



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: November 4, 2021

To: Humboldt County Planning Commission

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

Subject: **Fertila, LLC Conditional Use Permit and Special Permit**
Record Number PLN-13180-CUP
Assessor's Parcel Number (APN) 221-202-001
1075 Dutyville Road, Eftersburg

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

AGENDA ITEM TRANSMITTAL

Hearing Date November 4, 2021	Subject Conditional Use Permit and Special Permit	Contact Jordan Mayor
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Project Description: Fertila, LLC seeks a Conditional Use Permit for an 18,200-square-foot (SF) cannabis cultivation consisting of 14,560 SF of existing outdoor light-deprivation cannabis cultivation and 3,640 SF of existing mixed-light cannabis cultivation within five existing greenhouses. An existing 3,200-SF barn would be used for drying, once permitted, and a second new 3,400-SF building is proposed for processing and use as an ancillary nursery. The nursery space within this building shall be limited to 10% of the cultivation area. The project includes a Special Permit for maintenance of an encroachment point of diversion historically used for cannabis irrigation. A 730,000-gallon rainwater catchment pond system (with 42,000 SF of catchment area) was constructed to allow forbearance from summertime diversions. Additional water storage consists of six plastic tanks with a total capacity of 24,500 gallons. The applicant's estimated annual water use is 441,708 gallons (15.7 gallons/SF/year). Water will be delivered to the greenhouse cultivation areas via a drip irrigation system and all water storage and diversion sources will be monitored. Prior to completion of the proposed facility, processing will take place offsite. Electricity is sourced from Pacific Gas and Electric Company through the solar choice program and an emergency backup generator. A separate 1,000-gallon propane tank and generator is proposed to be located north of the greenhouses in a small shed for the purpose of environmentally friendly back-up power generation.

Project Location: The project is located in Humboldt County, in the Ettersburg/Whitethorn area, on the west side of Dutyville Road, approximately 1,051 feet from the intersection of Dutyville Road and Crooked Prairie Road, on the property known as 1075 Dutyville Road, Redway (APN: 221-202-001).

Present Plan Land Use Designations: Residential Agriculture (RA) Density: 20 acres per dwelling unit, Slope Stability: High instability (3)

Present Zoning: U

Record Number: PLN-13180-CUP

Assessor's Parcel Number: 221-202-001

Applicant

Fertila, LLC
C/O Dimitar Zaykov
1075 Dutyville Rd
Redway, CA 95560

Owner

same as applicant

Agents

Gallegos Law Firm
804 3rd Street Ste C
Eureka, CA, 95501

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

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

Major Issues: None

Recommended Commission Action

1. Describe the application as a public hearing.
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action to approve the application:

Adopt the Resolution to 1) find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section §15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Conditional Use Permit and 3) approve the Fertila, LLC, project as recommended by staff subject to the recommended conditions

Executive Summary: Fertila, LLC seeks a Conditional Use Permit for 18,200-square-foot (SF) cannabis cultivation consisting of 14,560 SF of existing outdoor light-deprivation cannabis cultivation and 3,640 SF of existing mixed-light cannabis cultivation within five existing greenhouses in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated as Rural Residential (RA40) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Three annual harvests will occur in the four existing outdoor light-deprivation greenhouses and up to five harvests are anticipated from the one existing mixed-light greenhouse, for a growing season that extends from January through December.

Processing and ancillary nursery support activities would occur onsite in one existing and one proposed 3,400-SF buildings, once permitted. Building plans prepared by a licensed engineer for the proposed facility and the existing unpermitted barn have been provided to Planning & Building. Prior to completion of the facility, processing will take place offsite at a licensed processing or manufacturing facility. Electricity is sourced from Pacific Gas and Electric Company through the solar choice program and a small emergency backup generator. A 1,000-gallon propane tank and propane generator are proposed to be added as an additional emergency power supply system north of the greenhouses. The cultivation areas and greenhouse are secured with perimeter fencing and security gates are installed along all main access roads.

Water Resources

The project includes a Special Permit for a point of diversion (POD) used for cannabis irrigation. The POD is from an unnamed headwater spring with a documented water right (Certificated H100576) that is connected to a Class III stream which is a tributary to Blue Slide Creek. Forbearance of summertime diversions is made possible by an existing 730,000-gallon rainwater catchment pond system designed by and engineer with a spillway permitted through a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW). The rain catchment pond has an interception area of approximately 14,000 SF and an adjacent interception area from the mixed-light greenhouse and its surrounding tarped area which, via a French drainage system, delivers water to the pond reservoir for an estimated total catchment area of 42,000 SF. Current water storage consists of six plastic tanks with a total capacity of 24,500 gallons and the 730,000-gallon pond. The applicant's estimated annual water use is 441,708 gallons (15.7 gallons/SF/year). A Final LSAA (LSAA 1600-2016-0396-R1) was prepared in December 2019 (**Attachment 3**) that allowed the applicant to proceed with their described project (i.e., the POD, catchment pond spillway, and six stream crossing encroachments).

The Plot Plan shows Class II and III watercourses and associated 50-foot Streamside Management Area (SMA) buffer setbacks and seven stream crossings associated with existing all-terrain-vehicle roads. Both cultivation areas are outside of the SMA buffers. The Water Resource Protection Plan (WRPP) and Site Plan prepared by Timberland Resource Consultants in 2017 (**Attachment 3**) evaluated seven stream road crossings on the site but all cultivation areas and associated facilities are more than 60 feet from the

nearest Class III watercourses. Adoption of all recommended mitigation measures in the WRPP designed to prevent continued erosion and delivery of sediment to watercourses are made a condition of approval, including the amendment of the LSAA to include the prescribed work at Stream Crossings 1 and 3. In addition, preparation of a Site Management Plan will be required to abide by State Water Resources Control Board 2019 Cannabis Policy, and this has been made a condition of approval.

Biological Resources

There are no mapped sensitive species onsite and although the nearest northern spotted owl (NSO) activity center is located approximately 2 miles from the site, lands surrounding the site are heavily forested; thus, there is potential for NSO habitat. The proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices. Generators are proposed as backup power only and the expected daily activities are not expected to produce noise levels great enough to affect NSO. Per the applicant, generators are used onsite only for backup purposes and these will meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11(o), which requires noise levels be at or below 50 decibels at 100 feet or edge of habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, and greenhouse fan or other operational equipment–created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service.

The project has been conditioned to ensure supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat and avoid heavy equipment operations during the NSO critical period (February 1–July 31) or perform protocol-level surveys prior to initiating that work. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

Tribal Cultural Resource Coordination

There are no known tribal cultural resources on the project site. The project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria in 2017. A cultural resources study for the site was completed in December 2019 by Arsenault and Associates, indicating no tribal cultural resources were present on the site. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria reviewed the report and requested that the project be conditioned with the standard inadvertent discovery language. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Access

Access to the site is via a driveway on the west side of Dutyville Road, approximately 1,051 feet from the intersection of Dutyville Road and Crooked Prairie Road, on the property known as 1075 Dutyville Road, Etersburg (APN: 221-202-001). Public Works, Land Use Division stated that the project's approval is conditioned on meeting paving requirements for intersections between county and private roads. A road evaluation report completed by the applicant is on file (**Attachment 3**).

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

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated

that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-13180-CUP
Assessor's Parcel Number: 221-202-001**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the Fertila, LLC, Conditional Use Permit and Special Permit.

WHEREAS, Fertila LLC, submitted an application and evidence in support of approving a Conditional Use Permit and Special Permit for the continued operation of an existing 18,200-square-foot (SF) cannabis cultivation operation of which 14,560 SF is outdoor cultivation and 3,640 SF is mixed-light cultivation in five existing greenhouses with appurtenant propagation and drying activities;

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on November 4, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit to allow 18,200-SF cannabis cultivation operation, of which 14,560 SF is outdoor cultivation and 3,640 SF is mixed-light cultivation in five existing greenhouses with appurtenant drying activities in an existing 3,500-SF barn. A new 3,500-SF processing building is proposed. Power is provided by a Pacific Gas and Electric Company connection with generator backup. Water for irrigation is provided by a permitted diversion and an existing 730,000-gallon rainwater catchment pond system and 24,500-gallons of hard tank storage.

EVIDENCE: a) Project File: PLN-13180-CUP

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

EVIDENCE: a) Addendum prepared for the proposed project.

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

c) A Water Resources Protection Plan was prepared by Timberland Resource Consultants in 2017 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023 and adoption of the included Mitigation Report measures are made a condition of approval. A Site

Management Plan will be prepared in compliance with the Water Quality Control Board's updated Cannabis Cultivation Policy.

- d) Northern Spotted Owl habitat exists in the vicinity, but the nearest known activity center is over 2 miles from the site. Conditions of approval will require noise to be at or below 50 decibels at 100 feet, which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) A cultural resources study for the site was completed in December of 2019 by Arsenault and Associates, indicating no tribal cultural resources were present on the site. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria reviewed the report and requested that the project be conditioned with the standard inadvertent discovery language.
- f) The Humboldt County Health and Human Services Department requested that the project be conditioned with an assessment from a qualified septic consultant confirming a minimum of Tier 0 status for the existing onsite waste treatment systems serving the parcel.
- g) The site is accessed 0.8 mile off Ettersburg Road (County CAT 4) and Public Works requested that the project be conditioned with standard requirements for paving of intersections between county and private roads.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

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

EVIDENCE

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

4. FINDING

The proposed development is consistent with the purposes of the existing Unclassified (U) Zone in which the site is located.

EVIDENCE

- a) The U-Zone is applied to areas of the County not otherwise zoned. This area has not been sufficiently studied to justify precise zoning classifications.
- b) All general agricultural uses are principally permitted in the U-Zone.
- c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 14,560 SF outdoor cultivation, 3,640 SF mixed-light cultivation (18,200 SF total cultivation), and a 10,000-SF nursery on an 80-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (Section 314-55.4.8.2.2).
- b) The parcel is eligible for an unconditional certificate of subdivision

compliance pursuant to Section 66499.35 due to the issuance of a building permit on the subject parcel.

- c) The project will obtain water from a permitted point of diversion from an unnamed spring with a documented water right and a 730,000-gallon non-diversionary rainwater catchment pond system and 24,500 gallons of hard tank storage.
- d) The site is accessed off of Ettersburg Road and Road Evaluation Report was self-certified by the applicant for the 0.8 mile of private access road. Public Works, Land Use Division stated that the project's approval is conditioned on meeting paving requirements for intersections between county and private roads and this has been made a condition of approval.
- e) The slope of the land where cannabis will be cultivated is 8%, a value less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park or tribal cultural resource.

6. FINDING

The cultivation of 18,200 SF of cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located 0.8 mile off of Ettersburg Road which is maintained by County of Humboldt. Access to the site is via a driveway on the west side of Dutyville Road, approximately 1,051 feet from the intersection of Dutyville Road and Crooked Prairie Road. Public Works, Land Use Division stated that the project's approval is conditioned on meeting paving requirements for intersections between county and private roads.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) Irrigation water would partially come from a stream diversion with a documented water right that has been permitted by the California Department of Fish & Wildlife and a 730,000-gallon rainwater catchment pond system.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

- 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.

8. FINDING

PENDING The 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

This project site is located in the Cape Mendocino Planning Watershed which is limited to 650 permits and 223 acres of cultivation. Approval of this permit would result in 195 approved permits and approximately 69 acres of total cultivation.

DECISION

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

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

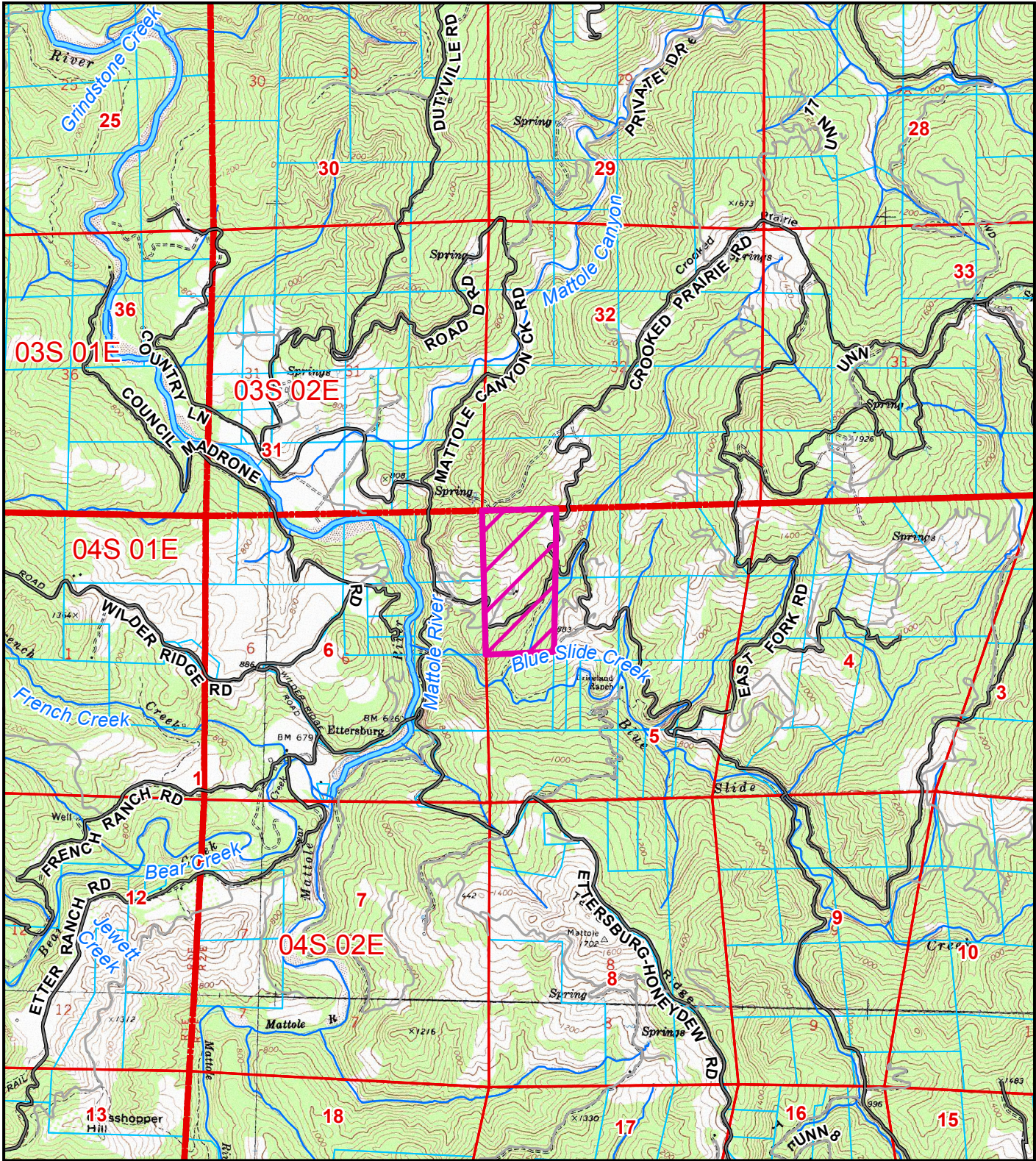
Adopted after review and consideration of all the evidence on November 4, 2021

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

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

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

 John Ford, Director
 Planning and Building Department

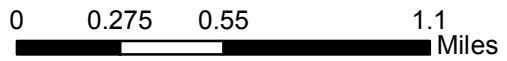


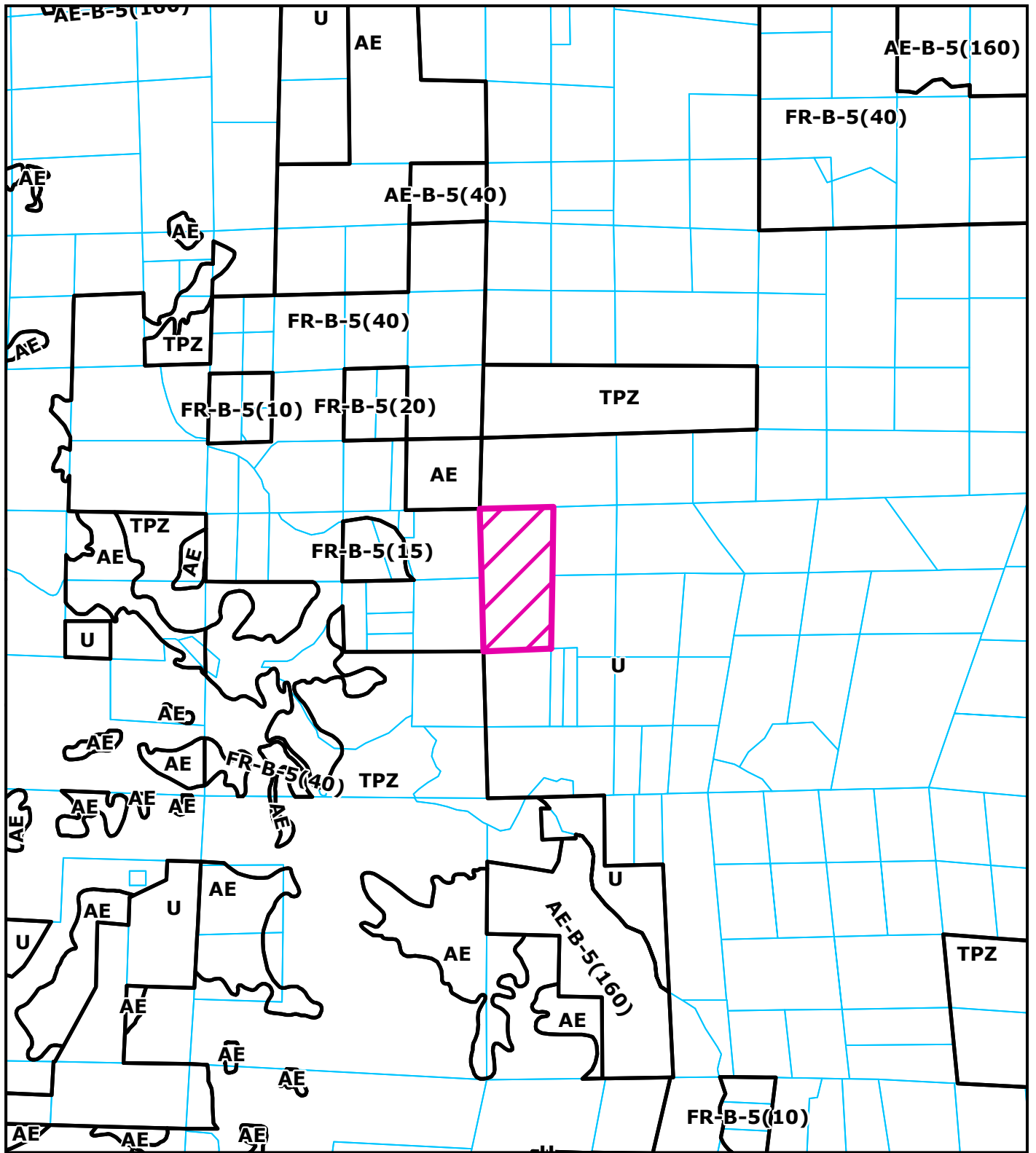
TOPO MAP
PROPOSED TIHOMIS KASPASOV
ETTERSBURG AREA
CUP-16-1023; SP-16-802
APN: 221-202-001
T04S R02E S5 HB&M (ETTERSBURG)

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.





