

ATTACHMENT 5

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
Ag Commissioner		No Response	
Building Inspection Division	✓	Comment	Attached
County Counsel		No Response	
District Attorney		No Response	
Division Environmental Health	✓	Conditional Approval	Attached
Sheriff		No Response	
Public Works, Land Use Division	✓	Comment	Attached
US Army Corps of Engineers	✓	Further study	Attached
North Coast Unified Air Quality Management District		No Response	
School District		No Response	
CA Division of Water Rights		No Response	
California Department of Fish & Wildlife	✓	Comment	Attached
CalFire	✓	Comment	Attached
North Coast Regional Water Quality Control Board		No Response	
Bear River Band	✓	Conditional Approval	On file and confidential
Northwest Information Center	✓	Further Study	On file and confidential



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

12/19/2017

PROJECT REFERRAL TO: Building Inspection 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, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB - Division of Water Rights, Bridgeville Fire Protection District, Bridgeville Elementary School District, Fortuna Union High School District.

210-162-007

Applicant Name Panther Rock Growers, MBC **Key Parcel Number** 210-162-007-000

Application (APPS#) 11496 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-266

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 1/3/2018

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: 6/4/18

PRINT NAME: Rudy Mavenghi



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 46674/11496
Parcel No.: 210-162-007
Case No.: CUP16-266

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

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: Revise plot plan to show drying building at NE section of parcel as to be decommissioned, the cultivation facility as just used for drying, CA at NE section of parcel as 5120 SF total, shed at NE section of parcel as a generator shed, all grading, small cabin at NE section of parcel, all GH's at southern CA with dimensions, the storage shed at southern CA, all existing and proposed GH's at western site, the storage shed at western site, and all streams with SMA.

Name: Rudy Marengli

Date: 6/4/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects,(CUP, SP, ZCC) Case number.



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

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, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB - Division of Water Rights, Bridgeville Fire Protection District, Bridgeville Elementary School District, Fortuna Union High School District

Applicant Name Panther Rock Growers, MBC Key Parcel Number 210-162-007-000

Application (APPS#) 11496 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) CUP16-266

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☐ 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:

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant (REHS, PG or PE) confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

Response Date: 9/7/2018 Recommendation By: Joey Whittlesey



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 *KMF*

DATE: 08-21-2018

RE:

Applicant Name	<i>Panther Rock Growers, MRC</i>
APN	<i>210-162-007</i>
APPS#	<i>11496</i>
CASE#	<i>CUF16-266</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:

Review Item #2 on Exhibit "C"

// END //

Additional Review is Required by Planning & Building Staff

APPS # 11496

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

- 1. ROADS – PART 1. Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

[] YES [] NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

- 2. ROADS – PART 2. Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

[] YES [] NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

- 3. ROADS – PART 3. Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? [] YES [] NO

If YES, a Road Evaluation Report must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the Road Evaluation Report form must be completed.

- 4. Deferred Subdivision Improvements. Does the project have deferred subdivision improvements? [] YES [] NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel ___ of Parcel Map No. ___" then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

- 5. AIRPORT- PART 1 (ALUCP). Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? [] YES [] NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. 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.

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? YES NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

- If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
- If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
- If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
- If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? YES NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //

Exhibit "D"

