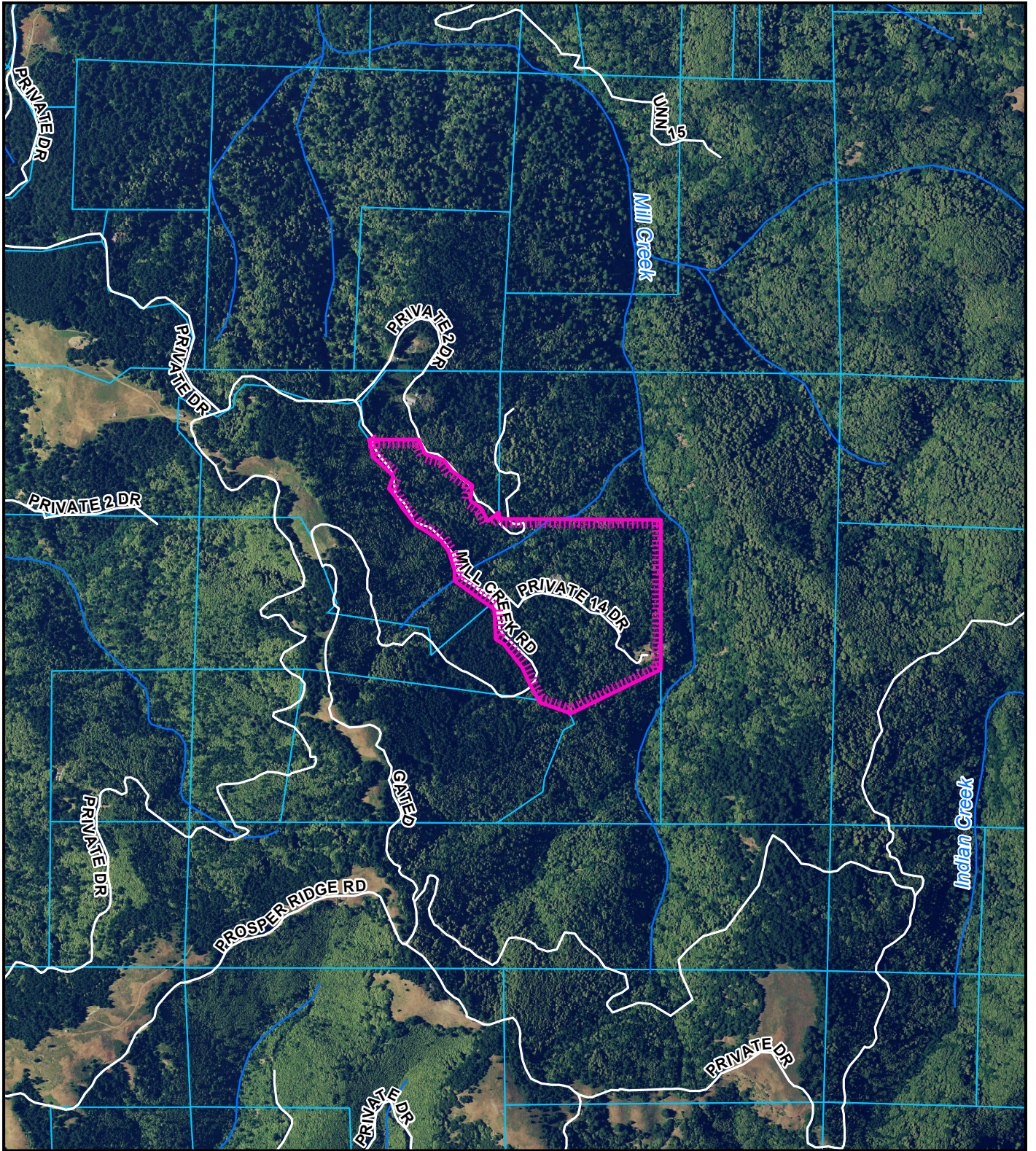
**ZONING MAP
 PROPOSED HUMBOLDT'S OWN, LLC
 PETROLIA AREA**

Project Area =  **CUP-16-384; SP-16-309; ZCC-16-251; ZCC-16-252
 APN: 104-131-016**


T02S R02W S21 HB&M (PETROLIA)

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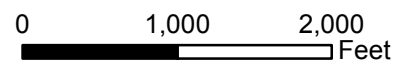




**AERIAL MAP
 PROPOSED HUMBOLDT'S OWN, LLC
 PETROLIA AREA**

Project Area =  **CUP-16-384; SP-16-309; ZCC-16-251; ZCC-16-252
 APN: 104-131-016**

T02S R02W S21 HB&M (PETROLIA)



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.

PROPERTY DIAGRAM & PREMISES DIAGRAM

APN: 105-071-006

FOR
MATT GOFORTH
702 CHAMBERS ROAD
PETROLIA, CA 95558

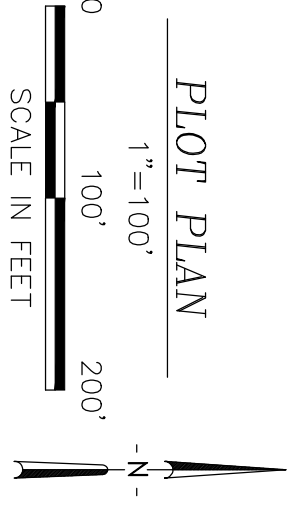
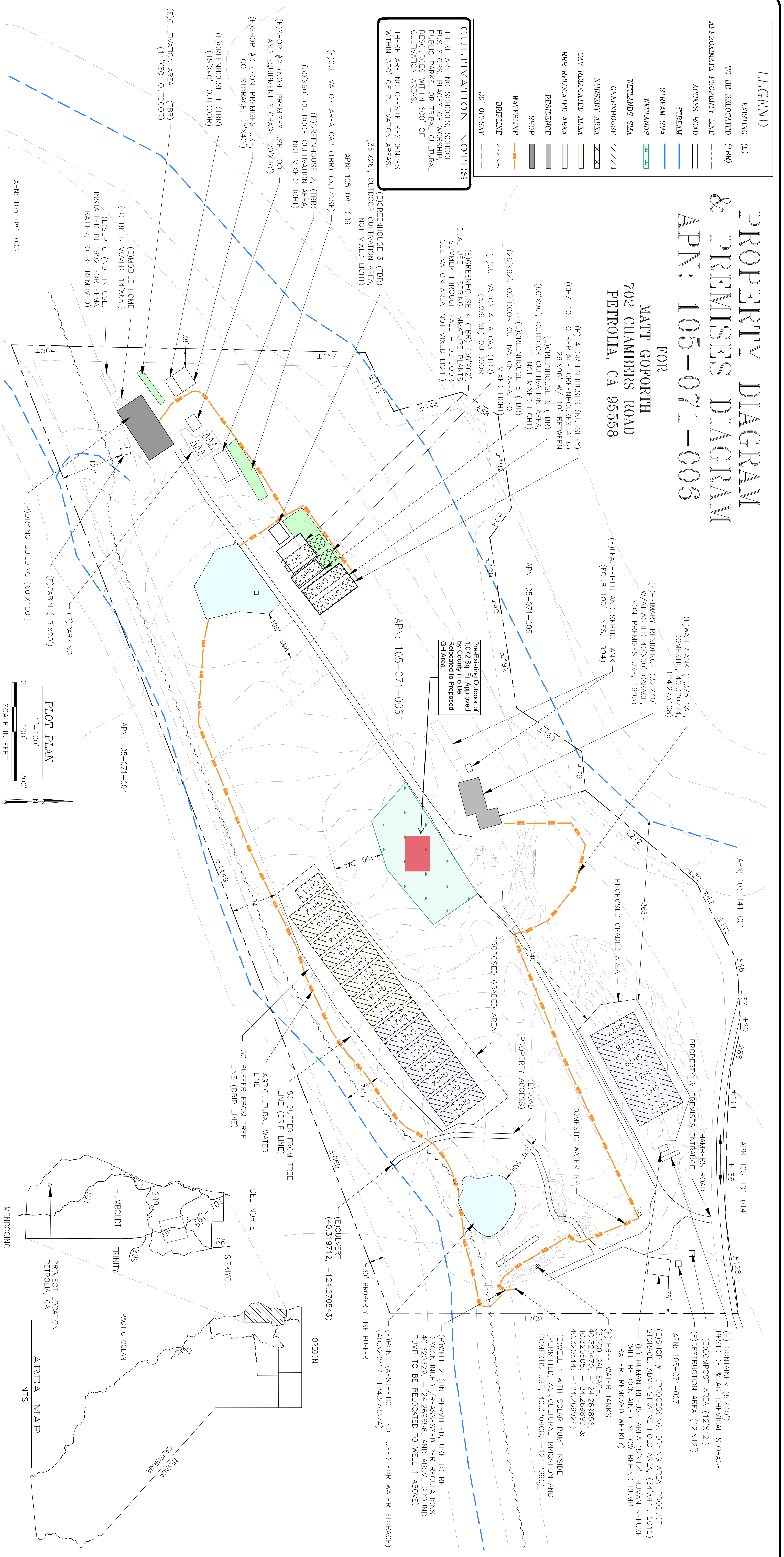
LEGEND

EXISTING (E)	TO BE RELOCATED (TBR)
APPROXIMATE PROPERTY LINE	ACCESS ROAD
STREAM SMA	STREAM SMA
WETLANDS SMA	WETLANDS SMA
GREENHOUSE	GREENHOUSE
NURSERY AREA	NURSERY AREA
CAV RELOCATED AREA	RRR RELOCATED AREA
RESIDENCE	SHOP
WATERLINE	DRIPLINE
30' OFFSET	

CULTIVATION NOTES

THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600' OF CULTIVATION AREAS.

THESE ARE NO OFFSITE RESIDENCES WITHIN 300' OF CULTIVATION AREAS.



EXISTING CULTIVATION TOTALS

LABEL	WIDTH (FT)	LENGTH (FT)	AREA (SF)	TYPE
GH1**	18	40	720	OUTDOOR
GH2**	30	60	1,800	OUTDOOR
GH3**	26	35	910	OUTDOOR
GH4**	52	62	3,224	OUTDOOR/NURSERY
GH5**	26	62	1,612	OUTDOOR
GH6**	26	880	23,080	OUTDOOR
GH7**	26	880	23,080	OUTDOOR
GH8**	26	880	23,080	OUTDOOR
GH9**	26	880	23,080	OUTDOOR
GH10**	26	880	23,080	OUTDOOR
GH11**	26	880	23,080	OUTDOOR
GH12**	26	880	23,080	OUTDOOR
GH13**	26	880	23,080	OUTDOOR
GH14**	26	880	23,080	OUTDOOR
GH15**	26	880	23,080	OUTDOOR
GH16**	26	880	23,080	OUTDOOR
GH17**	26	880	23,080	OUTDOOR
GH18**	26	880	23,080	OUTDOOR
GH19**	26	880	23,080	OUTDOOR
GH20**	26	880	23,080	OUTDOOR
GH21**	26	880	23,080	OUTDOOR
GH22**	26	880	23,080	OUTDOOR
GH23**	26	880	23,080	OUTDOOR
GH24**	26	880	23,080	OUTDOOR
TOTAL			163,815SF	

PROPOSED CULTIVATION TOTALS

GREENHOUSE #	WIDTH (FT)	LENGTH (FT)	AREA (SF)	TYPE
GH11	30	60	1,800	OUTDOOR
GH12-178	30	100	3,000	OUTDOOR
1/2 OF GH19	30	100	3,000	OUTDOOR
TOTAL			7,800SF	

NURSERY TOTAL

LABEL	WIDTH (FT)	LENGTH (FT)	AREA (SF)	TYPE
GH7-10	26	96	2,496	OUTDOOR
TOTAL			2,496SF	

PROPOSED CULTIVATION TOTALS

GREENHOUSE #	WIDTH (FT)	LENGTH (FT)	AREA (SF)	TYPE
GH11	30	60	1,800	OUTDOOR
GH12-178	30	100	3,000	OUTDOOR
1/2 OF GH19	30	100	3,000	OUTDOOR
TOTAL			7,800SF	

NOTE:

PROPERTY AND PREMISES SHARE BOUNDARY

GENERAL NOTES

WATER: WELL
POWER: PG&E
PHONE: FRONTIER
SEPTIC: 3 ONSITE WASTEWATER TREATMENT SYSTEMS (NON-PERMITTED) (ONE TO BE DECOMMISSIONED)
EXISTING GRADING: SEE GRADING PLAN
ZONING: AE-9-5 (160)
GENERAL PLAIL USE: (FRM)
FEMA FLOOD ZONE: PARTIAL, 100 YR ZONE (A)
FIREFIGHTING: HIGH
SEISMIC SAFETY: LOW INSTABILITY
EARTHQUAKE FAULTS OR HAZARDS: NO
SETBACKS: 30 FT
SLOPE: CALCULATED USING ELEVATION PROFILE TAB ACCURACY ±5% (PER HUM CO WEB PORTAL)

SECURITY NOTES

SECURITY CAMERAS WILL BE EQUIP WITH MOTION SENSORS AND PROXIMITY SENSORS FOR VEHICLES. OVER NIGHT SECURITY WILL BE PROVIDED BY A STAFFED WATCHMAN.

IMPROVEMENT NOTES

REFUSE SHALL BE STORED ON A CONCRETE SLAB AND UNDER ROOF COVER OR IN A PORTABLE/LOCKABLE DUMPSTER. REFUSE MUST BE HAULED TO AN APPROVED WASTE FACILITY WEEKLY. COMPOST SHALL BE STORED AND COMPOSTED ONSITE. CANNABIS WASTE CANNOT EXCEED 50% OF THE GENERATED ORGANIC MATERIAL.

CONTRACTOR ALERT!

CONTRACTOR MUST CONTACT USA DIG AT 800-227-2800 AT LEAST 72 HOURS BEFORE ANY EARTHWORK OR ACTIVITIES THAT MAY IMPACT EXISTING UNDERGROUND UTILITIES.

SRA REQUIREMENTS

EXISTING UTILITY ALIGNMENTS BOTH HORIZONTALLY AND VERTICALLY MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION ACTIVITIES.

PROVIDE ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA ORDINANCE AND CALIFRE

PROVIDE ADEQUATE TURN AROUND AND PULLOUTS AS CALFRE REQUIREMENTS

CULTIVATION NOTES

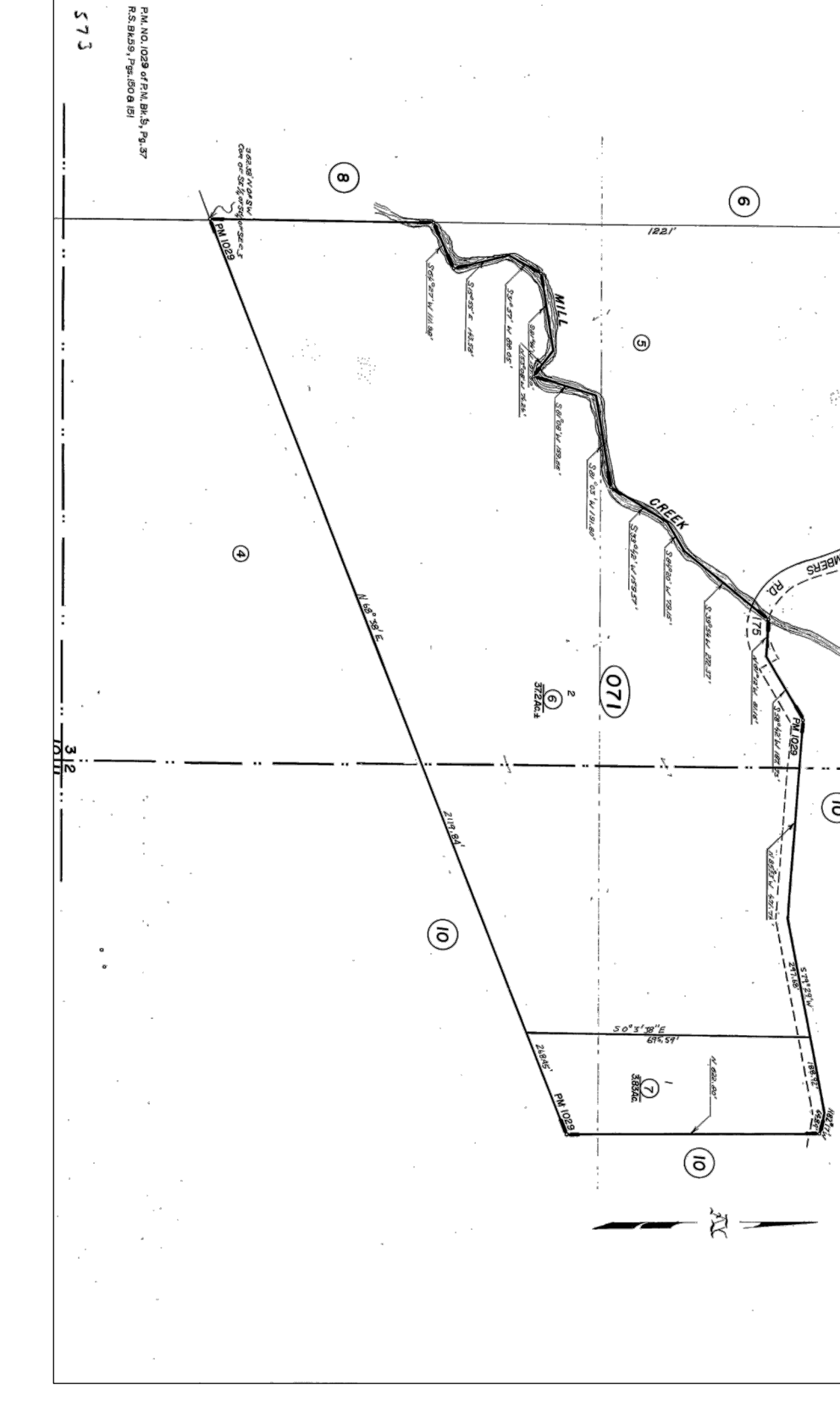
ALL CULTIVATION TO BE OUTDOOR WITHOUT LIGHTS OR CHANGING OF NATURAL LIGHT CYCLE.

4-4 DUEL USE SPRINGS: IMMATURE PLANTS SUMMER-FALL: OUTDOOR

** = ALL EXISTING CULTIVATION ALONG WITH CREDITED HISTORICAL CULTIVATION AREA (24,800 SF) TO BE RELOCATED TO GH18 & GH19-32 FROM ONE LEGAL PARCEL CONSISTING OF APN: 107-124-014 & APN: 207-235-009.