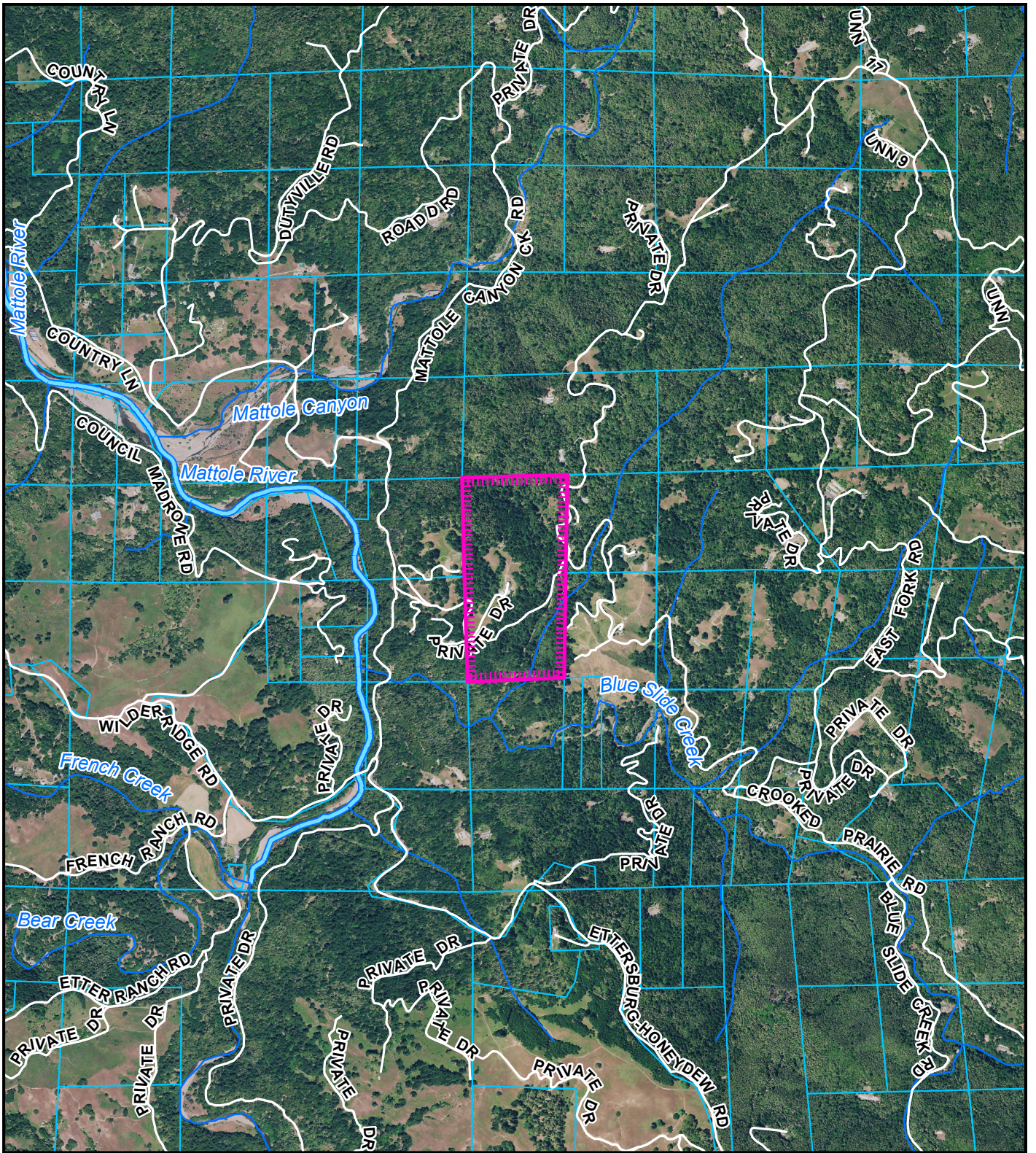
Project Area = 

ZONING MAP
PROPOSED TIHOMIS KASPASOV
ETTERSBURG AREA
CUP-16-1023; SP-16-802
APN: 221-202-001
T04S R02E S5 HB&M (ETTERSBURG)



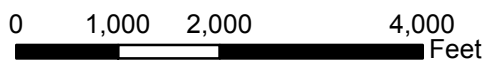
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Project Area = 

**AERIAL MAP
 PROPOSED TIHOMIS KASPASOV
 ETTERSBURG AREA
 CUP-16-1023; SP-16-802
 APN: 221-202-001
 T04S R02E S5 HB&M (ETTERSBURG)**



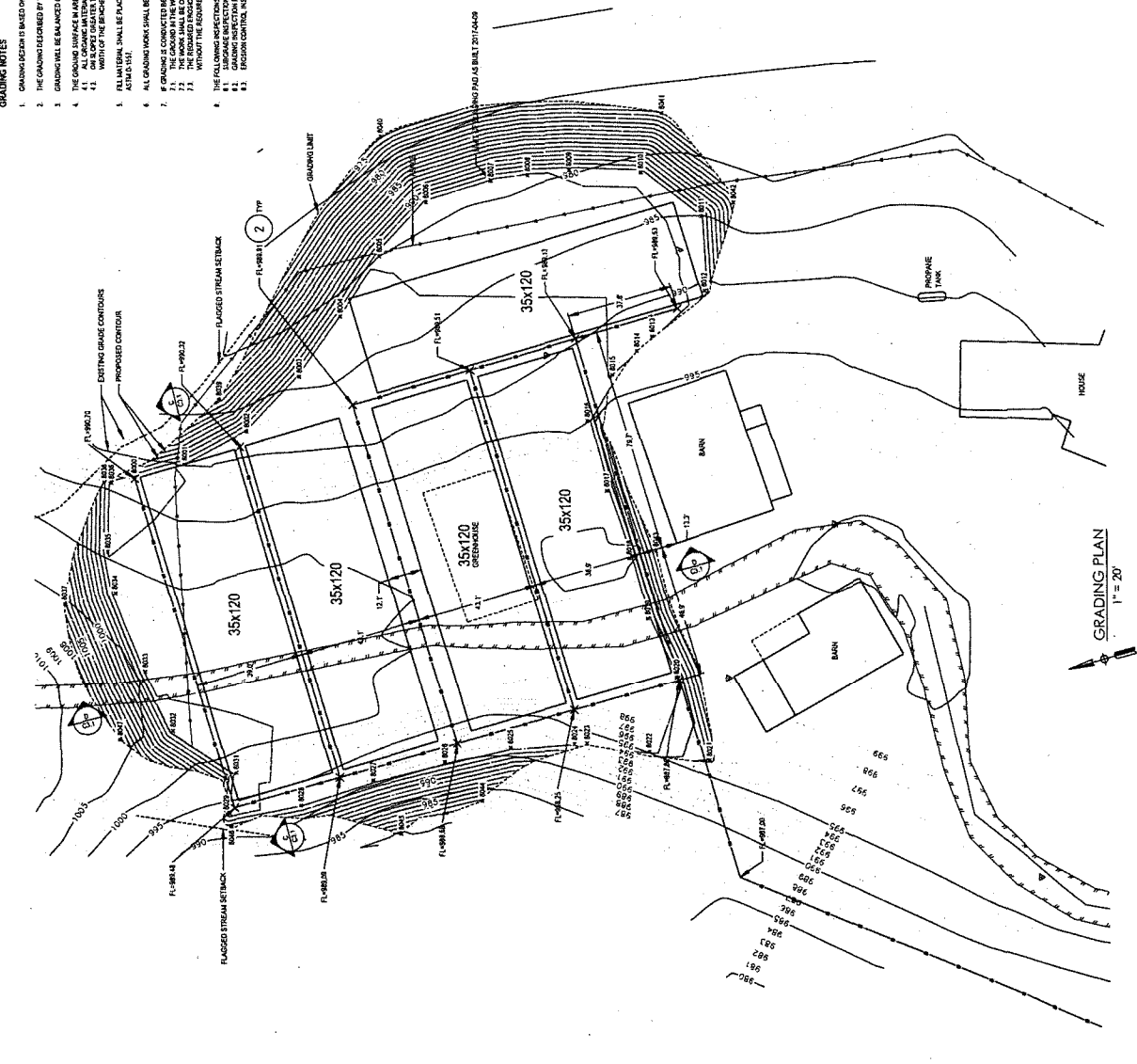
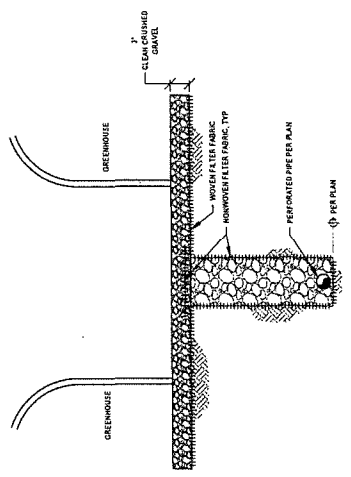
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



- GRADING NOTES**
- GRADING IS BASED ON TOPOGRAHY SURVEY PERFORMED BY NATHAN TOEWS P.E. ON MARCH 1, 2017. AN ASSUMED COORDINATE SYSTEM IS USED.
 - THE GRADING DESCRIBED IN THIS PLAN IS INTENDED TO CREATE A 32.000' X 120.000' PAD FOR CONSTRUCTION OF GREENHOUSES.
 - GRADING SHALL BE MAINTAINED ON THE GREENHOUSE PAD SITE, WITH A TOTAL GRADING VOLUME OF 4.18 CUBIC YARDS CUT AND 1.80 CUBIC YARDS FILL (EXCEPT DETAILS).
 - THE GRADING SURFACE IN AREAS TO BE EXCAVATED SHALL BE PREPARED AS FOLLOWS:
 - ALL EXCAVATIONS SHALL BE SHOWN BY DASHED LINES.
 - EXISTING GRAZE CONTOURS AND PROPOSED GRAZE CONTOURS SHALL BE CUT INTO THE SOIL TO PROVIDE A LEVEL GRADING SURFACE FOR THE FULL WATERSHED. THE WATERSHED WIDTH OF THE EXCAVATION SHALL BE FOUR FEET.
 - FILL MATERIAL SHALL BE PLACED IN LAYER LIFTS NO GREATER THAN 12 INCHES, AND MOISTURE CONDITIONS AND COMPACTED TO PERCENT OF MAXIMUM DENSITY PER ASTM D 1557.
 - ALL GRADING WORK SHALL BE COMPLETED DURING PERIODS OF DRY WEATHER.
 - IF GRADING IS CONDUCTED BETWEEN OCTOBER 15 AND APRIL 15, ALL OF THE FOLLOING CONDITIONS SHALL BE MET:
 - THE WORK SHALL BE COMPLETED WITHIN 14 DAYS.
 - THE EXISTING PROPOSED CONTROLS AT SHOWN ON THE GRADING PLAN SHALL BE PLACED BEFORE THE NEXT RAINFALL. THE SITE SHALL NOT BE LEFT UNATTENDED WITHOUT THE REQUIRED GOOD PROTECTION AND SIGNAGE.
 - STORMAGE INSTRUCTIONS AFTER THE SURFACE HAS BEEN BRICKED AND PREPARED TO RECEIVE FILL.
 - GRADING INSTRUCTIONS DURING RAIN SHALL BE OBSERVED TO AVOID COMPLETION OF THE GRADING WORK.
 - GRADING WORK SHALL BE COMPLETED WITHIN THE SPECIFIED GRADING PERIOD.
 - GRADING WORK SHALL BE COMPLETED WITHIN THE SPECIFIED GRADING PERIOD.

POINT TABLE

POINT #	DESCRIPTION	NORTING	EASTING	ELEVATION
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862	PAD	10171.48	9823.2	985.3
863	PAD	10171.48	9823.2	985.3
864	PAD	10171.48	9823.2	985.3
865	PAD	10171.48	9823.2	985.3
866	PAD	10171.48	9823.2	985.3
867	PAD	10171.48	9823.2	985.3
868	PAD	10171.48	9823.2	985.3
869	PAD	10171.48	9823.2	985.3
870	PAD	10171.48	9823.2	985.3
871	PAD	10171.48	9823.2	985.3
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876	PAD	10171.48	9823.2	985.3
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888	PAD	10171.48	9823.2	985.3
889	PAD	10171.48	9823.2	985.3
890	PAD	10171.48	9823.2	985.3



GRADING PLAN
1" = 20'

GREENHOUSE SUBDRAIN

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary county and state permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and 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 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. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. The applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all

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

9. The applicant shall finalize the existing onsite wastewater treatment system (OWTS) permit with the Division of Environmental Health (DEH). The applicant shall provide written assessment from a qualified septic consultant confirming a minimum of Tier 0 status for the existing onsite waste treatment system(s) serving the parcel. A letter or similar communication from DEH verifying that the OWTS is permitted will satisfy this condition.
10. The applicant shall install a water monitoring device on the surface diversion if/when utilized and storage ponds and tanks as applicable—to monitor water used for cannabis irrigation separate from domestic use. The rate of diversion to storage shall not exceed 42,000 gallons per day or the diversion
11. The applicant shall implement and document all recommended corrective actions detailed in the Mitigation Report of the Water Resource Protection Plan (WRPP) prepared for the site in 2017 by Timberland Resource Consultants. These include:
 - a. rock road approaches from 270 feet before stream crossing 2 to Road Point (RP) on Crooked Prairie Road,
 - b. installation of ditch relief culvert at RP 1,
 - c. installation of rock armoring of RP 3
 - d. installation of waterbreaks per WRPP specifications at RP's 2, and 4 through 7,
 - e. installation of armored fill and rock armoring the fill slope at RP 8,
 - f. re-establishment of the leadout ditch at RP 9,
 - g. clear and rock-line the inside ditch at RP 10 and rock the adjacent road approximately 120 feet above and below RP 10,
 - h. installation of five wattles or rock check dams in the inside ditch and dispersal field of the inside ditch leading up to the Class II watercourse at RP 11 and 12,
 - i. installing of an 18-inch ditch relief culverts 1 and 2 and 12-inch ditch relief culvert 3,
 - j. stabilization of Unstable Area 2,
 - k. maintenance of Stream Crossing (SC) 6 and 7 in accordance with the LSAA (1600-2016-0396-R1),
 - l. submission of a major amendment of the LSAA to include work at SC 1 and 3,
 - m. rock armor the inlet and install an energy dissipater at the outlet of SC 5,
 - n. install rocked ford at SC 6, and
 - o. install 24-inch diameter culvert at SC7,
 - p. implement erosion control measures at the leveled (graded) cultivation area,
 - q. installation of float-valves on storage tanks to prevent overflow and installation of water meters to document usage,
 - r. In addition, those recommendations developed under any future Site Management Plan to be developed for the parcel, pursuant to Tier 1 or 2 enrollment under the SWRCB Cannabis Cultivation Policy, in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities, shall also be followed. A letter or similar communication from the SWRCB verifying that all their requirements have been met will satisfy this condition.
12. The applicant shall improve the County road – private road intersection to current standards for a commercial driveway which includes paving the private road for a minimum width of 20 feet and a length of 50 feet where it intersects the paved County road.
13. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
15. 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 Humboldt County Code and available at the Planning Division.
16. Dedicated propagation area shall be no more than 1,820 sf. Prior to issuance of the building permit for the proposed processing and propagation building the application shall submit a detailed floor plan demonstrating the separation between uses and that no more than 1,820 sf on-site is devoted to propagation activities.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of northern spotted owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11(o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. The applicant shall abide by recommendations ensuring supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during the northern spotted owl critical period (February 1–July 31) or perform protocol-level surveys prior to initiating that work.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Ensure all generators and fuel be located on stable surfaces with secondary containment and with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per California Department of Fish and Wildlife (CDFW) referral comments dated April 3, 2018.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 2 years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the SWRCB and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable. The applicant shall abide by the terms and conditions of the Right to Divert and Use Water Certification H100576 filed with the SWRCB.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
16. Maintain enrollment in Tier 1 or 2 certification with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of Lake and Streambed Alteration Permit (LSAA 1600-2016-0396) and any amended LSAA obtained from CDFW.
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection, if applicable.
19. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets;
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and

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

- b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than 2 years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within 1 year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APN 221-202-001; 1075 Dutyville Road, Redway
County of Humboldt**

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

August 19, 2021

Background

Modified Project Description and Project History –

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

The modified project involves a Conditional Use Permit for 14,560 square feet (SF) of existing outdoor light-deprivation cannabis cultivation and 3,640 SF of existing mixed-light cannabis cultivation within five existing greenhouses. An existing 3,400-SF barn would be used for drying, once permitted, and a second new 3,400-SF building is proposed for processing and use as an ancillary nursery. The project includes a Special Permit for an encroachment point of diversion historically used for cannabis irrigation. A 730,000-gallon rainwater catchment pond system (with a 42,000-SF catchment area) was constructed to allow forbearance from summertime diversions. Additional water storage consists of four plastic tanks with a total capacity of 24,500 gallons. The applicant's estimated annual water use is 441,708 gallons (15.7 gallons/SF/year). Water will be delivered to the outdoor and mixed-light cultivation areas via a drip irrigation system and all water storage and diversion sources monitored. Prior to completion of the facility, processing will take place offsite. Adoption of all recommended mitigation measures in the Water Resources Protection Plan designed to prevent continued erosion and delivery of sediment to watercourses are made a condition of approval. Electricity is sourced from Pacific Gas and Electric Company through the solar choice program and an emergency backup generator. A separate 1,000-gallon propane tank and generator is proposed to be located north of the greenhouses in a small shed for the purpose of environmentally friendly back-up power generation. A cultural resources study for the site was completed in December of 2019 by Arsenault and Associates, indicating no tribal cultural resources were present on the site. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria reviewed the report and requested that the project be conditioned with the standard inadvertent discovery language. The proposed project is to continue use of existing developed sites and any potential impacts to biological or cultural resources are mitigated through implementation of best management practices.

