



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: May 19, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Humboldt Spirit, Inc., Special Permit**
Application Number: PLN-2021-17171
Assessor's Parcel Number: 222-071-028
Garberville area

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

AGENDA ITEM TRANSMITTAL

Hearing Date May 19, 2022	Subject Special Permit	Contact Abbie Strickland
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Project Description: The applicant is seeking a Special Permit for 22,000 SF of new outdoor commercial cannabis cultivation, in addition to PLN-11905-ZCC which is an approved permit for 4,000 SF of existing outdoor commercial cannabis cultivation and 6,000 SF of existing mixed-light cultivation. The combined projects will total 32,000 SF of commercial cannabis cultivation. The project is supported by 1,700 square feet of existing propagation space and an additional 1,500 square feet of propagation space is proposed for a total of 3,200 square feet of propagation space. Water for irrigation is sourced from an existing rainwater catchment system and the new cultivation will utilize a proposed 1,000,000-gallon rainwater catchment pond. Until such time the proposed pond can be instructed, the applicant will utilize the 930,626-gallon rainwater catchment pond on the adjacent parcel under the same ownership (APN 222-071-030). The projected annual water usage for the combined projects totals 484,500 gallons (15.1 gal/SF). Existing available water storage onsite totals 207,000 gallons, which will increase to 1,207,000 gallons upon the completion of the rainwater catchment pond. Energy for the operation is currently sourced from an existing solar array, additional solar panels are proposed to support the increased energy demands of the expansion. All processing will occur onsite.

Project Location: The project is located in Humboldt County, in the Garberville area, on the East and West side of Ranch Road, North of Pepper Wood Springs Road, approximately 0 feet from the intersection of Oak Rock Road and Ranch Road, on the property known as 480 Ranch Road.

Present Plan Land Use Designations: Residential Agriculture (RA). 2017 General Plan. Density: 40 acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning: Agriculture Exclusive (AE), Special Building Site (B-5(60)).

Record Number: PLN-2021-17171

Assessor's Parcel Number: 222-071-028

Applicant

Humboldt Spirit, Inc.
Dillon Dupont
3739 Balboa Street Suite 152
San Francisco, CA 94121

Owner

Humboldt Mountain View, LLC
730 Great Highway #1
San Francisco, CA 94121

Agent

ETA Humboldt
Vanessa Valare
P.O. Box 147
Phillipsville, CA

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

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

Major Issues: None.

Recommended Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the Humboldt Spirit, Inc. project subject to the recommended conditions.

Executive Summary: The applicant is seeking a Special Permit for 22,000 SF of new outdoor commercial cannabis cultivation, in addition to PLN-11905-ZCC which is an approved permit for 4,000 SF of existing outdoor commercial cannabis cultivation and 6,000 SF of existing mixed-light cultivation. The combined projects will total 32,000 SF of commercial cannabis cultivation. The project is supported by 1,700 square feet of existing propagation space and an additional 1,500 square feet of propagation space is proposed for a total of 3,200 square feet of propagation space. All processing will occur onsite in the proposed 2,400 square foot commercial processing and drying structure. The proposed structure will include an ADA complaint restroom (**Condition A.1**). The existing application utilizes the guest house and garage for processing, however, due to these structures being located within the refuge watershed and a new processing facility being proposed, the use of these structures for processing will be discontinued prior to implementation of the expansion authorized under this Special Permit.

The project was referred to the Division of Environmental Health which recommended that the applicant be required to obtain an approved onsite wastewater treatment if processing will be occurring onsite. Alternatively, the applicant may process offsite and provide portable toilets to serve the operation. The applicant is proposing to process onsite, therefore a condition of approval will require the applicant to install an onsite wastewater treatment system associated with a permitted structure and ADA compliant restroom (**Condition A.1**).

Water Resources

Water for irrigation of the existing project is sourced from an existing rainwater catchment system. The new cultivation will utilize a proposed 1,000,000-gallon rainwater catchment pond. Until such time the proposed pond can be instructed, the applicant will utilize the 930,626-gallon rainwater catchment pond on the adjacent parcel under the same ownership (APN 222-071-030). The projected annual water usage for the combined projects totals 484,500 gallons (15.1 gal/SF). Existing available water storage onsite totals 207,000 gallons, which will increase to 1,207,000 gallons upon the completion of the rainwater catchment pond.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 300 permits and the total approved acres would be 81.25 acres of cultivation.

Energy Resources

Energy for the existing operation is sourced from an existing solar array consisting of eight 305-watt solar panels. The applicant is proposing to install an additional eight 305-watt solar panels to support the increased energy demands of the expansion. The panels are used to charge eight 385AH L16 batteries and the applicant is proposing to obtain an additional eight batteries. This is required to be completed prior to initiating operations (**Condition A.2**). Energy is required to power the lighting in the mixed light greenhouses, propagation greenhouses, and the fans and dehumidifiers in the processing building. The site is also equipped with a 14-kW Kohler propane generator which will serve the operation in emergency situations.

Biological Resources

The applicant submitted a *Biological Assessment* prepared by ETA Humboldt with site visits conducted on January 28, 2021, and December 2, 2021. The report documented nine unnamed Class III watercourses, tributary to Sprowel creek and Durphy Creek. No aquatic habitats were observed during the site visit. The Humboldt WebGIS shows there being a Northern Spotted Owl activity center approximately 1 mile away from the project site. The applicant was required to submit a *Northern Spotted Owl Survey* as an addendum to the *Biological Assessment*, prepared by a qualified professional. The report states that following a site visit and visual survey neither Northern Spotted Owl or marbled murrelet habitat exists onsite. Noise and light attenuation measures have been included as ongoing requirements for the project. The applicant is required to adhere to International Dark Sky standards (**General Condition B.6**). A *Botanical Survey* was conducted by ETA Humboldt on October 30, 2020, and April 21, 2021. The survey did not result in the identification of any rare or endangered species, and does not provide any recommendations. The applicant is required to submit, and implement, and Invasive Species Management Plan which identifies the invasive species onsite and provides a plan outlining the removal efforts. Compliance with this condition will be assessed at the applicants annual inspection (**Condition A.1**). According to the information provided in the *Biological Assessment* and *Botanical Survey* completed by ETA Humboldt and the *Northern Spotted Owl Survey* submitted by Leopardo Wildlife Associates, the proposed project is not anticipated to impact any special status plant or animal species, or sensitive natural communities.

A portion of the subject parcel is located in the Sprowl Creek refuge watershed. The parcel was surveyed by a qualified surveyor which resulted in the applicant being required to modify their proposal to maintain all cultivation related infrastructure east of Ranch Road. The proposed project is not located within the Sprowel Creek refuge watershed. The project was referred to the California Department of Fish and Wildlife (CDFW) which did not respond to the referral sent by the County.

Noise

The applicant submitted a *24-hour Noise Source Assessment* which documented average ambient noises level of 56 dB, as recorded from three property lines. An ongoing requirement for the project will require the applicant to maintain project related noise levels at or below 59 decibels of continuous noise as measured from the property line (**General Condition B.5**). No generators are authorized as the primary energy source for the project.

Tribal Cultural Resource Coordination

The project site is located in the Intertribal Sinkyone Wilderness Council and Bear River Band of the Rohnerville Rancheria aboriginal territories. The applicant submitted a *Cultural Resource Investigation*, prepared by Archaeological Research and Supply Company, dated April 2021. The proposed project is not anticipated to impact any tribal cultural resources. The project was referred to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. A response was received from the Bear River Band, which requested that the applicant adhere to the Inadvertent Discovery Protocol. This has been included as an ongoing requirement of the project.

Access

The project site is located off Ranch Road which is accessed from Sprowel Creek Road. This section of Sprowel Creek Road is a county-maintained roadway. The project was referred to the Department of Public Works Land Use Division who recommended that the applicant implement any recommendations made within the *Engineers Road Evaluation Report*. The report recommends that the applicant widen the pinch point at mile point 1.6 to improve the blind corner, this recommendation has been included as a condition of approval (**Condition A.4**). The Department of Public Works also recommended that the applicant obtain an encroachment permit and gravel the intersection where Sprowel Creek Road and Ranch Road intersect, for a length of 50 feet and width of 20 feet. This recommendation has been included as a condition of approval for the project (**Condition A.5**).

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information). Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-

Record Number PLN-2021-17171

Assessor's Parcel Number: 222-071-028

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Humboldt Spirit, Inc. Special Permit request.

WHEREAS, Humboldt Spirit, Inc., a Special Permit for 22,000 SF of new outdoor commercial cannabis cultivation, in addition to PLN-11905-ZCC which is an approved application for 4,000 SF of existing outdoor commercial cannabis cultivation and 6,000 SF of existing mixed-light cultivation. The combined projects will total 32,000 SF of commercial cannabis cultivation. The project is supported by 1,700 square feet of existing propagation space and an additional 1,500 square feet of propagation space is proposed for a total of 3,200 square feet of propagation space. Water for irrigation is sourced from an existing rainwater catchment system and the new cultivation will utilize a proposed 1,000,000-gallon rainwater catchment pond. The projected annual water usage for the combined projects totals 484,500 gallons (15.1 gal/SF). Existing available water storage totals 207,000 gallons, which will increase to 1,207,000 gallons upon the completion of the rainwater catchment pond. Energy for the operation is currently sourced from an existing solar array, additional solar panels are proposed to support the increased energy demands of the expansion. All processing will occur onsite.

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 Zoning Administrator held a duly noticed public hearing on **May 19, 2022** and reviewed, considered, and discussed the application for the Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

1. FINDING:

Project Description: The applicant is seeking a 22,000 SF of new outdoor commercial cannabis cultivation, in addition to PLN-11905-ZCC which is an approved application for 4,000 SF of existing outdoor commercial cannabis cultivation and 6,000 SF of existing mixed-light cultivation. The combined projects will total 32,000 SF of commercial cannabis cultivation. The project is supported by 1,700 square feet of existing propagation space and an additional 1,500 square feet of propagation space is proposed for a total of 3,200 square feet of propagation space. Water for irrigation is sourced from an existing rainwater catchment system and the new cultivation will utilize a proposed 1,000,000-gallon rainwater catchment pond. The projected annual water usage for the combined projects totals 484,500 gallons (15.1 gal/SF). Existing available water storage totals 207,000 gallons, which will increase to 1,207,000 gallons upon the completion of the rainwater catchment pond. Energy for the operation is currently sourced from an existing solar array, additional solar panels are proposed to support the increased energy demands of the expansion. All processing will occur onsite.

EVIDENCE: a) Project File: PLN-2021-17171

2. FINDING: The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to the 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 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) According to the information provided in the Biological Assessment and Botanical Survey completed by ETA Humboldt and the Northern Spotted Owl Survey submitted by Leopardo Wildlife Associates, the proposed project is not anticipated to impact any special status plant or animal species, or sensitive natural communities.
 - d) The applicant submitted a *Cultural Resource Investigation*, prepared by Archaeological Research and Supply Company, dated April 2021. The proposed project is not anticipated to impact any tribal cultural resources. The project was referred to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. A response was received from the Bear River Band, which requested that the applicant adhere to the Inadvertent Discovery Protocol. This has been included as an ongoing requirement of the project.
 - e) The applicant submitted a *24-hour Noise Source Assessment* which documented average ambient noise levels for the subject parcel as being 56 dB, as recorded from three property lines. An ongoing requirement for the project will require the applicant to maintain project related noise levels at or below 59 decibels of continuous noise as measured from the property line. No generators are authorized as the primary energy source for the project.

FINDINGS FOR SPECIAL PERMITS

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

- EVIDENCE**
- a) General agriculture is a use type permitted in the Residential Agricultural (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING The proposed development is consistent with the purposes of the existing Agricultural Exclusive (AE) Zone in which the site is located.

- EVIDENCE**
- a) The AE Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
 - b) All general agricultural uses are principally permitted in the AE zone.
 - d) Humboldt County Code section 314-55.4.6.1.1 (b) allows cultivation of up to 43,560 sq. ft on a parcel over 10 acres with a Special Permit. This application is for a Special Permit for 32,000 square feet of outdoor commercial cannabis cultivation on a parcel over 100 acres.

5. FINDING

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

EVIDENCE

- a) The subject parcel has been determined to be one legal parcel as described in the Notice of Lot Line Adjustment and Certificate of Compliance recorded March 20, 2000, record number 2000-5816-4 (Case number LLL-98-14).
- b) Irrigation water for the proposed operation will be sourced solely from a proposed 1,000,000-gallon rainwater catchment pond. Until such time the pond can be constructed, the applicant utilize the rainwater catchment pond on the adjacent parcel
- c) Energy for the project will be sourced entirely from solar energy. The applicant has eight existing 305-watt solar panels and has proposed to obtain an additional eight 305-watt solar panels to support the increased energy demands of the expansion. The panels are used to charge eight 385AH L16 batteries. The applicant is also proposing to obtain an additional eight batteries. The site is equipped with a 14-kW Kohler propane generator which will serve the operation in emergency situations.
- d) No tree removal is proposed or authorized under this special permit. The proposed project will not result in the net conversion of Timberland for cannabis cultivation.
- e) The project site is located off Ranch Road which is accessed from Sprowel Creek Road. This section of Sprowel Creek Road is a county-maintained roadway developed to the functional equivalent of a Category 4 road standard.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. (a.-f.). It is more than 30 feet from any property line, more than 300 feet from any off-site residence, 270 feet from any adjacent undeveloped separately owned parcel, more than 600 feet from any school, church, public park or Tribal Cultural Resource, and 1,000 feet from all Tribal Ceremonial Sites.
- h) The applicant is required to maintain project related noise levels at or below 59 decibels of continuous noise as measured from the property line. No generators are authorized as the primary energy source for the project.
- i) According to the information provided in the *Biological Assessment* and *Botanical Survey* completed by ETA Humboldt and the *Northern Spotted Owl Survey* submitted by Leopardo Wildlife Associates, the proposed project is not anticipated to impact any special status plant or animal species, or sensitive natural communities. The applicant is required to prepare, submit, and implement, an Invasive Species Management Plan.
- j) The applicant submitted a *Cultural Resource Investigation*, prepared by Archaeological Research and Supply Company, dated April 2021. The proposed project is not anticipated to impact any tribal cultural resources. The project was referred to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. A response was received from the Bear River Band, which requested that the applicant adhere to the Inadvertent Discovery Protocol. This has been included as an ongoing requirement of the project.

6. FINDING

The cultivation of 32,000 square feet of outdoor and mixed light commercial cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The applicant submitted a *Cultural Resource Investigation*, prepared by Archaeological Research and Supply Company, dated April 2021. The proposed project is not anticipated to impact any tribal cultural resources. The project was referred to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. A response was received from the Bear River Band, which requested that the applicant adhere to the Inadvertent Discovery Protocol. This has been included as an ongoing requirement of the project.

According to the information provided in the Biological Assessment and Botanical Survey completed by ETA Humboldt and the Northern Spotted Owl Survey submitted by Leopardo Wildlife Associates, the proposed project is not anticipated to impact any special status plant or animal species, or sensitive natural communities.

- b) The existing and proposed cannabis operation is located in an area where agriculture is a predominant use. The operation is not located in or near 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 will not change the character of the area.
- c) The project site is located off Ranch Road which is accessed from Sprowel Creek Road. This section of Sprowel Creek Road is a county-maintained roadway developed to the functional equivalent of a Category 4 road standard.
- d) No tree removal is proposed or authorized under this special permit. The proposed project will not result in the net conversion of Timberland for cannabis cultivation.

7. FINDING

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

EVIDENCE

The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 300 permits and the total approved acres would be 81.25 acres of cultivation.

8. FINDING

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

EVIDENCE

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

DECISION

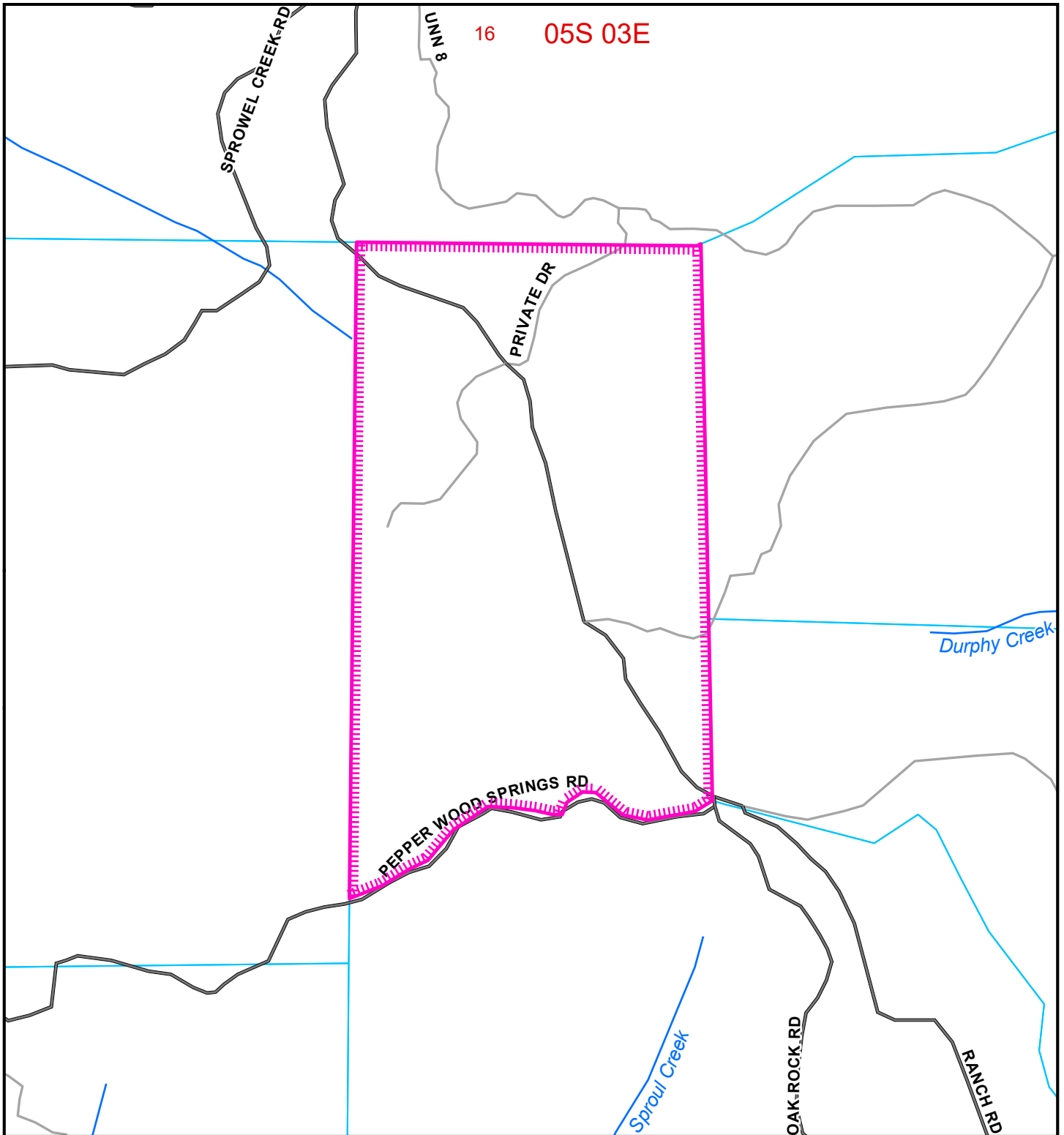
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Humboldt Spirit, Inc. Special Permit based upon the Findings and Evidence and subject to the conditions of approval attached here to as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **May 19, 2022**.