PROPOSED CULTIVATION TOTALS

GREENHOUSE #	WIDTH (FT)	LENGTH (FT)	AREA (SF)	TYPE
GH11	30	60	1,800	OUTDOOR
GH12-178	30	100	3,000	OUTDOOR
1/2 OF GH19	30	100	3,000	OUTDOOR
TOTAL			7,800SF	



MATT GOFORTH
APN: 105-071-006
702 CHAMBERS ROAD
PETROLIA, CA, 95558

PROPERTY DIAGRAM & PREMISES DIAGRAM

HUMBOLDT COUNTY, CALIFORNIA

REV	DATE	DESCRIPTION	OWN	DES	BY	CHK	APP	BY

TVCE
67 WALNUT WAY
PO BOX 1567
WILLOW CREEK, CA 95573
PHONE (530) 629-3000
FAX (530) 629-3011

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions:

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #27. 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 schedule and obtain an onsite Building Division review to ensure that permits for all structures, greenhouses, water tanks or other cannabis and/or residential structures have been obtained. This inspection shall be scheduled within thirty (30) days of permit approval and conducted within three (3) months permit approval. Any structures identified to require permits shall be permitted through the Humboldt County Building Department within two (2) years of the inspection date.
7. Prior to renewal of the permit, the owner/operator/applicant is required to submit to the Department of Environmental Health (DEH), receipts or copy of the permit of the presently unpermitted septic system, and provide written assessment from a qualified septic consultant confirming a Tier 0 status for the addition of an onsite wastewater treatment system serving the dwelling.

8. The applicant shall comply with all policies set forth by the Humboldt County General Plan Policy BR-P6, to ensure that all Streamside Management Areas within the project area are properly managed throughout cultivation related activities.
9. The applicant shall source electricity exclusively from a renewable source. This can be accomplished by either (a) Using grid power supplied from 100% renewable source; (b) Using an onsite renewable energy system with 20% net non-renewable energy use; or (c) Using grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits. Within six (6) months of project approval, the applicant shall demonstrate compliance with this condition by submitting documentation of energy source to Humboldt Department of Planning and Building.
10. The applicant comply with all corrective actions and recommendations outlined in the Site Management Plan (SMP), including:
 - a. Ensure cultivation waste/compost pile meets most current Humboldt County and SWRCB compost pile guidelines.
 - b. Cover all spent growth medium to prevent polluted runoff. Rake soil into pile and secure with weighted tarps and perimeter wattles or double tarp or integrate soil outside of riparian buffers and treat with cover crop and straw mulch.
 - c. Add gravel to all bare dirt areas on the main access road (Road A), with special emphasis on the western end of the road where bare dirt and ponding have been observed and where wet season travel for cannabis will occur. All access roads that will be used for winter or wet weather hauling/traffic shall be surfaced.
 - d. Perform annual road maintenance and surfacing as needed. Inspect roads to ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gullyng.
 - e. Ensure that employees utilize only designated roads and parking areas.
 - f. Upgrade stream crossing on Road F as described in the SMP to meet 100-year flood volumes. Work shall be performed only once valid LSAA and SWRCB 401 permits have been obtained.
 - g. Remove all cultivation and cannabis related infrastructure out of riparian setbacks.
 - h. Before construction of proposed greenhouses (GH #11-27) and the new drying building, the extent of riparian buffers shall be marked or flagged by a qualified individual.
 - i. Add a spill kit to fertilizer and/or petroleum product storage areas.
 - j. Separate storage of petroleum products and fertilizers/pesticides.
 - k. Continue to service portable toilet facilities.
 - l. Contain and regularly remove all debris and trash associated with cannabis cultivation activities.
 - m. Cover the trash storage area to prevent water/animal intrusion and dispersion by wind.
11. The applicant shall comply with all corrective actions set forth in the Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) (Notification No. 1600-2018-0839-R1), including:
 - a. Cease diverting water from POD-1 or other sources into the reservoir.
 - b. Obtain CDFW approval prior to filling in the reservoir.
 - c. Submit an invasive species management plan to CDFW or adopt the Bullfrog Management Plan.
 - d. At the single stream crossing on site, install an appropriately sized culvert (at least 48 inches in width) to convey 100-year storm flow and debris.
12. The applicant shall comply with all recommendations and reporting measures set forth in the LSAA (Notification No. 1600-2018-0839-R1), summarized as follows:
 - a. Document all activities that occur within waterways at the project area.
 - b. All work shall be confined to the dry weather period of June 15th through October 1st of each year.
 - c. Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
 - d. Erosion and runoff protection measures shall be placed and maintained along streambanks

- prior to any construction activities.
- e. The proposed work on the stream crossing (described in the condition above) shall be completed by no later than October 15, 2021. Notification of completion shall include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any California Natural Diversity Database (CNDDDB) submissions and shall be submitted to CDFW within seven (7) days of project completion.
13. The applicant shall comply with the recommendations identified in the Biological Resources Report prepared by Natural Resources Management Corporation in November 2020:
 - a. Comply with requirements of the relocation plan.
 - b. Adhere to all stream setback requirements.
 - c. Refrain from the use of rodenticides and plastic support netting.
 - d. Avoid sediment runoff by not overwatering plants and properly storing materials.
 14. The applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities.
 15. The applicant shall comply with all corrective actions identified in the Remediation Plan prepared by DTN Engineering & Consulting on December 31, 2020:
 - a. At Site 1-A, dismantle a 6,500-SF greenhouse and remove from the site. Remove all cultivation-related structures and equipment, including garbage and irrigation lines, from the site. Cover exposed soils with straw and seed for stabilization. Replant the flat with native vegetation akin to the existing forest composition in the area (Douglas fir, tanoak, Pacific madrone).
 - b. At Site 1-B, dismantle a 7,600-SF greenhouse and remove from the site. Remove two (2) 3,000-gallon water tanks from the site and clean up the area below the flat of existing junk (recreational vehicle, garbage, dilapidated building materials). Remove all cultivation-related structures and equipment, including garbage and irrigation lines, from the site. Cover exposed soils with straw and seed for stabilization. Replant the flat with native vegetation akin to the existing forest composition in the area (Douglas fir, tanoak, Pacific madrone).
 - c. At Site 2-A, dismantle seven (7) greenhouses and remove from the site. Obtain permits for the residence from the Humboldt County Department of Planning and Building and the Department of Health and Human Services. Remove cultivation waste and transport to offsite soil recycling facility. Discontinue unpermitted water diversion.
 - d. At Site 2-B, dismantle a 2,200-SF greenhouse, outdoor cultivation area, sheds, and nurseries and remove from the site. Obtain permits for two (2) residences from the Departments of Planning and Building and Health and Human Services. Discontinue unpermitted water diversion.
 - e. At Parcel 1, decommission the access road once remediation work at Sites 1-A and 1-B has been completed. Remove both stream crossings and restore stream channels to their original contours. Perform necessary road work, including ripping and out-sloping of the road surface, installing waterbars and rolling dips, covering the surface with straw and seed to promote revegetation, and blocking the entrance of the road to motor vehicles. Work at both stream crossings requires a Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW).
 - f. At Parcel 2, perform necessary road work, including installing waterbars, reconfiguring a stream crossing (SC-2), and fortifying a culvert at another stream crossing (SC-5) with rock armoring. Work at both stream crossings requires an LSAA from CDFW.
 - g. The applicant shall execute an agreement to complete the work specified in the Remediation Plan within twelve (12) months and shall post a bond in an amount determined by the Director of Planning to allow the County to contract to complete the work specified in the plan in the event that the applicant fails to do so.
 16. COUNTY ROAD – DRIVEWAY (PART 2): Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department

of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches. If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.

17. COUNTY ROADS – PROXIMITY OF FARMS: Applicant is advised that County maintained roads may generate dust and other impacts for farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.
18. COUNTY ROADS – FENCES & ENCROACHMENTS: All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
19. COUNTY ROADS – DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY: All driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approve for a business license.
20. The applicant shall contact the Petrolia Fire Protection District and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
21. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
22. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
23. The owner/operator/applicant shall complete a jurisdictional survey (delineation) for the property and provide the survey and an illustrated and scaled topographic map or site plan to the US Army Corps of Engineers for verification that the project area is outside of the jurisdiction of the Department of the Army.
24. The applicant shall comply with the recommendations of the Soils Report prepared by TVCE in October 7020, including:
 - a. Site preparation. Notify Underground Service Alert prior to any ground-disturbing activities. Perform all earthwork during dry weather conditions. Strip and remove all topsoil and vegetation from within the project area and at least three (3) feet outside the project area.

Remove undocumented fill soils and fine-grained residual soils and debris at locations receiving fills.

- b. Footings. Ensure foundation for all structures is rigid and designed to provide additional bearing area for application of structure loadings. Embed a minimum of twelve (12) inches into dense, undisturbed native bearing soils. Comply with requirements of California Building Code (CBC) Section 1809.
- c. Floor slab design. Comply with specifications of the Soils Report and as specified by the project engineer.
- d. Grading. All cut and fill slopes shall be 2:1 or flatter. Fill material shall be placed in lifts not to exceed nine (9) inches in depth and shall be compacted to a minimum of 90% relative compaction. Finished grading shall provide a minimum slope of 2% away from buildings and foundations for a minimum of ten (10) linear feet.
- e. Compaction standards. Fills shall be compacted in 8-inch loose lifts with clean native materials at optimum moisture content as determined and approved by the project engineer. Non-structural fills shall be compacted to a firm unyielding surface as approved by the project engineer.
- f. Fills. Comply with specifications of the Soils Report and as specified by the project engineer.
- g. Drainage and landscaping. The site shall be graded to provide drainage such that no water is allowed to migrate beneath proposed developments. No rainwater impoundment is permitted onsite or at the base of cuts.
- h. Erosion control. Comply with specifications of the Soils Report and as specified by the project engineer.

25. Within sixty (60) days of the effective date of project approval, the applicant shall submit a revised site and operations plan to include no more than 6,480 SF devoted to ancillary propagation. This amount is ten (10) percent of the total cultivation area proposed on the site.

26. Within six (6) months of the effective date of project approval, the applicant shall submit to Humboldt County Department of Planning and Building a Disturbed Area Stabilization Plan prepared by a qualified professional in accordance with SWRCB Cannabis General Order WQ 2017-0023-DWQ. The report shall be approved by the Regional Water Board Executive Officer prior to implementation.

27. At such time that the planned expansion occurs and the aggregate cultivation area is greater than one acre, the applicant shall submit to Humboldt County Department of Planning and Building a Nitrogen Management Plan prepared by a qualified professional in accordance with the SMP.

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

1. The combination of background, and greenhouse fan or other operational equipment created noise must not result in the harassment of Foraging Bat species or Northern Spotted Owl, and is required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CCLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation. The applicant is to limit the use of heavy equipment during nesting season February 1st through August 15th.

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Per the recommendation of the Biological Resources Report prepared by Natural Resources Management Company (NRMCM), structures shall be enclosed between 60 minutes prior to sunset and 60 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>).

Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only be placed where needed.

3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
4. The use of synthetic netting for purposes of erosion control is prohibited. To minimize the risk of wildlife entrapment, the applicant shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers at all times, and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. Invasive plant species shall be eradicated and managed at existing and proposed cultivation areas for the duration of the project lifespan.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. When offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. The permittee shall have possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

14. The permittee shall be in compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. The permittee shall comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. The permittee shall consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. The permittee shall refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws,

Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.

28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

29. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any

30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO 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 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 CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CCLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 has been executed and the corrective actions pursuant

to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APN 107-124-014, 702 Chambers Road, Petrolia, CA 95558
County of Humboldt**

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

August 2021

BACKGROUND

Modified Project Description and Project History

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

The project is located in Humboldt County, near the community of Petrolia. The project area is located within the Mattole River watershed and contains one Class II watercourse (Stream #1) and one Class III watercourse (Stream #2). There is one stream crossing on the property. A review of WebGIS determined that one (1) northern spotted owl (NSO) activity center is located within 1.3 miles of the project area.

A Special Permit is sought to add 30,200 SF of new outdoor cultivation, for a total of 64,800 SF of cultivation. The project includes four (4) 2,496-SF greenhouses where plants are propagated, totaling 9,984 SF of propagation area. Drying occurs onsite in a 7,200-SF facility, and further processing occurs offsite in a licensed third-party facility. Water for the project would be sourced from an onsite permitted well (No. 16/17-0721). Total estimated annual water use is 540,000 gallons (8.3 gal/SF). Electrical power is provided by PG&E. Approximately fifteen (15) employees are required in the cultivation process during peak staffing season, which lasts for approximately six (6) to eight (8) weeks.

The project will comply with provisions of the CCLUO intended to eliminate impacts to sensitive species from light and noise. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

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

1. Substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

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

Summary of Significant Project Effects and Required Mitigation

No changes are proposed for mitigation measures identified in the Final EIR. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Site Plan prepared by TVCE, dated July 2019.
- Cultivation and Operations Plan prepared by AgDynamix, LLC, dated July 2017 and received 8/10/2017.
- Well Completion Report (Permit No. 16/17-0721), completed 8/16/2017.
- Lake and Streambed Alteration Application for California Department of Fish and Wildlife, (Notification # 1600-2018-0839-R1), dated 9/30/2020.
- Water Resources Protection Plan prepared by Pacific Watershed Associates, dated July 2018.
- Biological Resources Report prepared by Northern Resources Management Corporation, dated 11/4/2020
- Remediation Plan prepared by DTN Engineering and Consulting, dated 12/31/2020.
- Soils Report prepared by TVCE, dated October 2020.
- Northwest Information Center (NWIC) records search conducted by Bryan Much on 2/9/2018.
- Department of Public Works Road Evaluation Report, dated 12/31/2018.
- CAL FIRE application communication with forester Tim Meyers, dated 12/4/2017.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

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

Attachment 3
Application Report of Findings

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

1. The name, contact address, and phone number(s) of the applicant. **(On file)**
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. **(On file)**
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by TVCE, dated July 2019, **Map 4**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by AgDynamix, dated July 2017 and received 8/10/2017 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. **(Not applicable)**
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4 above - **Attached**)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. **(On file)**
8. If any onsite or offsite component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife on June 22, 2020 (LSAA# 1600-2018-0839-R1). **(On file)**
9. If the source of water is a well, a copy of the County well permit, if available. **(On file)**
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. **(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. Acknowledgment that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section, in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. **(On file)**
13. Acknowledgment that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). **(On file)**
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). **(On file)**



Operations Manual
for
Humboldt's Own, LLC.
Cultivation Project
8/7/17

Produced By:



732 5th St. Suite H & I, Eureka, CA, 95501°(707)798-6199°agdynamix.com

Project Name HUMBOLDT'S OWN

Project Location 702 Chambers Road
Petrolia, CA, 95558

Project Sponsor Humboldt's Own, LLC.
702 Chambers Road
Petrolia, CA, 95558

Sponsor Contact Matt Goforth,
(707) 498-7425

Permitting Agency AgDynamix, LLC
Teisha Mechetti, 707-798-6199

APN 105-071-006

Existing Zoning Designation AE-B-5 (160)
AG (FRWK)

Prepared for Humboldt's Own, LLC by AgDynamix, LLC (July 2017)



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Industry Analysis

Industry regulations have been enacted at the State, County, local and—in some instances—municipal levels. The proposed Project will adhere to all applicable regulations.

Summary

A complex framework of regulatory laws influences cannabis cultivation regulations pertaining to the proposed Project, including Proposition 215, the Compassionate Use Act, Senate Bill 420, and the Medical Cannabis Regulation and Safety Act (MCRSA), and Proposition 65 (Prop 64) or the Adult Use Marijuana Act (AUMA), and most recently the Medical Adult Use Cannabis Regulation Safety Act (MAUCRSA).

Local permitting must be obtained before seeking licensure at the State level (which becomes effective January 2018). Some local jurisdictions in California, to date, have established and implemented regulations to per miss, permit, and/or license cannabis business operations.

In November 2016, the AUMA legalized “recreational” cannabis possession, consumption, and personal indoor cultivation, but had no effect on medical marijuana permitting or licensing.

On June 27th, Senate Bill 94, otherwise known as, the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA) by Governor Jerry Brown in efforts to consolidate the two legislative pieces put in effect to govern commercial medical and recreational cannabis activities, otherwise known as the consolidation of the MCRSA and AUMA. The merge of these two legislative pieces features changes to the licensing scheme that we were working within prior to its effect.

State Regulatory Framework

With the passage of the Compassionate Use Act (Proposition 215) in 1996 and the Medical Marijuana Program Act (MMPA) in 2003 (Senate Bill 420), California created a system of possession and cultivation limits, a voluntary identification program, and assurance of a non-diversionary system of medical cannabis cultivation and dispensation. The intent of these legislative efforts was to clarify the scope of application, prevent arrest and prosecution, promote uniform application, increase accessibility of product, and address issues within the act to promote fair and orderly implementation.

In September 2015, the California State legislature enacted three bills under the MCRSA, consisting of AB-243, AB-266, and SB-643. Each bill addresses various issues pertaining to licensing and regulatory requirements involving medical cannabis cultivation, manufacturing, transportation, distribution, sales, and testing. These bills became effectual January 1, 2016, with State licensing to open on January 1, 2018.

The MCRSA establishes a multiagency framework to regulate commercial cannabis. The foundation of MCRSA is: “No person shall engage in commercial cannabis activity without possessing both a State license and a local permit, license, or other authorization.” This legislation provides for the licensure of commercial cannabis activity in California, strengthens environmental protections, and creates licensing opportunities for small and specialty cultivators.

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Assembly Bill 243 (AB-243) requires the CDFA, CDFW, and State Water Resources Control Board (SWRCB) to promulgate regulations and standards pertaining to medical cannabis cultivation efforts, mitigate impacts on environments, and coordinate enforcement efforts with State agencies.

Assembly Bill 266 (AB-266) addresses the licensure and regulation of medical marijuana for which the framework is primarily the responsibility of the Bureau of Cannabis Control (BCC) to enforce under the Department of Consumer Affairs' (DCA) and the Bureau of Medical Cannabis Regulation. Collaboratively, the Board of Equalization (BOE) and the CDFA are responsible for tracking and reporting the movement of cannabis goods throughout the State.

Senate Bill 643 (SB-643) addresses the setting of standards on behalf of physicians and surgeons prescribing medical cannabis and requires the Medical Board of California (MBC) to implement investigations of physicians who repeatedly or excessively prescribe medical cannabis to patients without good faith exemption. This bill requires the BMCR to gather fingerprints to conduct criminal history background checks.

This Act also grants the DCA sole authority to implement and govern the system for creation, issuance, renewal, discipline, suspension, or revocation of such licensure under the Bureau of Cannabis Control program. Additionally, the CDFA is responsible for administering provisions of the act related to or associated with cultivation and transportation of medical cannabis. This bill also authorizes counties and municipalities to propose and implement taxation on medical cannabis activity.

In addition to the initial framework developed to support local regulations and State licensing, there has been a broad legislative effort to institute clean-up bills to further clarify the scope and definitions under the MCRSA.

The Adult Use of Marijuana Act (AUMA), which passed in November 2016, has legalized adult use ("recreational") cannabis possession, consumption, and limited personal indoor cultivation. Because the AUMA legislation addresses only recreational cannabis issues, it currently has no effect on medical marijuana permitting or licensing.

On June 27th, Senate Bill 94, also known as, the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA) signed by, Governor Jerry Brown, in efforts to develop a single regulatory structure that governs commercial medical and recreational cannabis activities, collectively known as MCRSA and AUMA. The merge of these two legislative pieces features changes to the licensing scheme that were in effect prior to the implementation of MAUCRSA.