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 18,200 SF of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less-than-significant level.

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

- Site Plan prepared by Timberland Resource Consultants received 12/10/19 and the revision received 7/16/19.
- Cultivation and Operations Plan prepared by the applicant received 12/10/19.
- Cultivation and Operations Plan Addendum prepared by Gallegos Law Firm dated 5/4/21.
- Cultivation Site Improvements Plan prepared by Nathan Toews, PE, dated March 2017.
- Water Resources Protection Plan dated 2017 prepared by Timberland Resource Consultants for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Cultural Resources Investigation prepared by Arsenault & Associates 12/3/19 and received 2/6/20.
- Streambed Alteration Agreement No. 1600-2016-0396-R1 dated 4/30/19.
- Bear River THPO project referral response, dated 11/2/20.
- CalFire project referral response, dated 10/2/17.
- Public Works project referral response, dated 8/30/17.
- Division of Environmental Health project referral response, dated 8/28/17.
- CDFW project referral response, dated 4/3/18.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning 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 Timberland Resource Consultants received 12/10/19 and revised 7/16/21 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the applicant received 12/10/19 and Addendum prepared by Gallegos Law Firm received 5/4/21) (**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. (Right to Divert & Use Water Certificate H100576 dated 12/10/19 - On file.)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above).
7. Copy of Notice of Intent (NOI) and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1 or 2, North Coast Regional Water Quality Control Board Order No. 2019-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resources Protection Plan prepared by Timberland Resource Consultants – NOI a Condition of Approval)
8. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)
9. 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)

10. 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)
11. 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)
12. 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)
13. 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. (On file)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
15. Cultural Resources Investigation dated 12/03/19 and received 02/06/20 prepared by Arsenault & Associates (On file)
16. California Department of Fish and Wildlife Streambed Alteration Agreement Notification No 1600-2019-0396-R1, dated 12/10/19. (**Attached**)

CMMLUO SITE/OPERATIONS OVERVIEW

FERTILA LLC

Project Description.

Fertila LLC is seeking a Conditional Use Permit under the CMMLUO to finalize the permitting on existing light deprivation cultivation of 14,560 ft², mixed light cannabis cultivation for 3,640 sq.ft., indoor cultivation of 10,000 ft², ancillary processing activities, appurtenant support infrastructure/facilities. The applicant cultivates cannabis in an outdoor setting in greenhouses and pots from roughly March to October in three to five separate cycles depending on the method of cultivation and subject to the environmental variables. Date stamped air photo/maps are provided to show cultivated areas in existence prior to January 1, 2016 encompassing the area totaling listed above for light-dep / mixed-light and respectively the buildings allocated for indoor cultivation.

The applicant acknowledges that the commercial cannabis activity approval being sought under the conditional use permit application, pursuant to CMMLUO, is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws.

A determination of compliance will require multi-agency review of activities/development described in the permit application and in some cases, site inspections.

If development and/or activities on the subject parcel are determined, for some reason, to be out of compliance with any applicable State or County code, regulation or policy, a compliance agreement can be formulated between the applicant, and the relevant agency or agencies, which includes a compliance timeline whereby operations may continue under a "Provisional Clearance or Permit" and corrective action is initiated to achieve compliance under agreed upon terms.

Parcel Information: The subject parcel with APN: 221-202-001 is approximately 84 acres, zoned Unclassified (U) with AL40 use code 3105. It is located approximately on 1075 Dutyville Road, 0.5 miles north of the junction of Ettersburg and Dutyville Rd. Dutyville road crosses the parcel by dividing it into two halves. North of Dutyville road is where currently are located all buildings and facilities.

Topography/Landscape: The parcel has a diverse sloping grades within its limits. However, the centralized portion where also the cultivation area is located is comprised of open grasslands that are flat or do not face any steep slopes and surrounding areas are made up of conifer timberland.

Surface Water Features: There are two un-named Class III watercourses located on the property and one of them is a tributary to the Blue Slide Creek.

Roads/Stream Crossings/Easements: Roads on the parcel are nearly flat, well drained and are used seasonally. There are some stream crossings and erosion issues due to the hard

winter that are being addressed in accordance to the water resource protection plan provided by TRC. There was not any road related drainage, sediment transport/delivery problems noted when assessed by Timberland Resource Consultants (Spring 2017). There are five stream crossings on the property which are all functioning adequately.

Site Development (residence, structures, other, year built): The parcel has a history of agricultural activity of cannabis cultivation. There is a 2 bedroom two-bathroom house built in 1972 with an adherent deck to build in 1984. A separate tractor shed and garage was built in 1979. All listed buildings are approved and permitted. However, the previous owner of the land plot has constructed a barn with mixed purposes in 2012 which was not permitted. A layout plan has been developed by a licensed civil engineer for the construction of a new barn and the approval of the existing one. The plan is also set to visualize the position of the greenhouses, the existing tanks, and a proposed pond (refer to site plan). All plans have been submitted to Humboldt County Planning and Building Department at the time of the submittal of the CMMLUO application, as advised, awaiting approval based on the conditional use permit.

Utilities (electric, propane, sewer): Electric power is supplied to the parcel from the power supply company PG&E, through a solar account with a current maximum capacity of 400 Amps half of which are allocated to the existing solar panels; there is a back-up mobile generator available if needed for the uses of the house. Propane is stored in 500-gallon metal tank located on a paved foundation north-east of the main house (refer to site map). There is an existing small power generator for planned emergency shut-offs to be announced by the local power supplier and distributor. A separate 1000-gallon tank and propane generator is proposed to be located north of the greenhouses in a small shed for the purpose of environmentally friendly back-up power generation. All existing structures are served by a conventional septic system.

Water Supply: Currently water is sourced from a year-round class III stream. Nathan Towes, a California licensed RCE 70251 professional engineer within the site plan has designed a 1,000,000-gallon rain catchment pond to augment water supply on the subject parcel. The design plans are included with this submission. The rain catchment pond is designed with an area of approximately 14,000 ft.² engineered also to catch water from the mixed light cultivation and its surrounding area which is covered by a woven tarp leading the water to a French drainage system drained into the pond for an estimated total catchment area of 42,000 ft.². Based on publicly available data the minimum average precipitation in Humboldt County is 40 in., while data available at <https://water.usgs.gov/edu/earthrain.html> states that "One inch of rain falling on 1 acre of ground is equal to about 27,154 gallons", since 42,000 ft.² equals 96% of an acre the total volume caught by the pond in the worst-case scenario is expected to be 1,042,713.6 gallons per year. With a daily-evaporation rate of 1/3 of an inch for the summer months (Department of Water Resources p.14, Bulletin 73 available at <http://www.water.ca.gov/>) a summer evaporation is expected of approximately 300,000 gallons. Based on these estimates it is assessed that a million-gallon pond shall be sufficient to supply with water, throughout the whole year, the cultivation sites without affecting the environment. The applicant is also considering the option of having a well drilled on-site if such a necessity arises.

Water Storage (Year installed): Current water storage consists of hard Plastic tanks installed in 2012-one 10,000-gallon, two of 5,000-gallon capacity each, one with 3,000 gallons and one 2,500-gallon tanks for nutrient mixing and dispersal is also kept on site. The proposed indoor cultivation area is to be supplied with water treatment system allowing the repeated usage of the excess water. Also, the proposed pond, will serve not only as means of water supply but of water storage as well. The previously installed water bladders have been removed.

Cultivation Areas (proposed, existing): The existing cultivation as per attached site plan, is comprising of a total of (5) five flowering greenhouses. Four (4) of the greenhouses measure 35X104 ft. this results in a 14,560 ft² footprint for light-deprivation cultivation. A single 3,640 ft² greenhouse is used for the purpose of mixed-light cultivation as well.

The applicant proposes to use most of the preexisting indoor cultivation facilities for mixed purposes mainly and also to expand the propagation both in the proposed construction of the new barn and a separate greenhouse, not exceeding a reasonable area as per the county representative's instructions. The separate greenhouse for vegetation will be requiring the use of light and just as the rest of the greenhouses will be equipped with an automated motorized light deprivation system to prevent any light pollution throughout late evening and the night as defined by International Dark Sky Standards. At the same time, the square footage of the preexisting indoor cultivation can be reallocated to the new barn. It is also proposed to establish a processing facility within the premises of the new barn used for drying, curing, trimming and storage for a combined use space of less than the allocated light-dep, mixed light and 10,000 ft² of indoor. A total of up to 3 annual cycles is expected for the light-deprived greenhouses, while up to 5 for the mixed-greenhouse and the indoor facilities.

Peak Water Demand: The peak water demand projected to maintain plants for the summer months of July through September is at maximum of up to 52,809 gallons per month. The "Monthly Water Use" table below shows estimated water use throughout the grow season. Water usage will be monitored and recorded by use of in-line totalizing flow meters in accordance with applicable regulations. At this time, the applicant does not have adequate storage to forbear water use during the required season. However, the proposal to alleviate this issue is to have a 1,000,000-gal rain catchment pond (pending permits) installed which has been engineered by Nathan Towes, RCE 70251 CA licensed PE or alternatively to have a well installed. Overall Cultivation Area I represents both light-deprived and mixed-light greenhouses, as their cycles are matching throughout the most of the year, while throughout the winter months it only represents mixed-light cultivation water demands at maximum-threshold.

Water Use Table in gallons:

MONTH	Cultivation Area: I CA-I Annually 5 Greenhouses 18,200 ft. ²	Cultivation Area: II CA-II Annually Indoor Facilities 10,000ft. ²	Cultivation Area: III CA-III 2 Propagation Sites 2,480 ft. ²	Seedling/Vegetative/Flower/ Harvest	Source: Proposed Pond
					Total Gallons:
January	9,000	15,809		CA-I: Flower CA-II: Vegetative	24,809

February	9,000	15,809	2,000	CA-I: Flower / Harvest CA-II: Flower	26,809
March 18	17,500	15,809	2,000	CA-I: Vegetative CA-II: Flower/Harvest/Vegetative CA-III: Seedlings/Vegetative	35,309
April 15	17,500	15,809	2,000	CA-I: Flower CA-II: Vegetative CA-III: Seedlings/Vegetative	35,309
May 15	17,500	15,809	2,000	CA-I: Flower CA-II: Flower CA-III: Seedlings/Vegetative	35,309
June 15	27,000	15,809	2,000	CA-I: Harvest/Vegetative CA-II: Flower/Harvest/Vegetative CA-III: Seedlings/Vegetative	44,809
July 15	35,000	15,809	2,000	CA-I: Vegetative / Flower CA-II: Vegetative CA-III: Seedlings/Vegetative	52,809
August 15	35,000	15,809	2,000	CA-I: Flower / Harvest CA-II: Flower CA-III: Seedlings/Vegetative	52,809
September 15	27,000	15,809	2,000	CA-I: Vegetative / Flower CA-II: Flower/Harvest/Vegetative CA-III: Seedlings/Vegetative	44,809
October 15	17,500	15,809	2,000	CA-I: Flower CA-II: Vegetative CA-III: Seedlings/Vegetative	35,309
November	9,000	15,809	2,000	CA-I: Flower/Harvest/Flower CA-II: Flower CA-III: Seedlings/Vegetative	26,809
December 10	9,000	15,809	2,000	CA-I: Flower/Harvest CA-II: Flower/Harvest CA-III: Seedlings	26,809
Totals:	230,000	189,708	22,000		441,708

Irrigation Methods: For both light-deprivation and mixed-light cultivation areas water and nutrient delivery to the plants will be by the means of drip irrigation using pressure compensating embedded emitters installed on pot. The flow to drip lines are regulated by timers and adjusted for maximum efficiency taking into consideration temperature, plant demand etc. Water delivery throughout the system is carefully monitored on a regular basis to ensure proper function and responsible water use. Mulch is carefully placed as a top dressing to optimize soil water retention by the pots. Occasional hand watering may be employed if needed. Water calculations are based on the maximum average consumption per plant per day for the mixed light cultivation, mainly 1.5 gallons. Both indoor cultivation and the propagation area's irrigation system will rely on an ebb/flow watering hence expected daily water consumption is less than 0.8 gallons of water per ft.².

Irrigation Runoff/Erosion control: The use of drip lines ensures the pots are more evenly and efficiently watered. Through a watering practice of high interval and low quantity based on

optimal soil moisture levels we expect near zero runoff. In order to make sure such a humidity level is achieved we plan on installing moisture sensors preventing over usage of water Mixed-light cultivation activities are limited to the immediate area surrounding cultivation areas and conducted so products/materials are kept confined and not allowed to spread. The ground surface within and around the cultivation areas is covered with non-permeable woven plastic tarp to prevent any penetration of entrained constituents such as fine sediment, fertilizer or other organic particles beyond the cultivation area. Any irrigation runoff stemming from the mixed-light or indoor cultivation areas is diverted to a natural filtration system connected to the proposed pond.

Watershed Protection: The Mixed-Light cultivation areas on the subject parcel meet applicable setback requirements to watercourses, riparian zones or wetlands (see site plan). Sheet flow of rainwater or transport of cultivation byproducts over permeable, gently sloped soils in and around the cultivation areas is unlikely. Vegetative buffers have been maintained at natural slope around entire perimeter of cleared/developed area.

Watershed protection will be ensured by adherence to measures prescribed in the Water Resources Protection Plan developed specifically for this parcel by Timberland Resource Consultants under Regional Water Quality Control Board WDR Order # RI-2015-0023 and the subsequent enrollment requirements. Included with this submittal is a signed copy of Appendix A, "Enrollment Notice of intent".

Once enrolled under RI-2015-0023, participants are required to engage in ongoing monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following listed items are being met:

Site maintenance, erosion control and drainage features	Stream crossing
Riparian and wetland protection and management	Spoils management
Water storage and use	Irrigation runoff
Fertilizers and soil amendments	Pesticides and herbicides
Petroleum products and other chemicals	Cultivation-related wastes
Refuse and human waste	

Additionally, participants must ensure that management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly.

Fertilizers, pesticides, other Regulated products:

The applicant will use organic-based fertilizers and nutrients required for the plant growth. Crops will be irrigated and fertilized at agronomic rates in accordance with North Coast Regional Water Quality Control Board Oder RI-2015-0023. Any fertilizer and pesticides will be stored

and labeled in a secured, shed adjacent to the cultivation zone (refer to site plan). Any potentially hazardous substances will be labeled and stored as required by MSDS (material safety data sheets), and will be maintained onsite.

Fertilizers and Pesticides to be used:

The applicant will be using the Flora Series manufactured and sold by General Hydroponics in the form of liquid water-soluble concentrate. If needed a feeding chart as per manufacturer's specifications can be located at the following web address:

http://gh.growgh.com/docs/Feedcharts/GH_FloraSeries-DTW_03216am.pdf

In terms of pesticides we will follow existing protocols established by the California Department of Pesticide Regulations, using OMRI certified products, mainly, Regalia by "Marrone Bio Innovations", and AzaMax by "General hydroponics". The applicant is also evaluating the option to use Cease, by Bioworks Inc.

Cultivation Related Wastes:

All solid waste accumulated by operations and daily activities will be sorted on site and contained in lidded cans within a designated area located adjacent to the garage constructed in the 80's, it shares the same roof with the garage and it is fenced to prevent any access of any wild animals to the trash bins (refer to site plan). The garbage will be disposed of regularly offsite at a location such as the Redway Recycling Station. The applicant plans on composting all green waste material on site (refer to site plan).

Human Waste: The employees will live onsite within the barn constructed in 2012 (pending permits). Restrooms within the residence/dwelling on the subject parcel are within proximity to all cultivation areas and are easily accessed by the individuals on the property as needed. This barn is serviced by onsite septic built in the 1970's for the needs of the main house.

Further Clarifications:

There are two pre-existing barns at the project location and one proposed, as indicated in the attached development plan. The construction of the indicated pond has been initiated however it is not fully developed, pending the approval of Humboldt County's Planning and Building Department. The proposed third barn, once approved will be designed by all commercial building guidelines. All other barns will be retrofitted to meet the same requirements.