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

John H. Ford, Zoning Administrator
Planning and Building Department

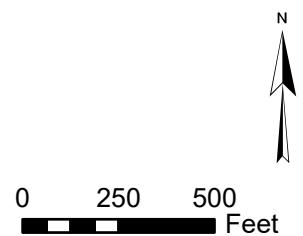


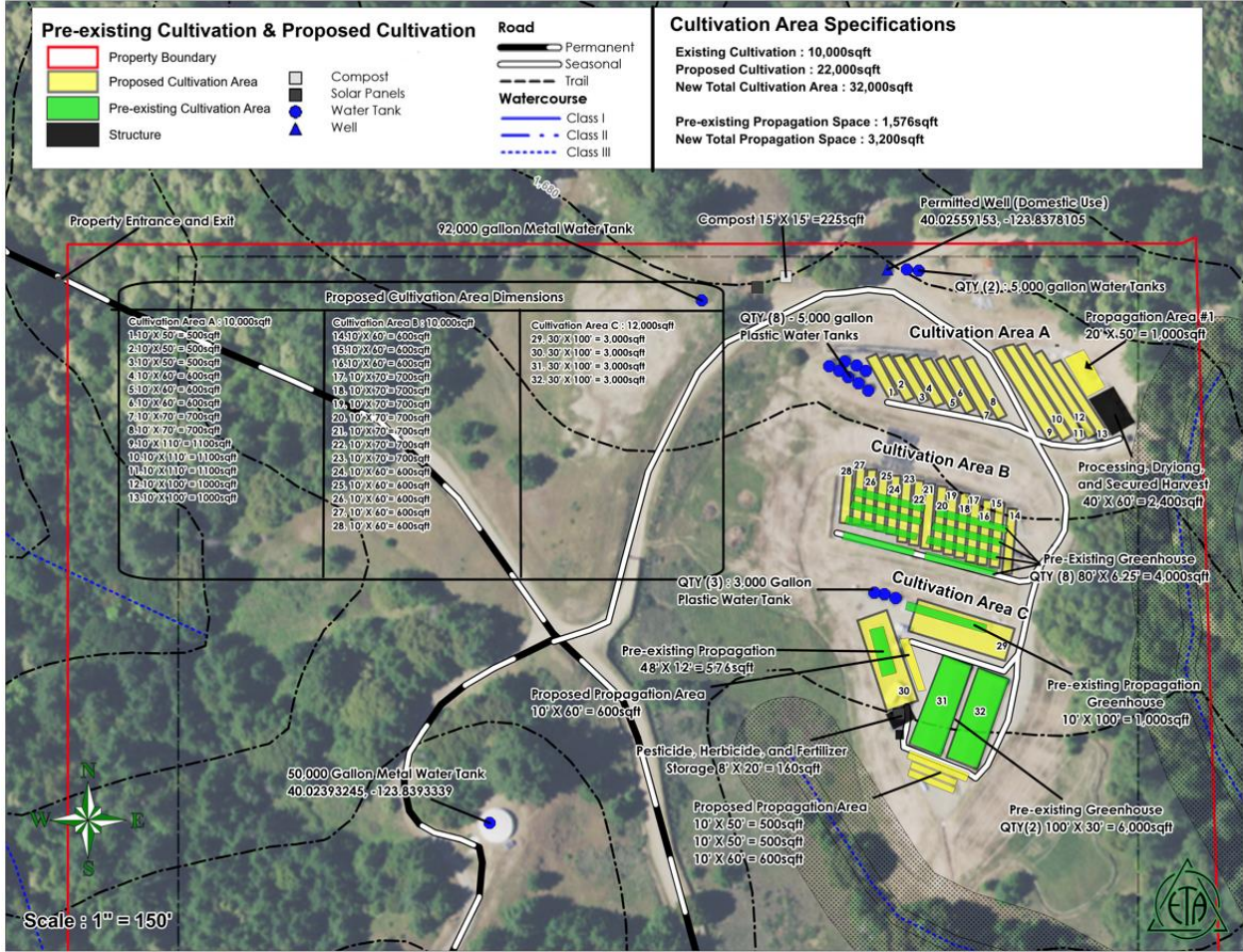
LOCATION MAP

**PROPOSED HUMBOLDT SPIRIT INC
SPECIAL PERMIT
GARBERVILLE AREA
PLN-2021-17171
APNs: 222-071-028
T05S R03E S16 HB&M (Garberville)**

Project Area = 

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





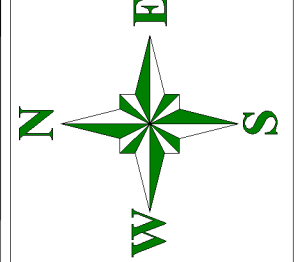
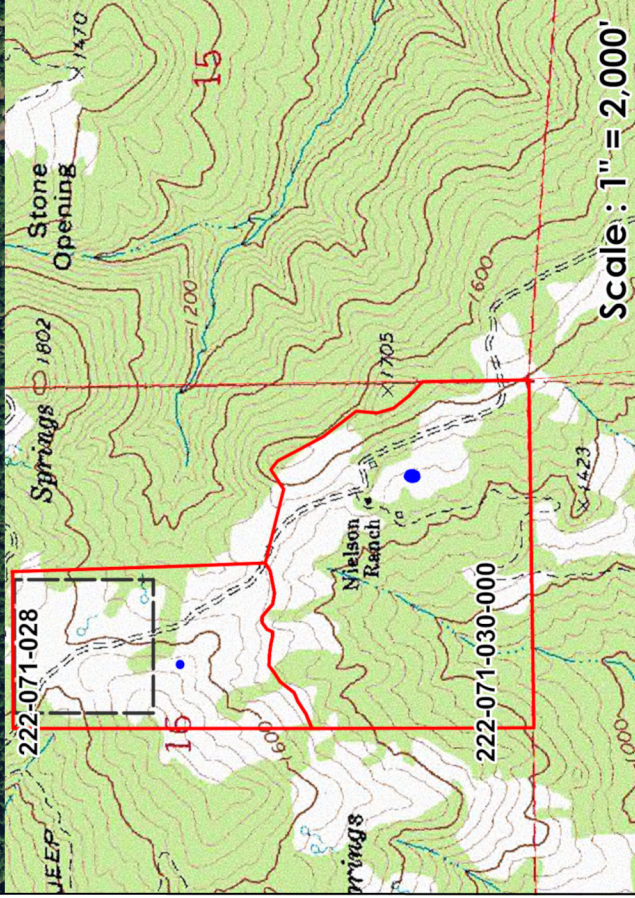
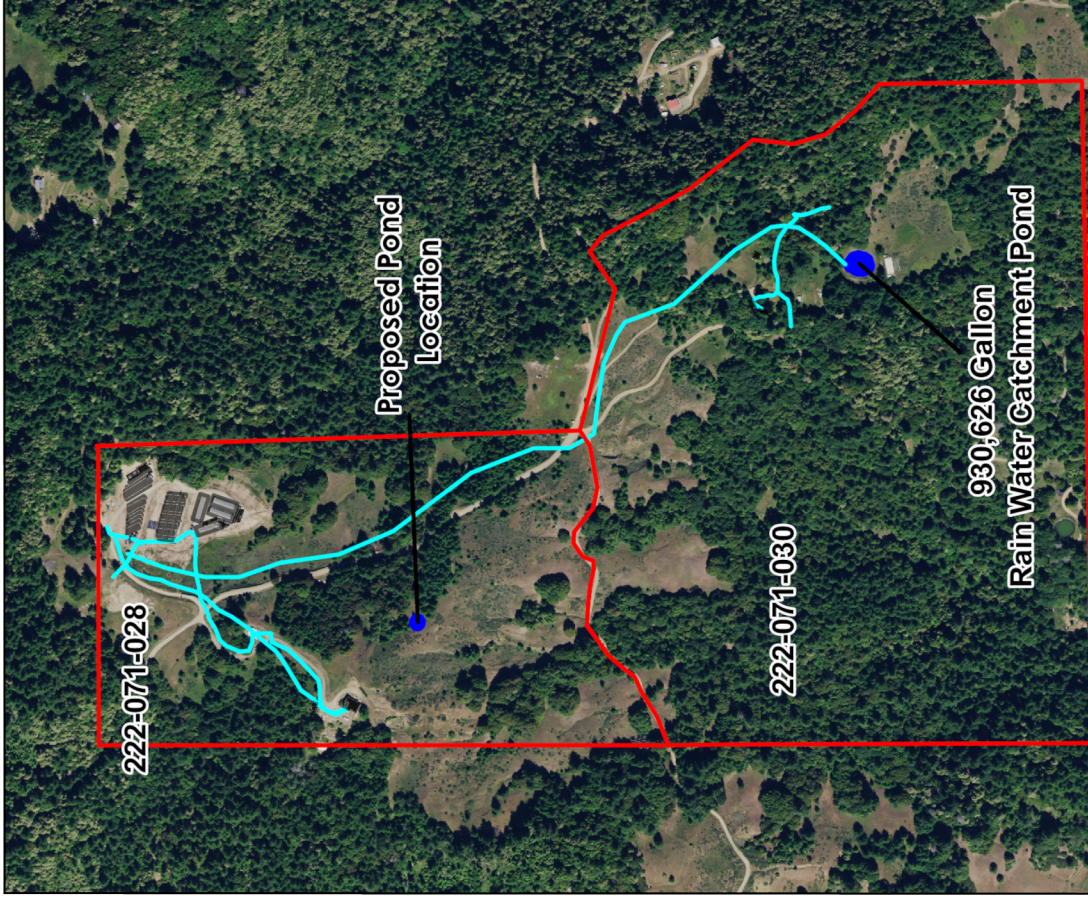
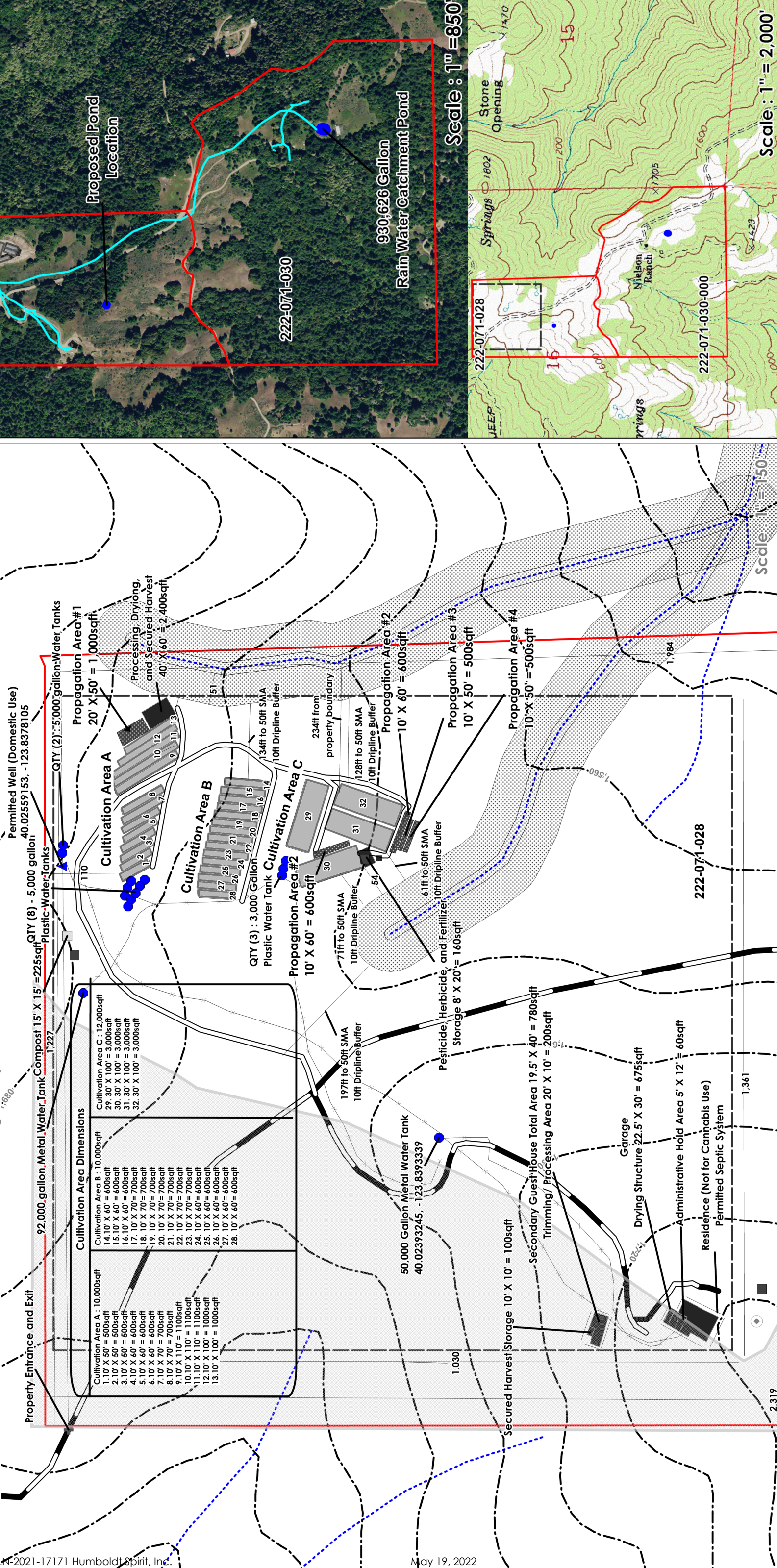
Humboldt County Plot Plan

APN :222-071-028

Located in Section 16, Township 5S, Range 3E Humboldt Base and Meridian, on the USGS Garberville 7.5' Quadrangle Map.

BLN-2021-17171 Humboldt Spirit, Inc.

May 19, 2022



Property Information

Legal Description : T 5S R 3E SEC 16
 WDID : 1_12CC417597
 CDFW: No. 1600-2018-0496
 Assessor:MARI WILSON, ASSESSOR
 Parcel # (APN):222-071-028-000
 Owner Name:HUMBOLDT MOUNTAIN VIEW LLC CO
 Mailing Address:730 GREAT HIGHWAY #1 SAN FRANCISCO CA 94121
 Acres : 60

Water Storage

Water Source
 Irrigation - Rain Water Catchment
 Domestic - Well
 Water Storage
 1. 192,000 Gallons Existing Hard Tank Storage
 2. 930,626 Gallon Existing rain water pond
 3. 1,000,000 Gallon Proposed rain water pond

Cultivation Area

Total Existing Cultivation = 10,000sqft
 Proposed Cultivation = 22,000sqft
 Total Cultivation Area = 32,000sqft

Propogation Area
 Total Area 3,200sqft

Humboldt Spirit Inc.
 APN - 222-071-028

Legend:

- Stream Management Area
- Structure
- Refuge Watershed
- Proposed Pond
- Water Line
- Measurement
- Personal Garden
- Compost
- Solar Panels
- Water Tank
- Well
- Road
- Permanent
- Seasonal
- Trail
- Watercourse
- Class I
- Class II
- Class III
- Property Boundary
- Cultivation Area
- Graded Area
- Propagation Area

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMITS IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE RELEASE OF THE BUILDING PERMIT OR INITIATION OF OPERATIONS, WHICHEVER OCCURS FIRST.

A. Conditions that must be met prior to Initiation of operations

1. The applicant will construct an ADA compliant restroom associated with a permitted structure and onsite wastewater treatment system.
2. The applicant will obtain any necessary permits for, and install, an additional eight 305-watt solar panels to support the increased energy demands of the expansion.
3. The applicant will prepare and submit to the Planning Department an Invasive Species Management Plan documenting the invasive species onsite, and provide the method and timeline for their removal. Compliance with the *Invasive Species Management Plan* will be assessed at the applicant's annual inspection.
4. The applicant will implement the recommendations made within the *Engineers Road Evaluation Report*. The report recommends that the applicant widen the pinch point at mile point 1.6 to improve the blind corner.
5. The applicant will adhere to the recommendations made by the Department of Public Works and obtain an encroachment permit and gravel the intersection of Sprowel Creek Road and Ranch Road, for a length of 50 feet and width of 20 feet.
6. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

B. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Noise resulting from cultivation related activities must not exceed 59 decibels of continuous noise as measured from the property line.
6. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards.
7. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.5 and B.6 above, 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.
8. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
9. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
10. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
11. The use of anticoagulant rodenticide is prohibited.
12. 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.
13. The operator shall provide information to all workers 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.
14. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
15. 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.

16. 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.
17. 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.
18. 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).
19. Maintain enrollment in Tier 1 or 2, , certification with the State Water Quality Control Board (SWQCB) Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
20. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife, if applicable.
21. 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.
22. 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).
23. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
24. Pay all applicable application, review for conformance with conditions and annual inspection fees.
25. 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.
26. The master log-books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
27. 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

28. Pursuant to the Business and Professions 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."

29. 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).
30. 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.
31. 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.
32. 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
33. 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.

34. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
35. 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.
36. 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.
37. 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.
38. 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.
39. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine

appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

ATTACHMENT 2

**CEQA ADDENDUM TO THE
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 222-071-028, Humboldt Spirit Inc., Garberville, CA
County of Humboldt**

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

May 2022

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 new cannabis operations by establishing regulations for an unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted cultivation operations.. The EIR prepared for the CCLUO also established local land use regulations to allow for commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. 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.

Special Permit for 22,000 SF of new outdoor commercial cannabis cultivation, in addition to PLN-11905-ZCC which is an approved permit for 4,000 SF of existing outdoor commercial cannabis cultivation and 6,000 SF of existing mixed-light cultivation. The combined projects will total 32,000 SF of commercial cannabis cultivation. The project is supported by 1,700 square feet of existing propagation space and an additional 1,500 square feet of propagation space is proposed for a total of 3,200 square feet of propagation space. Water for irrigation is sourced from an existing rainwater catchment system and the new cultivation will utilize a proposed 1,000,000-gallon rainwater catchment pond. Until such time the proposed pond can be instructed, the applicant will utilize the 930,626-gallon rainwater catchment pond on the adjacent parcel under the same ownership (APN 222-071-030). The projected annual water usage for the combined projects totals 484,500 gallons (15.1 gal/SF). Existing available water storage onsite totals 207,000 gallons, which will increase to 1,207,000 gallons upon the completion of the rainwater catchment pond. Energy for the operation is currently sourced from an existing solar array, additional solar panels are proposed to support the increased energy demands of the expansion. All processing will occur onsite.

According to the information provided in the *Biological Assessment and Botanical Survey* completed by ETA Humboldt and the *Northern Spotted Owl Survey* submitted by Leopardo Wildlife Associates, the proposed project is not anticipated to impact any special status plant or animal species, or sensitive natural communities.

The applicant submitted a *Cultural Resource Investigation*, prepared by Archaeological Research and Supply Company, dated April 2021. The proposed project is not anticipated to impact any tribal cultural resources. The project was referred to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkiyone Wilderness Council. The applicant is required to adhere to the inadvertent discovery protocol.

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

following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project 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:

- *Cultivation and Operations Plans* prepared by ETA Humboldt, dated April 23, 2021.
- *Site Plan* prepared by ETA Humboldt, received April 23, 2021.
- *Biological Assessment* prepared by ETA Humboldt, dated September 11, 2019.
- *Botanical Survey* prepared by ETA Humboldt, received April 23, 2021.
- *Cultural Resource Investigation* prepared by Archaeological Research and Supply Co., dated April 2021.

Other CEQA Considerations

Staff suggests no changes for the project.

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

See **Purpose** statement above.

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

FINDINGS

1. The proposed project will permit a new cannabis operation and bring the operation into

compliance with county and state requirements intended to adequately mitigate environmental impacts.

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (*Site Plan* prepared by ETA Humboldt, received 04/23/2021)
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 Plans* dated 4/23/2021 - **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 #4 above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Notice of Applicability- On file and *Site Management Plan* prepared by Timberland Resource Consultants 10/21/2020- On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable - **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

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

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. *Biological Assessment prepared by ETA Humboldt, dated September 11, 2019. (Attached)*
16. *Botanical Survey prepared by ETA Humboldt, received April 23, 2021. (Attached)*
17. Northern Spotted Owl Habitat Assessment prepared by Leopardo Wildlife Associates. (Attached)
18. *Road Evaluation Report prepared by Stillwater Sciences, dated April 26, 2017. (Attached)*
19. Cultural Resources Investigation, prepared by Archaeological Research and Supply Company. (On file- confidential)

Amended Cultivation Plan

Humboldt Spirit Inc.

Location: 480 Ranch Rd. Garberville, CA 95542

County: Humboldt

APN: 222071028

Address: 3739 Balboa St. Suite 152 San Francisco, CA 94121

Contact Name: Vanessa Valare

Telephone: 707.923.1180/760.613.6520

Email: etahumboldt@gmail.com

Cultivation Site

This project will consist of one large cultivation area consisting of 6,000ft² of mixed light cultivation, and 26,000ft² of outdoor light deprivation cultivation. All cannabis grows in greenhouses. All cannabis is harvested and dried on site. Mixed light cultivation includes two (2) 3,000ft² (30' x 100' each) greenhouses. Outdoor light deprivation cultivation includes four (4) 3,000ft² (30' x 100' each) greenhouses, three (3) 1,100ft² (10' x 110') greenhouses, two (2) 1,000ft² (10' x 100') greenhouses, nine (9) 700ft² (10' x 70') greenhouses, and three (3) 500ft² (10' x 50') greenhouses. In 2022, one cycle of mixed light and light deprivation cultivation will occur. In the subsequent years, two cycles of mixed-light and light deprivation cultivation will occur. Propagation will occur in five (5) propagation areas, one (1) that is 1,000ft² (20' x 50') two (2) that are 600ft² (10' x 60') and two (2) that are 500ft² (10' x 50').

Footprint explanation

Mixed light cultivation area- This area contains 2 (two) 30' x 100' (3,000ft²) mixed light greenhouses for a total of 6,000ft² of mixed light cultivation.

Outdoor light deprivation area- This area contains 4 (four) 30' 100' (3000ft²) greenhouses, 3 (three) 10' x 110' (1,100ft²) greenhouses, 2 (two) 10' x 100' (1,000ft²) greenhouses, 9 (nine) 10' x 70' (700ft²) greenhouses, 3 (three) 10' x 50' (500ft²) greenhouses for a total of 26,000ft² of outdoor light deprivation cultivation.

Propagation Space- This area contains 5 (five) propagation greenhouses (2qty. 600ft², 2 qty 500ft² and 1qty 1,000ft²) for a total of 3,200ft² of propagation space.

Other Related Infrastructure

Water Tanks- 1 qty 50,000-gallon steel rainwater catchment water storage tank
Water Tanks- 10 qty. 5,000-Gallon HDPE rainwater catchment Water Storage

Tanks

Water Tanks- 3 qty 3,000-gallon HDPE rainwater catchment water storage tanks
 Water tanks- 1 qty 92,000-gallon Steel rainwater catchment water tank.
 Pond Proposed 1,000,000-gallons of rainwater catchment.
 Existing pond on adjacent parcel (under same ownership)- 1,000,000-gallons of rainwater catchment water storage

Drying/Processing building proposed- 2,400ft² commercial drying/processing building with ADA compliant restroom
 Drying room-existing-(garage) 875ft² (will be decommissioned once proposed processing building is complete)

Immature Plants

Each spring the Applicant takes cuttings or clones from mother plants and rears them in propagation greenhouse till plants are ready to be moved to greenhouses.

Cultivation Cycles

The Applicant cultivates in mixed light and light deprivation greenhouses in two cycles from April to October. **(Applicant will only cultivate one cycle of cannabis cultivation in 2022)** The Applicant uses supplemental light inside the propagation greenhouse to start plants. The Applicant uses a blackout tarp over the flowering greenhouses, at regular intervals. The Applicant will in the future have two mixed light and light deprivation cultivation cycles. The first cycle is from April to July, the second cycle is from roughly July to October.

Monthly Cultivation Site Activities

Month	Activities
January	Finish processing of fall harvest, trimming and storage. Plan new year. Mow cover crop. Check greenhouse for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
February	Work on trenches/and holes for plants layer more compost in beds. Treat compost if necessary. Finishing processing last year's crop if still necessary.
March	Get clones from other permitted grow operation. Transplant and move into greenhouse with seedlings. Amend beds, fix fences, service equipment, make plan for independent contractors i.e.; painting, fence

	building, greenhouse fixing, etc.
April	Amend and start turning beds, prep dirt and supplies for greenhouse plants Add nematodes compost for pest prevention. Mid- April move first round of plants to greenhouses. Weed whacking, mowing, and brush cleanup.
May	Spray with preventive sulfur. Treat with biodynamic preparations for pest control and mold control. Greenhouse plants switched into flower using a blackout cover mid-late May. Turn beds, fix/ replace and clean drip emitters, check timers. Double check all water systems for leaks and clogs. Put out sound sensors for rodents.
June	Hay put over each trench for water retention. Regular feeding schedule of compost teas adhered to. Pests are dealt with as they arise with oils, nematodes and predator mites from compost. Procure next round of plants from licensed nursery.
July	Harvest greenhouse mid-month, replant with new clones from a permitted nursery. (2023 and beyond) Treat plants with preventive measures. Harvested flowers to hang in drying area then to be cured and trimmed per processing plan.
August	Finish processing July's harvest. Monitor water supply, check lines and all areas for insect/ animal disturbance.
September	Prepare for Harvest. (2023 and beyond) Clean and prepare lines and drying spaces in garage. Clean all supplies and purchase new items needed. Harvest, cure and trim as outlined above in processing plan.
October	Harvest greenhouses. Process as outlined above. Harvest 2 nd cycle of mixed light and light deprivation. (2023 and beyond) Pull all root-balls, pack hay and cover crop seeds on beds. Pull drip system. Check all equipment and tools for leaks and damages before storing for winter. Store all supplies possible, cleanup site.
November	Finish harvesting plants if necessary. Winterize water system, greenhouses, and sheds. Clean up drying rooms remove all lines and debris. Put away all supplies i.e. fans, dehumidifiers. Continue processing cannabis as outlined above.
December	Start amendments for winter. Prep all water and water storage system for shut down. Clean all garden implements. Put all left over supplies away. Driveway fixing, other farm/garden maintenance.