The creation of MAUCRSA prompted 23 license type activities varying from Cultivation, Processing, Manufacturing, Packaging, Infusion, Testing, Retail, Distribution, and Microbusiness licenses. License types 5-5B will not be available until 2023. Across the license types they will be assigned either an "A" for Adult Use or "M" for Medical operations. The introduction of new license types Type 5-5B Cultivation, Processing, Manufacturer I and II, Packaging, Infusion, and Microbusinesses was an introduction of license types carried from the AUMA. The MAUCRSA also now excludes transportation as a license type. Furthermore, clarification of the fact, points concerning that event licenses are not prohibited under this framework were also clarified. The local authority could issue event permits for "onsite cannabis sales to, and consumption by, persons 21 years of age or older at a County Fair or District Agricultural Association Event".

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According to this legislation, an applicant may now pursue a State license without local approval, however, may not conduct activities until local approval is met, otherwise could prompt a violation that would make the State license applicant ineligible to hold the license.

Local Regulatory Framework

Under State legislation, MCRSA, municipalities possess the authority to set their own regulations pertaining to land use and commercial cannabis business activities. Local permitting must be obtained before seeking licensure at the State level (which becomes effective January 2018).

Humboldt County

In October 2015, Humboldt County began its review process of the Commercial Medical Cannabis Land Use Ordinance (CMCLUO). This legislation governs commercial medical cannabis activities within the authority of the County of Humboldt and establishes zoning regulations, performance standards, and environmental compliance—as well as requiring proof of documentation. The ordinance went into effect February 26, 2016. The deadline for applicants was December 31, 2016.

On September 13, 2016 Humboldt County issued a correcting and clarifying document to address the elements of the CMCLUO that were not clear under the initial Ordinance No. 2544 and the implementation of the program.

An Environmental Impact Report is underway to assess the overall impacts of this program which could significantly affect the Commercial Cannabis Land Use Ordinance, once the results of the study have been considered.

An Environmental Impact Report is underway to assess the overall impacts of this program which could significantly affect the Commercial Cannabis Land Use Ordinance for the better, or worse, once the results of the study have been considered.

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Executive Summary

Humboldt's Own, LLC is a sole member for profit entity designed to conduct agricultural activities within the State of California.

Sponsor is seeking approval for a Conditional Use Permit for pre-existing activities, a Special Permit to support Wholesale Nursery activities, and two (2) Zoning Clearance Certificates to support two Relocation, Retirement, Remediation (RRR) projects. Sponsor will be pursuing an M-Type 3, four (4) M-Type-2, and a M-Type 4 license(s).

It is anticipated that the Sponsor will create up to 15 local jobs immediately to support the cultivation, processing, and packaging activities. This model would set a healthy precedent for the Petrolia, community by setting a sound agricultural standard for this emerging industry.

The Project Sponsor is proposing 63,000 sq. ft. of cultivation in the form of twenty-one (21) 3,000 sq. ft. greenhouse cultivation areas located on Parcel No. 105-071-006 totaling 37.99 acres, zoned AE.

Currently, the Project site features five (5) existing outdoor cultivation areas and nine (9) onsite existing greenhouse cultivation areas, totaling 23,451 sq. ft., which are to be relocated to the new, proposed cultivation area (See Site Map). The site will receive two (2) 5,000 sq. ft. existing cultivation projects to be increased to 20,000 sq. ft. under the Retirement, Relocation, Remediation (RRR) program from Parcel No.'s 107-124-014 and 104-131-016. Upon the relocation of the 23,451-sq. ft. of onsite cultivation and the two (2) offsite cultivation areas, that are to be expanded to 40,000-sq. ft., the Project site will feature a total of 63,000-sq. ft. of greenhouse cultivation in the newly proposed cultivation area onsite.

The Project site is equipped with an existing 1,400-sq. ft. and a 1,280-sq. ft. building intended to support drying activities. A personal residence also exists onsite that is not extended to employees. Additional proposed onsite structures include twenty-one (21) 3,000 sq. ft. greenhouses, four (4) 2,496 sq. ft. greenhouses intended to support nursery activities, and one (1) 4,000 sq. ft. processing building (See Site Map). PG&E will support commercial and residential power needs.

Cultivation will be supported by three (3) existing 2,500-gallon water tanks that will be supplied by one (1) existing well, and will be supported by one (1) proposed well, and one (1) proposed 1,000,000-gallon rainwater impoundment structure (See Site Map).

The applicant has initiated the Waste Waiver Discharge enrollment to facilitate compliance with the State Water Resources Control Board under the North Coast Regional Water Quality Control Board. An Initial Statement of Water Diversion and Use (ISWDU) has been filed for diversion from the two (2) wells.

Project Timeline

Phase 2 (2017)

- Obtain Land Use Approval.
- Submit Grading Plans.

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- Receive Grading Permit.
- Develop Pond for Winter Rainwater Catchment.
- Develop Septic System Design.
- Design Infrastructural Plans for Processing Facility and Commercial Greenhouses.
- Decommission Current Cultivation Sites to be Relocated onsite.
- Remediate Current Cultivation Sites.
- Obtain Building Permits for New Infrastructure.

Phase 2 (2018)

- Develop New Greenhouse Infrastructure.
- Relocate Cultivation Site from Parcel No.'s 107-124-014 and 104-131-016.
- Remediate Relocated Cultivation Sites on Parcel No.'s 107-124-014 and 104-131-016.
- Install Septic System for Processing Facility.
- Lay Foundation for Facility.
- Erect Building.
- Finish Work.

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Project Overview

The Project concerns Parcel No. 105-071-006 in Petrolia, California that is seeking provisional permitting for outdoor medical cannabis cultivation with consideration of the phased approach to development. The Project currently features five (5) existing outdoor cultivation areas and nine (9) onsite existing greenhouse cultivation areas totaling just under 23,451 sq. ft. and two (2) 5,000 sq. ft. RRR projects from Parcel No.'s 107-124-014 and 104-131-016 to increase to 20,000 sq. ft. from each parcel to total an additional 40,000 sq. ft. to bring the total cultivation to 63,000 sq. ft. Project site also proposed to develop four (4) 2,496 sq. ft. nurseries that will support site cultivation. Proposed cultivation and processing activities would occur on the central portion of the Parcel.

Summary

The Project parcel is zoned AE, which falls within the allowable zoning specified by the local authority. The Sponsor seeks permit approval for 63,000 sq. ft. of outdoor cultivation that is proposed, is supported by evidence, and involves natural light, with exception of supplemental lightning for nursery activities.

Location Description

The proposed Project would occur on legal Parcel No. 105-071-006 at 702 Chambers Road, Petrolia, CA, in the southeast quarter of the southeast quarter and northwest quarter of the southwest quarter of Section 3, Township 2 South, Range 2 West, Humboldt Meridian.

Zoning

The property features zoning AE and the following characteristics:

- GIS acres: 37.99.
- Coastal Zone: Outside.
- 100 Year Flood Zone: Inside.
- Alquist-Priolo Fault Hazard Zone: Outside.
- FEMA FIRM Flood Rating & Panel Number: 1575G.
- Slope: <15% in most cultivation areas.
- Relative Slope Stability (Per General Plan Geologic maps): Low Instability.

Soil Ratings

As per Humboldt County's Ordinance No. 2544, because the project is pre-existing, no prime agricultural soil rating requirement pertains for pre-existing operations, however, due to the proposal to relocate cultivation area from Parcel No.'s 107-124-014 and 104-131-016, the prime soils requirement applies to this project.

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Project-Specific Factors

The following table details any potential effects to environmental elements related to the Project:

<input type="checkbox"/>	Aesthetics	<input checked="" type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	Hazards and Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology/Water Quality
<input checked="" type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input checked="" type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input checked="" type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

Mandatory Compliance Factors

In accordance with the State of California, it is a requirement that agricultural operations obtain the appropriate environmental filings to support land alterations, diversions, and discharges of affluent.

Water Sources

Project site activities will be supported by two (2) wells and one (1) rainwater impoundment structure.

Initial Statement of Water Diversion & Use (ISWDU)

Two (2) ISWDU's have been submitted to the State Water Resources Control Board to secure the right to divert water from two (2) onsite wells.

Small Domestic Use Registration (SDU)

Not Available.

Small Irrigation Use (SIU)

Not Available.

Lake and Streambed Alteration Agreements (LSAA-1600/1602)

It is unknown whether an LSAA-1600/1602 may/may not be required for this Project because water diversion has not been deemed jurisdictional. Periodic inspections may be conducted by a third-party agent, Pacific Watershed Associates (PWA), on behalf of CDFW.

Water Board Order: Waste Water Discharge (WWD)

Initial inspections by PWA regarding water usage and discharges have been conducted. The initial notice of intent and monitoring/reporting forms, under the WWD, have been filed with the SWRCB under the North Coast Regional Water Quality Control Board (NCRWQCB). A reporting/recording system would be developed, monitored, and reported to comply with annual renewal requirements under this order.

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Additional inspections (post enrollment) would be conducted by the PWA, with no current confirmation of when this inspection would occur. The proposed Project falls into Tier 2 due to the pre-existing cultivation site, canopy size, and water uses. The Project does not pose a notable threat to the environment due to several conditions that are documented in the WRPP.

Water Resource Protection Plan (WRPP)

A WRPP will be generated by the designated agency, PWA. This document is held by the third-party agent and maintained onsite to satisfy any request by the SWRCB. This ensures protection of nearby habitats via management of spoils, limitations of runoffs, use of DPR-approved inputs, correct use of fertilizer, and proper storage of fungicides, pesticides, and fuel.

Department of Pesticide Regulation Requirements (DPR)

The Project would adhere to DPR requirements and limitations regarding pesticide, fungicide, and rodenticide inputs for cannabis cultivation and management of pests and/or disease. Quality and consumer-safe production requires medical cannabis cultivation inputs that are approved as environmentally sound and deemed safe for medical consumption.

Archaeological Inspections & Survey

There is no current archaeological inspection on file of which the permitting agent is aware. However, records may be accessible through Sonoma State University's Northwest Information Center (NWIC) and the local THPO.

Additional Compliance Factors

Bureau of Cannabis Control (BCC)

In 2015, the Legislature passed and the Governor signed into law three bills (Assembly Bills 243 and 266, and Senate Bill 643) that create a licensing and regulatory framework for medical cannabis through the Medical Cannabis Regulation and Safety Act. Later this was updated through the MAUCRSA, Senate Bill 94. This legislation created the Bureau Cannabis Control within the Department of Consumer Affairs. It also divided the responsibility for state licensing between three state entities – the CA Department of Food and Agriculture, the CA Department of Public Health, and the Bureau of Medical Cannabis Regulation, with the Bureau designated as the lead agency in regulating the cannabis industry in California. This agency is responsible for licensing concerning testing, retail, distribution, and microbusinesses.

CalCannabis Cultivation Licensing

As directed by the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act, the California Department of Food and Agriculture (CDFA) has written the proposed regulations to establish **cannabis cultivation and processing licensing** and a **track-and-trace system**, collectively referred to as **CalCannabis Cultivation Licensing**.

Office of Manufactured Cannabis Safety

OMCS was established in the Center for Environmental Health of the California Department of Public Health (CDPH) after the Governor signed into law the Medical Cannabis Regulation and Safety Act in 2015.

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The Act established a licensing and regulatory framework for the manufacturing, packaging, and infusion of medical cannabis in California.

The Medical Cannabis Regulation and Safety Act created the Bureau of Medical Cannabis Regulation in the Department of Consumer Affairs, and tasked the following Departments to establish regulations for the medical cannabis industry:

CA Department of Consumer Affairs (Bureau of Cannabis Control): to license transporters, distributors, dispensaries, and testing laboratories.

CA Department of Food and Agriculture (Cal-Cannabis Cultivation Licensing): to license cultivators and will also be responsible for implementing the Track-and-Trace System for plants from cultivation to sale.

CA Department of Public Health (Office of Manufactured Cannabis Safety): to license manufacturers of cannabis.

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Performance Standards

Performance standards include nuisance mitigation (for noise, odors, light, and other potential hazards of the Project), setback requirements, and a consent to inspect.

Setback Requirements

The proposed Project area meets all setbacks required by the local authority and adheres to all other setbacks from neighboring parcels and property boundaries. Nearby parcel residences are more than 300' from the proposed cultivation space (applicable only to parcels of five (5) acres or less). There are no known schools, school bus stops, public parks, places of religious worship, or Tribal cultural resources that are known within 600' to 1,320' of the cultivation area. Additionally, a 30' setback from the PG&E pole and 12' of overhead lines and property borders is satisfied.

Setbacks from nearby waterways adhere to the SWRCB and the CDFW's setback requirements. It is deemed that Environmentally Sensitive Habitat areas will not be impacted by the proposed Project.

Nuisance Mitigation

The Project would mitigate the potential for or existing nuisances, including through odors, lights, sounds, and other nuisances that extend beyond the boundaries of an adjacent property, with adherence to State and local (County and/or municipality) regulations pertinent to this Project.

Best mitigation efforts:

- Odor: Scrubbers.
- Light: Escape shielding.
- Sound: Buffering.

Generator Use

Site activities will not be supported primarily by generator power. However, in the event of an emergency, the Project site is equipped with a "back up" generator.

Consent to Inspect

This section hereby grants to the relevant authority an authorization to conduct an annual compliance inspection with a minimum notice of 24 hours. The inspection would be conducted by officials during regular business hours (Monday-Friday, 9:00 am-5:00 pm), excluding holidays.

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Cultivation Plan

The Cultivation Plan adheres to robust standards promulgated under the DPR and regulated under the CDFA, and in accordance with DCA's consumer standards maintained by the Department of Public Health (DPH).

In preparation for future certification related to organically produced product, the Cultivation Plan also follows National Organic Program (NOP) standards. The input guidelines established by the DPR are in accordance with certification regarding organically produced product requirements and follow a whole-farm BMP plan for management of land, crops, and end products.

Summary

The Project proposes 63,000 sq. ft. of in the form of one Conditional Use Permit for pre-existing activities and two (2) Zoning Clearance Certificates to support both RRR projects in the form of twenty-one (21) greenhouse cultivation areas on 37.99 acres of AE zoning that would be serviced entirely by natural light. Sponsor will seek approval from the State of one (1) M-Type 3 and four (4) Type 2 licenses of outdoor cultivation

Water for the Project would be sourced from three (3) onsite tanks that are fed by well water and rainwater catchment. A WRPP will be available upon completion for further information regarding site-specific conditions, mitigation measures, and remediation efforts.

Cultivation Schedule

The following table details the annual cultivation schedule, comprised of two (2) harvests per year, with breakdown by area. Water figures are indicated in gallons.

Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Nursery	Veg	Veg	Veg	Veg	Veg	Veg	Veg	-	-	-	Veg	Veg
GH's	Cover	Cover	Cover	Veg	Blm	Blm	Blm/Veg	Blm/Veg	Blm	Blm	Cover	Cover
Water	1250	1250	1250	144,600	144,600	144,600	144,600	144,600	144,600	144,600	1250	1250

*Water use as reported in the self-reporting attachment Appendix C or Monitoring & Reporting Form (MRP) of the WWD Enrollment. (Water use figures calculated by multiplying water use for 2016 by 2.5 to reflect the total proposed water use that would support the proposed total cultivation areas.)

Winterization Plan

During the fallow months, exposed ground would be cropped with green cover and native vegetation seed to protect against erosion and denitrification of the soil. Green manures would be incorporated into the native soils to enhance productivity during the forthcoming planting season.

Water Resources

Water for the proposed cultivation Project would be sourced from three (3) 2,500-gallon onsite tanks and one (1) proposed 1,000,000-gallon pond. Well water and rainwater catchment support the water storage tanks that will supply the cultivation site.

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To mitigate runoff from cultivation activities, high-retention soil mediums and special irrigation techniques would be employed.

Irrigation Plan

For most of the season, crop production would be directly irrigated from three (3) onsite tanks and one (1) proposed 1,000,000-gallon pond. If approved, the Project has plans for water reduction irrigation systems.

Irrigation System

Applicant is using a timed soaker hose and drip irrigation system, and occasionally employs direct watering to irrigate.

Emergency Water Plan

A WRPP will be generated by PWA. There will be adequate tank storage to support the cultivation activities for forbearance periods from May through October.

In the event of a water emergency, the proposed Project will feature adequate water storage to support the project in the event of emergency from onsite wells and proposed rainwater catchment impoundment. Existing and future storage is noted on the site plan (see *Site Plan/WRPP Map*).

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Operational Plan

The Operational Plan covers many aspects of the business, including location, organization, and a description of the Project's business sponsor that includes its mission, vision, and values. It also includes a description of what is produced by the Project, including sales and marketing efforts.

Summary

The Operational Plan details use of the organization's resources in pursuit of the strategic plan. It prescribes specific activities and events to be undertaken to implement strategies. It is a plan for the day-to-day management of the organization (encompassing a one-year period). An operational plan should not be formulated without reference to a strategic plan. Operational plans may evolve from year to year with business growth. The chief executive, lead staff, and third parties of or for the organization often produce the Operational Plan.

The products produced by the Project would have the primary designated use of the treatment of patients with varying ailments. Medical cannabis products would be distributed to qualified medical cannabis consumers via wholesale outlets and retail dispensary locations.

Business Organization

Humboldt's Own, LLC is a sole member Limited Liability Company (LLC) operating under entity number 201623210402 that features one member-manager. The member-manager is responsible for delegating primary activities pertinent to the organization's daily and future management.

Management Team

Matt Goforth, Chief Executive Officer.

Business Description

The primary goal of Humboldt's Own, LLC. is, within the State of California, to conduct agricultural activities and produce specialty agricultural products.

Mission

Humboldt's Own is a for-profit entity with the mission of producing high-grade specialty cannabis agricultural products to support the medical cannabis supply chain for California-based retail dispensary outlets.

Vision

Humboldt's Own adheres to a sustainable and homestead-driven, integrative farming model that includes standards related to organically produced crops and onsite agricultural resource sustenance. The company's model integrates sustainable living and production principles with cannabis cultivation.

Values

Humboldt's Own values the need for prudent land management strategy, social equity, and the quality production of cannabis to supply medical consumers and the treatment of their conditions. The company is committed to operating within full compliance of local, County, and State regulations.

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Products

Humboldt's Own, LLC would produce specialty agricultural cannabis and nursery stock to support the onsite cultivation of high-grade organically produced cannabis flower products that are tested and assured for quality. Cultivation byproducts of additional value would be sold to permitted manufacturers (for the processing of extracts, concentrates, and topical products).

The primary designated use of the raw medical cannabis (flower) produced would be the treatment of patients with varying ailments. Premium-grade medical cannabis can be consumed via multiple methods, including inhalation, ingestion, and dermal (topical) applications. Cannabis has proven to deliver positive efficacy for myriad ailments, conditions, and symptoms. Research is underway regarding additional benefits of medical cannabis.

Sales & Marketing

Humboldt's Own, LLC's product would be distributed to medical cannabis consumers via wholesale outlets and retail dispensary locations and ancillary marketplaces. The quality, testing thresholds, and branding would target consumers who lead a Lifestyle of Health and Sustainability (LOHAS) and who prefer premium organically produced medicine.