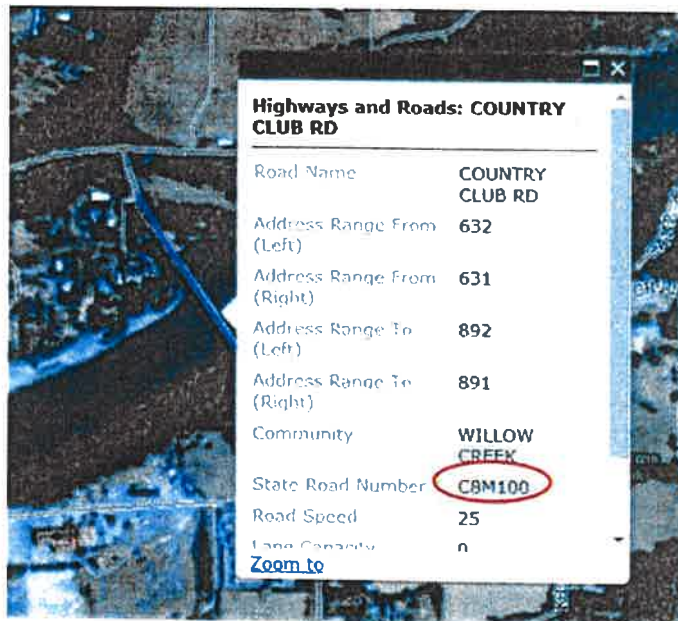
Road Evaluation Reports

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.

Note: As stated above, County maintained roads with a painted centerline strip are roads considered meeting or exceeding Road Category 4 standards, and are not necessarily listed below.

"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]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
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
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
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 [Gate]
Shelter Cove Road	C4A010	All

Exhibit "D"

Road Evaluation Reports

"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
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

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 of County maintained
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]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
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
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[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]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //



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

12/19/2017

PROJECT REFERRAL TO: United States Army Corps of Engineers

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, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB - Division of Water Rights, Bridgeville Fire Protection District, Bridgeville Elementary School District, Fortuna Union High School District

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- 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 THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

March 23, 2018

Regulatory Division

SUBJECT: File Number 2017-627N

Panther Rock Growers, MBC
Attn: Curtis Tatum
1330 Monument Road
Rio Dell, California 95565

Dear Mr. Tatum:

This letter is written in response to a request for comments by the Planning Commission Clerk, County of Humboldt Planning and Building Department, dated December 19, 2017 concerning a proposal by Curtis Tatum, to seek out a conditional use permit for 10,000 square feet of existing mixed light and 12,000 square feet of existing outdoor, medical cannabis cultivation. Total square footage is 22,000 feet. The project is located in the Dinsmore area, on the East side of Burr Valley Road, approximately 4.5 miles South from the intersection of Elderberry Lane and Burr Valley Road, and approximately 2.5 miles South from the intersection of Burr Valley Road and a private drive (APN: 210-162-007), in Humboldt County, California. The applicant proposed activities include water irrigation to support harvesting activities. Irrigation water is sourced from an onsite spring box. Water is stored on-site in hard tanks for a total of 8,000 gallons of available storage. Processing will be performed off-site. Since this activity may involve impacts to wetlands adjacent to other waters of the United States and, therefore, may impact a water of the U.S.; the United States Army Corps of Engineers (Corps) will need to review those portions of your project.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed work may be within our jurisdiction. **Please note:** Cultivation of marijuana is considered a crime under Federal law and, therefore, the Corps is unable to issue a 404 CWA permit for any discharge of fill into waters of the United States associated with this project. We recommend that the project be designed to avoid all impacts to jurisdictional waters of the United States, including Panther Creek and its tributary and any adjacent wetlands that may be present.

We further recommend that a jurisdictional survey (delineation) be conducted for your property and an illustrated and scaled topographic map, or site plan provided to this office for verification. When this document is forwarded, the Corps staff will validate and authenticate the limits of Corps jurisdiction. While it is not necessary to confirm all boundary points, the Corps will verify the jurisdictional boundary along one or more transects and may visit random

intermediate points. All delineations of wetlands must be conducted in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual, or appropriate Regional Supplement, and submitted to the District for review and verification. Two Regional Supplements have been approved for use within the boundaries of the San Francisco District: the Arid West Supplement, and the Western Mountains, Valleys and Coast Supplement. Copies of these documents are available to download on our website: <http://www.spn.usace.army.mil/Missions/Regulatory/JurisdictionDeterminations.aspx>.