Operations Plan for Permit Modification

Humboldt Spirit Inc.

Location: 480 Ranch Rd. Garberville, CA 95542

County: Humboldt

APN: 222071028

Address: 3739 Balboa St. Suite 152 San Francisco, CA 94121

Contact Name: Vanessa Valare

Telephone: 707.923.1180/760.613.6520

Email: etahumboldt@gmail.com

Project Description

The applicant is seeking a Special Permit for 22,000ft² of new outdoor light deprivation cultivation, in addition to PLN-11905-ZCC which is an approved application for 4,000ft² of existing outdoor light deprivation commercial cannabis cultivation and 6,000ft² of existing mixed-light cultivation. The combined projects will total 32,000ft² of commercial cannabis cultivation. Ancillary propagation will total 3,200ft² of which 1,624ft² will be new propagation and 1,576ft² is existing propagation associated with the approved application. Water for irrigation will be sourced from an existing 1,000,000-gallon pond that is located on the property adjacent to the project under the same ownership, as well as the existing 201,000-gallons of rainwater catchment water storage tanks. The applicant will use the neighboring pond until the proposed 1,000,000-gallon rainwater catchment pond can be built on this parcel. The expansion will rely solely upon the rainwater catchment ponds, and rainwater catchment tanks for irrigation, and the existing project will also utilize the pond and rainwater tanks as well and utilize existing water sources for domestic purposes only. The projected annual irrigation water usage for the combined projects totals 410,000 gallons (12.81 gal/ft²). Existing available water storage on this parcel totals 201,000-gallons of rainwater catchment water storage tanks which will increase to 1,201,000-gallons upon the completion of the rainwater catchment pond. Energy for the operation is currently sourced from an existing solar array; additional solar panels are proposed to support the increased energy demands of the expansion. All processing will occur onsite once the processing building is completed.

All cannabis is harvested and dried on site. All greenhouses will be equipped with fans. The ancillary propagation space will contain supplemental lighting. In 2022, the applicant intends on only harvesting the light deprivation and mixed-light cultivation one time. In subsequent years, two cycles of mixed light and two cycles of light deprivation outdoor cultivation will be harvested per year. Mixed light cannabis grown between 2 greenhouses. Entire cultivation area was graded with an approved grading permit. There are companion plants, native grasses

and indigenous plants that grow in the garden and around the area to also help control any type of run off. There are no signs of wastewater runoff or erosion in these gardens. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Applicant is also proposing to build a 2,400ft drying/processing building with ADA compliant restroom and a new 1,000,000-gallon off-stream rainwater collection pond on this parcel to increase available water resources.

Equipment/ Power

Greenhouse lighting, water and air pumps, atomizer (for foliage feeding and pest/disease), fans, power tools, surge protectors, dehumidifiers, cannabis trimming machine and all electrical supplies and equipment are run from a solar system consisting of 8 305-Watt solar panels and 8- 385AH L16 batteries, with a 14KW Kohler 14RCH propane generator for backup. Backup generator is only for emergency back-up use and will never be used more than 20% of the time. Applicant is proposing to add an additional 8 305-watt solar panels, 8 385AH L16 batteries, and an additional 14KW Kohler 14RCH propane generator to accommodate increased power demand from expansion.

Petroleum Based/ Fuel Products -

Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature. These fuels are used for generator, weed whacker, lawn mower and other garden tools. We are currently in process of filing Generator Plan through Humboldt Dept of Health and Human Services. Any above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. All five-gallon gasoline cans are stored with secondary containment inside of garage or similar enclosure on flat, stable areas. We will implement spill prevention, control, and countermeasures (SPCC) and will There are no underground storage tanks on the property. All petroleum products on property are stored with secondary containment inside of a shed or similar enclosure on flat, stable areas.

Water Storage and Usage

Projected Water use for this site is approximately 484,500-gallons. The projected water use for the cannabis is approx. 410,000-gallons. Domestic water use is expected to be approx. 74,500-gallons. This water use is an estimate to the best of my knowledge. The irrigation water source for the current approved operation is a groundwater well. The water source for the new cultivation will be the 1,000,000-gallon rainwater catchment pond located on the adjacent parcel under the same ownership. Applicant is proposing to install a new 1,000,000-gallon off-stream rainwater catchment pond on this parcel which will be the source of all the irrigation water in the future. There is currently a total of 10 (ten) 5,000-gallon HDPE rainwater catchment water storage tanks, 3 (three) 3,000-gallon HDPE rainwater catchment water storage tanks, 1 (one) 50,000-gallon steel water storage tank, and 1 (one) 92,000-gallon rainwater catchment Steel water tank. Applicant is also proposing to add a 1,000,000-gallon rainwater catchment pond to further increase water storage.

Water Discharge

Water storage is separate from all cannabis feeding tanks. Feeding tanks are at least 200 ft from nearest water source and on flat ground. Mulched organic matter is spread on topsoil to help with evaporation and runoff. Heavy amounts of peat moss and coco coir are also amended into soil periodically to help with runoff of fertilizer. No run-off from cultivation watering flows into the ground. Cannabis meets requirements for a Tier 1 low risk.

Land Features

All cannabis grown on flats were created with a three acre-conversion and grading plan that was approved by Humboldt county.
There are no signs of erosion or water runoff. Site is checked on a weekly basis to monitor for performance on BMP.

Access to Property

The site is located on Ranch Rd, off Sprowel Creek Rd. in the Garberville Area.

Personal driveway is shared with no additional neighbors. To access property from Eureka CA, via Highway 101;

Take Highway 101 south for 66.5 miles to the Sprowel Creek Rd./Garberville exit. (exit 639). Turn Right onto Sprowel Creek rd. Follow Sprowel Creek rd. 9.2 miles to Moody Rd. Turn onto Moody Road to Ranch Rd. and destination will be on the right. 480 Ranch Rd.

Proximity

The nearest neighboring properties are 105 ft to the north from 200 to the east from the cultivation sites. There are no schools, school bus stops, public parks, public lands, hiking trails or tribal resources within 600 ft of my property.

Tracking, Records, and Inspections

CERCC requires that the project comply with the Track-and-Trace System and local requirements. The following policies shall be implemented to ensure compliance with the CERCC and CWMP:

- A. In addition to all other tracking requirements, disposal of cannabis waste shall use the Track-and-Trace System with documentation to ensure cannabis waste is identified, weighed, and tracked while on premises and when disposed.
- B. All cannabis plant material identified as cannabis waste shall be reported in the Track-and-Trace System made within three (3) business days of the change in disposition from cannabis plant material into cannabis waste scheduled for destruction or disposal.
- C. Review of on-site cannabis, Track-and-Trace System records, cannabis waste, commercial waste, and any other records shall be available for CDFA inspection or their designated representative. Inspections shall occur at standard business hours from 8:00am to 5:00pm. Prior notice for inspections is not required by the inspecting agency.
- D. No person shall interfere with, obstruct or impede inspection, investigation or audit. This includes, but is not limited to, the following actions: Denying the department access to the licensed premises. Providing false or misleading statements. Providing false, falsified, fraudulent or misleading documents and records, and failing to provide records, reports, and other supporting documents.

E. Accurate and comprehensive records shall be maintained on-site for seven (7) years regarding cannabis waste which are subject to CDFA inspection that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste.

Trash/Refuse

Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters. All trash and recycling are stored in cans with lids on a stable, flat area. The cans are secured to exclude wildlife and prevent discharge or contact with water or receiving waters. Garbage and refuse shall be disposed of at an appropriate waste disposal location. All garbage and refuse are disposed of at an authorized municipal waste transfer station. It will be taken to Redway Transfer station by personal vehicle, i.e., truck, 1-3 times per week depending on garbage accumulation.

Solid Waste/ Recycling

Solid waste and recyclables on the property will be not be stored or collected. They will be taken to Redway Transfer station by personal vehicle, i.e. truck, 1-3 times per week depending on garbage accumulation. All soil will be reused and never dumped. Garbage from the grow is bags from amendments and fertilizer containers. All items will be cleaned out properly into a leach field or garden area, recycled if possible and if not removed to the transfer station. All recycling is sorted in a can with lids in the yurt until it is removed. No garbage is stored outside or unattended where animals can access.

Solid Waste and Recyclables Disposal

Redway Transfer Station
Recycling center in Humboldt County, California
Conservation Camp Rd.
Redway, CA 95560
707-923-3944
<https://www.recology.com/recology-eel-river/redway-transfer-station/>

Hazardous Waste Disposal

Humboldt Waste Management Authority
1059 W Hawthorne St.
Eureka, CA 95501
707-268-8680

Revised Water Irrigation and Storage Plan

Humboldt Spirit Inc.

Location: 480 Ranch Rd. Garberville, CA 95542

County: Humboldt

APN: 222071028

Address: 3739 Balboa St. Suite 152 San Francisco, CA 94121

Contact Name: Vanessa Valare

Telephone: 707.923.1180/760.613.6520

Email: etahumboldt@gmail.com

Water Plan

Water Storage and Usage

Projected Water use for this site in 2022 is approximately 371,000-gallons. The projected water use for the cannabis is approx. 296,500-gallons. This project will only run one cycle of cultivation for the 2.0 expansion in 2022 but will run two cycles on the approved 1.0 project. Projected irrigation water use for the 2023 season and beyond is approximately 410,000-gallons. Domestic water use is expected to be approx. 74,500-gallons. This water use is estimate to the best of my knowledge. The irrigation water source for the approved 1.0 (PLN-11905) operation has historically been a groundwater well. The 2.0 expansion, as well as the current 1.0 operation will now utilize existing 1,000,000-gallon rainwater catchment pond located on adjacent parcel under the same ownership, as well as the water collected in the 201,000-gallons of rainwater catchment water storage tanks. Applicant is proposing to install a 1,000,000-gallon off-stream rainwater catchment pond on this parcel which will be the source of all the irrigation water in the future. There is currently a total of 10 (ten) 5,000-gallon HDPE rainwater catchment water storage tanks, 3 (three) 3,000-gallon HDPE rainwater catchment water storage tanks 1 (one) 50,000-gallon rainwater catchment steel water storage tank, and 1 (one) 92,000-gallon rainwater catchment Steel water tank for a total of 201,000-gallons of tank water storage, as well as the additional 1,000,000-gallons from the rainwater catchment pond on the adjacent parcel. There is a total of 1,201,000-gallons of existing water storage. Applicant is proposing to add 1,000,000-gallon rainwater catchment pond on this parcel to further increase water storage.

Water Discharge

Water storage is separate from cannabis feeding tank. Feeding tank is at least 200 ft from nearest water source and on flat ground. Mulched organic matter is

spread on topsoil to help with evaporation and runoff. Heavy amounts of peat moss and coco coir are also amended into soil periodically to help with runoff of fertilizer. No run-off from cultivation watering flows into the ground. Cannabis cultivation occurs at least 200 feet away from the Class II watercourse. All poly-flex irrigation water lines are anchored, located up and out of drainages, and sited in a responsible way so as not to impede water flow through stream channels.

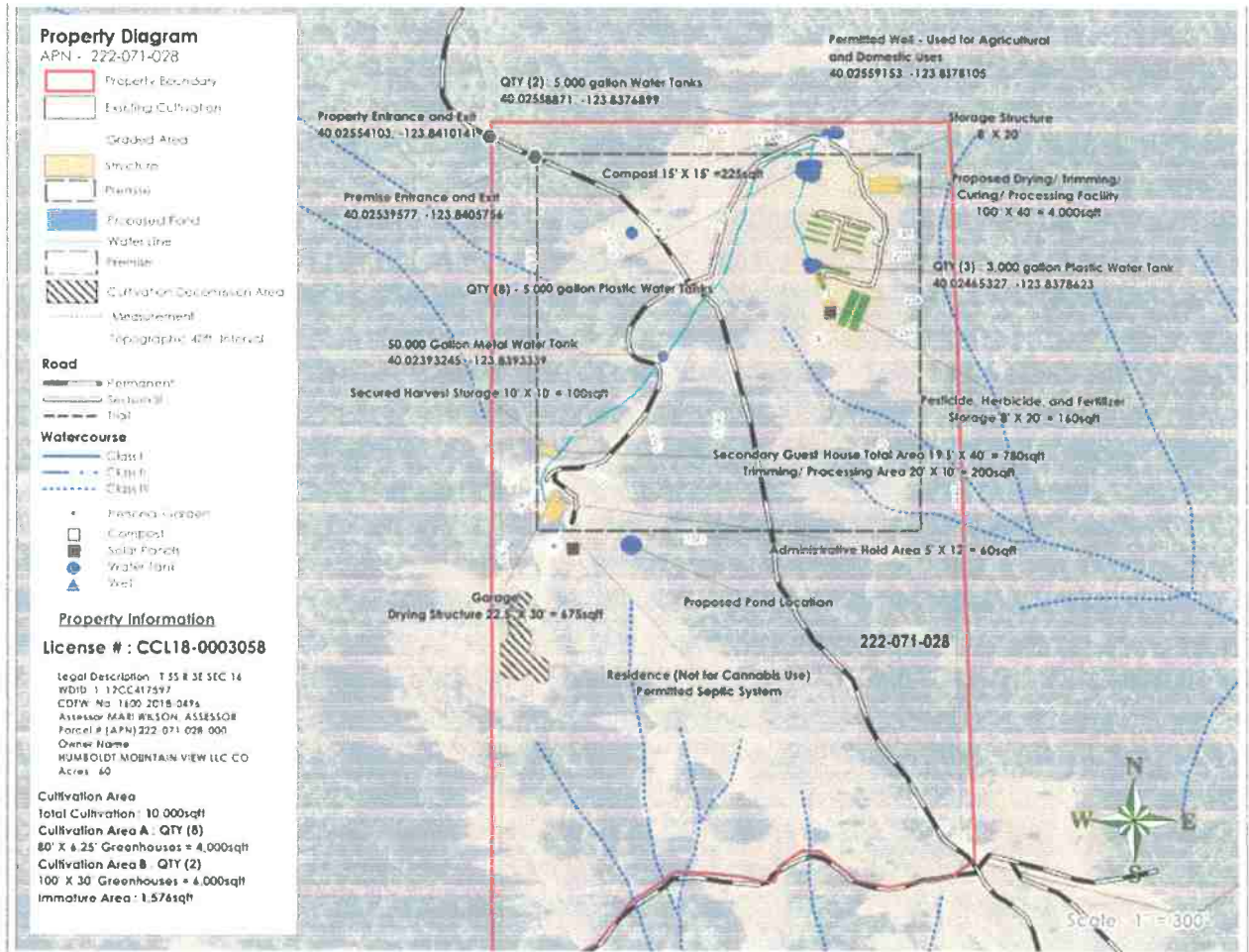
Monthly Water Use Table

Month	Cannabis Use in Gallons 2022	Cannabis Use in Gallons 2023 and beyond	Domestic Use
January	0	0	6,000
February	0	0	6,000
March	5,750	9,750	6,000
April	9,000	14,000	6,000
May	12,500	22,500	6,000
June	18,500	42,500	6,000
July	66,020	78,000	6,000
August	66,020	78,000	6,000
September	55,270	69,000	6,000
October	45,870	54,000	6,000
November	17,570	42,250	6,000
December	0	0	8,500
Total	296,500	410,000	74,500

I have read and keep a copy in my binder of the “Best Management Practices of Waste Resulting from Cannabis Cultivation and Associated Activities or operations with Similar Environmental Risk”, “Performance Standards for all CMMLUO Cultivation and Processing Operations” and the “Legal Pest Management practices for Marijuana Growers in California”. I intend to practice the guidelines set forth by these documents to help ensure my compliance with laws. I also intend to be flexible with county and state officials, make changes as necessary and upgrade my property to comply. Please feel free to contact me for any more information.

A Biological Assessment: Commercial Cannabis Cultivation

Humboldt Spirit Inc.
APN#: 222-071-028



Prepared by:
ETA Humboldt, LLC
Austin Theriault
P.O. Box 147
Phillipsville, CA 95559

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1.0 Introduction

1.1 Purpose and Need

This biological assessment has been prepared for Humboldt Spirit Inc., for APN# 222-071-028, 480 Ranch Rd. Garberville, CA 95542 as a supplement to a commercial cannabis cultivation permit in Humboldt County, California.

Humboldt County regulates commercial cannabis through the Commercial Medical Marijuana Land Use Ordinance (CMMLUO), which requires permit applicants to assess all potentially significant impacts to biological resources from existing or proposed cannabis cultivation operations.

The purpose of this assessment is to gather information necessary to complete a review of biological resources. This report describes the results of the site visit, which assessed the Study Area and immediately adjacent areas for: (1) the potential to support special-status plant and wildlife species; (2) the potential presence of sensitive biological communities such as wetlands or riparian habitats; and (3) the potential presence of other sensitive biological resources protected by local, state, and federal laws and regulations.

1.2 Project Sites and Biological Assessment Area

The project site is defined as the cultivation area within the 59.96-acre property under ownership of Humboldt Spirit Inc. (APN 222-071-028 figure 1). The biological assessment area (BAA) is defined as the entire 59.96-acre parcel.

1.3 Regulatory Background

The following sections explain the regulatory context of the biological assessment, including applicable laws and regulations that informed field investigations and analysis of potential project impacts.

2.1 Cannabis Cultivation

Proposition 64 (Medical Cannabis Regulation and Safety Act) cannabis has been determined to be a commercial agricultural crop and is legalized for recreational use. Cannabis cultivation is regulated by the California Department of Food and Agriculture (CDFA) which cannabis licensing from the state. This permitting process is subject to environmental review under The California Environmental Quality Act (CEQA).

Under CEQA, Humboldt County, as the lead agency, requires that CMMLUO permit applicants have a qualified biologist professional assess the project area for sensitive biological communities and the potential presence of protected plants and animals.

2.2 Sensitive Biological Communities

Habitats that fulfill distinctive functions or values such as wetlands, streams or riparian habitat are termed sensitive biological communities. These communities are protected federally with the Clean Water Act (CWA) regulations. In addition, these habitats are regulated by the state of California via the Porter-Cologne Act, The California Department of Fish and Wildlife (CDFW), and the California Environmental Quality Act (CEQA). They are further governed by local ordinances such as city or county tree ordinances, Special Habitat Management Areas or General Plan Elements.

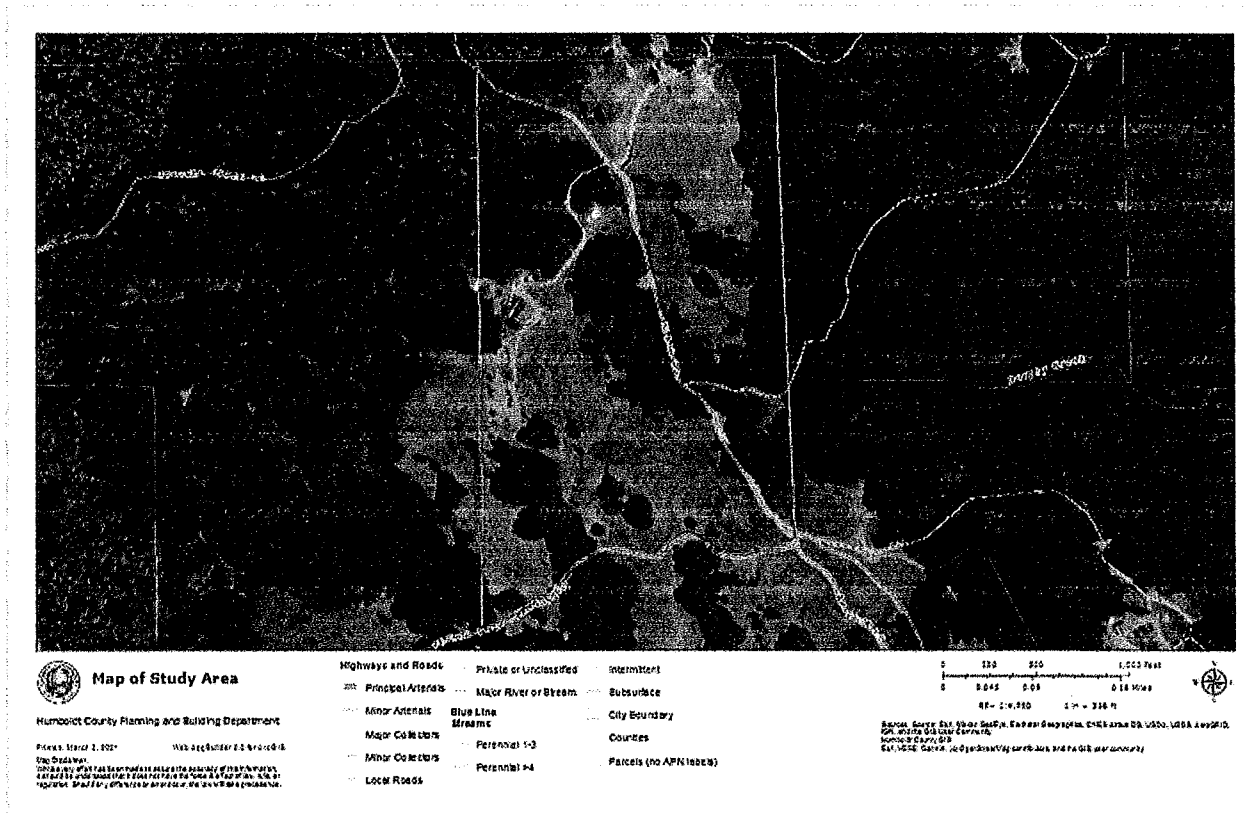


Figure 1- Study Area

2.2.1 Streams, Lakes, and Riparian Habitat

Streams and lakes, as habitat for fish and wildlife species, are subject to jurisdiction by CDFW under Sections 1600-1616 of California Fish and Game Code (CFGC). Alterations to or work within or adjacent to streambeds or lakes generally require a Notification of Lake or Streambed Alteration. The term “stream”, which includes creeks and rivers, is defined in the California Code of Regulations (CCR) as “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life [including] watercourses having a surface or subsurface flow that supports or has supported riparian vegetation” (14 CCR 1.72). In addition, the term “stream” can include ephemeral streams, dry washes, watercourses with subsurface flows, canals, aqueducts, irrigation ditches, and other means of water conveyance if they support aquatic life, riparian vegetation, or stream dependent terrestrial wildlife (CDFG 1994). “Riparian” is defined as “on, or pertaining to, the banks of a stream.” Riparian vegetation is defined as “vegetation which occurs in and/or adjacent to a stream and is dependent on, and occurs because of, the stream itself” (CDFG 1994). Removal of riparian vegetation also requires a Notification of Lake or Streambed Alteration.