Chain of Custody

Humboldt's Own, LLC adheres to a robust system of chain of custody for recordkeeping and sourcing potential contamination of seed/nursery product, flower product, trim, or value-added byproducts. This system would serve to verify responsibility for and liability of products during cultivation, processing, distribution, and wholesale/retail sales.

Packaging

After testing and processing, products would be packaged per quality control standards and in tamper-proof packaging that does not appeal to minors. Products packaged in larger volumes would be distributed directly to consumers and retail outlets. Individual consumer labelling may be applied at the distributor or retailer level, after transfer of ownership in the chain of custody. If the business chooses to protect its branding through the Agricultural Commissioner, products would be individually packaged and labelled within the County of origin.

Distribution

Humboldt's Own will secure trading outlets for its products through existing local distribution networks. These distribution networks service retail dispensary outlets that seek licensure within their respective jurisdictions, as well as the State licensing platform under the CDFA. The established patient base has created a demand and fulfills the need for many medical cannabis products from multiple licensed suppliers within the State of California.

Track and Trace Standards

As per the Track and Trace provisions as of June 27th, 2017 under the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA), Senate Bill 94.

Chapter 6.5. Unique Identifiers and Track and Trace

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26067. (a) The department, in consultation with the bureau, shall establish a track and trace program for reporting the movement of cannabis and cannabis products throughout the distribution chain that utilizes a unique identifier pursuant to Section 26069, secure packaging, and can provide information that captures, at a minimum, all the following:

- (1) The licensee receiving the product.
- (2) The transaction dates.
- (3) The cultivator from which the product originates, including the associated unique identifier pursuant to Section 26069.

(b) (1) The department, in consultation with the State Board of Equalization, shall create an electronic database containing the electronic shipping manifests to facilitate the administration of the track and trace program, which shall include, but not be limited to, the following information:

- (A) The variety and quantity or weight of products shipped.
- (B) The estimated times of departure and arrival.
- (C) The variety and quantity or weight of products received.
- (D) The actual time of departure and arrival.
- (E) A categorization of the product.
- (F) The license number and the unique identifier pursuant to Section 26069 issued by the licensing authority for all licensees involved in the shipping process, including, but not limited to, cultivators, manufacturers, distributors, and dispensaries.

Transportation

All products would be transported through either the permitted cultivator to processing or distribution and/or via a licensed transporter to trading partners that are authorized to distribute cannabis products to end consumers (when applicable). These transporters would be responsible for adhering to guidelines that involve (but are not limited to) permitting, weights and measures, packaging/packing/labeling, verification of packing and freight volumes, and liability insurance that covers product loss resulting from unintentional diversion or emergency.

Transporters would be responsible for fulfilling contractual deadlines and ensuring delivery of products in a timely fashion to maintain positive standing with trading partners and protect the quality of a product that features a limited shelf life.

SB-643, Chapter 719, § 19302.1 (d): "The DCA shall have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation, storage unrelated to manufacturing activities, distribution, and sale of medical marijuana within the State and to collect fees regarding

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Processing Plan

The Processing Plan covers many aspects of the end stage cultivation workflow employed by the business to harvest, dry, trim, cure, package, and assure the quality of medical cannabis products. Quality assurance efforts include sanitation, dust control, and environmental standards necessary for optimal processing.

Background

As promulgated under various regulatory agencies, including but not limited to the Labor Commissioner (LC) and Wage and Hour Division (WHD), Employment Development Department (EDD), the Agricultural Labor Relations Board (ALRB), United States Department of Agriculture (USDA), the Food and Drug Administration (FDA), California Department of Food and Agriculture (CDFA), and are responsible for varying aspects of government labor laws, quality control, minimum wage and hours laws, administrative responsibilities, and health and safety regulations that govern processing and day labor activities related to Agricultural industries.

Summary

The applicant proposes to construct a 4,000-sq. ft. facility designed to support product processing activities. Existing onsite structures that aid in product drying and storage include three (3) structures comprised of one (1) 1,280 sq. ft., one (1) 600 sq. ft., and one (1) 1,400 sq. ft. to support drying/storage activities (See Site Map).

Cultivation activities undergo a common process flow that involves cultivation, to harvest, drying, to testing, grading/sorting, curing, to testing, packaging, to testing again (distributor level), and end sales. This is in efforts to ensure robust quality control; the business would employ stringent grading and sorting of medical cannabis product during harvest to eliminate any contaminated product from end supply.

Administrative

Administrative elements of the Project include payroll, recording and reporting, chain of custody, safety procedures and protocols, product safety materials, labor and subcontractor issues, and quality assurance/control of product.

Labor Management

The primary organization currently responsible for the recordkeeping of employees (both seasonal and permanent) would be Humboldt's Own, LLC. All records maintained by Humboldt's Own, LLC would be made available upon request.

The organization has considered payroll options for peak times of the season during which employment periods would be up to several months in duration (particularly during the harvesting, processing, and packaging stages of cultivation). An outside entity may be responsible for soliciting, recruiting, and hiring employees.

The designated entity is responsible for ensuring property, business, and workplace compliance under the guidelines of the following departments:

- Bureau of Medical Marijuana Regulation (BMCR).

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- California Department of Food & Agriculture (CDFA).
- County Agriculture Commissioner (CAC).
- County Planning Department (CPD)/Community Planning (CP)/Development Department (DD).
- Department of Industrial Relations (DIR).
- Department of Labor, Wage, and Hour Division (DL-WHD).
- Department of Pesticide Regulation (DPR).
- National & California Agricultural Labor Relations Board (NALRB/CALRB).
- Occupational Safety and Health Administration (OSHA).
- U.S. Department of Labor (US-DOL).

Recording & Reporting

All employee records for hours worked and reported would be kept onsite or via a payroll recordkeeping center and submitted to the managing payroll department to ensure timely reporting. Requests for review of payroll records would be the sole responsibility of the managing human resources agent (upon request and under certain lawful circumstances).

Quality Assurance & Control of Product

Quality assurance efforts encompass sanitation, climate control, dust control, and a variety of environmental standards. Quality control measures include monitoring, testing, harvesting, drying, curing, grading, sorting, packaging, secure storage, and distribution procedures.

In 2011, the Food and Drug Administration tasked the U.S. Department of Agriculture (USDA) to co-create with the U.S. Department of Health and Human Services (USDHHS) and the Center for Food Safety and Applied Nutrition (CFSAN) a program to implement Good Agricultural Practices (GAPs) and Good Handling Practices (GHPs). The goal was to mitigate food safety hazards and set standards and management regulations for processing facilities to ensure quality and consumer safety of agricultural products when handled in processing environments.

Found in the April 2011 *Guide to Minimize Microbial Food and Safety Hazards for Fresh Fruit and Vegetables* (authored by the USDA, USDHHS, and CFSAN) is discussion about the fundamental procedures that should be developed and implemented. This document features a list of principles applied to the workplace in efforts to meet these standards and is as follows:

- Accountability for product quality.
- Controls for workplace sanitation.
- Employee hygiene.
- Minimization of microbial exposures.
- Operating procedures.
- Packaging procedures and protocols.

Chain of Custody

Agricultural businesses must adhere to a rigorous chain of custody system for product management and the identification of contamination in all raw and finished products.

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Monitoring

Pre/post-harvest workflow would be monitored on a predetermined schedule and involve documentation of the condition of the product during its active stage of monitoring.

Harvesting

During harvest, a labor crew would be required to assist with light physical labor, including walking, crouching, lifting, and some climbing.

Testing Procedure

All product testing would be conducted by an approved (certified) third-party laboratory. This would encompass testing for potency and purity, including the presence of pesticides, fungicides, and harmful micro biologics.

Drying/Curing

Product would be harvested at maturity and dried and cured in a climate-controlled environment. The primary equipment used would include dehumidifiers, fans, and heaters.

Grading/Sorting

Products would be graded based on testing results, maturity, and specific intended use (flower, manufacturing of extracts, concentrates, topical products, etc.)

Processing

Product would be harvested, trimmed, dried, and cured in a manner best suited to the specific environmental factors of the crop. This would include both visual inspections by master cultivators and data collection and analysis (via automated sensors).

Packaging

Packaging would adhere to the guidelines for package type, quantity/weights, warning labels, and stamping procedures.

Health & Safety

The first response emergency contact phone number is 9-1-1. Hospitals are Redwood Memorial Hospital at (707) 725-3361 (Fortuna) and St. Joseph Hospital at 707-445-8121 (Eureka). The American Association of Poison Control Centers (AAPCC) can be reached at 800-222-1222.

Job Hazard Analysis

Labor duties would vary throughout the harvesting, drying, processing, and packaging stages of the operation. With each task, an analysis would be conducted to identify potential hazards associated with a task, including weather conditions, the physical aptitude of employees, tools utilized, and potential exposure to chemicals and other substances. Identification of these hazards is intended to mitigate potential job hazards and help ensure employee adherence to safety practices.

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Injury Illness Prevention Plan

It is required by the DIR that every employer shall establish, implement, and maintain an effective Injury and Illness Prevention Plan (IIPP).

Components of an IIPP include:

- Employee compliance with safe and healthy work practices.
- Investigation of injuries and/or illnesses.
- Procedures for correction of unsafe/unhealthy conditions, work practices, and/or procedures.
- Procedures to identify and evaluate workplace hazards.
- Responsible person(s) and contact information.
- Safety training.
- System for communication with employees.
- Thorough safety program recordkeeping and document retention practices.

Heat Illness Prevention Plan

Written protocols regarding heat illness prevention would be available to employers, managers, supervisors, and employees regarding how to prevent and handle heat illness incidents.

To prevent heat illness to employees in the field, several factors must be considered:

- Ambient temperature (measured via thermometer or weather report).
- Crew size.
- Excessive clothing.
- Other relevant exposures.
- Presence of personal protective equipment or additional sources of heat.
- Work shift duration.

The following heat illness factors would be considered:

- Accessibility of drinking water.
- Accessibility of shade (via protective structures).
- Periodic rest breaks.
- Reminders to employees to remain hydrated.

Hazard Communication Policies

Hazard communication is important to ensure the safety of all onsite employees, contractors, and subcontractors. Potential and known hazards would be made clear prior to conducting tasks and activities. Implementing this procedure is important to ensure that employees, contractors, and subcontractors are informed about the relevant risks associated with certain onsite tasks and the reduction of liabilities against the employer for improper use of equipment, machinery, and tools.

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Emergency Procedures

Emergency procedures include the availability of eye washing stations and detailed procedures for dealing with chemical spills. In the event of an emergency, certain protocols would be developed and followed regarding fire evacuation plans, earthquake safety, and other emergency scenarios.

Chemical Handling

Any input products used onsite would be accompanied by MSDS and Chemical Inventory Lists that would be available to inspectors and employees and maintained onsite.

In the event of emergency spills, Call 9-1-1 and then report to the Office of Environmental Safety (OES) and California State Warning Center (CSWC) at 800-852-7550 or 916-845-8911 and identify proper steps to isolate the incident and cleanup.

Eye Washing Station

Often, chemicals used onsite provide MSDS sheets that indicate the need for applicators to utilize an eye washing station after exposure. The eye washing station must be positioned within 200' of the cultivation area and any areas where chemicals, fertilizers, or pesticides would be used or administered for various applications.

Employee Accident Policies

An investigation would be conducted to determine next steps.

The company adheres to protocols for employee accident reporting. The manager is responsible for documenting any onsite incidents using *Form 5020*, including:

- Address of accident/event site.
- Description of accident/event and if the accident scene/instrumentation has been altered.
- Employer's name, address, and telephone number.
- Law enforcement agencies present at the accident/event site.
- Location of medical treatment.
- Name and address of injured employee(s).
- Name and job title of reporting party.
- Name of contact person at accident/event site.
- Nature of injuries.
- Time and date of accident/event.

Accidents need to be reported immediately to Cal/OSHA in Redding at 530-224-4743.

Contact the business' medical provider, the employee's designated medical provider, or 9-1-1, depending on the severity of the incident. Follow up with contact to the California Division of Workers' Compensation (CDWC).

Personal Protective Equipment Policies

Application of pesticides and fungicides requires personal protective equipment, including respirators, Tyvek suits, and gloves. It is the applicator's responsibility to ensure safety in the field. The farm manager

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is responsible for furnishing, applying, and informing of the appropriate uses associated with such products.

Applicators are required to acquire an Operator ID through the Agriculture Commissioner via the Pesticide Handling Training Program (PHTP). This would involve training applicators about labels, cautions, and recommended Personal Protective Equipment (PPE). Pesticide PPE would be stored onsite and separately from fertilizers, pesticides, and fungicides. Restricted Entry Intervals (REI) would be imposed and posted after application of chemicals to prevent exposures.

Additional PPE provided onsite for any processing labor would include access to gloves and dust masks by employees during drying, processing, and packaging.

It is the responsibility of managers/supervisors to ensure that PPE policies are followed during appropriate working conditions. In the event of product application by an employee, the applicator must be designated an operator ID and is required to employ the proper PPE during application, as well as abide by label warnings in the event of exposure, poisoning, or a spill.

Processors may be required by State law to employ PPE equipment for the duration of their shifts to ensure no exposure to and/or contamination from a product.

All laborers must be made aware of REI and tangible notification of the recommended REI after the application of pesticides, fungicides, and other chemical applications.

Occupancy & Structural Guidelines

The general environments in which laborers would work include the field and within the proposed processing building. The environments in which any agricultural activity would occur would follow all guidelines (per agricultural and labor oversight agencies). The facility would need to meet commercial building standards in accordance with California Building Codes and would be made compliant with the American with Disabilities Act (ADA) and Architectural Barriers Act (ABA).

Any housings, buildings, and structures would be subject to California Building Code (CBC), including possible permitting requirements, inspections, and certificate(s) of occupancy. Additionally, specific exemptions exist that pertain to agricultural standards under the Occupational Safety and Health Administration (OSHA) and in conformance with the Occupational Safety and Health Guidelines (OSHG) (unless the Project meets certain exemptions, such as being a family-owned and operated business, does not offer temporary labor housing, or employs fewer than 10 employees at any given time). In other such cases, the site would need to comply with OSHA Guidelines pertaining to agricultural employment.

Project Processing Environment

The Project includes one (1) proposed 4,000 sq. ft. processing building and one (1) 1,280 sq. ft., one (1) 600 sq. ft., and one (1) 1,400 sq. ft. to support drying/storage activities.

The Plot Plan includes a personal residence that is not extended to employees. It is expected that structures for this project would support a maximum of fifteen (15) people during peak processing activities. Applicant may propose additional structural development to accommodate enhanced operational needs.

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Housing

A primary personal residence exists onsite. Housing will not be extended to employees.

Any housing provided to employees for this Project will be subject to CCR regulations found in the *Source Guide for Federal & State Requirement for Employees and Migrant Housing*.

Notification of Occupancy & Terms

As per the DIR and the US-DOL, all notices and labor postings would be provided and visible to all onsite employees. Any notification of occupancy status and terms of employee occupancy would be posted in compliance with all local, State, and Federal laws governing agricultural employers under the following regulatory bodies and regulations:

- California Agricultural Labor Relations Act (CALRA).
- California Occupational Safety & Health Administration (Cal/OSHA).
- Department of Industrial Relations (DIR).
- State and National Agricultural Labor Relations Board (CLRB & NLRB).
- U.S. Department of Labor (US-DOL).

Maintenance of Sanitary Facility

To help ensure the quality of finished product, a clean working environment would be maintained during the drying, curing, processing, and packaging stages of cultivation. Among other benefits, this would prevent potential contamination between crop batches. All product would be batch tested prior to processing. In the event of a recall, it would be assured that each batch or variety has not become contaminated during these stages within the processing facility.

Dust Control Measures

In the event of high dust levels, all processing environments would maintain clean working areas to prevent potential dust exposure to employees.

To ensure product quality and to prevent potential contamination of processing environments, certain dust control measures would be implemented. These measures would include maintenance of sanitary working environments and possible implementation of air filtration systems.

Water Access & Facilities

The Project site would provide employees with access to the following facilities/resources within reasonable proximity to work areas:

- Handwashing facilities (processing area).
- Onsite potable water (work areas).
- Restroom facilities (processing area).

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Contingency Plan

In accordance with specifications provided by the DEH and the California Unified Program Act (CUPA)—to meet the business plan criteria required to ensure compliance with regulations that are intended to protect public health and the environment—this section addresses water production (including well construction) and the handling of onsite wastewater, solid waste, and hazardous materials.

Summary

The Contingency Plan addresses onsite wastewater and hazardous wastes, solid waste removal and recycling, water production and well construction, hazardous materials handling, agricultural product storage, and chemical spill procedures and handling guidelines.

Material Safety Data Sheets (MSDS) for all fertilizers, soil amendments, and pesticides would be made available onsite. If requested, all equipment maintenance performed onsite would be listed/described. Per California Department of Food and Agriculture (CDFA) regulations, chemicals would be stored separately from fuels, oils, and similar products. Fertilizers and pesticides, specifically, would be stored in locked containment within an outdoor structure.

Chemical spills would be handled and reported per directions in the Project's Chemical Spill Procedure.

Common waste products that would be used or generated onsite include:

- Fertilizers.
- Fuels.
- Household chemicals.
- Human refuse.
- Human waste.
- Pesticides/herbicides/fungicides.

To ensure mitigation of potential pollution of grounds, nearby waterways, and ecological habitats, the proper treatment, storage, removal, and overall security of potentially polluting products would be ensured via use of dedicated areas and containers that are covered and watertight.

Project Waste Management

The sections below address the Project-specific details, impacts, and procedures for handling waste products.

Project Specific Details

A primary residence and one (1) 1,280 sq. ft., one (1) 600 sq. ft., and one (1) 1,400 sq. ft. to support drying/storage activities. Project sponsor proposed one (1) proposed 4,000 sq. ft. commercial processing building. The project site will be supported by PG&E power. The applicant has proposed to also construct one (1) 16 sq. ft. propane generator.

Onsite Wastewater/Hazardous Wastes

The proposed Project location is equipped with a septic system that is plumbed to the main residential structure and a primary septic system is proposed to support the processing building. Employees would

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utilize the primary septic system, plumbed to the processing building, for regular uses. Now, no record of permit or data exists regarding age or specifications of the system. Further inspections may be required to identify the septic system's ability to support increased use during peak seasonal work times and whether it requires an upgrade to meet commercial standards.

The Sponsor has identified that the operation requires, at a maximum, fifteen (15) employees during peak staffing to perform seasonal work activities. It is estimated that peak staffing would occur for a duration of approximately six (6) to eight (8) (cumulative) throughout the active working parts of the season.

Waste Management Standards

As per the CCR, Title 8, § 3457, which addresses field sanitation standards, the cultivation site is required to provide access to waste facilities within one-quarter (1/4) mile or a five (5) minute walk, whichever is shorter.