Corps staff will do the jurisdictional mapping, if you so choose. However, due to limited staff and resources, response time can be several months or longer. To expedite this process, the San Francisco District encourages applicants to use consultants to conduct wetland delineations, especially for large and/or complex areas. The San Francisco District is not authorized to recommend any private consulting services and advises applicants to check references and referrals of prospective consultants before contracting services.

The Corps also suggests that you contact the appropriate Regional Water Quality Control Board and California Department of Fish and Wildlife offices to ensure they review your project relative to their permitting requirements for activities that may impact aquatic resources.

You may refer any questions on this matter to the Eureka Field Office Regulatory staff by telephone at 707-443-0855 or by e-mail at Cameron.R.Purchio@usace.army.mil or L.K.Sirkin@usace.army.mil. All correspondence should be addressed to the Regulatory Division, North Branch, referencing the file number at the head of this letter.

Sincerely,



PURCHIO.CAMERON
.ROSE.1383945565
2018.03.28 14:36:46
-07'00'

Danielle Mullen
Regulatory North Branch Chief

Santos, Steven A

From: Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>
Sent: Thursday, November 02, 2023 8:58 AM
To: Santos, Steven A
Cc: Manthorne, David@Wildlife; Johnson, Cliff
Subject: Apps: PLN-11496-CUP APN: 210-162-007

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

Good Morning,

Please see the comments below regarding the subject project.

Project Number: PLN-11496-CUP

Project Name: Panther Rock Growers, MBC - Existing cultivation of 22,000 sf = 12k outdoor, 10k ml

APN(s): 210-162-007

CEQA: CEQA-2017-1138-0000-R1

Project Description

A Conditional Use Permit for 5,120 square feet of existing mixed light and 15,841 square feet of existing outdoor commercial cannabis cultivation supported by a 1,792 square foot ancillary nursery. Estimated annual water usage is 126,000 gallons and is sourced from a point of diversion and rainwater catchment. Water storage totals 197,750 gallons. Onsite processing is proposed and power is sourced from a generator.

CDFW COMMENTS:

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

On October 30, 2023, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 210-162-007 and associated parcel APN 210-162-008. During the site visit staff walked the property to observe current and historic cultivation activities. The following comments are intended to assist the Lead Agency in making informed decisions in the planning process. The following comments shall supersede prior comments submitted by CDFW regarding PLN-11496-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report. **Note, CDFW comments do not constitute recommendation for project approval.**

- On October 15, 2021, CDFW issued the applicant a final Lake and Streambed Alteration Agreement (LSAA, EPIMS-HUM-15255-R1) to upgrade six stream crossings, remove and restore two Points of Diversion (POD), and to divert surface water from two PODs on tributaries to Panther Creek.
- While onsite on October 30, 2023, CDFW observed violations of Fish and Game Code (FGC) 1602 and 5650 including non-compliance with the LSAA. CDFW is in the process of issuing a Non-Compliance Notice of Violation (NOV) to document FGC violations, and to encourage the applicant to cure these

violations. CDFW requests, prior to the authorization to cultivate cannabis, that the applicant cures all existing FGC violations on APNs 210-162-007 and 210-162-008 and achieves full compliance with all measures of the LSAA.