Family Law
Civil Litigation

804 Third Street, Suite C
Eureka, California 95501
Telephone: (707) 441-8477
Facsimile: (707) 441-8479

Civil & Business Litigation
Commercial Cannabis
Compliance
Criminal Defense

May 4, 2021

Mr. Jordan Mayor
Senior Biologist
ICF
1437 Third Street
Eureka, California 95501

Re: **Updated Operations Manual**
Parcel Number: 221-202-001
App Number: 13180
Case Numbers: CUP16-1023; and SP16-802

Dear Jordan,

This letter is to confirm our discussion and to act as an amendment and/or update to the Operations Manual filed by Fertila, LLC as follows:

References to Proposed Pond

The applicant, Fertila, LLC, hereby amends and/or updates his previously submitted Operations Manual to change any and all references to a “proposed” pond including, but not limited to those references contained in sections 1.1; 1.2; 1.4.2; 2.4; 3.1; and 3.3.1 to strike any reference to “proposed” and, if necessary, to add “installed” because the pond has been installed. Please let me know if there is any additional information that you need on this issue for this matter to receive a recommendation and proceed for final decision.

10,000 Square Feet of Indoor Cultivation

The applicant, Fertila, LLC, hereby amends and/or updates his previously submitted Operations Manual to change any and all references to a “indoor cultivation” including, but not limited to those references contained in Section 1.1; 1.4.2; 2.1; 2.2; 2.3; 2.4; 2.5; and 3.1 to strike any reference to any indoor cultivation and reflect that the area is only to be used for propagation and/or as nursery of immature plants. It is our hope that the 10,000 square foot building can be used for propagation and/or as a nursery for immature plants until an indoor cultivation permit is obtained by the Applicant. As with the above matter, please let me know if there is any additional information that you need on this issue for this matter to receive a recommendation and proceed for final decision.

//

Thank you again for your work on this matter. Please let me know if there is anything else from me and I will work to get it to you within 48 hours.

Respectfully,

GALLEGOS LAW FIRM

/s/ Paul V. Gallegos

Paul V. Gallegos (CSBN 161408)

paul@gallegoslawsfirm.com

PVG/jb

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: FERTILA LLC APN: 221-202-001

Planning & Building Department Case/File No.: APPS: 13180

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

From Road (Cross street): Ettensburg Rd (COUNTY CAT 4)

To Road (Cross street): SUBJECT PARCEL

Length of road segment: 0.8 miles Date Inspected: 11-6-2019

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.
see ATTACHE IMAGES TAKEN AT 1/10 mile increments along the 0.8 mile ROAD segment
An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

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

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

Signature

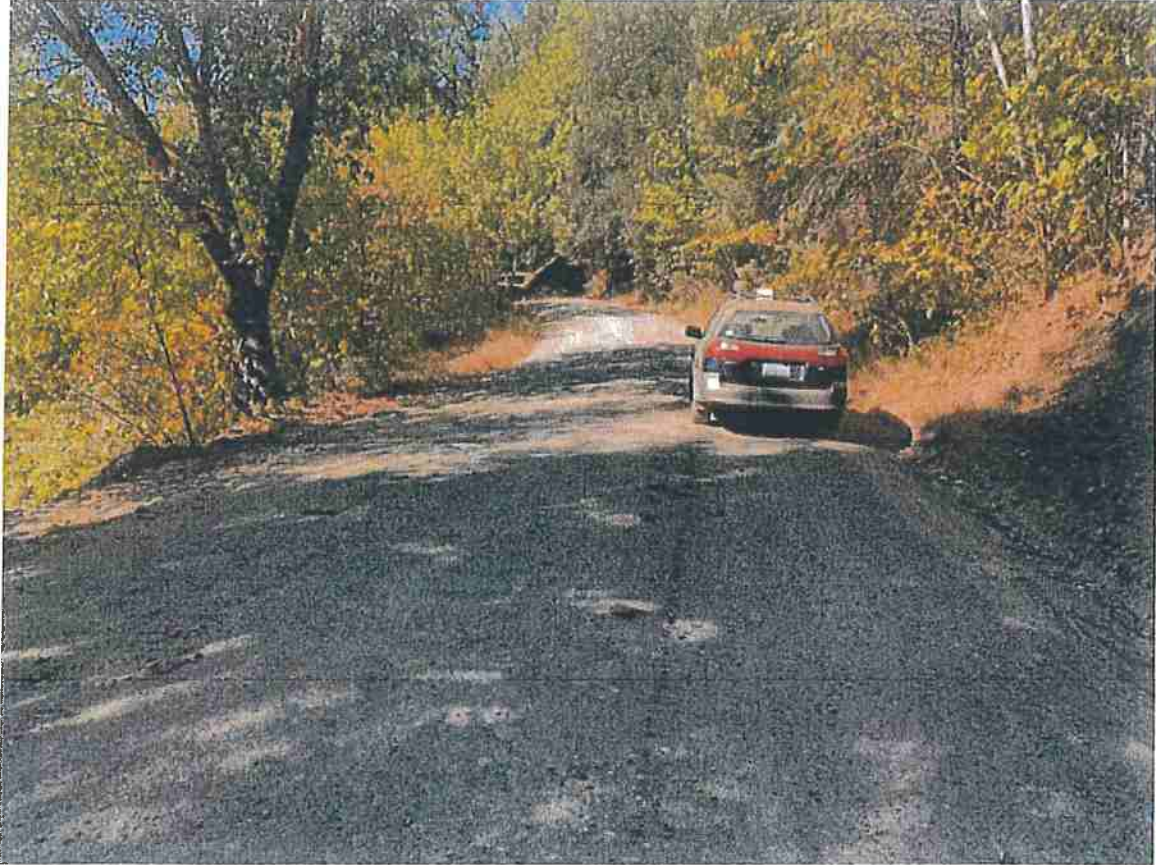
[Handwritten Signature]
DANIEL EYER

Date

11-6-2019

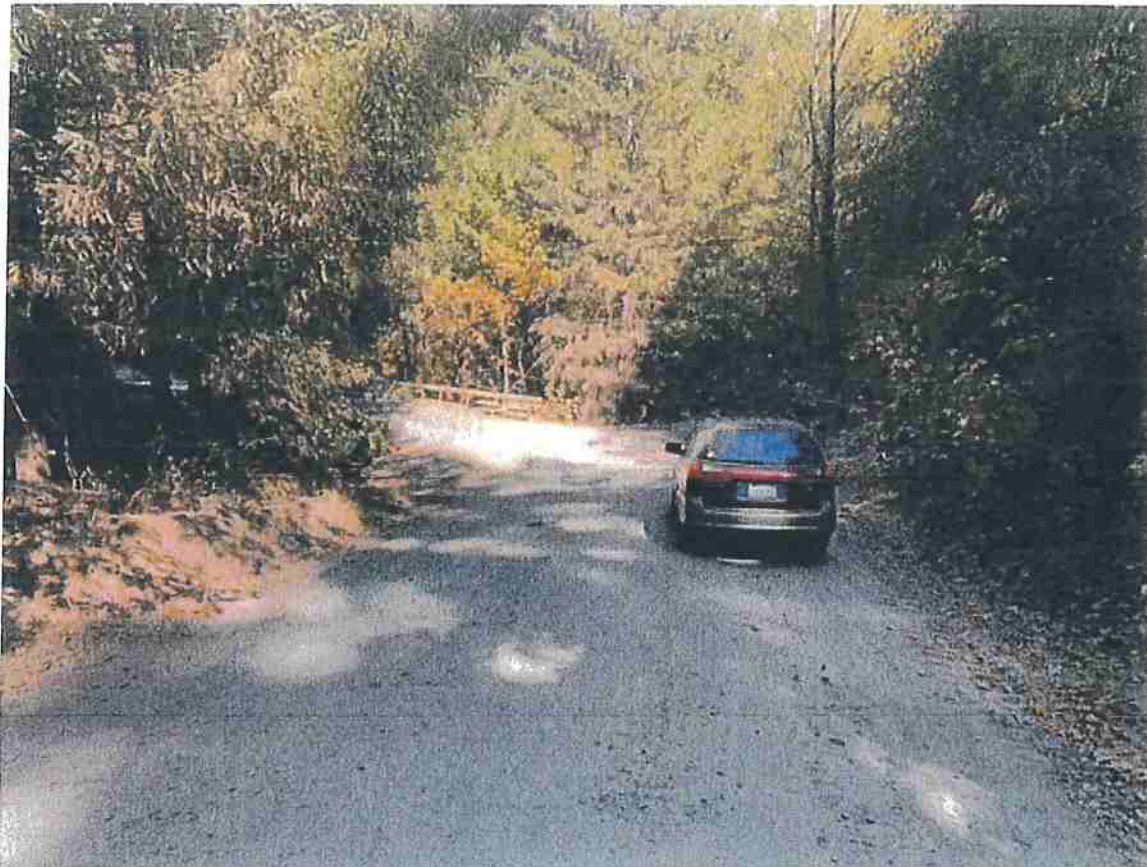
Name Printed

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.



APPS: 13180

Dutyville Road – approximately 300 feet from junction with Ettersburg Road



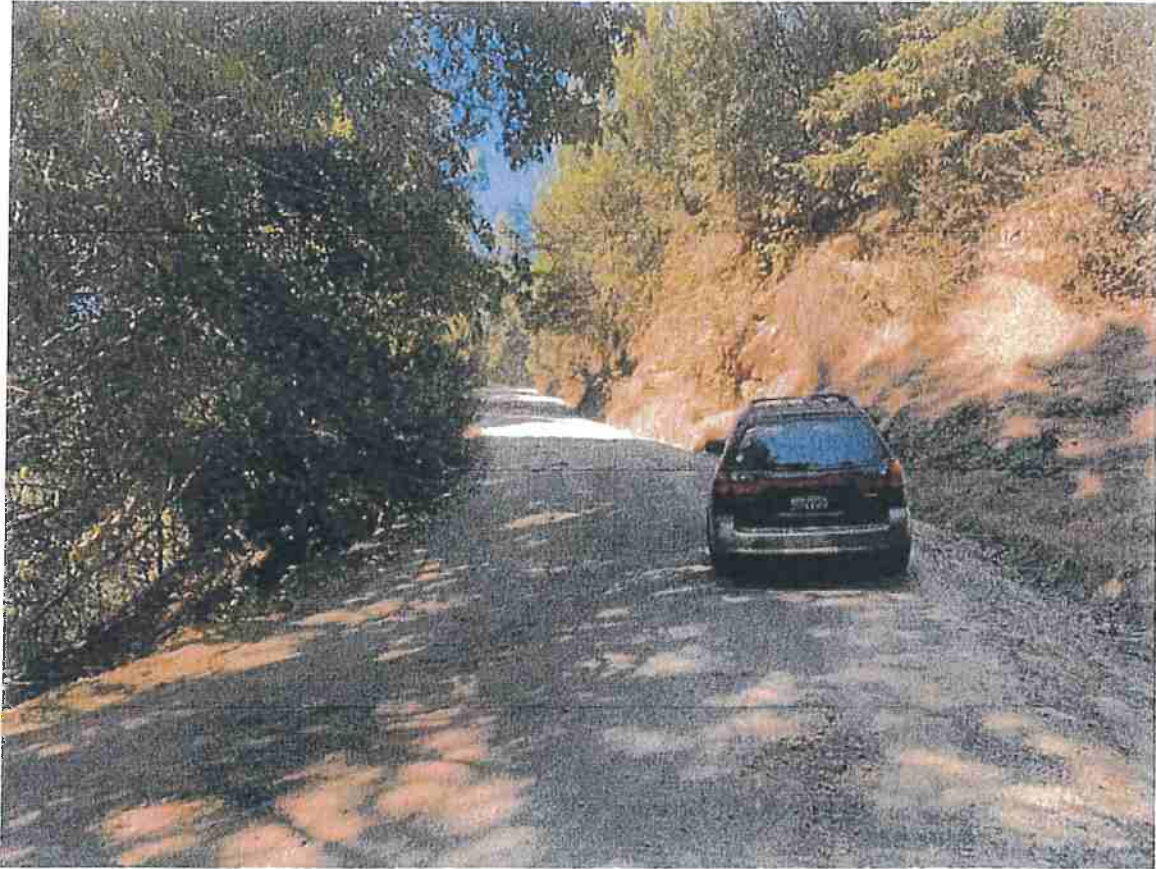
APPS: 13180

Approximately 0.2 miles out Dutyville Road.



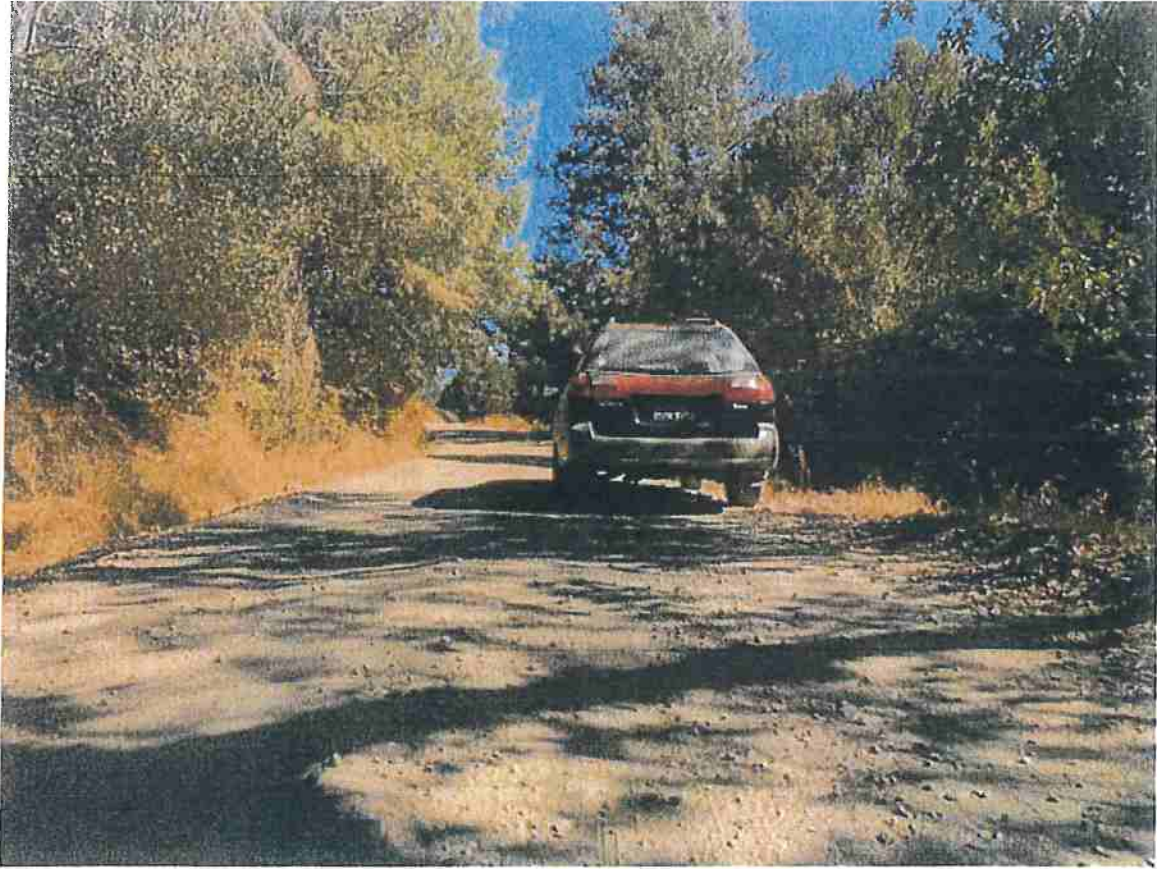
APPS: 13180

Approximately 0.3 miles out Dutyville Road.