If the primary septic system is not within this accessibility threshold, a portable facility or pit privy may be provided in lieu of septic to support waste activities. The standards for portable waste facilities are as follow:

- Toilet facilities: Shall be always operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years.
- Chemical toilet wastewater tank: Shall be constructed of durable, easily cleanable material and have a minimum tank capacity of forty (40) gallons. Construction shall prevent splashing on the occupant, field, or road.
- Chemical tanks: Contents shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity, a suitably sized and constructed holding tank approved by the local health department, or any other method approved by the local health department.
- Privies: Shall be moved to a new site or taken out of service when the pit is filled within two (2) feet of the adjacent ground surface. When the privy is moved, the pit contents will be covered with at least two (2) feet of well-compacted dirt.

Solid Waste Removal/Recycling

All garbage will be contained within a holding structure and is to be removed no less than once per week. All waste and/or recycling materials will be processed by a permitted solid waste/recycling facility. The facility designated to receive waste products for this project is Eel River Resource Recovery.

Water Production/Well Construction

The Project is supported by three (3) onsite water storage tanks that draw from onsite well water and a rainwater catchment impoundment (See Site Map for location). The three (3) water tanks currently support cultivation uses.

Approximated water use for activities are denoted within the *Cultivation Schedule* under the Cultivation Plan below. Monthly monitoring and annual reporting must be implemented to identify actual total uses for domestic and cultivation activities.

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Hazardous Materials Handling

PG&E utilities support the Project site. Applicant has proposed one (1) onsite propane fueled back-up generator that would require fuels to supply the domestic energy needs of the structures or cultivation activities. Other fuels may be used for small equipment and machinery and may include gasoline, oils, and diesel. All fuels used for equipment would be stored per the (CUPA) fuel and chemical storage guidelines.

To meet environmental health standards, applicants must maintain a list of and describe all compressed gases, cleaners, and sanitizers (including, but not limited to, household chemicals, bleach, and alcohol) and document quantities stored onsite. Fuels, pesticides, and other agricultural/household chemicals are required to be stored in locked containment, separate from other input products. Any substance in use shall be accompanied by a posted notification that clearly identifies its nature. To prevent spills onto ground surfaces, any motors, fuel containers, etc. would be stored in drop pans and within an enclosed area.

Hazardous Material Standards

Quantities that trigger disclosure are based on the maximum amount onsite at any one time, as follows:

- 55 gallons, 500 pounds, or 200 cubic feet (for 30 days or more at any time during a year).
- Any amount of hazardous waste.
- Category I or II pesticides.
- Explosives.
- Extremely hazardous substances (above the planning threshold).

MSDS for all fertilizers, soil amendments, and pesticides (including organically produced examples) would be furnished and made available onsite. Compressed gases, cleaners, and sanitizers are stored on the premises in the quantities outlined in the *Gases and Cleaners* inventory list that is maintained onsite.

Applicants are required under CUPA guidelines to list/describe all equipment maintenance performed onsite (including changing oil, antifreeze, etc.). Upon request, applicant will furnish information regarding ongoing maintenance of small machinery and equipment that is necessary to support cultivation activities.

Project Equipment Inventory

- Case 580 Backhoe
- Roto-Tiller
- John Deer tractor (Attachments: mow deck, auger, roto-tiller)
- Five (5) Assorted, Off-Brand Generators (<7 kW each)
- Two (2) Push Lawn Mowers
- Husqvarna Weed Eater
- Gas Powered Water Pump (5 HSP)
- Two (2) Honda Quads

Maintenance

Offsite

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Project Product Inventory

Household Chemicals (Processing Facility)

- Bleach (<2-gallons)
- Windex
- Ammonia
- 5-Gallon Rubbing Alcohol

Fuels/Oils (Storage Shed)

- 10-gallon Diesel
- 20-gallon Gasoline
- 20-gallon Liquid Propane

Fertilizers/Pesticides/Fungicides/Rodenticides (Storage Shed)

- Four (4) 50 lb. Max Sea Granular Fertilizer
- Four (4) 50 lb. Max Sea Granular Fertilizer
- Two (2) 50 lb. Grow More Fertilizer
- Safergro
- Organocide
- Serenade
- One (1) Pallet Sea Bird Guano
- One (1) Pallet EB Stone Chicken Manure
- One (1) Pallet Stuzman Chicken Manure
- One (1) Pallet Ironite Pellets

Agricultural Product Storage

As per the DPR (enforced by CDFA or the local Agriculture Commissioner), Projects that utilize pesticides and fertilizers must meet guidelines pursuant to CCR, § 6670, Title 3, Division 6, *Pesticide, and Pesticide Control Operations*. General guidelines dictate that chemicals are to be stored separately from fuels, oils, and similar products. Fertilizers and pesticides would be stored in locked containment within an enclosed outdoor structure.

Chemical Spill Procedure/Handling

In the event of emergency spills, the incident would be reported to the Cal OES State Warning Center at 800-852-7550 or 916-845-8911. The California Highway Patrol must be notified via 9-1-1 of spills occurring on highways in the State. The *Chemical Spill Procedure* would be followed and emergency services also contacted via 9-1-1. The procedure would follow the California Office of Emergency Services (Cal OES) *California Hazardous Materials Spill/Release Notification Guidance* (February 2014) and the (EPA) (Pacific Southwest, Region 9) *Chemical Spills Prevention and Preparedness* webpage.

In the State of California, many statutes require emergency notification of a hazardous chemical release, including:

- California Labor Code § 6409.1 (b).
- Government Code § 51018, 8670.25.5 (a).

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Security Plan

The Project's *Security Plan* includes product security, inventory management, and diversion prevention. Pertinent regulatory language includes the following:

Assembly Bill 604 (AB-604), Article 3, Mandatory Commercial Registration, § 26040 (5): "Security requirements, including, but not limited to, procedures for limiting access to facilities and for the screening of employees. The department shall require all registrants to maintain an accurate roster of any employee's name, date of birth, and relevant identifying information, which shall be available for inspection by the department or State or local law enforcement upon demand."

AB-604, Article 3, Mandatory Commercial Registration, § 26046 (a)(3): "Operating and inventory control procedures to ensure security and prevent diversion."

AB-604, Article 3, Mandatory Commercial Registration, § 26046 (a)(4): "Detailed operating procedures for the proposed facility, which shall include, but not be limited to, provisions for facility and operational security, prevention of diversion, employee screening, storage of medical cannabis, personnel policies, and recordkeeping procedures."

Summary

The Security Plan details efforts to prevent loss and diversion of medical cannabis product at all stages of its cultivation and processing, including drying, trimming, curing, processing, and packaging. Robust recordkeeping would be implemented and maintained for quality assurance, inventory management, and prevention of diversion.

Measures of Security

Several security measures would be involved in the comprehensive protection of medical cannabis product during the cultivation and processing lifecycles. These include exterior lighting, alarms, cameras and video capture, and the hardening of doors, windows, and fencing.

Security measures for this project would encompass, at a minimum:

- Locked containment for product processing and storage (to be developed).
- Locked entry into property (*see site plan*).
- Surveillance and monitoring systems (to be developed as per the State's requirements).

Points of Security

- Locked gates.
- Locked containment.
- 24-hour surveillance of Cultivation, Processing, and Nursery areas.

Inventory Management

A rigorous system of recordkeeping and reporting would be facilitated to adhere to the State's Track and Trace requirements of all cannabis products. This would include (but not be limited to) flower, trim, and stem to ensure zero diversion of product throughout processing.

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To prevent loss and diversion, all cannabis products would be stored under locked containment during the drying, curing, and packaging phases of processing. Products would also be subject to conformance with a checks and balances system to ensure the prevention of unintentional diversion.

Prevention of Diversion

The most vulnerable stage of product security is transit to retail outlets. The best way to ensure product safety and prevention of diversion and loss is to maintain adequate chain of custody records via the Agricultural Commissioner.

This would occur under the oversight of the CDFA, in congruence with SICPA's Track and Trace Program. Additionally, retail outlets would be informed of expected delivery quantities. This would include packing slips, tamper-evident seals, verification of credibility, liability coverage, and manifests provided by licensed transporters.

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Maps
Overview Map

EXTRANEOUS
Materials from
ops plan
9-12-17
LACO IAW

Not needed
for referral



Humboldt's Own, LLC

Humboldt County Planning and Building Department
Project July 18, 2017 Web Address: CUP for A/C/S

Legend

- Township Lines
- Section Lines
- Quarter Quarter Cuts
- Highways and Roads
- Paved Avenues
- Major Arterials
- Major Collectors
- Minor Collectors
- Local Roads
- Flashes or Underspread
- Major Filter or Stream
- Major Arterials
- Bluff Line
- Streams
- Perennial 1/2
- Perennial 3/4
- Intermittent
- Salt Upland
- City Boundary
- Counties
- Precincts

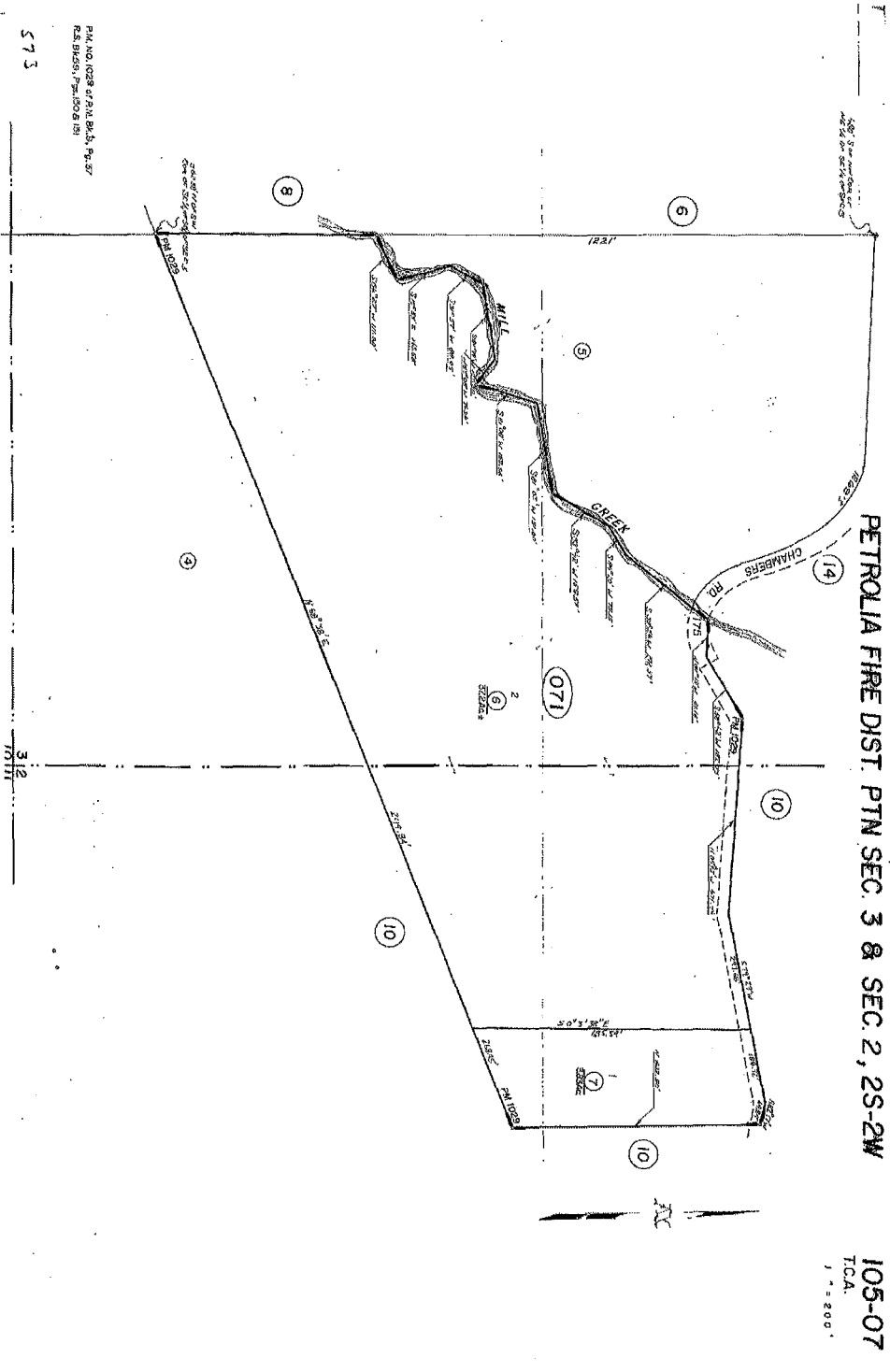
Scale

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1" = 376 ft

Source: Aerial imagery provided by Google Earth and the Humboldt County Planning and Building Department. GIS data provided by Humboldt County GIS and the Humboldt County Planning and Building Department. All data is provided as is and no warranty is made for its accuracy or completeness. Humboldt County Planning and Building Department. 10/2017. Humboldt County, CA.

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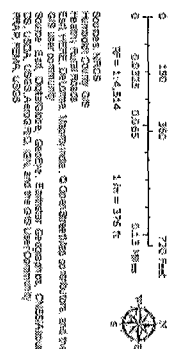
Zoning Map



Humboldt's Own, LLC
 Humboldt County Planning and Building Department
 Printed: July 13, 2017 Web Application 2.8 for ArcGIS

Highways and Roads

- Primary or Undersized
- Intersect
- Principal/Arterial
- Major River or Stream
- Subsurface
- Minor Arterial
- Blue Line
- Major Collectors
- Potential 1-3
- Minor Collectors
- Potential 2-4
- Local Roads



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 Humboldt County Planning and Building Department
 Prepared: July 19, 2017
 Web Address: 2.0 for AASIS

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 INCORPORATED 2015

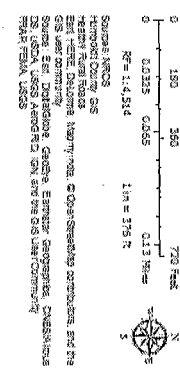
Land Use (Critical Facilities) Map



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 Humboldt County Planning and Building Department
 Project: July 18, 2017
 Viald Assessor: 2.0 for AACS

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- Miscellaneous Critical Facilities
-  CDF HEADQUARTERS
 -  RANGER STATION
 -  CAMPGROUND
 -  OTHER CRITICAL FACILITIES
- USGS Geographic



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Streamside Management Areas Map



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 Project: July 19, 2017
 Web Application 2.0 for ArcGIS

Highways and Roads

- Primary or Unimproved
- Intermittent
- Principal Arterials
- Major River or Stream
- Suburban
- Minor Arterials
- Blue Line
- Streams
- Major Collector
- Perimeter 1-3
- Minor Collector
- Perimeter 1-4
- Local Roads

City Boundary

- City Boundary
- County
- Parcel
- Streamside Management Areas

Scale:
 0 100 200 300 400 Feet
 0 0.2125 0.425 0.6375 0.850 Miles
 1" = 270 Feet
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 S
 E
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Software:
 ArcGIS Desktop 10.6.1
 Esri
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 2017

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Flood Zones Map



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Humboldt County Planning and Building Department
 Project July 15, 2017

Site Application 2016-0035

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Highways and Roads Private or Undesignated Hamlet
 Designated
 Major Road
 Minor Road
 Local Road

Water Features
 River or Stream
 Canal
 Lake
 Pond

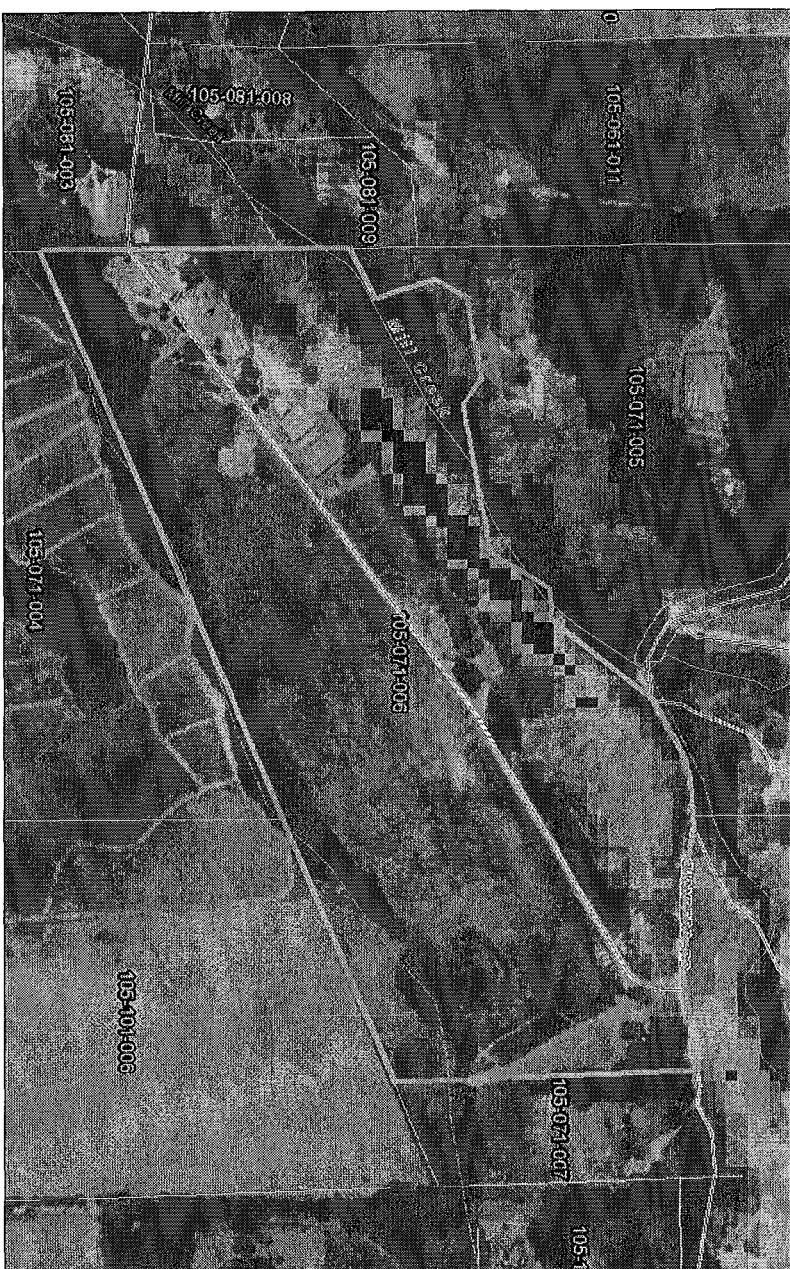
Other Features
 Boundary
 Boundary
 Boundary

Scale:
 0 180 360 720 Feet
 0 60.96 121.92 243.84 Meters
 1 in = 576 ft
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Slope Map



Humboldt's Own, LLC

Humboldt County Planning and Building Department

Printed: July 15, 2017

Map Application 2.0 for ArcGIS

Map Scale:

1:10000 (Not to scale. Accuracy may vary. Accuracy may vary due to resolution and projection. Slopes are approximate and may vary slightly from actual terrain. Slopes are not to be used for engineering or other purposes. Slopes are not to be used for engineering or other purposes.)