- On October 30, 2023, CDFW observed that unauthorized surface water diversion occurred during the 2023 season for water storage for fire suppression from a POD (POD-7 old S025100, see attached LSAA). POD-7 old S025100 was required to be decommissioned and restored no later than October 15, 2021. CDFW requests, prior to the authorization to cultivate cannabis, that the applicant decommissions and restore the POD and achieves compliance with the LSAA.
- As agreed upon in the LSAA, the applicant was required to upgrade and maintain five of the six stream crossings, upgrade two PODs and remove and restore two PODs no later than October 15, 2023. As of November 1, 2023, no work has been initiated or completed and as a result, the applicant is out of compliance with the LSAA. Additionally, CDFW observed substantial sediment discharge to Waters of the State due to the six failing stream crossings on APNs 210-162-007 and 210-162-008. CDFW requests, as a condition of project approval, that the applicant submits and implements an interim erosion control plan no later than November 30, 2023, to mitigate the existing threats of sediment delivery from the six stream crossings until further remedial action can be pursued in the 2024 work season.
- On October 30, 2023, CDFW observed that the applicant was not using water meters on site and water monitoring reports have not been submitted to CDFW. As a result, the applicant is out of compliance with additional measures of the LSAA. CDFW requests, prior to the authorization to cultivate cannabis, that the applicant install appropriate water meters on site, submit the required water metering records and achieves compliance with the LSAA.
- CDFW observed substantial sediment discharge to Waters of the State through erosion of hydrologically connected roads. CDFW requests, as a condition of project approval, that the applicant implement a stormwater plan (site management plan) to direct surface flow away from streams to mitigate the existing threats of sediment delivery.
- While onsite, CDFW, observed waterline and cannabis related infrastructure in the stream channel. CDFW requests, as a condition of project approval, that the applicant is required to remove all water lines/foreign materials (e.g. plastic, litter, etc.) from stream channels onsite.
- While onsite, CDFW observed waterline and infrastructure associated with two historic grow sites on the associated parcel APN 210-162-008. CDFW requests, as a condition of project approval, that all infrastructure and debris associated with the historic cultivation area is removed and properly disposed of at a waste management facility.
- The proposed project has the potential to significantly impact special status plant species including, but not limited to, the Two flowered pea (*Lathyrus biflorus*, rank 1B.1). Suitable habitat exists in the project area for the Two flowered pea. CDFW requests, as a condition of project approval, prior to any ground disturbance, a Designated Biologist is required to conduct seasonally appropriate surveys of all project-related locations including cultivation sites and access roads in accordance with CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.

- The proposed project may have a potentially significant adverse effect on special status wildlife species, including but not limited to, the Northern Spotted Owl (*Strix occidentalis caurina*; NSO). The Project proposes to utilize artificial light for mixed light cultivation within NSO habitat (within 1.3 miles of a documented AC). Cultivation methods that utilize artificial light allow for an extension of the growing season which increases the period of overlap between cultivation operations and the NSO breeding season. Artificial light may disrupt nocturnal foraging and nesting of NSO through disorientation as well as decreased activity of prey species (Brown et al. 1988, Longcore and Rich 2004, 2016). Noise from road use, fans, and other equipment may disrupt hunting of NSO, which primarily uses hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011).

CDFW requests that the applicant assume presence of NSO and avoid impacts as determined by a qualified biologist, in consultation with CDFW. CDFW recommends that cannabis cultivation at this location (including ancillary nurseries) be limited to full sun outdoor methods. Additional avoidance measures include, but are not limited to, the prohibition of backup generators, project lighting and fans in ancillary structures (e.g., nurseries) during the breeding season (February 1 to July 9), each year. Following the breeding season, CDFW requests the succeeding measures, as conditions of Project approval.

- The construction of noise containment/dampening structures for all operation related backup generators and fans; noise released shall be no more than 50 decibels measured from 100 ft or edge of habitat whichever is closer. CDFW further requests a noise attenuation monitoring and management plan for this activity within thirty days, following execution of the final permit.
- That artificial light used for cannabis cultivation operations (i.e., ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. CDFW further requests a light attenuation monitoring and management plan for this activity within thirty days, following execution of the final permit.
- That additional timber removal be prohibited within 150 ft of the designated cultivation sites.

Thank you for the opportunity to comment on this project.

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Subject: 210-162-007-000, Panther Rock Growers, MBC, application # 11496
Date: Sunday, December 31, 2017 9:04:24 AM

Reviewed by B1213.

Recommend:

- Emergency Access
 - Turnarounds
- Signing and building numbers
- Emergency water standards
 - Designated water storage for fire
- Fuel modification standards

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