2.2.2 Aquatic Habitats

Federal, State and local regulatory agencies have recognized aquatic habitats such as water bodies, waterways and wetlands as ecologically significant biological communities. The Clean Water Act (CWA) authorizes the U.S. Army Corp of Engineers (ACOE) to regulate the "Waters of the United States" under section 404. These are defined as "waters susceptible to use in commerce, including interstate waters and wetlands, all other waters, and their tributaries (33 CFR 328.3). Non-wetland waters of a sufficient depth and inundated for a sufficient duration, which also exclude hydrophytic vegetation, are considered "other waters" and are usually defined by the high-water mark. These non-wetland waters include lakes, streams and rivers.

Waters of the United States, the Corps regulates “Waters of the United States” under Section 404 of the CWA. Waters of the U.S. are defined in the Code of Federal Regulations (CFR) as waters susceptible to use in commerce, including interstate waters and wetlands, all other waters (intrastate waterbodies, including wetlands), and their tributaries (33 CFR 328.3). Potential wetland areas, according to the three criteria used to delineate wetlands as defined in the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987), are identified by the presence of (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. Areas that are inundated at a sufficient depth and for a sufficient duration to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as “other waters” and are often characterized by an ordinary high-water mark (OHWM), and herein referred to as non-wetland waters. Non-wetland waters, for example, generally include lakes, rivers, and streams. The placement of fill material into Waters of the U.S generally requires an individual or nationwide permit from the Corps under Section 404 of the CWA.

2.2.2 Aquatic Habitats (Continued)

The term “Waters of the State” is defined by the Porter-Cologne Act as “any surface water or groundwater, including saline waters, within the boundaries of the state.” The Regional Water Quality Control Board (RWQCB) protects all waters in its regulatory scope and has special responsibility for wetlands, riparian areas, and headwaters. These waterbodies have high resource value, are vulnerable to filling, and are not systematically protected by other programs. RWQCB jurisdiction includes wetlands and waters that may not be regulated by the Corps under

Section 404. Waters of the State are regulated by the RWQCB under the State Water Quality Certification Program which regulates discharges of fill and dredged material under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act. Projects that require a Corps permit, or fall under other federal jurisdiction, and have the potential to impact Waters of the State, are required to comply with the terms of the Water Quality Certification determination. If a proposed project does not require a federal permit, but does involve dredge or fill activities that may result in a discharge to Waters of the State, the RWQCB has the option to regulate the dredge and fill activities under its state authority in the form of Waste Discharge Requirements.

2.2.3 Sensitive Biological Communities

Natural communities considered sensitive are those identified in local or regional plans, policies, regulations, or by the CDFW. CDFW ranks sensitive communities as "threatened" or "very threatened" and keeps records of their occurrences in its California Natural Diversity Database (CNDDDB; CDFW 2016). Sensitive plant communities are also identified by CDFW (CDFG 2003, CDFG 2007, CDFG 2009). CNDDDB vegetation alliances are ranked 1 through 5 based on NatureServe's (2014) methodology, with those alliances ranked globally (G) or statewide (S) as 1 through 3 considered sensitive. Impacts to sensitive natural communities identified in local or regional plans, policies, or regulations or those identified by the CDFW or United States Fish and Wildlife Service (USFWS) must be considered and evaluated under CEQA (CCR Title 14, Div. 6, Chap. 3). Specific habitats may also be identified as sensitive in city or county general plans or ordinances

CDFW and the California Native Plant Society (CNPS) defines Sensitive Natural Communities as vegetation types with a state ranking of S1 to S3 by protocols established by the Nature Serve Heritage methodologies. There are no specific protocols for mitigating impacts to sensitive communities, but they are considered for environmental review under CEQA checklist IVb. The state ranking (S) is as follows:

1. Critically imperiled –At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
2. Imperiled-At risk because of rarity due to very restricted range, very few populations, (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the nation or state/province.
3. Vulnerable-At moderate risk of extinction due to a restricted range, relatively few populations, (often 80 or fewer), recent widespread declines, or other factors.
4. Apparently Secure –Uncommon but not rare; some cause for long-term concern due to declines or other factors.
5. Secure-Common; widespread and abundant.

2.2.4 Sensitive and Protected Species

The Federal Endangered Species Act (FESA) of 1973 is intended to protect and recover imperiled animal and plant species and the ecosystems upon which they depend. It is administered by the U.S. Fish and Wildlife Service (Service) and the Commerce Department's National Marine Fisheries Service (NMFS). Under the ESA, species may be listed as either endangered, threatened, or as a candidate for listing. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future. Candidate species are currently under review for a proposed listing.

The California Endangered Species Act (CESA) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or as a proposed candidate species.

2.2.4 Sensitive and Protected Species (Cont.)

Plant and Wildlife Species Special-status species include those plants and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed species and species proposed for listing. In addition, CDFW Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, USFWS Birds of Conservation Concern, and CDFW special-status invertebrates are all considered special-status species. Although CDFW Species of Special Concern generally have no special legal status, they are given special consideration under the CEQA. In addition to regulations for special-status species, most birds in the United States, including non-status species, are protected by the Migratory Bird Treaty Act (MBTA) of 1918. Under this legislation, destroying active nests, eggs, and young is illegal. Plant species included within the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants (Inventory) with California Rare Plant Rank (Rank) of 1 and 2 are also considered special-status plant species and must be considered under CEQA. Very few Rank 3 or Rank 4 plant species meet the definitions of Section 1901 Chapter 10 of the Native Plant Protection Act or Sections 2062 and 2067 of the CDFW Code that outlines CESA. However, CNPS and CDFW strongly recommend that these species be fully considered during the preparation of environmental documentation relating to CEQA. This may be particularly appropriate for the type locality of a Rank 4 plant, for populations at the periphery of a species range or in areas where the taxon is especially uncommon or has sustained heavy losses, or from populations exhibiting unusual morphology or occurring on unusual substrates. A description of the CNPS Ranks is provided below in section 3.3.

1.0 Methods

3.1 Field Observations

All field data was recorded by Wildlife Biologist Austin Theriault on December 2nd, 2020, using a 100' measuring tape for all distance measurements, Garmin GPS Location Device, and binoculars (10 x 42) were used to identify any wildlife sightings. Portions of all aquatic and terrestrial habitats within the project area were assessed. The Study Area was traversed on foot to determine (1) plant communities present within the Study Area, (2) if existing conditions provided suitable habitat for any special-status plant or wildlife species, and (3) if sensitive habitats are present.

Protocol-level presence/absence surveys were conducted as part of this assessment. Our determinations regarding the potential of the Study Area to support special-status plant and wildlife species were based primarily on the suitability of habitats within the Study Area, the proximity of known occurrences, and an on-site inspection and survey. This assessment is based on information available at the time of the study and on-site conditions that were observed on initial visit on December 2nd, 2021, and subsequent visit on January 28th, 2021.

3.2 Review of Scientific Literature

Data was sourced from USFWS, USDA, and CDFW factsheets, CEQA reference material and naturalist field guides.

3.3 Sensitive and Protected Species

The procedure used to determine the listed plants and animals in this report included a July query of the California Natural Diversity Database (CNDDDB) for any sensitive species detections.

Description of CNPS Ranks and Threat Codes California Rare Plant Ranks (formerly known as CNPS Lists)

Rank 1A Presumed extirpated in California and either rare or extinct elsewhere

Rank 1B Rare, threatened, or endangered in California and elsewhere Rank 2A Presumed extirpated in California, but more common elsewhere

Rank 2B Rare, threatened, or endangered in California, but more common elsewhere

Rank 3 Plants about which more information is needed - A review list

Rank 4 Plants of limited distribution - A watch list

Threat Ranks

0.1 Seriously threatened in California

0.2 Moderately threatened in California

0.3 Not very threatened in California

Critical Habitat Critical habitat is a term defined in the ESA as a specific geographic area that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. The ESA requires federal agencies to consult with the USFWS to conserve listed species on their lands and to ensure that any activities or projects they fund, authorize, or carry out will not jeopardize the survival of a threatened or endangered species.

3.3 Sensitive and Protected Species (Cont.)

In consultation for those species with critical habitat, federal agencies must also ensure that their activities or projects do not adversely modify critical habitat to the point that it will no longer aid in the species' recovery. In many cases, this level of protection is similar to that already provided to species by the ESA jeopardy standard. However, areas that are currently unoccupied by the species, but which are needed for the species' recovery are protected by the prohibition against adverse modification of critical habitat.

2.0 Results and Discussion

4.1 BAA Description

The BAA consists of the approximately 59.96 acres under Humboldt Spirit Inc.'s ownership. Terrestrial habitat on the property is dominated by Upland Douglas Fir Forest, with a few Black Oak (*Quercus veluntina*), White Oak (*Quercus alba*) and Tanoak (*Notholithocarpus densiflorus*). Annual mean rainfall in this region is about 67". Elevation on this parcel is approximately 1,600-1,700 feet above sea level and is a mixture of hills and meadows.

Land use on the property is primarily restricted to cannabis cultivation and residential use. The assessment site visit included an inventory of wildlife species observed. No special species mammals, amphibians, fish or birds were observed during in field reconnaissance.

4.2 Site Description

The property is an assessed 59.96-acre square parcel located approximately 5.4 miles South Southwest of the town of Garberville, CA. The parcel is within Section 16, Township 5 South, Range 3 East, HB&M, as made known on the 7.5' USGS Quadrangle Map, Garberville, CA. Existing development on the parcels includes an approx. 2,000ft². residence, (not used for cannabis) a 128ft² Connex container used for pesticide and fertilizer storage, two 3,000ft² mixed light greenhouses, and 8 (eight) 6.5' x 60' outdoor cultivation beds. Proposed development includes a 4,000ft² commercial processing building with ADA compliant bathroom, addition of 15 (fifteen) 10' x 100' outdoor light deprivation greenhouses, removal of the 8 cultivation beds, addition of a 20,000ft² full term outdoor cultivation area, and a rainwater catchment pond, size to be determined.

4.3 Commercial Cannabis Cultivation

The cannabis cultivation will take place in an existing and proposed mixed-light, Outdoor light deprivation, and full-term outdoor cannabis cultivation areas within one area of the parcel.

Water for irrigation is currently supplied from a groundwater well. Irrigation water in the future will come from the rain catchment as soon as it is built. All water and fertilizers are applied by drip irrigation at agronomic rates to minimize runoff.

The primary road system is in good shape and provides adequate access to the cultivation.

Future cannabis cultivation will require that the roads and crossings be maintained to present standards, which in part, are enforced by the Forest Practice Act (CalFire), Clean Water Act (WQ), and the Endangered Species Act (DFW & USFWS)

4.4 Sensitive Biological Communities

4.4.1 Aquatic Habitats

The BAA includes nine unnamed Class III watercourses which are tributary to Sprowl Creek and Durphy Creek which run South East approximately 5 miles and connect to the South Fork . The subject property is primarily ridge top with eight small ephemeral headwaters of Class III watercourses connecting to Sprowl Creek, and one small Class III watercourse which flows on the north eastern edge of the property connecting to Durphy Creek. No occurrences of sensitive species were observed in the channel. No Aquatic Habitat areas were observed during in-field reconnaissance.

4.4.2 Wetlands

A review of the USFWS National Wetlands Inventory indicates no potential seasonal wetlands on the property. No wetland areas were observed within the project area during in-field reconnaissance.

4.4.3 Sensitive Natural Communities

No known Sensitive Natural Communities of state ranking S1 or S2 were reported by CNDDDB within the BAA. The dominant vegetation series is Douglas-Fir and Mixed Oak and Madrone forest, which is state-ranked S3 series. No associations in this vegetation series are ranked lower than S3.

4.5 Sensitive and Protected Species

4.5.1 Bird Species of Special Concern

Bald Eagle (*Haliaeetus Leucocephalus*)

Status: CDFW- Fully Protected (FP) Federal Status- Delisted; State Status- Endangered State Rank- S3

Habitat: Bald Eagles are found near large bodies of open water with an abundant food supply and old-growth trees for nesting.

Status within the BAA: No observed occurrences within the BAA. One listed occurrence in the CNDDDB 9-quad report, Garberville. Potential suitable habitat likely does not exist within the BAA.

Osprey (*Pandion Haliaeetus*)

Status: CDFW- Watch List (WL) Federal and State Status- None; State Rank S4

Habitat: Rivers, lakes, coast. Found near water, either fresh or salt, where large numbers of fish are present.

Status within the BAA: No observed occurrences within the BAA. Four listed occurrences in the CNDDDB 9-quad report, Miranda, Garberville, Piercy, and Bear Harbor. Potential suitable habitat likely does not exist within the BAA.

4.5.2 Amphibian Species of Special Concern

Foothill Yellow-Legged Frog (*Rana boylei*)

Status: CDFW – SSC; Federal status – none; State status -Endangered, State rank - S3

Habitat: Partly shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Needs at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis (Thomson et al 2016).

Status within BAA: No observed occurrence within the BAA. There were eight occurrences within the 9-quad CNDDDB report, Piercy, Garberville, Harris, Ettersburg, Miranda, Fort Seward, Briceland and Noble Butte. Potential suitable habitat may exist within the BAA.

Pacific Tailed Frog (*Ascaphus Truei*)

Status: CDFW- SSC; Federal and State Status- None State Rank S3S4

Habitat: Cold, clear, and well shaded streams.

Status within the BAA: No observed occurrence within the BAA. There were two occurrences listed in the 9-quad CNDDDB report, Garberville, and Bear Harbor. Potential suitable habitat may exist within the BAA.

4.5.3 Fish Species of Special Concern**Klamath Crayfish (*Pacifastacus Leniusculus Klamathensis*)**

Status: CDFW- None; Federal and State Status- None State Rank S3

Habitat: inhabits streams, ponds, and *lakes* in a variety of habitats, including rocky, muddy, and vegetated areas.

Status within the BAA: No observed occurrences within the BAA. There was one listed occurrence in the CNDDDB 9- quad report, Garberville. Potential Suitable habitat likely does not exist within the BAA.

Steelhead- Northern California DPS (*Oncorhynchus Mykiss Irideus Pop. 16*)

Status: CDFW- none; Federal Status- Threatened; State Status- None; State Rank- S3

Habitat: Gravel bottomed, fast flowing, well oxygenated rivers, and streams. Juveniles prefer water that is 10” to 20” deep. Requires highly permeable gravels to keep incubating eggs and sac fry well oxygenated.

Status within BAA: No observed occurrence within the BAA. There were eight occurrences within the 9-quad CNDDDB report, Noble Butte, Ettersburg, Briceland, Fort Seward, Miranda, Bear Harbor, Piercy, and Garberville. Potential Suitable habitat does not exist within the BAA.

4.5.3 Fish Species of Special Concern(Cont.)

Coho Salmon- Southern Oregon/Northern California ESU (*Oncorhynchus Kisutch* pop. 2)

Status: CDFW- none; Federal and State Status- Threatened; State Rank S2

Habitat: Very cold clear water, juveniles usually feed and grow in slow moving off channel habitats, small clear tributaries and estuaries before migration to the ocean.

Status within the BAA: No observed occurrences within the BAA. There were eight listed occurrences in the 9-quad CNDDDB report, Garberville, Harris, Piercy, Bear Harbor, Briceland, Miranda Ettersburg, and Noble Butte. Potential suitable habitat does not exist within the BAA.

Chinook Salmon- California Coastal ESU (*Oncorhynchus tshawytscha* pop. 17)

Status: CDFW- None; Federal Status- Threatened; State Status- None; State Rank S2

Habitat: Freshwater streams, estuaries, and open ocean. Freshwater streams must be relatively deep with coarse gravel, temps under 14c, and a fast flow.

Status Within the BAA: No observed occurrences within the BAA. There were four listed occurrences in the 9-quad CNDDDB report, Briceland, Miranda, Piercy, and Garberville. Suitable habitat does not exist within the BAA.

Pacific Lamprey (*Entosphenus Tridentatus*)

Status: CDFW- SSC; Federal and State Status- None, State Rank S4

Habitat: Similar to the Salmon, the pacific lamprey is found in freshwater streams and the open ocean.

Status within the BAA: No observed occurrences within the BAA. There was one listed occurrence in the CNDDDB 9-quad report, Garberville. Potential Suitable Habitat does not exist within the BAA.

Summer-Run Steelhead Trout (*Oncorhynchus mykiss irideus* pop. 36)

Status: CDFW- SSC; Federal Status- None; State Status- Candidate Endangered State Rank S2

Habitat: They prefer pools with boulders, large woody debris, and undercut banks that provide cover from predators and visual separation from other fishes.

Status within the BAA: No observed occurrences within the BAA. There were four listed occurrences in the 9-quad CNDDDB report, Bear Harbor, Fort Seward, Briceland and Ettersburg. Potential Suitable habitat does not exist within the BAA.

4.5.4 Mammal Species of Special Concern

North American Porcupine (*Erethizon Dorsatum*)

Status: CDFW – none; Federal and State status – none; State rank - S3

Habitat: From Canada and Alaska and down into northern Mexico. Usually found in mixed and coniferous forests, they make their dens in rocky areas or in hollow trees. Feeds on Conifer needles and Tree bark.

Status within BAA: No observed occurrences within the BAA. There were seven listed occurrences within the 9-quad CNDDDB report, Noble Butte, Miranda, Ettersburg, Bear Harbor, Piercy, Harris, and Garberville. Potential suitable habitat may exist within the BAA.

Sonoma Tree Vole (*Arborimus pomo*)

Status: CDFW- SSC; State and Federal Status- None; State Rank S3

Habitat: found only in humid coastal old-growth forests of northern California and Oregon, where they live and nest in the tops of Douglas fir, grand fir, and Sitka spruce trees and eat the outer parts of conifer needles (particularly Douglas fir).

Status within the BAA: No observed occurrences within the BAA. There were six listed occurrences within the 9-quad CNDDDB report, Garberville, Harris, Piercy, Bear Harbor, Briceland, and Noble Butte. Potential suitable habitat may exist within the BAA.

Long-Eared Myotis (*Myotis Evotis*)

Status: CDFW- None; Federal and State Status- None; State Rank S3

Habitat: Mixed coniferous forests. Uses large snags for day roosts, usually high into or above the forest canopy.

Status within the BAA: No observed occurrences within the BAA. There was one listed occurrence in the 9-quad CNDDDB report, Garberville. Potential suitable habitat may exist within the BAA.

Pallid Bat (*Antrozous Pallidus*)

Status: CDFWSSC; Federal and State Status- None; State Rank S3

Habitat: They are found primarily in grasslands, shrub-steppe, and desert environments with rocky outcrops, but also dry open oak or ponderosa forest, and open farmland.

Status within the BAA: No observed occurrences within the BAA. There were two listed occurrences in the 9-quad CNDDDB report, Garberville, and Piercy.

4.5.5 Plant Species of Special Concern

Databases were reviewed and cross referenced. CNPS, CALFLORA, U.S. Fish and Wildlife service, and Invasive Weeds of California guide. There was one invasive species to be identified near and on the project site, which is Canada Thistle. See Figure 2. Invasive plant species easily colonize new and disturbed sites. Although the property does not currently have any of these problem plant species in abundance, they can spread quickly. Invasive species should be dealt with immediately by manual/mechanical labor such as removing the plant, root ball and remaining vegetation either by hand, brush hog, cutting, sawing. Prevention can be encouraged with mulching. Biological controls are not recommended as this is not usually an effective method and can enter streams and waterways. Hand removal of the plants is encouraged.

To control Canada thistle, cut flowering stalks before they go to seed or hoe out the leafy rosettes. Canada thistle is especially problematic because it can reproduce from tiny root fragments. For this reason, cultivation should be minimized in dense infestations which was not found on the project site. Repeated mowing during the growing season can drain the plants' reserves and eventually kill the plant.

4.6 Potential Impacts

4.6.1 Northern Spotted Owl

The cannabis cultivation process at the Humboldt Spirit Inc. property will be restricted to the existing roads and the existing cultivation site. No habitat removal is proposed under the current permit application. Potential impacts to NSO within the BAA are limited to disturbance from noise from traffic accessing the site and the likely intermittent use of small equipment such as generators, ATVs, etc.

The Arcata Fish and Wildlife Office (AFWO) has provided a 2006 guidance document regarding disturbance from noise-generated activities, "Estimating the effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California." The document provides likely disturbance distances to nesting owls and Murrelets, based on ambient sound levels at the site, the use of specific equipment, and visual line-of-sight distance to nests. A review of the document suggests that scenario 4 under appendix B, the Northern Spotted Owl Sound and Visual Harassment Decision Support Tool, best reflects the likely ambient sound conditions at the site and the equipment likely to be used during cultivation. Under this scenario, "the existing environment is characterized by low to very low levels of sound associated with human activities, and is typified by small power tools, light vehicular traffic moving at slow speeds, recreational activities, and many urban and rural residential activities." The typical action-generated sounds from cultivation under this scenario could include "larger gas-powered engines, large generators, amplified music, ATV's, and small trucks at moderate speed on improved trails, and large chainsaws." This scenario 4 closely approximates the likely ambient background noise at the site, and the potential action generated noise from the cultivation activities.

4.6.1 Northern Spotted Owl (Cont.)

No observed occurrences on the BAA. The BAA likely does not have appropriate habitat to support Spotted Owl nesting/roosting. As there is abundant foraging habitat on nearby public and private properties, cultivation activities will not likely impact foraging Spotted Owls. There were nine listed occurrences in the 9-quad CNDDDB report, Noble Butte, Piercy, Bear Harbor, Harris, Garberville, Briceland, Fort Seward, Miranda and Ettersburg.

4.6.2 Marbled Murrelet

Nesting marbled Murrelets require mature, late-successional forests with trees that support potential nesting "platforms", such as large mossy branches or canopy deformities (USFWS 1995). The forested habitat on the Humboldt Spirit Inc. property does not have trees of sufficient age or canopy complexity to support breeding marbled Murrelets.

There is no potential Murrelet nesting habitat located on the BAA. There were no listed occurrences in the 9-quad CNDDDB report.