Highways and Roads Local Roads Blue Line
Principal Arterials Private or Unimproved Streams
Minor Arterials Major River or Stream Riparian 1/2
Major Collector Major Collector Interstream
Minor Collector Minor Collector

Suburbane 30-50%
City Boundary 50-55%
County 55-60%
Parade 60-65%
Private 65-70%
1/2-20%

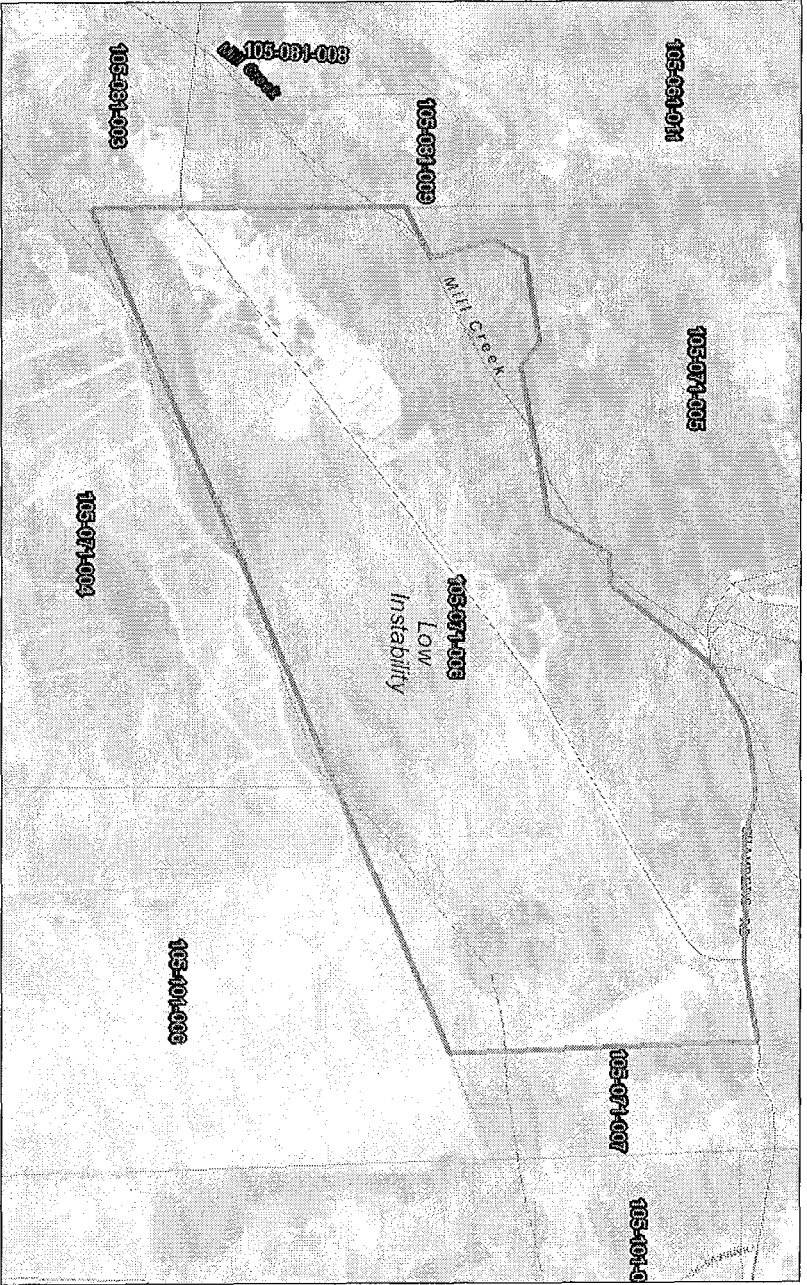
Source: NRCES, Humboldt County GIS
NRCES: National Resources Inventory, U.S. Department of Agriculture
GIS: Humboldt County GIS
Map Scale: 1:10000 (Not to scale. Accuracy may vary. Accuracy may vary due to resolution and projection. Slopes are approximate and may vary slightly from actual terrain. Slopes are not to be used for engineering or other purposes. Slopes are not to be used for engineering or other purposes.)

0 180 360 720 Feet
0 60.928 121.856 243.712 Meters
1 in = 378 ft
1:10000

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Stability Map




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 Humboldt County Planning and Building Department

Project: July 19, 2017
 3500 Agge/Buister 2.8 by A-6015
 1500 Oceanview
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Highways and Roads Private or Unimproved Interim/then
 Principal Arterials Major River or Stream Subdivision
 Minor Arterials Blue Line
 Streams
 Major Collectors Parcel 1-3
 Minor Collectors Parcel 4
 Local Roads Parcel 5

Seismic Safety
 1 Low Instability
 2 Moderate Instability
 3 High Instability
 City Boundary
 Counties
 Precincts
 Parcel 1-3
 Parcel 4
 Parcel 5

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Environmental Impacts & Standards

Environmental impacts and standards include a comprehensive summary of all environmental elements related to the proposed Project. Impacts could include land use, development, pollutants, nuisances, and related environmental concerns. Federal and State standards have been set—with oversight from the United States Environmental Protection Agency (EPA) and the U.S. Department of Agriculture (USDA)—regarding potential environmental impacts caused by general industry applications.

Mitigation measures that can be employed for cultivation activities to prevent environmental detriment often feature the implementation of Best Management Practices (BMPs) suggested by the State Water Resources Control Board (SWRCB) under the Water Board Order and enrollment/compliance with the Waste Water Discharge (WWD) program. This can include the potential requirement for a Water Resource Protection Plan (WRPP). Additional conformance may be required with the California Department of Fish & Wildlife (CDFW) (formerly Fish & Game) under a Lake and Streambed Alteration Agreement (LSA-1600/1602).

All projects must also adhere to standards and maintain compliance with regulations set forth by the Division of Environmental Health (DEH) through a Contingency Plan (see *Contingency Plan* below) regarding all wastes (known as a Waste Management Plan). Applicants must also abide by regulations set forth by the Department of Pesticide Regulations (DPR) and the Tribal Historical Preservation Office (THPO) for archaeological preservation.

Often it is found, during the review of the Project, that there may be additional requirements and/or specific needs to support a sound environmental action or mitigative plan to adhere to the standards set under additional agency authority.

Summary

Potential Project impacts could include biological resources, land use/planning, transportation/traffic, agriculture and forestry, hazards and hazardous materials, public services, utilities/service systems, geology/soils, and hydrology/water quality.

Development impacts could include those regarding landscapes, infrastructure, roadways, and other environmental ramifications resulting from the Project.

Nuisance mitigation would include prevention of environmental impacts such as through odors, lights, and sounds that could potentially adversely affect neighboring properties or habitats. The proposed Project area would be required to meet all setback standards required by all agencies within the State of California and the local authority.

Background

On January 1, 1970, President Nixon signed the National Environmental Policy Act (NEPA). California Governor Reagan followed suit by signing the California Environmental Quality Act (CEQA) into law on September 18 of the same year. These laws required the incorporation of environmental values into governmental decision making. These statutes require Federal, State, and local agencies to analyze and disclose the potential environmental impacts of their decisions, and—in the case of CEQA—to minimize significant adverse effects to the extent feasible.

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NEPA was codified under Title 42 of United States Code § 4331 et seq. (42 U.S.C. 4331 et seq.). Under NEPA, Congress established the White House Council on Environmental Quality (CEQ) to ensure that Federal agencies meet their obligations under the Act. CEQ's Regulations for Implementing the Procedural Provisions of NEPA are found in Title 40 of the Code of Federal Regulations, § 1500 et seq. (40 CFR 1500 et seq.). In California, CEQA was codified under Division 13 of California's Public Resources Code (CPRC), section 21000 et. seq. (Cal. Pub. Res. Code § 21000 et seq.). The Guidelines for Implementation of the CEQA regulations are in Title 14 of the California's Code of Regulations (CCR), § 15000 et seq. (14 CCR § 1500 et seq.).

NEPA and CEQA are similar, both in intent and in their respective review processes (analysis, public engagement, and document preparation) that they dictate. Importantly, both statutes encourage a joint Federal and State review for projects that require both Federal and State approvals. In such cases, a joint review process can avoid redundancy, improve efficiency and interagency cooperation, and be easier for applicants and citizens to navigate. Despite the similarities between NEPA and CEQA, there are several differences that require careful coordination between the Federal and State agencies responsible for complying with the statutes. Conflict arising from those differences can create unnecessary delay, confusion, and legal vulnerability.

Federal, State, and local agencies have cooperated in the environmental review of projects ranging from infrastructural development to renewable energy permitting. As State and Federal governments continue to pursue shared goals, there will be a continued need for an efficient and transparent environmental review processes that meets the requirements of both statutes.

Recognizing the importance of implementing NEPA and CEQA efficiently and effectively, the CEQ and the California Governor's Office of Planning and Research (OPR) developed a handbook regarding conducting joint NEPA and CEQA review processes. The CEQ oversees Federal agency implementation of NEPA, which includes writing the CEQ NEPA regulations and preparing guidance and handbooks for Federal agencies.

OPR plays several roles in the administration of CEQA, including development of CEQA Guidelines in coordination with the California Natural Resources Agency, providing technical assistance to State and local agencies, and coordinating State-level review of CEQA documents. Agencies conducting an environmental review must also consider any additional requirements or deadlines established in the individual agency's administrative regulations or procedures that implement NEPA and CEQA. These requirements could prescribe additional or more stringent requirements than the CEQ regulations and CEQA guidelines.

The NEPA and CEQA handbook provides practitioners with an overview of the NEPA and CEQA processes and practical suggestions for developing a single environmental review process that can meet the requirements of both statutes. The handbook contains three main elements. First is a "Question and Answer" section that addresses the key similarities and differences between NEPA and CEQA. This section compares each law's requirements or common practices and identifies possible strategies for meeting the requirements of both laws. These strategies are not meant to prescribe methods that agencies must use; rather, the handbook provides suggestions that help agencies identify and analyze potential issues.

Prepared for Humboldt's Own, LLC by AgDynamix, LLC (July 2017)



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

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JUN 16 2020

CDFW-NR
EUREKA LICENSE



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2018-0839-R1

Unnamed Tributary to Mill Creek, Tributary to the Mattole River and the Pacific Ocean

Matthew Goforth
Goforth Water Diversion, Reservoir and Stream Crossing Project
3 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on December 21, 2018, revised on June 11, 2019, with additional information obtained during a September 4, 2019 CDFW site visit, and revised on May 12, 2020, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Mattole River watershed, approximately 0.8 miles east of the town of Petrolia, County of Humboldt, State of California. The project is located in Section 2, T02S, R02W, Humboldt Base and Meridian; in the Petrolia U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 105-071-006; latitude 40.3204 N and longitude -124.2695 W at the point of diversion (POD-1).

PROJECT DESCRIPTION

This Agreement relies on the Notification materials and a CDFW site inspection by Environmental Scientist, Andrew Orahoske, on September 4, 2019. The project is

limited to three encroachments (Table 1). One encroachment is for water diversion from a shallow well in the underflow of an unnamed tributary to Mill Creek. Water is diverted for domestic use. Work for the water diversion will include use and maintenance of the water diversion infrastructure. One encroachment is to decommission or upgrade a failing and undersized stream crossing. Work for this encroachment will include excavation, removal of the failing crossing, replacement with new properly sized crossing, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. If the crossing is to be decommissioned, then work will involve excavation, removal of the failing crossing and restoration of the stream channel. One encroachment is for an existing spring-fed onstream reservoir. The Permittee shall coordinate with CDFW to eliminate aquatic invasive species.

Table 1. Project Encroachments with Description covered by this Agreement

ID	Latitude/Longitude	Description
POD-1 (Well #1 in Notification WRPP)	40.3204, -124.2695	Shallow well in the underflow of an unnamed tributary to Mill Creek. Site inspection on September 4, 2019 discovered ongoing water diversion, overflowing tanks into an adjacent onstream reservoir. Permittee intends to use POD-1 for domestic water needs only. Domestic Use SWRCB application ID: S026716 Permittee shall implement Seasonal Diversion Minimization: 200 gallons per day from May 15 – October 31, 90% bypass at all times. Permittee shall install meters and float valves to stop water overflow into onstream reservoir.
Onstream Reservoir	40.3202, -124.2704	Spring-fed onstream reservoir. Permittee shall cease diverting water from POD-1 or other sources into the reservoir. Permittee shall submit an Invasive Species Management Plan for Reservoirs by August 31, 2020 for CDFW approval; or adopt the Bullfrog Management Plan (Exhibit A) if no other invasive species are present. If Permittee decides to fill in the reservoir, this action will require an amendment or new notification.
Stream Crossing	40.3198, -124.2706	Install rocked ford, vented ford or culvert to convey 100-year storm flow and debris. If ford is installed, road use shall be limited to dry season only.

The Notification also discloses the use of wells located at the following locations:

- Well #2 – Lat/Long: 40.3191, -124.2740
- Well #3 – Lat/Long: 40.3175, -124.2769
- New Well / MP #2 – Lat/Long: 40.3204, -124.2695

The Notification states that the New Well shall be the sole source of water for all commercial cannabis irrigation needs on the property, and that Wells #1, #2 & #3 are not to be used for commercial cannabis irrigation. The Notification included a Water Resource Protection Plan (WRPP) prepared by a Certified Engineering Geologist that states: "Because the wells are located in alluvial material and adjacent to a perennial Class 1 watercourse, it is possible they are hydrologically connected to the stream(s)." WRPP at pg. 13 (July 2018). Based on the available documents and the site inspection, the wells may be hydraulically connected to streams and shall be evaluated for potential impacts from commercial cannabis irrigation use through the County of Humboldt's conditional use permit (PLN-11786-CUP).

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*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

- increased water temperature;
- reduced instream flow;
- temporary increase in fine sediment transport;

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

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

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

- cumulative effect when other diversions on the same stream are considered;
- diversion of flow from activity site;
- direct and/or incidental take;

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 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 Cannabis Cultivation Policy. If Cannabis is or becomes cultivated on the project parcel, the State Water Resources Control Board (SWRCB) requires enrollment in the Cannabis Cultivation General Order and compliance with the Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation, available at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_policy.html

1.6.1 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.

1.6.2 Compliance Gauges. The authorized surface water diversion period for commercial cannabis cultivation is December 15 through March 31; under certain circumstances, diversion may begin between November 1 to December 14 (SWRCB Cannabis Cultivation Policy, Attachment A, Section 3, Requirement 5).. Water diversion for cannabis cultivation may only occur if sufficient flow exists at the Permittee's assigned compliance gauge. The State Water Resources Control Board developed an online mapping tool to assist cannabis cultivators with finding their assigned compliance gauge used to determine whether diversion may occur: https://www.waterboards.ca.gov/water_issues/programs/cannabis/online_mapping_tool.html. Permittee must check the compliance gauge daily prior to diverting to ensure sufficient water is available.

1.6.3 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.

- 1.7 **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/.
- 1.8 **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.
- 1.9 **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 December 21, 2018, revised on June 11, 2019, with additional information obtained during a September 4, 2019 CDFW site visit, and revised on May 12, 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.

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 authorized diversion of water, shall be confined to the period **June 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 CNDDDB submissions as required below.

- 2.3 Work Period Extension Requests. If Permittee needs more time to complete the project, CDFW may grant a work period extension on a day-to-day basis. Extension requests shall be made in writing before **October 5** of each year and shall: 1) describe the extent of work already completed; 2) detail the uncompleted activities; 3) detail the time required to complete each remaining activity; and 4) provide photographs of the completed work the site(s) of remaining work. Requests shall describe the effects of increased stream flows, rain delays, increased erosion control measures, access constraints caused by saturated soils, and anticipated effects of climatic conditions on growth of erosion control grasses. Work period extensions are issued at the discretion of CDFW. CDFW will review the written request and may require additional measures to protect fish and wildlife resources.

General Species Protection Measures

- 2.4 Prohibition of Live Stream Work. No work is authorized in a live flowing stream for stream crossing work. All work shall be conducted when the stream is dry. Permittee shall notify CDFW if it determines that work in a live flowing stream is required to complete the stream crossing project and will submit a diversion plan.
- 2.5 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.
- 2.6 Decontamination. Permittee shall ensure all project personnel adhere to 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 contacts water shall adapt watercraft decontamination protocols found in the AIS Decontamination Protocol.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=92821&inline>
- 2.7 Staging and Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located outside of the stream channel and banks, and away from riparian vegetation. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high-water mark before such flows occur or at the end of the yearly work period, whichever occurs first.

- 2.8 Equipment and Vehicle Leaks. Equipment or vehicles operated in or near the stream shall be checked and maintained daily to prevent leaks. Stationary equipment (e.g. motors, pumps, generators, welders, etc.) in or near the stream shall be positioned over drip pans. Stationary heavy equipment shall have sufficient containment to manage catastrophic spills or leaks.
- 2.9 Hazardous Substances. 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 substance or material deleterious to fish, plant life, mammals, or bird life, or their habitat, shall be prevented from contaminating the soil and/or entering the waters of the State, pursuant to FGC Sections 5650 and 5652. Permittee shall ensure hazardous or toxic materials are stored in watertight containers and promptly removed from the worksite.
- 2.10 Spill Containment and Cleanup. All authorized activities performed in or near a stream shall have on-site cleanup equipment (e.g. boom, skimmers, etc.) and absorbent materials for spill containment and cleanup prior to the start of work and for the duration of the project. In the event of a spill, Permittee shall immediately notify the California Office of Emergency Services State Warning Center at 1-800-852-7550 and initiate clean-up. Permittee shall immediately notify CDFW of any spills and shall follow CDFW cleanup procedures and guidance.
- 2.11 Stockpiled Materials. Materials shall not be stockpiled where they may wash into the stream or cover aquatic or riparian vegetation. Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area and cover stockpiles if NWS predicts precipitation.
- 2.12 Erosion Control. Permittee shall implement erosion control measures throughout all phases of operation where sediment delivery could occur. Silt fences, straw bales, gravel or rock lined ditches, water check bars, and broadcasted weed-free straw shall be used wherever sediment has the potential to leave the work site and enter the stream.
- 2.13 Silt Laden Runoff. At no time shall silt laden runoff enter the stream or be directed to where it may enter the stream. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed.
- 2.14 Disposal and Removal of Material. Permittee shall remove from the work area, and relocate outside of the stream and riparian area, all spoils and construction debris prior to inundation. All removed material and debris shall be disposed of according to State and local laws and ordinances.
- 2.15 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.

- 2.16 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.
- 2.17 Allow Wildlife to Leave Unharmed. Permittee shall allow any wildlife encountered to leave the project area unharmed. This Agreement does not allow for the trapping, capture, or relocation of any state or federally listed species.
- 2.18 Escape Ramp in Trench. At the end of each work day, Permittee shall place an escape ramp at each end of any open trench deeper than six inches with walls greater than 30 degrees to allow entrapped animals to escape. The ramp may be constructed of either dirt fill, non-treated wood, or other suitable material placed at an angle no greater than 30 degrees.
- 2.19 Prohibition Against Use of Plastic Netting in Erosion Control Measures. Permittee shall not use erosion control devices containing plastic, including photo- or bio-degradable plastic netting. Erosion control mats, blankets, and straw or fiber wattles shall consist entirely of natural fiber.
- 2.20 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.