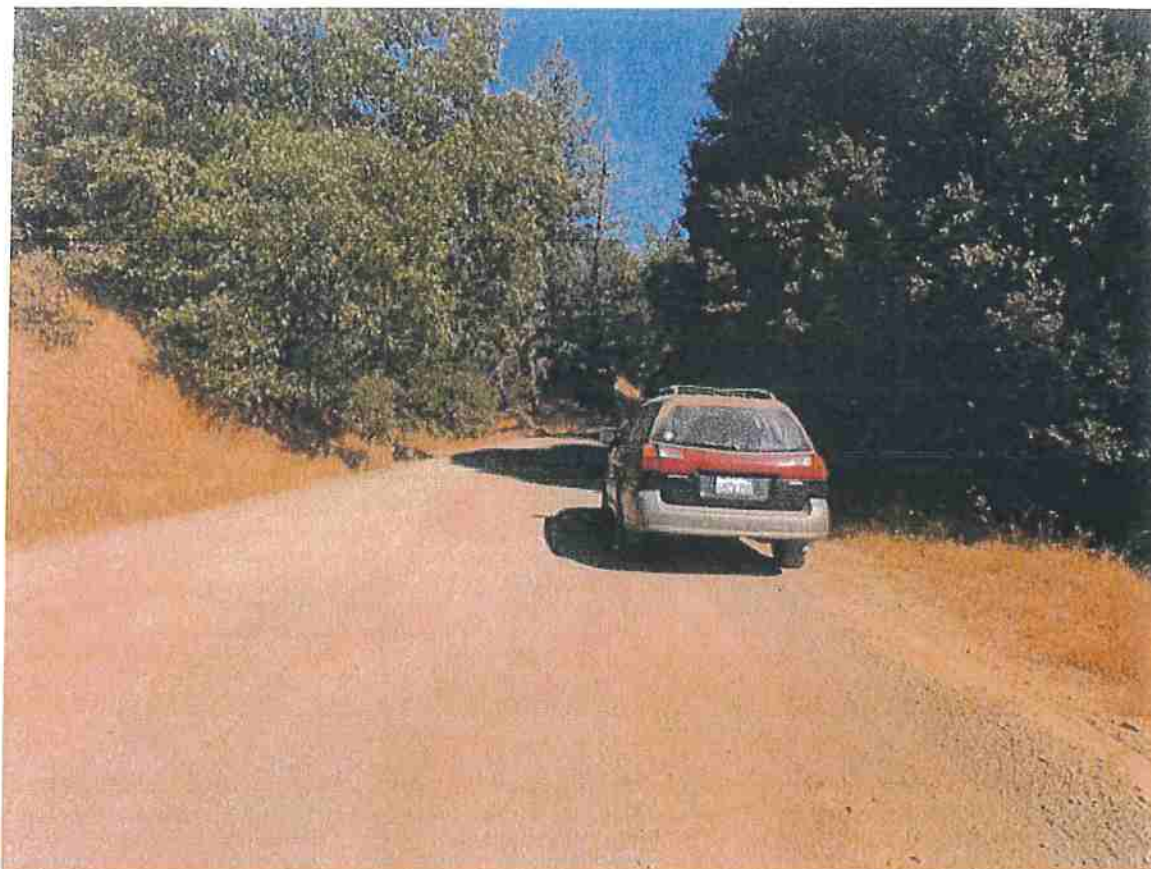
APPS: 13180

Bridge crossing just past 0.4 miles on Dutyville Road



APPS: 13180

Bridge crossing just past 0.5 miles on Dutyville Road



APPS: 13180

Bridge crossing just past 0.6 miles on Dutyville Road



APPS: 13180

Bridge crossing just past 0.7 miles on Dutyville Road



APPS: 13180

Bridge crossing just past 0.8 miles on Dutyville Road – approaching gated entrance to property





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



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2016-0396-R1
Unnamed Tributary to Blue Slide Creek, Tributary to the Mattole River
and the Pacific Ocean

Mr. Dimitar Zaykov
Zaykov Water Diversion and Stream Crossings Project
7 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on August 18, 2016, with revisions received on June 13, 2018, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Blue Slide Creek and Mattole River watershed, approximately 1 mile northeast of the town of Ettersburg, County of Humboldt, State of California. The project is located in Section 5, T4S, R2E, Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 221-202-001; latitude 40.1507 N and longitude 123.9843 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to seven encroachments (Table 1). One encroachment is for water diversion from an unnamed tributary to Blue Slide Creek. Water is diverted for domestic use. Work for the water diversion will include modification, use, and maintenance of the

water diversion infrastructure. The six other proposed encroachments are to upgrade failing and undersized culverts and modify a pond spillway. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.1507, -123.9843	Water diversion from a spring at the head of a Class III stream
Crossing-1	40.1460, -123.9861	Replace existing culvert with a minimum 36" diameter culvert
Crossing-3	40.1468, -123.9821	Replace existing culvert with a minimum 24" diameter culvert
Crossing-5	40.1502, -123.9817	Replace existing culvert with a minimum 24" diameter culvert
Crossing-6	40.1480, -123.9835	Replace existing dirt ford with a rocked ford
Crossing-7	40.1497, -123.9844	Replace existing dirt ford with a minimum 24" diameter culvert
Crossing-8	40.1441, -123.9835	Replace existing culvert with a minimum 24" diameter culvert 40 feet in length
Pond Spillway	40.1453, -123.9860	Direct pond spillway into a bioswale and away from streams

PROJECT IMPACTS

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

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

Impacts to water quality:

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

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

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

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

- cumulative effect when other diversions on the same stream are considered;
- diversion of flow from activity site;

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the

inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on August 18, 2016, with revisions received on June 13, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.3 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.4 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2019**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.5 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Vegetation Management

- 2.6 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to

achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.

- 2.7 Vegetation Management. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

Water Diversion and Facility Retrofit

- 2.8 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.9 Bypass Flow. The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.10 Seasonal Diversion Minimization. No more than **200 gallons per day** shall be diverted during the low flow season from **May 15 to November 15 of any year**. Water shall be diverted only if the Permittee can adhere to conditions 2.8 and 2.9 of this Agreement.
- 2.11 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.11.1 The date and time diversion occurred.
- 2.11.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.11.3 Permittee shall make available for review at the request of the department the daily diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.12 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.

- 2.13 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 20 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.14 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.14.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
- 2.14.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.14.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.14.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.15 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.16 Diversion Infrastructure Plan (DIP). The Permittee shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting photographs and/or diagrams, and justification of how compliance with the CDFW Fish Screen Criteria will be achieved under this Agreement.
- 2.17 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.18 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

- 2.19 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.20 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.21 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.22 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

Water Storage Pond

- 2.23 Bullfrog Management Plan. The Permittee shall monitor pond(s) each year for invasive bullfrogs. If bullfrogs are or become present, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of ponds, shall follow the guidelines in **Exhibit A**. A copy of the annual monitoring report, shall be submitted to CDFW in accordance with the reporting measures described in **Exhibit A** and below (Reporting Measure 3.4)
- 2.24 Wildlife Entrapment Prevention. The Permittee shall install several exit ramps to prevent wildlife entrapment if no exit ramps currently exist. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood), and be a minimum length of 1.5 times the radius of the pond. A notice of completed work, with supplemental pictures, shall be submitted to CDFW by **December 31, 2019**.
- 2.25 Pond Spillway. The Permittee shall install an overflow spillway that will withstand a 100-year flood event and control concentrated overflow. The spillway shall prevent surface overflow from reaching waters of the State.

- 2.26 **No Stocking.** Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.

Stream Crossings

- 2.27 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.28 **Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.29 **Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.30 **Dewatering.**
- 2.30.1 **Stream Diversion.** Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- 2.30.2 **Maintain Aquatic Life.** When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
- 2.30.3 **Stranded Aquatic Life.** The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in

the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.

2.30.4 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.

2.30.5 Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.

2.30.6 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.

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

2.31 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

2.32 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.33 Culvert Installation.

2.33.1 Existing fill material in the crossing shall be excavated down vertically to the

approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

2.33.2 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

2.33.3 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

2.33.4 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

2.33.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.34 Rock Armor Placement.

2.34.1 No heavy equipment shall enter the wetted stream channel.

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

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

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

2.35 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road

approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock, compacted grindings, pavement, or chip-seal.

- 2.36 Project Inspection. The Project shall be inspected by Timberland Resource Consulting or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

Erosion Control and Pollution

- 2.37 Erosion Control. Permittee shall use erosion control measures throughout the project site, including interim erosion control prior to permitted site work, to ensure that no sediment or other deleterious substance enters Waters of the State.
- 2.38 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.39 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.
- 2.40 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.
- 2.41 Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control

measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

- 2.42 Site Maintenance. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.43 Cover Spoil Piles. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.
- 2.44 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

3. Reporting Measures

- 3.1 Work Completion. The proposed work shall be completed by no later than **October 1, 2019**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.
- 3.2 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.11) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2018**.
- 3.3 Diversion Infrastructure Plan. The Permittee shall **allow 60 days for CDFW review and approval** after submittal of a Diversion Infrastructure Plan (condition 2.16). This document shall be submitted to CDFW at the 619 Second Street, Eureka, CA 95501
- 3.4 Bullfrog Management Plan. To comply with Condition 2.23, the Permittee shall submit all required documents described in the **Bullfrog Management Plan** (Exhibit A) no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.5 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.36) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

To Permittee:

Mr. Dimitar Zaykov
1075 Dutyville Road
Garberville, California 95542
707-986-4261
dimitar.zaykov@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2016-0396-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Mr. Dimitar Zaykov



Dimitar Zaykov

4/30/19

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

For



Scott Bauer

Senior Environmental Scientist Supervisor

4/30/19

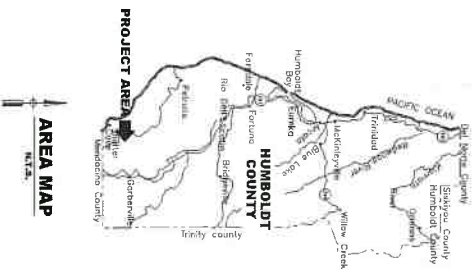
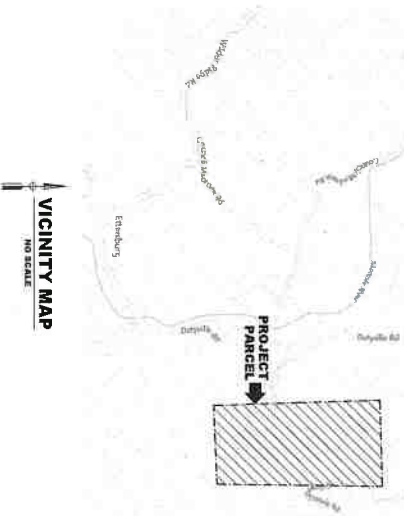
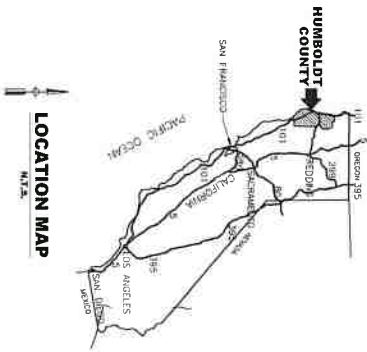
Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, December 10, 2018

CULTIVATION SITE IMPROVEMENTS

1075 DUTYVILLE ROAD, ETTERSBURG, CA, APN 221-202-001

GRAPHIC SCALE MEASURES 1 INCH
ON FULL-SIZE PLANS.



- GENERAL NOTES**
1. THE PURPOSE OF THIS PROJECT IS TO CONVEY THE FOLLOWING IMPROVEMENTS TO THE PROJECT SITE.
 2. THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF DUTYVILLE ROAD, ETTERSBURG, CALIFORNIA (APN 221-202-001).
 3. THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF DUTYVILLE ROAD, ETTERSBURG, CALIFORNIA (APN 221-202-001).
 4. THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF DUTYVILLE ROAD, ETTERSBURG, CALIFORNIA (APN 221-202-001).
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 9. THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF DUTYVILLE ROAD, ETTERSBURG, CALIFORNIA (APN 221-202-001).
 10. THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF DUTYVILLE ROAD, ETTERSBURG, CALIFORNIA (APN 221-202-001).

SHEET INDEX

COVER SHEET	SECTION
C1.0	C1.0
C2.0	C2.0
C2.1A	C2.1A
C2.1B	C2.1B
C2.1C	C2.1C
C2.2A	C2.2A
C2.2B	C2.2B
C2.2C	C2.2C
C3.0	C3.0
C3.1	C3.1
C3.2	C3.2

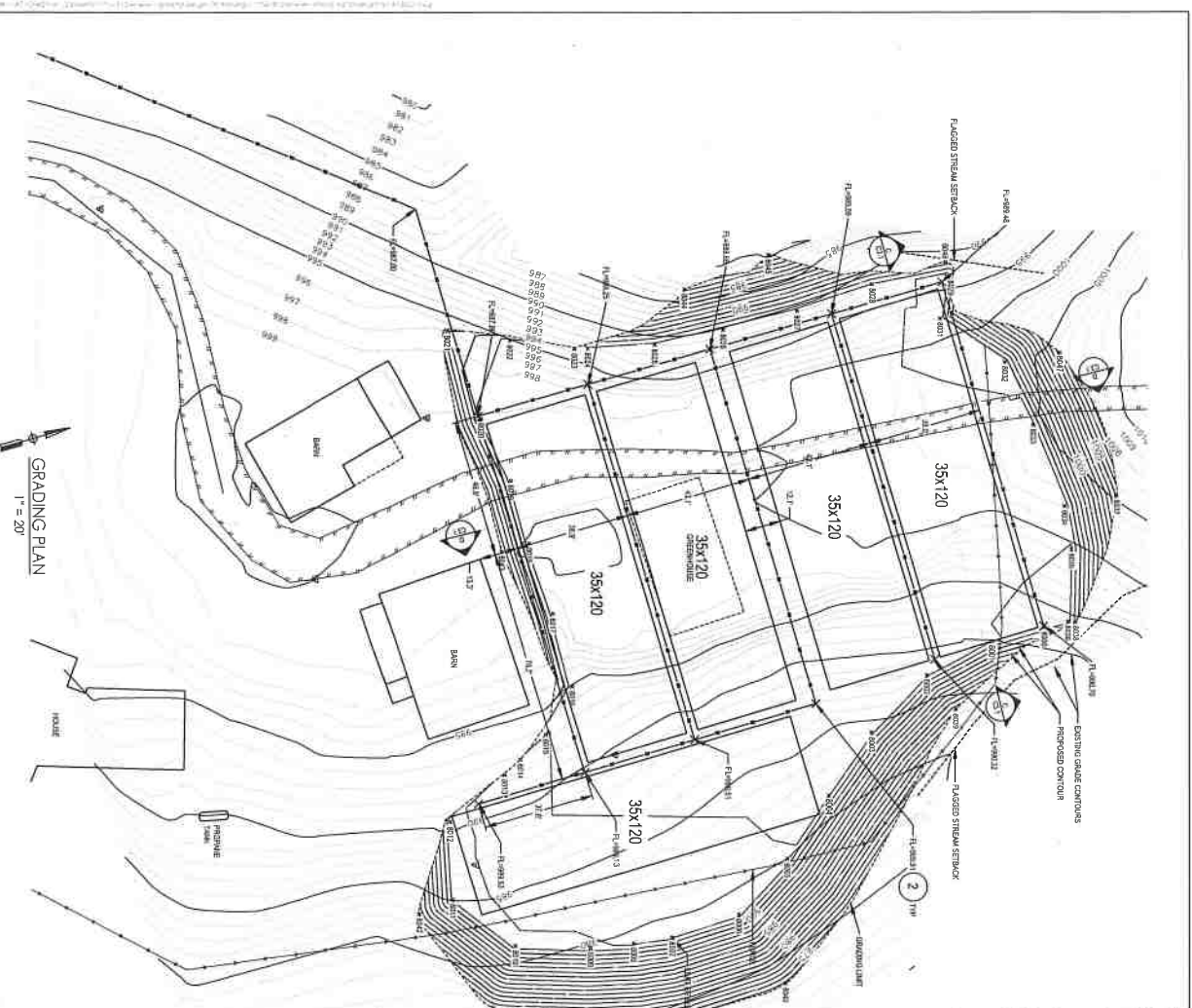
C1.0

CULTIVATION SITE IMPROVEMENTS
1075 DUTYVILLE ROAD, ETTERSBURG, CA, APN 221-202-001
COVER SHEET
FERTILLA LLC
1075 DUTYVILLE ROAD, REDWAY, CA 95560

NO.	HISTORY / REVISION	BY	CHK.	DATE

NATHAN K. TOEWS, PE
CA RCE 70251
NKT-PE@OUTLOOK.COM
707-502-0582

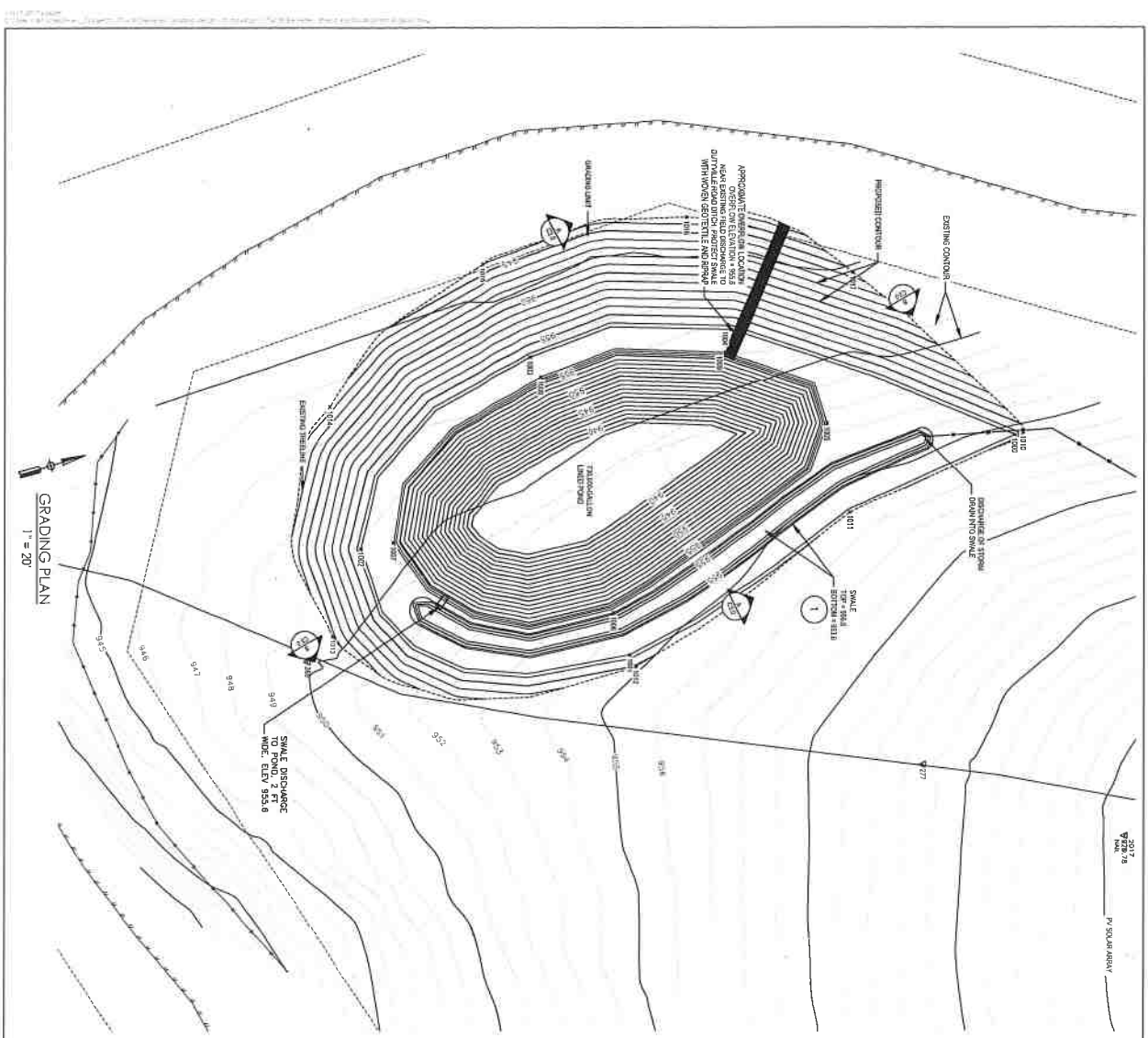




- GRADING NOTES**
1. GRADING SHALL BE BASED ON PROPOSED CONTOUR LINES REFERRED BY MANNING FORMULA, P.E. CHANNEL, 1.4917 AK ASSUMED CHANNEL SYSTEMS, 1933.
 2. THE GRADING DESCRIBED IN THIS PLAN IS INTENDED TO OBTAIN A 1.5% SLOPE FOR THE PROPOSED CONTOUR LINES.
 3. GRADING SHALL BE BASED ON THE PROPOSED AND SITE WITH A TOTAL GRADING TOLERANCE OF 0.05' FOR EACH 100' OF DISTANCE.
 4. THE GRADING SURFACE IS AGRICULTURE FILL. SHALL BE PREPARED AS FOLLOWS:
 - a. ON SLOPES GREATER THAN 1:1, A 10% GRADE SHALL BE MAINTAINED FOR THE ENTIRE LENGTH OF THE SLOPE.
 - b. ON SLOPES GREATER THAN 1:1, A 10% GRADE SHALL BE MAINTAINED FOR THE ENTIRE LENGTH OF THE SLOPE.
 5. ALL GRADING WORK SHALL BE CONDUCTED DURING PERIODS OF DRY WEATHER.
 6. GRADING IS CONDUCTED FROM THE EXISTING GRADE TO THE PROPOSED GRADE. THE PROPOSED GRADE SHALL BE MAINTAINED TO WITHIN 0.05' OF THE PROPOSED GRADE.
 7. THE WORK SHALL BE CONDUCTED DURING PERIODS OF DRY WEATHER.
 8. ALL SLOPES SHALL BE MAINTAINED TO WITHIN 0.05' OF THE PROPOSED GRADE.
 9. THE FOLLOWING SPECIFICATIONS SHALL BE PROVIDED BY THE ENGINEER:
 - a. SUBGRADE PREPARATION AFTER THE SURFACE HAS BEEN PREPARED AND REFINISHED TO THE PROPOSED GRADE.
 - b. EROSION CONTROL MEASURES PERFORMED AT THE COMPLETION OF EROSION CONTROL MEASUREMENTS.