4.6.3 Sensitive/Nesting Birds

Cultivation activities at the existing project site are unlikely to disturb nesting or sensitive birds, as impacts would generally be limited to noise disturbance only. The project site has no bird nesting habitat is present. No potential nesting habitat will be affected by typical cultivation activities on the flat.

4.6.4 Sensitive Fish/Amphibians

The Water Resources Protection Plan outlines the necessary BMPs (Best Management Practices) needed to protect water quality from cultivation practices. These BMP's, implemented properly, should serve to protect water quality on the BAA and to downstream waters. There should be no deleterious effects to fish or other aquatic species from cultivation activities.

4.6.5 Sensitive Forest Carnivores

Forest carnivores (Fisher, Humboldt Marten) may potentially use the BAA for foraging as part of a larger home territory. Older forests with complex canopies are preferred habitat for denning for these species; the BAA does not likely provide appropriate habitat for natal dens. As no habitat removal is planned for the BAA, there is a low likelihood of impacts to potential carnivore foraging habitats.

4.6.6 Sensitive Plants

Use of the existing cultivation site will likely not affect sensitive plants, as activities will be limited to previously impacted areas. Conversion of a proposed cultivation site would likely involve some ground disturbance. Spring season floristic (botanical) surveys are effective at identifying sensitive plants for protection.

5.0 Recommendations

1. All cultivation activities should be conducted to minimize potential runoff from the project sites.
2. Any fertilizers or pesticides should be used in strict accordance with the manufacturer's directions.
3. All fertilizers, pesticides, and other cultivation-related products should be properly stored to prevent exposure to precipitation events and to prevent access to wildlife.
4. Generators should be housed inside insulated enclosures to muffle noise and adhere to noise thresholds of the CCLUO (≤ 50 decibels of maximum noise exposure at 100 feet from noise source or edge of habitat).
5. Conduct nesting bird surveys if tree or shrub removal or habitat alteration is planned within the nesting bird season (generally March 1 - August 31). Use appropriate distance buffers, if necessary, for any discovered active nests.
6. Conduct seasonally appropriate floristic (botanical) surveys for rare plants if any ground disturbance for further development is proposed.

6.0 References

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7.0 Appendix

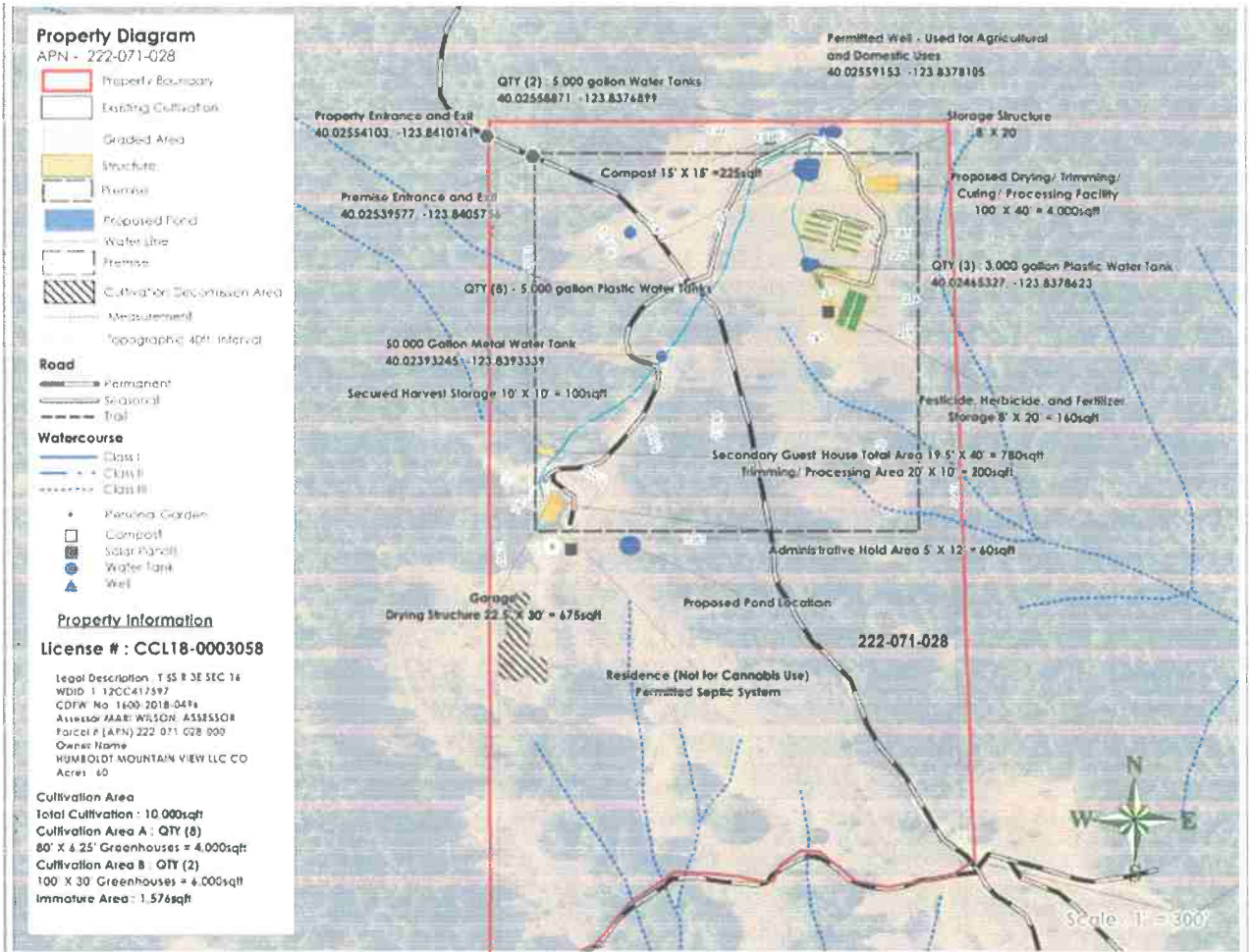


Figure 1: Parcel Map

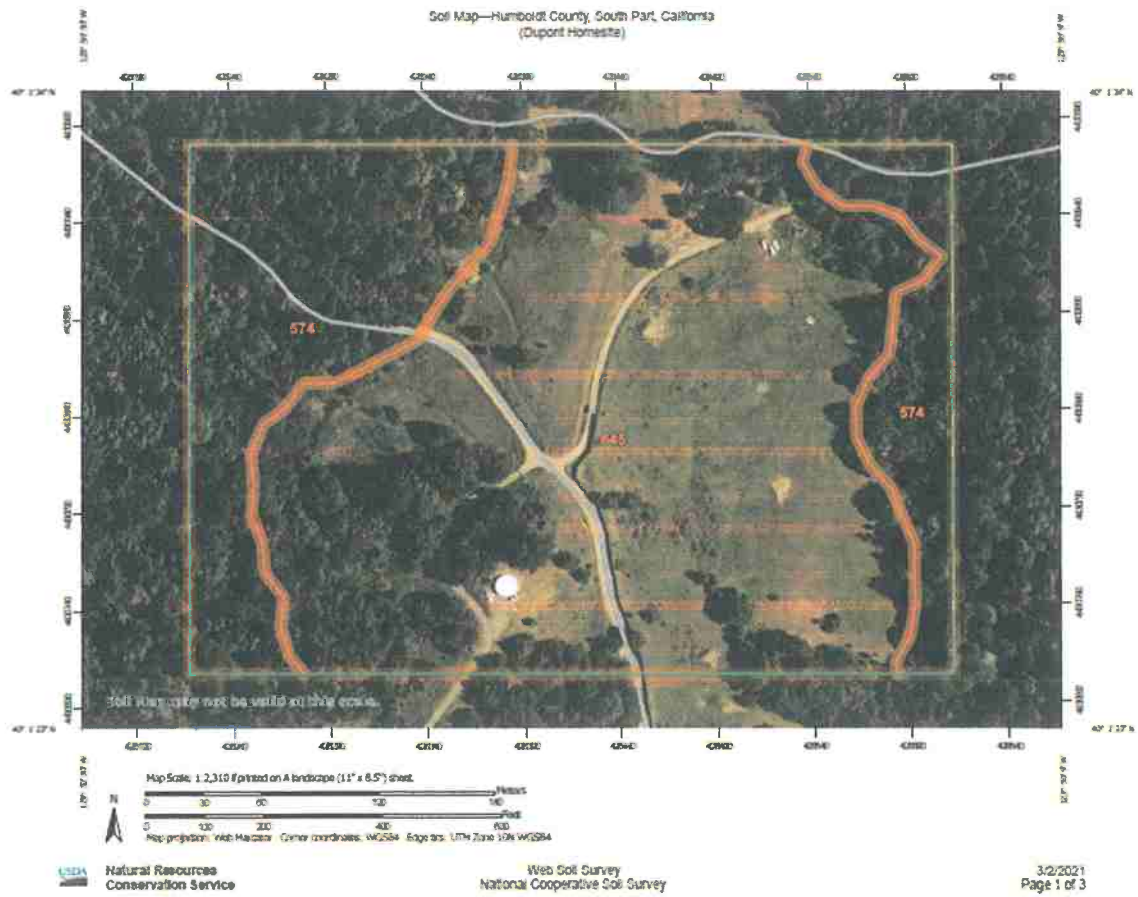


Figure 2: Web Soil Survey

Soil Map—Humboldt County, South Part, California
 (Dupont Homesite)

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Erosion
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or Swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Stale Spot

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.
 Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Humboldt County, South Part, California
 Survey Area Data: Version 9, Jun 1, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 8, 2019—Jun 21, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
574	Spruilleh-Ciesocreek-Rabouilly complex, 30 to 50 percent slopes, warm	8.1	30.4%
545	Shoclerio-Terakidga complex, 15 to 50 percent slopes	18.6	69.6%
Totals for Area of Interest		26.7	100.0%

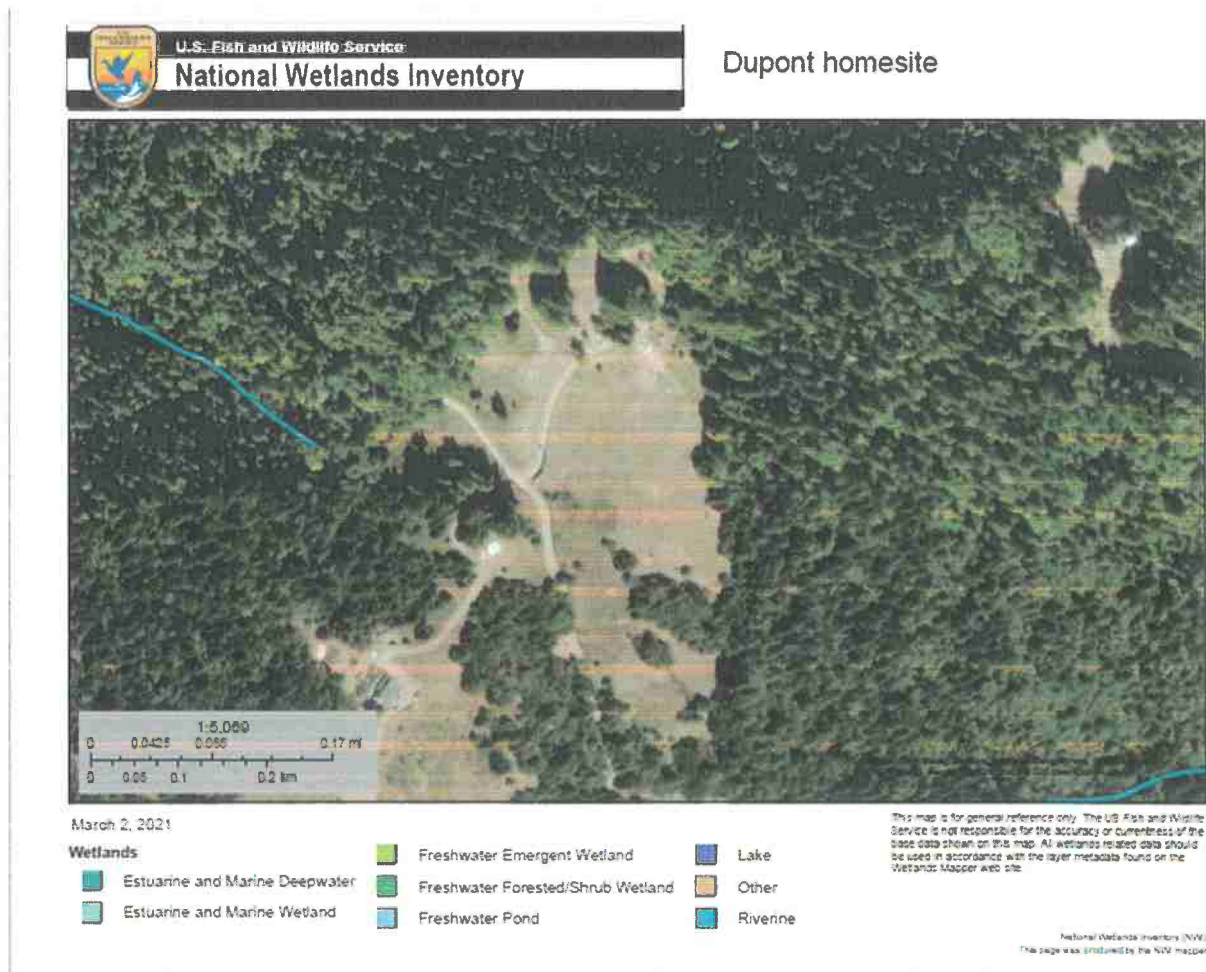


Figure 3: Aquatic Habitats

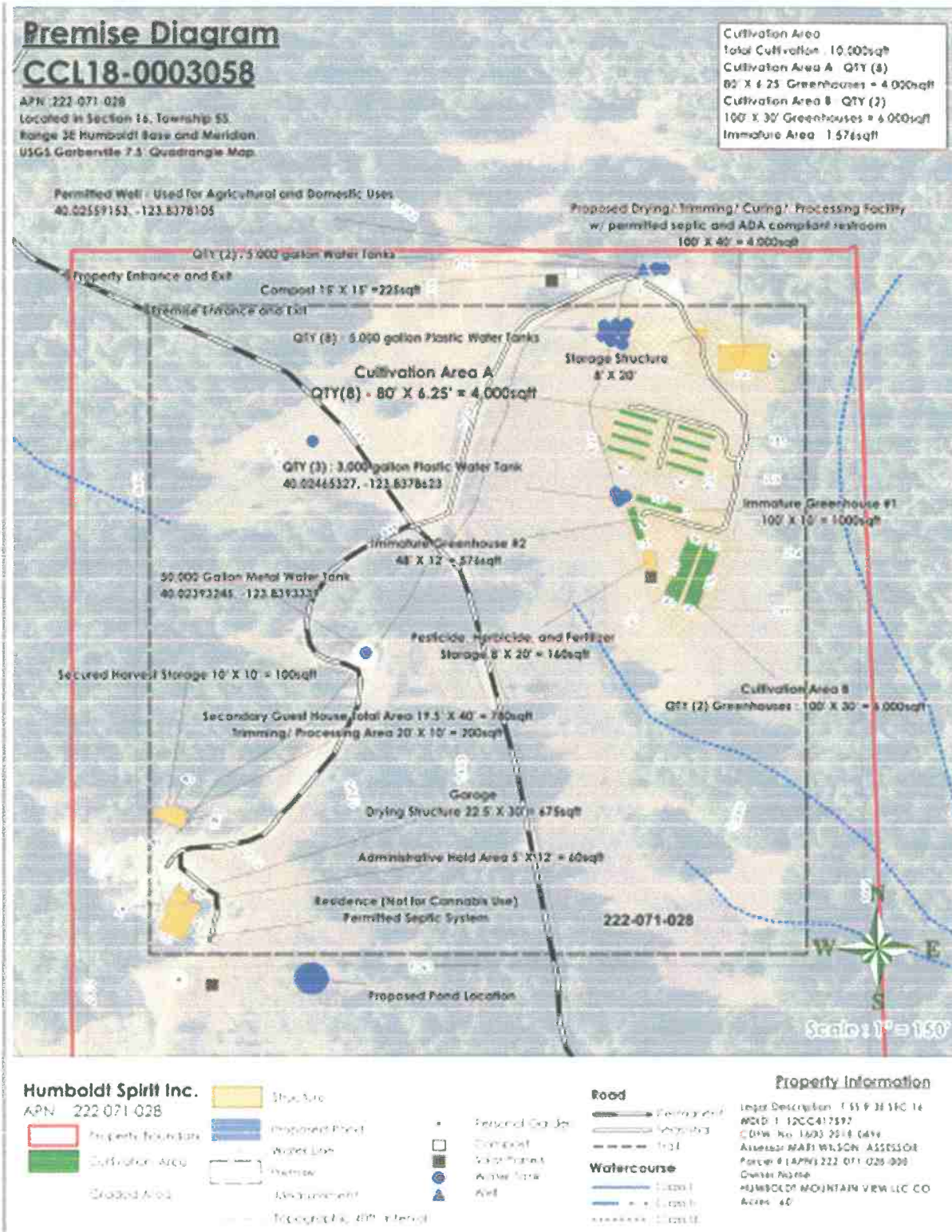


Figure 4: Cultivation Sites

Map of Project Area

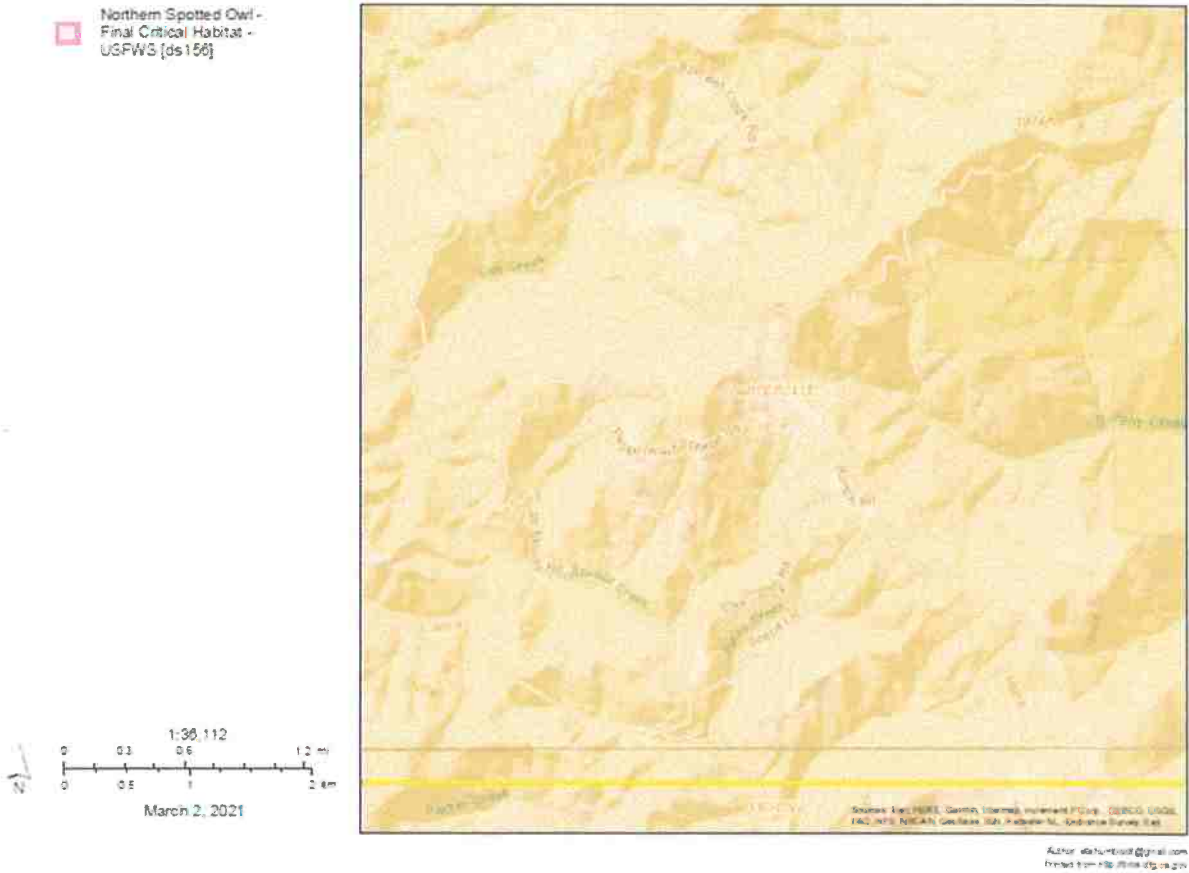
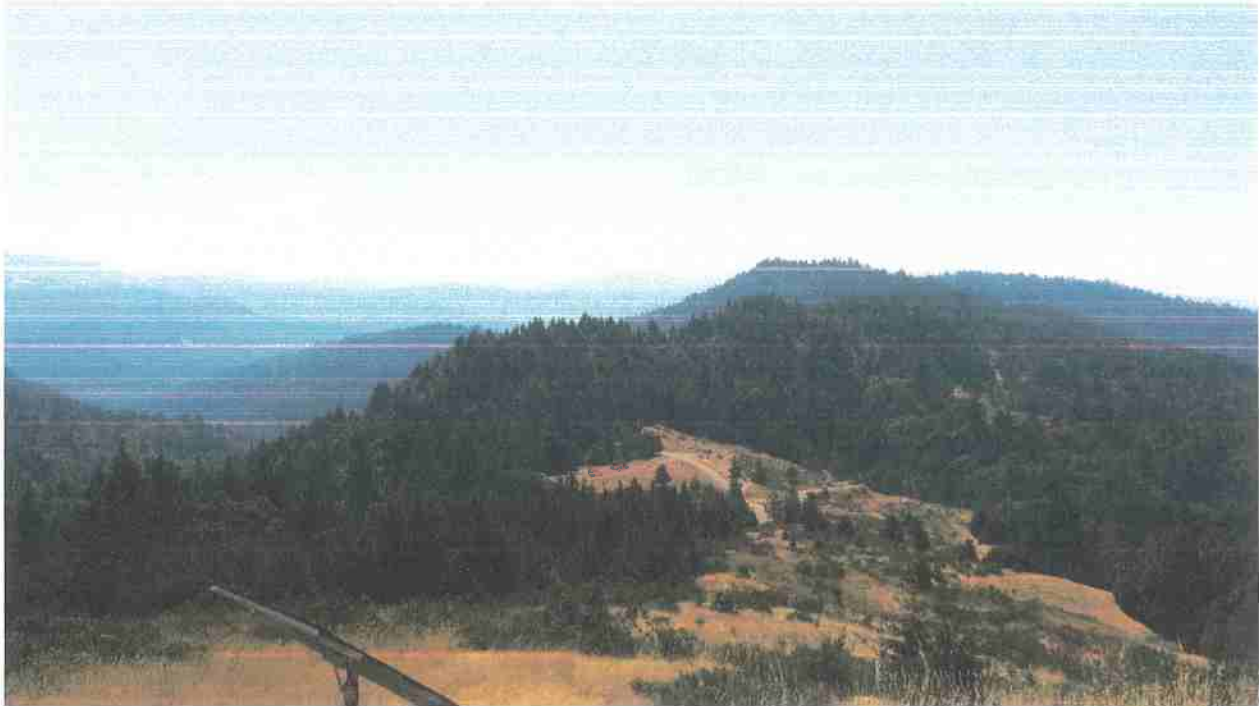


Figure 5: Nearest NSO Critical Habitat

Photos of BAA



View of the Cultivation Area.