Special Status Species Avoidance and Minimization

- 2.21 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.
- 2.22 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 **September 1 and ending January 31**, 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.

- 2.23 **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 **February 1 to August 31**), Permittee shall contact CDFW to determine if a Designated Biologist is needed for the project. If approved by CDFW, the Designated Biologist shall survey for active bird nests within seven (7) days prior to the beginning of 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.
- 2.24 **Special-Status Plants.** If Special-Status plants (State listed and taxa that meet the definition of Rare or Endangered under CEQA Guidelines 15380) 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:
- 2.24.1 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.
 - 2.24.2 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.

Vegetation Management

- 2.25 **Riparian Buffers.** Riparian buffers shall be not be modified, unless authorized by CDFW in writing.
- 2.26 **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.

- 2.27 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.
- 2.28 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

- 2.29 Maximum Diversion Rate. The maximum instantaneous diversion rate from POD-1 shall not exceed **ten (10) gallons per minute** (gpm) at any time.
- 2.30 Bypass Flow. The Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the POD.
- 2.31 Seasonal Diversion Minimization. No more than **200 gallons in any one day** shall be diverted from POD-1 (intended for household domestic use) during the low flow season from **May 15 to October 31** of each year. Water shall be diverted only if the Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.
- 2.32 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:
- 2.32.1 A log including the date, time and quantity of water diverted from the POD.
- 2.32.2 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).
- 2.32.3 Permittee shall make available for review at the request of CDFW the diversion records required by the SWRCB Cannabis Cultivation Policy.

Diversion to Storage

- 2.33 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks), except those specifically authorized by CDFW and included as encroachments in a current Agreement, 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.
- 2.34 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.
- 2.35 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.36 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

- 2.37 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.
- 2.38 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.
- 2.39 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.
- 2.40 Invasive Species Management for Reservoirs. Permittee shall implement an invasive species management plan prepared by a Biologist 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 Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.

- 2.40.1 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.
- 2.40.2 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.
- 2.41 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.
- 2.42 Reservoir Lining. To comply with FGC Sections 5650 and 5652, Permittee shall not use polluting materials (e.g. plastic sheeting, bentonite) to construct or line on-stream reservoirs.

Stream Crossings

- 2.43 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.
- 2.44 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.
- 2.45 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.

- 2.46 **No Equipment in Wetted Areas.** No heavy equipment shall enter the wetted stream channel.
- 2.47 **Fill Materials.** No fill material, other than clean rock, shall be placed in the stream channel.
- 2.48 **Material Sizing.** Rock shall be sized to withstand washout from high stream flows and extend above the ordinary high-water level.
- 2.49 **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.
- 2.50 **Armoring.** The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow.
- 2.51 **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

- 2.52 **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.
- 2.53 **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.
- 2.54 **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/>
- 2.55 **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.

- 2.56 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.
- 2.57 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.
- 2.58 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.

Fords, Armored and Vented Crossings

- 2.59 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.
- 2.60 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.
- 2.61 Outslope Crossings. Fords, armored and vented crossings shall be sufficiently outsloped to minimize aggradation of suspended sediments at the crossing.
- 2.62 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.
- 2.63 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.

2.63.1 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).

2.64 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.

2.65 No Geotextiles In Stream. No geotextile fabric shall be placed in the streambed, bank or channel.

2.66 Ford Use. Fords shall only be used when the fording surface is dry.

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 on POD-1, including the installation of meters and valves shall be completed **within 30 days** of the effective date of this Agreement. The proposed work on the stream crossing 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.

3.3 Project Inspection. The Project shall be inspected a by licensed professional to ensure that the stream crossings were installed and functioning as designed, and 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 **August 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:

Matthew Goforth
3613 Sequoia Lane
Eureka, CA 95503
(707) 498-7435
goforth85@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501

Attn: Lake and Streambed Alteration Program – Andrew Orahoske
Notification #1600-2018-0839-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 Monitoring and 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 MATTHEW GOFORTH




Matthew Goforth

3/11/2020
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



 Digitally signed by Cobb, Donna@Wildlife
DN: DC=Gov, DC=Ca, DC=Dfg, DC=AD, OU=DFG Divisions, OU=(1) NR, OU=Users,
CN="Cobb, Donna@Wildlife"
Reason: I am the author of this document
Location: your signing location here
Date: 2020-09-30 14:37:34
Foxit PhantomPDF Version: 9.6.0

for Cheri Sanville
Senior Environmental Scientist Supervisor

Date

Prepared by: Andrew Orahoske, Environmental Scientist, May 21, 2020

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2018-0839-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 Environmental Scientist Andrew Orahoske at: andrew.orahoske@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.**



3150 JOHNSON RD.
HYDESVILLE, CA.
(707) 768-9800
dave@fischdrilling.com

February 12, 2020

Matt Goforth
Melissa Cohen
P.O. Box 172
Petrolia, CA. 95558


Matt Goforth/Melissa Cohen
Chambers, road.
Petrolia, CA. 95558

Results of site review of Cohen property, APN 105-071-006. The well site in question is located Chambers road, on parcel 105-071-006 this well was completed august 11 2017.

The well was completed in the Franciscan Sandstone; the well was drilled and constructed into perched bedrock with no hydraulic connection to any surface water or any part of a larger shallow homogeneous aquifer.

Considering the depth of the well, it appears to falls within guidelines of a non-jurisdictional well of similar depth in the surrounding area.
Any questions please call (707)768-9800.

Thank You,



David Fisch
Fisch Drilling

3150 JOHNSON RD. • HYDESVILLE • 95547
PHONE: 707-768-9800 • FAX: 707-768-9800

State of California
Well Completion Report
WCR Form - DWR 188 Submitted 08/16/2017
WCR2017-003624

Owner's Well Number 1 Date Work Began 08/02/2017 Date Work Ended 08/11/2017
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
Secondary Permit Agency _____ Permit Number 16/17-0721 Permit Date 02/17/2017

Well Owner (must remain confidential pursuant to Water Code 13752)

Name Melissa Cohen
Mailing Address P.O. Box 172
City Petrolia State CA Zip 95558

Planned Use and Activity

Activity New Well
Planned Use Water Supply Irrigation - Agriculture

Well Location

Address 702 Chambers RD APN 105-071-006
City Petrolia Zip 95558 County Humboldt Township 02 S
Latitude _____ N Longitude _____ W Range 02 W
Deg. Min. Sec. Deg. Min. Sec. Section 02
Dec. Lat. 40.3204250 Dec. Long. -124.2696340 Baseline Meridian Humboldt
Vertical Datum _____ Horizontal Datum WGS84 Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____ Elevation Accuracy _____
Elevation Determination Method _____

Borehole Information

Orientation Vertical Specify _____
Drilling Method Direct Rotary Drilling Fluid Bentonite
Total Depth of Boring 160 Feet
Total Depth of Completed Well 160 Feet

Water Level and Yield of Completed Well

Depth to first water 18 (Feet below surface)
Depth to Static _____
Water Level 27 (Feet) Date Measured 08/11/2017
Estimated Yield* 20 (GPM) Test Type Air Lift
Test Length 4 (Hours) Total Drawdown 133 (Feet)
*May not be representative of a well's long term yield.

Geologic Log - Free Form

Depth from Surface Feet to Feet	Description
0 3	top soil
3 18	brown silty clay
18 23	blue silty clay
23 37	shale
37 58	blue rounded gravel
58 142	shale
142 157	fractured sandstone
157 160	franciscan formation

Casings

Casing #	Depth from Surface Feet to Feet	Casing Type	Material	Casings Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0 140	Blank	PVC	OD: 5.563 in. SDR: 21 Thickness: 0.265 in.	0.265	5.563			
1	140 160	Screen	PVC	OD: 5.563 in. SDR: 21 Thickness: 0.265 in.	0.265	5.563	Milled Slots	0.032	

From: [Luther, Stephen](#)
To: [Jason Goforth](#); [Teisha Mechetti](#)
Subject: RE: Hydro Letter
Date: Thursday, February 20, 2020 3:43:00 PM
Attachments: [image001.png](#)
[image002.png](#)

The well appears to be drilled into perched bedrock and does not appear to be hydraulically connected.



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

From: Luther, Stephen
Sent: Thursday, February 13, 2020 1:46 PM
To: Jason Goforth <goforth85@gmail.com>; Teisha Mechetti <teisha@agdynamix.com>
Subject: RE: Hydro Letter

Thank you, I have it on my calendar to review and comment on Tuesday.



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

From: Jason Goforth <goforth85@gmail.com>
Sent: Wednesday, February 12, 2020 11:25 AM
To: Luther, Stephen <SLuther@co.humboldt.ca.us>; Teisha Mechetti <teisha@agdynamix.com>
Subject: Fwd: Hydro Letter

Steven,
This is a copy of a letter from Fisch Drilling regarding the issue you raised with the well.
Please review and comment.

Thank you

Begin forwarded message:

From: lacy@fischdrilling.com
Date: February 12, 2020 at 10:51:59 AM PST
To: Jason Goforth <goforth85@gmail.com>

Subject: Hydro Letter

Jason,

Attached is the Hydro Letter. If you would like me to send the hard copy in the mail I can, just let me know.

Thanks,

Lacy

FISCH DRILLING
3150 Johnson Road
Hydesville, CA 95547
Phone: 707-768-9800
Office Hours: 9am – 5pm
Monday -Friday





3150 JOHNSON RD.
HYDESVILLE, CA.
(707) 768-9800
dave@fischdrilling.com

February 12, 2020

Matt Goforth
Melissa Cohen
P.O. Box 172
Petrolia, CA. 95558


Matt Goforth/Melissa Cohen
Chambers, road.
Petrolia, CA. 95558

Results of site review of Cohen property, APN 105-071-006. The well site in question is located Chambers road, on parcel 105-071-006 this well was completed august 11 2017.

The well was completed in the Franciscan Sandstone; the well was drilled and constructed into perched bedrock with no hydraulic connection to any surface water or any part of a larger shallow homogeneous aquifer.

Considering the depth of the well, it appears to falls within guidelines of a non-jurisdictional well of similar depth in the surrounding area.
Any questions please call (707)768-9800.

Thank You,



David Fisch
Fisch Drilling

From: David Nicoletti PE QSD\QSP
DTN Engineering & Consulting
2731 K Street Unit A
Eureka, CA 95501
Email: dnicoletti@dtngineering.com

Subject: Roadway Evaluation for APN's 105-071-006

Introduction

On March 21, 2018, DTN Engineering & Consulting (Engineer) performed a roadway evaluation for Humboldt's Own LLC, upon request from Humboldt County Public Works. Humboldt County Public Works has provided direction for the roads to be evaluated by the Engineer. The roads to be evaluated are as follows (see Exhibit A):

- Chambers Rd from Mattole Ln to APN 105-071-006
- Driveway to Cultivation & Residence APN 105-071-006

These roadways are being evaluated as part of the Applicant's Cannabis permit referral process. The roadways were evaluated for Category 4 compliance as described in Title III – Land Use and Development, Division II, Fire Safe Regulations (Ordinance). This analysis performed was in accordance with the Roadway Evaluation Report Instructions provided by Humboldt County Public Works Department.

The existing site conditions for the evaluated roadways in this Technical Memorandum consists of flat terrain with no historic landslides, or environmentally protected areas., The Applicant will have employees onsite and deliveries of supplies to the Applicants facilities will occur once every year.

Evaluation

Chambers Rd from Mattole Rd to APN 105-071-006

Chambers Rd from Mattole Rd to APN 105-071-006 is paved with a 20 foot travel way and 2-4 foot shoulders. The road has a grade that is flat with positive drainage and a one lane railroad car bridge as shown on Photo 8. Chambers Rd is an Equivalent Category 4 roadway.

Driveway on APN 105-071-006 (Photos 1-7 Exhibit B)

The evaluation begins at the first residence on APN 105-071-006 and proceeds west along the driveway to two additional residences and the cultivation area. The driveway is a Category 2 Equivalent roadway based upon the site visit of March 21, 2018. The driveway has a 12 foot minimum traveled way with 2-4 foot shoulder areas. The grades for Wilson Rd are flat with sufficient space for vehicles to pass each other. Most of the driveway and some buildings are within the 100 year flood plain of Mill Creek as shown on Appendix C.

The intersection of the driveway and Chambers Rd as shown in Photos 4 & 5 does not have a paved approach. A paved approach at this intersection will be constructed in

accordance with Humboldt County Commercial Rural Driveway No. 1 Exhibit D.

This driveway meets a Category 2 roadway.



Report Completed By:
David Nicoletti PE

Humboldt's Own - Exhibit A

Overall APN 105-071-006
Photos 1-8



© 2018 Google

Google Earth

700 ft





Photo #1 DW @ Residence APN 105-071-006 Looking East



Photo #2 DW @ Residence APN 105-071-006 Looking West



Photo #3 Intersection of Chambers Rd & DW Looking East



Photo #4 Intersection of Chambers Rd & DW Looking West



Photo #5 DW APN 105-071-006 Looking SW Towards Cultivation



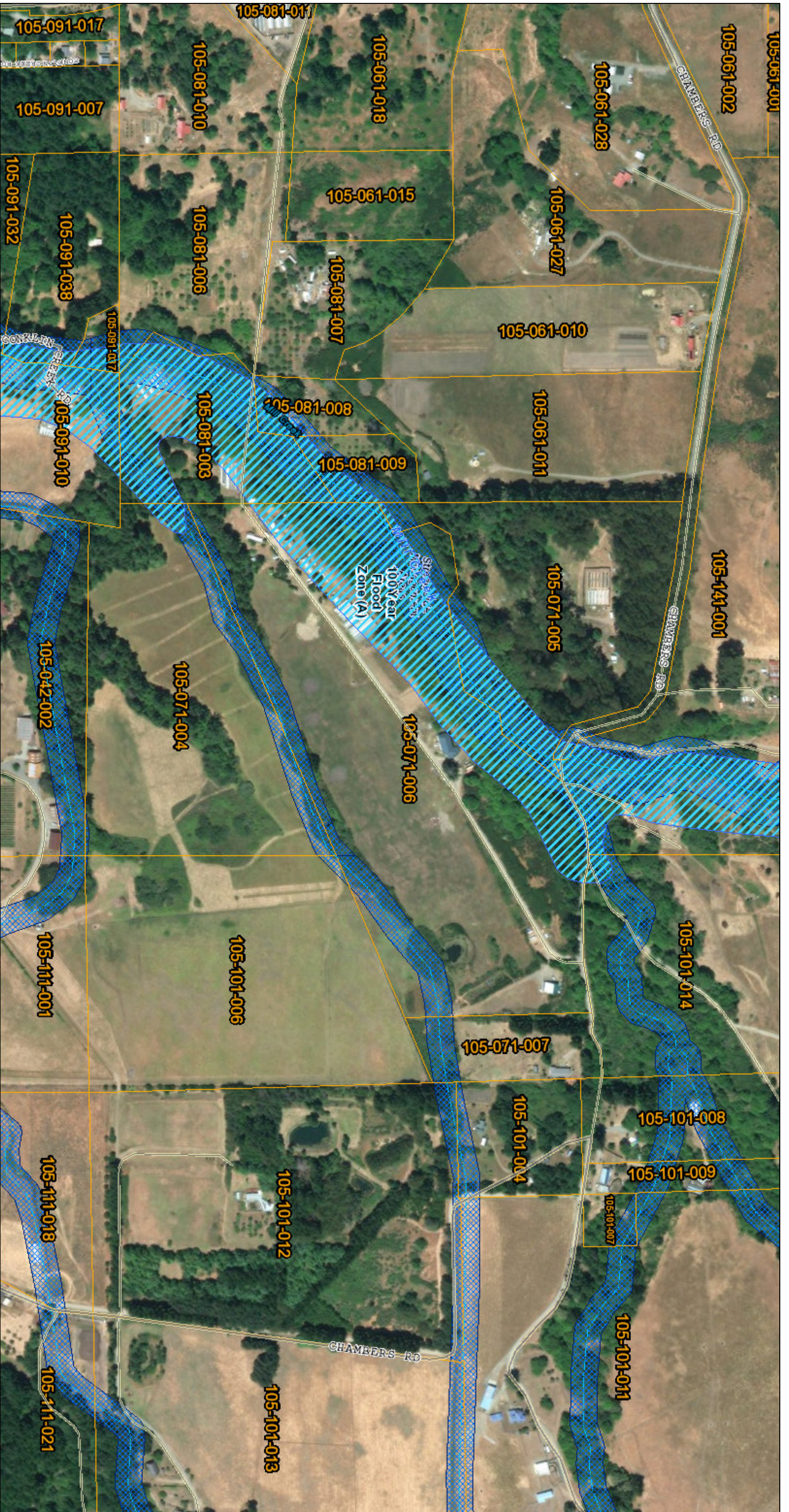
Photo #6 DW APN 105-071-006 Looking SW Towards Cultivation



Photo #7 Turnaround @ Cultivation Area APN 105-071-006



Photo #8 One Lane Bridge @ Chambers Rd & Mill Creek

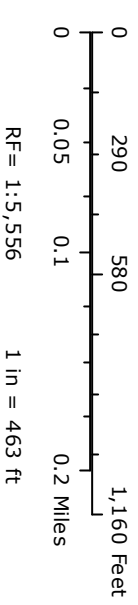


ArCGIS Web Map

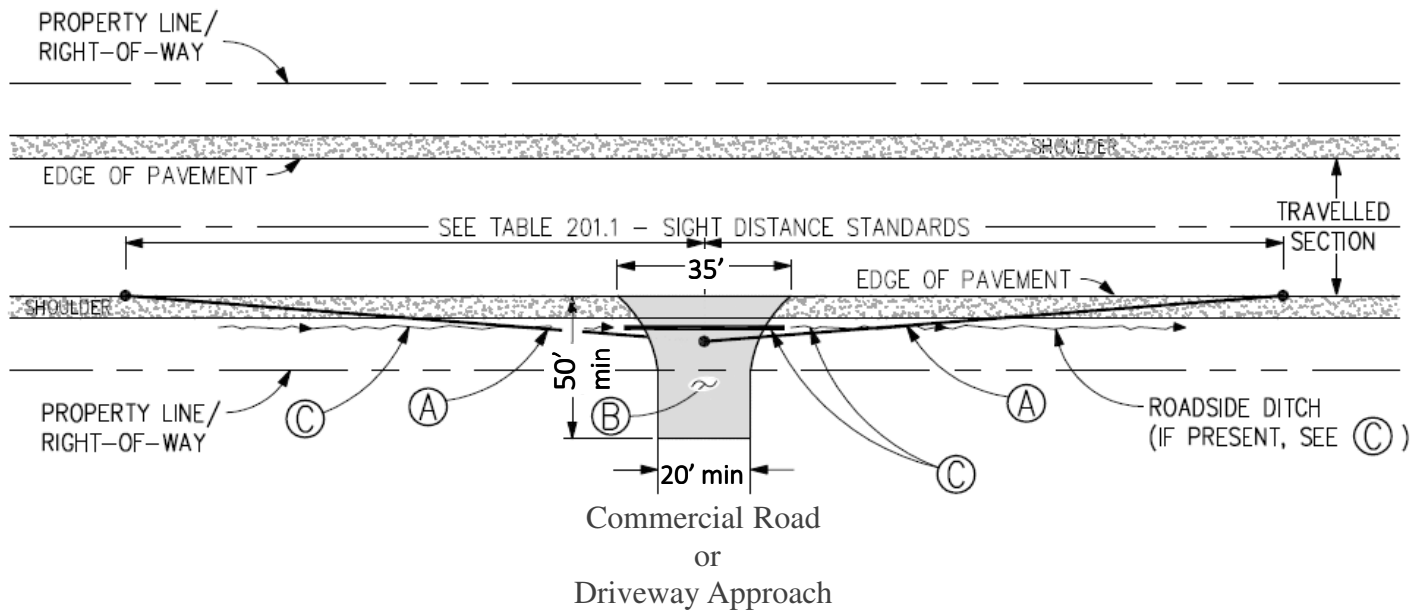
Humboldt County Planning and Building Department

Printed: March 27, 2018 Web AppBuilder 2.0 for ArcGIS
 Map Disclaimer: While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

- Highways and Roads**
 - Principal Arterials
 - Minor Arterials
 - Major Collectors
 - Minor Collectors
 - Local Roads
 - Private or Unclassified
 - Major River or Stream
- Blue Line Streams**
 - Perennial 1-3
 - Perennial >4
 - Intermittent
 - Subsurface
- Parcels**
 - Parcels (no APN labels)
- FEMA Flood Zones (6/21/2017)**
 - 100 Year Flood Zone (A, AE, AO, VE)
 - 500 Year Flood Zone (Shaded X)
 - Floodway
 - Streamside Management Areas
- City Boundary**
- Counties**



Sources: NRCS
 Humboldt County GIS
 California Coastal Commission GIS/Mapping Unit, 2014
 Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



NOTE

All proposed driveway or road encroachments onto any County maintained road of within County right-of-way will be reviewed by the Department of Public Works on a case-by-case basis. This policy may result in modification to the standards or requirements set forth on this sheet.