POINT #	DESCRIPTION	NORTHING	EASTING	ELEVATION
1	100L	1000.00	1000.00	1000.00
2	100L	1002.14	1000.00	1002.14
3	100L	1004.28	1000.00	1004.28
4	100L	1006.42	1000.00	1006.42
5	100L	1008.56	1000.00	1008.56
6	100L	1010.70	1000.00	1010.70
7	100L	1012.84	1000.00	1012.84
8	100L	1014.98	1000.00	1014.98
9	100L	1017.12	1000.00	1017.12
10	100L	1019.26	1000.00	1019.26
11	100L	1021.40	1000.00	1021.40
12	100L	1023.54	1000.00	1023.54
13	100L	1025.68	1000.00	1025.68
14	100L	1027.82	1000.00	1027.82
15	100L	1029.96	1000.00	1029.96
16	100L	1032.10	1000.00	1032.10
17	100L	1034.24	1000.00	1034.24
18	100L	1036.38	1000.00	1036.38
19	100L	1038.52	1000.00	1038.52
20	100L	1040.66	1000.00	1040.66
21	100L	1042.80	1000.00	1042.80
22	100L	1044.94	1000.00	1044.94
23	100L	1047.08	1000.00	1047.08
24	100L	1049.22	1000.00	1049.22
25	100L	1051.36	1000.00	1051.36
26	100L	1053.50	1000.00	1053.50
27	100L	1055.64	1000.00	1055.64
28	100L	1057.78	1000.00	1057.78
29	100L	1059.92	1000.00	1059.92
30	100L	1062.06	1000.00	1062.06
31	100L	1064.20	1000.00	1064.20
32	100L	1066.34	1000.00	1066.34
33	100L	1068.48	1000.00	1068.48
34	100L	1070.62	1000.00	1070.62
35	100L	1072.76	1000.00	1072.76
36	100L	1074.90	1000.00	1074.90
37	100L	1077.04	1000.00	1077.04
38	100L	1079.18	1000.00	1079.18
39	100L	1081.32	1000.00	1081.32
40	100L	1083.46	1000.00	1083.46
41	100L	1085.60	1000.00	1085.60
42	100L	1087.74	1000.00	1087.74
43	100L	1089.88	1000.00	1089.88
44	100L	1092.02	1000.00	1092.02
45	100L	1094.16	1000.00	1094.16
46	100L	1096.30	1000.00	1096.30
47	100L	1098.44	1000.00	1098.44
48	100L	1100.58	1000.00	1100.58
49	100L	1102.72	1000.00	1102.72
50	100L	1104.86	1000.00	1104.86
51	100L	1107.00	1000.00	1107.00
52	100L	1109.14	1000.00	1109.14
53	100L	1111.28	1000.00	1111.28
54	100L	1113.42	1000.00	1113.42
55	100L	1115.56	1000.00	1115.56
56	100L	1117.70	1000.00	1117.70
57	100L	1119.84	1000.00	1119.84
58	100L	1121.98	1000.00	1121.98
59	100L	1124.12	1000.00	1124.12
60	100L	1126.26	1000.00	1126.26
61	100L	1128.40	1000.00	1128.40
62	100L	1130.54	1000.00	1130.54
63	100L	1132.68	1000.00	1132.68
64	100L	1134.82	1000.00	1134.82
65	100L	1136.96	1000.00	1136.96
66	100L	1139.10	1000.00	1139.10
67	100L	1141.24	1000.00	1141.24
68	100L	1143.38	1000.00	1143.38
69	100L	1145.52	1000.00	1145.52
70	100L	1147.66	1000.00	1147.66
71	100L	1149.80	1000.00	1149.80
72	100L	1151.94	1000.00	1151.94
73	100L	1154.08	1000.00	1154.08
74	100L	1156.22	1000.00	1156.22
75	100L	1158.36	1000.00	1158.36
76	100L	1160.50	1000.00	1160.50
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79	100L	1166.92	1000.00	1166.92
80	100L	1169.06	1000.00	1169.06
81	100L	1171.20	1000.00	1171.20
82	100L	1173.34	1000.00	1173.34
83	100L	1175.48	1000.00	1175.48
84	100L	1177.62	1000.00	1177.62
85	100L	1179.76	1000.00	1179.76
86	100L	1181.90	1000.00	1181.90
87	100L	1184.04	1000.00	1184.04
88	100L	1186.18	1000.00	1186.18
89	100L	1188.32	1000.00	1188.32
90	100L	1190.46	1000.00	1190.46
91	100L	1192.60	1000.00	1192.60
92	100L	1194.74	1000.00	1194.74
93	100L	1196.88	1000.00	1196.88
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96	100L	1203.30	1000.00	1203.30
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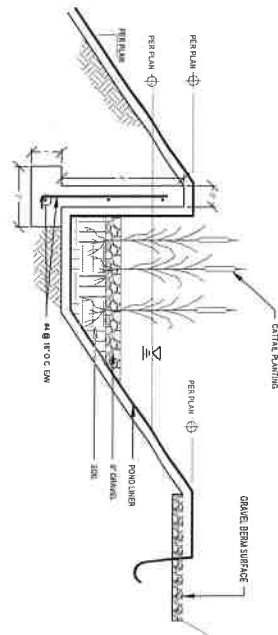
POINT #	DESCRIPTION	NORTHING	EASTING	ELEVATION
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102	100L	1002.14	1000.00	1002.14
103	100L	1004.28	1000.00	1004.28
104	100L	1006.42	1000.00	1006.42
105	100L	1008.56	1000.00	1008.56
106	100L	1010.70	1000.00	1010.70
107	100L	1012.84	1000.00	1012.84
108	100L	1014.98	1000.00	1014.98
109	100L	1017.12	1000.00	1017.12
110	100L	1019.26	1000.00	1019.26
111	100L	1021.40	1000.00	1021.40
112	100L	1023.54	1000.00	1023.54
113	100L	1025.68	1000.00	1025.68
114	100L	1027.82	1000.00	1027.82
115	100L	1029.96	1000.00	1029.96
116	100L	1032.10	1000.00	1032.10
117	100L	1034.24	1000.00	1034.24
118	100L	1036.38	1000.00	1036.38
119	100L	1038.52	1000.00	1038.52
120	100L	1040.66	1000.00	1040.66
121	100L	1042.80	1000.00	1042.80
122	100L	1044.94	1000.00	1044.94
123	100L	1047.08	1000.00	1047.08
124	100L	1049.22	1000.00	1049.22
125	100L	1051.36	1000.00	1051.36
126	100L	1053.50	1000.00	1053.50
127	100L	1055.64	1000.00	1055.64
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129	100L	1059.92	1000.00	1059.92
130	100L	1062.06	1000.00	1062.06
131	100L	1064.20	1000.00	1064.20
132	100L	1066.34	1000.00	1066.34
133	100L	1068.48	1000.00	1068.48
134	100L	1070.62	1000.00	1070.62
135	100L	1072.76	1000.00	1072.76
136	100L	1074.90	1000.00	1074.90
137	100L	1077.04	1000.00	1077.04
138	100L	1079.18	1000.00	1079.18
139	100L	1081.32	1000.00	1081.32
140	100L	1083.46	1000.00	1083.46
141	100L	1085.60	1000.00	1085.60
142	100L	1087.74	1000.00	1087.74
143	100L	1089.88	1000.00	1089.88
144	100L	1092.02	1000.00	1092.02
145	100L	1094.16	1000.00	1094.16
146	100L	1096.30	1000.00	1096.30
147	100L	1098.44	1000.00	1098.44
148	100L	1100.58	1000.00	1100.58
149	100L	1102.72	1000.00	1102.72
150	100L	1104.86	1000.00	1104.86
151	100L	1107.00	1000.00	1107.00
152	100L	1109.14	1000.00	1109.14
153	100L	1111.28	1000.00	1111.28
154	100L	1113.42	1000.00	1113.42
155	100L	1115.56	1000.00	1115.56
156	100L	1117.70	1000.00	1117.70
157	100L	1119.84	1000.00	1119.84
158	100L	1121.98	1000.00	1121.98
159	100L	1124.12	1000.00	1124.12
160	100L	1126.26	1000.00	1126.26
161	100L	1128.40	1000.00	1128.40
162	100L	1130.54	1000.00	1130.54
163	100L	1132.68	1000.00	1132.68
164	100L	1134.82	1000.00	1134.82
165	100L	1136.96	1000.00	1136.96
166	100L	1139.10	1000.00	1139.10
167	100L	1141.24	1000.00	1141.24
168	100L	1143.38	1000.00	1143.38
169	100L	1145.52	1000.00	1145.52
170	100L	1147.66	1000.00	1147.66
171	100L	1149.80	1000.00	1149.80
172	100L	1151.94	1000.00	1151.94
173	100L	1154.08	1000.00	1154.08
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175	100L	1158.36	1000.00	1158.36
176	100L	1160.50	1000.00	1160.50
177	100L	1162.64	1000.00	1162.64
178	100L	1164.78	1000.00	1164.78
179	100L	1166.92	1000.00	1166.92
180	100L	1169.06	1000.00	1169.06
181	100L	1171.20	1000.00	1171.20
182	100L	1173.34	1000.00	1173.34
183	100L	1175.48	1000.00	1175.48
184	100L	1177.62	1000.00	1177.62
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196	100L	1203.30	1000.00	1203.30
197	100L	1205.44	1000.00	1205.44
198	100L	1207.58	1000.00	1207.58
199	100L	1209.72	1000.00	1209.72
200	100L	1211.86	1000.00	1211.86



GRADING PLAN
1" = 20'

2017
APR 28
P. SOLIMAN

1 LINED SWALE DETAIL
N.T.S.

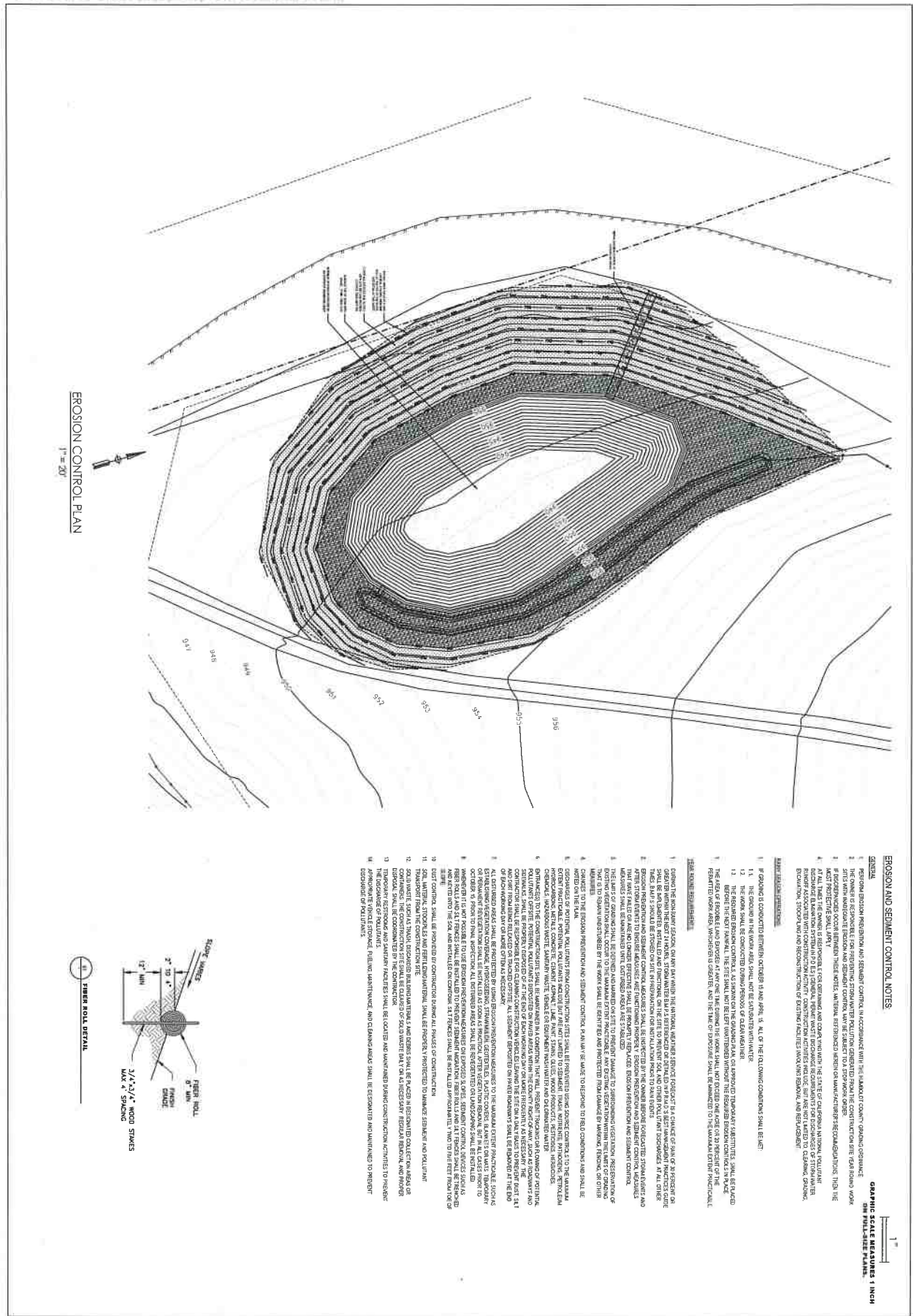


POINT #	DESCRIPTION	NORTHING	EASTING	ELEVATION
129	106.2	969.81	919.23	919.3
130	106.2	969.81	919.23	919.3
131	106.2	969.81	919.23	919.3
132	106.2	969.81	919.23	919.3
133	106.2	969.81	919.23	919.3
134	106.2	969.81	919.23	919.3
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142	106.2	969.81	919.23	919.3
143	106.2	969.81	919.23	919.3
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146	106.2	969.81	919.23	919.3
147	106.2	969.81	919.23	919.3
148	106.2	969.81	919.23	919.3
149	106.2	969.81	919.23	919.3
150	106.2	969.81	919.23	919.3

- GRADING NOTES**
1. GRADING DETAIL BASED ON TOPOGRAPHIC CONTOUR PROVIDED BY MATHIAS TORRES P.E. ON THE GRADING PLAN. THE GRADING SHALL BE PERFORMED TO CONFORM TO THE GRADING PLAN. THE GRADING SHALL BE PERFORMED TO CONFORM TO THE GRADING PLAN. THE GRADING SHALL BE PERFORMED TO CONFORM TO THE GRADING PLAN.
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GRAPHIC SCALE MEASURES 1" INCH
ON FULL-SIZE PLANS.