View of the southern portion of the subject property.



View of a forested portion of the property located on a main community access road.



View of a water tank and some of the associated Tanoak and Douglas fir forest located on the subject property.



INITIAL BOTANICAL STUDY

Prepared for:
Humboldt Spirit Inc.
480 Ranch Rd
Garberville, Ca 95542

Prepared by:
ETA Humboldt LLC Land Use and Environmental
Consulting Services
77 Ave of the Giants
Phillipsville, Ca 95589

Floristic Initial Study

Protocol-level site surveys were conducted by a qualified biologist and environmental scientist, Austin Theriault, contracted by ETA Humboldt in 2018, 2020, and 2021. Multi-Season site visits have been conducted on the subject property, (APN's 222-071-028) in effort to comprehensively survey for botanical, biological, water quality, erosion control, and proposed disturbance areas. Floristic and botanical data has been collected throughout multiple site visits conducted on 07/19/2018, 10/16/2020, 10/30/2020, and 04/21/2021. All proposed disturbed areas have been surveyed throughout seasons for presence of rare or endangered plants present in proposed disturbed areas and throughout the property. Data has been collected in preparation for a comprehensive floristic study due to new ground disturbance being proposed. A Comprehensive Floristic Analysis of the property is not recommended due to the absence of rare and or endangered plant species identified in the proposed disturbed areas/ property entirety during multiple / multi-season site inspections. No occurrences of rare or endangered species have been identified in the proposed disturbed areas and or property during multiple biological/ botanical focused surveys. Per California regulations regarding disturbed areas and CEQA review, a comprehensive floristic study would only be required if occurrences of listed species were identified during in field reconnaissance. Referenced below are State regulations regarding Special Status plants and proposed Cannabis projects.

“Prior to commencement of new development related to cannabis activities and during the blooming period for the special-status plant species with potential to occur in the site, a qualified botanist will conduct protocol-level surveys for special status plants in all proposed disturbance areas following survey methods from CDFW’s Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities If special-status plants are not found, the botanist will document the findings in a letter report to USFWS, CDFW, and the applicant and no further mitigation will be required.” (CDFW 2009).

The most recent survey was conducted on 04/21/21. Post-site visit, an additional botanical assessment was conducted in-effort to identify property wide botanical and floristic status, presence, and or absence of plant species deemed to be Rare or Endangered by the State of California.

Multiple Botanical and Floristic reconnaissance site visits have been conducted to create a baseline vegetation profile of the subject properties and to assess the presence/absence of rare and endangered plant and animal species as defined by the California Department of Fish and Wildlife. During the property wide comprehensive survey, no rare or endanger plant or animal species were identified by ETA’s qualified biologist. There are eleven plants of significance listed as rare or endanger and occurring in the Garberville Quadrangle. Those plants are Methuselah’s Beard Lichen (*Usnea Longissima*), Tracy’s Tarplant (*Hemizonia Congesta* ssp. *Tracyi*), Northern Clustered Sedge (*Carex Arcta*), Northern Bugleweed (*Lycopus Uniflorus*), Coast Fawn Lily (*Erytgronium Revolutum*), Siskiyou Cherkerbloom (*Sidalcea Malviflora* ssp. *Patula*), Humboldt County Fuchsia (*Epolobium Septentriolale*), Heart Leaved Twayblade (*Listera Cordata*), White-flowered Rein Orchid (*Piperia Candida*), North Coast Semaphore Grass (*Pleuropogon Hooverianus*), and Bristly Leptosiphon (*Leptosiphon Latisectus*). None of which were identified during multiple field reconnaissance visits.

Botanical surveys of the proposed cultivation areas have been conducted in 2020, 2021 in tandem with the Biological Assessment to confirm that no rare or endangered plant or animal species would be disturbed if these sites were to be developed. To address the concerns of Humboldt County about floristic significance of disturbed areas, an additional survey was conducted on 04/21/21 in effort to collect further data of surrounding vegetation in the project areas, proposed cultivation areas. Species that were identified on the property were determined to be commonly occurring vascular plants with no protection listing Federal or State.

The Botanical and Floristic initial review of the subject properties revealed plant communities including but not limited to oak woodland, chamise chaparral, northern coastal scrub, and northern coyote brush scrub. Also present to a lesser degree are Central Coast riparian scrub, northern coastal scrub, non-native grassland, and native bunchgrass grassland. Attached below is the Special Status Plant List utilized in the field for identification of potential rare species located in Humboldt County.

Scientific Name/Common Name	Status
<i>Astragalus agnicidus</i> Humboldt milk-vetch	G2, S2, CE, CRPR 1B.1
<i>Astragalus umbraticus</i> Bald mountain milk-vetch	G3, S2, CRPR 2B.3
<i>Bensoniella oregona</i> bensoniella	G3, S2, CR, CRPR 1B.1
<i>Carex arcta</i> northern clustered sedge	G5, S1, CRPR 2B.2
<i>Carex leptalea</i> flaccid sedge	G5, S1, CRPR 2B.2
<i>Carex praticola</i> meadow sedge	G5, S2, CRPR 2B.2
<i>Cornus Canadensis</i> bunchberry	G5, S2, CRPR 2B.2
<i>Epilobium oreganum</i> Oregon fireweed	G2, S2, CRPR 1B.2
<i>Erythronium oregonum</i> giant fawn lily	G4G5, S2, CRPR 2B.2
<i>Erythronium revolutum</i> coast fawn lily	G4G5, S3, CRPR 2B.2
<i>Gilia capitata</i> ssp. <i>pacifica</i> Pacific gilia	G5T3, S2, CRPR 1B.2
<i>Glyceria grandis</i> American manna grass	G5, S3, CRPR 2B.3
<i>Iliamna latibracteata</i> California globe mallow	G2G3, S2, CRPR 1B.2
<i>Juncus supiniformis</i> hair-leaved rush	G5, S1, CRPR 2B.2
<i>Kopsiopsis hookeri</i> small ground cone	G4?, S1S2, CRPR 2B.3
<i>Lilium occidentale</i> western lily	G1, S1, FE, CE, CRPR 1B.1
<i>Moneses uniflora</i> woodnymph	G5, S3, CRPR 2B.2
<i>Montia howellii</i> Howell's montia	G3G4, S2, CRPR 2B.2
<i>Noccaea fendleri</i> ssp. <i>californicum</i> Kneeland Prairie pennycress	G5?T1, S1, FE, CRPR 1B.1
<i>Packera bolanderi</i> var. <i>bolanderi</i> seacoast ragwort	G4T4, S2S3, CRPR 2B.2
<i>Piperia candida</i> white-flowered rein orchid	G3, S3, CRPR 1B.2
<i>Polemonium carneum</i> royal sky pilot	G4, S1, CRPR 2B.2
<i>Sanguisorba officinalis</i> great burnet	G5?, S2, CRPR 2B.2
<i>Sidalcea malvaeflora</i> ssp. <i>patula</i> Siskiyou checkerbloom	G5T2, S2, CRPR 1B.2
<i>Sidalcea oregana</i> ssp. <i>eximia</i> coast checkerbloom	G5T1, S1, CRPR 1B.2
<i>Sisyrinchium hitchcockii</i> Hitchcock's blue-eyed grass	G2, S1, CRPR 1B.1

Abbreviations: FE, federally listed Endangered; SE, California state listed Endangered; SR, California state listed Rare; CRPR, California Rare Plant Rank; G, global rank; S, state or provincial rank.

Attached below are photos documenting vegetation in and around the proposed project sites.

Photos and data points collected 07/19/2018



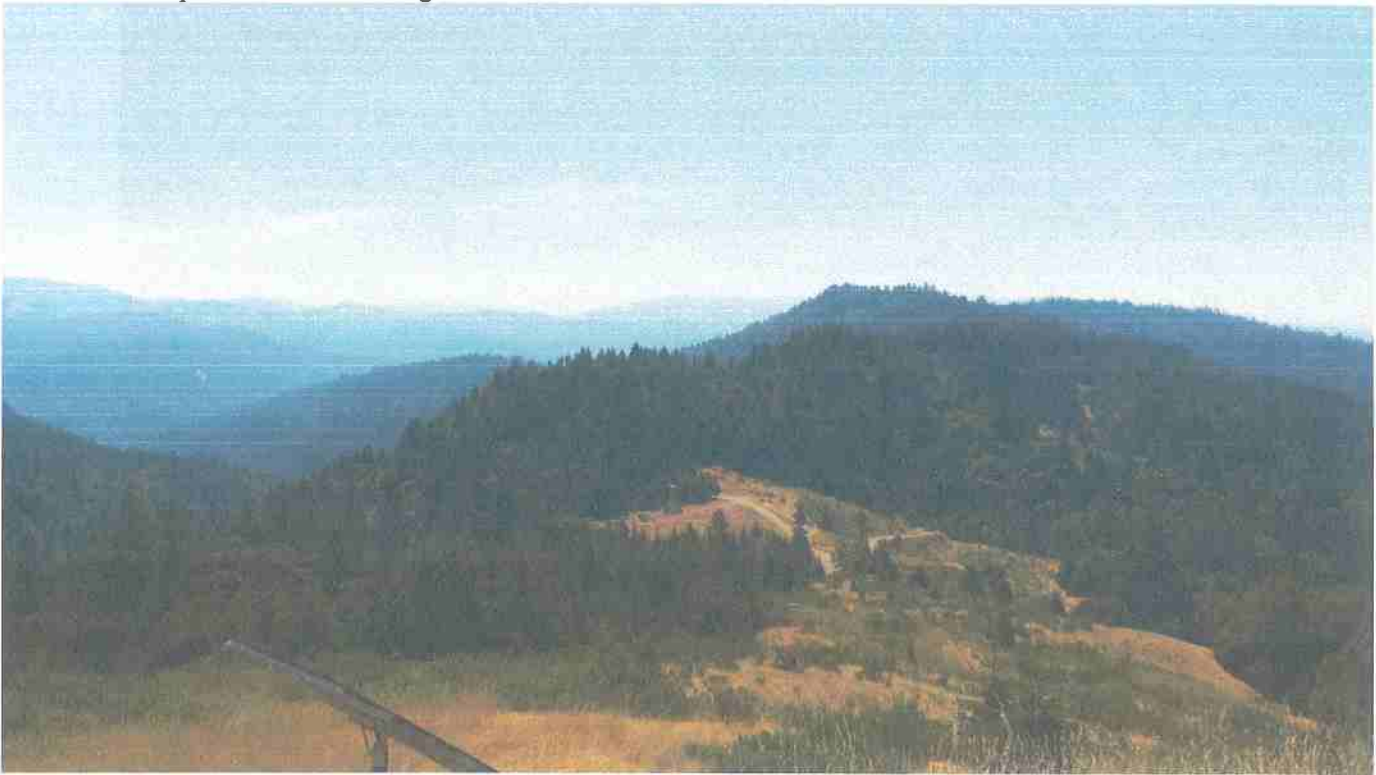
Grassy area around remediated former cultivation area



Road area on parcel with native grasses



Road area on parcel with native grasses



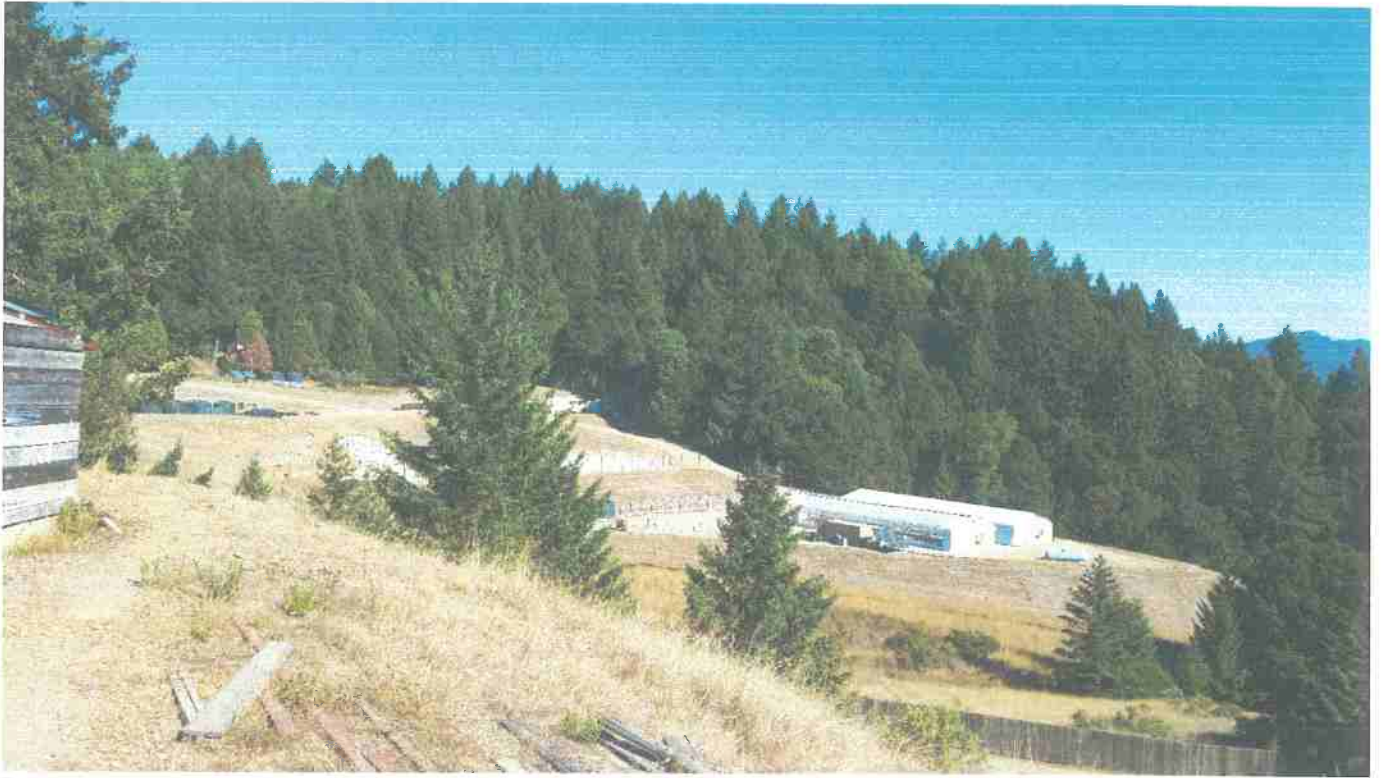
Looking across Parcel to the East- Upland Douglas Fir Forest and grassland



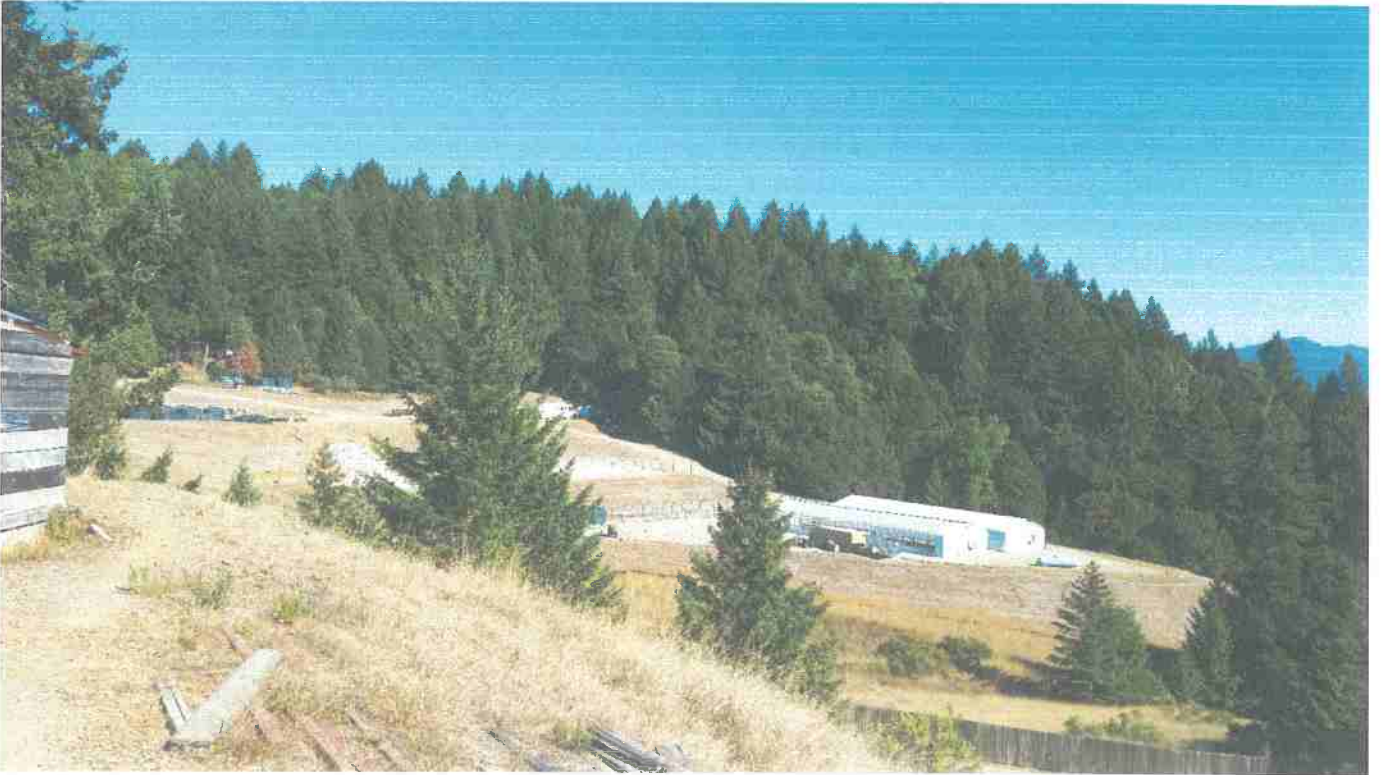
A look at the former cultivation area during remediation



Looking across former cultivation area during remediation



Looking across to current cultivation area

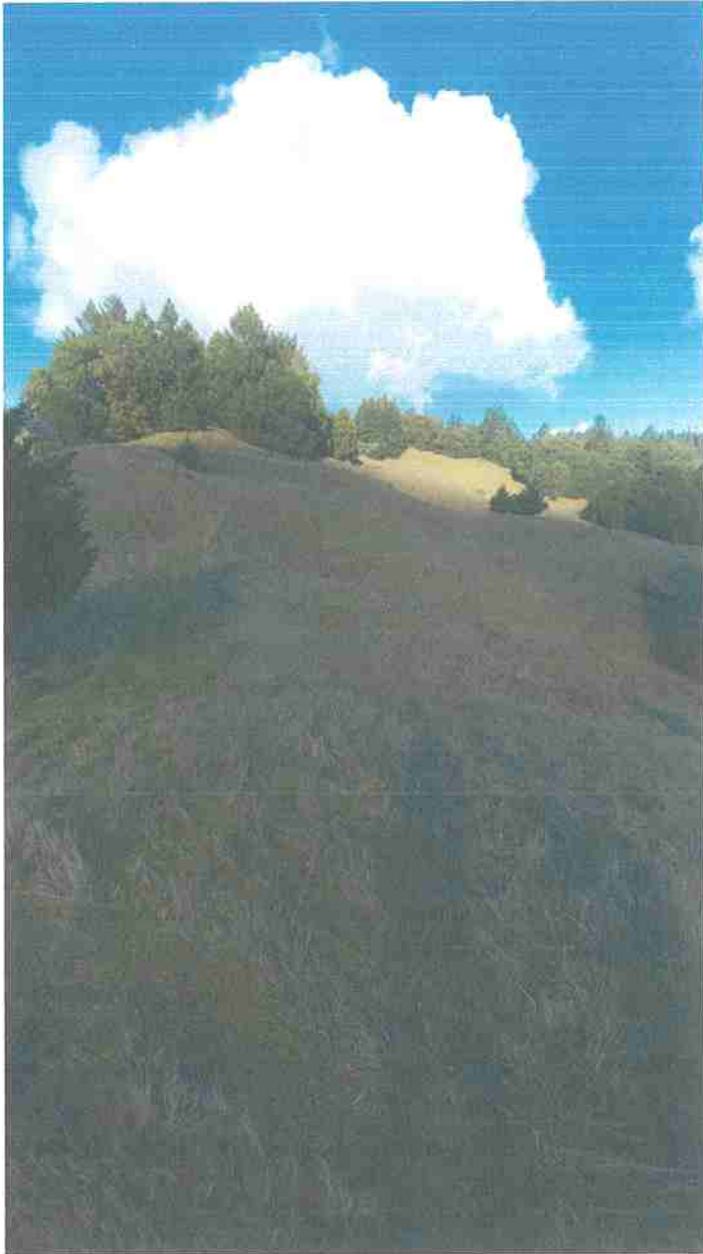


Another look at current cultivation area

Photos and Data points were collected 02/10/2021



Canada Thistle (*Cirsium Arvense*) is a perennial herb that is not Native to California. (This invasive species was removed.)



A look at the native grasses of the parcel

Photos and data points collected 04/21/21.



Left-Shamrock Clover (*Trifolium Dubium*) is an annual herb that is not Native to California.

Right- Crimson Clover (*Trifolium Incarnatum*) is an annual herb that is not Native to California.