(C) ROADSIDE DRAINAGE

The construction of any driveway approach shall not adversely impact or alter existing roadside drainage. The installation of a culvert pipe under the driveway approach in the existing ditch may be required if flow levels warrant it. Pipe size, length and location shall be determined by the Department of Public Works.

(A) SIGHT VISIBILITY LINE (TRIANGLE)

An area of unobstructed sight visibility shall be established and maintained beginning at a point 8 feet back from the edge of the existing pavement and extending each direction from the centerline of the new driveway approach.

SIGHT DISTANCE STANDARDS

Design Speed ⁽¹⁾ (mph)	Stopping ⁽²⁾ (mph)	Passing ⁽³⁾ (mph)
20	125	800
25	150	950
30	200	1100
35	250	1300
40	300	1500
45	360	1650
50	430	1800
55	500	1950
60	580	2100
65	660	2300
70	750	2500
75	840	2600
80	930	2700

(1) See Topic 101 for selection of design speed.
 (2) Increase by 20% on sustained downgrades >3%

(B) DRIVEWAY APPROACH SURFACING

If the existing County road surface is paved, the new driveway approach shall be paved with 2 inches of Type B asphalt concrete (or sufficient seal coat) on top of a minimum of 4 inches of aggregate base. The paved area shall extend a minimum of 50' feet back from the edge of the existing pavement and be flared approximately 35' feet at the intersection with the County road. The driveway shall intersect the County road at a 90° angle. The driveway grade shall not exceed 2% in the first 25 feet.



COUNTY OF HUMBOLDT
 DEPARTMENT OF PUBLIC WORKS
 1106 SECOND STREET * EUREKA * CA * 95501
 TEL (707) 445-7477 * FAX (707) 445-7409

**Commercial Rural
 Driveway No. 1**

October 21, 2021

STD DWG

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DESCRIPTION OF MAP UNITS

GREAT VALLEY SEQUENCE OVERLAP ASSEMBLAGE

QUATERNARY AND TERTIARY OVERLAP DEPOSITS

- Qal Alluvial deposits (Holocene and late Pleistocene?)
- Qm Undeformed marine shoreline and aeolian deposits (Holocene and late Pleistocene)
- Qt Undifferentiated nonmarine terrace deposits (Holocene and Pleistocene)
- Qls Landslide deposits (Holocene and Pleistocene)
- QTog Older alluvium (Pleistocene and [or] Pliocene)
- QTw Marine and nonmarine overlap deposits (late Pleistocene to middle Miocene)
- Ti Volcanic rocks of Fickle Hill (Oligocene)

COAST RANGES PROVINCE
FRANCISCAN COMPLEX

-- Coastal Belt --

Coastal terrane (Pliocene to Late Cretaceous)

Sedimentary, igneous, and metamorphic rocks of the Coastal terrane (Pliocene to Late Cretaceous):

- co1 Melange
- co2 Melange
- co3 Broken sandstone and argillite
- co4 Intact sandstone and argillite
- cob Basaltic Rocks (Late Cretaceous)
- cols Limestone (Late Cretaceous)
- m Undivided blueschist (Jurassic?)

King Range terrane (Miocene to Late Cretaceous)

- Krp Igneous and sedimentary rocks of Point Delgada (Late Cretaceous)
- m Undivided blueschist blocks (Jurassic?)
- Sandstone and argillite of King Peak (middle Miocene to Paleocene?):
- krk1 Melange and (or) folded argillite
- krk2 Highly folded broken formation
- krk3 Highly folded, largely unbroken rocks
- krl Limestone
- krc Chert
- krb Basalt

False Cape terrane (Miocene? to Oligocene?)

- fc Sedimentary rocks of the False Cape terrane (Miocene? to Oligocene?)

Yager terrane (Eocene to Paleocene?)

Sedimentary rocks of the Yager terrane (Eocene to Paleocene?):

- y1 Sheared and highly folded mudstone
- y2 Highly folded broken mudstone, sandstone, and conglomeratic sandstone
- y3 Highly folded, little-broken sandstone, conglomerate, and mudstone
- Ycgl Conglomerate

-- Central belt --

Melange of the Central belt (early Tertiary to Late Cretaceous):

Unnamed Metasandstone and meta-argillite (Late Cretaceous to Late Jurassic):

- cm1 Melange
- cm2 Melange
- cb1 Broken formation
- cb2 Broken formation
- cwr White Rock metasandstone of Jayko and others (1989) (Paleogene and [or] Late Cretaceous)
- chr Haman Ridge graywacke of Jayko and others (1989) (Cretaceous?)
- cfs Fort Seward metasandstone (age unknown)
- cls Limestone (Late to Early Cretaceous)

- cc Chert (Late Cretaceous to Early Jurassic)
- bs Basaltic rocks (Cretaceous and Jurassic)
- m Undivided blueschist blocks (Jurassic?)
- gs Greenstone
- c Metachert
- yb Metasandstone of Yolla Bolly terrane, undivided
- b Melange block, lithology unknown

-- Eastern Belt --

Pickett Peak terrane (Early Cretaceous or older)

Metasedimentary and metavolcanic rocks of the Pickett Peak terrane (Early Cretaceous or older):

- ppsm South Fork Mountain Schist
- mb Chingquapin Metabasalt Member (Irwin and others, 1974)
- ppv Valentine Springs Formation
- mv Metabasalt and minor metachert

Yolla Bolly terrane (Early Cretaceous to Middle Jurassic?)

Metasedimentary and metaigneous rocks of the Yolla Bolly terrane (Early Cretaceous to Middle Jurassic?):

- ybt Tallaferro Metamorphic Complex of Suppe and Armstrong (1972) (Early Cretaceous to Middle Jurassic?)
- ybc Chicago Rock melange of Blake and Jayko (1983) (Early Cretaceous to Middle Jurassic)
- gs Greenstone
- c Metachert
- ybh Metagraywacke of Hammerhorn Ridge (Late Jurassic to Middle Jurassic)
- c Metachert
- gs Greenstone
- sp Serpentine

- ybd Devils Hole Ridge broken formation of Blake and Jayko (1983) (Early Cretaceous to Middle Jurassic)
- c Radiolarian chert
- ybi Little Indian Valley argillite of McLaughlin and Ohlin (1984) (Early Cretaceous to Late Jurassic)

Yolla Bolly terrane

- yb Rocks of the Yolla Bolly terrane, undivided

GREAT VALLEY SEQUENCE AND COAST RANGE OPHIOLITE

Elder Creek(?) terrane

- ecms Mudstone (Early Cretaceous)
- Coast Range ophiolite (Middle and Late Jurassic):
- ecg Layered gabbro
- ecsp Serpentine melange

Del Puerto(?) terrane

- Rocks of the Del Puerto(?) terrane:
- dpms Mudstone (Late Jurassic)
- Coast Range ophiolite (Middle and Late Jurassic):
- dpt Tuffaceous chert (Late Jurassic)
- dpc Basaltic flows and keratophytic tuff (Jurassic?)
- dpc Diabase (Jurassic?)
- dpsp Serpentine melange (Jurassic?)
- sp Undivided Serpentinized peridotite (Jurassic?)

KLAMATH MOUNTAINS PROVINCE

- Undivided Great Valley Sequence:
- Ks Sedimentary rocks (Lower Cretaceous)

Hayfork terrane

Eastern Hayfork subterrane:

- eh Melange and broken formation (early? Middle Jurassic)
- ehls Limestone
- ehsp Serpentine

Western Hayfork subterrane:

- whu Hayfork Bally Meta-andesite of Irwin (1985), undivided (Middle Jurassic)
- whwg Wildwood (Chanchelulla Peak of Wright and Fahan, 1988) pluton (Middle Jurassic)
- whwp Clinopyroxenite
- whji Diorite and gabbro plutons (Middle? Jurassic)

Rattlesnake Creek terrane

- rcm Melange (Jurassic and older)
- rcls Limestone
- rcc Radiolarian chert
- rcis Volcanic Rocks (Jurassic or Triassic)
- rcic Intrusive complex (Early Jurassic or Late Triassic)
- rcp Plutonic rocks (Early Jurassic or Late Triassic)
- rcum Ultramafic rocks (age uncertain)
- rcpd Blocky peridotite

Western Klamath terrane

Smith River subterrane:

- srs Galice? formation (Late Jurassic)
- srv Pyroclastic andesite
- srgb Glen Creek gabbro-ultramafic complex of Irwin and others (1974)
- srpd Serpentinized peridotite

MAP SYMBOLS

- Contact
- Fault
- Thrust fault
- Trace of the San Andreas fault associated with 1906 earthquake rupture
- Strike and dip of bedding:
- Inclined
- Vertical
- Horizontal
- Overturned
- Approximate
- Joint
- Strike and dip of cleavage
- Shear foliation:
- Inclined
- Vertical
- Folds:
- Synclinal or synformal axis
- Anticlinal or antiformal axis
- Overturned syncline
- Landslide
- Melange Blocks:
- Serpentine
- Chert
- Blueschist
- Greenstone
- Fossil locality and number

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
Humboldt County Division of Environmental Health	✓	Conditional approval	On file
Humboldt County Building Inspection Division	✓	Comments	On file
Humboldt County Public Works, Land Use Division	✓	Conditional approval	On file
CAL FIRE	✓	Comments	On file
Northwest Information Center (NWIC)	✓	Comments	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
California Department of Fish and Wildlife (CDFW)		No response	
US Army Corps of Engineers	✓	Comments	On file
Petrolia Fire Protection District	✓	Comments	On file
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
Humboldt County Sheriff		No response	
RRR Planner		No response	
North Coast Regional Water Quality Control Board		No response	
Mattole Union School District		No response	
California Division of Water Rights		No response	
Intertribal Sinkyone Wilderness Council		No response	

ATTACHMENT 5
PUBLIC COMMENTS

From: [Dyan Cushing](#)
To: [Planning Clerk](#)
Subject: Humboldt's Own, LLC Special Permit
Date: Tuesday, August 31, 2021 6:00:15 PM
Attachments: [letter for dyan.docx](#)

Re: Record Number PLN-2021-11786
Date of hearing 9/2/2021 10:00 am

I would like to raise the following issues/questions regarding this project.

1. Why is a special permit required? What specifically does not conform to county codes?
2. Are the 24,800 sq feet of existing outdoor grow being relocated currently in APN 105-071-006?
3. What change is being made to the EIR?
4. Can neighbors be assured their well levels will not be negatively effected by this project? How can this be monitored?
5. Can it be proven that the well will not impact the streams and water tables? If not full forbearance should be required.
6. Can an assessment by a groundwater hydrologist determine transmissivity in order to assess if the water usage will negatively impact ground water and common or separate aquifers?
7. Can the growers take steps to reduce the amount of water required per plant?
8. Does the project water use adhere to California Water Board regulations including metering, monitoring and recording all cannabis water usage and reporting to the state Water Quality Division?
9. Attached is a letter from a Petrolia residence and I would like his concerns to be part of my submission

Dyan Cushing

Sent from my iPad

John Williams
jgwill@frontiernet.net
8/31/2021

Dyan Cushing
By email

Dear Dyan,

Here are some comments on the proposed expansion of cannabis cultivation on AP #105-071-006, which is just west of your property on Chambers Rd. The proposal contemplates increasing diversions from a well to 1,018,450 gallons per year. Unfortunately, there is no information on how the pumping will be distributed over the year, but presumably it will be concentrated in the summer.

I am commenting simply as a friend, and not as a paid consultant, but I do have some qualifications. I am not a groundwater hydrologist, but I have a Ph.D. in Physical Geography and worked for years as a surface water hydrologist. I am also generally familiar with groundwater from my time on the board of the Monterey Peninsula Water Management District, since groundwater issues in the Carmel Valley were of great concern in the district. On that account, I paid close attention to various well tests, and to monitoring the effects of pumping on riparian vegetation.

In short, I think you have good reason to be concerned that the proposed pumping will affect your well, which is used by a tenant for an organic truck farm that uses ~120,000 gallons per season. Your well, on parcel # 105-101-004, is about 250 ft. from the applicant's well, as estimated on Google Earth. Using that distance, and assuming that the pumping happens at a constant rate for 180 days, I used a simple calculator from the New Mexico Office of the State Engineer¹ to estimate that the applicant's pumping would lower the groundwater level at your well by between 1.3 and 1.9 ft., depending on the values entered for transmissivity and the storage coefficient. This is not a lot, but these calculations ignore pumping from your well, and the interaction of the cones of depression of the two wells. They also ignore the temporal distribution of pumping.

The calculations also assume that the aquifer is isotropic, or homogeneous in all directions. This is always more or less unrealistic, and is especially so in alluvial aquifers. Your land and the applicant's are on a terrace that was formed by the river depositing sediment about thirty thousand years ago, during a previous high stand of sea level (Merritts et al. 1994). (The high

¹ Available at <https://www.ose.state.nm.us/Hydrology/Theis/index.html>.

rate of tectonic uplift in the area accounts for your elevation of ~200 ft.) Rivers do not deposit sediments isotropically. Instead, there are usually ribbons of coarse grained channel deposits surrounded by finer grained overbank deposits. The coarse grained deposits have higher hydraulic conductivity, so the influence of a well will extend further along such buried channel deposits. Thus, depending on the unknown subsurface composition of the terrace, your well could be either more or less affected by the applicant's well than conventional estimates would suggest. However, since a line between your well and the applicant's well is roughly parallel to the general trend of the river, the potential existence of such a thread of high conductivity deposits between the two wells is cause for reasonable concern on your part.

So what could be done about it? A conventional well test using your well as the observation well would not be useful to generate a response, since such tests do not last long enough given the distance between the wells. Instead, another observation well closer to the test well would be needed. This would allow for a better estimate of the transmissivity of the aquifer, which would allow for more realistic estimates, but these would still not be definitive. If another well is to be drilled, it would make more sense for it to be another production well; given the shape of the applicant's property, the new well could be placed much farther from yours than the existing well. Or, the county could require the applicant to pay for an assessment of the situation by a qualified groundwater hydrologist that the county selects, with the understanding that the assessment would include appropriate recommendations for permit conditions. Or, you could ask for a permit condition requiring the applicant to provide your tenant with water, should your well not be able to. Since your well has held up through the current drought, it is clearly reliable under the status quo.

Sincerely,

John Williams

Merritts, D.J., K.R. Vincent, and E.E. Wohl, 1994, Long river profiles, tectonism, and eustacy: a guide to interpreting fluvial terraces. *Journal of Geophysical Research* 99 (B7):14,031-14,050.

From: [Jessica Brown](#)
To: [Planning Clerk](#)
Subject: Public Comment for Humboldt's Own, LLC. PLN-2021-11786, to be held on 9/02/21
Date: Wednesday, September 01, 2021 9:35:12 PM

Humboldt's Own, Inc.

Record Number PLN-2021-11786

Date of hearing 9/2/2021 10:00 am

We are next door neighbors possibly impacted by the water usage proposed, and wish to submit a plea of water usage reassessment to Humboldt's Own Inc.

In times of uncertain water futures and drought, using 15.7gal/SF is exceeding reasonable usage for cannabis. Normal watering in warmer climates is somewhere between 8gal/SF and 10gal/SF, and there are local growers succeeding on less than 3gal/SF.

We believe that in the current drought, the strain on the aquifer from over 1 million gallons a year could have lasting deleterious consequences. Cutting the proposed usage by half, or half again, might make all the difference for both continued livelihoods and sustainable living situations.

Thanks for hearing this,

-River Walker and Jessica Brown

From: [Marcia](#)
To: [Planning Clerk](#)
Subject: Special Permit PLN-2021-11786
Date: Friday, August 27, 2021 4:20:29 PM

Regarding a Special Permit for Parcel # 105071-006 on Chambers Road in Petrolia.

To the Humboldt County Zoning Administrator:

The request for a Special Permit to expand an existing agricultural enterprise in a rural housing area has special drawbacks because we do not have city water in Petrolia. Everyone needs to have well water for their families and livestock. Well water for trees and gardens. Well water for the wildlife, birds, lizards and even the bugs that feed the fish in the streams.

I am very concerned that the permit requested makes no provision for capturing rainwater and storing it for this agricultural project over the summer. No matter how excellent a well is, whether it be adjacent to a creek bed or even in it, all water taken from the ground affects ground water for every resident in the neighborhood. Draw down the water in one area and water for adjacent areas try to fill the void. Water does not respect property boundaries. Lack of well water nearby affects trees that depend upon reaching ground water during the long dry period of our Mediterranean climate. Without water trees are vulnerable to fire and we have very drying winds in Petrolia that further make ground water precious to trees and plants growing above ground. The wildlife forage all summer, now earlier and earlier, in daylight when their hides have no protection from the sun. Rural residents see this drama played out daily.

It is essential that the Humboldt County Planning Department take into consideration the current drought conditions and probable future drought conditions of the county. This is critical to make a fair and equitable decision regarding usage of land and the natural resources shared by all in this residential community.

The project represented by this Special Permit Application should have water that is captured during the rainy season, no matter how fine a well exists on the property. This may sound unreasonable but please consult with a hydrologist to understand just how interconnected all ground water is and how necessary it is to take this into consideration.

Respectfully submitter,
Marcia Ehrlich
Resident on Chambers Road
Petrolia, California
w