DATE: MARCH 2017 JOB NUMBER: 17001.DWG SHEET: C2.1A	CULTIVATION SITE IMPROVEMENTS 1075 DUTYVILLE ROAD, ETTERSBURG, CA, APN 221-202-001 POND GRADING PLAN	HISTORY / REVISION NO. BY CHG. DATE	NATHAN K. TOEWS, PE CA RCE 70251 NKT-PE@OUTLOOK.COM 707-552-0582	
	FERTILLA, LLC 1075 DUTYVILLE ROAD, ETTERSBURG, CA 95560	November 4, 2021	Page 65	

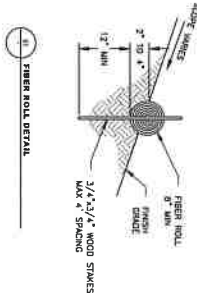


EROSION CONTROL PLAN
1" = 20'

EROSION AND SEDIMENT CONTROL NOTES

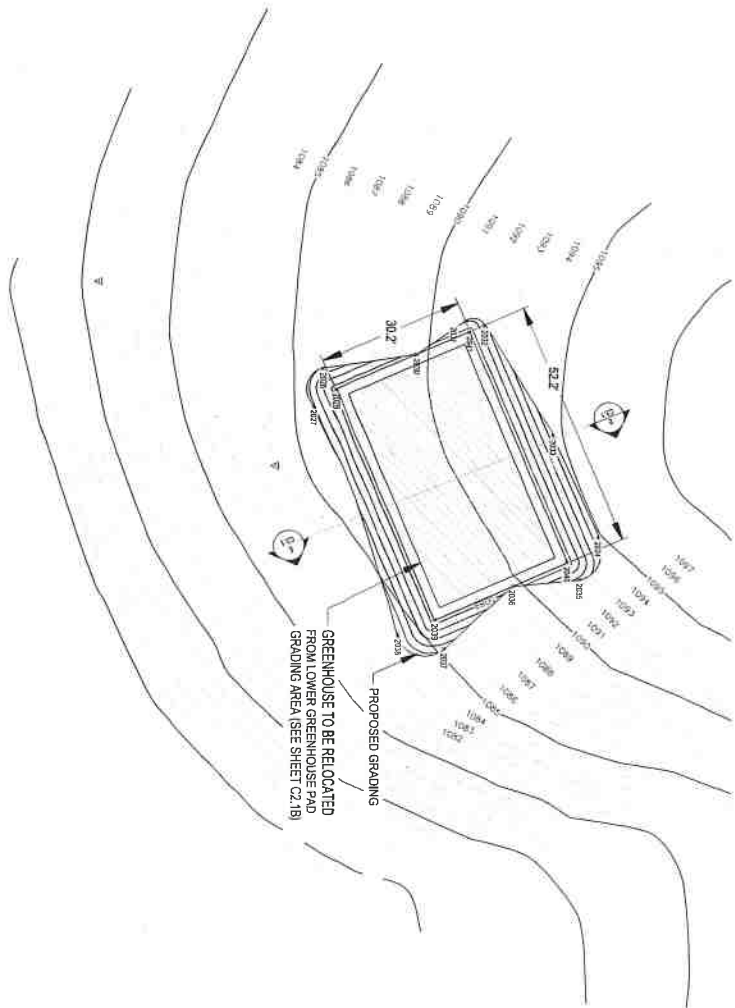
GRAPHIC SCALE MEASURES 1 INCH = 20 FEET

1. EROSION PREVENTION AND SEDIMENT CONTROL SHALL BE CONDUCTED IN ACCORDANCE WITH THE LAMAR COUNTY GRADING ORDINANCE.
2. EROSION PREVENTION AND SEDIMENT CONTROL SHALL BE CONDUCTED IN ACCORDANCE WITH THE LAMAR COUNTY GRADING ORDINANCE.
3. EROSION PREVENTION AND SEDIMENT CONTROL SHALL BE CONDUCTED IN ACCORDANCE WITH THE LAMAR COUNTY GRADING ORDINANCE.
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17. EROSION PREVENTION AND SEDIMENT CONTROL SHALL BE CONDUCTED IN ACCORDANCE WITH THE LAMAR COUNTY GRADING ORDINANCE.
18. EROSION PREVENTION AND SEDIMENT CONTROL SHALL BE CONDUCTED IN ACCORDANCE WITH THE LAMAR COUNTY GRADING ORDINANCE.
19. EROSION PREVENTION AND SEDIMENT CONTROL SHALL BE CONDUCTED IN ACCORDANCE WITH THE LAMAR COUNTY GRADING ORDINANCE.
20. EROSION PREVENTION AND SEDIMENT CONTROL SHALL BE CONDUCTED IN ACCORDANCE WITH THE LAMAR COUNTY GRADING ORDINANCE.



<p>PLN-13180-CUP Fertila, LLC</p>	<p>CULTIVATION SITE IMPROVEMENTS 1075 DUTYVILLE ROAD, ETTERSBURG, CA, APN 221-202-001 POND EROSION CONTROL PLAN</p> <p>FERTILA, LLC 1075 DUTYVILLE ROAD CA 95560</p>	<p>NATHAN K. TOEWS, PE CA RCE 70251 NKT-PE@OUTLOOK.COM 707-562-0882</p>	
<p>DATE: MARCH 2017 JOB NUMBER: 1704.02</p>	<p>NO. HISTORY / REVISION BY CHK. DATE</p>	<p>November 4, 2021</p>	

GRADING PLAN
1" = 30'



GREENHOUSE TO BE RELOCATED FROM LOWER GREENHOUSE PAD GRADING AREA (SEE SHEET C2.18)

- GRADING NOTES**
- GRADING DESIGN IS BASED ON TOPOGRAPHIC SURVEY PERFORMED BY NATHAN TOEWS, P.E. ON WHICH 1, 2017 NAD83 UTM COORDINATE SYSTEM WAS USED.
 - THE GRADING DESCRIBED BY THIS PLAN IS INTENDED TO CREATE A 100% CUT FILL RELIEF OF AN EXISTING GREENHOUSE ON THE PROPERTY.
 - GRADING WILL BE EVALUATED ON THE GREENHOUSE PAD SITE WITH TOTAL CHANGES TO VALUE OF 85 CUBIC YARDS CUT AND 61 CUBIC YARDS FILL (TOTAL 24 CUBIC YARDS).
 - THE GRADING SURFACE IS BASED ON 2% SLOPE TO DRAIN TO THE SOUTH. SEE PLAN FOR SLOPE INDICATIONS.
 - ALL EXISTING UTILITIES AND TOPSOIL SHALL BE RELOCATED TO THE PROPOSED GRADING SURFACE FOR THE FUTURE. THE WORK SHALL BE COMPLETED WITHIN THE PROPOSED GRADING SURFACE.
 - ALL UTILITIES SHALL BE 12" TO 18" DEEP. SEE PLAN FOR SLOPE INDICATIONS. ALL UTILITIES SHALL BE 12" TO 18" DEEP. SEE PLAN FOR SLOPE INDICATIONS.
 - ALL GRADING WORK SHALL BE COMPLETED WITHIN THE PROPOSED GRADING SURFACE.
 - IF GRADING IS CONDUCTED BY OTHER CONTRACTORS, ALL UTILITIES SHALL BE RELOCATED TO THE PROPOSED GRADING SURFACE FOR THE FUTURE. THE WORK SHALL BE COMPLETED WITHIN THE PROPOSED GRADING SURFACE.
 - THE GRADING SURFACE SHALL BE RELOCATED TO THE PROPOSED GRADING SURFACE FOR THE FUTURE. THE WORK SHALL BE COMPLETED WITHIN THE PROPOSED GRADING SURFACE.
 - THE FOLLOWING INFORMATION SHALL BE PROVIDED BY THE ENGINEER:
 - GRADING SURFACE SHALL BE RELOCATED TO THE PROPOSED GRADING SURFACE FOR THE FUTURE. THE WORK SHALL BE COMPLETED WITHIN THE PROPOSED GRADING SURFACE.
 - GRADING SURFACE SHALL BE RELOCATED TO THE PROPOSED GRADING SURFACE FOR THE FUTURE. THE WORK SHALL BE COMPLETED WITHIN THE PROPOSED GRADING SURFACE.
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POINT TABLE

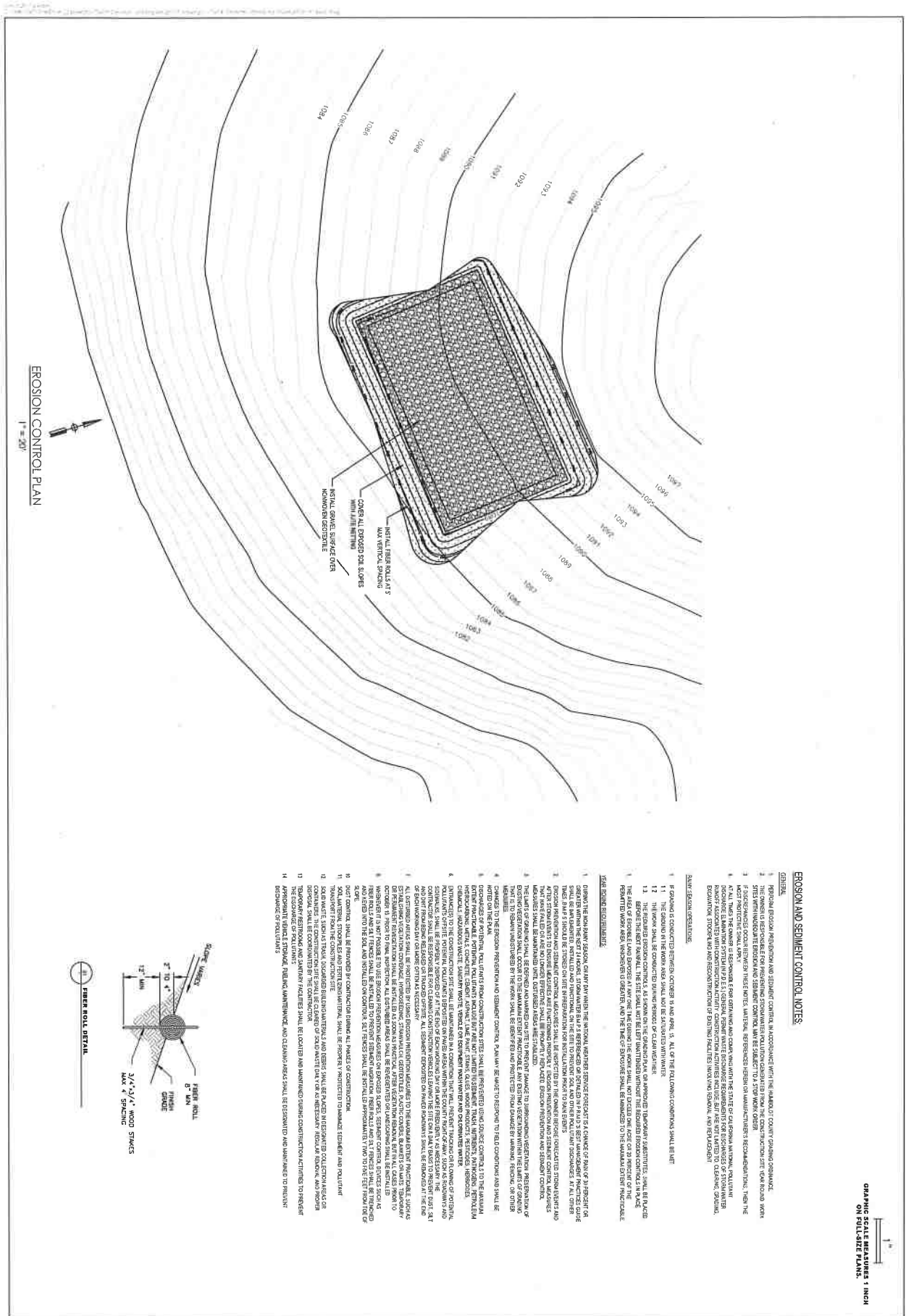
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201		9864.37	8668.11	1984.4
202		9864.37	8668.11	1984.4
203		9864.37	8668.11	1984.4
204		9864.37	8668.11	1984.4
205		9864.37	8668.11	1984.4
206		9864.37	8668.11	1984.4
207		9864.37	8668.11	1984.4
208		9864.37	8668.11	1984.4
209		9864.37	8668.11	1984.4
210		9864.37	8668.11	1984.4
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223		9864.37	8668.11	1984.4
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228		9864.37	8668.11	1984.4
229		9864.37	8668.11	1984.4
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238		9864.37	8668.11	1984.4
239		9864.37	8668.11	1984.4
240		9864.37	8668.11	1984.4
241		9864.37	8668.11	1984.4

POINT TABLE

POINT #	DESCRIPTION	NORTHING	EASTING	ELEVATION
200		9864.37	8668.11	1984.4
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239		9864.37	8668.11	1984.4
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241		9864.37	8668.11	1984.4

GRAPHIC SCALE MEASURES 1 INCH = 30 FEET

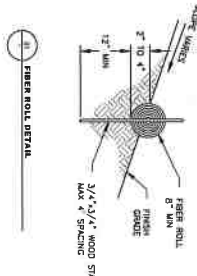
<p>C2.1C</p>	<p>CULTIVATION SITE IMPROVEMENTS 1075 DUTYVILLE ROAD, ETTERSBURG, CA, APN 221-202-001 GREENHOUSE PAD GRADING PLAN</p>	<p>HISTORY / REVISION</p> <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION										<p>BY: [] CHK: [] DATE: []</p>	<p>NATHAN K. TOEWS, PE CA RCE 70251 NKT-PE@OUTLOOK.COM 707-932-0382</p>	
	NO.	DATE	DESCRIPTION														
<p>DATE: MARCH-2017 DESIGNER: T. TOEWS SHEET: []</p>	<p>FERTILLA 1075 DUTYVILLE ROAD, CA 95560</p>	<p>November 4, 2021</p>	<p>PLN-13180-CUP Fertila, LLC</p>	<p>Page 67</p>													



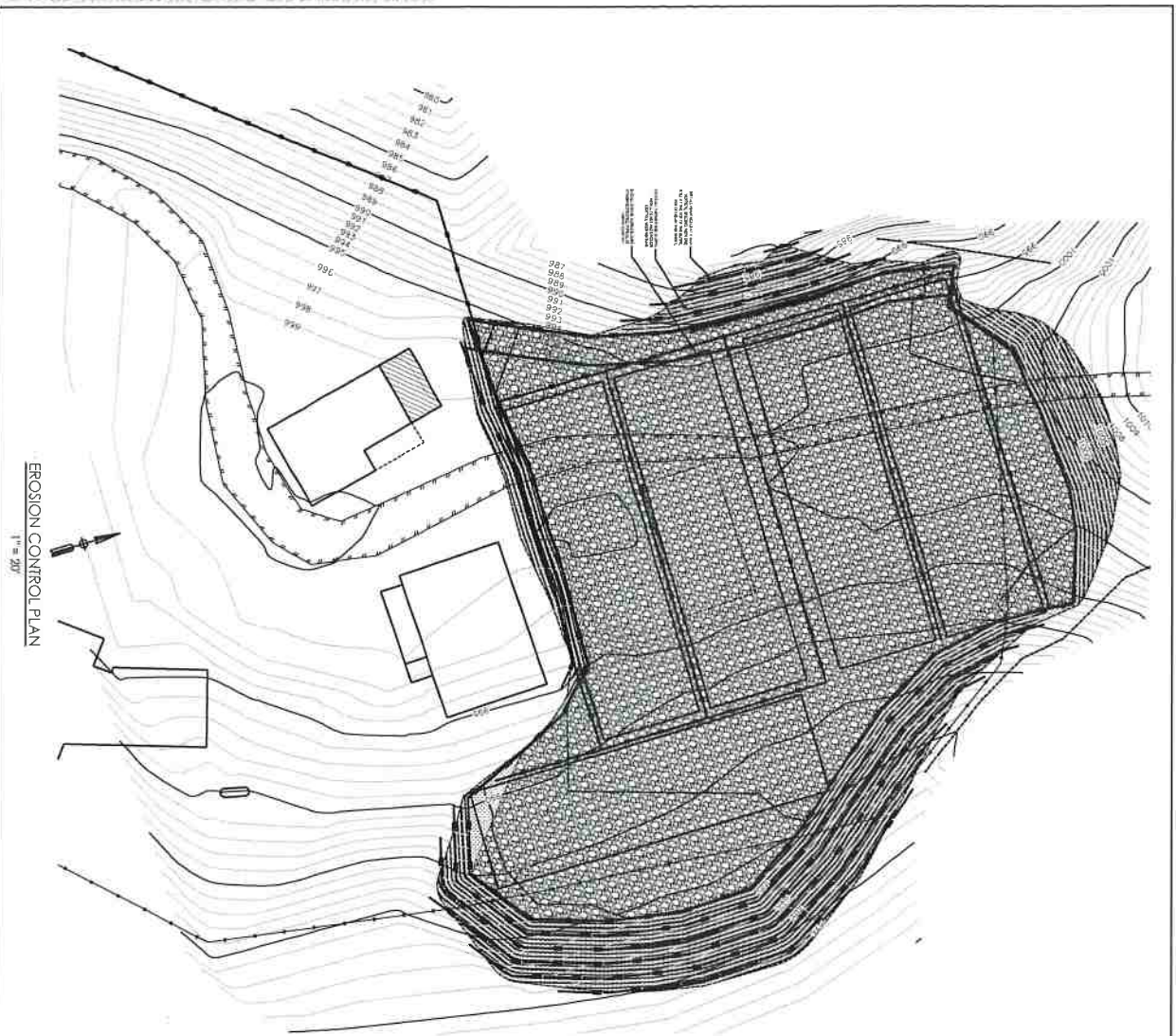
EROSION CONTROL PLAN
1" = 20'

EROSION AND SEDIMENT CONTROL NOTES

1. PERSONS EROSION AND SEDIMENT CONTROL IN ACCORDANCE WITH THE SHARLOT COUNTY ZONING ORDINANCE.
2. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE SUBJECT TO A 30% WORK DESIGN.
3. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE SUBJECT TO A 30% WORK DESIGN.
4. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE SUBJECT TO A 30% WORK DESIGN.
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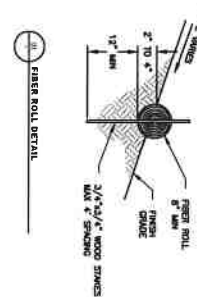
<p>C22C</p>	<p>CULTIVATION SITE IMPROVEMENTS 1075 DUTYVILLE ROAD, ETTERSBURG, CA, APN 221-202-001 GREENHOUSE PAD EROSION CONTROL PLAN</p> <p>FERTILIA LLC 1075 DUTYVILLE ROAD, ETTERSBURG, CA 95660</p>	<p>NATHAN K. TOEWS, PE CA RCE 70251 NKT-PE@OUTLOOK.COM 707-502-0582</p>	<p>STATE OF CALIFORNIA DIVISION OF PROFESSIONAL REGULATION REGISTERED PROFESSIONAL ENGINEER No. 70251 NATHAN K. TOEWS, PE</p>
<p>DATE: MARCH 2017 CPI NUMBER: 170103</p>	<p>NO. _____ HISTORY / REVISION _____ BY _____ CHK. _____ DATE _____</p>	<p>PLN-13180-CUP Fertilia, LLC November 4, 2021 Page 68</p>	



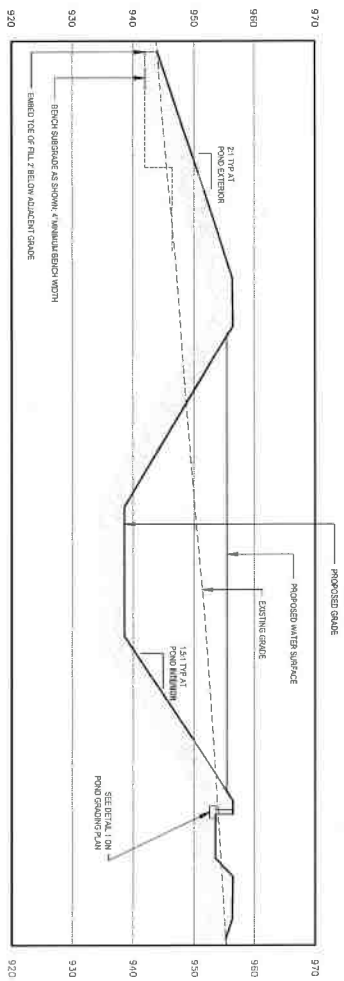
EROSION CONTROL PLAN
1" = 20'

EROSION AND SEDIMENT CONTROL NOTES

1. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE STANDARD CONSTRUCTION EROSION CONTROL MANUAL, 4TH EDITION, 2007, PUBLISHED BY THE NATIONAL SEDIMENTATION SOCIETY.
2. THE OWNER IS RESPONSIBLE FOR PREVENTING STORAGE WATER POLLUTION GENERATED FROM THE CONSTRUCTION SITE FROM ENTERING WORK AREAS OR ADJACENT AREAS. WATER POLLUTION SHALL BE PREVENTED BY THE INSTALLATION OF APPROPRIATE POLLUTION PREVENTION MEASURES.
3. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
4. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
5. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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14. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.