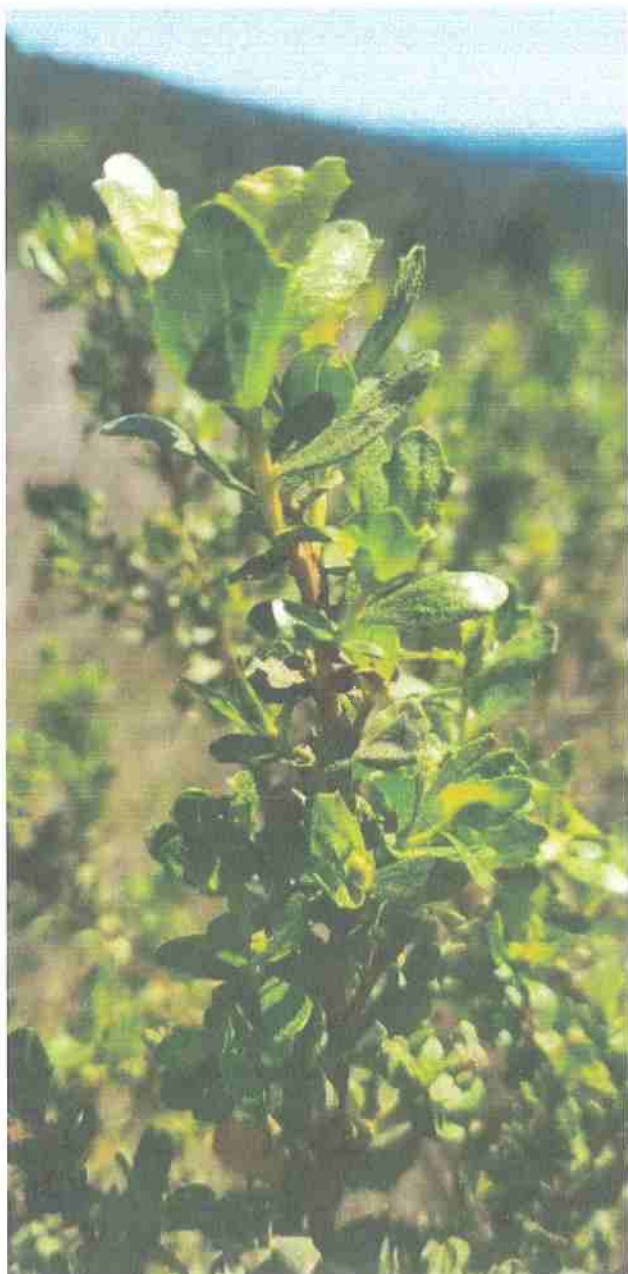


Left- Persian Clover (*Trifolium Albopurpureum*) is an annual herb that is Native to California.
Right- Red Sandspurry (*Spergularia Rubra*) is an annual or perennial herb that is not Native to California.



Left- Scarlet Pimpernel (*Lysimachia Arvensis*) is a n annual herb that is not Native to California.

Right- Sub Clover (*Trifolium Subterraneum*) is an annual herb that is not Native to California.



Left- Coyote Brush (*Baccharis pilularis*) is a shrub that is Native to California.

Right- Douglas Iris (*Iris douglasiana*) is a perennial herb that is Native to California.



Left- Miniature Lupine (*Lupinus Bicolor*) is an annual or perennial herb that is Native to California.

Right- Crane's Bill Geranium (*Geranium Molle*) is an annual or perennial herb that is Native to California.



Left- Blue dicks (*Dichelostemma Capitatum*) is a perennial herb that is Native to California.

Right- Spring Vetch (*Vicia Sativa*) is an annual herb that is not Native to California.



July 16, 2021

Abbie Strickland, Planner - Cannabis Services Division
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501

Dear Abbie,

Vanessa Valare with Emerald Triangle Associates (ETA Humboldt) requested that I prepare an addendum to evaluate potential adverse significant impacts to marbled murrelets (MAMU) and northern spotted owls (NSOs) resulting from proposed new cannabis cultivation associated with APN 222-071-028, application number 17171.

I have been involved with northern California forest-wildlife issues since 1990 and have extensive experience conducting protocol level surveys for these species. A qualifying “Spotted Owl Expert” (SOE), as per 14 CCR §895.1 of the Z’berg-Nejedly Forest Practice Act (Public Resources Code Section 4551 et seq.), also known as the California Forest Practice Rules (FPRs), the attached resume shows my extensive knowledge of environmental regulations and policy.

As such, in addition to evaluating existing habitat conditions in terms of NSO and MAMU suitability, this brief report examines relevant surveys and historical metadata. Review of protection measures adopted for these species by Humboldt County’s Commercial Cannabis Land Use Ordinance (CCLUO) also outlines the legal framework behind a determination of take.

Project Area and Environmental Setting

Located on a hilltop saddle, at an elevation of 1,700 feet, this project involves adding 30,000 square feet of outdoor cannabis cultivation to an existing 10,000 sq. ft. operation. In a natural clearing along a dirt road, it does not entail NSO habitat modification. I visited this site with Austin Theriault on July 1 of 2021. Comparing aerial photography obtained from the National Agriculture Images Program (NAIP) against prevailing stand conditions, I found the forest associated with this project dominated by hardwoods, with mid-seral Douglas-fir encroaching on what historically used to be ridgetop grasslands.

In Northern Spotted Owl Take Avoidance Analysis and Guidance for Private lands in California - Attachment A: Take Avoidance Analysis-Coast Redwood Region, the USFWS defines three functional NSO habitat types, High-Quality Nesting/Roosting Habitat, Nesting/Roosting Habitat, and Foraging Habitat. However, in establishing minimum habitat retention guidelines for NSO core-areas, the Service is also careful to emphasize the importance of considering habitat in terms of its spatial extent, and proximity to the other habitat types.

Project Area and Environmental Setting (Continued)

“Because forest stands used by NSO are naturally variable structurally, management based on stand average values is unlikely to adequately describe suitable habitat at a scale that is meaningful to NSO...the habitat definitions provided below are intended for application at the scale of roughly 20 acres.” (U.S. Fish and Wildlife Service. 2019)

In California, MAMUs were usually absent from stands less than 60 acres in size (Ralph et al. 1990). I conducted MAMU and NSO surveys for the U.S. Park Service in 2016-2017. My surveys in Lost Man Creek for Redwood National Park indicated that birds stayed close to larger old-growth stands. According to the CNDDDB, the closest MAMU detection is 16 miles to the north in Humboldt Redwood State Park. Although suitable habitat does occur in old-growth Redwood habitat about 1.5 miles to the east southeast in Richardson Grove State Park (RGSP), continuous surveys in that high quality habitat have to date not detected murrelets.

Survey Methodology

Survey methodology consisted of a visual inspection of the entire proposed project location and peripheral forests for potential suitable NSO and MAMU habitat. No habitat modification is proposed for this project. Consequently, the area assessed consisted of the project site and landscape peripheries of up to .25 miles. Consistent with USFWS protocol, this investigation adopts a less rigorous assessment method recommended for operations that do not substantially modify NSO habitat:

“Where there is existing NSO habitat prior to harvesting and that habitat will continue to function equally after harvest (no downgrade), surveys only need to cover harvested areas, and areas out to a distance of 0.25 miles (assuming any NSO nesting within 0.25 miles of the harvest area will be detected and protected, and any NSO using the area for foraging will continue to be able to do so).”

Similarly, according to USFWS recommendations in Methods for Surveying Marbled Murrelets in Forests: A Revised Protocol for Land Management and Research (Evans Mack et. al 2003), potential impacts to MAMUs have been assessed within one-quarter mile (402 m) of proposed cultivation.

Survey Results and Discussion

This property borders industrial timberlands to the north and has a long history of NSO surveying. Although NSOs have never been recoded within a quarter mile of this cannabis project, the CNDDDB does show a 2015 detection associated with HUM0477, about 1/3 of a mile to the northwest. However, their spider diagram indicates that these detections most likely belong to NSOs further down the Cox Creek drainage. Recently purchased by Green Diamond Resource Company (GDRC), I have supervised surveying in Sprowl Creek since 2018, and also between 1997 and 2001, for previous landowner. Bracketed by seven stations, although that survey data belongs to GDRC, it can be provided with their permission.

Survey Results and Discussion(Cont.)

Initially believed to be old growth dependent, NSOs were later found to be common in younger forest types of northern California (USDA 1994). Spotted Owls are known to occupy low-quality sites where reproduction and survival are substantially reduced (Franklin et al. 2000, Dugger et al 2005). However, not only does the ESA limit consideration to sites with a reasonable expectation of occupancy, jeopardy must also be evaluated against existing environmental conditions. Baseline-analysis is also an explicit requirement for determining CEQA significance, but rather than habitat encroachment, or regulated cannabis cultivation, competition from exotic-invasive barred owls (*Strix varia*) is now regarded as the largest threat to the California NSO population (USFWS 2011).

Regulatory Setting

Proposition 64 (the California Marijuana Legalization Initiative) gives Lead Agencies the right to make their own cannabis rules. As such, measures originally adopted by Humboldt County required decibel levels for all noise sources measured at the property line to be no more than 60 decibels; furthermore:

“Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.”

Nevertheless, having adjusted its policy to limit noise generated from cannabis activities in excess of 50dB at 100 feet, or the edge of habitat, Humboldt County Planning and Building Department’s (HCPBD) Cannabis Service Division has subsequently adopted standards for NSO protection requiring proposed new cannabis cultivators to mitigate impacts on owls out to 1.3 miles. However, disturbance guidelines provided by the U.S. Fish and Wildlife Service (USFWS) in Revised Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California (2020) are much less draconian. Asserting that noise may reach the level of take, when at least one of the following conditions is met:

- *Project-generated sound exceeds ambient nesting conditions by 20-25 decibels (dB)*
- *Project-generated sound, when added to existing ambient conditions, exceeds 90 dB*
- *Human activities occur within a visual line-of-sight distance of 330 feet or less from a nest.*

Conclusion and Recommendations


The forest surrounding this project site lacks the structural threshold for Nesting/Roosting Habitat (100 square feet basal area and six percent canopy cover from trees 11 inches or larger). In addition to being well below the minimum threshold recommended by the USFWS for NSO core-areas, the habitat within ¼ miles of this project is also unsuitable for MAMUs. The only California alcid to breed inland, nesting murrelets have been detected up to 22 miles inland in California; but in this portion of its range they seem mostly restricted to the Redwood zone. Meyer et al. (2004) found that murrelets in northern California preferred cool slopes near the bottom of drainages, where large trees with large limbs grow abundantly.

More importantly, NSOs or MAMUs have never been recoded within the ¼ mile assessment area. Adjacent to a well-traveled dirt road and within 1,000 feet of a permanent residence, proposed expansion of existing cannabis cultivation will not appreciably increase noise levels above the threshold for disturbance.

Consequently, it is reasonable to conclude that this project will not impact NSOs or MAMUs. Mostly located in areas formerly used for agriculture and grazing, cannabis cultivation does not generally involve habitat encroachment. Given that the CCLUO also prohibits noise generated from cannabis activities in excess of 50dB at 100 feet, I have found no justification for mitigating impacts to owls out to 1.3 miles.

Concerned that unnecessary NSO surveying may result in incidental take of owls nesting far outside the projects nominal disturbance footprint, I do not recommend night calling. Because not only could such surveying interfere with ongoing NSO inventory efforts by neighboring timberland owners, and potentially exasperating harmful competition from barred owls, needlessly broadcasting NSO vocalizations in this manner could qualify as a “taking”. Section 9 of the ESA prohibits harassing, pursuing, or collected listed wildlife species, and it is also unlawful to attempt such acts, solicit another to commit such acts, or cause such acts to be committed.

Sincerely,

Troy Leopardo


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

Sources and Literature Cited

California Department of Fish and Wildlife. 2021. Natural Diversity Data Base Spotted Owl Data Viewer. July 7, 2021 Report

Dugger, K.M., F. Wagner, R.G. Anthony, and G.S. Olson. 2005. The relationship between habitat characteristics and demographic performance of northern spotted owls in southern Oregon. *The Condor* 107:863-878.

Franklin, A.B., D.R. Anderson, R.J. Gutierrez, and K.P. Burnham. (2000). Climate, habitat quality, and fitness in northern spotted owl populations in northwestern California. *Ecological Monographs*, 70(4): 539-590.

Meyer, C.B.; Miller, S.L.; Ralph, C.J. 2004b. Stand scale habitat associations across a large geographic region for an old-growth specialist, the marbled murrelet. *Wilson Bulletin*. 116:197-210.

Ralph, C.J., P.W.C. Patton, A. Zakis, and G. Strachan. 1990. Breeding distribution of the Marbled Murrelet in Redwood National Park and vicinity during 1988. in C. van Riper III, T.J. Stohlgren, S.D. Veirs, and S.C. Hillyer, eds. *Examples of resource inventory and monitoring in National Parks of California*. U.S. Natl. Park Serv. Trans. Proc. Ser. No. 8.

U.S. Fish and Wildlife Service. 2020. Revised Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California.

U.S. Fish and Wildlife Service. 2019. Northern Spotted Owl Take Avoidance Analysis and Guidance for Private lands in California [Attachment A: Take Avoidance Analysis-Coast Redwood Region](#).

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

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Gary Delorme APN: 222-071-027
Planning & Building Department Case/File No.: 10769
Road Name: Sproul Creek Road Segment 1 (complete a separate form for each road)
From Road (Cross street): Sproul Creek Bridge
To Road (Cross street): Mile 5.2
Length of road segment: 5.2 miles Date Inspected: 4/26/2017
Road is maintained by: County Other _____
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

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

Joel Monschke

5/3/2017

Signature

Date

Joel Monschke

Name Printed

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

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

Road Name: Sproul Creek Road Segment 1 Date Inspected: 4/26/2017 APN: 222-071-027
 From Road: Sproul Creek Bridge (Post Mile N/A) Planning & Building
 To Road: Mile 5.2 (Post Mile N/A) Department Case/File No.:

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

Number of other known cannabis projects included in ADT calculations:
 (Contact the Planning & Building Department for information on other nearby projects.) 9

ADT: 80 Date(s) measured: See explanation in Technical Memorandum Section 2.3

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

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

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

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

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

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

3. Conclusions/Recommendations per AASHTO. Check one:

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

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

Signature of Civil Engineer _____ Date 5/3/2017

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

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TECHNICAL MEMORANDUM

DATE: 3 May 2017
TO: Humboldt County Department of Public Works
FROM: Joel Monschke, Stillwater Sciences
SUBJECT: Road Evaluation for APN 222-071-027 (Gary Delorme Property):
Segment 1 - 5.2 miles of Humboldt County maintained road from Sproul Creek
bridge to mile 5.2.

I hereby state that all work described in the attached Technical Memorandum follows accepted engineering practice and was completed under my direction. This Technical Memorandum summarizes results from an evaluation conducted on the access road leading to APN 222-071-027 per guidance from the Humboldt County Department of Public Works. The Delorme property is located approximately 8.2 miles from the Sproul Creek bridge where the County-maintained Category 4 road ends. Based on physical characteristics of the access road, the 8.2-mile access road to the Delorme property has been divided into 4 segments as follows:

- **Segment 1 (Subject of this Technical Memorandum)** – 5.2 miles of County-maintained road from Sproul Creek bridge to mile 5.2.
- **Segment 2** – 0.6 miles of private community-maintained road from end of the County-maintained road to mile 5.8.
- **Segment 3** – 1.0 mile of private community-maintained road from mile 5.8 to mile 6.8.
- **Segment 4** – 1.4 miles of private community-maintained road from mile 6.8 to mile 8.2 (Delorme property boundary).



Joel Monschke, P.E.
Civil Engineer
Stillwater Sciences

1 INTRODUCTION

Stillwater Sciences has been contracted to conduct road evaluation the proposed cannabis project on APN 222-071-027. On 26 April 2017, the field evaluation was conducted by Stillwater Sciences engineer (Joel Monschke). Information in this Technical Memorandum pertains to Segment 1 (See Figure 1) covering 5.2 miles of County-maintained road from Sproul Creek bridge to mile 5.2.

Considering that the road segment analyzed in this Technical Memorandum, is County-maintained, and has several segments with similar characteristics, we used a more general evaluation approach that grouped the road into three similar segments. (Note that for evaluating the private community-maintained road segments we used a more formal approach of road width measurements and photos every 0.1 miles).

2 EXPECTED INCREASE IN USE DUE TO CANNABIS PROJECT

2.1 Cannabis Project on APN 222-071-027

The cannabis project proposed on APN 222-071-027 will not significantly increase traffic on the roads evaluated herein because cultivation covers a relatively small area (~6,096 SF) and is operated primarily by family members. As such, the project does not require significant imported materials or laborers in addition to typical homesteading activities.

2.2 Other Cannabis Projects in the Vicinity

Based on information provided to Stillwater Sciences by Humboldt County Department of Public Works, there are eight additional cannabis permit applications within the vicinity of the Delorme project. These pending applications all use the road (Segment 1) evaluated in this Technical Memorandum. All eight projects involve permitting existing cultivation, so the traffic is not likely to significantly increase compared to the last several years. However, it is expected that the cumulative impacts of all these projects will result in incremental increases in road use considering that several of the projects have proposed cultivation areas significantly larger than Delorme and that as farmers come into compliance they often significantly upgrade their operations.

2.3 Average Daily Traffic (ADT) Estimate

Stillwater Sciences' engineer estimated average daily trips based on traffic observations during the road evaluation, number of properties utilizing the access road, and engineering judgement. There are approximately 20 rural residential parcels that utilize Segment 1. If each parcel accounts for four trips per day, that equates to approximately 80 total trips per day (~seven trips per hour during a typical 12-hour day (8 am to 8 pm)). This is generally consistent with the observations made during the road evaluation. While there are likely busier times of day, and busier periods of the year, we believe that this is a reasonably accurate estimate for this road evaluation.

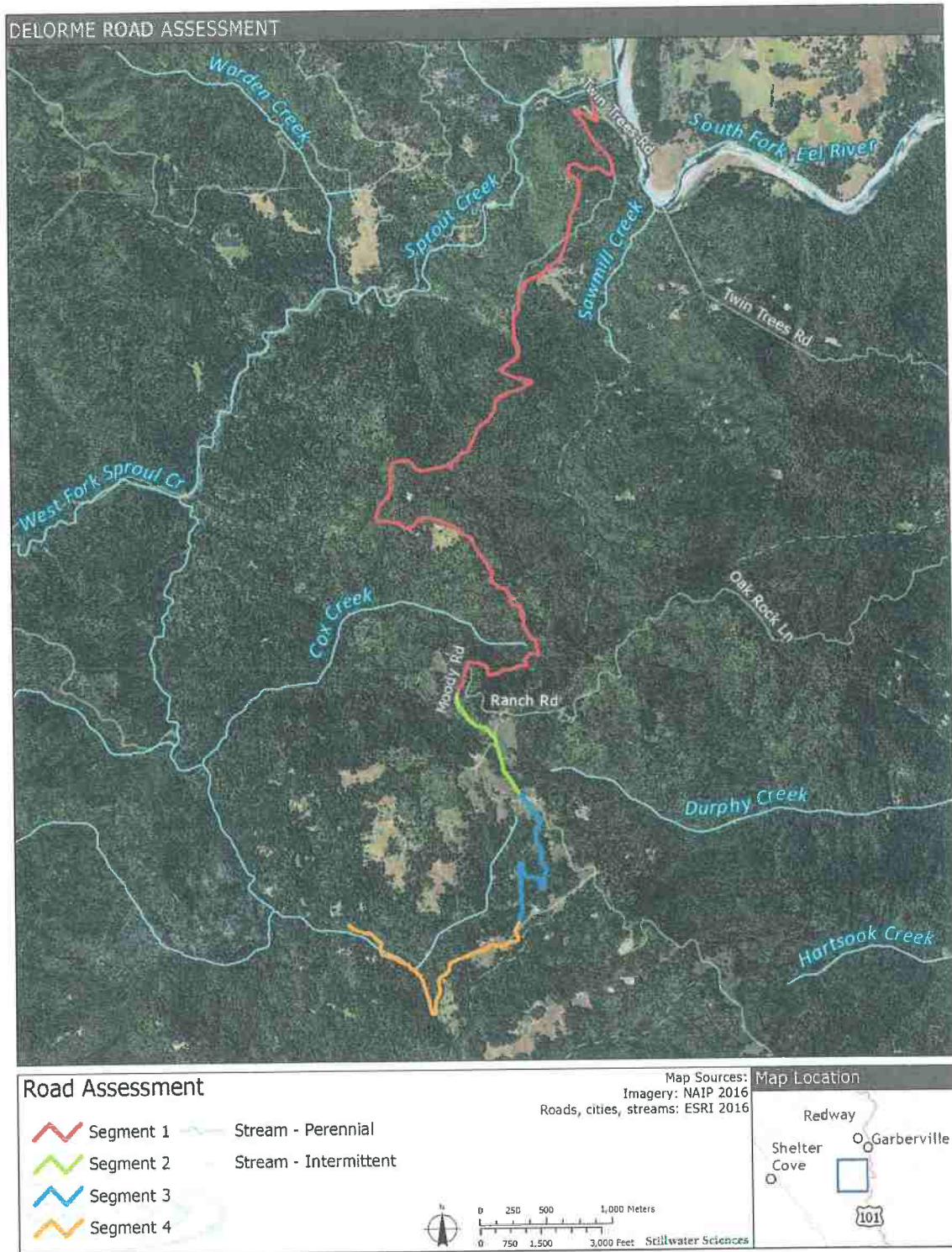


Figure 1. Road evaluation overview map.

3 FIELD OBSERVATIONS

3.1 General Observations

Overall, the 5.2 miles of County Road is in relatively good condition and appears to be easily accommodating the current traffic load. There was no evidence of skid marks or scarred trees. Based on signs installed by the local community, it is apparent that the road segment from mile 2.2 to 5.2 does have the greatest safety concerns due to numerous blind curves and narrow sections. It is apparent that significant work has gone into clearing roadside brush along this segment to improve visibility. The remaining visibility concerns are due to the steep topography and curves as shown in the photos.

3.2 Description of Specific Road Segments

A detailed map of the road segment is shown on Figure 2. Generally, this road segment can be divided into the following three segments:

- Segment 1A (Sproul Creek Bridge to mile 1.3): Paved, 0–15% grade, typically 18–24 ft width with 2-ft gravel shoulders, two pinch points (12 ft and 15 ft width with 1-ft shoulders) caused by steep topography and trees (see photos in Appendix A). The two pinch points have decent visibility so this segment generally meets the standard for an “equivalent category 4 road”.
- Segment 1B (Mile 1.3 to mile 2.2): Gravel, 0–15% grade, typically 20–24 ft width with 1-ft shoulders, one pinch point at blind corner (16 ft width with 1-ft shoulder). Except for this pinch point, this segment generally meets the standard for an “equivalent category 4 road”.
- Segment 1C (Mile 2.2 to end of County road at mile 5.2): Curvy gravel road, 0–10% grade, typically 15–20 ft width, 1-ft shoulders, some wider turnouts in narrower segments, Good visibility aside from numerous blind corners. Signs have been installed by the community at either end of this road segment recommending slow speeds and caution.