DATE: MARCH 2017 JOB NUMBER: 1714100 SHEET: C2.2B	CULTIVATION SITE IMPROVEMENTS 1075 DUTYVILLE ROAD, EITERSBURG, CA, APN 221-202-001 GREENHOUSE PAD EROSION CONTROL PLAN	HISTORY / REVISION <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>BY</th> <th>CHK.</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION	BY	CHK.	DATE						NATHAN K. TOEWS, PE CA RCE 70251 NKT-PE@OUTLOOK.COM 707-562-0582	
	NO.	DESCRIPTION	BY	CHK.	DATE									
FERTILLA 1075 DUTYVILLE ROAD, RI A 95660	November 4, 2021	Page 69												



GRAPHIC SCALE MEASURES 1 INCH ON PLOT SHEET EQUALS 10 FEET

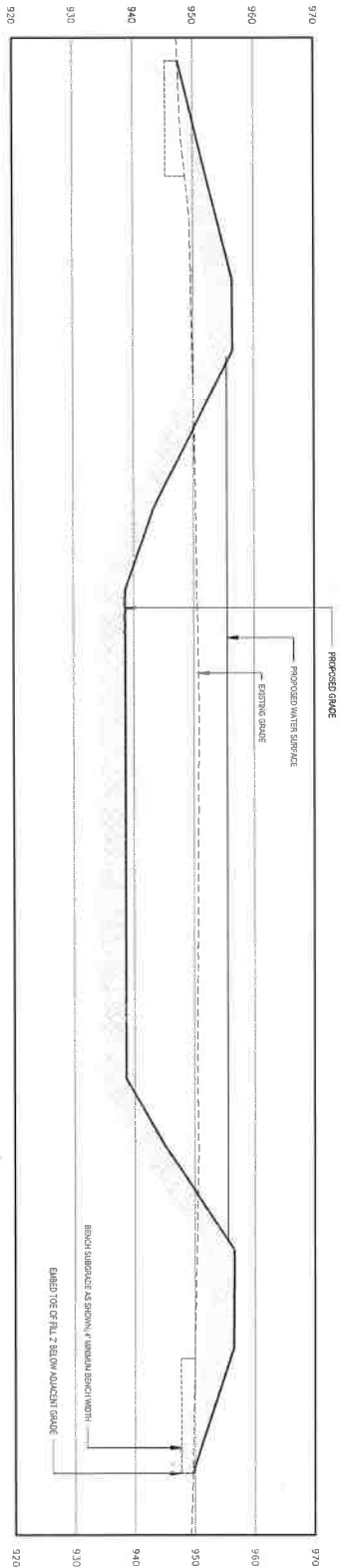


NATHAN K. TOEWS, PE
 CA RCE 70251
 NKT-PE@OUTLOOK.COM
 707-502-9582

SITE SECTION A

11/4/2021

NO.	HISTORY / REVISION	BY	CHK.	DATE

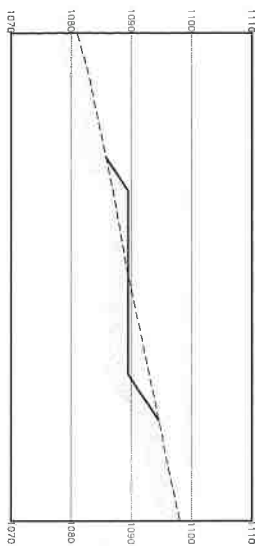


SITE SECTION B

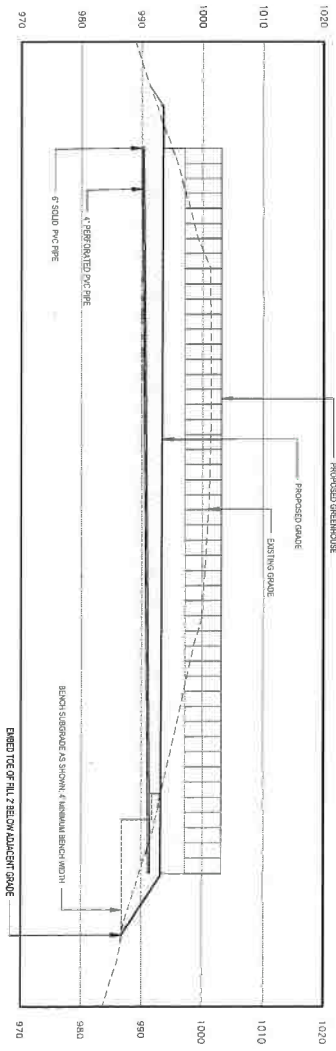
11/4/2021

CULTIVATION SITE IMPROVEMENTS
 1075 DUTYVILLE ROAD, ETTERSBURG, CA, APN 221-202-001
 SECTIONS
 FERTIL...
 1075 DUTYVILLE ROAD, ETTERSBURG, CA 95560

DATE: MARCH 2017
 PROJECT NUMBER: 13180-CUP
 SHEET: C3.0

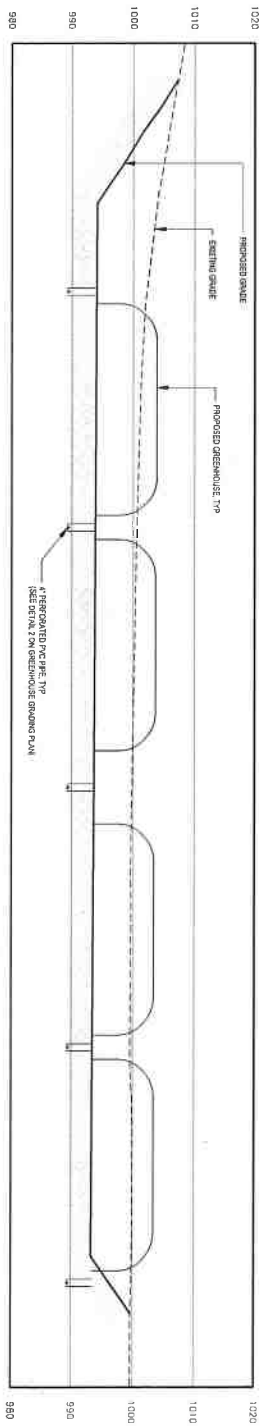


SITE SECTION E-E



SITE SECTION C-C

GRAPHIC SCALE MEASURES 1 INCH ON FULL-SIZE PLANS



SITE SECTION D-D

<p>C3.1</p>	<p>DATE: MARCH-2017 JOB NUMBER: 1704-00 SHEET:</p>	<p>CULTIVATION SITE IMPROVEMENTS 1075 DUTYVILLE ROAD, ETTERSBURG, CA, APN 221-202-001 SECTIONS</p>	<p>NO. _____ HISTORY / REVISION _____ BY: _____ CHK: _____ DATE: _____</p>	<p>NATHAN K. TOEWS, PE CA RCE 70251 NKT-PE@OUTLOOK.COM 707-892-6582</p>	
	<p>FERTILLA LLC 1075 DUTYVILLE ROAD, CA 95560</p>	<p>November 4, 2021</p>	<p>Page 71</p>		

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

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



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

17/18-0475
Received
8/28/17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

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

Applicant Name Tihomir Karparov **Key Parcel Number** 221-202-001-000

Application (APPS#) 13180 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-1023 SP16-802

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends conditional approval with the following conditions:

DEH does not have permit records for the existing onsite wastewater treatment system on the parcel. Provide written assessment from a qualified septic consultant confirming a minimum of Tier 0 status for the existing onsite waste treatment system(s) serving the parcel.

Response Date: 4/30/2018 **Recommendation By:** Benjamin Dolf



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



RECEIVED

AUG 30 2017

HUMBOLDT CO. PUBLIC WORKS
LAND USE DIVISION

8/28/2017

PROJECT REFERRAL TO: Public Works Land Use Division

Project Referred To The Following Agencies:

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

Applicant Name Tihomis Kaspasov **Key Parcel Number** 221-202-001-000

Application (APPS#) 13180 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-1023
SP16-802

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 9/12/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: _____

PRINT NAME: _____



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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer *KM*

DATE: 2-13-18

RE:	Applicant Name	<i>TIHOMIS KASPASOV</i>
	APN	<i>221-202-001</i>
	APPS#	<i>13180</i>

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 13180

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.
- 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.
- 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:

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 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 //

Exhibit "D"

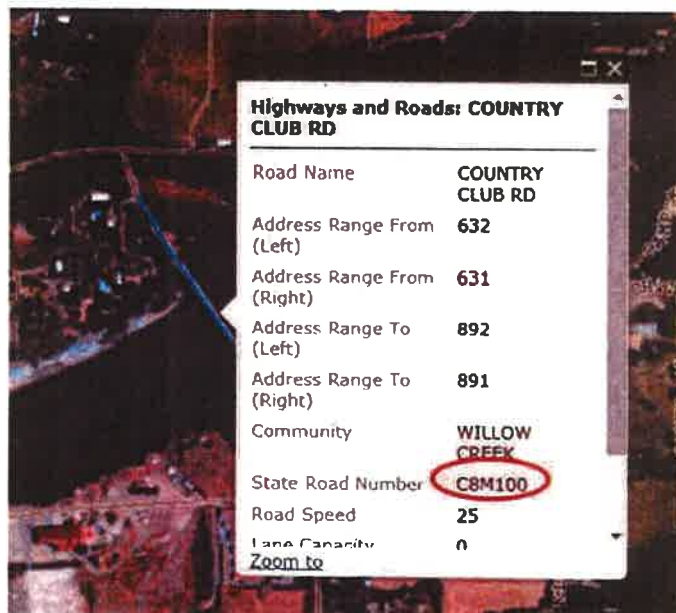
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports. Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project.** The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in **RED**.

A County maintained road will have a 5 or 6 character identifier. The general format is **ABCDDD** where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD
A 3 M 0 2 0 Murray Road
F 6 B 1 6 5 Alderpoint Road
6 C 0 4 0 Thomas Road

Exhibit "D"

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the **green** heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the **red** heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [End of County maintained]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"

Road Evaluation Reports

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
McCann Road	6D090	P.M. 1.0 to P.M. 2.6 [End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]

// END //

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
 118 Fortuna Blvd.
 Fortuna, CA 95540
 Website: www.fire.ca.gov
 (707) 726-1272



Ref: 7100 Planning
 Date: August 29, 2017

John Ford, Director
 Humboldt County Planning and Building Department – Planning Division
 3015 H Street
 Eureka, CA 95501

Attention: Cannabis Planner (CPOD)

Applicant: Kaspasov, Tihomis

APN: 221-202-001-000

Area: Etnersburg

Case Numbers: CUP16-1023, SP16-802

Humboldt County Application #: 13180

Type of Application: Conditional Use Permit, Special Permit

Date Received: 8/29/2017

Due Date: 9/12/2017

Project Description: A Conditional Use Permit (CUP) for 20,000 square feet (SF) of existing mixed-light commercial medical cannabis cultivation area. Special Permit (SP) for 10,000 SF indoor medical cannabis activities was applied for but the "U" Zoning does not permit indoor cultivation. CUP proposes to relocate and consolidate existing cultivation areas into one (1) area containing six (6) greenhouses. Water source is via diversion of an unnamed Class III stream. Water storage of 63,000 gallons occurs in tanks and bladders. The project proposes an approximately 1,000,000 gallon rainwater catchment pond. There also is an additional 2,200 gallons of storage for nutrient mixing and dispersal. Annual water budget is approximately 540,000 gallons. Processing and ancillary support activities would occur on-site in a proposed 10,000 SF facility. A generator serves electricity to the site.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
 CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

Cannabis

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However, CALFIRE provides comment as an emergency response expert agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's minimum input.

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

Laney, Megan

From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Monday, October 02, 2017 3:46 PM
To: Planning Clerk
Subject: FW: 221-202-001-000 Kaspasov, Tihomis



Chris Ramey
Battalion Chief, Fire Planning

CAL FIRE

Humboldt-Del Norte Unit
C: 707-599-6442
Duty Days: Tues-Fri

From: Lake, M. Isaac@CALFIRE
Sent: Friday, September 22, 2017 2:57 PM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Subject: APN: 221-202-001-000 Kaspasov, Tihomis

No additional comments from B-1211 other than any artificial lighting being used shall be shielded so that little or no light escapes.

M. Isaac Lake

Battalion Chief

CAL FIRE

HUMBOLDT-DEL NORTE UNIT

Battalion 1

Alderpoint~Garberville~Thorn

Cell (707) 499-2249

Office (707) 923-3446

Schedule Thrs, Fri, Sat

MLake@fire.ca.gov



**California Department of Fish and Wildlife
CEQA Referral Checklist**

Applicant: Tihomis Kaspasov		Date: 4/3/2018	
APPS No.: 13180	APN: 221-202-001	CDFW CEQA: 2017-0617	Case No.: CUP16-1023, SP16-802
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 20,000	<input checked="" type="checkbox"/> Outdoor (SF): <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

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

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

- A person other than the applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2016-0396-R1) on August 18, 2016. As of March 29, 2018, the LSA Agreement is in process and has not been deemed Final. CDFW requests that the applicant contact the Department to amend the Notification information.
- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- If the project proposes to remove vegetation, include description of project (type of vegetation/amount/location).
- If the Project requires fill disposal, include the disposal location on the site plan/map.
- A Notice of Violation (NOV) is associated with the project location. CDFW requests that the applicant address all concerns identified in the NOV prior to project approval.
- Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 10,500 square feet. CDFW recommends that the applicant provide substantial evidence of existing

cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval.

Please note the following information:

- ☒ The referral materials state that there is a plan to construct a rainwater catchment pond onsite. CDFW requests:
 - That a professional geologist assess and identify an appropriate site for the ponds. Ponds shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. T
 - That the applicant install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. The spillway shall be designed and placed to allow for a minimum of two-feet of freeboard.
 - That the applicant install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood), and be a minimum length of 1.5 times the radius of the pond.
 - That the applicant comply with the attached CDFW Bullfrog Management Plan (Exhibit A). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, interference to predation, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ Cultivators shall block seasonal roads to all motorized vehicles no later than Nov 15 through April 15 of each year.
- ☒ Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave Wildlife Unharmd. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmd.
- ☒ The environmental impacts of improper waste disposal are significant and well documented, and clearly contribute to cumulative environmental impacts across the landscape. Significant effects of human refuse on aquatic and terrestrial life include but are not limited to, degradation of habitat, accumulation and transportation of toxic and bioaccumulative chemical pollutants, human dependency, pathogen transmission, increased social aggression, and physical hazards such as entanglement and ingestion, both of which may be lethal. CDFW requests, as a condition of Permit approval, that all refuse be contained in wildlife impenetrable storage containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on

a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of, at the close of the cultivation season and/or when the parcel is no longer in use.

- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Coastal Cutthroat Trout (*Oncorhynchus clarki clarki*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Boreal Toad (*Anaxyrus boreas boreas*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species. Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to kalyn.bocast@wildlife.ca.gov.

Please confirm that you have received this email.

Sincerely,

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

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0617-R1

GENERAL BULLFROG INFORMATION

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

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

MONITORING

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

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

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

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

SUCCESS CRITERIA

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

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

MANAGEMENT METHODS

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

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

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by email at kalyn.bocast@wildlife.ca.gov.

Direct Removal

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

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

Management Authorization

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

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

Pond Dewatering

In order to prevent and/or control infestations, annual pond dewatering may be appropriate, under the condition that the reservoir can be successfully dewatered without adversely affecting

stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

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

REPORTING

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

APPENDIX A. BULLFROG REFERENCE PHOTOS



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



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



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