4 RECOMMENDATIONS

4.1 Specific Recommendations for this Road Segment

Generally, this road segment can be divided into the following three segments:

- Segment 1A (Sproul Creek Bridge to mile 1.3): Considering that this road segment generally meets the standard for an “equivalent category 4 road” we have no recommendations.
- Segment 1B (Mile 1.3 to mile 2.2): We recommend widening the Pinch Point 3 at the blind corner at Mile 1.6 (low priority)
- Segment 1C (Mile 2.2 to end of County road at mile 5.2): Considering the numerous blind corners and steep topography, widening this road segment to “equivalent category 4 road” would cause significant environmental impacts. As such, we recommend adding additional signs at some of the worst corners reminding drivers to slow down and stay on the right side of the road (high priority).

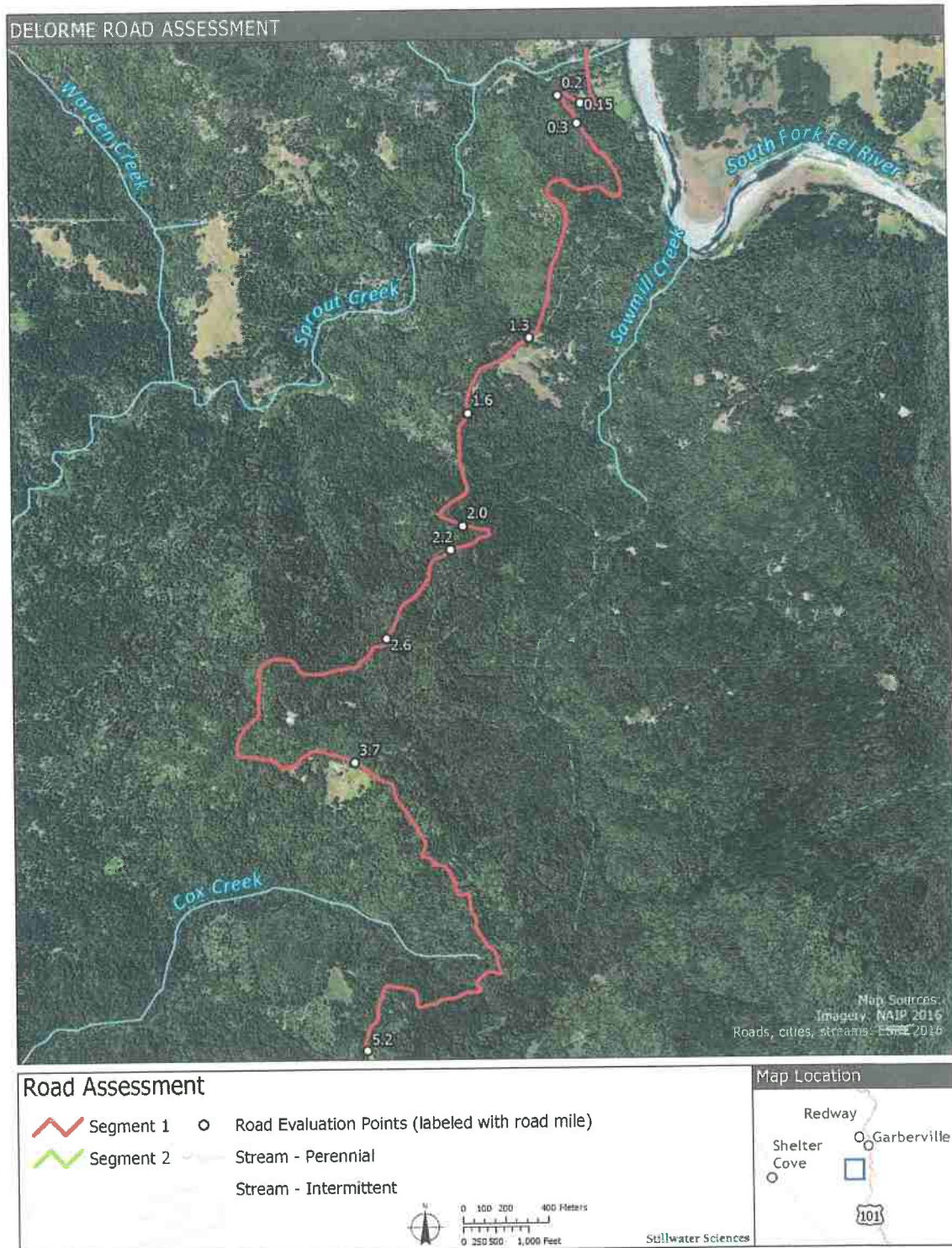


Figure 2. Road Segment 1 map.

Appendix A

Photos



Photo 1. Mile 0.15: Pinch Point 1 with tree; 12-ft pavement width and 1-ft shoulders.



Photo 2. Mile 0.2: Typical steeper gradient paved road segment.



Photo 3. Mile 0.3: Pinch Point 2 with tree; 15-ft pavement width and 1-ft shoulders.



Photo 4. Mile 1.3: Typical lower gradient paved road segment.



Photo 5. Mile 1.3: Typical lower gradient gravel road segment.



Photo 6. Mile 1.6: Pinch Point 3 (first pinch point on gravel segment), blind corner, 16-ft road surface + 1-ft shoulders.



Photo 7. Mile 2.0: Typical steeper segment with Pinch Point 4 in background.



Photo 8. Mile 2.2: Community signs along road at location where road narrows.



Photo 9. Mile 2.6: Typical 15-ft-wide road segment with good visibility, blind corner in background.



Photo 10. Mile 2.6: Typical 18-ft-wide road segment with turnouts.



Photo 13. Mile 5.2: Typical 16-ft-wide road segment with blind corner—end of County-maintained road.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Gary Delorme APN: 222-071-027

Planning & Building Department Case/File No.: 10769

Road Name: Sproul Creek Road Segment 2 (complete a separate form for each road)

From Road (Cross street): Mile 5.2

To Road (Cross street): Mile 5.8

Length of road segment: 0.6 miles Date Inspected: 4/26/2017

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

Check one of the following:

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

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

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

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

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



5/3/2017

Signature

Date

Joel Monschke

Name Printed

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

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

Road Name: Sproul Creek Road Segment 2 Date Inspected: 4/26/2017 APN: 222-071-027
 From Road: Mile 5.2 (Post Mile N/A) Planning & Building Department Case/File No.:
 To Road: Mile 5.8 (Post Mile N/A) 10769

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

Number of other known cannabis projects included in ADT calculations:
 (Contact the Planning & Building Department for information on other nearby projects.) 8

ADT: 76 Date(s) measured: See explanation in Technical Memorandum Section 2.3

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

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

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

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

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

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

3. Conclusions/Recommendations per AASHTO. Check one:

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

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

Signature of Civil Engineer _____ Date 5/3/2017

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

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TECHNICAL MEMORANDUM

DATE: 3 May 2017
TO: Humboldt County Department of Public Works
FROM: Joel Monschke, Stillwater Sciences
SUBJECT: Road Evaluation for APN 222-071-027 (Gary Delorme Property):
Segment 2 - 0.6 miles of private community-maintained road from mile 5.2 to mile 5.8.

I hereby state that all work described in the attached Technical Memorandum follows accepted engineering practice and was completed under my direction. This Technical Memorandum summarizes results from an evaluation conducted on the access road leading to APN 222-071-027 per guidance from the Humboldt County Department of Public Works. The Delorme property is located approximately 8.2 miles from the Sproul Creek bridge where the County-maintained Category 4 road ends. Based on physical characteristics of the access road, the 8.2-mile access road to the Delorme property has been divided into 4 segments as follows:

- **Segment 1** – 5.2 miles of County-maintained road from Sproul Creek bridge to mile 5.2.
- **Segment 2 (Subject of this Technical Memorandum)** – 0.6 miles of private community-maintained road from end of the County-maintained road to mile 5.8.
- **Segment 3** – 1.0 mile of private community-maintained road from mile 5.8 to mile 6.8.
- **Segment 4** – 1.4 miles of private community-maintained road from mile 6.8 to mile 8.2 (Delorme property boundary).



Joel Monschke, P.E.
Civil Engineer
Stillwater Sciences

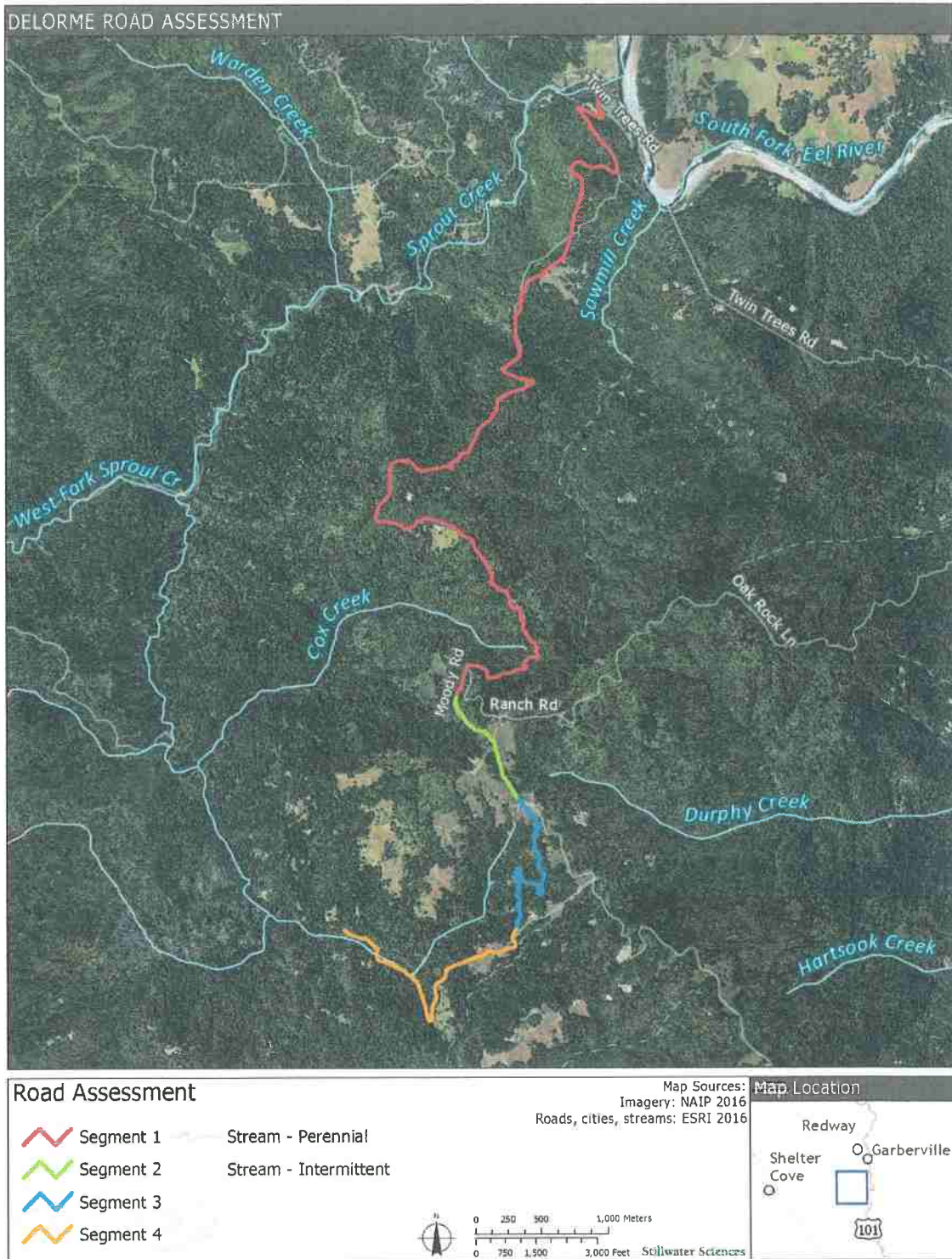


Figure 1. Road evaluation overview map.

3 FIELD OBSERVATIONS

3.1 General Observations

Overall, the 0.6 miles of gravel-surfaced private community-maintained road is in relatively good condition and appears to be easily accommodating the current traffic load. There was no evidence of skid marks or scarred trees. This segment of road is generally 18' to 20' wide except for two pinch points as shown in the photos in Appendix A and described in Section 3.2 below.

3.2 Description of Specific Road Segments

The following measurements were taken along this road segment at 0.1 mile intervals as shown on Figure 2:

- Mile 5.2: 12-ft-wide pinch point with no shoulder at start of private community-maintained road caused by trees on both sides of the road. The visibility is fair, but due to the narrow road width and mature trees growing directly adjacent to the road, this site does pose some safety concerns.
- Mile 5.3: 18-ft road width with 2-ft shoulders.
- Mile 5.4: 12-ft-wide pinch point with no shoulders located at the crest of a hill.
- Mile 5.5: 20-ft road width with 2-ft shoulder.
- Mile 5.6: 20-ft road width with 2-ft shoulder.
- Mile 5.7: 20-ft road width with 2-ft shoulder.
- Mile 5.8: 28-ft road width with 2-ft shoulder (end of segment).

4 RECOMMENDATIONS

4.1 Specific Recommendations for this Road Segment

- Mile 5.2: We recommend removing trees and widening roadway to 20 ft with shoulders, need to consider environmental impacts (low priority).
- Mile 5.4: Adjacent driveways, fences, and steep topography make this site difficult to widen. We recommend adding signs reminding drivers to slow down and stay on the right side of the road (high priority).
- Mile 5.6: Concentrated road runoff is causing erosion on the outboard edge of the road near an existing culvert outlet. We recommend adding rock to the culvert outlet to prevent further loss of the road surface.

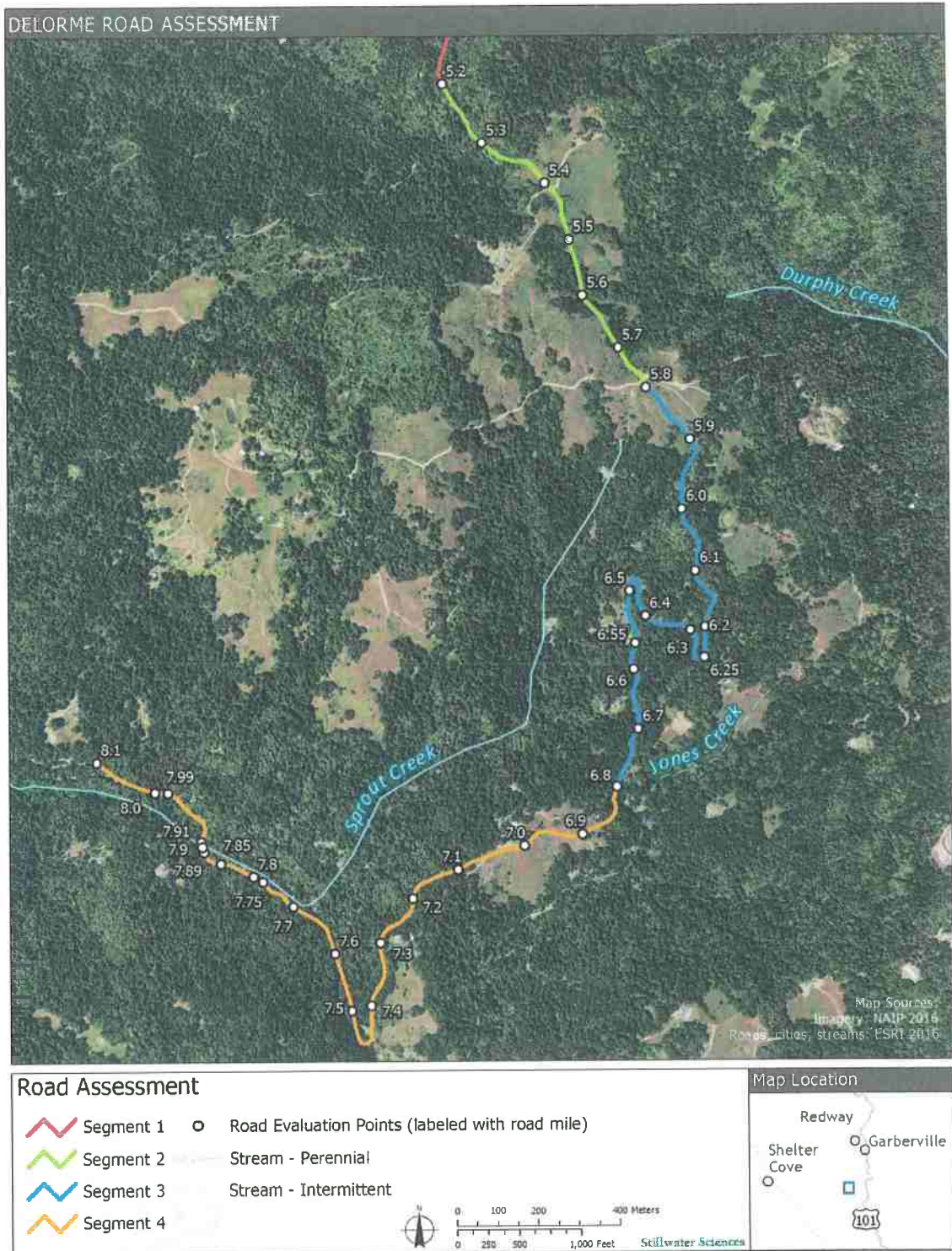


Figure 2. Road Segments 2-4 map.

Appendix A

Photos



Photo 1. Mile 5.2: 12-ft-wide pinch point with no shoulder at start of private community-maintained road.



Photo 2. Mile 5.3: 18-ft road width with 2-ft shoulders.



Photo 3. Mile 5.4: 12-ft-wide pinch point with no shoulders.



Photo 4. Mile 5.5: 20-ft road width with 2-ft shoulder.



Photo 5. Mile 5.6: 20-ft road width with 2-ft shoulder.



Photo 6. Mile 5.6: Add rock to culvert outlet to prevent erosion of road surface.



Photo 7. Mile 5.7: 20-ft road width with 2-ft shoulder.




Photo 8. Mile 5.8: 28-ft road width with 2-ft shoulder (end of segment).

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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


Referral Agency	Response	Recommendation	Location
Division Environmental Health	✓	Conditional approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
Sheriff	✓	Approval	On- file
Building Inspection	✓	Approval	Attached
Northwest Information Center	✓	Comments	On file and confidential
CAL FIRE	✓	No comment	Attached
Sprowel Creek Volunteer Fire Department			
California Department of Fish & Wildlife		No response	
Bear River Band of The Rohnerville Rancheria	✓	Conditional Approval	On-file
Intertribal Sinkyone Wilderness Council		No response	
CA State Water Resources Control Board – Division of Water Rights		No response	
NCUAQMD		No response	
Southern Humboldt Joint Union School District		No response	
District Attorney		No response	
Ag Commissioner		No response	
RWCQB		No response	

PLN-2021-17171 
 Humboldt Spirit Inc. -Sp...
 The applicant is seeking ...


STATUS
 > Staff Report
 05/05/2022 by Abbie ...

LOCATION
 > 480 Ranch Rd
 Garberville, CA 95542

CONTACT
 > Vanessa Valare

WORKFLOW
 > 19 total Task
 ● 9 completed 

- Summary
- Project Description
- Workflow
- 1 Referral Assignments
- 2 Planning Information
- 3 GP / Zoning Information
- 4 CEQA
- 5 Cannabis
- Annual Compliance
- Project Tracking



A notice was added to this record on 2019-07-15.
 Condition: Parcel Status : 222-071-028 LP 1:1 Severity: Notice
 Total conditions: 1 (Notice: 1)

[View notice](#)

Task	Due Date	Assigned Date
Environmental Health	05/27/2021	04/28/2021
Assigned to Department	Assigned to	Status
Environmental Health	Joey Whittlesey	Approved with Conditions
Action by Department	Action By	Status Date
Environmental Health	Joey Whittlesey	05/17/2021
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	Processing activities must be supported by an approved onsite wastewater treatment system. Seasonal/outdoor cultivation sites may be supported by portable toilets. Applicant must obtain a permit for, and install, an approved onsite wastewater treatment system to support the processing location and either install approved septic systems or provide portable toilets to cultivation areas.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA <input type="checkbox"/>	Display Comment in ACA <input checked="" type="checkbox"/>	Comment Display in ACA <input type="checkbox"/>



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

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

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

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

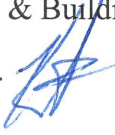
ON-LINE
WEB: CO.HUMBOLDT.CA.US

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Desmond Johnston, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 05/10/2021

RE:	Applicant Name	HUMBOLDT SPIRIT LLC
	APN	222-071-028
	APPS#	PLN-2021-17171

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report dated December 13, 2018, no date stamp received by the Humboldt County Planning Division, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The Department requires all recommendations by the engineer to be completed.

Note: Applicant has submitted a report used for a different application. It is suggested that the applicant provide the necessary road evaluation report form for the subject parcel application and provide an addendum letter from the engineer stating that the addition of this project does not change the Engineers recommendations

Whether specifically addressed or not within the road evaluation report, per County Code Section 3112-5, “No roadway grade in excess of 16 percent shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual.” Where portions of the road have grades that exceed 16%, those portions must be paved and must have an exception request approved. [reference: County Code sections 3111-9 and 3112-5]

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 17171

COUNTY ROADS- PROXIMITY OF FARMS:

Applicant is advised that County maintained roads may generate dust and other impacts to 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.

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //



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



8/23/2021

Project Referred To The Following Agencies:

AG Commissioner, Code Enforcement, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Sprowel Creek VFC, RWQCB, NCUAQMD, School District: Southern Humboldt Joint Unified, Cal Fish & Wildlife, Division of Water Resources, CalFire, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Dillion Dupont **Key Parcel Number** 222-071-028-000

Application (APPS#) PLN-2021-17171 **Assigned Planner** Abbie Strickland

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

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

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

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

Return Response No Later Than: 9/7/2021

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

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

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

Other Comments: _____

DATE: 8/23/21

PRINT NAME: Dean Beck



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: PLN-2021-1717 APN: 222-071-028

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

- Site plan appears to be accurate.
- Site plan is not accurate, submit revised site plan showing the following items:
 - All grading including ponds and roads,
 - Location of any water course including springs,
 - All structures including size and use and all setbacks from each other, above stated items, and property lines.
 - _____
 - _____
- Existing operation appears to have expanded as follows: _____
_____ NA
- Proposed new operation has already started. NA
- Development is near a wet area. If yes, distance from development: NA
- Development is near a Steam side Management Area (SMA). If yes, distance from development: NA
- Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.
- Other Comments: _____

Name: Dean Beck

Date: 8/23/21

Note: Please take photographs and save them to the Planning Accela record number.

